

CLEARING THE AIR

Tackling the issue of environmental racism in North Carolina

By Samone Oates-Bullock

For decades, low-income, rural, minority communities have been subjected to repeated instances of environmental racism. Environmental racism is often described as the strategic siting of hazardous facilities and emitters, such as toxic waste disposal sites and trash dumps close to minority and/or low-income neighborhoods. Exposure to these environmental hazards can harm the residents of these communities – both physically and emotionally. If North Carolina is to become a state in which communities of color are not forced to pay the price for the wrongful acts and negligence of polluters, it is critically important that state government address and acknowledge these environmental injustices.

ENVIRONMENTAL RACISM IN NORTH CAROLINA

● The Warren County PCB controversy

Warren County, North Carolina, is often referred to as one of the birthplaces of the environmental justice movement. In 1982, Warren County, which is predominately African American, was designated by the state as a site for a hazardous waste landfill that would hold approximately **60,000 tons** of PCB-contaminated soil. The owners of Ward Transformer in Raleigh, the source of the cancer-causing PCBs, had illegally dumped toxic waste along roadways. The contaminated material was bound for Warren County.

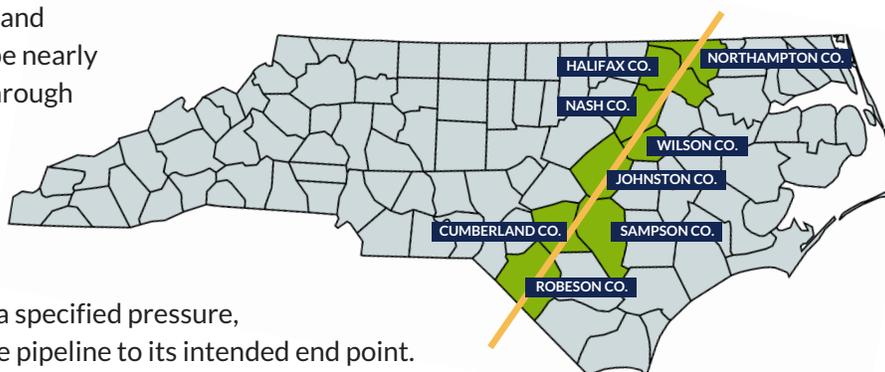
PCBs, or polychlorinated biphenyls, are a highly toxic chemical and exposure can lead to a variety of skin problems, cancer, and can harm immune, reproductive, endocrine, and nervous systems. PCBs can contaminate air, water and soil. Humans can be exposed to PCBs through inhalation, drinking and eating. Hundreds of Warren County residents engaged in peaceful protests, including acts of civil disobedience when many lay in front of dump trucks hauling PCB-contaminated soil. Many also attended public hearings against the development of the PCB landfill. While the protests did not stop the landfill's construction – the soil from the site was later decontaminated and removed – this case, among others, brought national attention to an issue that continues to affect communities of color.

● The Atlantic Coast pipeline

The Atlantic Coast Pipeline is a project of Dominion Energy, Duke Energy, Piedmont Natural Gas, and Southern Company Gas. The pipeline would be nearly **600-miles long** and run from West Virginia through Virginia and North Carolina, and be used to transport fracked natural gas. This gas would then be used by power generating plants.

Along the pipeline would lie a number of compressor stations, used to bring the gas to a specified pressure, thus allowing it to continue traveling along the pipeline to its intended end point. For North Carolina, a compressor station would be built in Northampton County, a county with a population that is **54.6 percent** African American and has a median household income of **\$31,453**, well below the state median of **\$50,584**¹. Compressor stations are known for methane and toxic chemical leaks which have detrimental health impacts on nearby communities. Additionally, they run the risk of catching fire or exploding, and are extremely noisy.

NORTH CAROLINA PIPELINE ROUTE



A number of groups and organizations have cited this as an instance of environmental injustice, notably the NAACP. In the report, “[Fumes Across the Fence Line](#)” the NAACP and the Clean Air Task Force highlight the fact that, “many African American communities face serious health risks as a result of toxic pollution from industrial facilities that are often located blocks from their homes. These life-threatening burdens are the result of systemic oppression perpetuated by the traditional energy industry, which exposes communities to health, economic and social hazards.”

● Hog farms in eastern North Carolina

Approximately **960,000** North Carolinians, roughly 10% of the state’s population, live within three miles of a hog farm. North Carolina’s hog population is almost 10 times that size with approximately **10 million hogs** in concentrated animal feeding operations? Together, these hogs produce tons of waste that is stored in open-air cesspools, or “lagoons,” throughout the state. Waste from the lagoons is sprayed onto nearby agricultural fields. The spraying of this waste has resulted in higher rates of nausea, asthma symptoms, increased blood pressure, and a decreased quality of life for people living in the surrounding communities? The majority of hog farming operations are located in rural, eastern communities that are disproportionately Black, Hispanic and Native American.

In April, a jury in a US District Court of North Carolina in Raleigh awarded 10 plaintiffs **\$5 million** in punitive and compensatory damages for harm caused by a nearby farm of 15,000 hogs. In May, Murphy-Brown, the owner of the hogs, appealed to a federal appeals court resulting in punitive damages being drastically reduced to **\$250,000**.

POLICY PRESCRIPTION

● Give the Department of N.C. Environmental Quality (DEQ) the ability to legally deny pollution permits on the basis of environmental justice considerations

Currently, DEQ is legally prevented from denying permits on the basis of environmental justice concerns. One of the few ways DEQ can effectively address environmental justice concerns is if a federal Title VI civil rights claim is filed that has proved an issue of discrimination. However, these cases take a significant amount of time and resources which are typically unfeasible for low-income communities.

For example, in early May 2018, DEQ and several complainants finally settled a Title VI complaint over environmental injustices regarding the industrialized hog farms. That and a related complaint resolved in December 2017, had been in mediation for nearly **four years**.

DEQ’s inability to deny permits on the basis of environmental justice concerns has detrimental impacts on communities that already bear the burden of these injustices. It is crucial that environmental justice concerns be integrated into the permit decision-making process. Doing so would allow overburdened populations to have access to the permitting process and play a key role in developing permits that fully address the environmental concerns they have for their communities.

New York has worked to promote environmental justice through the creation of [Commissioner Policy 29](#) (CP-29). CP-29 provides guidance for incorporating environmental justice concerns into the **New York State Department of Environmental Conservation** (DEC) environmental permit review process and the DEC application of the State Environmental Quality Review Act program and public participation provisions.

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1. <http://www.newsobserver.com/news/business/article184597888.html#storylink=cpy>
2. <http://observer.com/2017/05/pig-waste-factory-farming-north-carolina/>
3. <https://www.theguardian.com/us-news/2017/sep/20/north-carolina-hog-industry-pig-farms>