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**Testimony of Phylicia H. Hill
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**Before the Committee of Transportation and the Environment
Council of the District of Columbia**

Public Hearing Regarding:

Bill 26-0106

“Ivy City Resilience Hub Eminent Domain Authority Act of 2025”

December 11, 2025

Legal Aid DC¹ submits the following testimony regarding Bill 26-0106, Ivy City Resilience Hub Eminent Domain Authority Act of 2025. For decades, the historic Ivy City community has been subjected to the effects of industrialization within a residential neighborhood. As a result, home values have decreased or remained stagnant, residents have experienced adverse health effects, and the community is subject to environmental hazards not experienced in other areas of the District. Permitting the Mayor to exercise Eminent Domain authority to transition Ivy City into a resilience hub is the best way to combat the decades of structural environmental racism that has plagued Ivy City and transform the community into the vibrant enclave its residents deserve.

Ivy City Has Been Subject to Structural and Environmental Racism

¹ Legal Aid DC is the oldest and largest general civil legal services program in the District of Columbia. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal legal system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. For more information, visit www.LegalAidDC.org.

Similar to the lead pipe crisis in Flint, Michigan, Cancer Alley in Louisiana, and sewage leaks in Centerville, Illinois,² the policy decisions that have resulted in Ivy City's decades long exposure to noxious, toxic fumes are rooted in structural and environmental racism. Environmental racism refers to "racial discrimination in environmental [policymaking] and the unequal enforcement of environmental laws and regulations. It is the deliberate targeting of people of color communities for toxic waste facilities and the official sanctioning of a life threatening presence of poisons and pollutants in people of color communities."³ Structural racism fuels these issues by shaping policies, zoning laws and economic opportunities in ways that grossly disadvantage and harm Black and under-resourced communities.⁴

There is a disturbing connection between race and the intentional placement of hazardous facilities in residential neighborhoods, substantiated by reports and data which demonstrate that race is the single most significant factor in policy decisions about the placement of these facilities.⁵

² What is Environmental Racism (May 24, 2023) <https://www.nrdc.org/stories/what-environmental-racism> (last visited Dec. 10, 2025).

³ Richard J. Lazarus, Environmental Racism-That's What it Is, 2000 U. ILL. L. REV. 255, 255 (2000). Environmental racism is an idea first coined by Dr. Benjamin F. Chavis, Jr. following the Civil Rights Movement. More simply, it is the intentional placement of polluting facilities in "communities primarily populated by African Americans, Latines, Indigenous People, Asian Americans and Pacific Islanders, migrant farmworkers and low-income workers." Shelly Taylor Page and Patricia A. Broussard, *Environmental Racism in America: Minority Communities as Dumping Grounds for Environmental Waste*, 49 S. ILL. U. L. J. 199, 203.

⁴ *Environmental Racism* *supra* note 2. Structural racism is a complex system of social structures that perpetuate racial inequality and disadvantage, typically operating beneath the surface of individual attitudes and behaviors.

⁵ In 1987, the United Church of Christ Commission for Racial Justice published a groundbreaking report demonstrating the nation's growing environmental justice problem. The national study compared the location of hazardous facilities to the racial and socioeconomic composition of the host community. The study found that socioeconomic status played a role in the siting of hazardous waste facilities; however, race was the single most significant factor. Most significantly, the study concluded that the placement of waste sites was the intentional result of governmental land-use practices. *Environmental Racism* *supra* note 2, note 4 at 203; *How Black Activists Brought Us Environmental Justice and Changed the Conversation About Racial Equity*,

Both environmental and structural racism foster conditions where marginalized communities have limited access to safe, clean and healthy living conditions, resulting in poor health outcomes.⁶ These communities are “disproportionately exposed to fumes, toxic dust, ash, soot and other pollutants,” increasing health risks such as cancer and respiratory issues.⁷ Policies such as segregation and redlining and the implementation of zoning laws that prioritize the interests of wealthier, white neighborhoods while neglecting or exploiting the environment of low-income and/or Black communities perpetuate that cycle of harm.⁸ As a result, these areas often have fewer green spaces, parks and trees and face higher air and water pollution exposure.⁹ Divestment of

HAZARDOUS WASTE MGMT. PROGRAM (2022), available at <https://kingcounty.gov/en/dept/dnrp/waste-services/hazardous-waste-program/news-events/news/black-history-month-2023> (last visited Dec. 10, 2025) (explaining the study’s conclusion that it is virtually impossible for racial patterns in siting to have resulted from chance); Renee Skelton & Vernice Miller, *The Environmental Justice Movement*, Nat. Res. Def. Council (Aug. 14, 2025).
<https://www.nrdc.org/stories/environmental-justice-movement> (last visited Dec. 10, 2025).

⁶ See generally Lindsay M. Farbent, *Addressing the Disproportionate Adverse Health Effects among BIPOC Communities as a Result of Environmental Racism*, 12 BARRY L. ENV’T & EARTH L.J. 100 (2022).

⁷ *Id.*

⁸ See generally Steven A. Light & Kathryn R. L. Rand, *Is Title VI a Magic Bullet – Environmental Racism in the Context of Political-Economic Processes and Imperatives*, 2 MICH. J. RACE & L. 1 (1996); See generally Lynn e. Blais, *Environmental Racism Reconsidered*, 75 N.C. L. REV 75 (Nov. 1996) and Bruce Mitchell, HOLC “Redlining” Maps: *The Persistent struct of Segregation and Economic Inequality*, NAT'L CMTY. REINVESTMENT COAL. (Mar. 20, 2018); See generally Tseming Yang, *Old and New Environmental Racism*, 2024 UTAH L. REV. 109.

⁹ Olivia Kane, *The whiteness of green spaces: The cyclical nature of exclusion in environmental professions*, MICH. DAILY (June 6, 2023), <https://www.michigandaily.com/statement/the-whiteness-of-green-spaces-the-cyclical-nature-of-exclusion-in-environmental-professions/>

resources, resulting in food deserts or insufficient or failing infrastructure, in combination with environmental issues, worsens the aforementioned pollution-related health risks.¹⁰

Polluting Industries Present Unique Harms to Ivy City Residents

Structural and environmental racism in combination with systemic racism allow for the successful placement of polluting industries and infrastructures into low-income, often Black neighborhoods where communities have less political power and fewer resources to oppose such developments. Further, systemic racism often leads to political and social marginalization of such communities, limiting their influence in the policymaking processes and ability to advocate for better environmental protections. The status quo creates conditions where communities such as Ivy City disproportionately bear the burden of environmental hazards. Throughout American history, the most marginalized communities – communities like Ivy City – have disproportionately borne the brunt of new highways, hazardous waste sites, industrial warehouses, oil refineries, chemical manufacturing plants, and landfills without adequate means to halt such developments.¹¹ In contrast, wealthy and predominately white communities have experienced stricter enforcement of environmental laws and the ability to hold polluters accountable or altogether prevent their presence in their neighborhoods. Low-income and minority communities historically have lacked political advocates and lobbyists supporting them in environmental movements.¹² This disconnect has made these communities especially vulnerable to intrusion by companies looking to establish or maintain harmful infrastructure.

National Engineering Products, Incorporated (NEP), is an example of one such an intrusion. NEP has been operating in Ivy City since 1938, manufacturing industrial sealants and adhesives. This manufacturing process emits noxious fumes into the neighboring family's residence and into the surrounding neighborhood. As a result, Ivy City residents report loss of smell, headaches, nosebleeds, developmental delays in children and other adverse health effects. Because NEP began operation before the passage of the Clean Air Act¹³ it has been able to evade meaningful regulation. It also is not subject to District laws regulating emissions. NEP's presence presents a clear harm

¹⁰ Page *supra* note 4 at 230.

¹¹ Grayam *supra* note 17.

¹² Robert D. Bullard, *Dumping in Dixie: Race, Class and Environmental Quality* 1 (Daniel Summa ed., 2d ed. 1994) 37-38.

¹³ 42 U.S.C. § 7401 et seq.

to residents of Ivy City, and the proposed exercise of Eminent Domain authority is one step in the right direction of providing meaningful relief to this community.

The residents of Ivy City deserve to be valued stakeholders in improving the conditions of their community. Ivy City residents are simply seeking access to clean air; a right taken for granted in many other parts of the District. The health and safety of residents must be prioritized above the minimal benefit of permitting NEP to continue operating in its current location. Ivy City residents should be given an opportunity to build a resilient, sustainable neighborhood that will afford them access to green spaces and clean air.

Eminent Domain Authority Should be Given to the Mayor

Eminent domain is not a government action that should be entered into lightly. The “Takings Clause” of the Fifth Amendment to the United States Constitution empowers governments to acquire property in specific locations for public use or public benefit after providing “just compensation” to property owners. To say that historically governments have abused this authority to dispossess and displace Black landowners would be an understatement. The cultural and historical context of this racialized exercise of government power is critical to the current decision surrounding NEP and the Ivy City neighborhood. While there remain valid criticisms over use and abuse of eminent domain in Black communities, the Ivy City Resilience Hub should not be subject to such criticisms. Setting aside the fact that this is something residents have been advocating for, this is the precise application of eminent domain that can redress environmental racism instead of exacerbating it. Granting the mayor the authority to exercise eminent domain authority has a strong legal basis.¹⁴ The Council should certainly proceed with caution and careful consideration; however, the use of eminent domain with these particular facts is a necessary step in the right direction toward providing Ivy City residents with the safe, habitable community all District residents deserve.

Conclusion

Permitting the Mayor to exercise Eminent Domain to transform the building occupied by National Engineering Products into a resilience hub not only removes a significant health risk from the Ivy City community but also empowers residents to take an active role in developing their neighborhood into a safe, sustainable and vibrant community. Moving forward with this proposal will be the first step to remedying decades of systemic and environmental racism inflicted upon the residents of Ivy City and provide residents with the opportunity to meaningfully re-shape their community.

¹⁴ See *Kohl v. United States*, 91 U.S. 367 (1876) (confirming government’s inherent authority to take property), *Berman v. Parker*, 348 U.S. 26 (1954) (interpreting “public use” to mean “public purpose” or “public welfare”); *Hawaii Housing Authority v. Midkiff*, 467 U.S. 229 (1984) (permitting takings for urban blight and property redistribution).