

University of North Carolina at Asheville

Warren County and Environmental Justice:
A Community Fighting Back

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“They didn't expect us to organize, but we're gonna fight. It's one thing to be poor, it's another to be poor and poisoned.”¹ This quote from Warren County citizen Henry Rooker illustrates the sentiments of several community members toward the racially-motivated siting of a PCB waste dump in the county. Local residents, environmentalists, and civil rights activists became involved in what is known as the first instance of the merging of environmentalism and civil rights that became known as the “environmental justice movement”. Protests and legal battles gave the county national attention just before it became the birthplace of this national movement. The protests were the first occurrence in environmental history in which a mass of African-Americans protested an environmental issue. This single event created the environmental justice movement which united elements of environmentalism, grassroots activism, and civil rights. This newfound unity enabled African-Americans to play an inclusive role in the environmental movement for the first time in history.

The Warren County protests had an unprecedented impact on the field and study of environmental history. Environmental justice is a modern discipline of environmental history that rallies concern for economically disadvantaged and predominately African-American communities about inequitable environmental burdens consistently placed upon them. The protests shifted the focus of environmental history from preservation of nature to how humans are impacted by toxic waste. The events in Warren County encouraged research that led to conclusive findings regarding siting of hazardous waste facilities and African-American communities. The incident led to the facilitation of the involvement of African-Americans in environmental issues for the first time in environmental history.

Although environmental justice has been categorized primarily as a sociological and scientific issue, its historical implications are remarkable. Most scholars interested in environmental racism used

¹ Jenny Labalme, *A Road to Walk: A Struggle for Environmental Justice* (Durham, NC: The Regulator Press, 1987), 5-6.

the Warren County case as an introduction to minorities excluded from mainstream environmentalism. Historians focused on the successful organizing of the community in a crusade against hazardous waste. Scholars also used the Warren County case as an example of an African-American community that mobilized against the siting of a hazardous waste facility. What began as illegal dumping of a toxic chemical propelled a rural county into the national spotlight, brought in a new era of civil rights, and changed the face of environmental history.

The protests in Warren County changed the face of the mainstream environmental movement and challenged its fundamental values. Previously, the environmental movement was inherently conservationist and preservationist as a result of the popularization of the conservation movement by John Muir and Teddy Roosevelt. Historically, African-Americans were excluded from the environmental movement because it focused on preservation of natural resources. Since preservation was not a primary concern for poor communities fighting for survival, African-Americans were uninterested in the environmental movement.² The Warren County protests shifted the focus of the environmental movement from wilderness to the urban environment.

This change in the focus of the environmental movement expanded the realm of environmental concern to communities threatened by hazardous waste. According to Robert Bullard, the conservationist movement of the early twentieth century had an enormous impact on the environmental policies of the United States. However, these organizations neglected to acknowledge the relationship between environmental and health threats in poor African-American communities.³ The Warren County protests directly impacted federal, state, and local waste management policies through the determination of community-based grassroots organizations. Government agencies were forced to consider the impact of hazardous waste on people, not just the natural environment.

² Luke W. Cole and Sheila R. Foster, *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement* (New York: New York University Press, 2001), 17.

³ Robert D. Bullard, ed., *Unequal Protection: Environmental Justice & Communities of Color* (San Francisco: Sierra Club Books, 1994), 11.

In addition to changing the focus the mainstream environmental movement, Warren County also preempted a shift in the focus of scholarly literature regarding African-American involvement in environmental issues. In 1993, Robert Gottlieb wrote *Forcing the Spring: The Transformation of the American Environmental Movement*, a history of the American environmental movement and how it became more considerate toward race and socioeconomic status. Gottlieb argues that the movement is no longer an all-white movement and that African-Americans have now become involved with issues that matter to their communities.⁴ Martin V. Melosi wrote *Environmental Justice, Ecoracism, and Environmental History* which supports the claim that mainstream environmentalism was inherently racist and classist. Environmental justice sought to modify environmental protection as a more equal and inclusive entity for multiple ethnic groups. The emergence of environmental justice was the only way that African-Americans and low income whites could become involved in environmental issues.⁵ There are many other publications including several articles in the journal *Environmental History* that cite this difference between mainstream environmentalism and the environmental justice movement.

Eileen McGurty, the director of the graduate program of environmental science and policy at Johns Hopkins University, is a preeminent authority on environmental justice. In her article in the journal *Environmental History*, she discusses the connection between environmental justice and the civil rights movement. She relates the transformation of the Warren County protests from a community angry over a hazardous waste facility built in their “backyard” to an issue of equality.⁶ Many environmental justice scholars have written on McGurty's article because it provides a good base for the beginnings of the movement that changed modern environmentalism and the politics of waste.

⁴Robert Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement* (Washington, D.C.: Island Press, 2005), 335.

⁵ Martin V. Melosi, “To Love the Wind and the Rain” *African-Americans and Environmental History: Environmental Justice, Ecoracism, and Environmental History*, ed. Diane Glave and Mark Stoll (Pittsburgh: University of Pittsburgh Press, 2006), 120-132.

⁶Eileen M. McGurty, “From NIMBY to Civil Rights: The Origins of the Environmental Justice Movement.” *Environmental History* 2, no. 3, (Durham, NC: American Society for Environmental History, 1997), 301-323.

The foremost authority on environmental justice issues is Dr. Robert Bullard, who is the director of the Environmental Justice Resource Center of Clark Atlanta University. Bullard primarily focuses on environmental justice as a social justice issue, and conducts many case studies on the relationship between hazardous waste sites and communities of color. In his book *Dumping in Dixie*, Bullard correlates the location of hazardous waste sites in the southern United States with higher poverty levels and a greater percentage of African-Americans surrounding the facility. *Dumping in Dixie* is essential to understanding the political reasoning and social implications that are uncovered through environmental justice.⁷ Bullard and other environmental justice scholars have conducted many case studies in minority communities throughout the southeast, as well as across the country.

Concern over the disparities regarding the siting of hazardous waste facilities emerged in Warren County, North Carolina in the late 1970s and early 1980s after the Department of Environment and Natural Resources designated the county as the recipient of PCB-contaminated soil that was dumped along North Carolina roads. Scholars have cited the events in Warren County as the birth of a new realm within mainstream environmentalism that united the interests of the environmental movement and the civil rights movement though emphasizing the connection between environmental protection and public health and environmental safety within communities of color. The study of environmental justice is important to the field of history because it offers a fresh perspective to the Civil Rights Movement and African-Americans struggle for equality in the United States during the twentieth century. Environmental justice was formed as a means of community preservation that sought to address the exclusion of minority communities from the arena of environmental decision making, as well as the greater problems in these communities as a whole.⁸ Environmental justice not only seeks to improve the environment, but also to make communities stronger for future generations.

Other scholars have focused on the protests in Warren County as the birthplace of a national

⁷Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* (Boulder, Co: Westview Press, 1990), 33.

⁸ Cole and Foster, 16.

movement, however, none have offered a localized perspective that includes in depth coverage of the initial dumping, subsequent protests of the landfill, and its eventual closure. In order to deliver a unique contribution to the current research, this paper will analyze local media response to the protests, and how effective these articles were at placing rural North Carolina in the national spotlight.

Furthermore, this paper will examine how former Governor Jim Hunt and state agencies' responded to pressure from local political leaders and residents. To provide a bridge between current research and the research included in this paper, basic elements of environmental justice must be addressed. The following will provide an interesting analysis of the merging of environmentalism and civil rights through its depiction of the national environmental justice movement and the events in Warren County.

During the summer of 1978, three men operating a waste-hauling company illegally dumped Polychlorinated biphenyls (PCBs) alongside rural roads throughout eastern North Carolina. The recent federal regulation regarding the disposal of toxic substances led to the illegal dumping. The Toxic Substances Control Act of 1976 placed more stringent regulations on the disposal and clean-up of PCBs and other toxic chemicals. It was intended to regulate the creation, transportation, and disposal of toxic chemicals in order to protect human and environmental health⁹ This regulation made disposing of PCBs more expensive than before. Eileen M. McGurty stated that Robert Burns and his two sons sprayed PCBs on 210 miles of roadside throughout eastern North Carolina, including sections of Fort Bragg, in a two week period.¹⁰ When the contaminated soil was reported, state officials had to decide how to deal with this situation.

PCBs are an incredibly toxic chemical compound most commonly found in telephone transformers. The compound was closely related to the more infamous DDT chemical which was used as a pesticide, and the compound was essentially indestructible because of its unusually high resistance

⁹ "What is the TSCA Chemical Inventory Program," *New Chemicals Program*, <http://www.epa.gov/oppt/newchemicals/pubs/inventory.htm>.

¹⁰ Eileen M. McGurty, *Transforming Environmentalism: Warren County, PCBs, and the Origins of Environmental Justice* (New Brunswick, New Jersey: Rutgers University Press, 2007), 1.

to heat.¹¹ According to the Environmental Protection Agency (EPA), the compound was manufactured from 1929 up until its ban in 1979 for use in industrial and commercial enterprises. Once released into the environment, PCBs did not break-down rapidly and required special treatment in addition to disposal in a designated hazardous waste landfill.¹² The compound was banned not only for its composition, but also because of its negative health affects on humans. All the scientific data leading up to the initial dumping showed that the chemical was harmful to humans. These chemicals are known to cause cancer, increase the frequency of birth defects, bring about damage to the human nervous system, as well as cause skin damage to humans.¹³ Throughout the Warren County saga, PCBs remained one of the most toxic substances ever created.

News reports published by the *Raleigh News & Observer* chronicled the spills and subsequent clean-up process. Authorities first discovered the contaminated soil in early August 1978. According to an article in the *Raleigh News & Observer*, N.C. Highway Patrol Officers and local residents found nearly 3,000 gallons of PCBs along several miles of North Carolina roads.¹⁴ The office of Governor Hunt mandated the North Carolina Departments of Transportation, Crime Control and Public Safety, and Environment and Natural Resources (DENR) responsible for cleaning up the contaminated soil. The government's negligence to create a plan to deal with toxic waste incidents led to a slow response. The state agencies slow reaction time angered Governor Hunt, who was on vacation when the spills were first discovered. Once the Governor became involved, he sped up the decontamination process. DENR began searching for an adequate disposal site because North Carolina did not have any landfills designated to store hazardous waste.¹⁵ According to Governor Hunt, his experts initially proposed that the state adopt their plan to clean up oil spills and apply it to the PCB spills.¹⁶

¹¹ Ken Geiser and Gerry Waneck, "PCBS and Warren County," *Science for the People*, 15 (1983), 13-17.

¹² "Basic Information," *Polychlorinated Biphenyls*, <http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/about.htm>.

¹³ "Utilities Say Proposed Rules on PCBs are too Expensive," *Raleigh News & Observer*, August 21, 1978.

¹⁴ Howard Troxler, "Soil Tainted by Chemicals to be Removed," *Raleigh News & Observer*, August 8, 1978.

¹⁵ Rick Nichols, "Hunt, Irked by Health Officials' PCB Action," *Raleigh News & Observer*, August 23, 1978.

¹⁶ Rick Nichols, "Hunt, Experts Confer on PCB Clean-up Strategy," *Raleigh News & Observer*, August 16, 1978.

As August wore on, Governor Hunt and state agencies issued rewards for information leading to the arrest of the people responsible for the dumping. An editorial in the *Raleigh News & Observer* called the act a, “deliberate disregard for human and animal life...that will result in millions of dollars in expenses.”¹⁷ Despite the negative effects on human health, the North Carolina Department of Human Resources issued a memo that stated the spills posed no immediate threat to human health in the affected areas. However, Human Resources discouraged anyone from walking near contaminated soil.¹⁸ In a statement on August 17, 1978, Governor Hunt ordered county health officials to distribute information regarding the impact of PCBs on human health. He went on to state that the Department of Transportation (DOT) would post signs warning residents to stay off the contaminated grass and soil.¹⁹ It had become obvious to Governor Hunt and other state officials that PCBs posed a threat to human health and that they needed to dispose of the contaminated soil immediately.

While the state officials searched for a potential solution, Governor Hunt ordered DOT workers to begin covering the affected soil with charcoal. This method deactivated the PCBs and prevented further contamination.²⁰ The EPA appropriated North Carolina \$2.5 million under the Superfund Act that enabled the state to clean up the soil. The initial estimated cost for the clean up alone was \$861,000. When broken down, the costs were \$126,000 for the spraying of charcoal deactivator, \$675,000 for excavation and replanting grass, and finally \$60,000 to spray charcoal a second time.²¹ During this time, SBI agents narrowed their list of suspects to Robert Burns, who operated a trucking company from Jamestown, New York. The Ward Transformer Company of Raleigh originally contracted with Burns to dispose of 31,000 gallons of PCB waste.²²

¹⁷ Editorial, “Chemical Dumping a Despicable Act,” *Raleigh News & Observer*, August 10, 1978.

¹⁸ “Spills Pose no Immediate Health Threat,” *Raleigh News & Observer*, August 19, 1978.

¹⁹ Memory F. Mitchell, ed., *Addresses and Papers of Governor James Baxter Hunt, Jr.* vol. I. 1977 1981 (Division of Archives and History, Department of Cultural Resources, Raleigh, NC, 1987) 349.

²⁰ Mitchell, 349.

²¹ Howard Troxler, “Charcoal is Spread in Clean-up of PCB,” *Raleigh News & Observer*, August 20, 1978.

²² Rick Nichols, “PCB Probers Zero in on NY Truck,” *Raleigh News & Observer*, August 24, 1978.

Since the EPA granted \$2.5 million for the disposal of the contaminated soil, the state sought the cheapest solution to the PCB problem. Governor Hunt considered three options for the state to pursue. The first option was to bury the contaminated soil in an in-state landfill for \$2.5 million. The second option was to ship the soil to the nearest existing hazardous waste landfill in Emelle, Alabama with an initial cost of \$12 million. The final option was to transport the soil to a certified incinerator in New Jersey for an undetermined cost.²³ As a result of these findings, Governor Hunt opted for in-state burial. The state evaluated 90 potential sites across the state. The criteria for the proposed site required that the facility must be: bound by the counties where the PCB spills occurred, surrounded by at least 16 acres of land, and isolated from highly populated areas.²⁴ The only two sites that met these criteria were a publicly owned landfill in Chatham County and the recently foreclosed property of a Warren County farmer. Citizens participated in the siting process because the Chatham County landfill was publicly owned. Ultimately, the citizens of Chatham County voted against PCB disposal.²⁵ Warren County was now in the cross hairs of state officials.

Warren County was a very poor, predominately African-American county in northeastern North Carolina, just below the Virginia border. According to Ken Geiser, an environmental studies professor at the University of Massachusetts, Lowell and Gerry Waneck, a former graduate student of immunology at Tufts University, at the time of the 1980 census, Warren County was the poorest county in the entire state with an average per capita income of \$5,000.²⁶ There were many different estimates of the percentage of county residents who were African-American. However, the most consistent figure seemed to be between 65 and 75 percent of the population at the time the state was evaluating the proposed site in the community of Afton.²⁷ Warren County citizens could not afford to fund an

²³ Labalme, 3.

²⁴ U.S. General Accounting Office, *Siting of Hazardous Waste Landfills and their Correlation with Racial and Economic Status and Surrounding Communities* (Washington, DC: General Accounting Office, 1983), 9.

²⁵ U.S. General Accounting Office, 9.

²⁶ Geiser, 13-17.

²⁷ Geiser, 13-17.

expensive drawn out legal battle without help from outside organizations. Alone, they were essentially powerless to oppose the state.

Activists point to scientific evidence as proof that the decision to construct the landfill in Warren County was racially motivated. If the science alone had been the deciding factor, Warren County would not have been on the list of proposed sites. Geiser and Waneck revealed that the proposed site in Afton was not the most suitable site as the water table was only five to ten feet below the surface.²⁸ EPA regulations required that the bottom of any hazardous waste landfill must be a minimum of fifty feet above groundwater sources. In addition to groundwater regulations, the site must also be located on a thick impermeable surface usually made up of clay. Research showed the Afton site only had small amounts of clay in highly permeable soil.²⁹ For an area that derived most of its water supply from underground wells, these findings should have excluded Warren County from the list of potential sites.

State officials' desire to file a permit to begin construction at the Warren County site despite federal regulations was the initial motivation for citizens to organize. Despite these federal regulations, the state applied for a permit to build a landfill in both Chatham and Warren County in December of 1978.³⁰ After the state withdrew the application for the Chatham site, Warren County citizens feared contamination of the groundwater near the landfill. As a result, the local chapter of the NAACP and the Warren County Commissioners launched legal campaigns that lasted for three years. Initially, the plaintiffs' argument was that there was no guarantee that groundwater levels would be at least ten feet below the base of the landfill. Nearby residents feared that they would be poisoned if the landfill leaked. After this strategy was ineffective, local residents argued that the state had chosen Warren

²⁸ Geiser, 13-17.

²⁹ Labalme, 3.

³⁰ "Brief History, History of PCB Landfill: Warren County PCB Landfill Files", State of North Carolina Division of Waste Management, Solid Waste File Room, Raleigh, NC.

County on the basis of race.³¹ Residents accused the state of constructing the landfill in Warren County because it was politically powerless to resist its construction. During the court battle, documents were uncovered that revealed that the EPA estimate of \$12 million to ship the waste to Emelle, Alabama was incorrect. The actual figure was \$6.8 million.³² While this option was still more expensive than in-state disposal it brought to light troubling information regarding the decision of the EPA and state government. However, despite strong arguments from lawyers and local citizens, the presiding judge ruled in favor of the state. In Federal Court, Judge W. Earl Britt declared that, “there is not one shred of evidence that race has at any time been a motivating factor for any decision taken by any official.”³³ After the court ruling, it was apparent that the state would build the landfill in Warren County.

On the morning of September 15, 1982 as the *Warren Record* went to press, protestors met trucks carrying the contaminated soil at the entrance to the dump.³⁴ The protestors were members of the Warren County Citizens Concerned about PCBs (WCCCP), a grassroots organization that formed during the early stages of the siting process. Ken and Deborah Ferruccio, white school teachers who lived four miles from the landfill, were the leaders of the WCCCP. Ken and Deborah moved to Afton from Boston, Massachusetts because they wanted to experience a quiet life. The Ferruccios brought strong connections to environmental organizations to Warren County.³⁵ Little did they know that they would be living near the birthplace of the environmental justice movement. In an interview in 1995, Deborah claimed that they, “became involved the way most people do when something affects your life up close and personally.”³⁶ This issue not only affected the Ferruccios, it had hazardous implications

³¹ NAACP of Warren County, et al v. Anne Gorsuch, Civil Action No. 82-768-Civ-5, US District Court, Eastern District of North Carolina, Raleigh Division, RC-AG, File 2363, State of North Carolina Division of Waste Management, Solid Waste File Room, Raleigh, NC.

³² Warren County, et al. v. State of North Carolina, et al., Civil Action No. 79-560-Civ-5, US District Court, Eastern District of North Carolina, Raleigh Division, State of North Carolina Division of Waste Management, Solid Waste File Room, Raleigh, NC.

³³ “Carolinians Angry Over PCB Landfill”, *New York Times*, August 11, 1982.

³⁴ Bignall Jones, “State Begins Big Operation”, *The Warren Record*, September 15, 1982.

³⁵ Dollie Burwell and Luke Cole, *Environmental Justice Comes Full Circle: Warren County Before and After* (San Francisco: Golden Gate University Environmental Law Journal, 2007), 17.

³⁶ Deborah Ferruccio, interviewed by Emily Townsend, Southern Oral History Program, Southern Historical Collection,

for the entire community. The next several weeks thrust the quiet community into the national spotlight.

In a letter to Governor Hunt, Warren County resident Eva Clayton highlighted several concerns that motivated citizens. Clayton listed concerns regarding the safety of the landfill, contamination of the water supply, individual health concerns, and finally the image of Warren County as a future site for further industrial waste.³⁷ Many residents expressed concern that state officials would turn the county into the waste capital of the country. Deborah Ferruccio argued that if Warren County became synonymous with hazardous waste, then industries would not locate in the county because they had no interest in being associated with a “dump county”.³⁸ Residents were not only worried about the health of the adult community, but also the health of future generations. Residents feared the poisoning of their children who attended an elementary school nearly two miles from the landfill site.³⁹ Citizens had genuine concerns about the fate of their community on the eve of the clean-up.

The incident in Warren County also created a new role of leadership for women as a result of concern for the health of their family. Warren County was the first time that African-American women led a grassroots organization to oppose environmental injustice, and the incident also paved the way for many more women to lead grassroots movements in their communities. Women motivated by traditional family values began to challenge race and gender through toxic waste.⁴⁰ Environmental justice scholars consider the leadership of Dollie Burwell and Deborah Ferruccio in the WCCP as an example of two women getting involved to protect their families. The women leaders of environmental

University of North Carolina Chapel Hill, April 5, 1995.

³⁷ Editorial, “Mrs Clayton Writes Hunt Concerning PCB Dumping”, *The Warren Record*, October 13, 1982.

³⁸ Deborah Ferruccio, interviewed by Emily Townsend, Southern Oral History Program, Southern Historical Collection, University of North Carolina Chapel Hill, April 5, 1995.

³⁹ Daphene Herring, “Warren Woman says PCB Fears Justified”, *Raleigh News & Observer*, September 27, 1982.

⁴⁰ Celene Krauss, “Women of Color on the Front Line,” in *Unequal Protection Environmental Justice & Communities of Color*, ed. Robert D. Bullard, (San Francisco: Sierra Club Books, 1994), 270.

justice organizations all came from different backgrounds, but they were all united under the issue of class and race. Many African-American women were propelled into grassroots organizations when toxic waste threatens family health.⁴¹

During the first day of protests, police arrested 67 people at the entrance to the landfill. Authorities jailed Ken Ferruccio, for disrupting the flow of traffic. Despite the arrests, the protestors felt a sense of accomplishment and shouted, "ain't no stopping us now," as sheriffs deputies hauled them away.⁴² Regardless of the protests, dump trucks deposited ten truckloads of contaminated soil in the landfill. Throughout the day, state officials defended their decision, stating that the site had been approved by the EPA, that this was the safest method of disposal, and Afton was the best location.⁴³ Protestors clashed with the North Carolina Highway Patrol. The arrests on the first day marked the first arrests of individuals protesting the construction of a hazardous waste landfill.⁴⁴ As newscasters from across the nation broadcast the story in newspapers and on television, many influential people with civil rights and scientific backgrounds became involved.

During the second day of protests, Reverend Ben Chavis, longtime North Carolina Civil Rights activist of Wilmington 10 notoriety, became involved with local residents. At the time Chavis was the director of the United Church of Christ's Commission for Racial Justice. During an organized march into the county seat, Warrenton, NCHP officers met Chavis and fellow demonstrators and barred their entrance to the town. The troopers cited the group's lack of an organization permit. Angered by this action Chavis proclaimed, "North Carolina acts like it wants to have national attention. It wants to continue to commit these atrocities."⁴⁵ On the third day authorities arrested Chavis along with 36 other

⁴¹ Krauss, 256.

⁴² Charles Jefferies, "67 Arrested as PCB Cleanup Starts", *Raleigh News & Observer*, September 16, 1982.

⁴³ Charles Jefferies, "67 Arrested as PCB Cleanup Starts", *Raleigh News & Observer*, September 16, 1982.

⁴⁴ Robert D. Bullard, *Dumping in Dixie: Race*, 31.

⁴⁵ Richard Hart, "7 More Arrested for Trying to Block State PCB Transfer", *Raleigh News & Observer*, September 17, 1982.

people who had intertwined their bodies across the road to block the arrival of trucks.⁴⁶

Ben Chavis was not the only prominent figure who sided with local residents. William Sanjour, head of the Hazardous Waste Implementation Program at the EPA, and Jay Hair, President of the National Wildlife Federation, voiced their opposition to the siting of the landfill. Hair argued that the lack of funding North Carolina received was a result of the reduced budget of the EPA under the Reagan era of new federalism. Hair continued by saying that the protests in Warren County had evolved into more of a social issue than scientific.⁴⁷ Sanjour, speaking in his own personal opinion, declared that any landfill would inevitably leak, potentially putting nearby residents at risk of PCB contamination.⁴⁸ Sanjour was unable to speak on behalf of the EPA because the agency funded the clean-up and construction of the landfill. According to Robert Bullard, Sanjour questioned the state's disposal method and urged citizens to, "keep doing what you are doing...land-filling is cheap...What they listen to is pressure."⁴⁹ The support from the scientific community gave the WCCCP more legitimacy to be angry about the landfill.

Involvement of protestors from outside North Carolina and Warren County angered Governor Hunt and state officials. Governor Hunt felt that the landfill was a North Carolina problem and that outsiders should not get involved.⁵⁰ Governor Hunt's anger regarding outside involvement occurred nearly four years after state agencies accepted \$2.5 million from the EPA. The protests especially irked Governor Hunt since they regularly ridiculed him for his participation in the decision making process. One protestor held a sign that stated, "Watermelon, watermelon, Cadillac car, we ain't as dumb as Hunt thinks we are."⁵¹ In response to criticism against him, Governor Hunt defended his decision in a

⁴⁶ Richard Hart, "39 Arrested in Third day of PCB Landfill Protest", *Raleigh News & Observer*, September 18, 1982.

⁴⁷ Michael Flagg, "PCB Tainted Soil Mishandled, Conservation Group Leader says", *Raleigh News & Observer*, September 28, 1982.

⁴⁸ Lynne Thompson, "EPA official says landfill to leak PCBs", *Raleigh News & Observer*, September 27, 1982.

⁴⁹ Robert D. Bullard, *Dumping in Dixie*, 31.

⁵⁰ Richard Hart and Daniel Hoover, "PCB Landfill Protestors Rally in Raleigh", *Raleigh News & Observer*, September 24, 1982.

⁵¹ Burwell, 25.

written statement in 1982. He explained that the state was responsible for protecting North Carolinians, including those in the 13 other counties affected by the illegal roadside dumping. He continued by reminding citizens that the PCBs had been dumped four years prior and it was urgent that they be disposed as soon as possible.⁵² Warren County citizens could see that their protests had increased the pressure on the governor.

Despite overwhelming support for protestors, state officials refused to admit that the siting of the landfill was racially motivated. Governor Hunt and Herman Clark, North Carolina Secretary of Crime Control and Public Safety maintained that throughout the initial PCB dumping the state pushed for on-site detoxification. On-site detoxification would have left the chemicals in place and would not have required the contaminated soil be shipped to a specially designated landfill. Clark argued that the EPA denied the state's request, leaving the state with no other option but to store the material in a landfill.⁵³ Governor Hunt stated that they were not out to win popularity contests, their main objective was protecting the safety of North Carolinians in Warren County as well as residents in the spill areas. In an interview, Hunt explained that, "We're not out to appease people. We are out to protect our folks. In time I think they will come to believe it is relatively safe."⁵⁴

As haulers brought in the final loads of contaminated soil, it became clear that the protests were not going to prevent the landfill's completion. After this realization, organizers began pushing for the detoxification of the landfill when the technology became available. In October, under increasing pressure, Governor Hunt agreed to promote the detoxification of the landfill following the completion of the project. In a statement from his press secretary, the Governor maintained that he would not halt the construction, but that he would do everything he could to urge the EPA to detoxify the soil.⁵⁵ In a

⁵² Jeffery J Crow, ed., *Addresses and Papers of Governor James Baxter Hunt, Jr.* vol. II 1981-1985 (Division of Archives and History, Department of Cultural Resources, Raleigh, NC, 1982), 307.

⁵³ Herman Clark, "Clark Defends State's PCB Landfill" *Raleigh News & Observer*, September 2, 1982.

⁵⁴ Labalme, 5-6.

⁵⁵ Special to the New York Times, "Carolinians See Governor in PCB Landfill Dispute", *New York Times*, October 10, 1982.

letter to the citizens of Warren County, Governor Hunt listed five concessions from the state to assist Warren County and prevent this from happening again. First, he stated that the state would push for detoxification and work to create a federal working group to accomplish this. Second, the state would continuously monitor the landfill. Third, that state officials would cooperate with county health officials to provide adequate healthcare to local residents. Fourth, Hunt's administration would support prohibiting any more hazardous waste in the landfill as well as the entire county. Finally, he pledged that the North Carolina Department of Commerce would make an effort to attract business to Warren County in an effort to revitalize the local economy.⁵⁶

Hunt's sudden shift regarding his stance on detoxification was rumored to be caused by the actions of Republican Senator Jesse Helms'. Instead of seeking re-election for another term, Hunt had decided to challenge Helms' seat in the Senate race of 1984. Shortly before Hunt's sudden decision to support the clean-up of the landfill, a conversation regarding detoxification of the landfill had taken place between EPA administrator Anne Gorsuch and Senator Helms.⁵⁷ Hunt switched his position to support detoxification to boost his chance of winning Helms' Senate seat. The protests in Warren County were so monumental that it shaped the political agenda in the election of 1984. Both candidates used the detoxification issue for their personal political gain, rather than for the benefit of Warren County residents.

Warren County was not the only site where the state placed a moratorium on the disposal of hazardous waste. In December of 1982, Governor Hunt worked with state agencies and developed a new plan to reduce the amount of landfills that the state would need in the future. First, he directed the Department of Human Resources (DHR) to deny any further landfill permits until DHR carefully

⁵⁶ Governor Jim Hunt to Citizens of Warren County, October 20, 1982, "An Open Letter to the Citizens of Warren County", State of North Carolina Division of Waste Management, Solid Waste File Room, Raleigh, NC.

⁵⁷ Special to the New York Times, "Carolínians See Governor in PCB Landfill Dispute", *New York Times*, October 10, 1982.

reviewed all federal regulations.⁵⁸ Hunt wanted to make sure that every landfill built from then on would not create the controversy that Warren County did. Hunt further stated that landfills were not the only answer to North Carolina's waste problem, and that the reduction of waste and preventative methods to combat illegal dumping would be implemented. He announced that DENR would be in charge of this task and would work to establish the concrete reduction of waste and develop a preventative strategy to confront the issue.⁵⁹ Established prevention laws may have averted the illegal dumping disaster that occurred in 1978.

Although the protests were unsuccessful at halting the construction of the landfill, the demands of Warren County leaders did lead to a promise of detoxification from Governor Hunt. By late October, authorities had arrested total of 505 people, including nearly 100 juveniles. During a student demonstration on October 4, 1982, a four year old child was among those arrested.⁶⁰ Despite their highly publicized arrests most of the protestors did not end up facing charges of impeding traffic. The presiding judge dropped the traffic charges for 83 people, in addition to 131 dismissed cases. In Warren County Court, Judge Norris Reed ruled that since police had already blocked the road leading into the landfill, protestors could not have impeded traffic.⁶¹ According to an article in the *Warren Record*, the total amount of soil dumped in the landfill totaled 6,440 truckloads by the time it was closed.⁶²

Another success of the grassroots organization occurred after the end of the landfill struggle. During the November 1982 election, African-Americans took control of many seats in the local government. Three African-Americans were elected to the Board of County Commissioners, two were elected to the Board of Education, and Warren County also elected its first black sheriff.⁶³ Voter

⁵⁸ Crow, 321.

⁵⁹ Crow, 321.

⁶⁰ Burwell, 27.

⁶¹ "Around the Nation; Judge Drops 214 Charges in PCB Landfill Protest" *New York Times*, October 30, 1982.

⁶² "Last PCB Loads Reaching Dump", *Warren Record*, October 13, 1982.

⁶³ Labalme, 27.

registration drives conducted during the spring and summer of 1982 increased the number of registered voters by 1,700. By November, the number of registered voters in Warren County had increased by nearly eighteen percent.⁶⁴ This county wide political takeover can be attributed to the county coming together to fight the PCB landfill. Equal representation allowed Warren County to fight for their rights and push the state to detoxify the landfill in the 1990s'.

Historians have credited the success of the protests for the election of Warren County Commissioner Eva Clayton to the U.S. House of Representatives in 1992. Clayton was the first African-American woman from North Carolina ever elected to the U.S. House. Furthermore, she was the first African-American from North Carolina elected to Congress since 1898.⁶⁵ In Congress, Clayton chaired the federal working group that was promised by Governor Hunt. The working group improved the political power of the county. Local protest organizer, Dollie Burwell, was a member of Clayton's working group and helped pressure the EPA and Governor Hunt to fund the group. Burwell believed that after President Bill Clinton signed the Environmental Justice Executive Order in 1994, Warren County would have more power and receive a newfound respect from Governor Hunt.⁶⁶

In an attempt to allay the health concerns of local residents, State government officials went to great lengths to guarantee the safety of the residents. Governor Hunt and Herman Clark both stated that the landfill was the safest and best possible option.⁶⁷ They assured nearby residents that their drinking water would be safe. However, almost immediately after the disposal was complete, the landfill began experiencing safety issues. Nearly three months after the landfill was capped, it was discovered that between 500,000 and 1 million gallons of water had been trapped under the plastic cap.⁶⁸ The large amount of water in the landfill threatened to break the liner and contaminate the

⁶⁴ Burwell, 29.

⁶⁵ Burwell, 31.

⁶⁶ Burwell, 36.

⁶⁷ Special to the New York Times, "55 Arrested in Protest at a Toxic Dump in Carolina," *New York Times*, September 16, 1982.

⁶⁸ "Fact Sheet on PCB Chemicals," State of North Carolina Division of Waste Management, Solid Waste File Room,

surrounding area. The amount of water discovered under the liner was not the only alarming finding. Every landfill is capped with a few feet of soil and grass to create an additional layer between the liner and the surface. After further examination, the cap material had eroded at a faster than expected rate. Furthermore, scientists discovered a large build-up of methane gas.⁶⁹ These safety issues confirmed residents initial fears regarding the construction of the landfill and exposed .

The rapid deterioration of the landfill and scientific evidence supported the claim that Warren County was not chosen because it was scientifically suitable. Several hazardous waste experts expressed concern over the poor condition of the landfill so soon after its completion. The Washington, D.C. based Hazardous Waste Organizing Alliance had never seen a landfill deteriorate as rapidly as the one in Warren County.⁷⁰ The discovery of storm water in the landfill prompted local leaders to increase pressure on Governor Hunt to detoxify. In 1994, the state found that the pump inside the landfill no longer worked and accelerated the proposed detoxification process. In 2004, after nearly 22 years the landfill was closed.⁷¹ Governor Hunt's and Herman Clark's promises that the landfill would be entirely safe were untrue.

Religious institutions became extremely instrumental in the organization of the protests. Scholars have credited religious groups with organizing communities at the grassroots level to combat issues of racism. Chavis' involvement signaled a transition of the protest from a phenomenon called "Not In My Backyard" syndrome. NIMBYism is described as a movement to oppose a locally unwanted land use. The early stages of protests in Warren County merged environmentalism with social justice by uniting black and white residents, the scientific community, and civil rights activists to block the landfill.⁷² Many present day scholars pinpoint Warren County as the beginning of the

Raleigh, NC.

⁶⁹ Labalme, 26.

⁷⁰ Labalme, 26-27.

⁷¹ Burwell, 32.

⁷² Melosi, 240.

environmental justice movement that formed as a means of combating environmental racism.

Environmental racism, a term coined by Ben Chavis, that, “refers to any policy, practice, or directive that differentially affects or disadvantages individuals, groups, or communities based on race.”⁷³

Mainstream environmental organizations have historically been made up of white middle class citizens.

Warren County changed that, it marked the first time that African-Americans protested hazardous waste.⁷⁴

The environmental justice movement contains three characteristics that help to analyze elements of decision-making that discriminate against minority groups. These three characteristics are: to uphold individual rights by protecting the individual from environmental degradation; to focus main actions on methods of prevention, act before a threat to public health has already occurred, and to place the costs on the polluters and industries that harm and discriminate rather than on the community.⁷⁵

Using these three principles, the environmental justice movement has attempted to eliminate unjust and unfair environmental and social decisions throughout the country. In response to Warren County, the United Church of Christ's Commission for Racial Justice issued a report that analyzed the relationship between unrestricted hazardous waste sites and communities across the country. What the study found was alarming, but not foreign given the recent events in Warren County.

The Commission for Racial Justice study found that there was a direct correlation between uncontrolled hazardous waste and race. Three out of the five communities studied were primarily African-American or Latino. Furthermore, nearly 15 million African-Americans live in communities that were near hazardous waste sites.⁷⁶ Warren County was the beginning of a series of studies that uncovered the terrible truth of environmental racism. The study continued to find that although

⁷³ Melosi, 245.

⁷⁴ Robert D. Bullard, *Dumping in Dixie*, 29-30.

⁷⁵ Robert Bullard, ed., *Unequal Protection*, 10.

⁷⁶ “Toxic Wastes & Race in the United States: A National Report on the Racial and Socioeconomic Characteristics of Communities with Hazardous Waste Sites”, Commission for Racial Justice, United Church of Christ (New York, 1987), xiv.

socioeconomic status was a contributing factor, race played a more important role in hazardous waste disparities.⁷⁷ The study urged President Reagan to sign an environmental justice executive order and that hazardous waste be a priority amongst local, state, and federal government. Despite their urgings, the Commission for Racial Justice recognized that hazardous waste was not a concern with most officials. To ameliorate this issue, they called upon local activists to form grassroots coalitions to pressure lawmakers into making hazardous waste a local and national issue. This study was the first national study to gain public attention, and subsequently led to the beginning of academic research from Robert Bullard and other noted environmental justice scholars.⁷⁸

Warren County's legacy has had a lasting impact on the environmental movement of the 20th century. The organization between poor citizens, social justice advocates, and environmentalists provides a starting point for the environmental justice movement. At the beginning of the protests, citizens wanted the PCBs to be transported to the existing landfill in Emelle, Alabama. After realizing that Emelle was a poor predominately African-American community protestors advocated for detoxification to prevent other communities from being subjected to the burden of hazardous waste.⁷⁹ This fundamental change is why Warren County is the birthplace of environmental justice. Today there are still huge siting disparities of hazardous waste landfills in areas of low socioeconomic backgrounds. However, all across the South and throughout the nation, communities of color use the example of Warren County and demand that they be treated equally in land-use decisions. The environmental justice movement has the capability to improve the quality of life of all Americans.

⁷⁷ "Toxic Wastes & Race in the United States", xiii.

⁷⁸ Burwell, 38.

⁷⁹ Burwell, 40.

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