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2022

A victory for the people!
By Renee Cail

For as long as I can remember major corporations have targeted African American communities, rural communities, the disenfranchised, vulnerable and those who feel completely powerless. These corporate giants seek out the areas where they feel they can build their polluting industries with little or no backlash.

This case involves a dispute over a Metro Green facility located in Stonecrest, Georgia. In October, 2019 Director Dunn of the Georgia Environmental Protection Division issued Metro Green a solid waste handling permit. When community leaders voiced concerns to Director Dunn to revoke the permit he refused. In August, 2020 the City of Stonecrest filed an action against Metro Green. In November, 2020, BREDL chapter, Citizens for a Healthy and Safe Environment (CHASE) filed a motion to intervene on behalf of the residents, and it was accepted by the court.

In a victory for CHASE and the City of Stonecrest, on August 24, 2022 a judge in the Superior Court of DeKalb County ruled in an order that the Georgia Environmental Protection Division lacked authority to issue a permit allowing the construction and operation of Metro Green’s harmful solid waste handling facility next to thousands of Black neighbors. She similarly ruled that the City of Stonecrest lacked authority to provide local approval for the facility because the City has not adopted a solid waste management plan with input from the public.

The order includes a permanent injunction in which Metro Green can no longer operate its facility that has inflicted noise, traffic, dust, and emotional distress on nearby residents who had no voice in the approval process for this facility. In addition, the court ordered the Director of the Environmental Protection Division to respond formally to CHASE’s request that he revoke Metro Green’s solid waste handling permit, noting that public officials cannot “turn a blind eye... especially when it involves a complaint from ordinary citizens.”

“We believe this decision protects residents of South Dekalb from a solid waste facility that should not have been permitted,” said April Lipscomb, Senior Attorney in the Southern Environmental Law Center’s Atlanta office. “The court’s decision affirms that citizens deserve a say in whether polluting and disruptive facilities should be built in their back yards and that top environmental officials have a duty to respond to citizens’ concerns.”

This battle with Metro Green is indicative of the strength to be garnered from community engagement and standing together as a united front. We will continue to resist toxic and hazardous industries’ ingress into communities assumed by industry to have the least ability to offer resistance.
A legally sanctioned but often flawed and controversial process called eminent domain has stripped Black families of decades of generational wealth. Eminent domain is the power of local, state or federal government agencies to take private property for public use so long as the government pays just compensation, according to eminent domain laws. It has been a basic principle of law for centuries and is found in the United States Constitution’s Fifth Amendment. Examples of eminent domain include the taking of private property for the development of schools, roads, libraries, police stations and fire stations.

In Pamplico, South Carolina, Dominion Energy, a private company, is using eminent domain to take the property of Black families who live or own property along the Great Pee Dee River. This taking of land will allow a huge gas pipeline to be installed in an area that used wood burning stoves for centuries and electric heaters only recently, but never gas to heat their homes. It’s a legal land grab and it's estimated that 90 percent of the land owned by Blacks has been taken by eminent domain, a law that works in favor of big business and developers. An heir to property might have paid taxes for 30 years, but a savvy lawyer or developer can partition the land and take their property for pennies on the dollar.

It's how places like Hilton Head Island became a world renowned enclave for the wealthy with its multimillion dollar beach homes. Developers like the late Charles Fraser, a graduate of Yale Law School and the son of a timber magnate, developed Hilton Head Island, a barrier island of swamps filled with alligators and a wild natural beauty. It is now a tourist mecca. It was a photo of Fraser walking with an alligator on the cover of Atlantic magazine that started the ambush of tourists and the continuation of the taking of land owned by Black families for generations.

At Sea Pines resort, a centuries-old Black graveyard overlooks the Sea Pines golf resort and famous Sea Pines lighthouse. Fraser’s perspective was that his development of Hilton Head Island offered a great opportunity for Black families to earn cash for their land, as I was told as a young reporter who spent hours in Fraser’s office going through the initial plans for Hilton Head Island. For a little cash, Blacks could buy a nice mobile home off the island and then be bussed back to the island to work at hotels as maids and groundskeepers on land that was once their own. For Blacks, it is the loss of a way of life: farming and fishing and the loss of their legacy of land that has been in their families for generations. Now the land surrounding Hilton Head Island, including the marsh, tributaries, and wetlands is prime for the taking of developers who still use eminent domain and high taxes to grab land and make millions from the construction of homes and condominiums for wealthy retirees and vacationers. The subdivisions are often called plantations – another blatant slap in the face for Blacks.

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“Forever chemical” GenX found in Roanoke River and local drinking water supply reservoir

BREDL watchdogging brings issue to light – public notification absent

By Mark Barker

The PFAS “forever chemical” GenX has been found in the Spring Hollow Reservoir, which is the drinking water supply serving parts of the Roanoke Valley and Franklin County in Virginia. Despite the detection of this chemical, it took nearly 3 years before the public was informed.

The Western Virginia Water Authority (WVWA) received results in January, 2020 showing that the Spring Hollow Reservoir contained 62 parts per trillion (ppt) of GenX while the finished water – water after treatment ready for delivery to the consumer – contained 61 ppt.

This testing preceded a 2021 Virginia Department of Health (VDH) statewide study ordered by the Virginia General Assembly to research the occurrence of Per- and Polyfluoroalkyl Substances (PFAS) in the state’s public drinking water. Testing completed as part of the study confirmed GenX in the Spring Hollow Reservoir – 51 ppt from a May, 2021 sample and 57 ppt from an August, 2021 sample. These 2021 results were published on Dec. 1, 2021 and presented to then Governor Ralph Northam and four General Assembly committees. Participating in the study were VDH, Virginia Department of Environmental Quality (VA DEQ), 45 waterworks including WVWA, and the Salem Water Department.

However, it was not until the end of August 2022 before the public was informed. After Blue Ridge Environmental Defense League staffer Therese Vick did a presentation on PFAS, I was researching my drinking water when I noticed the WVWA webpage referencing the GenX testing. By June 30th of each year, waterworks are required to publish a water quality...
HFPO-Da (hexafluoropropylene oxide-dimer acid) is commonly known as GenX. GenX chemicals are man-made, fluorinated organic chemicals that are part of the PFAS (per- and polyfluoroalkyl substances) family. PFAS and GenX are called “forever chemicals” because they don’t break down in the environment. PFAS have been manufactured and commercially used since the 1940s. GenX has been used since 2009 as a replacement for PFOA, which is no longer manufactured. GenX chemicals may also be generated as a byproduct of fluoromonomer production. GenX is a trademark chemical of the Chemours company, a spin-off of DuPont. There is currently no EPA standard for GenX; however, the agency did issue a lifetime Health Advisory level of 10 parts per trillion (ppt) on June 15, 2022.

On September 30th BREDL received results from a Freedom of Information Act (FOIA) request to VA DEQ, which stated that on May 20th, VA DEQ tested two points on the Roanoke River. VA DEQ received results from those tests on September 19th. At the Spring Hollow intake, the VA DEQ sample indicated 10.2 ppt for GenX. At the Explore Park – about 25.5 miles downstream – there was a concentration of 8.3 ppt. While this contamination may not be as severe as the Chemours GenX pollution that has been reported to occur in the Cape Fear watershed in North Carolina, it does appear to be widespread.

The Roanoke River contamination appears to be intermittent, with limited sources as the headwaters are nearby. This has led WVWA and VA DEQ to focus on two facilities in the Blacksburg Industrial Park as possible sources. In an email obtained by BREDL, WVWA has asked VA DEQ to investigate the fluoroelastomer rubber used at Wolverine and elastomers used at Federal-Mogul. Fluoroelastomer and elastomers are manufactured by Chemours, but it is unclear if Chemours products are used at either location. The industrial park is located near Cedar Run which is a tributary into the North Fork of the Roanoke River, which joins with the South Fork of the Roanoke River just above the Spring Hollow Reservoir. VA DEQ has the authority to inspect these permitted facilities. As of October 6, VA DEQ had neither visited nor contacted these facilities, according to the Roanoke Times.

We have found that agencies are reluctant to notify the public when a pollutant is discovered – even when public drinking sources are impacted. This has been true in both Virginia and North Carolina, where communities have not been notified until 2 to 3 years after the contaminant discovery.
In support of the investigative reporting conducted by BREDL’s Executive Assistant, Mark Barker (please see his article in this edition of the League Line) we offer Map #1 illustrating the North and South Forks of the Roanoke River and their tributaries, the area where Western Virginia Water Authority (WVWA) and Virginia Department of Environmental Quality (VA DEQ) have been tasked with discovering the source of the GenX pollution recently documented in Spring Hollow Reservoir. Map #1 illustrates the profound complexity and beauty of the birthplace of the Roanoke River. This aquatic birthing occurs in dozens of springs originating in the Blue Ridge Mountains of southwestern Virginia.

According to an email BREDL has procured through a Freedom of Information Act request, the WVWA has requested that VA DEQ conduct testing of sites at the Blacksburg Industrial Park as a potential source of GenX contamination discovered in Spring Hollow Reservoir. Both the Blacksburg Industrial Park and Spring Hollow Reservoir Intake are illustrated on Map #1.

The Roanoke River as an aquifer of profound significance to the environment of the eastern U.S. is illustrated in Map #2 showing the span of landscapes, towns, cities, waterways, reservoirs, and wetlands spanned by the Roanoke River — starting with the dozens of springs flowing out of the mountains in Montgomery and Roanoke Counties, all the way to where it flows into Albemarle Sound and into the Atlantic Ocean. In the course of its movement eastward from the Blue Ridge Mountain to the sea coast, the waters of the Roanoke River contribute significantly to seven major aquatic resources of incalculable environmental, cultural, and economic significance, including Smith Mountain Lake, Roanoke Rapids Lake, Kerr Reservoir, Lake Gaston, Conoconnara Swamp, Roanoke River National Wildlife Refuge, and Roanoke River Wetlands. In the area surrounding Roanoke River National Wildlife Refuge and Roanoke River Wetlands, the river flows through and contributes fresh

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On September 14, 2022, Blue Ridge Environmental Defense League organized and co-hosted an informational meeting in Garysburg, North Carolina on the health impacts of per and polyfluoroalkyl chemicals (PFAS) – known as “forever chemicals” -- in firefighter turnout gear and firefighting foam. In addition to their exposure to PFAS found in manufactured products, food, drinking water and air, firefighters are exposed to these toxic chemicals by way of the equipment they need to protect them from the fires they fight. The crucial turnout gear they need to shield them should not pose a threat to their health.

Kevin Ferrara was one of the speakers at the meeting. Ferrara is a retired US Air Force firefighter and is now a volunteer with his community fire department. He was exposed to PFAS through the firefighting foam (Aqueous Film Forming Foam or AFFF) that was used when he was in the Air Force. In addition, he wears turnout gear that contains PFAS. He commented during his presentation that “Military firefighters were deceived for decades about toxic firefighting foam. Leadership knew but said nothing. It’s not a matter of if, it’s a matter of when will my doctor tell me I have cancer because of my exposure to toxic PFAS. As veterans and firefighters, we never asked or expected to be sickened by those we trusted to protect us, let alone the protective clothing we wear.”

When compared to the general population, firefighters have higher rates of cancer (14% higher cancer incidence) and levels of PFAS in their blood. In August, 2022, the World Health Organization designated firefighting as a carcinogenic occupation. In addition to the firefighters themselves, their family members could be impacted by coming into contact with turnout gear that has not been properly cleaned and stored.

There are no viable alternatives providing PFAS-free turnout gear or firefighting foam at this time. There are steps that can be taken, however. They include medical monitoring, training on proper storage and cleaning of gear, and increased funding especially for volunteer departments. Volunteer departments comprise 65% of the fire service in the United States. Perhaps most important is raising awareness in communities and with decision makers.

For more information on PFAS, or if you have family members or friends in the fire service, please contact Blue Ridge Environmental Defense League.
BREDL chapter, Chapel Hill Organization for Clean Energy (CHOCE) has announced plans to petition the Chapel Hill Town Council to allow their message of environmental stewardship to be displayed in public rights-of-way and on Chapel Hill Transit Authority buses. On September 13, the Town of Chapel Hill removed CHOCE yard signs placed in public rights-of-way around town. Approximately two weeks later, Chapel Hill Transit Authority “parked” buses which included ads paid for by CHOCE. The signs and ads are a part of the group’s effort to make the Chapel Hill community aware of the harmful impacts of the coal plant operated on the campus of the University of North Carolina (UNC). The bus ads depict future UNC athletes who have been forced to wear moonsuits due to air quality issues created from burning coal. The yard signs feature a moonsuited UNC employee removing a pile of coal ash produced by the plant.

In its response to the Town’s removal of the signs, CHOCE cites the Supreme Court ruling in Reed v. Town of Gilbert, Arizona, 135 S.Ct. 2218 (2015). Gilbert holds that sign code which identifies various types of signs based on the message that they convey, and provides different restrictions for each type, constitutes “content-based regulations of speech”, which is prohibited by law.

On September 26, Houck Advertising received word from the Chapel Hill Transit Authority that CHOCE’s bus ads were in violation of “section 1.02 of policies and standards for advertising on Chapel Hill Transit facilities”. That section states:

1.02 Certain Excluded Advertising. Chapel Hill Transit will not accept for display on its Transit Facilities the types of advertising defined in Section 2.01 of these policies and standards (“Excluded Advertising”). By not accepting Excluded Advertising, Chapel Hill Transit can:
(a) maintain a professional advertising environment that maximizes advertising revenues and minimizes interference or disruption of the commercial aspects of its regional transit system; (b) maintain an image of neutrality on political matters and other noncommercial issues that are the subject of public debate and concern; (c) protect passengers, employees and Chapel Hill Transit facilities from harm or damage that can result from some individual’s reactions to political or

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controversial materials; and (d) help build and retain transit ridership.

According to CHOCE President, Elizabeth O’Nan, the transit authority expressed concerns over the ad’s references to the university. “Since the town indicated their only problem with the bus ad was the reference to UNC, we’ve submitted a new version with all of the UNC references blocked out,” said O’Nan.

The original bus ads, which were accompanied by a promotional Youtube video, ran for three weeks prior to their removal. The town has yet to respond to the group’s request that the signs and bus ads be reinstated. CHOCE plans to deliver its petition to the Town Council at their October 19 meeting.

In Our Backyard is BREDL’s Podcast where we discuss environmental issues that are right in our backyards. Topics include coal plants, fracking, pipelines, and much more. This podcast takes a deep dive into these topics and talks with people who are on the ground fighting for the health and safety of their communities as well as protection of the planet. Host Jenn Galler always interviews great guests! Search for “In Our Backyard Podcast” on your podcast app or go to https://anchor.fm/bredl

Check out these recent informative In Our Backyard Podcast episodes

Beth Markesino is the founder of the non-profit North Carolina Stop GenX. They are a group wanting to stop the contamination of GenX and other harmful chemicals in North Carolina waters.

Leona Morgan (Diné/Navajo, she/her) is an indigenous community organizer and activist who has been fighting nuclear colonialism since 2007. Her work includes stopping: new uranium mining, transport of radioactive materials, and nuclear waste dumping in the Southwestern United States.

Theaux Le Gardeur is executive director of Gunpowder RIVERKEEPER®. They are a grassroots, advocacy-based membership organization charged with protecting, conserving and restoring the Gunpowder, Bird and Bush Rivers and their Watersheds located in Monkton, Maryland.

Charles Utley, who is Associate Director of BREDL, updates us on what’s been happening with his projects in the Shell Bluff, Georgia community and BREDL for the past two years.
New Mexico has been known as a sacrifice zone for everything nuclear -- decades of uranium mining, nuclear waste dumping, nuclear bomb test sites, and now transport of radioactive materials to be stored in the state.

Indigenous Peoples have been at the frontline of this radiation. Their land has been stolen for these extractive industries and their health has been put at risk. Cancer rates are at unsettling levels there and the community believes these levels are linked to the 250 million tons of radioactive uranium mill waste posing a public health threat.

At the end of September I went to Albuquerque, NM with Leona Morgan, an Indigenous Community Organizer, and Jesse Deer In Water, a leader with Citizen Resistance At Fermi Two (CRAFT) to build a coalition with most-affected Indigenous Peoples.

We met with locals like Biata, an activist with Tewa Women United; Indigenous youth working on public health and vulnerable communities; Petuuche Gilbert with Multicultural Center for a Safe Environment; Beeneta, an elder who lives right by Church Rock, which is an old uranium mine and uranium spill. They taught us about their culture, how the nuclear industry has affected them, and what they’re doing about it.

We also got to see Los Alamos National Lab, which was taken by the Pueblo People through eminent domain in 1948; Jackpile, one of the world’s largest open-pit uranium mines; Grants Mining Area, a rich deposit of uranium that runs through the northwest corner of New Mexico; and Mount Taylor, a Native American pilgrimage site.

It was a jam-packed and inspiring trip to see how Indigenous Peoples are fighting against what is happening to them and writing their own narrative. Going forward, Leona, Jesse and I plan to keep strategizing about specific goals and tasks, gathering more Indigenous Peoples’ support, creating awareness, and keeping the government accountable.

New Mexico - not a sacrifice zone

By Jenn Galler
At the end of September, BREDL staff members provided oral comments to EPA regarding its proposed amendments to the Risk Management Program. These amendments known as the Safer Communities by Chemical Accident Prevention (SCCAP) rule fail to include or address ammonium nitrate, leaving communities across the U.S. at risk.

Nearly 600 tons of ammonium nitrate was stored on site at the Weaver Fertilizer Plant in Winston-Salem, North Carolina, which caught fire on January 31. That fire burned for several days and threatened the nearby community with a risk of significant explosion while releasing hazardous levels of Particulate Matter.

Jason Torian, BREDL Organizer, commented, “Allowing the storage of ammonium nitrate to go unregulated not only undermine’s EPA’s commitment to environmental justice, in doing so the agency is also abandoning its duty to protect the public.”

There were at least 6,500 people living within a mile radius of the Weaver plant. According to the census about 80% are racial minorities; including 93% of the people living closest to the plant.

Said Torian, “When I spoke with residents after the fire, many mentioned concerns over what appeared to be a lack of preparation for such an event. One resident noted that, while she receives Amber Alerts, Weather Alerts, and all kinds of other pings on her phone during emergencies, she received no such alerts during the fire. Residents noted that there were no Spanish translators in place in an area that is more than 25% Hispanic. There were also residents who were unaware that there was a fire happening at the plant because firefighters had not come to their homes. Thankfully they had good neighbors who noticed they were not leaving and they let them know what was going on.”

Mark Barker, BREDL Executive Assistant, commented, “According to EPA’s own EJScreening tool, this at-risk community has a very high prevalence of asthma and heart disease. Yet, despite the hazardous air quality, EPA was not releasing any public health advisories or statements. In fact, to the contrary, a local university president quoted EPA as reporting that the air poses no threat to individual health and is safe to breathe. EPA must be transparent with the data and the potential for adverse health impacts in permitting, prevention and during these chemical incidents.”

BREDL will submit our August report Winston-Salem Weaver Fertilizer Plant Fire - Analysis of Publicly Disseminated Air Quality Information During Facility Fire Incident as part of the EPA docket.

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**BREDL Grassroots Mini Grant Program**

The BREDL Grassroots Mini Grant Program (GMGP) is a grant being offered by BREDL to its chapter organizations and other grassroots groups who need cash for the purpose of developing, expanding, enhancing, promoting, or otherwise improving their campaigns to protect the environment in the communities where they live. The GMGP will be offered in amounts ranging from $500 to $2,500 to applicant organizations who are successful in raising matching funds equal to the amount of grant funding requested.

For more details, please contact Kathy Andrews (843-698-9816, kandrews@bredl.org) or Ann Rogers (540-312-3104, amelvin3@verizon.net).
BREDL: Who and what we are

In March 1984, fifty citizens of Ashe and Watauga Counties met in the Mission House of Holy Trinity Church in Glendale Springs, North Carolina. Teachers and farmers, home-makers and merchants listened to the report of the Episcopal Church Women on the US Department of Energy’s siting search for a high-level nuclear waste dump in the rain-rich east.

Recognizing that the North Carolina mountains were a region at risk, the assembled group organized the Blue Ridge Environmental Defense League (BREDL) to protect their own backyard and those of other threatened communities.

Grassroots organizing was a cornerstone of our early all-volunteer organization. One of our first multi-county boards of directors adopted our credo, which embodies our mission statement:

**BREDL Credo**

We believe in the practice of earth stewardship, not only by our league members, but by our government and the public as well. To foster stewardship, BREDL encourages government and citizen responsibility in conserving and protecting our natural resources. BREDL advocates grassroots involvement in order to empower whole communities in environmental issues.

BREDL functions as a “watchdog” of the environment, monitoring issues and holding government officials accountable for their actions. BREDL networks with citizen groups and agencies, collecting and disseminating accurate, timely information.

BREDL sets standards for environmental quality, and awards individuals and agencies who uphold these standards in practice.

**Moving into the future**

Since then, the Blue Ridge Environmental Defense League has grown to be a regional community-based, nonprofit environmental organization. Our founding principles - earth stewardship, environmental democracy, social justice and community empowerment - still guide our work for social change. Our staff and volunteers put into practice the ideals of love of community and love of neighbor, which help us to serve the movement for environmental protection and progressive social change in Virginia, North Carolina, South Carolina, Georgia, Alabama and Tennessee.

**Grassroots Campaigns**

Nothing creates hopefulness out of helplessness like a successful grassroots campaign - and our chapters have a history of winning. For over three decades Blue Ridge Environmental Defense League chapters have protected their communities by stopping dangerous facilities and promoting safe alternatives.

In the 1980’s and 1990’s, BREDL prevented a multi-state ThermalKEM hazardous waste incinerator, a southeastern nuclear waste dump and a national nuclear waste dump. In the 2000’s, our coordinated grassroots citizens’ campaigns have had further victories. We won a legislative victory with the passage of the NC Solid Waste Act, effectively blocking at least four multi-state mega-dumps. Our Person County chapter convinced their Board of Commissioners to reject expansion of the Republic Services landfill. Our Cascade, Virginia, chapter shut down a huge hazardous waste incinerator. We eliminated mercury waste from the Stericycle incinerator, shut down a tire incinerator in Martinsville, won the landmark environmental justice court decision in Greene County, North Carolina. Further, with our chapters we have protected air quality by blocking scores of asphalt plants, four medical waste incinerators, a PVC plant and a lead smelter, and passage by local governments of eight polluting industries ordinances. Our work on nuclear power and coal plants laid the groundwork for our new Safe Energy Campaign. Victories over twenty-four mega-dumps have resulted in our affirmative Zero Waste Campaign. Guided by the principles of earth stewardship and environmental justice, we have learned that empowering whole communities with effective grassroots campaigns is the most effective strategy for lasting change.

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Contact BREDL to help organize your community and plan events to educate others about your issue and expand your membership so you can win!

BREDL is a regional, community-based nonprofit environmental organization founded in 1984. BREDL encourages government agencies and citizens to take responsibility for conserving and protecting our natural resources. BREDL advocates grassroots involvement in environmental issues. Protecting children’s health from environmental poisons, empowering whole communities to engage in crucial decision making, and changing the balance of power to prevent injustice are key components of our work.

Annual Membership is only $20

Thank you for supporting Blue Ridge Environmental Defense League. It’s easier than ever to join, renew and donate online. Check out our secure online donation form and use your credit card at www.BREDL.org.

Or send your check to: BREDL, c/o Virginia Staton, CPA, PO Box 2168, Boone, NC 28607

All donations are tax deductible.

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Janet Marsh Zeller Honorary Fund

The BREDL Board of Directors established this fund to honor the work of Janet Marsh Zeller, who founded the Blue Ridge Environmental Defense League and served as its executive director for over two decades.

The honorary fund supports BREDL’s endowment and our long-term ability to serve communities. Individual gifts are accepted throughout the year. All donations to BREDL are tax deductible. Contributions to the fund will benefit the organization and honor the woman who gave so much to make our world better, one community at a time.