

*Environmental Justice
Task Force*

Oakland Initiative Report





Environmental Justice Task Force

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Communities for a Better Environment
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Alameda County Agricultural Commissioner
AC Transit
Alameda County Healthy Homes
San Francisco Bay Regional Water Quality Control Board
Bay Area Air Quality Management District
Department of Pesticide Regulation
California Air Resources Board
Department of Resources Recycling and Recovery (CalRecycle)
Department of Toxic Substances Control
State Water Resources Control Board
US Environmental Protection Agency

Introduction

In 2016, the California Environmental Protection Agency’s Environmental Justice Task Force (EJ Task Force) selected two communities in Oakland— East Oakland and West Oakland—for a focused environmental enforcement and regulatory compliance initiative.

At the outset of the Oakland Initiative, the EJ Task Force worked with residents and local environmental justice organizations, including the West Oakland Environmental Indicators Project and Communities for a Better Environment, to learn about local environmental problems and concerns. Based on input obtained from residents and the environmental justice groups, the EJ Task Force conducted multi-agency inspections and provided compliance assistance in both East Oakland and West Oakland over several months. At the conclusion of that work, the EJ Task Force met with residents in both communities to report on the enforcement results, with information about ongoing work to address problems identified during the Initiative. This report provides a summary of the work performed by the EJ Task Force in East Oakland and West Oakland.

West Oakland Environmental Indicators Project leads bus tour for environmental regulators.



Background

California law defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws.”¹ CalEPA recognizes that the process of achieving environmental justice requires that all California residents have a meaningful opportunity to participate in environmental regulatory decisions.

Environmental justice also represents an aspiration towards a state where the race and income of a community are no longer indicators of the environmental pollution burden it suffers. Low income and minority communities in California are still disproportionately burdened by pollution, while at the same time facing serious socioeconomic, health, and other challenges.

Communities that suffer from disproportionate pollution burdens have long voiced their concerns about those burdens, including concerns about local land use decisions that place multiple sources of pollution in their midst and the resulting adverse health effects. These communities have also long voiced concerns about lax enforcement of environmental regulations to address pollution in their neighborhoods. CalEPA’s environmental justice policies and programs aim to integrate local communities’ considerations into the environmental regulatory activities, programs, and other actions

¹ Government Code Section 65040.12.

of each of its boards and departments.

Two primary components to CalEPA’s environmental justice initiatives and the work of the EJ Task Force are interagency coordination and community partnerships. First, interagency coordination is at the foundation of environmental justice enforcement efforts. In 2013, CalEPA formed its Environmental Justice Enforcement and Compliance Working Group, later renamed the EJ Task Force. It consists of representatives from CalEPA, its boards, departments, and office, as well as local and federal partner agencies that implement and enforce environmental laws. The EJ Task Force identifies disadvantaged communities and focuses the participating agencies’ enforcement and compliance efforts in those areas. The Oakland Initiative is the EJ Task Force’s third multi-agency enforcement and compliance initiative.²

Second, community partnerships and input are essential to the environmental justice initiatives. The EJ Task Force relies heavily on input received from its community-based partners to identify local environmental problems. The EJ Task Force takes that input and uses it to target enforcement and compliance efforts toward addressing identified problems. The EJ Task Force also works with its community partners to report the outcomes of its enforcement and compliance efforts back to the community and to develop long-term strategies for regulatory agency and community collaboration to address any ongoing or new environmental issues.

For the Oakland Initiative, enforcement staff from CalEPA, its boards and departments, and local partner agencies met with local environmental justice groups to set priorities for local environmental inspections and to share information about their regulatory programs with community members. The environmental issues identified at these meetings guided regulatory agencies in

² The Task Force conducted an initiative in Fresno in 2013-2014 and in the Boyle Heights and Pacoima neighborhoods of Los Angeles in 2015. Visit the EJ Task Force’s webpage for more information about the task force and its past initiatives: calepa.ca.gov/enforcement/environmental-justice-compliance-and-enforcement-task-force/.

formulating compliance and inspection activities over the course of several months, which led to several multi-agency inspections at facilities that were of particular concern to community members. The Oakland Initiative concluded with a report back to each community, where representatives from CalEPA, its boards and departments, and local partner agencies provided information about their inspections and compliance activities, including the results of the inspections. This written report provides a summary of the Oakland Initiative activities and results.

EJ Task Force staff report back to residents in West Oakland about enforcement results.



Community Selection

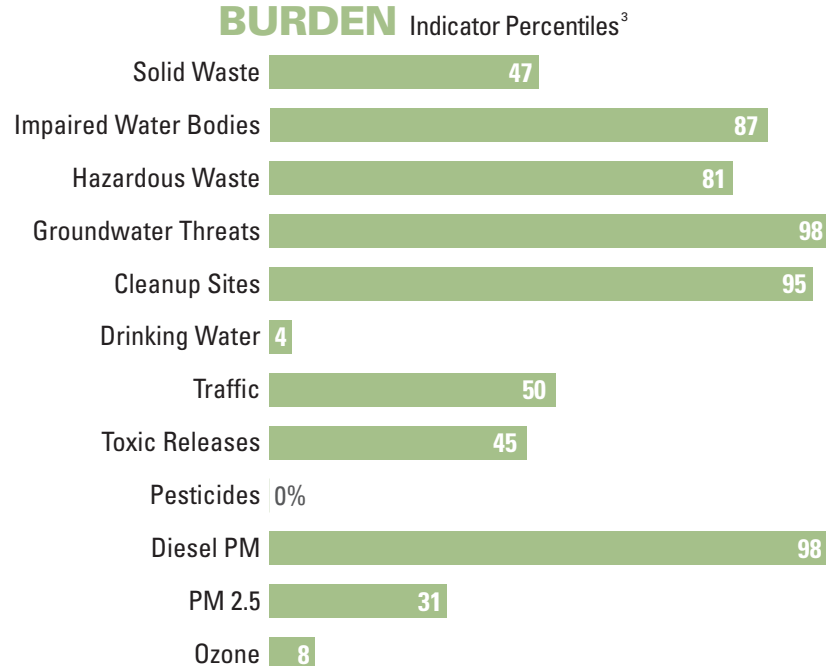
The EJ Task Force used CalEnviroScreen to identify Oakland as one of a number of areas in the state where residents experience high pollution burdens and increased vulnerability to pollution. The EJ Task Force selected two communities in Oakland for this initiative: West Oakland and the industrial corridor in East Oakland.

West Oakland

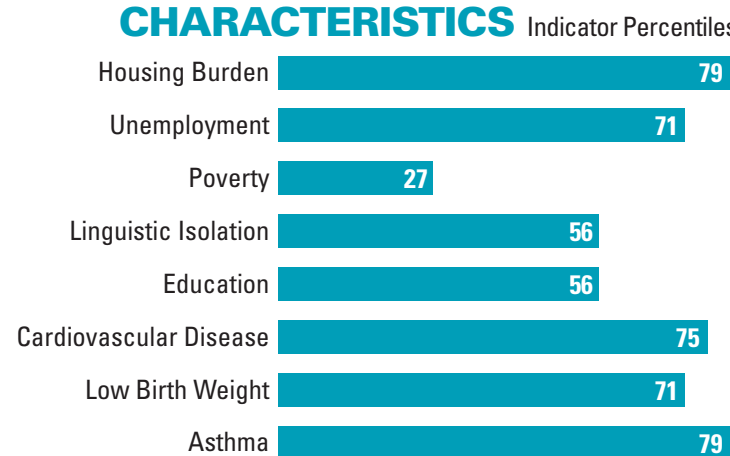
West Oakland is a long-standing, historically diverse community in the East Bay where thousands of Spanish, Portuguese, Chinese, African Americans, Irish, and others settled in the mid-1800s to work on the docks along the waterfront, and later the railroads. In the 1930s and 1940s, West Oakland became a destination for African American migration from southern states. At a time when there was widespread housing discrimination and limited housing opportunities for racial minorities, West Oakland became home to many residents who were prohibited from buying homes elsewhere in the East Bay. By the mid-twentieth century, West Oakland was home to the largest African American community in Northern California. In recent years, as manufacturing and other industries have moved out of the country, many of the jobs that drew residents to the area have steadily declined, and poverty has increased.

The current census reports that West Oakland has 43,647 residents.

WEST OAKLAND POLLUTION BURDEN



WEST OAKLAND POPULATION CHARACTERISTICS



³ CalEnviroScreen is a screening methodology that can be used to help identify California communities that are disproportionately burdened by multiple sources of pollution. For more information on CalEnviroScreen methodology and results, visit: oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf

Of the older residents, 36% have less than or the equivalent of a high-school education, and the median income of West Oakland residents is \$39,303, far below the average in greater Oakland of \$58,807.⁴ In addition to economic hardships, the community is heavily burdened by air pollution resulting from freeway traffic and the Port of Oakland. According to CalEnviroScreen, West Oakland is in the 98th percentile for diesel particulate matter as the result of being surrounded by freeways and in close proximity to the port. The latest study, from 2010, estimated that the trips were made by about 2,800 unique trucks each day. According to the Oakland Port records, the marine terminal operators reported about 2 million total truck trips, although each day's truck volume varies.⁵ This traffic going through and around the community escalates diesel particulate matter levels significantly, which can aggravate allergies and increase health risks for cancer, premature birth, asthma and other respiratory conditions.

Despite the environmental and economic challenges faced by West Oakland residents, the community maintains a strong network of individuals and organizations dedicated to improving their neighborhood for the benefit of all residents. At the beginning of the Oakland Initiative, the EJ Task Force partnered with West Oakland Environmental Indicators Project, a group that has been advocating for improved environmental conditions in its community for decades, to direct the focus of the West Oakland portion of the Initiative.

4 "West Oakland Neighborhood Detailed Profile." www.city-data.com/neighborhood/West-Oakland-Oakland-CA.html. 2013. Retrieved 2017-10-25

5 UC Berkeley Health Impact Group (UCBHIG), Health Impact Assessment for the Port of Oakland, University of California, Berkeley, CA, p. Air-6 (March 2010).

EJ Task Force staff listen to East Oakland residents as they point to areas on the map of concern for pollution and blight concerns.



East Oakland

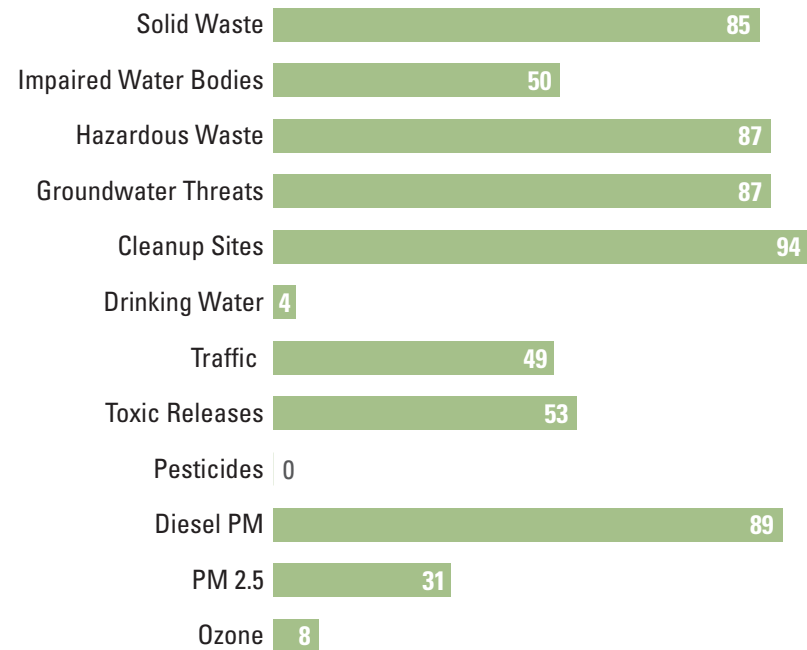
East Oakland is the largest geographic area in the City of Oakland, and has a population of 87,000.⁶ The East Oakland community initially grew as a main hub on the Lincoln Highway, the first intercontinental highway in the United States, in the early 1900s.⁷ Like West Oakland, East Oakland grew rapidly with an influx of new African Americans residents resettling in the area after World War II. While African Americans are still a majority of the population in East Oakland, the community has become increasingly diverse over time, with a large proportion of Latino and Asian residents.

Residents in East Oakland live in close proximity to industrial facilities, drayage from the port, and highly trafficked roads, which result in localized air quality impacts. This has led to well-documented adverse health impacts affecting East Oakland residents. Childhood asthma in East Oakland is more than twice as high as in the rest of Alameda County. Additionally, CalEnviroScreen ranks East Oakland at the 98th percentile for emergency room visits for asthma-related health problems, meaning only 2% of areas in all of California have more asthma-related emergency room visits than East Oakland. East Oakland also suffers from a number of other pollution burdens, ranking it in the 85th percentile or higher for total number of solid waste facilities, hazardous substance cleanup sites, groundwater threats, and hazardous waste facilities, all of which may contribute to negative health outcomes for residents. The EJ Task Force partnered with Communities for a Better Environment (CBE) to help direct the focus of the East Oakland portion of the Initiative. CBE has been actively working to address a variety of environmental problems in East Oakland for several decades.

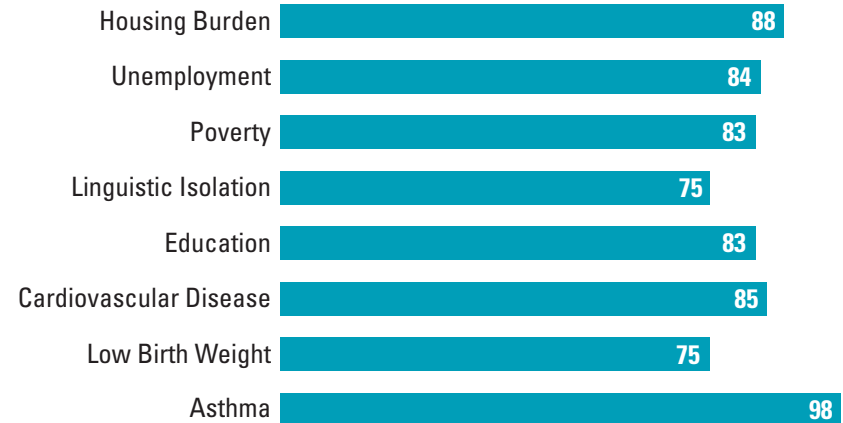
6 East Oakland: Community Information Book Update." ACPHD.org. October 2005.

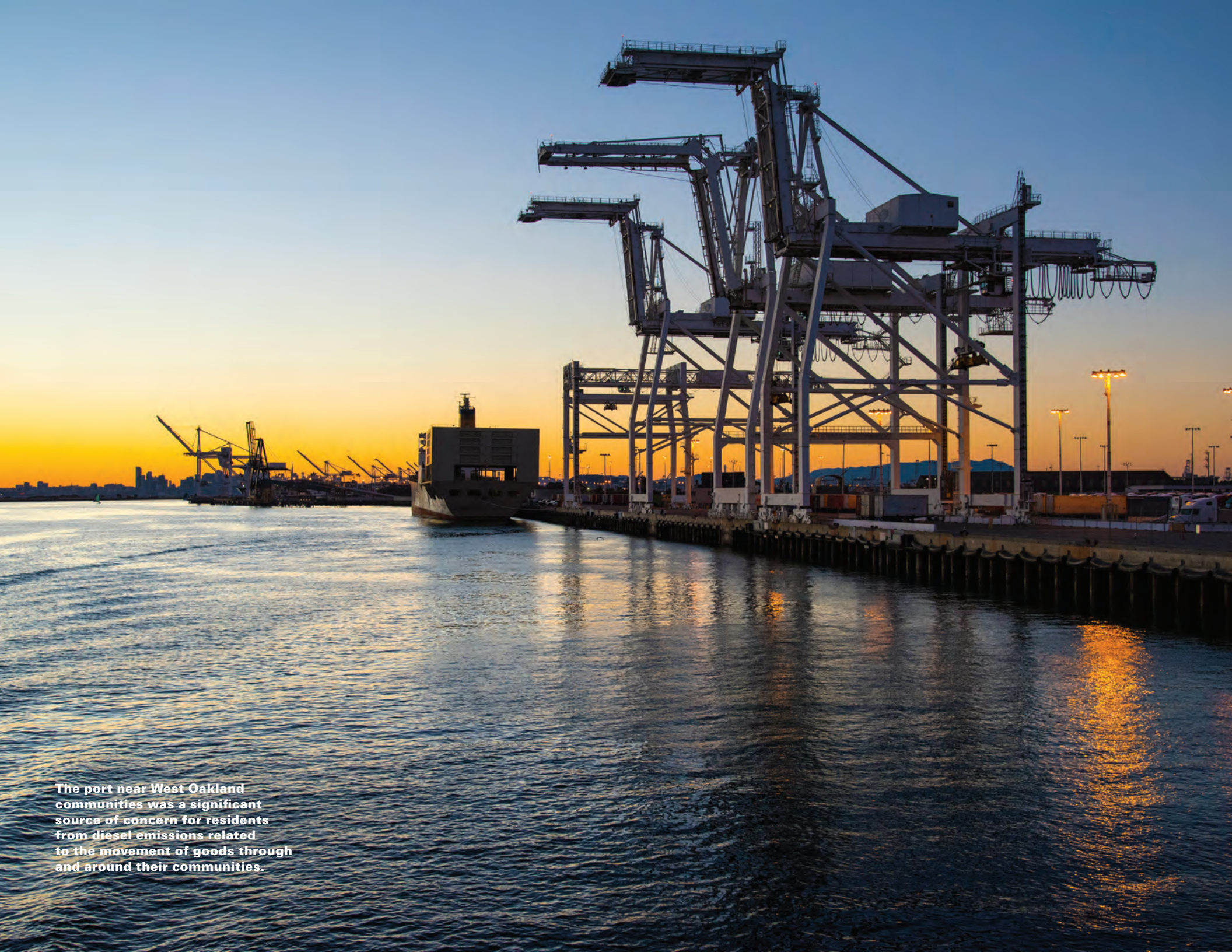
7 "The Lincoln Highway - General Highway History - Highway History - Federal Highway Administration". fhwa.dot.gov.

EAST OAKLAND POLLUTION BURDEN



EAST OAKLAND POPULATION CHARACTERISTICS





The port near West Oakland communities was a significant source of concern for residents from diesel emissions related to the movement of goods through and around their communities.

Community Engagement and Guidance

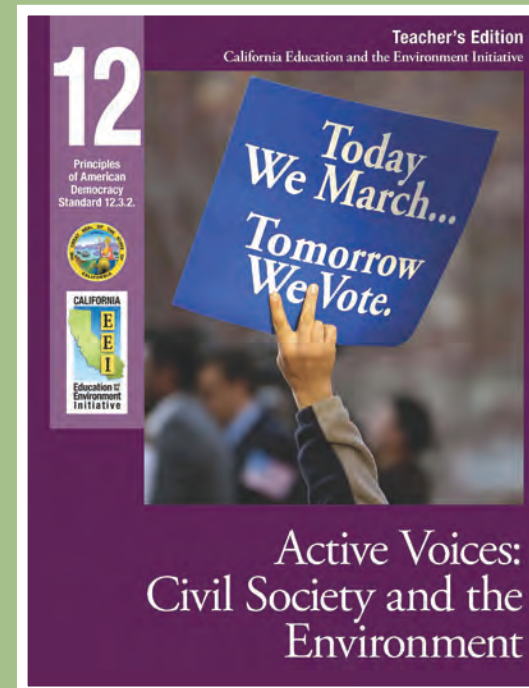
A central part of the EJ Task Force's work is to provide communities with meaningful opportunities to participate in the planning and implementation of the enforcement work conducted in their communities. CalEPA organized community meetings in West and East Oakland to bring together environmental regulators and members of the community before finalizing the agencies' planned enforcement and compliance activities.

As part of that effort, CalEPA worked with the West Oakland Environmental Indicators Project and Communities for a Better Environment, with assistance from AC Transit, to provide neighborhood bus tours for regulators involved in the Initiative. These tours allowed participants to highlight particular areas and facilities of concern to residents in both communities.

Youth engagement

CalRecycle and the Department of Toxic Substances Control staff, working with local organizations, made presentations to two groups of over a hundred students in Oakland. The presentations introduced concepts of environmental justice to the students and encouraged civic engagement through activities that helped the students identify local environmental issues that they face in their everyday lives.

After receiving an overview of environmental programs in state government, students worked in groups to identify environmental issues on a large local map. Without knowing the CalEnviroScreen scores for the area, students concluded that air quality was the biggest environmental problem in their neighborhood, with the second being the issue of solid waste (or, as the students put it, "garbage"). Students were encouraged to participate in upcoming public meetings for the EJ Task Force and some did attend.



West Oakland

On the evening of February 15, 2017, CalEPA, together with the West Oakland Environmental Indicators Project, hosted an initial community consultation meeting. Members of community organizations, churches, and other residents attended the meeting, with representatives from CalEPA, its boards and departments, the U.S. EPA, local partner agencies, and the media. CalEPA gave a short presentation at the meeting, answered questions from members of the community, then invited community members to engage in conversations with regulators at tables focused on different environmental enforcement areas. Areas of concern expressed at the meeting were:

- Better coordination between the City of Oakland and environmental enforcement agencies;
- More active involvement from the California Department of Transportation (CalTrans) on land use decisions;
- Lead contamination in soil on commercial and residential properties;
- Illegal dumping throughout neighborhood;
- Large homeless encampments resulting in possible hazardous waste;
- Odors from large industrial facilities;
- Noise and odors from backyard businesses;
- Ongoing land-use conflicts;
- Large concentration of trucks resulting in traffic, potholes, and pollution;
- Concern for high particulate matter (PM) levels near I-880 and BART rail lines;
- Sewers flooding during rainy season due to trash.

The West Oakland Environmental Indicators Project led the EJ Task Force's bus tour in West Oakland. The five-stop tour illustrated the community's concerns around heavy truck traffic associated with the port, industrial activities, illegal dumping, homeless encampments, and the use of property under freeways in the neighborhood.

Environmental regulators and West Oakland Environmental Indicators staff during the bus tour.



East Oakland

On February 16, 2017, CalEPA joined with Communities for a Better Environment to host a community meeting at the Oakland Library's branch on 81st Avenue. Local residents and representatives from community organizations and businesses attended the meeting, with representatives of environmental regulatory agencies participating in the Initiative. Following a short presentation from CalEPA, the group broke into round table discussions about environmental issues experienced by East Oakland residents. At each table, representatives from CalEPA, the boards and departments, and the local agencies answered questions and listened to community members' particular concerns.

Areas of concern expressed at the meeting were:

- Homeless encampments, including odors, possible contamination from excrement in storm water & canals, and burning of tires and litter;
- Illegal dumping of common household items, tires, and scrap metals throughout neighborhood;

- Toxic air emissions and storm water concerns from industrial activities;
- Odors in the community;
- Backyard auto repair businesses;
- High lead exposure;
- Cloudy drinking water;
- High concentration of diesel truck traffic;
- Improper use of pesticides by Oakland Unified School District and City of Oakland;
- Limited nearby grocery stores with fresh produce;
- Lack of green space;
- High air pollution contaminant levels near freeways;
- Concerns over use of land for Superfund sites;
- Displacement of residents after fires.

Communities for a Better Environment led the EJ Task Force on a tour of East Oakland. The East Oakland tour illuminated the community's concerns around toxic air emissions, as the regulators experienced first-hand nauseous odors while stopped at an elementary school near industrial facilities. The four-stop tour also highlighted capacity issues at solid waste handling and recycling operations, as well as illegal dumping and community concerns around proposed land uses.

Leaders from Communities for a Better Environment presenting to local residents and EJ Task Force staff.





Solid Waste

CalRecycle is the state's solid waste management and recycling agency. The agency partners with local solid waste and tire enforcement agencies to ensure compliance with its regulations. In Oakland, the Alameda County Department of Environmental Health is the local enforcement agency as well as the tire enforcement agency. Background information on the various programs enforced by CalRecycle and the Alameda County Department of Environmental Health (Alameda County) is provided below, along with the results of the work these two agencies conducted for the Initiative in East Oakland and West Oakland.

Solid Waste Facility Inspection Summary

CalRecycle ensures that solid waste facilities, such as landfills, transfer stations, and composting sites, meet state standards for environmental protection and public health and safety. Alameda County has the authority as a local enforcement agency to inspect, permit, and enforce state solid waste facility requirements in Oakland.

CalRecycle and Alameda County conducted 11 solid waste facility inspections in Oakland. These included seven inspections of sites handling construction and demolition material, a transfer station, one composting operation, and two recycling centers. Five of these

facilities were out of compliance with solid waste regulations.

- **Recycling Centers:** The two recycling centers were operating without a solid waste facility permit and have been required to register as transfer stations. This was because they had levels of non-recyclable solid waste that exceeded standards for a recycling facility. Alameda County issued cease and desist orders for both sites.
- **Construction and Demolition Facilities:** All three facilities were out of compliance. One was required to submit a revised notification and operational plan to Alameda County and is now in compliance. Another was found to be operating in a manner that required the site to have a registration permit – to ensure the site meets legal standards for operating. It has since made operational changes to comply and is working on a permit application. A third site has ceased operations because the operator could not secure the signatures of the landowners. Alameda County also collected additional records from two other sites handling construction and demolition material to determine if they are operating within the regulatory requirements.

Waste Tire Enforcement

California generates more than 40 million reusable and waste tires each year. CalRecycle's waste tire program is dedicated to finding new uses for this valuable resource. For example, old tires can be reused once given a retread. They can also be used in secondary products and engineered applications and energy conversion. CalRecycle's waste tire enforcement program seeks to ensure that reusable and waste tires generated every year in the state are safely transported, stored, processed, and disposed of in a manner that protects public health, safety and the environment.

CalRecycle accomplishes this by conducting regular, unannounced inspections of more than 30,000 waste tire generators, haulers, and end-use facilities. The Department of Environmental Health carries out CalRecycle's waste tire program in Alameda County.

When a non-major violation is spotted in an inspection, a company is generally given a certain time frame to correct the violation without receiving a fine. When a facility does not correct violations found by the county within the timeframe allowed, the department refers the facility to CalRecycle for escalated enforcement, which can include the issuance of administrative penalties. Of the 25 waste tire inspections conducted by CalRecycle and Alameda County as part of the Initiative, only one was out of compliance with waste tire regulations. The noncompliant facility was unable to produce required tire manifest documentation at the time of the inspection. Alameda County will conduct a follow up inspection to determine whether the facility came into compliance.

CalRecycle and California Highway Patrol staff conducted a vehicle checkpoint at a permitted waste tire facility in early May 2017 to detect any unregistered waste tire haulers; no violations were found.

Additionally, to help ensure awareness of best management practices for state requirements, CalRecycle conducted two waste-tire hauler workshops, one in English and one in Spanish. The workshops provided compliance assistance to waste tire haulers in Oakland and the greater Bay Area.

Beverage Container Inspection Summary

CalRecycle administers the beverage container recycling program for California. For the Oakland Initiative, CalRecycle visited beverage container dealers and recycling centers. Dealers are any businesses that sell a beverage containing the California Refund Value (CRV). Recycling centers buy back the empty CRV beverage containers from consumers and reimburse them the CRV that they paid when purchasing the beverage. CalRecycle conducts site visits at collection programs. Collection programs, generally run by nonprofit organizations, schools, or churches, receive CRV containers from the public but do not reimburse the consumer for the CRV paid. The CRV payments instead are made to the organization as a donation when they return the material to a recycling center.

As part of the Oakland Initiative, CalRecycle visited 18 sites, including

six dealers, six recycling centers, and six collection programs. Thirteen of these sites (72%) were in compliance. Five of the locations (one dealer, one collection program, and three recycling centers) had violations. Businesses were issued a notice of noncompliance, warning letter, or notice of violation and fine, depending on the facility's compliance history. The violations found during these inspections included paying CRV on ineligible containers, not properly inspecting material submitted for reimbursement, not properly recording transaction information, recordkeeping omissions, and selling containers that had an improper CRV label.

CalRecycle assessed \$950 in fines and denied more than \$4,000 in CRV payments for the facilities that received notices of violation. Inspectors pulled improperly labeled beverages from shelves and informed the respective dealers about the labeling requirements. CalRecycle has followed up with the manufacturer of the beverages to ensure proper labeling going forward.



One of the key issues with many recycling facilities was they were keeping more recyclable materials in their facilities could adequately contain.

Water

The San Francisco Regional Water Quality Control Board (Regional Water Board) regulates discharges to water, including storm water run-off, to protect water quality. Storm water run-off, which occurs when precipitation from rain flows over the land surface, can be particularly harmful to environmental health and waterways because it picks up and carries with it pollutants found on sidewalks, roads, and other paved surfaces. Especially in urban areas located near industrial facilities contaminants found in storm water can include toxic metals such as copper, zinc, and lead, as well as sediment, bacteria, oil, grease, and any number of pollutants created by industrial activities.

The State Water Resources Control Board (State Water Board) works closely with the Regional Water Board and the United States Environmental Protection Agency (U.S. EPA) to implement the federal Clean Water Act in California. The focus of The State Water Board and The Regional Water Board in both West Oakland and East Oakland was on industrial facilities that discharge pollutants to storm water as well as on monitoring their compliance with the state-issued industrial general permit for storm water. In preparation for the Initiative, the State and Regional Water Boards analyzed compliance across their programs including in drinking water systems, wastewater and collection systems, sanitary sewer

overflows, cleanup sites, municipal storm water, impaired water bodies, and operator certification. Based on this analysis and community input, industrial storm water inspections were identified as a primary concern, with a focus on recycling facilities (e.g., paper, plastics, metal, etc.) and concrete batch plants.

Storm Water Inspections

The Regional Water Board conducted seven storm water inspections and U.S. EPA conducted six storm water inspections in Oakland. All 13 sites had violations varying in severity. The most common recurring issue was at recycling facilities that were inspected and found to be undersized for their operations. Because the facilities were undersized, they were struggling to manage excess material, leading to violations such as inadequate containment, materials being tracked or blown out of the facility boundaries, storage of inappropriate materials (e.g., refrigerators or other items that may contain hazardous waste), and failure to conduct required water quality sampling. The Regional Water Board also conducted two cleanup site inspections, one of which was a multi-agency inspection of E-D Coat, discussed on page 18.



Trash and other contaminants being washed down a storm drain in Oakland.

Air

The California Air Resources Board (CARB) regulates mobile sources of air and climate pollution. CARB inspects heavy-duty vehicles, ocean-going vessels, and consumer products. It also certifies for sale vehicles, engines, and parts to reduce the public’s exposure to air pollution.

The Bay Area Air Quality Management District (BAAQMD) regulates stationary sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD inspects facilities to ensure compliance with air quality regulations and responds to air quality complaints from the public.

Air Inspections Summary

Significant health impacts are associated with emissions from diesel vehicles, specifically from diesel particulate matter. Impacts can include risk of premature death, cancer, respiratory illnesses, and heart disease. Oakland contains many industries, major freeways, and a port, which results in concentrated diesel truck traffic. This is a great concern to community residents, especially in West and East Oakland. In response to community concerns related to heavy-duty diesel truck traffic, CARB conducted inspections at locations identified by people in those communities. Of the 48 trucks that were inspected, CARB issued three citations for inadequate emission

controls. In addition, CARB inspected off-road diesel vehicles at the Port of Oakland, resulting in two investigations that are currently under review.

BAAQMD staff participated in seven multi-agency stationary source inspections in East and West Oakland. No air quality violations were observed by BAAQMD staff at the facilities. One unregistered front-end loader was found that has since been registered.

Table 1 summarizes all air quality inspections conducted as a part of this Initiative.

TABLE 1: MOBILE AND STATIONARY SOURCE AIR INSPECTIONS SUMMARY

Inspection Type	Number of Inspections	Citations Issued	Compliant	Samples Under Evaluation	Case Initiated or Follow Up Needed
Heavy Duty Diesel Vehicles	48	3	45		
Off-Road Diesel Equipment	56	5	49		2
Chemically Formulated Consumer Products	25			15	
Composite Wood	3			3	
Refrigerant Management Program	37		37		
Ocean Going Vessels	11		11		
Cargo Handling Equipment	3		3		
Transport Refrigeration Unit	1		1		
Stationary Sources	7		7		

Air Monitoring in East Oakland

East Oakland residents have complained about unidentified metallic odors in their neighborhood. Some have experienced health impacts such as headaches, eye irritation, and nausea. CARB worked with BAAQMD staff and University of California Davis (UC Davis) researchers to develop a community level air monitoring plan to try to identify the source of the metallic odors and other air pollutants.

To do this, CARB and UC Davis researchers utilized a variety of sampling methodologies. CARB deployed a vehicle equipped with air monitoring equipment to identify and measure criteria pollutants, including: ozone, particulate matter (PM), carbon monoxide, nitrogen oxides and sulfur dioxide. In addition, CARB collected Volatile Organic Compound (VOC) samples at two community locations. UC Davis deployed a variety of sampling instruments, including Davis Rotating Unit for Monitoring (DRUM) style impactors to collect particulate matter in nine different size ranges.¹ The DRUM samplers collected PM samples continuously for six weeks. UC Davis researchers will use advanced analytical techniques to measure mass (beta attenuation) and elemental concentrations (synchrotron induced X Ray fluorescence) of the DRUM samples.

Based on CARB's measurements, $PM_{2.5}$, PM_{10} , and diesel particulate matter (DPM) concentrations were all found to be below annual and 24 hour air quality standards for PM and OEHHA's chronic Reference Exposure Level (REL) for DPM. Hotspots of black carbon, $PM_{2.5}$, and ultra fine particles were observed on some major roads and at intersections and are most likely associated with traffic emissions.

The UC Davis dataset is currently under evaluation and should be finalized in 2018. CARB and UC Davis datasets will be analyzed to develop an understanding of the local emission sources and to determine if additional air monitoring is needed by BAAQMD or CARB to identify the source of the odors raised by the community.

¹ The DRUM samplers collected PM in nine size bins, specifically: inlet to 5.0, 5.0 to 2.5, 2.5 to 1.15, 1.15 to 0.75, 0.75 to 0.56, 0.56 to 0.34, 0.34 to 0.26, and 0.26 to 0.09 μm



This is a DRUM sampler that was placed on a roof in East Oakland to monitor for particulate matter.

Toxics

The Department of Toxic Substances Control (DTSC) enforces laws that apply to the generation, handling, treatment, and disposal of hazardous waste in California. DTSC regularly inspects hazardous waste treatment and storage facilities, used oil recycling handlers, large quantity hazardous waste generators, and electronic waste facilities. DTSC's Office of Criminal Investigations, which houses sworn peace officers with the powers of arrest, search, and seizure, investigates the most serious environmental criminal offenses that pose substantial danger to the California public and environment.

Local agencies known as Certified Unified Program Agencies or CUPAs also enforce hazardous waste and hazardous materials laws at the local level. CUPAs ensure that facilities handling hazardous materials and waste operate safely and comply with the state's hazardous materials and waste laws. In Oakland, the Alameda County Department of Environmental Health (Alameda County) is the local CUPA.

Hazardous Waste Inspections

DTSC and Alameda County inspected 31 facilities for proper management and handling of hazardous waste and e-waste. Nine of these facilities were inspected jointly. The agencies selected facilities with a greater risk of impacting the community, considering several factors such as whether the facility has chemicals or conducts

processes known to pose a significant risk to the environment or public health (such as metal processing facilities), whether the facility has a history of non-compliance with hazardous waste laws and regulations, and whether the facility was due for inspection. Twenty-eight facilities had violations, and the agencies took enforcement action against 12 facilities for significant hazardous waste violations.

Four of these facilities had violations considered to be the most serious types of violation, which, if not corrected, could be detrimental to

Criminal Charges Filed Against Former Electroplating Facility in West Oakland

The Alameda County District Attorney's Office Environmental Protection Division filed fifteen felony charges against the owner and operator of a closed electroplating facility based on numerous hazardous waste disposal,



treatment, and storage crimes that placed the public and environment at risk. The criminal investigation that led to the felony charges stemmed from a search warrant obtained by the Alameda County District Attorney's office and executed with multiple environmental agencies as a part of the Oakland Initiative. The search uncovered numerous hazardous waste violations and deteriorating conditions at the facility in West Oakland that operated as E D Coat, Inc. from 1966 until 2012. After the search, DTSC issued an endangerment order, requiring the owners to prevent the release of hazardous chemicals found at the site, including cyanide, chromium, cadmium, hydrochloric acid, and sulfuric acid and other extremely dangerous chemicals. Since the endangerment order was issued, DTSC has conducted cleanup at the site totaling \$25,000 that involved pumping large quantities of liquid and sludge containing metals and cyanide from a floor sump at the facility. U.S. EPA has secured an additional \$1 million in funding to perform additional removal and cleanup actions at the facility.

Corroding containers with toxic chemicals in E D Coat Inc. facility.

human health or the environment. These serious violations, known as class I violations, included illegal storage of hazardous waste and failure to notify DTSC before treating electronic waste. DTSC and Alameda County found 54 class II violations at 19 of the facilities, including failure to train employees in proper waste handling and emergency procedures and failure to handle hazardous waste in a manner that prevents release into the environment. The agencies found 147 minor violations, including failure to adequately track and inventory hazardous waste.



One of the 118 styles of jewelry removed from the discount stores. Many were children's accessories.

Lead in Jewelry at Discount Stores in Oakland

DTSC enforces California's lead-free standards for jewelry. Lead and other toxic heavy metals can lead to a number of health problems, including behavioral problems, learning disabilities, joint and muscle weakness, anemia, organ failure, and even death. Lead is used in inexpensive jewelry to make the article heavier, brighten colors, and stabilize or soften plastic. Children are at greatest risk of exposure to toxic constituents in jewelry because they are prone to place the items in their mouths.

In order to detect and prevent the public's exposure to lead, DTSC inspects retail stores and suppliers that sell consumer products and jewelry. DTSC uses an instrument called an X-Ray Fluorescence (or XRF) to screen levels of metals in the products. If the screening tool detects high levels, the product is confiscated and analyzed for toxic constituents. If the laboratory analysis confirms levels of lead or other toxics above regulatory limits, the store is ordered to remove products from the shelf and DTSC conducts an investigation to identify the source of the product in order to remove it from the supply chain.

DTSC inspected 19 discount stores in Oakland for lead in jewelry. Of the 19 stores inspected, ten stores had jewelry items with lead levels above the legal limits. DTSC traced the products back to three jewelry

suppliers in the Los Angeles area and inspected their inventories. Between the Oakland retail inspections and those conducted at the three Los Angeles suppliers, DTSC identified 118 types of jewelry that were in violation of the allowable lead and cadmium standards. Based on these results, DTSC conducted an additional 15 inspections of jewelry distributors in Los Angeles, which have resulted in discovery of additional lead-contaminated jewelry. The investigation of these additional jewelry items and suppliers is ongoing.



DTSC staff scanned over 200 jewelry items for toxics and handed out flyers and educational materials at the event.

Community outreach to raise awareness about toxic jewelry

DTSC notified the public of lead hazards in jewelry through outreach and news media alerts regarding the particular products that were confiscated as part of the Initiative. Additionally, DTSC brought the XRF instrument to a number of public venues in Oakland to offer testing for local residents' jewelry, including hosting a table at Oakland's annual Dia de Los Muertos event in Fruitvale. DTSC partnered with State Senator Nancy Skinner's office to hand out information about the toxic jewelry that was discovered in the local stores. Staff also screened over 200 pieces of jewelry and provided information on lead safety. A child's bracelet was among the items tested from local residents that revealed high lead and cadmium levels.

Pesticides

The Department of Pesticide Regulation (DPR) oversees and enforces federal and state laws covering pesticide registration, licensing, the sale and use of pesticides, and worker protection from pesticides. DPR administers the nation's largest monitoring program for analyzing domestic and imported produce for pesticide residues. To implement these programs, DPR conducts three types of inspections: it tests produce for illegal pesticide residue; it conducts marketplace surveillance to verify that only registered and properly labeled pesticides are sold; and it inspects manufacturers of pesticides to ensure the pesticides at manufacturers' facilities are properly registered and labeled.

DPR works closely with county agricultural commissioners, who have the primary responsibility to enforce pesticide use laws. In Oakland, the Alameda County Agricultural Commissioner conducts inspections to ensure compliance with pesticide use requirements, investigates pesticide incidents, and takes administrative actions against violators. As part of its authority over pesticide use, the Alameda County Agricultural Commissioner inspects structural fumigations and commodity fumigations, which use lethal gases to eliminate wood-eating insects, such as termites, from a structure and stored product pests from commodities for export.

Produce Residue Inspections

DPR monitored the presence of pesticide residues in fresh produce samples collected at retail stores located in the Melrose and Webster neighborhoods of East Oakland. It also monitored for pesticides at wholesale stalls located in the Oakland Terminal Market, which supplies produce to markets in West Oakland

DPR collected 90 samples during the course of this initiative. Four samples (4.4%) contained illegal pesticide residues. The contaminated produce included ginger imported from China, limes imported from México, nopales imported from México, and green onions imported from México. None of the four samples carrying illegal residues



DPR staff conducting produce compliance inspections.

were determined by DPR's Human Health Assessment Branch to pose a potential health risk to consumers.

Each lot of contaminated produce was removed from shelves. Because all four cases involved imported commodities, DPR traced each lot of produce back to its point of entry into California. DPR has no legal jurisdiction to take enforcement action on growers outside of California. However, DPR can take enforcement action against suppliers of the produce that are located in the state. DPR is evaluating the suppliers in these four cases to determine appropriate enforcement action.

Pesticide Producer Inspection Summary

Pesticide producing establishments are facilities where pesticides are manufactured, processed, and packaged or re-packaged. These facilities are inspected under federal authority, applying the Federal Insecticide Fungicide and Rodenticide Act (FIFRA). Utilizing US EPA's listing of active California producer establishments, DPR identified and inspected two pesticide producing facilities located in West Oakland. The producing establishment inspections are conducted under federal authority and our inspectors use federal credentials when conducting the inspections. This is in accordance with our cooperative agreement with U.S. EPA. All conclusions and determinations regarding non-compliances found during these inspections are made by the U.S. EPA (not DPR). One of the facilities, producing sanitizers for industrial use, was forwarded to US EPA for follow up on possible paperwork and labeling violations noted during the inspection, as is standard practice.

Pesticide Market Surveillance Inspections

DPR conducts inspections at locations where pesticides are sold or distributed to ensure the products are properly labeled and legal for sale in California. DPR conducted inspections at seven discount and five other retailers that sold pesticide products. Six (all discount retailers) of the retailers were in West Oakland and six (one of which was a discount retailer) were in East Oakland. No violations were found.

Commodity Fumigation Inspections

Agricultural commodities, such as rice or almonds, arrive by truck at the port. Once there, the commodity is fumigated inside a sealed or tarped container and then aerated before the containers are loaded onto cargo vessels for export. Commodity fumigations involve the use of lethal gases, either phosphine or methyl bromide, to control insects and to meet the import requirements of other countries. The Alameda County Agricultural Commissioner closely monitors these activities and enforces pesticide label and use requirements, restricted material permit conditions, work site plans and buffer zone distances to prevent the risk of acute exposures from the off-site movement of the fumigant to persons working or living in the area. The Alameda County Agricultural Commissioner inspected eight commodity fumigations at the Port of Oakland. No violations were observed.

The Alameda County Agricultural Commissioner inspected two structural pest control businesses and the headquarters of a landscape pest control business in the East Oakland area to ensure they were properly storing pesticides, as well as keeping adequate employee safety records. No violations were found.

Alameda County Agricultural Commissioner also performed 22 hours of pesticide application surveillance in the targeted areas and found no violations. One structural pest control application inspection was conducted with a licensed field representative servicing rodent bait boxes at a commercial building in the West Oakland area. The bait boxes were tamper proof, properly labeled, and secured.



Conclusion

Following the EJ Task Force’s West Oakland and East Oakland enforcement work and compliance assistance, the Task Force held meetings in both communities to share the results and information about ongoing work to address problems identified during the Initiative. The community meetings also provided resources and pertinent regulatory contact information for residents to use to seek assistance for recurrent and new environmental problems in their neighborhoods. Finally, the meetings included an opportunity for community residents to provide feedback to environmental regulators on their work, to ask the regulators questions, and to urge the regulators to remain engaged with the community.

The Oakland Initiative resulted in a number of key takeaways that include:

- Oakland residents in both West and East Oakland remain concerned about local air pollution in their communities. Although inspections conducted as part of the Initiative demonstrated a high rate of compliance with heavy diesel vehicle emission requirements, that result does not mean that Oakland’s neighborhoods do not have air pollution problems. Local land use decisions that expand industrial and port-related activities near residential areas can result

in increases of localized air pollution to unacceptable levels, which spot inspections of trucks do not detect. Accordingly, additional work by regulatory enforcement agencies to monitor localized air pollution will be necessary, as well as community involvement in local land use decisions that could result in increased air pollution in neighborhoods already exposed to heavy cumulative pollution burdens. CARB is also performing ongoing work, together with UC Davis researchers and staff at the Bay Area Air Quality Management District, to address and eliminate odor problems in East Oakland that were identified during the Initiative.

- DTSC’s inspection of discount retailers, as well as its follow up inspection of discount jewelry distributors, highlighted the importance of maintaining a state enforcement focus on toxic jewelry products in California. DTSC plans to continue its work with the Attorney General’s Office to target businesses that violate California’s Metal Containing Jewelry Law and the Unfair Competition Law to prevent these harmful products from being sold. DTSC also plans to continue with its rigorous enforcement and education efforts to address the problem of sales of tainted jewelry in California.
- The EJ Task Force identified a serious problem of excessive levels of waste materials being stored at recycling facilities in both communities. Many of these recycling facilities were undersized for the amount of waste materials they were storing, had trash frequently blowing off site into the surrounding communities, and most were cited for storm water violations.

In addition to the results of the Oakland Initiative that are summarized in this report, CalEPA and the regulatory agencies that participated in the Initiative have developed better working relationships with the Oakland community groups and residents who participated in the Initiative. CalEPA and the other EJ Task Force participating agencies are committed to continue this collaboration to address ongoing and future environmental problems in East and West Oakland.



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