



*In collaboration with*

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**Date:** March 20, 2023

**Interviewer:** Sophia Chimbanda

- 00:00 Sophia Chimbanda** All right, there we go. So, hi again. Thank you for meeting with me today. As you already know, I'm Sophia, I'm a senior, here at Duke. And just to kind of give you a brief overview of what it's gonna look like, we're gonna start with just some general questions about your personal background, as well as, kind of how you got into the EJ (Environmental Justice) Movement, and then where you see the EJ Movement kind of headed, if that sounds good with you.
- 00:25 Blakely Hildebrand** OK, sure.
- 00:27 S.C.** So, the first question is just where do you consider home?
- 00:32 B.H.** Sure. Home, home right now is Durham, North Carolina. This is where my family is, my immediate family, my spouse, my children. But I grew up in western North Carolina.
- 0:43 S.C.** Very nice, and when did you move from western North Carolina to the Triangle area?
- 00:48 B.H.** Initially in 2002, and then I left again, and came back in 2011, and I moved to Durham in 2014. So yeah, I've been in and out of the state for the last 20 or so years.
- 1:08 S.C.** Love (that). And were there—is there anyone that you knew when you were younger that was kind of involved in advocacy of any kind? Did it

**influence you, and kind of, what was your relationship to advocacy as a child?**

**1:19 B.H.**

Sure, my parents were both... (they) instilled in my siblings and I a very strong public service ethic, and were advocates in their own way, in our community, through politics and board service and volunteering. My mom served in the legislature for a little while, in fact, and, I think... we were always thinking—I grew up in a faith community where social justice and public service were extremely important. And so, I think from an early age, advocacy has been kind of my part of my life—and advocacy can look a lot of different ways, right? It can be volunteering, it can be political, it can be in a courtroom, and I—there are several lawyers in my family who advocate in that way. But always, public service and advocacy has been kind of part of my life... in one way, shape or form.

And in my own life, that manifested as Girl Scouts, and volunteering from a very, very early age in my neighborhood, and with community organizations, and through my church, and as I got older, advocacy, for me, looked like engaging in the political process, Get Out the Vote, working for candidates. And as I've gotten older, I've committed my career to public service, whether it's in public education—which is what I worked on before I went to law school—or as an advocate in courts, and in other kind of legal fora.<sup>1</sup> I've certainly kind of held on to that—that ethic of public service and advocacy is something that is central to my own vocation and career.

**03:26 S.C.**

**Love, yeah. And when did you decide to go to law school? And why did you decide on environmental law, to practice?**

**03:33 B.H.**

Sure. So, I really didn't want to go to law school for a long time [laughs] and I—there are several lawyers in my family, and they practice different kinds of law, but mostly in the private sector, representing individual plaintiffs, and I... the work didn't excite me—the work that they did didn't excite me, and I didn't have a kind of broad enough worldview to really understand that lawyers can do a lot of different things, and not just what these members of my family did with their careers. And so, I graduated from college and went and worked on a political campaign, and then moved to D.C., and saw—I got a much broader view of what lawyers do,

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<sup>1</sup> Plural of forum.

and what legal advocacy can look like. And it was when I was in D.C. that I started thinking about law school, and I moved to New York, and then I moved back to D.C. and I was like, ‘OK maybe it’s time to go back to graduate school.’ And so yeah, I ended up coming back to North Carolina to go to UNC; UNC Law has a very strong public service and pro bono progra—strong public service and pro-bono programs—and I was fortunate to have in-state tuition, `cause I’m from North Carolina.

And so, I came back to North Carolina for law school. And, all throughout that time, that kind of exploratory time between undergrad and law school, I was interested in environmental policy. I wrote my undergraduate honors thesis on mountaintop removal coal mining, and spent a summer in Southern Virginia—I’m sorry Southern *West* Virginia, excuse me—meeting community members who have been impacted by environmental devastation, and really wanted to do that work, and found that law school was really the shifting point for me. I—in D.C. and in New York, I was involved mostly in education policy, which I also really enjoyed, but wanted to make a shift in law school, and so used law school as a pivot point, and focused my studies and my extracurricular and job opportunities, and internships, on pursuing a career in environmental law—and I was very fortunate to land at SELC after law school.

**06:16 S.C.** **Very cool. And do you have any sort of initial moments or memories, when you kind of first remember learning about the Environmental Justice Movement, and feeling like it was the place where you wanted to spend your career in?**

**06:33 B.H.** Yeah...hmm... I’m trying to think of a moment or an experience. I think my entry point into this work has primarily been through the work that I do to address pollution, and environmental injustice from industrial animal agriculture. North Carolina is (the) #2 producer of hogs in the country, and (the) #3 producer of poultry in the country, and that means that our state is really plagued, with pollution, and odors and the real kind of... interruption of quality of life, that people experience, as a result of this largely unregulated industry. And so, the more I met with people who live nearby these operations, the more I understood the public health burden that these communities... bear on a day-to-day basis, the more engaged I got in environmental justice work. You can’t work on pollution and natural

resource issues in North Carolina—in particular in Eastern North Carolina—without working on environmental justice.

And so, I... hesitate to say that I sought out EJ work, but rather, it is such an integral part of the work that I do, and you can't—the communities that I work with, for them environmental justice is an extremely important part of the narrative, right? For us, as an advocacy organization, EJ is a very important part of the story that has to be told to bring light to what's going on on the ground, and also to seek justice for the folks who are living in Eastern North Carolina, where most of my work is.

**08:39 S.C.**      **Yeah, and how has your work sort of evolved over time? This could be topics you focused on, initiatives you engaged in, that sort of thing.**

**08:48 B.H.**      So, clarifying question, you mean in my own career at SELC, how has my—

**08:51 S.C.**      **Correct.**

**08:52 B.H.**      What's my arc been?

**05:52 S.C.**      **Yeah.**

**08:53 B.H.**      Yeah. So, I've worked on a variety of issues at SELC. I have been at SELC since 2014, so, going on nine years. I started out working on, mostly water quality and coastal protection work. I'm involved, still, in a case that we brought challenging a clean water act permit, in Beaufort County trying to—and our goal was to protect this small recreational fishing creek that's been an attraction for folks, or fisher people across the region, for decades; and I started working on CAFO<sup>2</sup> issues early on in my time at SELC. I then joined our offshore drilling team, when offshore drilling off the coast of North Carolina became a real threat, to our coast, and my work kind of, in that space, evolved over time. So, I've worked on a lot of different issues—fisheries issues, I worked on fisheries issues in there, as well—but the one issue I've worked on fairly consistently across my eight-and-a-half to nine years at SELC is addressing pollution, water pollution in particular. Water pollution, air pollution, climate crisis, and environmental injustice, as a

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<sup>2</sup> Concentrated Animal Feeding Operation

result of livestock industries' polluting practices in Eastern North Carolina. And that is now almost exclusively my focus, the focus of my work, and I'm really happy to say that our work is—and SELC has been engaged in this work for a very long time, mostly in North Carolina, and I'm happy to say that we're expanding that work outside North Carolina into other states in our region as well.

**10:43 S.C.**      **Very cool. And what has been your favorite memory from the work you've done thus far at SELC?**

**10:50 B.H.**      Oh... hmm... I really enjoy being with our clients; It's been, for the two-and-a-half years or so when we weren't gathering or traveling, or really seeing anyone except on a screen, I—I confess I struggled a lot to stay connected to our work, even though that was a very, very important time, in our work, as swine waste energy or biogas projects started to get off the ground, and there's a lot of litigation activity and other activity on this issue. But I think my fondest memories really are, being in Eastern North Carolina, spending time with our clients, driving around, seeing people, seeing this work that we do, on the ground—it's very easy to kind of... let me rephrase that... it's hard to connect with the work when you're only looking at it on a computer screen. It's very different to go down to Eastern North Carolina, drive down Highway 24, back roads in Duplin and Beaufort counties, smell the smells, see the operations, experience—for only a tiny snippet of time—what community members experience on a daily basis. And having fellowship with community members at community events has always been really meaningful to me. I know the EJCAN, Environmental Justice Community Action Network, had a great open house at their relatively new office in December, and just seeing many community members, reconnecting with them, being in—being in community with people was just a really lovely experience.

So that's I think a recent memory. I know that there are many more that are living back there in the depths of my memory, but just as a highlight I think that experience in December—and then I think, I guess October of 2021, I participated in a series of meetings and a tour with some members of the White House Environmental Justice Advisory Council, who came down to North Carolina to see first-hand, what life was like down here, really. And... part of that tour, which was organized by Sherri White-Williamson and EJCAN, was a series of community meetings in Robeson County and

Duplin County and Sampson County. And I was on this tour as an observer, not really as a participant, and that was a really meaningful trip for me, because not only did I hear from community members, I was hearing from community leaders, and people who were coming from outside of the region and asking questions and making observations. And, it was a very, I think—it was a very helpful reminder about why we do the work that we do, and why it's so meaningful for people, who live there, but also personally meaningful for me as well.

**14:04 S.C.**      **And, you kind of mentioned this with being on screens and not connected with community members, but what are some of your most frustrating or troubling memories of the work that you've done?**

**14:16 B.H.**      Sure, I mean not being able to see people who was one. But I think one of the... inherent challenges of this work, on this particular issue is that, it is... how do I say this? It's a politically fraught issue. Our elected leaders from both parties are unwilling to stand up to the agricultural industry, to the hog industry, specifically, and, so some of my most frustrating moments are—relate to that in particular. So a couple of years ago, we fought really hard against the Farm Bill, the 2021 Farm Bill, which created this fast-tracked, one-size-fits-all permit for hog operations that wanna install digesters,<sup>3</sup> which, in our view, will actually make pollution problems worse for people on the ground. And we pushed really hard with the governor, and we thought we made a really compelling case, and we think we did, and the EPA has taken up this issue as well, but the governor decided he couldn't veto the bill, and put it into this program. So here we are two years later, and we have that one... fast-track permitting system, that is achieving the goals that the legislature set out to achieve, which was making it easier for hog operations to install digesters and potentially make pollution even worse for these communities. And that's just an unfortunate consequence of that... political power that the industry wields. And, that's not to say that we aren't fighting this in other ways—of course, we're in court, we filed a civil rights complaint. But it's just unfortunate that our elected leaders, whose job it is to listen, and protect, and represent

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<sup>3</sup> Systems that break down organic materials like cow manure. In North Carolina there have been [conversations](#) around placing digesters in swine operations to breakdown organic matter and produce methane for use as a natural gas energy source.

communities across the state—not just the agricultural community or the agricultural industry—didn't step up and do their jobs, in that regard.

**16:33 S.C.** **Yeah, and how often would you say that, not only you, but just SELC broadly, is in communication with these sort of government officials?**

**16:41 B.H.** Oh, all the time, all the time. Yeah, we regularly communicate with... the executive branch and the legislative branch. We're fortunate to have a legislative counsel at SELC who spends most of her time at the legislature, when the legislature is in session. I'm in regular communication with—as are many of my other colleagues—with the North Carolina Department of Environmental Quality, and other agencies that do work that touches on the environment; for instance, Department of Transportation, (Department of) Natural and Cultural Resources, I'm trying to think of others... And we're in regular contact with those agencies, we're not always adverse to those agencies, we often, we do like to work with them, as well, to advance change, and we support those agencies using their authority under environmental protection laws to, in fact, protect the environment and the communities that rely on it. And we also are in touch with—we have a D.C. office in Washington, D.C. that is tracking legislation on the Hill, they're lobbying on the Hill, they're in regular communication with... executive agencies, and keeping their finger on the pulse of what's going on in D.C., as well.

**18:06 S.C.** **And, you mentioned some organizations that you've kind of partnered with, or specific people that you've worked with, but what are just some other organization-specific people that have helped you do your work?**

**18:19 B.H.** Sure, so, several come to mind, Sherri White-Williamson of the Environmental Justice Community Action Network (EJCAN). I've often told Sherri she's my shero. She has had an incredible career already, and then decided to go to law school and move back to Sampson County, where she's from, and start EJCAN, which is doing really amazing work in Sampson County—helping to secure funding to do wastewater hookups, organizing her community members to oppose these biogas projects, educating her community members. They just do so much work in Sampson County. So, Sherri is a great partner. [clears throat] Excuse me. We're also—and full disclosure, we represent EJCAN, Environmental

Justice Community Action Network, in litigation about biogas. Some of our other partners in that region include, at the Duplin County NAACP, we've worked very closely with Mr. Robert Moore, who (was) the president of the NAACP in Duplin County, and William Barber III, who is part of the North Carolina Poor People's Campaign; Southern Environmental Law Center represents the Duplin County NAACP and the North Carolina Poor People's Campaign in a civil rights complaint, that's pending at the U.S. Environmental Protection Agency right now<sup>4</sup>. And so, we work with those partners very closely, kind of moving that process forward.

We've also worked closely with REACH, the Rural Empowerment Association for Community Help in Duplin County, with Mr. Devon Hall, Sr.<sup>5</sup> in particular, and we aren't representing them actively on any particular piece of litigation, but they've always been one, a great source of—a great resource for some information—but also a partner on the ground. Mr. Hall and his organization have been instrumental in advancing our understanding about how CAFOs affect communities, and they participate in a lot of community-based research with Johns Hopkins (University) and (the) UNC School of Public Health,<sup>6</sup> and other organizations that are really trying to understand, again, how CAFOs affect—and when I say CAFO, I mean 'Concentrated Animal Feeding Operation(s)'; It's shorthand for industrial animal agricultural operations. But REACH has been instrumental in helping advance our understanding of how those operations affect human health.

**20:47 S.C.** **Gotcha. And (along with) research (and) talking to folks, what are some other ways that you kind of engage with these community members, or these partners, outside of litigation? Either you personally, or SELC.**

**20:59 B.H.** Sure, so—and I should say, I'm speaking about my particular work. We have... relationships with a lot of other community organizations throughout—across SELC. Yeah... so I am only speaking about my particular work. Your que—oh about, sorry your question was, how else do

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<sup>4</sup> As of January 2024, there have been no updates on the [EPA's investigation](#) of this Civil Rights complaint, originally announced in January 2022.

<sup>5</sup> Co-founder of REACH

<sup>6</sup> University of North Carolina Gillings School of Global Public Health



we engage with community partners beyond just litigation? Research is a huge piece of that, right, so, REACH, as I mentioned just a moment ago, REACH, Rural Empowerment Association for Community Help out of Duplin County, has been at, really at the forefront of working with communities and academic institutions to understand how industrial animal agricultural operations affect community health. North Carolina Environmental Justice Network (NCEJN)—which I should have also mentioned as a as a partner, an active partner—is also participating in community-based research, and they organize on the ground. SELC, Southern Environmental Law Center, we are not organizers, we don't have organizers on the ground, and so, most of our communication are with these community group, community organization leaders; And those community organizations like NCEJN, REACH, EJCAN, and so on, have organizers on staff that do the... person-to-person communication, and get the word out, and gather information, from the grassroots, and send that information out, so that we—so that our legal strategies and our advocacy efforts can be well-informed, and so that community members feel like they have a voice in what we're doing on the, about the issues that we're advocating, on their behalf. So, yeah.

**22:57 S.C.** **And what are some of your biggest personal aspirations or hope(s) for the EJ Movement, currently?**

**23:05 B.H.** Oh... I hope that environmental justice is not just a trend. I hope that environmental justice and the pursuit of environmental justice is here to stay, and that states and federal governments—as well as local governments—take their obligations to comply with civil rights laws and environmental justice rules and regulations seriously. I also hope that we can—we as in, the collective we—can, I hope that our decision makers will adopt stronger policies that center environmental justice in decision-making. One of the more difficult parts of my job, and other EJ advocates' jobs, is that—figuring out how to best... pursue environmental justice in our current legal system, right, because there aren't really strong, sharp legal tools in our toolbox to help us pursue specifically environmental justice. We rely on civil rights laws, which are strong in their own right, but don't necessarily provide us with, again, great tools to use to pursue environmental justice.

So, that was a long way of saying, I hope our elected officials will adopt the legislation, or... yeah, will adopt legislation that centers environmental justice, and prioritizes environmental justice and environmental permitting and, yeah; And that, in the interim, between now and that time, that decision-makers really center environmental justice in their decision-making—as is their, in my view... is their legal obligation. And I hope that communities feel empowered to push and continue to push. I hope that environmental justice does not... is not a divisive issue. You know, this shouldn't be a partisan issue, it should be a nonpartisan issue; Pursuing environmental justice should not be controversial, but it is—to some, to some, to some, it is. There's some members of Congress, there's some members of the North Carolina legislature who don't wanna talk about it, they don't think it ex—they don't think that it's worthwhile, they don't think that environmental justice is something worth pursuing, and I hope that changes over time.

**25:52 S.C.**      **Yeah. And you touched on this briefly with your last answer, but just sort of large-scale, what do you see as the biggest challenge facing EJ advocates currently?**

**26:02 B.H.**      Oh, I think the biggest challenge is the lack of targeted, and... the lack of targeted legal tools to pursue environmental justice. Just to flesh that out a little bit, the Supreme Court has determined that litigants cannot file a case in federal court, under Title VI<sup>7</sup> of the Civil Rights Act of 1964, which prohibits federal funding recipients from discriminating on the basis of race, ethnicity, or national origin from... sorry let me try that again; So, Title VI of the Civil Rights Act of 1964 prohibits federal funding recipients from discriminating on the basis of race, national origin, or ethnicity, and the Supreme Court has determined that Title VI cases filed in federal court can only allege *intentional* discrimination claims. In other words, a litigant cannot file a case in federal court... unless that litigant is filing *intentional* discrimination claims, they cannot file claims about discriminatory *impact*, which is what we have a lot of evidence of—that an agency, a state agency, a federal agency, some other recipient of federal funding, is making decisions that result in discriminatory impact or disproportionate impact on

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<sup>7</sup> Six

communities of color. But that is not a cognizable case, that case cannot be brought in federal court.

If we had evidence, if a litigant had evidence of intentional discrimination—in other words, a decision is being made *because* of its impact on communities of color, that case could be brought in federal court. But that sets a very, very high evidentiary bar, and unfortunately... the avenue that is left, when you take federal court kind of out of the mix, the avenue that's left is filing a Title VI complaint with the U.S. Environmental Protection Agency, or whatever the relevant federal agency is, and that—while, I know now, EPA has some really thoughtful and smart and motivated people in positions of authority there, it's a bureaucracy and it moves slowly, and rarely does it amount to any significant change, on the ground for folks. That was a very long and winding answer, but that's what I got for ya.

28:47 S.C.

**No, that was good, yeah. And what has been some of the largest progress that you've seen within the EJ activism space—also large-scale, broadly.**

28:56 B.H.

Well, so, my again, my work in the EJ space has been on this kind of particular issue, and so I'm not sure I'm the best person to speak about the broader EJ Movement. From where I sit, I am encouraged to see EPA, and our state environmental agencies talking about EJ, and including EJ in their administrations' priorities. That has not been the case, ever, in the past, and so I, it's a... some would argue that these agencies have not, federal and state agencies have not followed up on that commitment in their statement of priorities, that the actions that these agencies have taken have been performative at best, but—and there is definitely some validity in that comment, and that concern; (but) I do think it's worth acknowledging that environmental justice has not been on the priority list for administrations, in the past, and so I think... there is room to praise our governor, and our president, for prioritizing environmental justice and centering environmental justice, at least in their narrative, as they develop policy. Of course, implementation of those policies, and following through on those commitments is another thing, but they're talking about EJ, and that's, I think, a win.

**30:35 S.C.**      **And what advice would you give to someone who wants to get involved in the environmental law space, but doesn't necessarily know where to start?**

**30:50 B.H.**      ... start at home! Like, what are the—I say that flippantly, I don't mean it flippantly, no, I... I think there are a lot of amazing organizations that are doing great environmental justice work. And so, I, follow those organizations, see what they're doing, track their news—[reaches for something off-camera] excuse me—track their happenings, their cases, see if there are opportunities for volunteering. If you're from an area where there are, there *is* an organized environmental justice movement—we are so lucky in North Carolina to have a really active and robust community of organizers and advocates that care so much about pursuing environmental justice and really center environmental justice in their organization's mission, and their work. If you live in a place like North Carolina, there are so many places to plug in, right, through volunteering your time, through donating, through... financial support.

Environmental law is a hard space to get into, I will confess; I'm not sure if your que—forgive me—I can't remember if your question was focused on environmental law, specifically, but, I do think that if pursuing legal advocacy is a goal, I, of course, law school. But during law school, pursue opportunities to partner with and support organizations that are doing environmental justice work. I have—I know some people are cynical about working for federal or state government, but I think it's really important to have people in government who care a lot about, and prioritize, and understand environmental justice and what it is, and what it means to pursue environmental justice. And so, I think there's no real kind of... there are lots of opportunities to pursue environmental justice work, and whether it's in-house at a corporation that may have an impact in, on a community—being the voice that stands up and says, “Hey, wait! Have we looked at what this impact, or what this project's gonna do, have we talked to the community members, have we engaged with community, have we been transparent about our decision-making and siting processes?”

There's room for EJ work there, there's room for environmental justice work at the government level, there is room for, obviously, for environmental justice work in the NGO space, as well. And then, of course, community groups—impacted community members should be leading this

work, informing the direction of the work, informing the strategies, and so, if there are opportunities to plug in directly with environmental justice organizations, I think that's a wonderful opportunity, as well.

**33:51 S.C. Yeah. And what is your vision for the future of this movement?**

**33:59 B.H.** ... I think I touched on this earlier. This is a hard question, because I, again, I'm looking at this from a fairly kind of narrow... issue, but it's a significant issue in North Carolina. As I said before, my vision for this work, and moving forward, is that environmental justice is centered—is a central component of environmental decision-making; That as an agency is making a decision about whether to permit a project, whether to approve a site—the siting of a particular industry—that they are actively, meaningfully engaging with community members, not just checking a box on a form that says, “I held a stakeholder meeting”; That environmental justice analyses and cumulative impact analyses are a central part of the decision-making process; That agencies are taking seriously their legal obligations under civil rights laws; And then, of course, as I was saying earlier, I would like to see stronger legal tools that are available to communities and advocates to really pursue environmental justice, in a meaningful, and direct way, rather than having to kind of work through the various legal tools—not so strong legal tools that we have to use to pursue environmental justice.

**35:31 S.C. Kind of wrapping up—to kind of end on a more positive note, what makes you excited for the future of the EJ Movement?**

**35:43 B.H.** There are a lot of wonderful people doing amazing work. I mean, I talk about Sherri again, but just over the last three years, she, I think she founded EJCAN in July of 2020, (and) she has expanded her membership—or EJCAN has, I give... Sherri most of the credit for this—they have expanded, EJCAN has expanded their work, expanded their membership; They have monthly meetings, they are active in state conversations about some of the most pressing environmental justice needs. I guess... and their reach is well beyond Sampson County.

And so, what excites me, what gives me hope: seeing work like EJCAN's work, growing and getting attention—the attention it deserves, and what that means is, community voices can be centered in conversations about what's going on at the landfill, or... what decisions are being made by

DEQ<sup>8</sup> on various permits, and where wastewater funding, wastewater infrastructure funding needs to be directed. So, I'm really excited to see how much energy there is on the ground with organizations like EJCAN, and REACH, and other—and North Carolina Environmental Justice Network, who are doing some really exciting, and interesting, and thoughtful things, and really, kinda starting, engaging also another generation of leaders and activists and organizers, in this work, so—

- 37:24 S.C. Yeah, and then the last question I have for you: is there anything else that we haven't discussed today, that you would like to talk about?**
- 37:32 B.H.** Hmm. I cannot think of anything, yeah, yeah. But thank you for doing this, Sophia. This is really—I'm excited to see how this all comes together.
- 37:42 S.C. Yeah, for sure, and we'll send you a copy of this interview, as well as keeping you up to date on all the other interviews that we conduct, and how we end up kind of putting them together in some semblance of a final project.**
- 37:53 B.H.** OK, very good. Well, thank you so much, and good luck to you.
- 37:58 S.C. Thank you, you as well. Have a nice drive.**
- 38:00 B.H.** Thank you, take care, bye-bye!

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<sup>8</sup> Department of Environmental Quality