

Rallying for Remediation:
The Struggle for Safe Groundwater in Warren County, North Carolina
and Environmental Justice Legacy

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On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

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Preface

The burdens of environmental health hazards are inequitably distributed. The inequities are due to imbalances of power that leave some communities powerless and consequently vulnerable. Successful remediation efforts therefore require not just site cleanup but also community empowerment.

The capstone team comparatively assessed means of remediating groundwater contamination at the site of a former dry cleaning business in Ypsilanti, Michigan. In the surface-level systems at the site, hazards to humans (who may use it for recreation) and to animals may be severe.

The origins of the environmental justice movement lie in a struggle in Warren County, North Carolina, in the early 1980s. There, organizers took inspiration from the then-recent civil rights movement to associate environmental health with human rights.

Introduction

Greta Thunberg and other climate activists have framed climate change not only as a problem of survival but as a problem of justice. Their rhetoric reflects a commitment to a value we now call environmental justice. According to the US Environmental Protection Agency (EPA), environmental justice is the “just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability,” in deliberations about public health and the environment (EPA, 2024). Such framings emerged in local environmental health struggles in the 1980s. Communities near Superfund sites, locations where there has been significant environmental contamination and require remediation, are more likely to be poor or nonwhite than the general US population (EPA, 2022) Despite regulations intended to protect such communities, they have remained exposed to the deliberate dumping of hazardous wastes. In the 1980s, local protests grew into an environmental justice movement that persists today.

In the early eighties, Warren County, North Carolina, experienced several protests that would grow to gain national attention, through means of the media, and non-governmental organizations. The protests were in opposition to the dumping of toxic waste in their community, something they, in viewing previous disasters (the Love Canal disaster), understood the severe health effects that could come from it. The decision to dispose of the waste here was not that of a private company but of the state government. Due to this, law enforcement was highly involved in working against the protestors. With the nature of the conflict, specifically due to the racial makeup and socio-economic status of those in Warren County, the protests gained the support of national organizations and exposure from media outlets. As mentioned before, protests and situations like this had happened before, but for most of those scenarios, action was taken after

the effects of contamination had been discovered. In Warren County, residents were tackling the issue as the contamination was occurring to prevent inevitable environmental harm to the community assuming it was to continue. Being a sort of “first of its kind” environmental protest, it’s often considered that these events acted as a catalyst for the environmental justice movement that started in Warren County and will likely continue. With the influence of the civil rights movement, these demonstrations not only served as a trigger for the environmental justice movement but acted as an inspiration for other movements, like those addressing the climate crisis and the way that human-made technologies have negatively affected the communities we live in and the environmental health of the planet as a whole, something that because of demonstrations like these are now being remedied.

Review of Research

In the late 1970s, the Ward Transformer Company dumped liquid waste contaminated with polychlorinated biphenyls (PCBs), along hundreds of miles of rural roads in North Carolina. Production of PCBs was banned under the Toxic Substances Control Act of 1976. (Labalme, 2022). When the contamination was discovered, Governor Jim Hunt ordered the soil trucked to a landfill. (Atwater, 2023). The state had two options for locations to put the landfill, either in a publicly owned (meaning that residents had a say in the decision) landfill in Chatham County, or a recently foreclosed property in Warren County (Banzhaf, Ma, Timmins, 2019). The water table at the Warren County site was too shallow for a landfill, but because it was privately owned and in a locality without a real town administration like a mayor or town council, nothing much could be done in the way of opposition (Banzhaf et al., 2019). Critics of the decision regarded it as an injustice. Some critics later termed this kind of injustice “environmental racism.” At this

period, Chatham County had a 27 percent black population, 6 percent of which were below the poverty line, whereas in Warren County the same figures were 60 percent and 25 percent respectively, this being the other factor the state government took into account (Banzhaf et al., 2019). With all of this in mind, it was decided that the Warren County site was to be the location of a new landfill for the toxic waste to be placed, even though it went against the guidelines set by the Environmental Protection Agency (EPA), guidelines that they waived for the construction at the site (Labalme, 2022). The guidelines mentioned above stated that there needed to be at least a fifty-foot difference between the bottom of the landfill and the water table. In contrast, at the Warren County site, there was a seven-foot difference (Labalme, 2022). Eventually, the community realized what the government was doing. It began to take action to prevent the toxic waste from being dumped in the new landfill, actions that would pave the way for the environmental justice movement, and serve as an inspiration for communities experiencing similar challenges in years to come (Labalme, 2022).

As a first course of action, residents, who had just been made aware of the danger that the chemicals that would soon be dumped in their community would cause, took legal action, by filing lawsuits against the state and other involved parties, but these would all fail (Jose, 2022). After this approach and subsequent failure, in September 1982, the community decided that protest and civil disobedience would be the next necessary step in opposing the dumping at the landfill, specifically calling out then North Carolina Governor, James B. Hunt (Jose, 2022). One protester, Jenny Labalme, a local journalist and photographer, said that this was the “first time in the nation’s history, that people had been jailed for protesting dump trucks hauling dirt that was laced with toxic chemicals” (Jose, 2022). In a journal about the events in Warren County, it’s mentioned that following these demonstrations that started small and grew to gain national

attention, research was conducted to find the correlation, if any, between pollution, race, and poverty (Banzhaf et. al., 2019). In an elementary analysis of locations with lower income and often marginalized racial groups, it is shown that environmental pollution occurs more than in higher income majority-white neighborhoods. It also showed that governmental organizations like the EPA and the state government bypassed regulations for the construction of the landfill to be made, specifically in an area with often marginalized racial groups. The article from 1982 proceeds with explaining how on the surface the contamination might not seem important but explains that if the contaminants leach into the groundwater system it can begin to reach its way to the counties' inhabitants causing severe negative health effects, specifically mentioning its effect on the health of children (Reid, 1982). Finally, the article notes that more demonstrations are expected, with major ones planned for the days after, not only protesting the chemicals but the fact that people were being jailed as well (Reid, 1982).

Other papers and articles (by Mank and Clarke) explain the importance of the Warren County protests, to the environmental justice movement and why it still matters today. In multiple interviews, Jenny Labalme notes that she was “moved,” knowing what the protesters were doing was important, and that the visuals seen were powerful, especially in their distribution across the nation (Labalme, 2022). Labalme understood that this situation would be a catalyst for similar movements in the future, especially with the way they were publicized. So, how exactly did the civil rights movement of the sixties affect the Warren County demonstrations and how does the Warren County movement compare to more recent movements that are either trying to tackle environmental inequity within their communities or addressing climate change as a whole?

The Civil Rights Movement and its effect on the success of the Warren County Protests

It's often considered that the Civil Rights movements that took place across the United States in the sixties served as the largest influence for the Warren County demonstrations. In a newspaper article from 1982, it is said that on September 27th, 1982, Congressman Walter E. Fauntroy, and 145 other protestors were arrested for participating in a demonstration against the dumping of these chemicals (Reid, 1982). With the jailing of prominent non-governmental organization leadership like Dr. Curtis Harris, the president of the Virginia State Unity of the Southern Christian Leadership Conference (SCLC) was still jailed, along with the wife of the SCLC's national president's wife at the time of writing and that it was quite reminiscent of the Civil Rights Movement twenty years earlier in the 1960s (Reid, 1982). It goes on in its recall of the Civil Rights movement by saying that the protests are "calling attention to the relentless stronghold of institutional racism that has complete disregard for both the black presence and black life in America," continuing that, "it's Warren County this week, and it may be in your neighborhood next week" (Reid, 1982). In an analysis of the events in Warren County, Eileen McGurty says, "In the Warren County case, both formal organizations and informal organizations were integral to the collective action. Formal organizations included many involved in both the previous civil rights movement as well as the newly formed hazardous waste activism." (McGurty, 1995) McGurty notes that informal organizations also played a large role in the movement as "they had been mobilized into action several decades earlier during the civil rights movement and then receded into the normal activities of daily life only to emerge again as a mobilizing force when the new opportunity arose." (McGurty, 1995)

At the same time, however, due to the strategy of the civil rights movement, some believed that the state of North Carolina sneakily avoided some of the changes made in the

South, leading to some of the issues in Warren County. In a newspaper article from 1982 written by Claude Reed, Reverend Ben Chavis, of the United Church of Christ Commission for Racial Justice, gives his account of why the will of the people of Warren County was ignored. “Chavis stated that Warren County as well as the entire state of North Carolina had traditionally grossly under-represented its citizens’ interests. ‘Even though Black people are as much as 30% of the state’s population, we are under-represented at the local, county, regional, and state level. Blacks from the state are not represented on the National level.’” (Reed, 1982) With the civil rights movement providing changes lawfully, why exactly weren’t they receiving this representation? “Chavis attributes this lack of political clout to the firmly entrenched procedure of racial intimidation and what has been largely voter ignorance in the state. Although the 1960s saw the voter education and subsequent election of a historic number of Blacks to political office in the South, Chavis felt that North Carolina got away clean.” (Reed, 1982) Chavis went on to say, “...the major attention of the Civil Rights movement of the ’60s was devoted to the deeper south.” (Reed, 1982) Even with these challenges, “strength often follows adversity and at present (1982), Warren County has elected more Blacks than ever before. Three of five county commissioners are now Black and a Black Sheriff has been elected. It has been said that the Warren County PCB controversy has indirectly helped to catalyze its citizens into a concerted voter effort. At last, residents here are beginning to achieve some political representation.” (Reed, 1982) In many ways the civil rights movement had profound effects on the demonstrations in Warren County; demonstrations that would lead to political change locally, and inevitably set the precedent for related movements of the future.

Failed Legal Action turned Presidential Requirements

As a part of the 1982 protests in Warren County, the National Association for the Advancement of Colored People (NAACP) filed a lawsuit against the state of North Carolina had violating rules under Title VI of the Civil Rights Act of 1964: in simple terms, a section requiring an agency that receives federal funds to refrain from practicing discrimination in general, but specifically based on race, national origin, etc. (Mank, 2007) “The NAACP alleged that the state of North Carolina, a recipient of the United States Environmental Protection Agency (EPA) funds had discriminated against minorities by building the landfill in Warren County, which had the highest percentage of minorities among all the counties in the state, while ignoring several alternative suitable or superior sites in other locations in North Carolina that had lower percentages of minorities.” (Mank, 2007) The lawsuit would inevitably fail, where ““not one shred of evidence that race has at any time been a motivating factor in any decision taken by any official.”” (Mank, 2007) “The district court in *NAACP v. Gorsuch* denied the plaintiffs’ request for preliminary injunctive relief and concluded that there was little likelihood that the plaintiffs would prevail on the merits.” (Mank, 2007) Mank goes on to explain why the suit had to be filed in federal court, “because the EPA failed to ensure Title VI since the early 1970s,” and that the “the district court’s unpublished decision itself has little influence on the development of the Title VI law.” (Mank, 2007) With the failure of the suit, the protests themselves need to be viewed to “understand its influence on the enforcement of Title VI.” (Mank, 2007)

Mank claims that “Although the Warren County Title VI suit was unsuccessful, the Warren County protests led to a 1983 General Accounting Office study and a 1987 United Church of Christ’s Commission on Racial Justice (CRJ) study, both of which found hazardous waste facilities were more likely to be located in minority communities.” (Mank, 2007) Both of

these studies “helped build a broader environmental justice and civil rights movement that eventually led to President Clinton’s requirement that federal agencies ensure that their grant recipients comply with Title VI.” (Mank, 2007) The paper by Mank continues by explaining how the legal action surrounding Title VI, including Clinton’s requirement, can only go so far, as plaintiffs need to meet highly specific criteria for a Title VI violation to be considered. In response to this, Monk claims that “Local community groups that seek to block a project that they believe will cause environmental harms to minority groups need to emulate the community organizing that was the hallmark of the Warren County movement,” and that “civil rights groups must work to elect a President and Congress that are sympathetic to vigorous enforcement of Title VI and to the appointment of Supreme Court justices who will adopt disparate-impacts interpretation of the term ‘discrimination’ in Title VI.” (Mank, 2007) In short, legal action could be helpful in the environmental justice movement, but that help is not ensured. Communities that are facing environmental justice issues should mobilize and express their concerns, which inevitably gains attention (nationwide in the case of Warren County), to ensure some kind of change is to occur, maybe not providing a full solution, but at least providing tools to work toward a solution.

Community Engagement in the Flint, Michigan Water Crisis

Warren County wasn’t the first or last place where decisions by governmental agencies affected community health due to environmental impacts. The city of Flint, Michigan is yet another one of these communities. As a brief explanation, in 2014, the water source for the city was changed, and the proper treatment chemicals weren’t added to the source water leading to the corrosion of old lead pipes across the city; pipes that flowed into peoples’ homes providing

water for drinking and cleaning purposes. Residents reported a change in taste, color, and smell, but the response was slow, exposing thousands to lead, which can cause severe health problems and developmental delays in children. (Clarke, 2016) “A recent medical study found that the proportion of children living in Flint with elevated lead levels has doubled since the city changed its drinking water source, with the starkest disparities seen in children under 15 months old.” (Clarke, 2016) In an article by Kristen Clarke, she notes, “Flint is the latest manifestation of a problem that some civil rights advocates have long described as ‘environmental racism’ - a problem that gained new focus in the late ‘80s and early ‘90s when a series of studies revealed that state and local governments routinely make decisions about pollution that disproportionately harm low-income communities of color.” (Clarke, 2016) While not stated explicitly, it can be inferred that she is referencing the studies completed due to the protests that took place in Warren County. Clark says, “too often state and local leaders hit the mute button when African American families raise questions or concerns about the health and safety of their communities, or worse, as reportedly happened in Flint, leaders provide false assurances to communities about the risks they face.” (Clarke, 2016) “In Flint, if government officials had listened, residents could have been spared exposure to dangerous toxins like lead.” (Clarke, 2016) Clarke continues by explaining various Michigan state processes, such as a law allowing emergency managers to run cities; something which happened to Flint in 2011, taking away a large amount of local political power away from the citizens of Flint, who had not elected this emergency manager. (Clarke, 2016)

Clarke says, “To prevent crises like the one in Flint from occurring in the future, it is essential to promote democratic accountability and ensure that minority communities are not disenfranchised and stripped of their voices,” noting that in our system, “officials who make

dangerous and life-threatening environmental decisions should be held directly accountable to local citizens by way of the electoral process.” (Clarke, 2016) However, as restated numerous times, the political process can fail, therefore, “civil rights lawyers can be partners in safeguarding communities’ voices and protecting voting rights of victims and achieve meaningful reform.” (Clarke, 2016) Clarke finishes by stating, “the most effective advocates for clean and safe communities, however, are the impacted communities themselves. Minority communities must be equipped with the resources necessary to organize community-based coalitions and raise awareness of areas of political vulnerability. Only when their concerns are treated equally will justice - environmental, economic, racial, or otherwise - truly be served.” (Clarke, 2016) As shown with the Warren County protests, Clarke suggests that community change will always come back to the people and their willingness to unify and stand against the forces harming their communities.

Conclusion

It has been made abundantly clear by scientists in recent years that environmental contamination not only affects us humans in the way of climate change but can also directly affect us and cause health problems. Due to this, modern-day protests frequently occur, calling for companies, the government, and even people in their day-to-day lives to change our habits for the human population to stay healthy, and protect our planet from further damage. These modern-day movements however have been preceded by movements of the past calling for similar changes, such as the protests in Warren County, North Carolina. While supported by national non-governmental organizations, these events gained attention because of the way the community rallied together for change. Over and over, specifically in the past, minority

communities have been disproportionately affected by the contamination of environmental systems. Though they often attempted to take legal action, it often fell short, meaning that the only course of action was to organize a movement, just like the Civil Rights Movement a few years earlier, a movement that is often considered the main influence of the Warren County protests.

The movement in Warren County set the precedent for minority communities that were experiencing similar challenges and allowed for the completion of multiple studies leading to further requirements by President Clinton, allowing for more oversight in ensuring discrimination in the distribution of federal funds wasn't occurring. Progress in the way of environmental justice/ racism is happening, however, As seen with more recent events, like those of Flint, Michigan there are still systemic changes that need to come about. First, the contamination of environmental systems needs to stop, especially in areas where people reside; this is something that has improved since the protests, especially in recent years. Second, community members, like what was seen in Warren County, need to be ready to take action themselves, whether through protests or voting, to bring about this local change. Finally, if attention is not received from these steps, and if the problems are to continue, those affected can use modern-day tools like social media to expose these issues to gain some level of attention, which allows them to hold the decision-makers, who are a part of the problem, accountable. The Warren County movement, inspired by the Civil Rights Movement, was the catalyst for the environmental justice movement, inspiring change across the country and world, to ensure that all humans, no matter their background can lead healthy lives and have access to a clean planet, rights that we should all have equal access to.

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