

## **DEQ In Bed With Big Pig**

### *Groups Call on EPA to Move Forward with Investigation and Enforce Civil Rights Act*

RALEIGH, N.C. – Community and environmental groups renewed their call today for the federal government to investigate claims that the North Carolina Department of Environmental Quality's (DEQ) decision to permit thousands of swine facilities without adequate safeguards violated federal law. These calls came after settlement negotiations in their discrimination case broke down on Monday. The community-based and statewide groups say that it became clear to them that the state environmental regulatory agency was not willing to protect vulnerable communities. The negotiations stem from a complaint filed in September 2014 alleging that DEQ's lax regulation of over 2,000 hog operations has an unjustifiable disproportionate impact on African American, Latino, and Native American communities in violation of the Civil Rights Act of 1964.

Title VI of the Civil Rights Act requires that any recipient of federal funds take steps to ensure that its actions do not have a disproportionate adverse impact on individuals and communities based on race. An analysis conducted by researchers at the University of North Carolina showed that the impacts from hog operations under permit conditions set by DEQ, a recipient of federal funds, primarily impacts African American, Latino, and Native American populations. This research was provided to DEQ during the 2014 comment period on the state permit for swine operations, but DEQ rejected the findings without pointing to any contrary research or conducting any analysis of its own.

The North Carolina Environmental Justice Network (NCEJN), Rural Empowerment Center for Community Help (REACH), and Waterkeeper Alliance, brought the complaint. They are represented by attorneys at Earthjustice and UNC Center for Civil Rights.

"We are forced to endure the smell, the flies, water and air pollution that impacts our health all because DEQ won't regulate hog operations in a way that protects our rural communities," said Devon Hall, Program Manager at REACH, which is located in Duplin County, home to the greatest concentration of swine facilities in the country.

Complainant groups agreed to enter into settlement negotiations with DEQ in an attempt to resolve the matter without the federal government's intervention. Negotiations were almost derailed as soon as they started when representatives of the National and NC Pork Councils showed up uninvited at the UNC Center for Civil Rights offices, supported by DEQ, and demanding to intrude into discussions. Their presence was intimidating to the community members present, who have experienced retaliation from hog industry supporters for their stance against the industry's harmful impacts.

Naeema Muhammad, Co-Director of NCEJN, stated: “DEQ has turned a deaf ear to our cries for help for years. The Pork Council's presence at a mediation session – which was supposed to be known only to DEQ representatives, the complainants and the mediator – crystallizes our concerns about our voices ever being heard. It's clear that that DEQ won't do anything that helps North Carolinians without first consulting with trade groups like the Pork Council that represent the interests of foreign owned corporations like Smithfield Foods.”

“I've been a civil rights attorney for a long time, and I've never seen anything like this. Having the regulated industry barge in – despite our clear opposition but with DEQ's support – insisting that they have a right to be at the table to resolve a race discrimination case against DEQ could not be more telling or offensive,” said Elizabeth Haddix, attorney at the UNC Center for Civil Rights. “The agency has clearly been captured by the industry. This is the opposite of how government is supposed to work.”

“It's clear that DEQ's priorities are bowing to the interests of the industry, which is minimal regulation to maximize profits at the expense of rural communities and people of color,” said Marianne Engleman Lado, attorney with Earthjustice. “It's time now for EPA to move forward with its investigation. Communities have been crying out for attention for years and it's high time that someone held DEQ accountable.”

“This is yet another example of DEQ cozy relationship with polluting corporations,” said Gray Jernigan, Raleigh-based Staff Attorney with Waterkeeper Alliance. “They call it ‘customer service,’ but it is a disservice to the citizens that they are entrusted to protect. We are confident that EPA will see the same.”

In a related action, EPA recently proposed new rules that change the way the agency handles complaints of civil rights violations. The proposed revision, however, actually weakens existing protections by removing deadlines for the agency to respond and investigate complaints, among other changes. EPA is accepting comment on the proposed rules until March 14, 2016, and the public is urged to tell EPA not to weaken civil rights protections.

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**About NCEJN** The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental equality for all people of North Carolina through organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. The EJ Network supports the communities that are most impacted by environmental injustice and has worked for nearly two decades to change the fact that industrial swine facilities in North Carolina are allowed to pollute low-income communities and communities of color.

**About REACH** The Rural Empowerment Association for Community Help strives to improve the quality of life for families and people of color in rural eastern North Carolina. In particular, REACH addresses social, economic and environmental issues through its environmental awareness, sustainable agriculture, small business development, and homeownership programs.

**About WATERKEEPER® Alliance** Waterkeeper Alliance is a global movement uniting more than 270 Waterkeeper organizations around the world and focusing citizen advocacy in issues that affect our waterways, from pollution to climate change. Waterkeepers patrol and protect more than 2 million square miles of rivers, streams and coastlines in the Americas, Europe, Australia, Asia and Africa. For more information please visit: [www.waterkeeper.org](http://www.waterkeeper.org)

**About Earthjustice** Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change. Because the earth needs a good lawyer.

**About UNC Center for Civil Rights** Since its founding by Julius L. Chambers (1936-2013) in 2001, the UNC Center for Civil Rights has strived to extend America's promise of justice, prosperity and opportunity by elevating families and communities above the boundaries of race, class and place. Its mission is to use community-based impact advocacy and legal education and scholarship to advance strategies that secure social, economic and environmental justice for low wealth, minority families and neighborhoods.