North Carolina
ENVIRONMENTAL
JUSTICE NETWORK

The North Carolina Environmental Justice Network is a grassroots, people of color-led coalition of community organizations and their supporters who work with low-income communities and people of color on issues of climate, environmental, racial, and social injustice. Our organization has been supporting communities in the state of North Carolina affected by environmental racism formally since 1998. Many of the communities that we work with are affected by multiple sources of contamination and social vulnerability factors that will be exacerbated by climate change.

The importance of cumulative impact analysis for NC communities

Cumulative impact assessment centers community health and wellbeing in the permitting decision-making process. When communities face multiple sources of contamination, this can exacerbate health effects. Yet, permitting on a contaminant-by-contaminant basis makes it easier for polluting industries to be added to an already overburdened community because the limits for a given contaminant may not have been met despite all of the other pollutants they face.

One rural county in North Carolina that has a high percentage of lower income people of color has 512 active, permitted, animal feeding operations according to the NC Department of Environmental Quality (NCDEQ). This accounts for 21% of all animal feeding operations in the state. This county has the highest proportion of swine per capita of any county in the United States of America. It is important to specify permitted facilities because there isn't a required NCDEQ permit for dry waste poultry concentrated animal feeding operations that can hold tens of thousands of chickens in a single facility. Instead, the NC Department of Agriculture provides oversight for poultry to subvert any environmental regulations that NCDEQ may uphold, while also failing to provide data on facilities locations despite the increasing number of avian flu cases. In addition, there are a handful of other companies releasing ammonia, chlorine dioxide, n-Hexane, peracetic acid, and PFAS chemicals into this county's air and water, each of which has significant negative health effects. Now this community is being negatively affected by the biogas industry that is piping toxic gas from animal feeding operations to processing facilities without NCDEQ oversight. Without required cumulative impacts analysis, it is easier to permit yet another polluting facility in this county than it is in a community without any polluting entities. This is just one example of the communities in our state that desperately need cumulative impact analysis.

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Another rural county in North Carolina with a high percentage of lower income people of color faces the negative effects of cumulative impacts through the different types of industries that are present in their communities. This county has 458 active, permitted animal feeding operations, accounting for 19% of all animal feeding operations in the state. Their health and wellbeing are also threatened by unregulated poultry concentrated animal feeding operations and incoming biogas infrastructure like the previous. In addition to animal feeding operations, this county has the largest landfill in the state with 25 million tons of garbage that emit over 800,000 metric tons of methane in units of carbon dioxide equivalent and pollute their water ways with PFAS. This county is also home to a biomass facility that processes North Carolina trees into wood pellets that European countries can burn to reach their target climate goals. Residents within two miles of the facility report elevated noise, traffic, air pollution, respiratory health concerns, and skin irritations since the opening of the facilities. While each of these industries individually releases an egregious amount of pollution, allowing them to be considered cumulatively would only benefit the health and wellbeing of the residents in this county.

However, environmental justice is not just limited to rural communities in the state of North Carolina. The neighborhoods surrounding one urban park are 95% people of color and 64% lower income according to the previous Environmental Protection Agency (EPA) EJScreen tool. This park was built on a pre-regulatory landfill, and soil samples by NCDEQ indicate metal contamination that exceeds recommended levels for residential areas for arsenic, hexavalent chromium, cobalt, manganese, thallium, and vanadium. In addition, EPA's EJScreen indicated that this community was in the 98th percentile nationally for toxic releases to air, 77th percentile for NO_2, 85th percentile for particulate matter, 64th percentile for ozone, and 63rd percentile for particulate matter 2.5. Cumulative impact assessments are needed to help communities like this one advocate for safer and healthier environments.

Suggested change to the framework

Suggest that states require cumulative impact assessments when possible

While the current iteration of this framework cannot require cumulative impact assessment, it should suggest that states create laws that necessitate assessment when possible. Suggesting that state environmental regulating agencies (e.g., NCDEQ) require cumulative impact assessment can lay the policy groundwork for cumulative impact laws like the one that the New Jersey Department of

Environmental Protection agency has. This law requires the agency to consider contamination cumulatively when permitting a new facility as opposed to only having to consider the specific type of contamination that the facility would emit. The status quo benefits polluting companies while cumulative impact assessments prioritize the health and wellbeing of environmental justice communities. Suggesting that state agencies require assessments is crucial to addressing the environmental racism that has plagued our permitting agencies for decades.

The framework should provide guidance to state agencies for communicating the implications of cumulative impacts assessment at local decision-making levels

In addition to suggesting that states require cumulative impact assessment, we also recommend providing guidance on the implications of these assessments at local decision-making levels. In North Carolina, city councils, county boards, county commissioners, and other local decision-making entities ultimately hold the power for citing polluting facilities in certain locations. This can be especially problematic for underbounded communities (oftentimes lower income and majority people of color) that lack representation on a city council that still have zoning authority over their community through extraterritorial jurisdiction. Providing guidance to local entities is key in ensuring that cumulative impact assessments will be most effective.

Summary

The multiple sources of contaminants listed above negatively harm air and water quality in different communities across North Carolina. Permitting a single contaminant at a time allows industries to build new polluting industries in already overburdened communities. Cumulative impact assessments center community health in decision making processes. This is key to overcoming the historic environmental racism practiced by regulator environmental agencies. We suggest that the EPA encourage states to adopt laws that require cumulative impact assessments and provide guidance for local decision-making entities on the implications of assessments. These practices will further center community health in permitting.