

**West End Revitalization Association – WERA**

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TO: President Elect Barack Obama - Vice President Elect Joe Biden Transition Team

FROM: Omega R. Wilson, President of the West End Revitalization Association – WERA

RE: **(Exhibit #1) Environmental Justice: Priorities, Recommendations, and Policy Concerns**

In October 2008, the Office of Environmental Justice of the U.S. Environmental Protection Agency presented Omega Wilson and the West End Revitalization Association (WERA) one of 12 national Environmental Justice Achievement Awards for facilitating first-time sewer installation for over 90 households while disconnecting fail backyard septic systems, paving dirt streets, and storm-water management improvements for low-income minority residents (See Exhibit #2).

**Background:** Omega R. Wilson is President of the West End Revitalization Association – WERA of Mebane, North Carolina. WERA was organized when residents discovered that for sixteen years the City of Mebane, Alamance County, and the North Carolina Department of Transportation secretly planned to destroy two 140-year old African America communities (established by freed slaves) with a new 27 mile bypass/overpass/interstate highway. In 1999, WERA and low-income minority residents filed administrative complaints under Title VI of the Civil Rights Act of 1964 and the Environmental Justice Executive Order 12898 of 1994 with the U.S. Department of Justice in order to gain participation in the planning, which resulted in a moratorium on construction. Millions of Federal Highway Administration and North Carolina transportation taxpayers dollars are still scheduled to destroy environmental justice communities that have been historically denied access to safe drinking water, municipal sewer services where 50-to-100 percentage on-site septic system failure is documented, unpaved dirt paths and roads, dead-end streets, inadequate storm-water management, and underground storage tanks that threaten drinking well water and ground water from leaking petroleum and cancer causing benzenes and xylene.

In 1994, Wilson became the founding board chairman of WERA. He led its incorporation as 501-(c)(3) non-profit in 1995 and community development corporation (CDC) in 1997. Wilson also facilitated the board and staff through capacity building as a community-based environmental protection (CBEP) organization under U.S. Environmental Protection Agency toolkit guidelines. He serves as primary grant writer and project designer/manager of a community-owned and managed research (COMR) model involving: U.S. EPA Environmental Justice Small Grant – Region 4 (\$15,000 in 2001) on at risk drinking well water from failing on-site septic systems; University of North Carolina, Chapel Hill EXPORT Pilot study (\$10,000 in 2004) on health disparities related to denial of basic amenities (safe drinking water and clean surface water under U.S. EPA statutes); and U.S. EPA Collaborative Problem-Solving Project (\$100,000 from 2004-2007) on “Right to Basic Amenities” under the Safe Drinking Water Act, Clean Water Act, Clean Air Act, Toxic Substance Control Act, and Solid Waste Disposal Act and environmental justice. WERA facilitated research that documented: a) resident contraction E. coli from contaminated drinking well water; b) E. coli and fecal coliforms contamination from human sewage in community streams of over 300 times EPA limits for surface water

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contamination, and flowing into Cape Fear and Neuse Rivers Basins; c) and revealed that the City of Mebane withheld from the public test results of E. coli and fecal coliforms contamination in city water for nearly ten years (local municipal water was used a clean control water source).

Wilson organized and facilitated several capacity building workshops on community-owned and managed research (COMR), corrective actions for basic amenities, and legal strategies without litigation. Since January 2007, Wilson has served as a “*Community Perspective*” member of the U.S. EPA’s National Environmental Justice Advisory Council (NEJAC) on “Goods Movement”, “Environmental Justice – Strategic Assessment Enforcement Tool (EJSEAT)”, and “EJ Grants to States”; member of the Advisory Committee for the Environmental Leadership Program (ELP) – Southeast Regional Network; and a planning resource and panelist for ELP’s Second Annual National “Politics of Food Conference 2008” in Raleigh, NC. Wilson’s educational background includes communications, electronic media, insurance sales, community organizing, and environmental justice leadership. (*See Exhibit No-3 WERA Article - PCHP - US EPA Collaborative Problem-Solving Model - Johns Hopkins University Press; Exhibit #4: WERA Article - PCHP - Community Owned and Managed Research - Johns Hopkins University Press; Exhibit #5: WERA Article - Built Environment and ETJ - Environmental Justice Journal Sept 2008; and Exhibit #6: WERA Article - PCHP - WERA Right to Basic Amenities Movement - Johns Hopkins University Press*)

**Priorities – 1: Community Facilitated Strategies (CFS).** Recommendations: Appropriate direct and major federal funding for community-based, Native American territory and pueblo-based environmental justice organizations for EPA, Department of Energy, Federal Highway Administration, National Institute of Health, and other federal agencies. This will help insure impacted stakeholders’ activism growth in capacity through sustainable resources necessary to facilitate and manage strategies for identifying, assessing, and implementing mitigation, reducing, and removal of environmental hazards that produce public health risks and resulting disparities. Grant funding should be short and long-term: a) “*new and emerging*” community-based environmental justice organizations (\$25,000 to \$50,000 for two years); b) “*sustainable community-based research*” for more experienced EJ groups (\$75,000 to 150,000 for three years); and c) “*replication of lessons learned*” projects (\$250,000 to \$500,000 for three to five years) for senior level EJ groups with proven and measureable environmental justice outcomes. Encourage funding matches from banks, industry, and foundations for each grant level. When local, state, and federal agencies pay outside contractors and consultants hundreds of thousands dollars to produce environmental impact statements (EIS), community impact assessments (CIA), and health impact studies (HIS), impacted community-based environmental justice groups should be granted the same amount money and technical assistance to produce ground-truthing documentation, evidence, and strategies for comprehensive community sustainability of impacted stakeholders.

Policy Concerns: Current policy and funding focus disproportionately on research and not on site specific corrective actions where local residents live, work, raise families, and bury the dead. Federal policy and funding serves as the advocacy role but real change comes with “civic engagement beyond the vote” where impacted residents are long-term activists and monitors of their quality of life. CFS would empower consensus building among residents in low-income and minority communities and Native Americans in indigenous territories who are adversely and

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disproportionately impacted by air, water, and soil pollution that creates human exposure and health risks. CFS affords impacted communities the access and remedies through the legal protection, privileges, rights, and redress under federal and related international policies, regulations, statutes, and treaties. CFS should be visible in community-based facilitation and management of capacity building, alliances, partnerships, collaboratives, inter-tribal councils, and ground-truthing research that supports measurable short and long-term outcome solutions in: a) improved health, b) property value, c) on-site monitoring, and d) equitable funding for the sustainability of quality of life.

**Priorities – 2: “Right to Basic Amenities Movement”.** Recommendations: Expansion of Environmental Justice to include “Right to Basic Amenities” will allow the inclusion of existing environmental hazards, known, and unknown risks from the lack of, failed, and substandard infrastructure that produce health disparities and depress quality of life and property value. Basic amenities includes clean air, water, and soil, as well as sidewalks, parks/recreation, paved streets, fire/police protection, and the voting rights on land-use planning and zoning. This includes actions, compliance, planning, projects, and budgets of local, state, and federal government agencies.

Policy Concerns: Current policy and funding focus on upgrading and expansion of service for existing municipalities and businesses are not for low-income minorities, Native Americans, and pueblos that are currently denied access to safe drinking water, human sewage disposal, clean surface water, paved streets, modern electrical service, storm-water control, freedom from toxic waste, and solid waste dumps/landfills. As a U.S. EPA NEJAC member Omega Wilson has met with homeowners, EJ groups, researchers, and government officials throughout the U.S. States who describe low-income, minority, and Native American communities that are denied basic safe drinking water, sewer collection, electric services, and paved streets. At a U.S. EPA NEJAC public meeting in Washington, DC, on June 11, 2008, EPA Administrator Stephen Johnson shocked many with his statement that there are no plans or strategies to address an estimated \$300-billion in drinking water and \$200-billion in sewer systems upgrades for crumbling infrastructure in the United States. More shocking is that Administrator Johnson’s estimates did not include environmental justice communities and Native American territories that have never received first-time safe drinking water and sewer disposal services in the face of cultural and racial discrimination. We know that this is a crucial reality when billions of tax dollars have been allocated for the same basic infrastructure in Iraq and other foreign countries. American soldiers have died to provide basic amenities that so many may not have enjoyed in the United States of America. We know a disproportionate number of our troops are from low-income and minority communities that are more likely to experience adverse and disproportionate environmental impacts. (See *Exhibit #7: EPA - Tribal Lands Waterborne Disease Draft Study Protocol; Exhibit #6: WERA Article - PCHP - WERA Right to Basic Amenities Movement - Johns Hopkins University Press*)

**Priorities – 3: Integration of Environmental Justice throughout all Federal and State Agencies.** Recommendations: Implementation of environmental justice and “Right to Basic Amenities” laws and regulations into all federal, state, and local government agencies. These laws and regulations should follow the taxpayers’ money with oversight on five levels: a) federal

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and state policy, b) standard operating procedures, c) itemized budget appropriations and funding, d) staffed by experienced and trained community-based environmental justice activists and federal/state technicians, and e) evaluations and measurable outcomes. U.S. EPA’s Office of Environmental Justice and NEJAC, with modifications and upgrades, should serve templates for environmental justice integration and “community perspective” input at all federal agencies.

Concerns: Currently the only federal agency with environmental justice policy integration is the U.S. EPA which remains inadequate and far from complete. The current Titanic of environmental justice policies and regulations are expected to hit the environmental justice and “Right to Basic Amenities” iceberg with untold health crisis much like the current Wall Street, banking, and auto industry downfall from which all of America and the world now suffers. As a U.S. EPA NEJAC member Omega Wilson observed throughout 2007 and 2008 the Federal Highway Administration (FHWA) refused to participate in NEJAC’s “Goods Movement” workgroup on climate control and diesel emissions in ports near environmental justice communities. The cutting edge efforts NEJAC focused transportation issues that contributed to global warming and major local health exposures and illnesses of low-income, minority, and Native American property owners and residents. This non-corporative and non-compliance actions of the FHWA is also clearly evident at the state level...where the N.C. Department of Transportation insist on planning of major transportation projects (local, railroad, and interstate) through WERA communities without full compensation, mitigation, or impacted property owners participation.

**Priorities –4: Eliminate State Primacy when Receiving Federal Funds. Recommendations:**

Implement policy changes that address “primacy” and require oversight of billions of dollars in federal funds granted to states for transportation, infrastructure, and other land-use projects that often use these tax dollars to create or exacerbate environmental hazards and take land and homes from defenseless low-income, minorities, seniors, and disabled residents.

Policy Concerns: Current policies allow states to use federal money for block grants and infrastructure projects without transparent oversight and thus depriving impacted residents, and often forcing relocation without fair compensation. Federal grants often fund local municipalities for new drinking water and sewer collection services that still deny access to low-income and minority residents which leaves them with little recourse except litigation and continued suffering. Primacy allowed states un-regulated use of taxpayers’ money much like the de-regulated banking, housing finance, stock market, and auto industries.

**Priorities - 5: Extra-Territorial Jurisdiction (ETJ) or Un-incorporated Areas.**

Recommendations: Eliminate the local municipalities’ control over extra-territorial jurisdiction (ETJ) in North Carolina and many southern states and un-incorporated areas on most states.

These old feudal and common laws, which are often supported by state laws, deprive homeowners, farmers, businesses of U.S. Constitutional representation, input in public hearings, and voting rights.

Policy Concerns: Local, state transportation agencies, and the Federal Highway Administration use these outdated and un-constitutional regulations to take advantage of low-income, minority, Native American environmental justice areas. Local and state government agencies disproportionately plan highways, railway expansion, landfills, polluting industry in these areas

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without transparency, fair compensation, or legal assistance for property owners. Residents' property is further devalued with added environmental hazards, denial of basic amenities, disproportionate health consequences, and destruction of affordable housing.

**Priorities – 6: Establishing WERA's Right to Basic Amenities Collaborative Institute.**

**Recommendations:** Allocate major funding in order to fully design WERA's Right to Basic Amenities Collaborative Institute for replication on-site in other low-income, minority, Native American, and pueblo environmental justice areas throughout the nation. The focus would be empowerment of stakeholders to increase funding, capacity building, assessment, monitoring, and environmental hazards reduction and removal. Four primary areas would include: a) Community-Owned and Managed Research Model (COMR) which would support equity in funding and parity in management of environmental justice research to address social, economic, cultural, and community health factors. Where there is insufficient data and credible research that reflect site specific needs, federal/state funded environmental and health impact "studies" should be conducted in order to develop active site specific databases; b) Collaborative Problem Solving Model (CPS) which would support community stakeholders developing legal, scientific, and technical partnerships; c) Communities Facilitated Strategies (CFS) which would support community organization for ownership of environment justice and basic amenities solutions, facilitation of documentation and media involvement, use of new technologies, and career preparation of youth and young adults; and d) Community Involvement Plans (CIP) would support experienced community-based environmental justice leaders and federal/state environmental officials co-training as co-beneficiaries. (See Exhibit #6 :) *WERA Article - PCHP - WERA Right to Basic Amenities Movement - Johns Hopkins University Press*)

**Policy Concerns:** University, government, business/industry databases may not accurately measure death, suffering, and solutions in site-specific environmental populations. The lack of grant funding equity and parity in research management impedes community and tribal based organizations' research necessary to help correct disparities in currently accepted data-bases and establishment of new data-bases. Currently many of the few federal and state environmental justice officials are not adequately trained in the field or on-site regarding the sight, smell, and look of environmental hazards. Community leaders need more training and technical skills to effectively facilitate site tours of their own communities with public health statutes in mind (Clean Air Act, Safe Drinking Water Act, Clean Water Act, Toxic Substance Control Act, Solid Waste Disposal Act, etc.). Impacted residents must be more environmentally literate to review and respond to community impact assessments, environmental impact statements, and health impact studies (CIA/EIS/HIS).

**Priorities – 7: U.S. Department of Agriculture, U.S. EPA, and Food and Drug Administration Allows Human Waste as Fertilizer for Human Food Crops.**

**Recommendations:** Implement new policies for interagency guidelines for recycling of human and animal waste. Chemical contaminated human waste should be banned from use as fertilizer in human food chain. The USDA and Food and Drug Administration are aware lead, benzene, mercury and other regulated carcinogenic substance in human sludge that is pumped from municipal waste treatment plants and then sprayed on crop fields daily through North Carolina and other states.

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**Policy Concerns:** These un-regulated or poorly regulated animal and human waste contaminants may lead to many of the undiagnosed childhood illnesses, increased numbers of special education children in public schools, behaviors and social disorders and chemical additions. These are factors that relate directly to the cost and effectiveness of health care, public education, quality of life. There are increasing number of reports of unusual health effects and even death after short and long-term exposure to human sludge spraying and spreading. (*See Exhibit #8: EPA Declares Hormone-Disrupting Chemicals Must be Studied in Combination - NaturalNews.com Dec 18-2008; Exhibit #9: Potential Increased Human Foodborne -Exposure to Recycling Sewage Sludge on Agricultural Land – EHP; Exhibit #10 : Sludge-Biosolids Spreading - Blue Ridge Environmental Defense Fund; Exhibit #11: Sludge-Biosolids Legal Action - Perelandra Health Watch Sept 12-2002*)

**Priorities – 8: Environmental Justice Compliance by Colleges/Universities, Government**

**Agencies. Recommendations:** Implement new policies that require proof and oversight for compliance to environmental justice and public health statutes with research, projects, programs, and activities that impact personnel, students, and residents in surrounding low-income and minority communities or off-site environmentally impacted areas such as landfills. Implement new policies that insure that major federal grants to colleges and universities, from federal agencies and National Institutes of Health, require equity in funding and parity in management with environmental justice communities on which research is conducted. **Policy Concerns:** Current policies and regulations allow institutional research agencies to take advantage of community-base organization in research projects with universities taking from 50-to-97 percent of major grants that cannot be effectively completed studies without community leaders and impacted stakeholders. This should be violation of Title VI of the 1964 Civil Rights Act and the Environmental Justice Executive Order 12898. (*Exhibit #4: WERA Article - PCHP - Community Owned and Managed Research - Johns Hopkins University Press*)

**Priorities – 9: Federal Control over Industry Livestock Farming and Waste Pits:**

**Recommendations:** Implement land-use, public health, quality of life impacts to restrict the placement of hog, poultry, and cattle operations in low-income minority communities. Implement new technology for upgrading the quality of air, ground water, and soil, and required siting of plants miles away from environmental justice communities.

**Policy Concerns:** The disproportionate and adverse health impacts are the burden on environmental justice areas while large corporations make billions of dollars at the cost of long-term human illnesses, contamination of ground-water, major river basins, air quality, and depressed residential and small business property values. (*See Exhibit #12: Race Poverty Potential Exposure to Middle Schools Air Emissions from CAFO – EHP; Exhibit 13: Air Pollution and Odor in Communities near Industrial Swine Operations – EHP.*)

**Priorities – 10: Federal Regulation From Mining Raw Products to the Landfills of Waste:**

**Recommendations:** Implement interagency policies for environmental justice life-cycle regarding manufacturing, from mining raw materials to disposals of solid waste.

**Policy Concerns:** Polluting manufacturers and landfills and end-product dumps are found disproportionately in low-income and minority communities, Native American Territories, and



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pueblos. (*See Exhibit #14: Race, Wealth, and Solid Waste Facilities in North Carolina – EHP; Exhibit #15: 1-24-2008 County board reviews transfer site complaint - Rogers Eubank Road Association-RENA*)

NOTE: Additional comments, recommendations, and policy concerns will be provided upon request. Thank you for the honor, Omega R. Wilson.