



HOGWASHED

*A powerful special interest. Shameless politicians. Failed regulations.
An in-depth look at Big Pork in North Carolina.*

by **KEN FINE** and **ERICA HELLERSTEIN**

photos by **ALEX BOERNER**

EDITOR'S NOTE: This is the first of a three-part investigation into North Carolina's hog-farming industry. This story will examine claims by lower-income African-American residents of eastern North Carolina that neighboring hog farms have polluted their properties and efforts by lawmakers to shield pork producers from litigation. The second story will look at the environmental impacts hog farming has had over the last two decades, particularly on waterways such as the Neuse River. The final piece will discuss ways to make the hog industry more sustainable, both for the environment and the state's rural population, and the political and financial reasons those steps have not been taken.

PART ONE: THE STENCH

I. "Nobody Else Will Ever Live on This Land"

Rene Miller pokes a lavender-frosted leg out of her front door and grimaces. It's a bright April afternoon, and the sixty-six-year-old Miller, with a stoic expression and a dark crop of curls, braces herself for the walk ahead.

Her destination isn't far away—just a half-mile down a narrow country road, flanked by sprawling green meadows, modest homes, and agricultural operations—but the journey takes a toll. Because as she ambles down the two-lane street, stepping over pebbles and sprouts of grass, the stench takes hold—an odor so noxious that it makes your eyes burn and your nose run. Miller likens it to “death” or “decomposition,” to being surrounded by spoiled meat.



Rene Miller

As bad as it is today, she says, it's nothing compared to the way it is on a muggy afternoon in August, when the stink hovering in the stagnant, humid air can nearly "knock you off your feet."

Still, Miller makes this trip often, to honor her family and pay her respects. She points ahead to her family cemetery, which sits just off Veachs Mill Road in Warsaw, an hour's drive east from Raleigh. It's a stone's throw from her one-story, white-walled house, part of a tract of land her great-grandmother inherited as part of a post-slavery land grant. When she gets to the cemetery, she stops in front of her nephew's grave, recalling his life and his death to cancer. Purple and yellow wildflowers nip at its edges; nearby, a Steelers flag rustles in the wind.

"How long have we lived here? Always," she says, gazing at her grandmother's headstone. "And we always will. Nobody else will ever live on this land."

The odor isn't just her problem. It's ubiquitous across parts of eastern North Carolina. It's the smell of hog country, of millions of pigs and even more tons of their feces. For years, their waste and its stink have been the subject of litigation, investigations, legislation, and regulation. A growing body of research has documented the industry's health and environmental risks. The issue has been well examined in the media, too. *The New York Times* and *The Washington Post* covered it. So have *Date-line* and *60 Minutes*. *The News & Observer* earned a Pulitzer Prize for reporting on it in 1995.

Nonetheless, the stench—and its consequences, both for the lower-income, largely African-American neighbors of the hog farms and the state's environment—lingers. The obvious question—*why?*—has been at the heart of a months-long *INDY* investigation that has led reporters to raucous legislative hearings, a tiny airplane, and stories about death threats shared over a glass of sweet tea. This series will explore what the newspaper has learned—and what can be done to solve North Carolina's pervasive hog-waste problem.

II. "Recognized as Environmental Racism"

To understand Rene Miller's predicament, you have to start with the pigs.

Their population in North Carolina has skyrocketed in recent decades. In 1986, North Carolina ranked seventh in the country in pork production; thirty years later,



Miller's family cemetery in Warsaw

it's second only to Iowa, with an estimated 9.2 million pigs on 2,217 hog farms, according to the U.S. Department of Agriculture's quarterly hog survey and the 2012 U.S. Census of Agriculture. The pigs have ushered in a \$2.9 billion-a-year industry that employs more than forty-six thousand people in North Carolina, but those hogs also produce millions of tons of feces. In one year alone, an estimated 7.5 million hogs in five eastern North Carolina counties produced more than 15.5 million tons of feces, according to a 2008 report by the General Accounting Office.

Nowhere are the impacts more profound than in Duplin County, where Miller and about 2.3 million hogs live—more than anywhere else in the state, according to the Environmental Working Group, a research and advocacy organization.

A recent analysis of county and satellite data by the EWG found that roughly 160,000 North Carolinians live within a half-mile of a pig or poultry farm; in Duplin, nearly 12,500 people, more than 20 percent of its residents, live within that range. If you extend the radius to three miles, as many as 960,000 North Carolinians fall into that category. That's nearly 10 percent of the state's population.

For Miller, these numbers aren't abstractions. They're her life.

"That scent is so bad," she says. "You can't go outside. You can't go outside and cook anything because the flies and mosquitos take over."

Within a mile of her property, Murphy-Brown LLC—a subsidiary of Smithfield Foods, the largest hog producer in the world—owns 5,280 hogs, according to the N.C. Department of Environmental Quality. Within two miles, there are more than eighty thousand Murphy-Brown-owned hogs at seven different farms, according to a lawsuit she filed in 2014.

Fifty yards from Miller's family graveyard is a massive open-air cesspool storing the pigs' waste—a stagnant pool containing their feces, urine, blood, and other bodily fluids—often referred to as a "lagoon," one of about thirty-three hundred lagoons across the state. When the cesspool reaches its capacity, its contents are liquefied and sprayed into a field across the street from Miller's house via a large, sprinkler-like apparatus. The sprayer releases a mist of waste onto the field, which, according to court documents, is about two hundred feet from Miller's home at its closest rotation.

That system prevents the cesspool from overflowing, but Miller says it also makes her life miserable.

It's more than just the smell, she says. The liquefied waste mist drifts onto her property, and "dead boxes" filled with rotting hogs sit near her family's cemetery, attracting buzzards, gnats, and swarms of large black flies. After spending time outside, she says, her eyes burn and her nose waters. She says she also suffers from asthma, which she began to develop shortly after she returned to her childhood home from New Jersey in the late eighties to care for her ailing mother.

Research published by the late Steven Wing, a professor of epidemiology at the University of North Carolina's Gillings School of Global Public Health, linked similar health concerns to proximity to hog farms.

Wing, who passed away in November, described his research in a 2013 TED Talk: "In 1995, I began to meet neighbors of industrial hog operations," he said. "I saw how close some neighborhoods are to hog operations. People told me about contaminated wells, the stench from hog operations that woke them at night, and children who were mocked at school for smelling like hog

waste. I studied the medical literature and learned about the allergens, gases, bacteria, and viruses released by these facilities—all of them capable of making people sick.”

Wing’s research showed a correlation between air pollution from hog farms and higher rates of nausea, increases in blood pressure, respiratory issues such as wheezing and increased asthma symptoms for children, and overall diminished quality of life for people living nearby.

“Air pollutants from the routine operation of confinement houses, cesspools, and waste sprayers affect nearby neighborhoods where they cause disruption of

“More than 80 percent of hog farms are owned and operated by families,” Smithfield argues. “They produce good products, they do it the right way, and they strive to be good neighbors.”

Other industry advocates have also alleged that greed is at the heart of these claims. The N.C. Pork Council, a trade group funded by commercial hog operations, has blamed the lawsuits on avaricious attorneys who “like to sue farmers for as much money as possible.” (The Pork Council did not respond to multiple requests for comment.)

In an email, Mark Anderson, an attor-

“HOW MANY HOG PENS HAVE YOU FOUND NEXT TO A COUNTRY CLUB?”

activities of daily living, stress, anxiety, mucous membrane irritation, respiratory conditions, reduced lung function, and acute blood pressure elevation,” Wing and fellow UNC researcher Jill Johnston wrote in a 2014 study.

They also found that the state’s industrial hog operations disproportionately affect African Americans, Hispanics, and Native Americans. That pattern, they concluded, “is generally recognized as environmental racism.”

Three years ago, Miller and more than five hundred other North Carolina residents, mostly poor and African American, filed twenty-six federal lawsuits against Murphy-Brown, alleging its behavior adversely affects their health and quality of life. The lawsuits argue that Murphy-Brown’s parent company, Smithfield—which was purchased by the multinational Chinese corporation WH Group in 2013 for an estimated \$4.7 billion—has the financial resources to manage the pigs’ waste in a way that minimizes the odor and nuisance to nearby property owners.

The industry dismisses these claims.

“North Carolina’s hog farmers are under a coordinated attack by predatory lawyers, anti-farm activists, and their allies,” Smithfield Foods told the *INDY* in an email. “The lawsuits are about one thing and one thing only: a money grab.”

Smithfield points to the fact that between 2012 and 2016, the DEQ only received twenty-five odor complaints, and of those, none resulted in fines or notices of violations.

ney representing Murphy-Brown, says the company “is aggressively contesting the plaintiffs’ claims. After careful study, we concluded that the claims are not valid and have no merit.”

But Miller says she knows what she’s experienced—and that life on Veachs Mill Road has deteriorated since the hog houses came.

“Right now,” she says, “my life is the worst it’s ever been.”

The cases are pending in federal court. No trial dates have been set.

III. “Boss Hog’s Crown Jewel”

North Carolina’s pork production industry has shifted dramatically since the mid-eighties. Today’s industrial farms, often called concentrated animal feeding operations, or CAFOs, raise pigs and other livestock in confinement until they are ready for slaughter. The hogs generally live in cramped quarters; Michelle B. Nowlin, supervising attorney of Duke’s Environmental Law and Policy Clinic, estimates they typically get seven or eight square feet of space each.

When they have to relieve themselves, slatted, slanted floors filter their waste into pits that feed into open-air cesspools that sit just behind the hog houses. These pools, known as lagoons, come in muted tones of brown and sometimes Pepto-Bismol pink, courtesy of a cocktail of chemicals and pig waste.

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Don Webb

The move from small family farm to massive commercial operation didn't happen overnight. Starting in the 1980s and early 1990s, a new method of pig farming began to take hold as corporate hog producers and CAFOs began replacing independent, family-owned farms. In an arrangement known as contract farming, many larger companies bought family farms or merged with them by providing pigs in exchange for land and waste management services.

As the state gravitated toward a corporate production model—one already in place for the poultry industry—thousands of independent farmers left the business.

According to census data, the number of farms in the state fell from more than 11,000 in 1982 to 2,217 in 2012.

Nobody was more influential in reshaping the industry than Wendell Murphy, a powerful Democratic state legislator and the subject of the *N&O*'s Pulitzer Prize-winning "Boss Hog" series. Murphy, a high school agriculture teacher turned farmer from Rose Hill, grew to become the nation's top hog producer during his tenure in the General Assembly, from 1982–93. While in office, he backed legislation to provide poultry and hog farmers with tax breaks and exemptions from environmental regulation, helping "pass laws worth

millions of dollars to his company and his industry," the *N&O* reported.

This included the 1991 "Murphy Amendment," which exempted poultry and animal operations from stricter regulations on air and water pollution, and a 1991 bill that barred counties from imposing zoning restrictions on hog farms. In 1986, he voted in favor of a bill that eliminated sales taxes on hog and poultry operations.

By 1995, Duplin County was home to more than one million hogs, more than six times the number it had when Murphy was first elected. Most of them, the *N&O* reported, belonged to none other than Murphy Family Farms, Boss Hog's crown jewel.

Five years later, Murphy Family Farms was acquired by Smithfield, and its name was changed to Murphy-Brown LLC.

With the acquisition, Smithfield became the world's largest hog producer.

IV. "Heaven 4 Hogs, Hell 4 Humans"

To an outsider, it might seem like business as usual. Murphy played politics and his company came out for the better. But for Don Webb, a living history book on all things related to hog farming, something was amiss.

A former hog farmer, Webb bore witness to the industry's explosive growth firsthand. He grew up on a farm in Stan-
 tonsburg and cropped tobacco and picked
 corn with his bare hands. His father sold
 pigs right off the family farm. After a brief
 stint as a PE teacher, Webb started a suc-
 cessful hog farm in Northampton County
 in the mid-seventies. But after an up-close
 experience with pig waste management,
 Webb has since become a thorn in the
 industry's side.

Webb, seventy-six years old, has a thick
 drawl and is prone to impassioned rants.
 Next to a chair inside his house, he sets
 an otherwise unassuming leather briefcase
 decorated with bumper stickers bearing
 such slogans as "Welcome to North Caro-
 lina: Heaven 4 Hogs, Hell 4 Humans."

"They say they love America, but they
 really love somethin' else," he scoffs. "It's
 green. How many hog pens have you found
 next to a country club?"

Webb's transition from hog farmer to
 fuming activist was years in the making.
 He got into hog farming at the urging of a
 friend. At his farm's peak, he had about four
 thousand hogs—a small number by today's
 standards, but enough to turn a handsome
 profit. He managed the pig waste similar-
 ly to how today's farms do it. The slanted
 floors of his farm's hog house filtered the
 waste into cesspools. When those filled up,
 they sprayed it elsewhere.

It was a matter of conscience that chart-
 ed his current path, he says. Several of his
 neighbors told him that the stench from
 his farm was making their lives miserable.
 They grumbled about being quarantined
 indoors on sweltering summer evenings,
 unable to go outside on account of the pun-
 gent, fly-infested air.

"I said, 'Suppose that was my mama and
 daddy back there,'" he says. "How would I
 feel?" I hit the brakes on that truck."

In 1979, after about five years in the busi-
 ness, Webb sold his hogs and relocated to
 Cape Hatteras, where "the air was fresh."
 When he returned to Duplin County six
 years later, however, he was greeted once
 again by that stench. That's what ultimately
 turned him into an activist, he says.

"These are human beings," Webb says.
 "They've worked their whole lives and are
 tryin' to have a clean home and a decent
 place to live, and they can't go on their
 front porch and take a deep breath."

While legal, hog farms' longstanding
 practice of disposing of excess waste by
 spraying it as mist onto nearby fields has
 proven controversial. Farms' neighbors
 have complained that the system literally
 brings excrement to their doorsteps, allow-
 ing the liquefied waste to ride the wind to



State Representative Jimmy Dixon

their property. In May, Shane Rogers, a for-
 mer EPA and USDA environmental engi-
 neer, published a report that concluded that
 this is exactly what happens.

The study, which was filed in court
 documents on behalf of plaintiffs suing
 Murphy-Brown, relied on both air and
 physical samples collected from the exter-
 iors of homes located near Murphy-Brown
 hog fields. The homes were selected ran-
 domly, and "at every visit and every home, I
 experienced offensive and sustained swine
 manure odors to varying intensity, from
 moderate to very strong," Rogers wrote.

To test for the presence of pig-manure
 DNA, Rogers and his team collected DNA
 swab samples from the exterior walls of
 homes and from the air itself. In total, they
 collected thirty-one samples from the out-
 side walls of seventeen homes and sub-
 mitted them for DNA testing; fourteen of
 seventeen homes tested positive.

Additionally, all six of the dust samples
 taken from the air "contained tens of thou-
 sands to hundreds of thousands of hog
 feces DNA particles," Rogers wrote, "demon-
 strating exposure to hog feces bioaero-
 sols for clients who breathe in the air at
 their homes. Considering the facts, it is far
 more likely than not that hog feces also gets
 inside clients' homes where they live and

where they eat."

Anderson, Murphy-Brown's attorney,
 disputes the notion that the company's
 farms and contractors disrupt their neigh-
 bors' quality of life.

"Murphy-Brown requires all of its com-
 pany farms to operate properly and in
 compliance with strict state regulatory
 requirements," he writes in an email. "We
 expect the same of all contract growers.
 Even more, we expect all farmers to be good
 neighbors. If any neighbor has a problem
 with a farm, tell us and we will do our best
 to fix it."

V. "Promised a Pie in the Sky"

In an interview, state Representative
 Jimmy Dixon, a former poultry farmer and
 a Duplin County Republican who is per-
 haps the hog industry's most outspoken ally
 in the General Assembly, makes three fun-
 damental beliefs abundantly clear.

One, he believes the Murphy-Brown
 plaintiffs' claims are "at best exaggerations,
 at worst misrepresentations," and they're
 being "recruited" by greedy lawyers who
 have "promised a pie in the sky" (see side-
 bar, page 16).

"For people to say they can't go outside, I
 can't barbeque, I can't invite my neighbors
 over," those are exaggerations," Dixon says.

Two, he doesn't buy studies that point to
 hazards associated with hog farms because
 "a lot of these studies, a lot of them, begin
 with the end product in mind, and then they
 construct it for the outcome."

And three, he doesn't think any addition-
 al regulations are necessary. What's more,
 he's frustrated that critics don't acknowl-
 edge the industry's waste-management
 improvements over the last forty years,
 which he calls "unbelievable."

He's been no less forthcoming in his pub-
 lic comments.

On April 5, Dixon stepped past dozens
 of protesters into a crowded committee
 meeting inside the legislature. He was
 there to defend his controversial pet pro-
 ject, House Bill 467, which would cap the
 amount of money that property owners liv-
 ing near "agriculture and forestry opera-
 tions," including hog farms, could collect in
 nuisance lawsuits.

Under HB 467, people could only collect
 damages equal to the reduction in their
 property's fair market value—which critics
 argue is already low thanks to the presence
 of the nearby farms. One Democratic rep-
 resentative estimated that, if Dixon's bill



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OUT-OF-TOWNERS

Throughout the debate over House Bill 467, the arguments proffered by state Representative Jimmy Dixon and other supporters centered on “hardworking farm families” besieged by “frivolous lawsuits” filed by greedy, out-of-state attorneys.

“You do know that the original lawyers were banned from North Carolina,” Dixon told the *INDY*, while shrugging off the plaintiffs’ claims about the stench associated with hog farms as “exaggerations.”

Mark Anderson, an attorney representing Murphy-Brown LLC, brought up the same point in an email: “You should know that the original claims were filed by out-of-state lawyers who went door to door, actively recruiting plaintiffs and promising them large sums of money if they joined the lawsuits. The lawyers’ conduct led to them being thrown out of the cases because of ethics violations.”

The out-of-state-lawyers claim is a go-to for the bill’s champions, and for good reason: it’s entirely accurate.

The Salisbury-based Wallace & Graham is now handling the plaintiffs’ twenty-six federal nuisance lawsuits against Murphy-Brown, a subsidiary of Smithfield Foods, but that wasn’t always the case. The suits were initially filed in Wake County Superior Court in 2013 by two out-of-state firms, whose lawyers recruited clients in North Carolina without a state license and signed hundreds of clients to contracts requiring them to pay hundreds of dollars an hour

for work performed on their behalf, even if the attorneys decided to drop the case, as *The News & Observer* previously reported.

In hearings, Judge Donald Stephens admonished the firms for their behavior and, after the contracts were rewritten, required that they partner with a North Carolina firm, which ended up being Wallace & Graham. About two months after the firms teamed up, Wallace & Graham’s attorneys told Stephens they could no longer work with the out-of-towners. Stephens then took away the out-of-state lawyers’ privilege to practice in his court and said he didn’t “ever want to see them again or hear from them again.”

Wallace & Graham refiled the lawsuits in federal court, but the behavior of the attorneys booted from the case has left its mark, giving the industry’s defenders ammunition with which to accuse the Murphy-Brown plaintiffs or their attorneys of cupidity.

In a statement to the *INDY*, Smithfield Foods called the lawsuits a “cash grab.” At a House committee meeting in April, Dixon accused the plaintiffs’ current lawyers of manipulating their clients: “When the final chapter is written on these cases, we’ll see the people being represented are being prostituted for money.”

In a statement, Wallace & Graham said that, “until the trial is over, we choose to make no further comment on the cases.”

—Ken Fine and Erica Hellerstein

passed, property owners could only recoup around \$7,000 over three years.

Importantly, the bill didn’t just seek to limit future nuisance lawsuits. It would also have negated the twenty-six pending claims against Murphy-Brown.

Introducing the bill, Dixon said it “seeks to promote farming by clarifying and adjusting the maximum compensatory damages that can be awarded.”

Throughout the forty-minute committee discussion, Dixon’s arguments were met by an admixture of support, anger, and skepticism. Representative Amos Quick III, D-Guilford, questioned Dixon about the bill’s discriminatory impact, “because the plaintiffs are predominantly African American.”

Mark Dorosin of the UNC Center for Civil Rights drilled down on that point

during public comments, citing research showing that the proportions of African Americans, Hispanics, and Native Americans living within three miles of industrial hog operations are 1.5, 1.39, and 2.18 times higher, respectively, than the proportion of white residents.

A few days later, following heightened media scrutiny, the bill's opponents scored a victory. The contentious provision invalidating the pending lawsuits against Murphy-Brown was stripped from the bill. With it gone, HB 467 cleared the House easily, then the Senate.

On May 5—the same day Rogers's study showing the presence of pig fecal matter on the exteriors of homes near hog farms was filed in court—Governor Cooper vetoed the bill, saying he opposed “special protection for one industry.”

The hog industry fought back. In addition to its eight registered lobbyists, Smithfield enlisted the services of Tom Apodaca, a former senator from Hendersonville. Its efforts paid off. On May 10, the House voted 74–40, mostly along party lines, to override Cooper's veto. The following day, the Senate followed suit.

HB 467 became law.

Deep financial ties exist between the bill's backers and the hog industry. Cumulatively, House Republicans who supported HB 467 have received more than \$272,000 in campaign contributions from the industry throughout their careers, according to an *INDY* analysis of campaign finance records. Dixon has received \$115,000, including \$36,250 from individuals associated with Murphy-Brown and \$9,500 from the Pork Council. House Speaker Tim Moore has garnered \$44,650. Senator Brent Jackson, who sponsored the Senate companion bill to HB 467, has received more than \$130,000 from industry associates.

VI. “Everything Has Gone Downhill”

If you Google “hog farms and North Carolina,” you'll see one name pop up again and again: Elsie Herring.

A copper-haired sixty-nine-year-old, Herring lives on the same property her mother, the daughter of a slave, lived on for ninety-nine years. Herring's childhood memories are built around her family's land in Wallace—of growing and farming tobacco, cucumbers, soybeans, strawberries, and peanuts; of canning food; of smoking and curing meat. Even though those were Jim Crow days, she remembers it as a “happier, healthier time. Everything was



Elsie Herring

segregated, but we still got along. But now, after these hogs came in, everything has gone downhill.”

Herring's home is adjacent to a farm that contracts with Murphy-Brown to raise 1,180 of its pigs, according to DEQ records and a lawsuit she filed. The lawsuit contends that the hog facility began spraying liquefied waste in the mid-nineties and planting trees between their properties to act as a buffer, which proved ineffective.

Herring says her grandfather purchased

the property in the 1880s from his aunt, who was white and his slave mistress. Her parents built the home she now lives in; her mother, father, brother, and sister all lived on the land until they passed away. Herring came back to Wallace from New York in 1993 to look after her elderly mother and her brother, who had Down syndrome. About two years after she moved back, the spraying began, Herring says. She vividly remembers the time it happened—an otherwise uneventful Saturday evening.

“We were just sitting here having our Saturday evening like we usually do, enjoying,” she recalls. “And in a short time, we heard this bursting sound, and then all of a sudden it started stinking like nothing you've experienced.”

Herring felt like she was going to be sick, so she went back inside.

“If you would have stayed out there,” she says, “you would have probably had to end up going to the hospital because this stuff was being released and you're breathing it in.”

After that, Herring says, the spraying happened “all day, every day.”

The stench became so unbearable that Herring eventually contacted the Duplin County Sheriff's Office, the Duplin County Department of Health, and the N.C. Department of Environmental and Natural Resources for help—all to no avail, she says. She became involved in local activist networks, joining the N.C. Environmental Justice Network and the Warsaw-based organization Rural Empowerment and Community Health, or REACH.

In 2007, her activism took her to the lawn outside the General Assembly, where she joined other REACH members to protest the effects of hog farming for more than fifty consecutive hours. According to her lawsuit, Herring “called or wrote letters, or both, to the Governor, the state and local health departments, the Attorney General of North Carolina, the United States Justice Department, DENR, the local sheriff and police departments, the county commissioners, the federal EPA, her congressman, and the owner of the hogs [Murphy-Brown].”

Though the spraying has subsided over the past few months—perhaps as a result of the lawsuits, Herring says, though she can't be sure—life is still “no picnic.” She ticks off a list of issues she believes the stink and the spraying have brought: flies, mosquitoes, mice, poisonous snakes. To avoid the odor, she stays indoors.

“It's like living in prison,” she says.

HB 467 came as a surprise, she says. But, to her, its motives were transparent. Like many of her fellow activists, she's all too aware of the racial dynamics at play.

“This is environmental racism,” she says. “This is my family land. And I'm sure race played a part when they decided they wanted to develop this area.” Herring sighs. “We've been asked many times, ‘Why don't you just move?’ Move and go where? I don't want to move. I never knew my grandfather, but I know he walked on this ground. And his family.”

She pauses and looks at her house.

“It's my land.”

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