

SEPTEMBER 2003



# **BUILDING HEALTHY COMMUNITIES** FROM THE **GROUND UP:** environmental justice in california

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Asian Pacific Environmental Network  
Communities for a Better Environment  
Environmental Health Coalition  
People Organizing to Demand Environmental & Economic Rights  
Silicon Valley Toxics Coalition/Health and Environmental Justice Project

Compiled by Martha Matsuoka

**Building Healthy Communities from the Ground Up** is the result of discussions between environmental justice organizations in California who participated with other labor and social justice organizations to explore and strategize possible statewide efforts and collaborations. The five environmental justice organizations – Asian Pacific Environmental Network (Oakland), Communities for a Better Environment (SF Bay Area/Los Angeles), Environmental Health Coalition (San Diego), People Organizing to Demand Environmental & Economic Rights (San Francisco), Silicon Valley Toxics Coalition/Health and Environmental Justice Project (San Jose) – have long histories working together in coalitions and have begun to proactively develop collective analyses and explore possibilities for action at the state level. This report represents our initial shared understanding of the landscape of environmental conditions and policy in California and our working framework to address these issues.

The report was prepared by Martha Matsuoka, a Board member of Asian Pacific Environmental Network (APEN) and a doctoral candidate in UCLA's Department of Urban Planning. The printing of this report was made possible by The California Endowment. For additional copies of the report, contact any of the five author organizations; see the Appendix for organizational information.

## **Acknowledgements**

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# Introduction

*The environmental justice movement is the confluence of three of America's greatest challenges: the struggle against racism and poverty; the effort to preserve and improve the environment; and the compelling need to shift social institutions from class division and environmental depletion to social unity and global sustainability.*

- Report to the U.S. EPA and the Office of the President  
Submitted by Delegates of the 1991 National  
People of Color Environmental Leadership Summit

**T**he movement for environmental justice represents struggles from across a broad set of progressive movements. In the last decade, the environmental justice movement has won significant victories at the local, national and international levels tackling issues that affect people in their everyday lives – air quality, toxics, transportation, housing, worker safety and employment, economic development, open space and parks, women's and reproductive rights, and youth, immigrant, refugee and indigenous peoples' rights. These victories have improved the environment in places where we live, work, play, pray and go to school. They also represent significant advances in leadership and empowerment of communities that have been the most negatively impacted by interrelated dynamics of institutionalized racism, the commodification of land, water, energy and air, unresponsive and unaccountable governmental policies and regulation, and the lack of resources and power to engage in decision-making about issues that most impact them.

The primary goal of the report is to provide a clear, concise landscape of statewide conditions as well as opportunities and challenges for building grassroots power and influence at the state level. The report is written to inform legislators and policymakers of the history of neglect and the lack of compliance and enforcement of environmental protections in California and to identify policy, legislative, program, and investment gaps that have resulted in a statewide environmental justice crisis. This report is also designed as a reference document for strategic planning and for discussions that strengthen and support direct organizing efforts and coalition-building. The recommendations contained in the report range from the general to the specific, but define a strategic direction for building healthy communities and achieving environmental justice in California.

Through work at the local level, environmental justice (EJ) organizations have learned important lessons about policies and decision-making that affect conditions in their neighborhoods. EJ efforts have won significant advances in protecting the overall health of communities by preventing the siting of polluting industries and unwanted land uses, ensuring equal regulatory protection, and demanding that communities be involved in the policy-making that affects them. Through this experience, EJ groups recognize the necessity of engaging at the state level to effect change in policies, programs, and decision-making that largely determine the economic, environmental and social conditions facing neighborhoods. Land use and planning policy determined at the state level, for example, sets the framework for neighborhood and local issues of toxics and siting, housing, economic development and transportation.

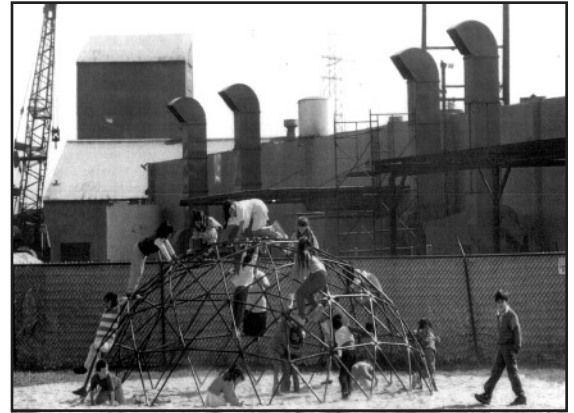
The challenge now is to build on the accomplishments and work at the local level and harness the strength of environmental justice organizations to organize across the state and strategically intervene in state policy and decision-making. Experiences at the statewide level have had mixed success. However, legislative policy such as California's Right-To-Know Act passed in 1984 show that significant systemic change can be won by grassroots-led organizing and coalition efforts. Demanding that industries reveal data about the amounts of toxics they release, organizing efforts in San Diego and San Jose catalyzed statewide action that established this legal and policy framework that protects all communities by making information about pollutants available to the public.

Now, decades later, with the emergence of a growing number of grassroots environmental justice organizations and coalitions that involve labor, environmental, and social justice organizations, there is tremendous potential for grassroots and base-building groups to engage in state-level change. Recognizing the common challenges environmental justice communities face is a necessary first step toward strategizing how we address the environmental justice crisis in the state. This report presents a starting point in filling out the environmental justice landscape in California, and identifies key challenges and opportunities for developing grassroots approaches to influencing statewide policy and decision-making.

Findings and analysis presented here reflect the work of five environmental justice organizations that engaged in discussions about the statewide context for our respective and potentially collective work. The five organizations are the Asian Pacific Environmental Network (APEN), Communities for a Better Environment (CBE), the Environmental Health Coalition (EHC), People Organizing to Demand Environmental & Economic Rights (PODER), and the Health and Environmental Justice Project of the Silicon Valley Toxics Coalition (HEJ). The conditions, analysis, and examples included in the report reflect urban areas and constituency bases where the five organizations do their work. While this work is based in areas with the highest numbers of California residents, the issues and perspectives of rural communities and, importantly, indigenous and tribal communities engaged in environmental justice work are not well covered in this report. However, their perspectives are critical to include as environmental justice approaches develop at the state level.



# The Environmental Justice Crisis in California



*Environmental justice communities in California – poor, working-class, indigenous, refugee and communities of color – bear the disproportionate burden of economic, environmental, public health and social impacts in the places where they live, work, play, pray, and go to school.<sup>1</sup>*

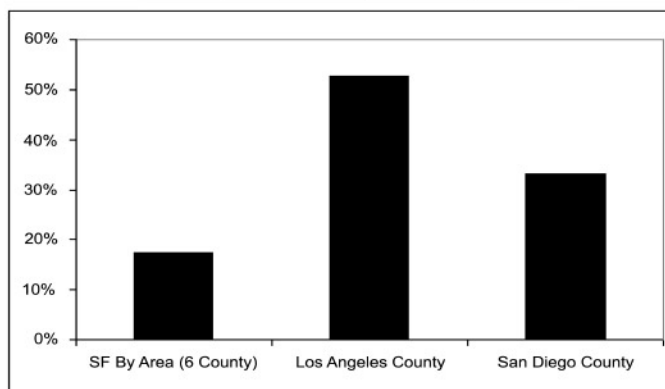
Every day, environmental justice communities face challenges of poverty, toxics and pollution, unsafe and unsustainable work conditions, and a lack of safe, affordable housing and basic goods and services. Further compounding the conditions are obstacles in the form of unequal political and legal rights, a lack of resources, and exclusion from public policy-making that most impacts them. California’s environmental justice crisis is therefore a crisis most evident in EJ communities. Achieving environmental justice in the state ultimately benefits all communities in the quality of their everyday lives. The following section describes the scope of California’s environmental crisis.

## California’s communities are racially, ethnically and economically defined

California is now a majority non-white state where approximately 53% of its 33.8 million residents are African American, Latino, Asian, Pacific Islander, and other non-white groups. Latinos (32.4%) and Asians (10.8%) make up the largest numbers and are the fastest growing populations. The shifting demographics have certain geographic implications that perpetuate the concentrations and segregation of communities of color, particularly working poor and working-class residents. See Map 1 in the Appendix. Review of recent census figures for poverty show that the three most populous metropolitan areas – the San Francisco Bay Area, Los Angeles, and San Diego – have high concentrations of poverty. Chart 1 below shows the percent of tracts within each region where more than 25% of people earn less than \$26,940, or 150% of the federal poverty threshold for a household of 2 adults and 2 children. In Los Angeles, 52.8% of census tracts had 25% or more residents living in poverty. More than one-third (33.3%) of San Diego County’s tracts and 17.5% of the Bay Area had high levels of poverty.

A May 2003 report by the Brookings Institution notes that while the overall number of neighborhoods in poverty nationwide declined between 1990 and 2000, the number of poor neighborhoods in California actually increased by more

Chart 1  
Concentrations of Poverty  
By Major Metropolitan Region



Source: U.S. Census 2000

than 26%.<sup>2</sup> Fifteen metropolitan areas in the nation experienced increases in the numbers of neighborhoods with concentrated poverty; California was home to seven of these areas including populous areas such as Los Angeles-Long Beach, which had the largest increase in poverty in the country (Jargowsky 2003). See Table I below:

Table I:  
Top 15 Metropolitan Areas by  
Increase in Population of High-Poverty Neighborhoods, 1990-2000\*

| Metropolitan Area                    | Increase in Population | % Increase in Population | Increase in Poverty Census Tracts |
|--------------------------------------|------------------------|--------------------------|-----------------------------------|
| Los Angeles-Long Beach, CA           | 292,359                | 109.2                    | 81                                |
| Fresno, CA                           | 60,005                 | 68.7                     | 12                                |
| Riverside-San Bernardino, CA         | 58,669                 | 260.5                    | 12                                |
| Washington, DC-MD-VA-WV              | 56,954                 | 276.4                    | 14                                |
| Bakersfield, CA                      | 42,622                 | 190.8                    | 9                                 |
| San Diego, CA                        | 33,274                 | 86.1                     | 10                                |
| McAllen-Edinburg-Mission, TX         | 28,117                 | 12                       | -1                                |
| Providence-Fall River-Warwick, RI-MA | 22,186                 | 235.4                    | 3                                 |
| Chico-Paradise, CA                   | 16,675                 | 103.3                    | 4                                 |
| Middlesex-Somerset-Hunterdon, NJ     | 14,020                 | n/a**                    | 3                                 |
| Wilmington-Newark, DE-MD             | 12,329                 | 276.3                    | 2                                 |
| Bryan-College Station, TX            | 11,746                 | 29.4                     | 4                                 |
| Visalia-Tulare-Porterville, CA       | 11,176                 | 60.1                     | 2                                 |
| Rochester, NY                        | 9,989                  | 29.8                     | 0                                 |
| Monmouth-Ocean, NJ                   | 9,114                  | 318.3                    | -1                                |

\* Source: Jargowsky 2003. *Stunning Progress, Hidden Problems: The Dramatic Decline of Concentrated Poverty in the 1990s*. May 2003. The Brookings Institution.

\*\* Middlesex-Somerset-Hunterdon, NJ, had no census tracts with poverty rates of 40% or higher in 1990.

**Fifteen metropolitan areas in the nation experienced increases in the numbers of neighborhoods with concentrated poverty; California was home to seven of these areas**

The growth in numbers of poor neighborhoods is based on decennial census snapshots. It is difficult to determine the impact of the continued downturn of the economy on these neighborhoods in the past three years. Undoubtedly, however, they will be far less able to withstand downward trends in the economy.

### **Pollution and toxic waste are concentrated in environmental justice communities**

Following the pattern of concentration by race and income, stationary toxic and polluting sites are also concentrated in areas where large numbers of poor and communities of color live. In 1987, the landmark report "Toxic Wastes and Race in the U.S.," published by the United Church of Christ Commission for Racial Justice (updated in 1994 with the Center for Policy Alternatives), showed that race, even more than income level, is the crucial factor shared by communities exposed to toxic waste. A UCLA study in 2001 found that although Latinos represent 40% of the total population, more than 60% of residents who live adjacent to the most highly polluting facilities in Los Angeles County are Latino (UCLA Institute of the Environment 2001). California's communities of color bear a particular burden as one-third of the nation's air polluting facilities are located in California, suggesting that communities of color and the poor bear the brunt of not only the state's air toxics but the nation's as well. In addition to the concentration of these facilities, communities of color are unequally exposed to mobile source pollution (freeways, cars, buses, trucks and airplanes) and, consequently to diesel and other particulate matter and greater cancer risks (Morello-Frosch, Pastor Jr. and Sadd 2001). Although ongoing debates focus on the degree and cause of

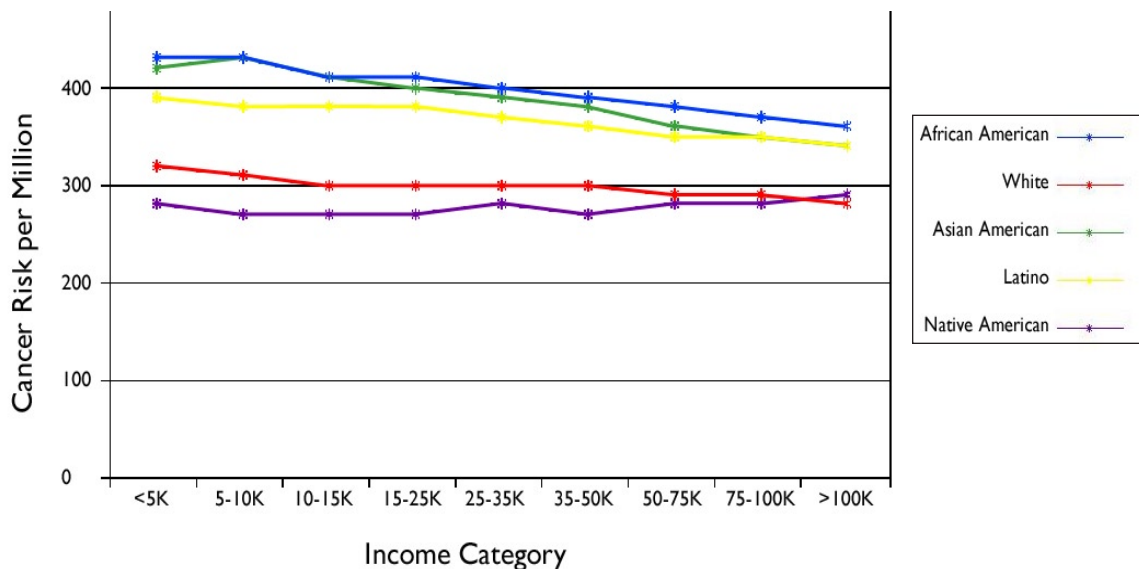


disproportionate siting in low-income and communities of color, the intersection of race, class, toxics and pollution are clearly defined in specific neighborhoods. See Map 2 in the Appendix.

### California’s environmental justice communities face higher health risks

Nearly 3 million people in California suffered from symptoms of asthma in 2001 due in part to the fact that 11 of the nation’s 25 worst counties for ozone contamination are in California (California Health Interview Survey 2001).<sup>3</sup> In 1996 the estimated risk of a person getting cancer in California due to a lifetime exposure to outdoor air pollutants was 310 times higher than the federal Clean Air Act goal of 1 person in 1 million. The California cancer risk was 25% higher than the national average of 250 per million (Environmental Scorecard 2002). Rates of cancer are higher for people of color than for whites. For low-income people, rates are even higher. Chart 2 below shows that within the state, Latinos, Asians and African Americans all have higher cancer risks than whites at any income level.

Chart 2:  
Distribution of Risks by Race/Ethnicity and Income in California



Source: Environmental Scorecard. [http://www.scorecard.org/community/ej-risk.tcl?fips\\_state\\_code=06&](http://www.scorecard.org/community/ej-risk.tcl?fips_state_code=06&)

*Communities of color and the poor bear the brunt of not only the state’s air toxics but the nation’s as well*

Further exacerbating the trends of increasing risks, approximately 6.8 million of the state’s population (22.4%) lack health insurance, the fourth highest ranking in the nation and a rate well above the national average of 17% (CIPHER 2002). Moreover, the lack of affordable and accessible transportation options prevents low-income and working-poor people from obtaining resources that ensure healthy communities. Only 28% of residents of Alameda County’s low-income communities of color, for example, have transit access to a hospital, leaving over 160,000 residents without transit access. Residents of North Richmond have no hospitals, supermarkets, or access to transit to these basic services (Center for Third World Organizing, People United for a Better Oakland, and Transportation and Land Use Coalition 2002).

### Environmental justice communities face disproportionately hazardous and unhealthy work conditions

Low-income people of color, immigrants and refugees not only suffer from environmental injustices where they live, but also where they work. In fact, immigrants, refugees, and low-skilled workers of all ethnicities tend to be segregated into low-paying and hazardous occupations. While Latino immigrants make up only 17% of California’s workforce, they make up 62% of the workforce in agriculture, 27% in personal service,

25% in manufacturing (apparel, textiles, machinery, food), and 20% in construction (California Working Immigrant Safety and Health Coalition 2002). This overrepresentation of, and dependence on, traditionally marginalized groups is apparent in Los Angeles' garment industry, where 75% of workers are women, 75-80% are Latino immigrants, 20% are Asian immigrants and fewer than 1% are union members (UCLA Community Scholars 2002). Although the garment industry is expected to decline in California during the next few years, it still generates approximately \$130 billion a year and is the second largest industry in the state. These large profits have not trickled down into higher wages or safer working conditions for garment workers who work for contracting or subcontracting shops. Instead, the employment of immigrants, refugees, and women in these hazardous jobs drives down the costs of complying with labor, environmental, and occupational health and safety laws, thus increasing profits (Pellow 2001).

**Latino men were two times more likely to suffer a disabling injury or illness than White male workers; Latinas were 1.5 times as likely as White women**

Workers segregated into these low-paying, hazardous jobs face an increased risk of injury or illness. Low-income workers and workers of color receive little or no job training, are less likely to report injuries or illnesses, and may be isolated from information, services, and resources for promoting worker health and safety. Furthermore, immigrant workers who speak little or no English may have difficulty navigating government services (California Working Immigrant Safety and Health Coalition 2002). Even workers who are informed of their rights and able to access services may forgo these services for fear of the consequences. For example, many workers decide not to report injuries to their supervisor or file a workers' compensation claim for fear that they will be fired. Undocumented immigrants are particularly vulnerable to threats and reprisals. In Oakland, 97% of the immigrant workers who received medical treatment at a free clinic for garment workers were eligible for medical benefits under workers compensation insurance, but no one sought the benefit, primarily due to a lack of knowledge of the program or fear of reprisals on the job (California Working Immigrant Safety and Health Coalition 2002).

As a result, low-income workers, people of color, and immigrants are more likely to become injured or sick on the job. A 1989 study of workers in California showed that Latino men were two times more likely to suffer a disabling injury or illness than White male workers; Latinas were 1.5 times as likely as White women (California Working Immigrant Safety and Health Coalition 2002). This report confirms more recent national reports finding the ten occupations with the most Latino workers were almost three times more dangerous than the ten jobs with the most White workers (California Working Immigrant Safety and Health Coalition 2002). It should also be noted that injuries and illnesses of low-wage and immigrant workers are under-reported due to the fear of retaliation, the pressure to provide for the family, the high cost of medical care, the lack of outreach on the part of government agencies and hospitals, and other factors (California Working Immigrant Safety and Health Coalition 2002).

There is also a disconnect between environmental laws and occupational health laws. Some chemicals that are regulated by environmental laws are not regulated in the workplace. The Santa Clara Center for Occupational Safety and Health (SCCOSH) found that chemicals regulated by the U.S. EPA in the outdoor environment are not regulated in the workplace, leaving workers exposed to high levels of single or combined toxics.

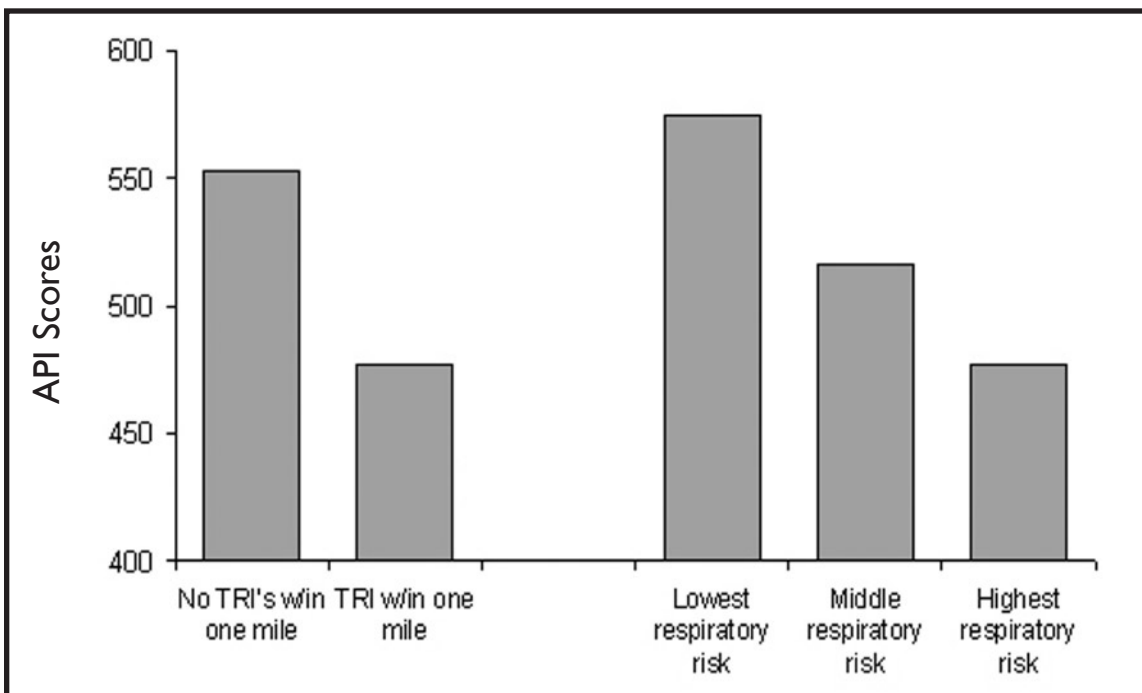
Since many of these low-wage, low-skilled, immigrant workers live in communities that also face environmental injustices, the struggle for EJ must consistently challenge the causes of disproportionate workplace exposure and noncompliance in order to achieve equal protection for people of color and healthy work conditions.

### **Environmental health risks and conditions weaken the social and economic health of neighborhoods**

In recent research of race, health and academic learning, Pastor Jr., Sadd and Morello-Frosch found that environmental hazard indicators such as proximity to Toxic Release Inventory (TRI) emissions are

associated with lower academic performance of schools in the Los Angeles Unified School District even after controlling for variables such as teacher quality, percent of English learners and percent of students qualifying for the free lunch programs. Chart 2 below shows that schools within one mile of a TRI site have significantly lower API scores than schools with no TRI sites within one mile. The chart also shows the negative correlation between academic performance and respiratory risks associated with ambient air toxics.<sup>4</sup> With their findings, the authors argue that the consequences of environmental risks extend beyond public health impacts to affect factors such as school performance and therefore negatively impact children's health, the formation of positive human capital and ultimately the potential for participation in future economic activity (Pastor Jr., Sadd, and Morello-Frosch forthcoming).

Chart 3:  
Academic Performance Index (API)<sup>5</sup> Score by  
Environmental Ranking for  
Los Angeles Unified School District, Spring 1999



*Environmental hazard indicators such as proximity to Toxic Release Inventory (TRI) emissions are associated with lower academic performance*

Source: Pastor Jr., Sadd, Morello-Frosch. *Forthcoming*

### **Environmental justice communities live in disproportionately poor and unhealthy housing conditions**

Housing conditions – both inside and outside the home – negatively and disproportionately impact low-income people and people of color in our communities. Nearly 1 million families in the U.S. live in subsidized housing, many of them near factories that pour toxic pollution into the air or dump toxic waste (Polluting the Poor 2000). Families are also exposed to pollution inside the home. The U.S. Centers for Disease Control identifies older housing (built before 1950) and households as the two key factors linked to lead poisoning in children. Nearly one million, or 4.4%, of all pre-schoolers have enough lead in their blood to cause brain damage and result in learning disabilities, reduced intelligence and attention deficiencies. Lead-contaminated dust, deteriorated lead-based paint, and lead-contaminated soil present risks to children in and around their homes (Environmental Scorecard, 2002). California is ranked among the top 11 states in the nation with housing units with high risks of lead hazards.

## **Environmental justice communities and their residents are challenged by gentrification, displacement and the high cost of housing**

The influence of the market, along with zoning and land use policies, creates economic pressures and physical dangers to many communities in California. Low-income and working-class neighborhoods such as the Mission District in San Francisco, Chinatown in Oakland and San Francisco, and immigrant communities in Los Angeles, San Jose and San Diego face similar struggles to protect their homes and neighborhoods. In urban metropolitan areas, the changes in zoning to accommodate new housing and the rapid sale and purchase of housing in central cities are catalysts for gentrification, the process whereby low-income and working-class residents are pushed out of their own neighborhoods. Indicators for gentrification include a shift from renters to homeowners, an influx of high-income people interested in such urban amenities as galleries, valet parking and Starbucks.<sup>6</sup> For example, in San Francisco, a city report found that 881 rental units were converted to other purposes between July 1999 and June 2000, compared to just under 300 units in the previous year (Curiel 2000). The conversion of housing units and the transformation of neighborhoods to serve affluent residents ultimately results in the disappearance of affordable housing, goods, and services.

***Nine of the 10 cities with the nation's highest median rents are in California***

Specifically, the rising cost of housing creates direct pressure on low-income families. In California, the affordable housing crisis is also an environmental and public health crisis, as it destabilizes communities. Nine of the 10 cities with the nation's highest median rents are in California (Los Angeles Times 2003). Forty-three percent (43%) of renters in Southern California pay more than 30% of their monthly incomes in rent, the highest level for a metropolitan area in the nation. Unsafe, unaffordable housing is not only a symptom of poverty but also a cause of poverty as families attempt to meet high housing costs by sacrificing other needs such as health care, quality food, and clothing. In a survey of their members, APEN found that faced with high housing costs, Laotian families in Richmond attempt to cut costs on food, turning to subsistence fishing in the polluted San Francisco Bay (APEN member survey, 2003).

## **Inequitable and incompatible land uses create unhealthy and unsustainable communities**

Zoning and land use policies that fuel gentrification are also powerful tools in directing and maintaining the location of homes and schools next to toxic facilities. The Logan community of San Diego typifies many environmental justice neighborhoods where unplanned land uses create an unhealthy mix



of substandard housing, overcrowded schools, and polluting industries. The residents of Logan are primarily Latino (86%) and their median household income is \$19,000, less than half the \$47,067 median income of San Diego County. Approximately 210 industries with regulated hazardous materials or waste are located in Logan's three square miles; 129 are located in Barrio Logan, the 1.2 square mile area west of the highway. Although Barrio Logan accounts for only .07 percent of total land area in the county, it is host to 7% of the county's air toxic "hot spots" and 90% of the total emissions of Chromium 6 in the county. Countless other examples of incompatible land uses can be found in cities such as Richmond, Oakland, San Francisco, San Jose and Los Angeles, as well as smaller cities such as Maywood, Huntington Park, and South Gate.

# Environmental Justice Approaches to Creating Healthy Communities



**E**nvironmental justice organizations develop and implement strategies that reflect grassroots-based approaches across the range of issues facing people where they live, work, play, pray and go to school. Engaging in statewide policy maintains this approach and will require building on successes and capacity demonstrated by environmental justice organizations at the local and neighborhood levels. Throughout the state there are a range of examples of how EJ organizing provides model strategies that meet neighborhood needs and shift the way policy-making occurs.

For example, market-driven, government-supported development policies are increasingly being challenged by neighborhood-based environmental justice organizations such as People Organizing to Demand Environmental and Economic Rights (PODER) who have organized residents in the Mission District in San Francisco, a predominantly working-class Latino neighborhood, to spearhead a community planning process. This initiative aims to rezone the neighborhood to meet community-identified priorities in the areas of housing, neighborhood services, and industrial areas. Working together in a coalition, they secured the passage of anti-gentrification measures in San Francisco to protect the communities in the Mission District.

Fighting for environmental justice, residents have organized to demand community-based planning and zoning to protect human health and the environment. In a long-term community planning effort and a specific 10-month campaign focused on land use and zoning, Environmental Health Coalition (EHC) and Barrio Logan residents successfully forced the shutdown of one of the neighborhood's worst polluters, Master Plating. The win means an estimated 75% reduction in cancer risks from Chromium 6; a commitment from the San Diego City Council to revise and update the area's zoning and 1978 community plan, and strong grassroots influence to push the state to establish environmental justice guidelines, and specifically to evaluate and amend the California Air Toxics Control Measure for chrome plating.

Other EJ campaigns have demanded that public information and notices be available in multiple languages so that residents have basic information about what is occurring in their neighborhoods. Laotian families in Richmond, the Asian Pacific Environmental Network (APEN) and a coalition of EJ groups organized and won the establishment and funding of an early warning system in multiple languages, including Lao dialects, to notify the community with its growing number of immigrant and refugee residents, of explosions at the nearby refineries in Richmond, California. This system is now being presented as a national model for informing and warning communities when industrial accidents occur. In San Francisco, with the leadership of youth from both organizations, the Chinese Progressive Association and PODER worked with



**The EJ movement illustrates strategies that link issues of toxics and public health, worker and community safety, land use, housing and transportation, and economic development with environmental sustainability...**

community residents and other groups to successfully stop the planned expansion of a Shell gas station. The Shell Corporation had requested a permit to double its throughput at a gas station in the Excelsior District, a working-class, immigrant neighborhood heavily impacted by other sources of toxic air pollution. A health risk assessment conducted by the Bay Area Air Quality Management District (BAAQMD) found that the expansion of the facility would have increased the volume of air emissions of benzene, toluene and other hazardous chemicals and with it, the cancer risk among residents, including children attending three nearby elementary schools. Despite these findings, the BAAQMD approved Shell's permit after conducting very limited outreach in the neighborhood with notices available only in English. Community residents from this predominately Asian and Latino immigrant community organized and forced Shell to withdraw its permit. Subsequent notices from the BAAQMD have been issued in multiple languages.

Environmental justice organizing successes have also tackled regional scale projects to prevent the siting of power plants and refineries and stem increases in ambient air pollution to ensure that poor and communities of color do not have to bear the environmental and health costs of energy production. The Health and Environmental Justice (HEJ) Project of the Silicon Valley Toxics Coalition and its allies successfully defeated 14 power plants and indefinitely suspended two proposed plants in Santa Clara County.

In Southern California, Communities for a Better Environment (CBE) organized to block the construction of a power plant in South Gate and the CENCO Refinery in Santa Fe Springs. Building on their success, the community in Santa Fe Springs has begun to engage in a community planning process and the implementation of a community survey to ensure that the refinery is replaced with uses that meet the needs of the surrounding community, such as equitable jobs in non-toxic work places.

Other examples of steps toward building healthy communities and achieving environmental justice include efforts by residents in East Los Angeles and South Central Los Angeles who stopped the siting of an incinerator and won the legal victory of a consent decree guaranteeing the provision of additional buses to ensure public transit access to and working communities in Los Angeles.

Taken together, successful local examples represent direct organizing and coalition-building efforts that address two critical aspects of environmental justice: 1) protecting human health and the environment in places where people live, work, and play; and 2) developing grassroots leadership and community-based planning and policy approaches that meet community needs. There are also countless other examples of efforts by grassroots organizations – some well established others emerging – that employ these strategies to address the multiple challenges facing low-income and working people and their families. Taking these strategies to the state level is a necessary next challenge and will build on core EJ principles and beliefs, namely that the environmental justice crisis is the result of four underlying causes:

- Institutionalized racism
- The commodification of land, water, energy and air
- Unresponsive, unaccountable government policies and regulation
- Lack of resources and power in affected communities

As the examples above show, successful environmental justice organizing and campaigns have focused on building the grassroots leadership and capacity of local residents to understand, organize around, and influence policy and decision-making on the environmental conditions in their daily lives. Building powerful grassroots leadership at the local and state levels revolve around building on the following characteristics/platforms laid by the EJ movement, which continue to serve as the basis for expanding grassroots power and influence.<sup>7</sup>



- Commits to a multicultural and multiracial movement building
- Connects race with income and class and makes links between economic and environmental justice
- Links toxics and environmental health campaigns
- Focuses on issues facing immigrant and refugee communities
- Connects the global and the local
- Prioritizes leadership development and political education, especially among youth
- Ensures that policy advocacy and litigation strategies are driven by a grassroots organizing agenda
- Commits to democratic processes and collective decision-making
- Demands that research is done in partnership with and is led by impacted communities
- Builds partnerships with other institutions to develop infrastructure, capacity, and technical assistance to achieve community objectives.

The EJ movement illustrates strategies that link issues of toxics and public health, worker and community safety, land use, housing and transportation, and economic development with environmental sustainability. This multi-issue, integrated approach relies on a range of strategies – direct organizing, coalition building, education, research, legal and advocacy, media, and policy development – and serves as a potential bridge for greater alliances with other social change movements to build power at the local, regional, state, national and international arenas.

Environmental justice organizations working together with labor organizations and unions, for example, fight together against myths about economic development that pit jobs against the environment and divide workers and communities. Reframing the debate to address the health and economic needs of both workers and community residents has succeeded in part because of the expansion of the environmental justice movement and the inclusion of workers and their issues into environmental discussions and debates. At the same time, union efforts to challenge corporate “job blackmail” have strengthened ties between labor and environmental justice activists (Ojeda-Kimbrough and Valen 2000).

In struggles for workplace health and safety, organizing by environmental justice and labor organizations resulted in groundbreaking protections for workers and communities such as the federal Occupational Safety and Health Act and the Clean Air Act in 1974. Today, partnerships between environmental justice organizations and labor have brought together impacted community members with labor in concrete projects and campaigns.

In San Diego, the Environmental Health Coalition (EHC) links EJ with labor on both sides of the Mexico-U.S. border. The cross-border community-labor alliance demands amendment of the North American Free Trade Agreement (NAFTA) and opposition to the proposal to expand NAFTA to all of Latin American (FTAA) so that health, safety and labor rights assurances are an integral part of the pact. In another effort, EHC is working together with the Hotel Employees Restaurant Employees (HERE) and International Brotherhood of Electrical Workers (IBEW) locals to determine the future of the last large undeveloped area along San Diego Bay in a way that protects the environment and meets the needs of workers. Similarly, EJ-labor efforts are underway in the Mission District of San Francisco, where People Organizing to Demand Environmental and Economic Rights (PODER) works with the Northern California Carpenters Regional Council to demand affordable, family housing in the largely immigrant and working-class neighborhood. In Oakland, APEN, along with support from SEIU and the Asian Pacific American Labor Alliance (APALA) joined forces to demand that the City of Oakland protect the rights of tenants and provide affordable housing in Chinatown.



***...and serves as potential bridges for greater alliances with other social change movements to build power at the local, regional, state, national and international arenas***

Environmental justice-labor alliances also exist at the national level. The formation of the Just Transition Alliance (JTA) in 1996 as a voluntary coalition of labor, economic and environmental justice activists, indigenous people and working-class people of color has created dialogue in local, national, and international arenas. Led by national EJ Networks<sup>8</sup> and the former Oil, Chemical, and Atomic Workers Union – now known as the Paper, Allied Industries, Chemical and Energy Workers Union (PACE) – the purpose of the JTA is to develop a process for the just transition of communities and workers from unsafe workplaces and environments to healthy, viable communities with a sustainable economy. The goal of the partnership is to build stronger alliances between unions and community residents, to phase out toxic chemicals without displacing workers, and to define, and work towards building sustainable communities with healthy jobs and communities, good wages, and strong employment.

***Without meaningful participation by communities, legislative strategies may be limited to tactical, short-term, and politically convenient solutions rather than long-term systemic approaches able to effectuate real change in communities***

Through grassroots leadership, organizing and coalition-building, the EJ movement has linked issues, neighborhoods and communities across the country and won the establishment of important federal policy decision-making structures and institutions. In the campaign for governmental accountability for environmental racism, the First National People of Color Environmental Leadership Summit, held in 1991, catalyzed grassroots momentum around the establishment of Executive Order 12898 (signed by President Clinton in 1995) and the institutionalization of environmental justice through the U.S. EPA and the Office of Environmental Justice.

In 1999, California state Senators Hilda Solis and Martha Escutia pushed forward the legislation that established the Office of Environmental Justice within the California Environmental Protection Agency (Cal/EPA). The Cal/EPA has established an Advisory Committee on Environmental Justice and convened an interagency Working Group to develop an agency-wide strategy to identify and address any gaps in existing programs, policies or activities that could impede the achievement of environmental justice in the state. Even before the enactment of the legislation and formal institutionalization of EJ at the state level, important policies were enacted that protected the environment and overall health of EJ communities. With the establishment of a formal EJ structure within state government, specific EJ legislation has been proposed and passed, and continues to be introduced. Table 1 in the Appendix lists existing environmental justice statutes and policies that have been enacted as of September 2002.

While these advances have been important for EJ in California, much more strategic and coordinated efforts are needed in order to build and sustain grassroots involvement and leadership at the state level. For example, key questions remain about whether or not such policy approaches substantively address issues and conditions in environmental justice communities. Environmental policy-making has historically excluded the communities most impacted from playing a meaningful role in the formation of environmental policy and regulations. Without meaningful participation by communities, legislative strategies may be limited to tactical, short-term, and politically convenient solutions rather than long-term, systemic approaches able to effect real change in communities.

# Policy Recommendations for Achieving Environmental Justice in California



**B**ased on the environmental justice accomplishments and ongoing work in local communities, it is clear that statewide approaches are necessary to target policies and regulatory frameworks that influence conditions at the local and neighborhood levels. Leveraging state-level policy as a strategy to achieve environmental justice represents an evolution for EJ groups who have been engaged primarily at the local level. Yet through experiences at the local level, it is clear that taking this step represents a long-term strategic approach to addressing the root causes of the environmental justice crisis across communities.

Important state policy issues are being debated that potentially could have positive effects and begin to ameliorate the environmental crisis in the California. These debates represent openings for democratic participation and points of opportunity for organizing and coalition-building at the state level. These recommendations represent strategic openings for discussion and decision-making that address the issues facing EJ communities and establish a framework for preventing further environmental injustices. The following recommendations range from the more specific (issue areas where our EJ groups have had more substantive work and have policy experience) to the more general (issue areas necessary to address in order to achieve environmental justice and build healthy communities).

## Recommendation Area I: Address existing environmental health risks and prevent future ones

Achieving environmental justice and building healthy communities requires addressing current environmental problems and preventing new ones.

### **I. The state should use the Precautionary Principle as the basis for all environmental and public health laws, regulations and decision-making processes.**

Precaution should be defined to mean: When an activity raises threats of harm to human health or the environment, reasonable precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically. In this context, the proponent of an activity, rather than the public, should bear the burden of proof. Existing statutes should be examined and amended to ensure that precaution is the primary approach employed for implementation or execution of

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the action. New statutes should incorporate the Precautionary Principle. A precautionary approach should be utilized to address existing environmental injustices and to prevent the creation of new ones.

- 2. Environmental justice impacts should be assessed in communities throughout California. The assessment should emphasize cumulative impacts, meaning those effects caused by the presence of multiple sources of pollution. The assessment should include the following activities:**
  - a. Utilize a community-based approach that emphasizes community organizations and residents in developing the assessment approach and in providing information
  - b. Identify all industrial, municipal, commercial, transportation and other processes that emit or release pollution that results in potential human health and environmental impacts
  - c. Assess the cumulative pollution burden for disproportionately impacted communities based on the degree of threatened harm to human health and the environment the communities experience
  - d. Using this data, identify and prioritize disproportionately impacted communities
  
- 3. Eliminate or reduce existing and potential environmental justice impacts by using the following approaches:**
  - a. Establish goals and performance measures to reduce the threat of harm to human health and the environment in these disproportionately impacted communities
  - b. Use pollution prevention approaches as the primary means for reducing pollution; when unavailable, using enhanced emission controls without the use of pollution trading programs
  - c. Identify and address those pollutants and pollution sources that present the highest risk to children based on toxicity, proximity, and persistence
  - d. Identify and require municipalities, industries and others to implement pollution prevention strategies that reduce pollution
  
- 4. Establish a California Office of Pollution Prevention to:**
  - a. Serve as a clearinghouse of information on less and non-toxic products and processes
  - b. Conduct research and evaluate products and processes for use by municipalities and industries
  
- 5. Precautionary action should be taken to prevent new EJ problems and should do the following:**
  - a. Incorporate environmental justice and an alternatives assessment, including the “no action” alternative, as part of all new permitting processes
  - b. Amend the California Environmental Quality Act (CEQA) to require meaningful alternatives assessment that addresses all alternative processes, methods and locations for proposed activities and actions
  - c. Require cumulative impact analysis for new applications
  - d. Prohibit issuance of new permits with significant emissions and releases in disproportionately impacted communities and/or those where cumulative impacts are significant
  - e. Increase the role and authority of community residents via community planning groups or other entities that have a significant role in the permit decision-making process

## Recommendation Area 2: Ensure safe, decent, affordable housing

Housing is a fundamental building block of sustainable, healthy communities, and sustainable communities are the bedrock of environmental justice. To ensure safe, decent, affordable housing, state actions should include the following:

6. **The state’s Housing and Community Development Department should ensure that local jurisdictions engage local communities in all aspects of the Housing Element of the General Plan and ensure timely adoption of the Element.**
7. **The state must ensure that local jurisdictions meet their stated affordable housing needs, programs, and policies as outlined in the Housing Element.**
8. **The state should pursue strategies that will increase ongoing revenue streams and set-asides for housing. It is well documented that the existing California Housing Trust Fund needs a consistent funding source; while legislative efforts to tie the fund to real estate transfer taxes and bank and corporation taxes have been unsuccessful, it is clear that the \$2 million that the fund receives annually is insufficient.**
9. **The state should establish basic protections for low-income renters. The state should enforce its new 60-day notice requirements, effective January 2003, for rent increases and renew this housing notice clause when it expires in 2006. The state should ensure and fund programs that focus on outreach, information, and enforcement of tenant protection laws.**
10. **The state should strengthen existing laws related to healthy homes, including giving notice to tenants about lead and excessive mold conditions.**
11. **The state should strengthen regulatory compliance with existing policies and laws that guide housing standards and hold landlords responsible for keeping units “fit for human beings.”**
12. **The state should give local agencies more authority to prevent unsafe and unhealthy conditions such as lead and mold hazards, and utilize proactive code enforcement that does not burden or displace residents. For example, SB 460, which passed last year, gave local agencies authority to stop unsafe work practices involving lead abatement and allowed them to cite landlords for lead hazards, rather than waiting until a child is poisoned before taking action. More pro-active measures like these are needed.**



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## Recommendation Area 3: Protect and ensure workers' rights and safety

Because environment includes the workplace, strategies to protect the environment and community residents must also protect workers. Achieving environmental justice will require securing rights and safety for workers.

- 13. The state must support and direct efforts to ensure at least living wages for workers in California. Maintaining a wage base that allows workers to afford basic goods and services is fundamental to overall quality of life, public health, and economic sustainability.**
- 14. The state must guarantee workers' rights to collectively bargain for wages, benefits, training, hours and safe working conditions.**
- 15. State policies and regulatory compliance must address the environmental and economic issues facing EJ communities along the border of México and the U.S.**
- 16. Beyond amnesty, in a time of increasing liberalization of trade barriers, workers must be free to find work and accept labor beyond borders. The state should adopt resolutions against child labor and exploitation of workers' rights abroad.**
- 17. Workers must be afforded health and safety protection in their workplaces. The state should fully fund Cal/OSHA to ensure inspection, compliance and the enforcement of laws and regulations to protect the health and safety of workers.**
- 18. The state should adopt recommendations put forth by the California Working Immigrant Safety and Health (WISH) Coalition in October 2002:<sup>9</sup>**
  - a. State agencies should improve their ability to protect the safety and health of immigrant workers by ensuring that workers have multilingual access to government programs. Although the Dymally-Alatorre Bilingual Services Act of 1973 requires the state to remove language barriers that prevent limited-English-proficient workers from accessing government services, this law is not sufficiently enforced. Recent legislation brings us a step closer to multilingual access. AB 2837, which was passed in 2002, requires the State Division of Occupational Safety and Health (Cal/OSHA) to ensure that limited-English speaking persons can communicate with Cal/OSHA, for example, by hiring bilingual persons, using interpreters, and using telephone-based interpretation services. With assistance from community-based organizations, the state labor agency is translating key documents, such as claim forms and informational brochures, into Spanish and Chinese. These efforts need to be expanded to include other languages and a more comprehensive set of documents.
  - b. Workers who blow the whistle on unsafe or hazardous working conditions should be fully protected from employer threats and reprisals. Current legislation includes AB 572 (authored by Assembly Member Leland Yee) which would strengthen protections for workers who speak up about health and safety hazards in the workplace and deter retaliation by employers. Similar protections need to be in place for workers who are retaliated against for exercising their rights under the workers' compensation system.

*Achieving  
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- c. The state should support efforts to improve health and safety conditions in high-hazard jobs where large concentrations of immigrant workers are employed. Activities could include research, training, developing incentives for employers, and informing key industries—agriculture, manufacturing, construction and personal service—about existing solutions (for example, installing a mechanism to prevent idling farm vehicles from suddenly moving and running over workers).
- d. To help local communities take a more active role in protecting and assisting immigrant workers, public and private funds should be available for community-based organizations and unions to carry out training programs for employers and workers, addressing hazard recognition and control as well as legal rights and benefits.

## Recommendation Area 4: Promote and ensure community-based land use planning and economic development

State level guidance, law, and policy frames planning and economic development practices at the local level. Zoning and General Plans are important tools in shaping the overall health, growth and development of communities. In order to improve planning and development in EJ communities, environmental justice must be integrated as a core concept in Regional, General, and Community Plans.<sup>10</sup>

### 19. The following actions, at a minimum, are needed to integrate EJ into community planning:

- a. EJ should be included as a required element of General Plans.
- b. Environmental justice principles and issues should be integrated into the other Required Elements of the General Plan:
  - Land Use
  - Circulation
  - Housing
  - Conservation
  - Noise
  - Safety
- c. Non-compliance by municipalities to integrate EJ into General Plans should be penalized via withholding of state funding or tax revenue distribution. The state’s authority to regulate in this manner should be evaluated and strengthened.
- d. EJ is inextricably linked with economic justice. Thus, any discussion of environmental justice in general plans must also relate to economic justice.
- e. The discussion of environmental justice must go beyond the regulatory framework and consider economic, political, and social considerations within the community.
- f. More specificity and clarity should be developed on the geographic definitions that define EJ communities. As in all discussions and decisionmaking, involvement of those residents most impacted by environmental injustices, must be involved in developing these definitions.
- g. All municipalities should be required – whether through the land use and zoning guidance by the Governor’s Office of Planning and Research (OPR) or another mechanism – to prevent location of residential, school and other sensitive populations from locating near pollution sources, and prevent pollution sources from locating near these sensitive land uses. This can be accomplished through buffer zones or other measures.



- h. Recognize all environmental hazards, not only those of hazardous industrial facilities. Other hazards must include at a minimum:
- Transportation corridors
  - Distribution centers and trucking corridors
  - Agricultural areas with heavy pesticide use
  - Small sources of air toxics, such as chrome plating, dry cleaning, and auto body repair shops
  - Degraded housing and lead-based paint
  - Industries that discharge to water bodies.
  - Shipping terminals and ports
  - Energy generation and transmission

## Recommendation Area 5: Ensure that transportation planning, investments, and operation support and strengthen communities, rather than destroying them

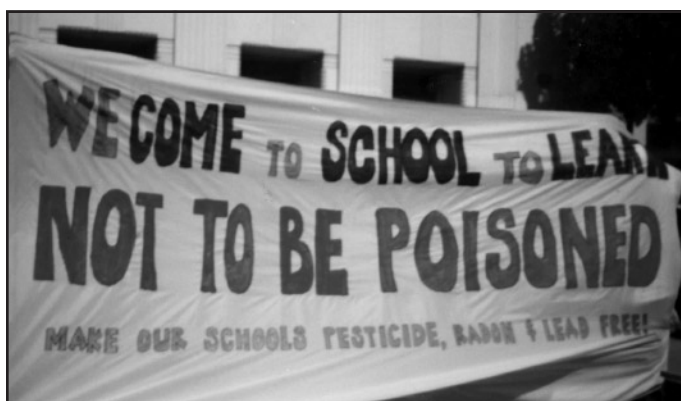
Transportation is an important component of healthy communities and environmental justice. While the negative impact of transportation mobility for the mainstream of society is disproportionately borne by people of color, the benefits of mobility are denied to them due to lack of investment to public transit for working-class people. State-level transportation planning, investments and operation should support and strengthen EJ communities, rather than destroying them.

- 19. The state should invest in and promote public transit that meets the needs of poor and working-class people in urban centers and rural areas.**
- 20. The state should encourage and ensure the affordability of all transportation options, particularly public options. Examples such as free transit passes for welfare recipients and for students qualifying for free or reduced lunch programs, and discounts for the disabled, senior citizens, and children are in place in major metropolitan areas such as Contra Costa County. Such efforts must be in place in all regions of the state. Although metropolitan planning organizations and transportation authorities are primarily responsible for regional transportation, the State Department of Transportation can play a leadership role in prioritizing its own funding for projects that provide affordable public transit for large numbers of low-income and working people.**
- 21. State funds should be invested in transportation systems and improvements that are less polluting and more environmentally sustainable such as alternative fuel vehicles. The state must also take steps to ensure that these alternatives are affordable to low-income and working people and communities.**
- 22. All aspects of state transportation – planning, investment, construction, operations – must consider possible negative impacts in EJ communities. Impacts should be assessed emphasizing cumulative impacts, meaning those effects caused by the presence of multiple sources of pollution (See Recommendation Area I above). In particular, infrastructure projects such as the expansion of the 710 Freeway in Los Angeles County that require substantial state funds, must adhere to principles of precaution and adopt cumulative impact analyses.**

## Recommendation Area 6: Ensure safe, healthy schools and quality education

Education provides for opportunity, yet the proximity of school sites to polluting sources, combined with the underinvestment in educational resources for poor people and people of color, results in an environmental injustice. Environmental hazards have a negative impact on educational achievement, thereby putting social and economic opportunity further out of reach. Achieving environmental justice will require providing California students with better school conditions.

- 23. Incorporate public health considerations into siting, remediation, and construction decisions.**
- 24. Increase and strengthen environmental protections for air, land, and water in and around existing schools to protect the health of children, who are more susceptible to harm from environmental exposures.**
- 25. Invest in quality education systems in urban and rural communities of color to ensure the same opportunity as those available to more privileged populations.**





# What It Will Take to Build Healthy Communities and Achieve Environmental Justice



**T**he policy recommendations and approaches above represent current and potential opportunities for grassroots organizing, coalition-building, leadership development, policy development, and institutional change. Engaging at the state level requires EJ organizations to develop strategic processes and campaigns able to harness the strength and build the capacity of local EJ organizations and connect them with other organizations and movements. It will also require substantial investment in the training, education, and development of grassroots leaders able to engage in and influence state policy-making that directly impacts their neighborhoods.

## State-level Advocacy Capacity

Certainly, organizing alone will not result in the policy changes needed at the state level. Elected officials, policymakers, regulators and their decision-making bodies will have to be responsive and accountable to the voices of EJ organizations and their leaders and members. EJ organizations must be involved – substantively and meaningfully – to ensure that the voices of those most impacted are taken into account at all points in policy and decision-making. These democratic and participatory processes are fundamental to effective policy and decision-making in order to systemically address the conditions and causes of the environmental justice crisis in the state. Public policy-making processes must be accessible, open, and flexible in order for those who are most impacted to be at the table and participating in meaningful ways, sharing their perspectives, knowledge and expertise.

From experience with local EJ work, it is clear that there are tremendous challenges ahead – at the very least to address the current issues and needs, but also to change the dominant environmental, economic, and health paradigm to prevent future environmental injustices. Although significant progress has been made, such as the institutionalization of the Office of Environmental Justice in the California Environmental Protection Agency and the passage of important EJ legislation, there is still a lack of ongoing, consistent involvement of grassroots leaders and those most negatively impacted by the environmental justice crisis and policy-making. EJ groups have made inroads in policy arenas and brought leaders to participate in testimonials and presentations in public forums and meetings; however, much more work is needed to develop a broad and collective body of leadership able to engage in true and meaningful public policy-making at the state level.

## Increase in Philanthropic Resources

Lack of resources and unequal power relations are familiar challenges in addressing persistent environmental injustices. Although there is a clear need to build the capacity of local organizations to influence policy discussions strategically at the state level, there is woefully limited support to do so.

In a national study of philanthropy and grantmaking, Faber and McCarthy (2000) found that although grantmaking to environmental justice organizations increased from \$27.5 million to \$49.2 million between 1996 and 1999, this amount represented only 0.2% of all foundation grant dollars. In contrast, mainstream environmental organizations continue to dominate foundation grants. The National Wildlife Federation, for example, had a total income from all sources of \$82 million in 1998, nearly \$39 million more than the estimated amount of all the foundation grants made to the entire environmental justice movement. Just five environmental organizations – the Sierra Club, Natural Resources Defense Council, National Wildlife Federation, Environmental Defense Fund and Wilderness Society – received \$177.75 million in reported income in 1998. In 1993, 24 organizations absorbed 70% of the total money for the environment (Dowie 1995).

**Although grantmaking to environmental justice organizations increased from \$27.5 million to \$49.2 million between 1996 and 1999, this amount represented only 0.2% of all foundation grant dollars**

In contrast to the limited investment in environmental justice (and even mainstream environmental work more generally), conservative funders continue to invest heavily in institutions to shift public policy debates and priorities to the right. In a study of conservative foundations, the National Committee for Responsive Philanthropy found that in the two years between 1992 and 1994, twelve conservative foundations invested \$210 million in organizations doing policy work. The report found that \$168 million (80%) of the funding supported academic and research activities, national think tanks and advocacy groups able to shape public opinion in favor of conservative, market-oriented policy ideas. In addition, conservative grantmaking focused on building strong institutions with long-term support for up to two decades, and cultivating public intellectuals and policy leaders able to advocate for a conservative agenda focused on a strong free market and limited government role (National Committee for Responsive Philanthropy 1997).

In the face of clear, long-term conservative agendas with significant funding, investment in environmental justice organizing and policy work is critical to building the momentum, leadership, and power to influence policy at the state level. This investment directly addresses a critical capacity gap for EJ organizations who, like many other social and economic justice organizations, have yet to develop the mechanisms and strategies to translate opinion into political influence and public policy (Dreier 2002).

### **Building Solidarity with Social and Economic Justice Movements**

In addition to inadequacy of funding commitments and infrastructure, recent trends and shifts in the economy and political arena make it more critical now than ever to organize at the state level. If passed, Proposition 54, the so-called Racial Privacy Initiative, will prevent state agencies from keeping track of race and ethnicity, thereby banning the use of these important demographic statistics for consideration in policy, programs and investment in areas such as health care, education, environmental protection, and civil rights. This dangerous and irresponsible proposition directly contradicts the need to understand and address the disproportionate impacts that communities of color face, including environmental health risks, disease patterns, lack of health care, and workplace hazards.

At the national level, a conservative federal administration, an economic recession, and increasing U.S. aggression abroad has established a political and economic context with immediate and long-term implications for organizing and progressive policy development. Public policy and decision-making that privileges profit over people has scaled back environmental and worker protections that will be difficult to regain. The current state budget crisis, along with the federal and state prioritizing of military security at the expense of genuine human security, has resulted in deep cuts in public spending for basic needs such as housing, education, job training, and environmental protection.

Shifts in the policy context and the continuing environmental justice crisis will present organizing challenges for EJ, labor, and social justice groups as environmental and worker protections are pitted against each other. Despite these challenges however, EJ experiences and accomplishments at the local level suggest powerful models and strategies for addressing these issues in a way that bridges progressive



movements in order to build healthy communities even in difficult economic and political times. The influence and power of the EJ work in local communities must be strengthened and expanded to be able to effectively engage in decision and policy-making at the state level.



## Conclusion



**A**chieving environmental justice in California means building healthy communities that meet the basic needs of people, protect against avoidable harm, and allow for grassroots leadership and participation in public policy and decision-making. In the fight for equal protection and justice, the ongoing work and accomplishments of EJ organizations in California and the environmental justice movement nationally and internationally will benefit all communities.

Developing environmental justice approaches to the state's environmental justice crisis will address a wide range of issues that include toxics, air and water quality, and energy. It will also necessarily require approaches that integrate these with land use and zoning, housing, gentrification, transportation, education, workers rights, and occupational health. The goal of environmental justice is clear and consistent: ensuring that all people have the right to safe, secure, sustainable livelihoods and a voice in the decision-making that affects them.

The grassroots movement for environmental justice works with and supports other movements working toward similar goals and, in doing so, provides leadership by integrating issues of environment and health with issues of economic and social justice. Across a range of issues and within a confluence of justice movements, EJ groups and others commit to continuing its work to develop a base of grassroots leaders where we “speak for ourselves” and build power to influence decision-making that ultimately affects all of our communities.

EJ work to date has won important victories, but much more is yet to be done to build healthy communities and achieve environmental justice. Successful organizing, alliance building and policy work has built momentum for environmental justice at the local levels and is now poised to engage at the state level. The task of further strengthening grassroots leadership and alliances, and amassing the necessary power to create systemic change at the state level will not be easy. It is clear, however, that if left unchecked and unchallenged, the environmental justice crisis in California will continue to weaken the economic, social, and overall health of all our communities. Building on what the EJ movement has created thus far – grassroots leadership, local power, and organizational structures for continuing our work – meeting the challenge is now not only necessary, but also possible.

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## APPENDICES

### **Maps and Tables**

Map 1: Communities of Color in California

Map 2: Superfund and TRI sites in California

Map 3: Estimated Cancer Risks in California

Table 2: List of Environmental Justice Laws in California

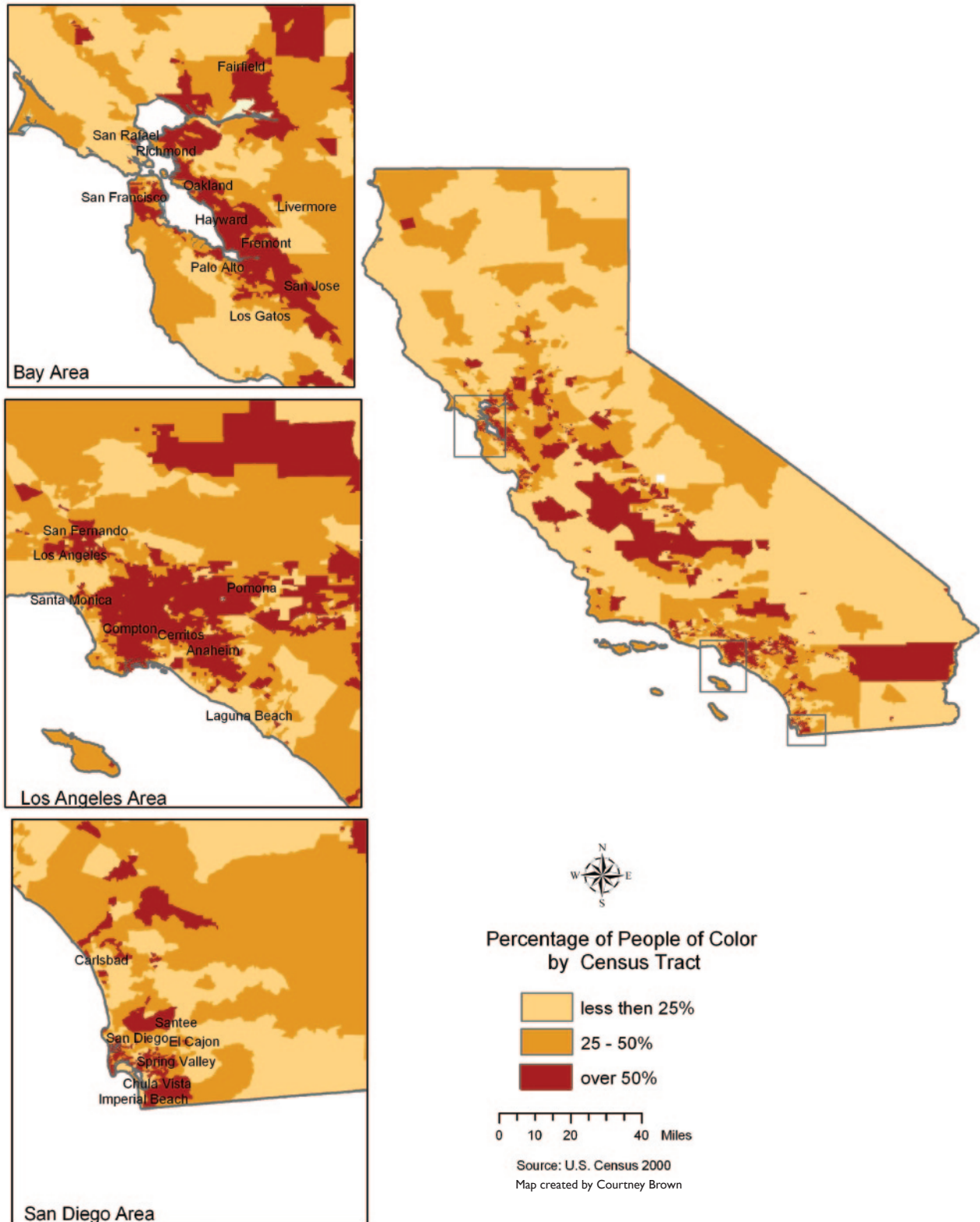
### **Contact information**

### **References**

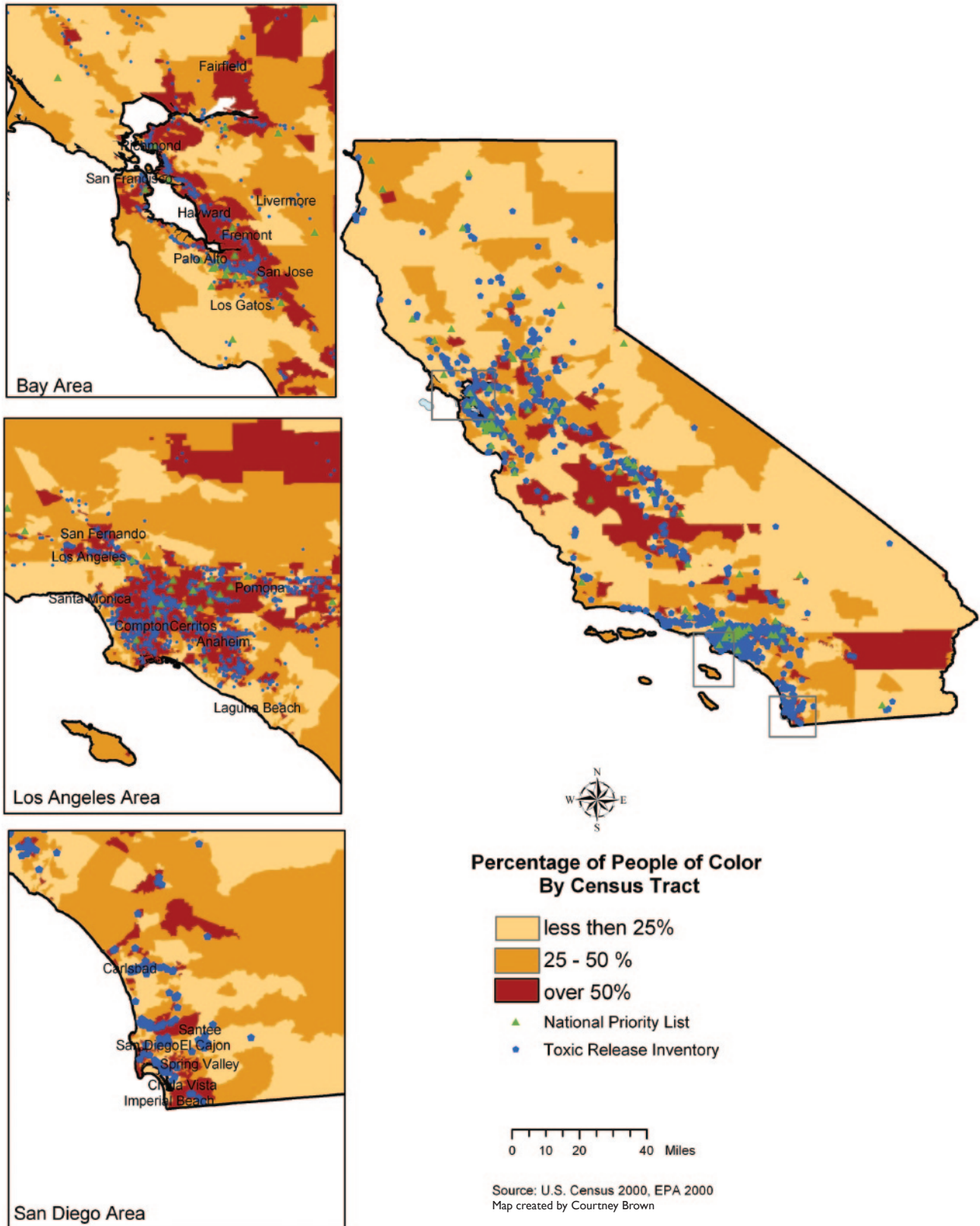
### **Endnotes**

Map I

# Concentration of People of Color in California

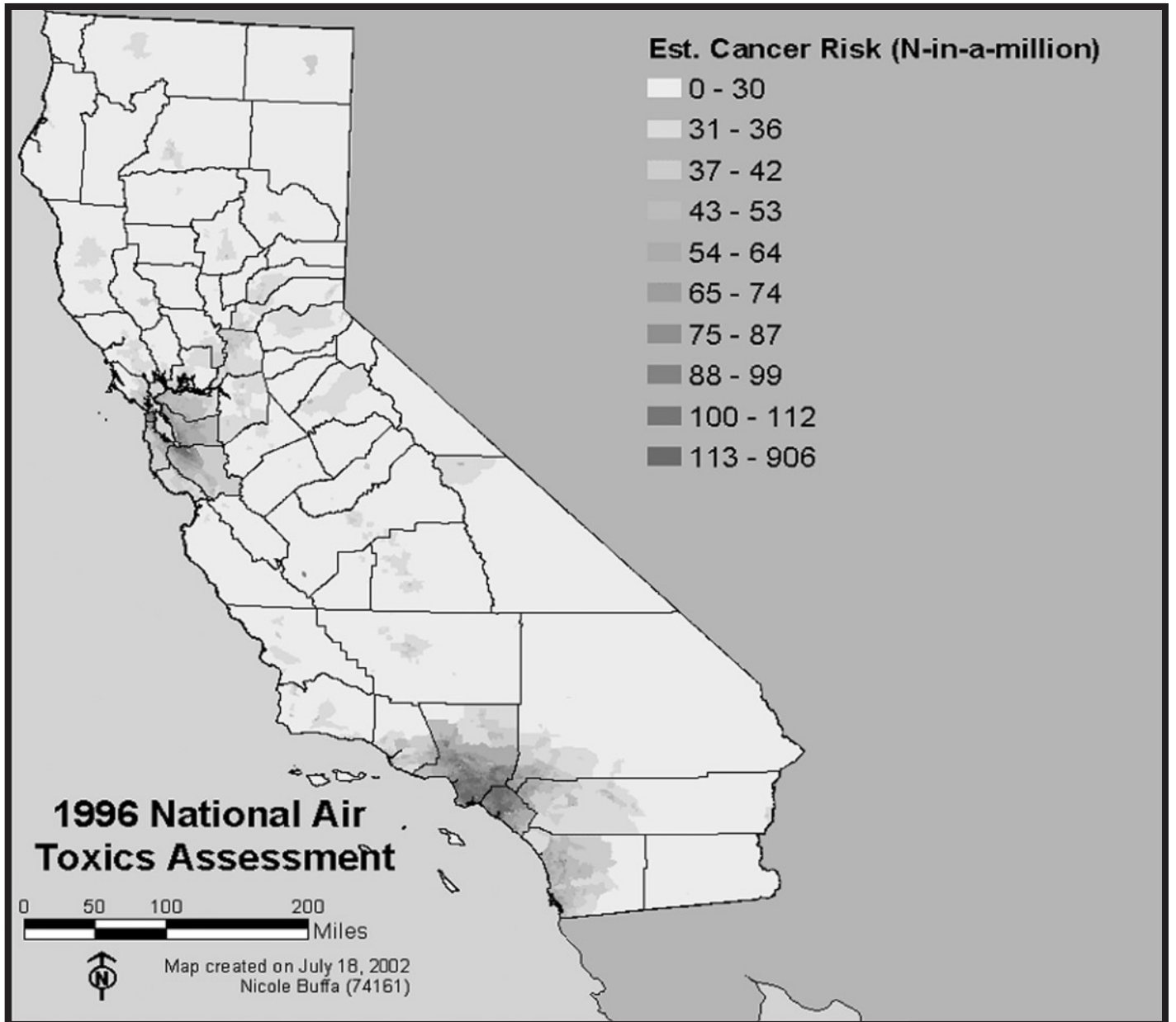


# Toxic Release Inventory and Superfund Sites in California





# Estimated Cancer Risks in California



Source: California State Environmental Protection Agency. General Cal/EPA EJ presentation.

## Table 2

# Environmental Justice Policy and Laws

(as of September 2002)

In the past five years, California began developing and passing environmental justice policies in response to organizing and advocacy emerging from the environmental justice movement. As of September 2002, eight laws, primarily procedural, have been enacted into law requiring strategic planning guidelines for local land-use plans, and the examination of gaps in authority. While these are important pieces of legislation, they have yet to be fully funded and implemented. Further, they represent a first step, and more needs to be done legislatively to achieve environmental justice in the state.

### **SB 115 -- Senator Hilda Solis (D-El Monte)**

- Defines “environmental justice” in Statute.
- Establishes the Governor’s Office of Planning and Research (OPR) as the coordinating agency with the California Environmental Protection Agency for environmental justice programs.
- Requires Cal/EPA to develop a model environmental justice mission statement for its boards, departments, and offices by January 1, 2001.

### **SB 89 -- Senator Martha Escutia (D-Montebello)**

- Requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice to assist Cal/EPA in developing an agency-wide strategy to identify and address any gaps in existing programs, policies or activities that could impede the achievement of environmental justice.
- Requires the Secretary to convene an Advisory Group on Environmental Justice to provide information and recommendations to the Working Group.

### **AB 1553 -- Assemblymember Fred Keely (D-Boulder Creek)**

- Requires the Office of Planning and Research (OPR) to adopt guidelines for local agencies when addressing environmental justice issues in its general plans.
- OPR would be required to adopt the guidelines by July 1, 2003.

### **AB 1390 -- Assemblymember Marco Firebaugh (D-East Los Angeles)**

- Extends until January 1, 2001, the policy enacted in the 2001-02 state budget that directs air districts to target at least 50 percent of the \$48 million General Fund appropriated to three diesel emission reduction programs to environmental justice communities.
- Exempts small air districts from this requirement.
- Makes federal agencies eligible to receive grants to purchase Zero Emission Vehicles that would be used in low-income and minority communities.

### **SB 32 -- Senator Martha Escutia (D-Whittier)**

- Authorizes local governments to investigate and clean up small parcels of property contaminated with hazardous waste.
- Requires the California Environmental Protection Agency to conduct scientific peer review of screening values. Screening values are advisory numbers that estimate what cleanup efforts are needed for developing a property. SB 32 also requires the development of a guidance document to assist communities, developers, and local governments in understanding the complicated factors and procedures used for cleaning up hazardous waste.

### **SB 828 -- Senator Richard Alarcón (D-Sun Valley)**

- Adds due dates for developing an interagency environmental justice strategy affecting boards, departments and offices (BDOs) within the California Environmental Protection Agency.
- Requires each of the Cal/EPA boards, departments, and offices, by December 31, 2003, to review, identify, and address program obstacles impeding environmental justice.

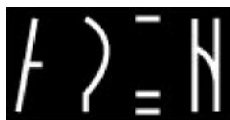
### **AB 2312 -- Assemblymember Judy Chu (D-Monterey Park)**

- Creates an environmental justice fund in the state treasury and requires Cal-EPA to make grants up to \$20,000 to eligible community groups and federally recognized tribal governments, with preferences to community-based, grassroots organizations.
- Creates a funding mechanism but no funds. An earlier draft proposed 10% of penalties (fines) from polluters to support the fund. Amended 6-24-02.

### **SB 1542 -- Senator Martha Escutia (D-Montebello)**

- Requires the CA Integrated Waste Management Board (CIWMB) to provide local jurisdictions and businesses with information to assist with consideration of environmental justice concerns regarding siting elements for solid waste disposal facilities.
- In addition to existing law (per CA Integrated Waste Management Act of 1989), the bill requires CIWMB to require a countywide siting element and any revisions after 1/1/2003 to include a description of actions taken by cities and counties to solicit public participation by affected communities.
- Responding to the decision by the EJ Advisory Group (meeting June 17, 2002), the bill also requires the Secretary of Cal-EPA to appoint two additional representatives from the EJ organizations, 2 from a federally recognized tribe, and 1 additional rep from small business to the EJ Advisory Group.

## Contact Information



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## Endnotes

- 1 For purposes of this report, we use the term “environmental justice communities” to refer to poor, working class, indigenous, refugee and communities of color who bear the disproportionate burden of critical economic, environmental, public health and social impacts in the places where they live, work, play, pray, and go to school.
- 2 Defined by neighborhoods in which more than 40% of its households were below the federal poverty standard of \$18,400 for a family of four.
- 3 The California Health Interview Survey (CHIS) is a telephone survey that provides population-based, standardized health-related data from 55,000 households selected from all 58 counties in the state. Fielded for the first time in 2000-2001, the survey is designed to provide information on: 1) the health of California’s adults and children, including physical and mental health status, prevalence and management of chronic diseases, and diet and exercise; 2) health insurance coverage, 3) access to preventive and other health services, and barriers to use of health services; and 4) eligibility for and participation in state health programs.
- 4 See Pastor Jr., Sadd and Morello-Frosch (forthcoming) for models of respiratory risk estimates.
- 5 The Academic Performance Index is measure calculated by the California State Department of Education to measure how well a school performed the previous year, based on spring testing. The index is a single number on a scale of 200 to 1,000 and is used to rank schools, compare similar schools, and determine eligibility for the state’s award and intervention programs. See <http://www.ed-data.k12.ca.us/school/psaa.asp>.
- 6 See “Dealing with Neighborhood Change: A Primer on Gentrification and Policy Choices” by the Center on Urban and Metropolitan Policy of the Brookings Institution and PolicyLink. April 2001.
- 7 See “Summary of Network Accomplishments” prepared by the seven EJ Networks in preparation for presentation at the Second National People of Color Environmental Leadership Summit. October 23, 2002.
- 8 Asian Pacific Environmental Network, Farmworkers Network for Economic and Environmental Justice, Indigenous Environmental Network, Northeast Environmental Justice Network, and the Southwest Network for Environmental and Economic Justice.
- 9 The full report, Improving Health and Safety Conditions for California’s Immigrant Workers, is available at: <http://ist-socrates.berkeley.edu/~lohp/graphics/pdf/wishrept.pdf>.
- 10 These recommendations reflect those contained in the written comments submitted by the Environmental Health Coalition and other EJ groups to the Governor’s Office of Planning and Research, January 15, 2003. The recommendations were submitted to guide the OPR in revisions of its Guidelines for General Plans.



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