

North Carolina Legislator Profile

Charles Graham: (D-Robeson) House District 47

**"We are not being fair to citizens who are in these areas and who have sent members here to advocate to protect them and to protect their children and we need to do that." – Charles Graham before voting in support of coal ash cleanup bill that left out Robeson County.
(Power-ENG, [7/3/14](#))**

Representative Charles Graham (D-Robeson) was elected to the North Carolina House in 2010 and is currently serving his fifth term.

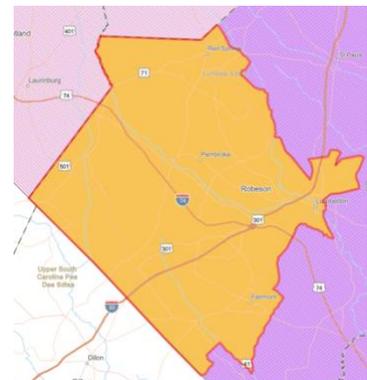
Graham has a history of siding with Republicans instead of his constituents when it comes to protecting clean air and water. Graham's votes prioritized big corporations like Duke Energy instead of the people he was elected to represent.

Graham voted for H467 in 2017, which prioritized big agricultural companies over nearby residents suffering from environmental hazards affecting their quality of life. Graham also supported H576, a bill that would have allowed landfill operators to dispose of "garbage juice" by spraying it into the air, sending harmful chemicals flying over neighbors' homes and businesses. Robeson county is majority people of color and people of color are more likely to live near solid waste facilities. Finally, Graham voted in support of S729, which allowed Duke Energy to charge customers to clean up its coal ash mess, but the bill did not include Robeson county on the list for priority cleanup.

Rep. Charles Graham



House District 47



Summary:

- **Graham voted for H467 in 2017, which prioritized big agricultural companies over neighboring residents suffering from environmental hazards.**
 - H467 limited the amount of money people can receive in lawsuits filed against agricultural operations for nuisances.
 - Neighbors of hog farms suffer clouds of flies, intense smells, and are forced to quarantine themselves.
- **Graham voted for H576, which would have allowed landfill operators to spray "garbage juice" in the air, putting harmful toxins in the air and threatening neighbors.**
 - H576 would have allowed operators to dispose of "garbage juice," or the liquid that piles up in landfills, by spraying it in the air.
 - Landfills are disproportionately located in communities of color and low wealth communities.
- **Graham voted in support of S729, which allowed Duke Energy to charge customers to clean up its coal ash mess and did not include Robeson County for priority cleanup.**
 - Graham voted to allow Duke Energy to charge customers to clean up coal ash.
 - Despite unsuccessfully proposing an amendment to add Robeson county to the high priority cleanup list, Graham voted for S729.

Graham voted for H467, a bill that prioritized big agricultural companies over neighboring residents by limiting the amount of money people can receive in environmental nuisance lawsuits.

- **NOTE:** Graham voted to override the Governor's veto of H467 on [5/10/17](#).
- **NOTE:** Graham voted to concur with Senate committee substitute on [4/27/17](#).

H467 limits the amount of money people can receive in lawsuits filed against agricultural operations for environmental nuisances.

H467 limits the amount of money people can receive in lawsuits filed against agricultural operations for disturbances. "The bill would limit the amount of money people could collect in lawsuits filed against agricultural operations for disturbances such as odors and pollution. Under the bill, the person suing could be compensated only for the decrease in rental income the property could generate because of the smells and gases coming from hog farms, as opposed to being compensated more generously for the loss of quality of life as a jury sees fit." (News & Observer, [4/5/2017](#); H467, veto overridden [5/11/2017](#))

H467 limits the damages that can be awarded to a property owners to no more than the actual market value of the property. "Under House Bill 467, the damages that a court could award to a property owner who claims nuisance damage by a nearby agricultural or forestry operation to no more than the actual market value of that property." (WRAL, [5/5/2017](#); H467, veto overridden [5/11/2017](#))

Neighbors of hog farms suffer from clouds of flies and intense smells; as a result they are forced to quarantine themselves.

About 500 rural neighbors of massive hog farms say that clouds of flies and intense smells remain a problem, causing headaches and infusing households. "The 2014 lawsuits by about 500 rural neighbors of massive hog farms allege that clouds of flies and intense smells remain a problem nearly a quarter-century since industrial-scale hog farming took off. The smells can spark headaches and infuse households, they complain. Wind-driven spray has been known to coat a home's exterior in liquefied excrement, some said. The smell clings to clothes." (WRAL, [4/9/2017](#))

Former NC hog farmer Don Webb: "an American should not have to smell someone else's feces and urine. And that's what they want to force with this bill." "Don Webb, a former hog farmer from eastern North Carolina, was livid as he addressed the room. "When I found out what I was doing to my neighbors, I got out of the hog industry," he fumed. "It was a feces and urine factory, and not a waste factory. I'm a human being. I'm an *American*. And an American should not have to smell someone else's feces and urine. And that's what they want to force with this bill. You want to play with my constitutional rights to not be able to sue. You want to take away because I'm not a millionaire. You want to take that right away from me, and other people. You've got no right to do it, and you know it. I'm telling the truth! You know you're wrong." (IndyWeek, [4/5/2017](#))

"Notoriously toxic" hog farms cause residents to quarantine themselves, saying it's a "horrible and nauseating way to live." "North Carolina's industrial hog farms are notoriously toxic, storing millions of gallons of feces and urine in open-air cesspools. When those pools fill up, the hog waste sprays into the air, activists say, and can even make its way into peoples'

homes. The stench and fumes can be so repulsive that people living near the farms will quarantine themselves inside or only step outside briefly. In short, nearby residents say, it's a horrible and nauseating way to live. "I live in the middle of around twenty hog farms," Nick Woodard, who drove several hours from eastern North Carolina to attend the hearing, told the *INDY*. "And they smell so bad you can hardly come outside most of the time. And we just want to try to stop the pollution. The hog farms are polluting our areas and we want to try to stop them." (IndyWeek, [3/30/2017](#))

Graham voted for H576, which would have allowed landfill operators to spray "garbage juice" that would have put harmful toxins in the air and threatened the health of nearby residents who are most often low-income communities of color.

➤ **NOTE:** Graham voted for H576. House passed 2nd reading [4/25/17](#).

H576 would have allowed operators to dispose of "garbage juice," or the liquid that piles up in landfills, by spraying it in the air.

H576 would allow landfill operators to use aerosolization to dispose of leachate by "spraying it into the air over their property" without a permit. "House leaders are pushing ahead with a proposal to require state environmental regulators to allow the disposal of landfill wastewater and fluids that leak out by spraying it into the air over their property without a permit. The process, called aerosolization, is favored by the waste industry and by other industries that deal with large quantities of wastewater. As amended Thursday, however, it would not apply to dewatering coal ash." (WRAL, [4/20/17](#); HB576, vetoed by Gov., [6/30/17](#))

Leachate refers to the "garbage juices" that percolate and react beneath waste that typically contain dangerous materials such as lead, mercury, and other toxic materials. "Beneath the 5.5 million cubic yards of "airspace" — the amount of trash mounded above ground — garbage juices percolate inside the landfill liner. That liquid then drains into a giant holding tank, where it mixes and percolates and chemically reacts. Although the landfill is permitted to accept only "non-hazardous" waste, no one is opening every bag and checking for pesticide containers or cleaning solvents. The leachate — or landfill juice, to be inelegant for a moment — often contains lead from electronics, mercury from batteries, bacteria and viruses from dirty diapers; antibiotics, hormones and other toxics from routine prescription and specialized chemotherapy drugs; volatile organic compounds from plastics, toner cartridges, glues and cleansers." (NC Policy Watch, [5/2/17](#))

Aerosol droplets from leachate could threaten neighboring or downwind properties. "Aerosolization blasts leachate through a high velocity fan, turning it into droplets that evaporate or blow away, reducing leachate volumes. Critics worry that the aerosol droplets, containing toxics or bacteria, may threaten neighboring or downwind properties. A larger question is why, if the technology can be operated safely - something that the industry claims, but that has not been demonstrated to any state agency - it needs a special exemption from state permitting laws." (Southern Environmental Law Center, Retrieved [5/5/2017](#))

Landfill runoff contains a range of chemicals and toxins that "don't simply fall out of the solution" through aerosolization. "Brooks Rainey Pearson with the Southern Environmental Law Center said landfill runoff is known to contain a range of chemicals and toxins, which is why it's required to be processed and purified as wastewater. She said those chemical compounds don't simply fall out of solution when it's turned into tiny droplets." (WRAL, [4/20/17](#))

Landfills are disproportionately located in communities of color and low wealth communities.

Scientists: “Solid waste facilities are disproportionately located in communities of color and low wealth.” Solid waste facilities present numerous public health concerns. In North Carolina solid waste facilities are disproportionately located in communities of color and low wealth. In the absence of action to promote environmental justice, the continued need for new facilities could exacerbate this environmental injustice.” (Environmental Health Perspectives, [07/09/2007](#))

Robeson County consists mostly of people of color. (US Census Bureau, [7/1/18](#))

Graham voted in support of S729, which allowed Duke Energy to charge customers to clean up its coal ash mess and did not include Robeson County on its priority clean up list.

➤ **NOTE:** *Graham voted for S729 conf report, [8/20/14](#).*

Graham voted to allow Duke Energy to charge customers to clean up coal ash.

Graham voted for S729 alongside a Republican majority despite Republicans voting down a House amendment that would have protected ratepayers from paying for Coal Ash cleanup. (S729, [7/3/14](#))

Federal authorities have launched a Grand Jury investigation into Duke and the McCrory administration’s relationship following Feb. 2, 2014 Coal Ash spill into Dan River. “Federal authorities have launched a criminal investigation into a massive coal ash spill into a North Carolina river, demanding that Duke Energy and state regulators hand over reams of documents related to the accident that left a waterway polluted with tons of toxic sludge. The U.S. Attorney's Office in Raleigh issued grand jury subpoenas seeking records from Duke and the North Carolina Department of Environment and Natural Resources. The subpoenas seek emails, memos and reports related to the Feb. 2 spill into the Dan River and the state's oversight of the company's 30 other coal ash dumps in North Carolina.” (AP, [2/13/14](#))

Despite unsuccessfully proposing an amendment to add Robeson county to the high priority list, Graham voted for S729.

➤ **NOTE:** *Graham introduced S729 A10, tabled [7/2/14](#).*

Prior to voting, Graham said that legislators weren’t “being fair to citizens.” ““We are not being fair to the citizens who are in these areas and who have sent members here to advocate to protect them and to protect their children and we need to do that,” said Rep. Charles Graham, D-Robeson, whose amendment to add the Weatherspoon Plant in Robeson County to the high-priority list was tabled and not voted on.” (Power-ENG, [7/3/14](#))

Graham voted for S729 despite saying that legislators need to protect citizens and their children. (S729, [7/3/14](#))

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