

**House Committee on Energy and Commerce**

**Building a 100 Percent Clean Economy: The Challenges  
Facing Frontline Communities**

**November 20, 2019**

**Testimony of Elsie Herring**

**I. Introduction: I remember the day they started spraying hog waste on us**

Mr. Chairman, Members of the Committee, thank you for this opportunity to testify before you today. My name is Elsie Herring, and I am a resident of Duplin County, North Carolina. I am an activist and an organizer with the North Carolina Environmental Justice Network (NCEJN).

I am here to discuss the conditions that my community lives with every day: the hog waste they spray on us, the pollution from hog and poultry industries impacting our air and water, the dangers we are facing on the front lines of climate change, and racism in the structures of power that have kept us from having a seat at the table when other people make decisions that impact our communities, health, homes, and future.

I remember the day that they started spraying hog waste on us. It was a Saturday in the mid-1990s, and I was sitting on the porch of my mother's house with my nephew as we had done regularly for years. As we were sitting there I noticed the hog grower bring over the tractor with the sprayer hooked up, then disappear. Just as I was thinking to myself that there was no way that he would begin spraying waste so close to us, I heard a bursting sound. The sprayer had begun to pump waste in our direction. We had to scramble to get out of the way. My mother, brother, and I took refuge in my mother's house, and my nephew retreated to his house across the road. I grew up in that house, but I had never experienced anything like this before. The waste had this terrible, raw, stinking odor that we had never before experienced. We could still smell it when we were inside. The spraying continued, and the waste was blown right onto the side of my mother's house. My mother's kitchen, my brother's room, and the bathroom all face the sprayfields. If the windows had been open, the waste would have landed in the house.

Sometimes people find it hard to believe that in an area where we have experienced catastrophic flooding in recent years because of hurricanes, an industry is allowed to keep billions of gallons of festering hog waste in open cesspools and then spray it into the air and onto land, in the process exposing us to a mist and stench of rotting animal sewage. But this practice is allowed under the state's

General Permit for Swine Operations, and spraying hog feces into the air alongside our homes is our everyday reality in eastern North Carolina.



Figure 1 Hog Waste Sprayfield

Photo Credit: Waterkeeper Alliance

<https://www.flickr.com/photos/waterkeeperalliance/16440856348/in/album-72157650593986548/>

North Carolina has some of the densest concentration of hog and poultry operations in the country. There are more than 9 million hogs in North Carolina.<sup>1</sup> Duplin County, where I live, is known as the "hog capital of the world," because it is home to more than 2 million confined pigs.<sup>2</sup> Hogs outnumber people

<sup>1</sup> See USDA, Census of Agriculture: National Agricultural Statistics Service., 2012 Census of Agriculture Quick Stats (2012), available at <https://quickstats.nass.usda.gov/#BBCF08EB-60FA-3108-AEEC-8B4B0D143668>.

<sup>2</sup>Exposing Fields of Filth: Landmark Report Maps Feces-Laden Hog and Chicken Operations in North Carolina, EWG (Jun. 21, 2016), <http://www.ewg.org/research/exposing-fields-filth>.

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38-to-1.<sup>3</sup> In recent years, there has been an alarming increase in poultry operations, which compound the impacts of the hog operations because the two animal types produce waste with similar hazards that add up. There are an estimated 16 million birds in confinement in Duplin County.<sup>4</sup> The Waterkeeper Alliance and Environmental Working Group estimate that confined animals in Duplin County alone produce more than 2 billion gallons of wet waste (hogs and cattle) and more than 191 million tons of dry waste (poultry) per year.<sup>5</sup>

I support family farmers, and this is not about family farmers. This is about the multi-billion-dollar, multi-national corporation that owns the vast majority of the pigs in North Carolina is putting my family at risk. Some people still have an idealized image of a farm in their minds, but these are industrial, intensive confinement operations. The legal term for these facilities is a Concentrated Animal Feeding Operation, or CAFO. The big multi-national companies that own the pigs also tell the growers how to operate their facilities. The hog operators use an outdated and aging “lagoon and sprayfield” system. This system was permanently banned by the North Carolina General Assembly in 2007, but the existing lagoon and sprayfields were grandfathered in under the Swine General Permit and are still allowed to operate. The hog waste falls through the floor of the barns and collects adjacent to the barns in giant festering cesspools, “lagoons.” The operators then pump it out and spray it into the air supposedly to apply it to land for crops. But the manure drifts and impacts those of us who live nearby.

We have seen time and again, and research confirms, that the impact of these facilities and this waste is not equal across groups. People of color and poor people are disproportionately impacted.<sup>6</sup>

No one anywhere should have to live like this, with hog waste sprayed at their homes, unable to go outside and enjoy fresh air and a beautiful day. They are located here because we are the path of least resistance, because we do not have money, and we do not have a voice in the halls of power. They assumed we would not fight back. They were wrong.

The land where I live is precious to me and my family. We have lived there since we were enslaved there. It is the first property we owned after slavery. People sometimes ask why I don't move, but I don't want to move. This land is home. My grandfather walked this land. This land is my birthright.

## **II. This land is my family's legacy, and it is my birthright**

I live on Beulah Herring Lane, on the property where my grandfather was born a slave. In 1891, he purchased this first 15-acre tract, and then in 1897, he purchased additional land. He bought the land from Ms. Teachy, his slave mistress and biological aunt who raised him. He had the opportunity to leave,

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<sup>3</sup>Oliver Milman, *'It's Wrong to stink up other people's lives'*, The Guardian (May 24, 2018), available at <https://www.theguardian.com/environment/2018/may/24/pig-farm-agriculture-its-wrong-to-stink-up-other-peoples-lives-fighting-the-manure-lagoons-of-north-carolina>; Exposing Fields of Filth: Landmark Report Maps Feces-Laden Hog and Chicken Operations in North Carolina, EWG (Jun. 21, 2016), <https://www.ewg.org/research/exposing-fields-filth>.

<sup>4</sup> Exposing Fields of Filth: Locations of Concentrated Animal Feeding Operations in North Carolina by County, EWG, [https://www.ewg.org/interactive-maps/2016\\_north\\_carolina\\_animal\\_feeding\\_operations\\_bycounty.php#.WwQWE6kh1hA](https://www.ewg.org/interactive-maps/2016_north_carolina_animal_feeding_operations_bycounty.php#.WwQWE6kh1hA).

<sup>5</sup> Id.

<sup>6</sup> Earthjustice, Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, 40 C.F.R. Part 7 (September 3, 2014), available at <https://earthjustice.org/sites/default/files/files/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>.

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but he loved Ms. Teachy and he loved that place. He stayed, and it has remained our family home ever since.

My mother was born on the property in 1902, and she lived on the land for 99 years. When she married my father, who was a sharecropper and worked the land, my mother moved out of her father's house and my parents built their own home on the same property. There, they raised their 15 children; I am the youngest and one of only three who survive today. As a family we worked a portion of the land, and when I was growing up tobacco was a major crop in the area. I remember growing it on the property along with fruits and vegetables like strawberries and cucumbers. We lived off the land and had chickens in the yard and a pig pen with pigs we would slaughter once a year. We canned food; we smoked and cured meat. Things were better then.

When I graduated from high school in 1966 my parents could not afford to send me to college, so I moved to New York city where my older sister lived. I stayed in New York for many years, and I worked for a credit rating agency and then a bank. Over the years that I had been away, my siblings and I came back to visit, and during those visits I observed that things had begun to change in Duplin County. When I was in my 24th year with my job, although I loved New York City, I made the decision to come home and take care of my mother and older brother who had Down Syndrome. I moved home in 1993, and I have lived there ever since. As I readjusted to the pace and feel of life in the country, the depth and consequences of the changes I observed on my visits unfolded.

I knew from my visits home that in the late 1980s the first hog CAFO came, and despite the fact that we did not want it there, it was built on land we believed to be ours. Although the facility moved in then, the grower did not begin spraying hog waste on us until the early 1990s. That day that I sat on the porch as he began to spray, was the beginning of a new era for us.

My mother's house was not the only one inundated with the waste in those years. The waste also blew into the storm door near the front of my house. I had to keep my door closed otherwise the waste would get into my home. My sister and I couldn't hang our clothes out in our yards because when the grower sprayed, we could see and feel the waste mist on the clotheslines.

The grower has made changes that are supposed to allow us to coexist, but we are still suffering. In the late 1990s the hog grower started using a stationary sprayer, with a pivoting head, instead of the tractor sprayer. The stationary sprayer is supposed to control the flow of waste better. In 1999 or 2000, at the urging of my local government representative, Carrol's Foods, which supplied animals to the grower, planted trees between my family's houses and the sprayfield. Later, in April 2002, the hog grower had a ditch dug to separate what he believed is the property line, to settle a dispute about whether I had been trespassing on land that he claimed was his. The changes are supposed to make it easier for us to live peacefully next to the hog facility, but we are still being harmed.

I was told that the stationary sprayer would prevent the waste from coming on to our land, but the spray still reaches my family's homes to this day. At times, our road is wet with waste from the sprayer. Cars driving by the sprayfield and my house have to be careful to keep their windows closed to keep the waste out. When the wind picks up, the waste can blow across the road into my nephew's yard. The trees also do not keep the waste from coming on to our property. The wind still carries the waste to our homes, and I still smell the terrible, raw odor of the waste.

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It is challenging just living near a hog facility. When the grower is spraying, I try to stay indoors as much as I can, but sometimes I need to leave my house and run errands and live my life. If I have to go to my car when they are spraying, I will hold my breath, cover my mouth with a perfumed mask or perfumed paper towel, and run to my car as fast as I can. I can't stay outside for very long when the grower is spraying. I get headaches, have trouble breathing.

Since the hog facility moved next door, my family and I have been concerned about our water supply. We used to get our water from a shallow well on our property, but we knew the hog waste was blowing over the well and could be contaminating our water. When we finally had the opportunity to connect to the County's water supply, we immediately signed up. Because we signed up early, we only had to pay \$50 for the connection. But now instead of using the well for our water supply we have to pay a monthly water bill.

One facility sprays hog manure on a field less than a dozen feet from my front door. My family and I can't dry our clothes on a clothesline anymore, because they would be covered with manure. We can't garden or hold cookouts with family and friends, because the smell and particles in the air burn our eyes and make us gag. We can't fish or swim in the rivers and streams near us because they're polluted with hog manure, and we can't drink or wash with water from our shallow wells.

My family used to be able to live off this land. We would hunt on the land, and fish in Rockfish Creek. Since the hog facility moved in, our way of life has changed. We lost access to a lot of our land, which we are fighting to regain. For right now, given that the grower has taken over a lot of our land, we don't have access to the Rockfish Creek anymore, and we can't get to the land where we used to go hunt.

## NORTH CAROLINA ENSLAVED POPULATION IN 1860 AND INDUSTRIAL HOG OPERATIONS RE-PERMITTED IN 2014

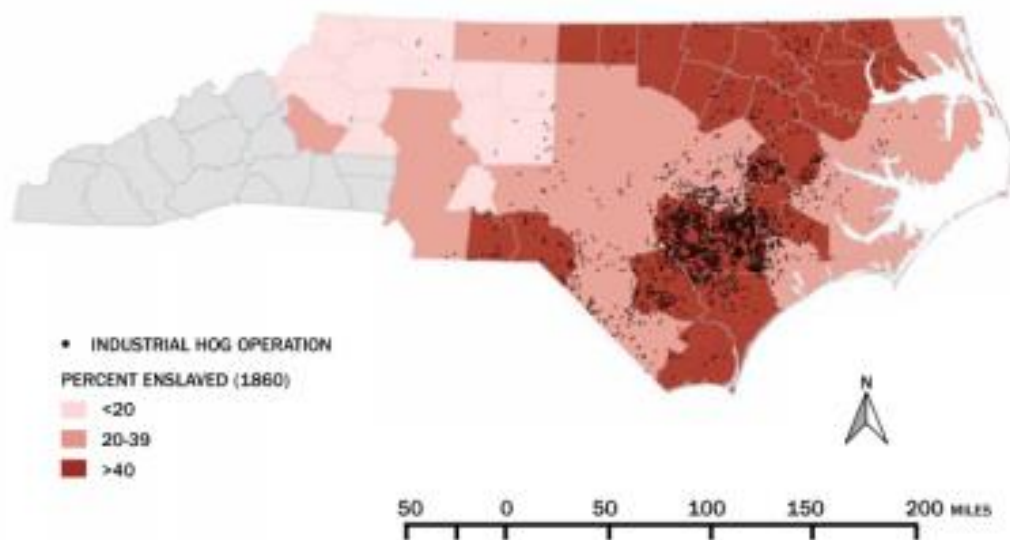


Figure 2 Credit Dr. Steve Wing.

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Putting aside issues of access, even when we see animals, like deer, we are concerned about the contaminants that they might have been exposed to, and if they are safe to eat. Since the hog facility moved in, I also have noticed that there are fewer squirrels and rabbits than when I lived here as a child. I am not sure if the animals are dying because of the pollution from the hog facility, but I do know that the environment has changed.

I also know that my family's story is not unique. Through research we have seen how the persistent racism and legacy of slavery relates to our current suffering. The late Dr. Steve Wing created this map, which shows the slave population in North Carolina in 1860 and the location of hog CAFOs in 2014.<sup>7</sup> Dr. Wing and others have repeatedly found that these facilities disproportionately impact people of color.<sup>8</sup> My experience is not isolated. People of color are living with this legacy and discrimination every day.

### III. We are getting sick, and experts warn of dangers from animal waste

Even with the stationary sprayer and the trees, my family and I are still exposed to harmful pollution. People in the health field continue to warn me not to open the windows when the grower is spraying, especially when I am cooking. Scientists at the University of North Carolina, including Dr. Steve Wing, and at Johns Hopkins University, including Dr. Christopher Heaney, cautioned me that particles that are too small for me to see or feel can travel through the tree line and make me sick.

The Environmental Protection Agency ("EPA") investigated the impact of this industry on nearby communities, and it found that:

The adverse impacts on nearby residents from the lagoon sprayfield method of treatment and disposal of waste from industrial swine operations are documented in numerous peer reviewed scientific studies, including more than thirty conducted in North Carolina. At [EPA's External Civil Rights Compliance Office's] request, EPA's Office of Research and Development (ORD) recently reviewed seven reports published by or with federal agencies. ORD stated that the reports provide consistent support for the occurrence of potential health hazards (*e.g.*, eye, nose, and throat irritation; headaches; respiratory effects including asthma exacerbation[, all effects associated with exposure to ammonia and hydrogen sulfide]; waterborne disease) at industrial swine operations and in their waste. Even while there is significant uncertainty regarding the levels of exposure in nearby communities to the identified contaminants and the risk of health effects attributable to those exposures, the risk for specific health effects in communities near industrial operations is a concern.<sup>9</sup>

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<sup>7</sup> Laura Orlando, *The Legacy of Slavery: What Inequality and Industrial Hog Operations Have in Common*, In These Times (Mar 19, 2015), available at <https://inthesetimes.com/rural-america/entry/17771/what-industrial-hog-operations-and-inequality-have-in-common>; see also Steve Wing and Jill Johnston, *Industrial Hog Operations in North Carolina Disproportionately Impact African Americans Hispanics and American Indians* (Aug. 29, 2014) (unpublished manuscript), [https://www.facingsouth.org/sites/default/files/wing\\_hogs\\_ej\\_paper.pdf](https://www.facingsouth.org/sites/default/files/wing_hogs_ej_paper.pdf).

<sup>8</sup> *Id.*; see also Earthjustice, *Complaint Under Title VI of the Civil Rights Act of 1964*, 42 U.S.C. § 2000d, 40 C.F.R. Part 7 (September 3, 2014), available at <https://earthjustice.org/sites/default/files/files/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>; Steve Wing, *et al.*, *Environmental Injustice in North Carolina's Hog Industry*, 108 ENVTL HEALTH PERSP. 225 (2000).

<sup>9</sup> EPA, Letter from Lilian Dorka, Director of External Civil Rights Compliance with the EPA, to William Ross, Acting Secretary of DEQ (Jan. 12, 2017), available at [https://www.epa.gov/sites/production/files/2018-05/documents/letter\\_of\\_concern\\_to\\_william\\_g\\_ross\\_nc\\_deq\\_re\\_admin\\_complaint\\_11r-14-r4\\_.pdf](https://www.epa.gov/sites/production/files/2018-05/documents/letter_of_concern_to_william_g_ross_nc_deq_re_admin_complaint_11r-14-r4_.pdf).

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Researchers at Duke University conducted extensive analysis and controlled for other possible explanatory variables have confirmed higher death and disease rates for individuals living near hog operations.<sup>10</sup> I get depressed that no one is trying to understand what we are dealing with, living next to a hog facility that sprays waste on us. Clean air is a God given right, but it's a right that my family and I are being denied.

#### IV. We are on the front lines of climate change

We are on the front lines of climate change. A recent report from the United Nations states that the world is likely to experience dramatic increases in coastal flooding and severe weather events.<sup>11</sup> We have already begun to see this happen in the form of increased hurricanes that are more and more severe. The same lagoon and sprayfield system that endangers us on a daily basis becomes even more dangerous in the face of superstorms. In the last roughly three years alone, two so-called 500-year storms have released millions of gallons of hog waste into streams and rivers in eastern North Carolina.<sup>12</sup> They have wreaked havoc on our communities, and people are still waiting for relief. People who are more prone to asthma even under better conditions are trapped in moldy homes because they cannot afford remediation, and outside their homes the waste spraying continues.



Figure 3 Hog Waste Lagoon After Hurricane Matthew

Photo Credit: Rick Dove, Waterkeeper Alliance

<https://www.flickr.com/photos/waterkeeperalliance/30281573595/in/album-72157673749082442/>

We live in a low-lying coastal floodplain, and many hog and poultry operations are located there. Currently, approximately 62 industrial hog operations house more than 235,000 hogs in the 100-year floodplain in eastern North Carolina.<sup>13</sup> These animals produce more than 201 million gallons of wet waste each year, which is stored in approximately 166 waste-lagoons within the floodplain and another 366 located within 100 feet of the floodplain.<sup>14</sup> These facilities have become extremely vulnerable to flooding and catastrophic failure. When they fail, we are at risk.

<sup>10</sup> Julia Kravchenko et al., *Mortality and Health Outcomes in North Carolina Communities Located in Close Proximity to Hog Concentrated Animal Feeding Operations*, 79 N.C. MED. J. 278 (2018).

<sup>11</sup> Intergovernmental Panel on Climate Change, *Global Warming of 1.5°C*, an IPCC special report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty, Summary for Policymakers (October 6, 2018), available at <http://www.ipcc.ch/report/sr15/>.

<sup>12</sup> Kris Maher & Ben Kesling, *Florence Flooding Hits North Carolina Hog Farms Hard*, WALL ST. J. (Sept. 19, 2019 7:09 PM), <https://www.wsj.com/articles/florence-flooding-hits-north-carolina-hog-farms-hard-1537398585>.

<sup>13</sup> Exposing Fields of Filth: Landmark Report Maps Feces-Laden Hog and Chicken Operations in North Carolina, EWG (Jun. 21, 2016), <http://www.ewg.org/research/exposing-fields-filth>.

<sup>14</sup> *Id.*

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Although the problems are getting worse, they are not new. In the 1990s, Hurricanes Fran, Bonnie, and Floyd drowned pigs, flooded industry lagoons, and contaminated our water, but DEQ renewed the permits for swine facilities in the floodplains anyway where they are especially likely to hurt poor black, Latino and Native American residents. The state legislature restricted new hog operations in the floodplain,<sup>15</sup> but old ones were allowed to remain, and there are no restrictions on siting poultry CAFOs in the floodplain. Now, Hurricanes Matthew and Florence have caused problems all over again.

After Hurricanes Florence and Matthew there was so much water, and it took days to recede. We had to boil our water for fear of bacteria and viruses. We tried to avoid going outside because of fear of disease from waters that had come in contact with animal waste. Although we tried to avoid it, there just is not any way to avoid the outdoors. After the recent storms, there were horrible odors. The so-called “dead boxes” (where industry often puts animals that die on industrial operations) were overflowing and it smelled like the animals were rotting. I fear that this could become part of our futures if they still have to live with these levels of water.



Figure 4 Poultry Waste Storage After Hurricane Matthew

Photo Credit: Rick Dove, Waterkeeper Alliance

<https://www.flickr.com/photos/waterkeeperalliance/30298992905/in/album-72157673749082442/>

Going through my community after the storms, I could see tarps over people’s homes, blown out windows, trees that fell down on houses. I knew that many people suffered and I know that even to this day many continue to suffer from mold inside their homes. People cannot afford to remediate it, and in many cases there is no assistance, it is too hard to access, or it comes too late. A lot of people are still putting our lives back together, even years after the storms hit.

- V. We want a seat at the table, a voice in the halls of power**
  - a. I have called everyone for help, but these horrors continue**

In the early years of the hog waste spraying, I spoke to the hog grower directly about my concerns. I told him that the waste was blowing over to our property, landing in our yards, and pounding our homes. The grower told me that the hog houses were his investment and that he had to spray to protect that investment. He seemed mad that I had approached him with our concerns.

Because the grower did not do anything to stop the waste from blowing onto my family's property, I called the Sherriff’s Department and they informed me that they could not get involved in the matter.

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<sup>15</sup> See N.C.G.S. § 106-802(a2) (“No component of a liquid animal waste management system for which a permit is required under Part 1 or 1A of Article 21 of Chapter 143 of the General Statutes, other than a land application site, shall be constructed on land that is located within the 100-year floodplain.”).



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They told me that the Health Department in Kenansville would handle my complaint. When I spoke with Someone at the Health Department, I was informed that I would have to call the Department of Environment and Natural Resources (“DENR”) in Wilmington, because they dealt with problems like mine. In total, I called or wrote letters, or both, to the Governor, the State and Local Health Department Directors, the Attorney General of the State of North Carolina, the United States Justice Department, DENR, the local Sherriff, the County Commissioners, the EPA, and even United States Representatives’ offices.

I have lobbied the state Capitol and asked our legislators to control the toxic pollution from the hog CAFOs. On one trip in June 2007, we camped out on the lawn in front of the Capitol and kept vigil. We brought along a mock hog facility, complete with a mini lagoon holding actual swine waste and a sprayfield. The elected officials began avoiding us on the lawn, noting the terrible smell. One security officer even threatened to have us removed for bringing the swine waste, which he claimed was “toxic material.” He even told us that if we spilled any of the waste, we would be fined \$1,000. I want everyone to recognize that hog CAFOs are spewing toxic material on me and my family and others who live next to hog CAFOs.

In September 2014, NCEJN, Waterkeeper Alliance, and Rural Empowerment Association for Community Health (REACH) filed a complaint with the EPA under Title VI of the Civil Rights Act of 1964.<sup>16</sup> The complaint alleged that the state had permitted swine facilities “to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos and Native Americans,” in violation of those communities’ civil rights.<sup>17</sup>

The industry tried to intimidate us, but we persisted. In January 2017, in response to this complaint and EPA’s subsequent investigation, EPA sent DEQ a letter expressing “deep concern about the possibility that African Americans, Latinos, and Native Americans have been subjected to discrimination as the result of NC DEQ’s” swine facility permitting and oversight regime.<sup>18</sup> We continued to negotiate with the state and ultimately reached an agreement in 2018. We saw some improvements in the latest permit that governs these operations, but the lagoon and sprayfield system is allowed to continue and we are still in harm’s way. In fact, the state legislature has gone even farther to protect industry interests, passing laws limiting our ability to go to court.<sup>19</sup>

**b. They have harassed me and tried to intimidate me into silence**

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<sup>16</sup> 42 U.S.C. § 2000d, 40 C.F.R. Part 7.

<sup>17</sup> Earthjustice, Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, 40 C.F.R. Part 7 (September 3, 2014), available at <https://earthjustice.org/sites/default/files/files/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>.

<sup>18</sup> EPA, Letter from Lilian Dorka, Director of Equal Civil Rights Compliance with the EPA, to William Ross, Acting Secretary of DEQ (Jan. 12, 2017), available at [https://www.epa.gov/sites/production/files/2018-05/documents/letter\\_of\\_concern\\_to\\_william\\_g\\_ross\\_nc\\_deq\\_re\\_admin\\_complaint\\_11r-14-r4.pdf](https://www.epa.gov/sites/production/files/2018-05/documents/letter_of_concern_to_william_g_ross_nc_deq_re_admin_complaint_11r-14-r4.pdf).

<sup>19</sup> See, e.g. Erica Hellerstein, The N.C. Senate Overrides Cooper’s HB 467 Veto, Hog-Farm-Protection Bill is Law, Indy Week (May 11, 2017) <https://indyweek.com/news/archives/n.c.-senate-overrides-cooper-s-hb-467-veto-hog-farm-protection-bill-law/>; Anne Blythe, Hog farmers win new protections as lawmakers override Roy Cooper’s veto, News and Observer (June 27, 2018) available at <https://www.newsobserver.com/news/politics-government/article213914154.html>.

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Along the way, I have faced harassment and attempted intimidation from industry. I made so many complaints that the county lawyer, who also was working with the hog industry in Duplin County, wrote me a letter saying that if I continued to make what he called groundless complaints, particularly to DENR, that I could be made to serve time in jail or would have to pay the hog grower the money because he was losing because of my complaints.

The hog grower and his son also threatened me and my family and tried to get us to stop making complaints. One time in the late 1990s, or early 2000s, the hog grower came over waving a stick, warning me not to make what he called baseless claims. His son came over twice with a gun. One Saturday, the hog grower's son entered my mother's house, uninvited, and shook the chair that my mother was sitting in and started cursing at her. He yelled that he could do anything to me that he wanted to and get away with it. At the time my mother was 98 years old, so needless to say this was traumatic for her and my family.

These examples describe just part of the harassment my family and I have been subjected to over the years. I have been called swear words not fit to be repeated here. They have attempted to run me off the road. They are going after my nieces and nephews, prying into their lives and trying to intimidate them and me into silence. Just last week a suspicious car came by my house and someone started taking pictures of me. I do not know who that person was or why he was photographing me, but I do know I live under a threat of intimidation and harassment that feels constant.

I am not alone in facing this intimidation. When the EPA investigated whether North Carolina had violated Title VI of the Civil Rights Act through hog CAFO siting, staff interviewed residents of eastern North Carolina. EPA found:

During interviews, residents including REACH [community organization] members, and current and former Riverkeepers working in the eastern North Carolina rivers recounted first hand incidents of harassment, intimidation, and retaliatory behavior, including physical and verbal threats, by swine facility owners and/or operators and their employees. The accounts ranged from sustained tailgating; driving back and forth in front of the houses of residents who have complained; filming or photographing residents who are taking photos or videos of spraying; being yelled at; confronted in parking lots and at intersections; and threatened with guns and other physical violence.

Those interviewed stated that these are regular events, rather than an exception, creating a climate where residents believe that if they file an environmental complaint with NC DEQ, they will likely be retaliated against by neighboring swine facility operators or employees. The Riverkeepers stated that they are subjected to this type of harassment and intimidation two or three times every couple of weeks. Particularly egregious instances brought to ECRCO's attention include a local industrial swine facility operator entering the home of an elderly African American woman and shaking the chair she sat in while threatening her and her family with physical violence if they continued to complain about the odors and spray; the firing of a gun in the air when an African American REACH member tried to speak to a person sitting on their porch; and a truck that sped up and swerved toward a Riverkeeper who was standing on the side of a public road teaching a group of volunteers how to sample water from public ditches. Those interviewed believe that the NC DEQ's lack of response to their complaints lends

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to the hostile environment and emboldens local facility owners and operators to act in a threatening and intimidating manner.<sup>20</sup>

They have tried to stop me, to intimidate me and silence me. They have tried to take my land, to erase me, to pretend that I was never here. No one deserves to be treated this way, and I will continue to organize and speak the truth until we can all realize our right to exist, including with clean air and clean water.

## **VI. Justice**

I know that there's a better way to raise livestock and dispose of the waste than simply digging a hole in the ground and shooting it into the air. As far back as the early 2000s, a Blue Ribbon panel came up with five alternatives to the lagoon and sprayfield system, but the industry complained about the cost. Although experts believe costs have come down, the industry continues to rely on this primitive system that is hurting us. Those of us living near these facilities need the industry to adopt better waste controls. The industry cannot be allowed to continue to dump toxic material into our air and water.

I ask you to lead the way. I want a future where we can coexist, where we all have clean air and water, and those in power listen to the people, not just industry. I want you to bear witness to what is happening to my community. I want you to see the animal waste and its destruction, the ruin of the soil, the hurricanes that come one after another. I want you to see the disparities in how we are treated compared with people of another race, with more money, and more power. I want you to put a national moratorium in place on CAFOs because this is not safe. I want you to take a comprehensive look at the situation and make decisions that allow us to coexist.

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<sup>20</sup> EPA, Letter from Lilian Dorka, Director of External Civil Rights Compliance with the EPA, to William Ross, Acting Secretary of DEQ (Jan. 12, 2017), available at [https://www.epa.gov/sites/production/files/2018-05/documents/letter\\_of\\_concern\\_to\\_william\\_g\\_ross\\_nc\\_deq\\_re\\_admin\\_complaint\\_11r-14-r4 .pdf](https://www.epa.gov/sites/production/files/2018-05/documents/letter_of_concern_to_william_g_ross_nc_deq_re_admin_complaint_11r-14-r4.pdf).