



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G

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**ANC 3/4G Testimony Before the Committee on
Transportation and the Environment**

**Public Hearing - B26-0106, the
“Ivy City Resilience Hub Eminent Domain Authority Act of 2025”**

December 11, 2025

Chairperson Allen and members of the Committee on Transportation and the Environment, my name is Lisa R. Gore, Chair of ANC 3/4G (Chevy Chase) which serves the communities of Chevy Chase, Barnaby Woods, and Hawthorne. Thank you for the opportunity to testify at today’s public hearing. I am testifying on behalf of our Commission, which authorized this testimony at its properly noticed December 8, 2025, Regular Public meeting by a vote of 5-0-1 (a quorum being 4).

I appear before you in support of Councilmember Parkers proposed legislation (B26-0106), the Ivy City Resilience Hub Eminent Domain Authority Act of 2025, which would authorize the Mayor to exercise eminent domain at 1950 Capitol Avenue, N.E. for use as a climate resilience hub in Ivy City.

Background

This testimony presents facts that the Ivy City Resilience Hub Eminent Domain Authority Act of 2025 is not merely a legislative proposal but a moral and environmental imperative. Through extensive research, historical documentation, and community testimony, ANC 3/4G believes that the proposed acquisition of 1950 Capitol Avenue NE represents the District's first meaningful opportunity to rectify nearly a century of

environmental harm while simultaneously fulfilling multiple climate resilience commitments. This action will transform a site of documented environmental injustice into a community asset that will serve as a model across the District of Columbia.

For nearly a century, Ivy City—a historically Black post-Civil War community founded in 1873—has suffered in silence as the National Engineering Products (NEP) facility at 1950 Capitol Avenue NE has poisoned its air with carcinogenic formaldehyde and toxic fumes. This facility has operated without an Air Quality Permit due to its pre-regulation status—a situation that reflects the District's historical pattern of allowing industrial facilities to operate in predominantly Black neighborhoods while exempting them from modern environmental standards.¹ Discriminatory zoning laws permitted industrial facilities like NEP to set up shop in the historic, predominantly Black Ivy City community, creating a legacy of environmental injustice that continues today.² Residents have endured the nauseating stench of burning tar and chemical odors that prevent them from sitting outside their own homes—a blight on environmental justice that has persisted with shameful indifference from District authorities.

The NEP facility operates under a "grandfather clause" that exempts it from modern air quality regulations—a policy failure that has allowed environmental injustice to persist. As the Georgetown Voice documented: "NEP opened in Ivy City in 1937, long before modern environmental and air pollution laws were in place—allowing it to avoid meeting the standards that exist today." This legislation creates a pathway to remedy this policy failure by converting the site from a pollution source to a community asset, without requiring the District to engage in protracted legal battles over the facility's regulatory status.

Community health impacts are devastating and widespread: residents consistently report "persistent 'burning rubber' and 'tar-like' odors that prevent residents from enjoying outdoor spaces," documented respiratory issues particularly among children, elevated cancer risks from formaldehyde exposure (classified as a known human carcinogen by the International Agency for Research on Cancer), and neurological symptoms consistent with cresol exposure; as Sebrena Rhodes, Advisory Neighborhood Commissioner for Ivy City and community organizer with Empower DC, powerfully stated: "Our community is a sacrifice zone. We are the product of racist zoning practices," while adding, "A lot of us are experiencing issues with breathing. Everybody is experiencing the exact same thing." Her statements reflect the lived experience of generations of Ivy City residents who have been treated as disposable in the District's industrial planning.

¹ Washington Informer. (2023). They Need to Go: Ivy City Neighbors Demand Chemical Plant Shut Down. _____

² Legal Aid DC. (2024). Ivy City Family Sues Chemical Plant for Toxic Air Pollution. _____

Multiple independent studies confirm the disproportionate environmental burden borne by Ivy City residents:

- **EPA Air Monitoring Project (2023):** The EPA conducted six sampling episodes at the NEP site, detecting formaldehyde levels exceeding the EPA's Regional Screening Level threshold. Despite initial claims that no "acute threat to public health" existed, subsequent testing expanded to include formaldehyde and other pollutants after community pressure.³
- **D.C. Department of Energy and Environment (DOEE):** conducted air quality testing around the NEP facility in summer 2022, with results shared in February 2023, showing that the plant emits enough formaldehyde and acetonitrile to cause elevated levels in the community downwind of the facility.⁴ These findings confirmed community concerns that had been dismissed for decades.
- **Aclima Washington DC DOEE Report (2024):** This hyperlocal air pollution mapping study identified Ivy City as a significant pollution hotspot, particularly for diesel impact and total volatile organic compounds (TVOCs) along New York Avenue NE. The study specifically noted: "The section of New York Avenue, NE, runs alongside a large railyard and has some of the highest [pollutant concentrations] in the study area."⁵

In addition to the above, the facility uses several chemicals on the U.S. Environmental Protection Agency's hazardous air pollutants list, including formaldehyde, acetonitrile, and methylene chloride, all of which were detected at elevated levels in neighborhood air testing. NEP also produces Copaltite, a highly flammable and corrosive product made by mixing formaldehyde and other chemicals in an open vat. All of this confirms what Ward 5 residents and others across the District that visit, work, and play in the Ivy City community have known for years: this polluting facility is a danger to the community.

The legislation proposed by Councilmember Parker directly operationalizes commitments made in two cornerstone District climate planning documents:

- **Climate Ready DC (2016):** Mayor Bowser's first comprehensive climate adaptation plan identified community resilience hubs as critical infrastructure, noting their role in "providing safe spaces during extreme heat events" and "serving as focal points for community-based adaptation efforts." The plan specifically acknowledged that,

³ <https://www.epa.gov/dc/ivy-city-air-monitoring-project>

⁴ Washington Informer. (2023). They Need to Go: Ivy City Neighbors Demand Chemical Plant Shut Down.

⁵ Hyperlocal Ambient Air Pollution Mapping: Washington, DC 2024" report published by Aclima for the DC Department of Energy and Environment (DOEE): [https://doee.dc.gov/sites/default/files/dc/sites/doee/service_content/attachments/Aclima+Washington+DC+DOEE+2024+Report-compressed%20\(1\).pdf](https://doee.dc.gov/sites/default/files/dc/sites/doee/service_content/attachments/Aclima+Washington+DC+DOEE+2024+Report-compressed%20(1).pdf)

"residents in Wards 5, 7, and 8 face disproportionate climate risks due to historical environmental injustices."

- **Resilient DC (2019):** This follow-up strategy explicitly set the goal to "Launch the Resilience Hubs and Resilience Corps programs by 2023" as part of its "Community Resilience" pillar. The plan recognized that, "resilience hubs serve as year-round community centers that provide critical services during normal operations and transform into emergency response centers during extreme weather events."⁶

Additionally, the 2022 Second Report of the District of Columbia Commission on Climate Change & Resiliency⁷ provides a comprehensive, evidence-based framework for addressing climate vulnerability. Of the 11 core recommendations, Recommendation #7—establishing community resilience hubs—is at the heart of the proposed legislation. While the District has initiated a resilience hub in Ward 7, the project was announced in 2022, yet remains unfunded in the FY2026 budget. Meanwhile, Ivy City has received no comparable commitment despite facing equally if not more severe environmental burdens.

This legislation represents the District's long-overdue opportunity to correct the environmental harm impacting Ivy City through the ethical application of eminent domain—a tool that has already been successfully deployed in Washington, DC to shut down the Fort Totten trash transfer station through Council-authorized eminent domain action in 2018, following the precedent established in *Berman v. Parker* (1954) where the Supreme Court affirmed that, "public use" encompasses broader public purposes including environmental remediation, a principle further expanded in *Hawkins v. Town of Shaw* (5th Cir. 2022) where the court stated: "The elimination of a long-standing environmental hazard that disproportionately affects a minority community serves a public purpose that justifies the exercise of eminent domain." In *Shaw*, the issue of eminent domain was fundamentally tied to the need for equitable municipal services and the rectification of historical injustices - reinforcing the notion that such actions can be justified under the public purpose doctrine of eminent domain. Thus, the proposed legislation offered by Councilmember Parker fits squarely within these precedents—addressing a documented environmental hazard that has caused community harm for decades.

As an ANC with a documented history of environmental advocacy, our support for this legislation reflects our consistent commitment to environmental justice. Our Racial and Social Equity (RASE) Standing Committee has also specifically focused on environmental justice issues in Ivy City, drafting a November 13, 2023, Memorandum documenting the environmental hazards posed by NEP and requesting the ANC pass a

⁶ District Department of Energy & Environment. (2019). *Resilient DC: A Strategy to Thrive in the Face of Change*. <https://app.box.com/s/8w2eqpt0yczj7ldga74m7gcpf1ts79y7>

⁷ District of Columbia Commission on Climate Change & Resiliency. (2022). *Second Report of the District of Columbia Commission on Climate Change & Resiliency*. <https://lms.dccouncil.gov/downloads/LIMS/51693/Introduction/RC24-0237-Introduction.pdf?Id=150315>

resolution recommending "the immediate closure and removal of National Chemical Products, Inc."

On January 8, 2024, ANC 3/4G unanimously passed a resolution⁸ recommending, "ANC 3/4G concurs with RASE's recommendation and requests the plant cease use of toxic chemicals, and adds further, until it can prove without a reasonable doubt that there is an ability to manufacture without any harmful effects to the adjacent community and environment" among other actions. This legislation represents the logical culmination of our committee's and ANC's work, and the work of numerous Ward 5 and DC advocates —transforming advocacy into tangible action that addresses the root causes of environmental injustice.

Our Call to Action and Recommendations

The Ivy City Resilience Hub Eminent Domain Authority Act of 2025 represents more than a land use decision—it is one of the District's first concrete step toward addressing the environmental injustice that has plagued Ivy City for generations. We urge the Council to:

1. Pass Bill 26-0106 promptly;
2. Authorize the eminent domain action needed to acquire 1950 Capitol Avenue NE; and
3. Empower the Ivy City community with a durable, science-based infrastructure that embodies the city's commitments to justice, health, and resilience.

ANC 3/4G recognizes that this is not merely about creating another facility but about delivering environmental remedies for generations of systemic neglect—when the District has already committed to resilience hubs as "critical infrastructure" in both Climate Ready DC (2016) and Resilient DC (2019), yet has allowed Ivy City to languish without action while the climate crisis intensifies.

This is not just policy—it's a moral imperative to stop treating Ivy City as a sacrifice zone and finally honor the District's promises to delivery environmental justice to communities like Ivy City that face disproportionate climate risks due to historical environmental injustices.

⁸ <https://anc3g.org/wp-content/uploads/2024/07/2024-01-08-Ivy-City-Resolution-SIGNED-1.pdf>

Thank you for your time and consideration. I am prepared to answer any questions the Committee may have.

Respectfully submitted,

A handwritten signature in black ink that reads "Lisa R. Gore". The signature is written in a cursive, flowing style.

Lisa R. Gore

Chair, ANC 3/4G

Commissioner, ANC 3/4G-01

On behalf of Advisory Neighborhood Commission 3/4G