

10/28/13

To: Sussex County Housing Discrimination Department

From: Joseph Meyer/Protecting Our Indian River

Subject: Discrimination charge against the Sussex County Board of Adjustment. Ref: Case#11216, A special use exception for a potentially hazardous use poultry processing facility.

In their decision to approve this exception the Board of Adjustment did not take into consideration the effect that the Allen/Hairm Company's Slaughter House will have on the areas known as Possum Point Colonial Estates, Holiday Acres and single family homes in the area owned or rented by low income senior citizens, Blacks and Hispanics.

The Board of Adjustment ignored letters that were written by local inhabitants of the area noting our concerns of our health and welfare due to another industrial site in this area. They claimed we never signed them which was not the case. The placing of another Industrial Plant within the area is detrimental to the health and well being of low income area of senior citizens, low income Blacks and low income Hispanics who live close to the site known as Vlastic Pickle Plant.

This area is already overburdened with Industries, we have a Throgoods concrete/black top plant, Indian River Power Plant, Merck Pharmaceutical Plant, Mountaire Poultry Slaughter Plant, Mountaire Feed & Grain Plant, Mountaire Rendering Plant and Millsboro Waste Treatment facility, all within a 2 mile radius of our homes. All of this affects our health and well being.

Millsboro is considered a cancer cluster. **Millsboro has a Cancer rate that is 29.8% higher than the national average.**(See attachment from State of Delaware's Web site)

There is currently a air quality problem, a Brownsfield/Superfund Site, and a problem noted recently in the News Journal of Mountaire being the number 1 pollutant of methane gas in this area producing 112,280 tons in 2011. Methane Gas is a potent greenhouse gas that, is like carbon dioxide. Another Slaughter house within 2 miles will more than double the Methane gas that is produced currently.

We are being murdered by industry pollution, please pay attention to the facts that I have noted.

I have included in this complaint a lot of pertinent information that is necessary for your understanding of why I feel we are being discriminated against based on the Environmental Justice Law.

The United States [Environmental Protection Agency](#) defines **Environmental justice** (EJ) as "the fair treatment and meaningful involvement of all people regardless of race, color, sex, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies."^[3]

The idea of 'environmental justice' is simple. It means that everyone should have the right to live in a clean and healthy environment.

Environmental justice is as much about people and communities as it is about issues like pollution and climate change. Unfortunately, poor communities are more likely to live near to polluting industries. They bear the brunt of the harmful health effects associated with pollution. You could argue that

someone has to live close to the industries that all of our modern, consumerist lifestyles rely on. But those on low incomes consume less resources than richer communities. So they are disproportionately impacted.

You might not think of yourself as an 'environmentalist'. But if you think that it's only fair that no community should have to take more than their fair share of pollution and noise, then you believe in environmental justice.

I hope you will take your time and try to read and understand the facts of these charges.

In this complaint I represent the group "Protecting our Indian River" and the low income Blacks, Caucasian, Hispanics that live in this area that do not have the means of responding to these conditions being forced upon them

Thank you,
Joseph Meyer



www.protectingourindianriver.com Facebook "Protecting Our Indian River"

Attachment

Sussex County Cancer Investigation:

2009 Investigations

1. **Requested:** November 2009, by an individual
Geographic Area: Indian River area (operationally defined as zip codes 19939, 19945, 19947, 19966, 19970, and 19975)
Cancer Type: All types (all-site), with an emphasis on female breast cancer

What was done: Calculated 2000-2004, 2001-2005, and 2002-2006 incidence rates for all-site and various other cancer types for the Indian River area. The 2001-05 and 2002-06 all-site cancer incidence rates for the Indian River area were significantly elevated compared to Delaware as a whole. However, when rates for the 24 most commonly diagnosed cancer types were calculated separately for males and females, the data confirmed that significantly elevated bladder and lung cancer rates among Indian River males were responsible for the elevated all-site cancer rates. With the exception of bladder and lung cancer, no other cancer types were significantly elevated among Indian River males. None of the 24 cancer types were significantly elevated among Indian River females. In terms of female breast cancer, Indian River females are no more likely to develop or be diagnosed with the disease at an earlier age than would normally be expected given state and national statistics. A summary report of the investigation was provided to the requestor.

Outcome: In 2009, DPH completed the Indian River Community-Level Survey (IRCLS), a retrospective study designed to investigate lung cancer risk factors among Indian River residents. DPH will use findings from the IRCLS, as well as this cancer cluster investigation, to continue monitoring bladder and lung cancer incidence rates among Indian River males.

The Environmental Justice Act and the Environmental Protection Agency state the following::

1.1 Achieving Environmental Justice Priorities

Achieving environmental justice is an integral part of EPA's mission to protect human health and the environment. EPA works to ensure that all Americans are protected from significant risks to human health and the environment where they live, learn, and work, by enforcing federal laws protecting human health and the environment fairly and effectively and using the best available science. EPA also works to ensure that all parts of society have access to accurate information sufficient to effectively participate in managing human health and environmental risks. Lastly, EPA works to ensure that environmental protection contributes to making our communities and ecosystems diverse, sustainable, and economically productive. EPA has identified three overarching goals for its work on environmental justice: § Protect the environment and health in overburdened communities. § Empower communities to take action to improve their health and environment. § Establish partnerships with local, state, tribal, and federal governments and organizations to achieve healthy and sustainable communities.

The Administrator's priority on environmental justice encourages EPA to identify better ways to address the issues facing many minority, low-income, tribal, and indigenous people regarding environmental and health concerns. To ensure environmental justice is incorporated into all activities, EPA has included specific language in its Fiscal Year (FY) 2011- 2015 Strategic Plan Cross-Cutting Fundamental Strategy: Working for Environmental Justice and Children's Health: "Environmental justice and children's health protection will be achieved when all Americans, regardless of age, race, economic status, or ethnicity, have access to clean water, clean air, and healthy communities."⁴ In addition, EPA recognizes that complying with its statutory obligations under Title VI of the Civil Rights Act of 1964 and other nondiscrimination laws is a critical part of integrating environmental justice in all Agency programs, policies, and activities.

The Agency will use a variety of approaches to meet this commitment, including regulation, enforcement, research, outreach, community-based programs, and partnerships to protect children and disproportionately impacted, overburdened populations from environmental and human health hazards. EPA anticipates that leadership in advancing environmental justice and children's health protection will inspire and engage a broad spectrum of partners in the public and private sector to do the same. The

activities outlined in Plan EJ 2014 support EPA's environmental justice commitments in this Cross-Cutting Fundamental Strategy.

4 U.S. Environmental Protection Agency, FY 2011-2015 EPA Strategic Plan: Achieving Our Vision, September 30, 2010. Available at: <http://www.epa.gov/planandbudget/strategicplan.html>.

Environmental Justice

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Goal

To facilitate the active involvement of all federal agencies in implementing [Executive Order 12898 \(PDF\)](#) (6 pp, 122K, [About PDF](#)) by minimizing and mitigating disproportionate negative impacts while fostering environmental, public health, and economic benefits for overburdened communities.

[Read the implementation plan on administration-wide action \(PDF\)](#) (21 pp, 850K).

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Background

Everyone in America deserves to live, learn, and work in a healthy and sustainable community.

EPA seeks to facilitate the active involvement of all federal agencies in ensuring healthy, sustainable and green communities, as well as equitable development, for all people. To better achieve this goal, EPA is leading the Administration's effort to fully implement [Executive Order 12898 \(PDF\)](#) (6 pp, 122K).

Executive Order 12898 calls for the establishment of an [Interagency Working Group on Environmental Justice \(EJ IWG\)](#). The IWG is chaired by the EPA Administrator. EPA worked with the White House Council on Environmental Quality (CEQ) to reconvene the EJ IWG in September 2010.

EPA is working with other federal agencies to advance environmental justice through coordinated efforts. A coordinated and holistic approach is essential to addressing the full scope of adverse human health and environmental effects in overburdened communities, legacy pollution problems, and cumulative impacts. A coordinated approach can ensure that all communities participate and benefit in the transition to a clean energy economy.

Coordinated efforts include:

- [Partnership for Sustainable Communities](#) - This is an unprecedented agreement by EPA, the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. The agreement coordinates federal housing, transportation, and environmental

investments; protects public health and the environment; promotes equitable development; and helps address the challenges of climate change.

- [National Environmental Policy Act \(NEPA\)](#) - All federal agencies must consider environmental justice issues in their environmental impact assessments
- [Title VI of the Civil Rights Act](#) - This act prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin in their programs or activities.

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Strategies

- Assist other federal agencies with integrating environmental justice into their missions, programs, policies, and activities.
- Work with other federal agencies to strengthen use of interagency legal tools, i.e., NEPA and Title VI of the Civil Rights Act of 1964.
- Foster healthy and sustainable communities, with an emphasis on equitable development and place-based initiatives.
- Strengthen community access to federal agencies.

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Principles of Environmental Justice

[\(Printable PDF version\)](#)

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted 17 principles of Environmental Justice. Since then, *The Principles* have served as a defining document for the growing grassroots movement for environmental justice.

PREAMBLE

WE, THE PEOPLE OF COLOR, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:

1) **Environmental Justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.

2) **Environmental Justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.

3) **Environmental Justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.

4) **Environmental Justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.

5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.

6) **Environmental Justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.

7) **Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.

8) **Environmental Justice** affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.

9) **Environmental Justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.

10) **Environmental Justice** considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.

11) **Environmental Justice** must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.

12) **Environmental Justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.

13) **Environmental Justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.

14) **Environmental Justice** opposes the destructive operations of multi-national corporations.

15) **Environmental Justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.

16) **Environmental Justice** calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.

17) **Environmental Justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

The Proceedings to the First National People of Color Environmental Leadership Summit are available from the **United Church of Christ Commission for Racial Justice**, 475 Riverside Dr. Suite 1950, New York, NY 10115.

Another source of information is the [Environmental Justice Resource Center](#) (EJRC) at Clark Atlanta University.