

California Environmental Protection Agency (Cal/EPA)

Environmental Justice Program
Program Implementation Report
2nd & 3rd Quarterly Report
July-December 2001

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Through December 2001
Environmental Justice Program Implementation
California Environmental Protection Agency**

The California Environmental Protection Agency's (Cal/EPA) Quarterly Report on Environmental Justice Implementation highlights tasks and accomplishments completed through December 2001. The Report also outlines future activities planned for the subsequent quarter and potentially significant obstacles that may impede the implementation of tasks, as outlined in existing environmental justice laws SB 115 (Chapter 728, Statutes of 1999), SB 89 (Chapter 690, Statutes of 2000) and SB 828 (Chapter 765, Statutes of 2001). The six sections of the report reflect the comprehensive approach taken by Cal/EPA and its Boards, Departments, and Offices in achieving environmental justice. The topic areas address how environmental justice is being incorporated within Cal/EPA and into the programmatic, policy, and implementation decisions of the Boards, Departments and Offices at Cal/EPA. The latter sections examine the efforts in environmental justice training; public participation and outreach; data and research supporting environmental justice as well as future plans.

Background

The California Environmental Protection Agency (Cal/EPA) is charged with the responsibility of implementing SB 115 (Chapter 728, Statutes of 1999) as well as SB 89 (Chapter 690, Statutes of 2000) and SB 828 (Chapter 765, Statutes of 2001) to ensure the fair treatment of all communities and populations, including minority populations and low-income populations. SB 115 (Chapter 728, Statutes of 1999) gives Cal/EPA broad responsibilities to include environmental justice in the design and implementation of programs, policies, and activities; in the implementation of enforcement efforts; in the design of public participation activities; and in conducting health and environmental research and data collection.

While SB 115 (Chapter 728, Statutes of 1999) lays out broad responsibilities for Cal/EPA, SB 89 (Chapter 690, Statutes of 2000) and SB 828 (Chapter 765, Statutes of 2001) outline a structure through which Cal/EPA operationalizes environmental justice goals. SB 89 (Chapter 690, Statutes of 2000) and SB 828 (Chapter 765, Statutes of 2001) establish the formation of an Interagency Working Group made up of the Cal/EPA Secretary, Boards, Departments, and Offices (BDO) heads and the Office of Planning and Research (OPR) director; and the formation of an external Advisory Group to the Working Group. It will be the function of these two groups to assist Cal/EPA in developing an agency-wide environmental justice strategy and provide procedural recommendations to Cal/EPA to ensure meaningful public participation in the activities of Cal/EPA.

I. Incorporating Environmental Justice Within Cal/EPA

- **Strategic Plan Development**: Each Board, Department, and Office within Cal/EPA has included environmental justice in its individual strategic plan. Such inclusion of

environmental justice goals facilitates Agency accountability to address environmental justice.

- **Interagency Working Group on Environmental Justice:** The Working Group held its first meeting December 10, 2001. The meeting examined and articulated the direction of the Working Group in providing policy and programmatic guidance for Cal/EPA to achieve environmental justice. The Working Group is charged with assisting Cal/EPA “in developing an agencywide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice” (SB 89, Chapter 690, Statutes of 2000). The Interagency Working Group identified common EJ priority areas including research needs, i.e. cumulative impact assessments; ensuring community outreach/participation, and addressed the role of environmental justice in permitting and enforcement. The Working Group consists of the Secretary for Environmental Protection, the Chairs of the Air Resources Board, the California Integrated Waste Management Board, and the State Water Resources Control Board, the Director of the Department of Toxic Substances Control, the Director of the Office of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of the Office of Planning and Research.

- **External Advisory Committee on Environmental Justice (*see Attachment 1*):** Cal/EPA selected members for the External Advisory Committee (Advisory Committee) on Environmental Justice. Approximately 750 solicitation packets for nominations to the External Advisory Committee were mailed out in October of 2001. The External Advisory Committee’s mission is to provide advice and recommendations to the Secretary of Cal/EPA and the Interagency Working Group on Environmental Justice that will help to improve the direction and implementation of environmental justice programs and initiatives at Cal/EPA. The External Advisory Committee’s advice and recommendations will address issues related to environmental justice including:
 - Advice on examining existing data and studies on environmental justice;
 - Advice on criteria for identifying and addressing any gaps in existing programs, policies or activities that may impede the achievement of environmental justice;
 - Advice on procedures and guidance to Cal/EPA for the coordination and implementation of intra-agency environmental justice strategies;
 - Advice on procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy;
 - Advice on procedures to ensure that public documents, notices, and public hearings related to human health or the environment are concise, understandable, and readily accessible to the public.

The thirteen (13) member advisory committee will consist of two representatives of local or regional land use planning agencies; two representatives from air districts; two

representatives from certified unified program agencies (CUPA's); and two representatives from environmental organizations. The Advisory Board will also include three representatives from the business community, one from a small business and two from a large business and two representatives from community organizations as set forth in Public Resources Code Section 71114.

- ❑ **Cal/EPA's Environmental Justice Webpage:** Cal/EPA developed a webpage dedicated to facilitate increased access to environmental information and resources for stakeholders interested in environmental justice. Cal/EPA recognizes that to effectively engage affected communities in decision-making processes it must enhance their ability to participate. One way of achieving this is by making information accessible to stakeholders in a timely manner. The webpage provides information about the Environmental Justice Program at Cal/EPA, Legislation, Partners, News, Events, and Links. The webpage can be accessed by going to: <http://www.calepa.ca.gov/EnvJustice/>

II. Incorporating Environmental Justice into programmatic, policy, and implementation decisions

- ❑ **The Air Resources Board's (ARB) Environmental Justice Policies:** The ARB adopted broad-ranged policies for its Environmental Justice programs. The new policies are the product of a nearly two year project by ARB staff in cooperation with the state's 35 local air pollution control districts, environmental and community groups, as well as industry representatives. The seven-point document establishes the framework for improving air quality and public health in all California communities, especially in low-income and minority communities. The policies will help advance this goal by making environmental justice considerations a standard practice in ARB activities. The ARB is responsible for a broad range of programs including pollution prevention, research, education, monitoring and enforcement. In each program, the ARB will keep an environmental justice perspective when setting priorities and assessing the impacts of ARB programs and regulations.

The document acknowledges the need for added research into the potential health effects of exposure to a variety of emissions from sources that include factories, power plants, refineries and small businesses, such as gasoline service stations and dry cleaners, as well as motor vehicles. It also acknowledges the need for further research into the health effects of exposure to a variety of air toxics simultaneously and into the improvement of air monitoring and computer modeling techniques. In addition, the document points out the need for greater outreach to both residents and to local planners and elected officials to help prevent future problems that can occur when communities are sited near pollution sources (*see Attachment 2*).

- ❑ **Pollution Prevention:** The Air Resources Board adopted an air toxics control measure (ATCM) on September 20, 2001, to remove cadmium and chromium from auto-refinishing products. This pollution-prevention measure will reduce toxics emissions and

exposure from autobody shops across the State. Many times these shops are located in low-income and minority communities.

- ❑ **Roadside Inspection of Heavy-Duty Diesel Trucks:** In conjunction with the California Highway Patrol, the Enforcement Division of the ARB conducts random roadside inspections of heavy-duty diesel trucks to monitor for compliance with emissions, environmental, and safety regulations. In the third quarter of 2001, ARB staff conducted 1,237 truck inspections in low-income and minority communities, predominantly near the Ports of Los Angeles and Long Beach, and in the Boyle Heights area of Los Angeles. Approximately seven percent of the vehicles received citations or notices of violation for noncompliance.
- ❑ **Incentive Programs:** The Carl Moyer Program at the ARB provides grants for proposals to reduce emissions from diesel engines. The emission reductions are generally achieved through retrofitting existing diesel engines or by replacing an engine with one that produces less air pollution. Carl Moyer funding through the ARB is \$16 million in fiscal year 2001-2002, half of which must be applied in low-income and minority communities. AB 1390 (Firebaugh, Chapter 763, 2001) will continue to direct 50% of these funds to areas significantly impacted by air pollution, including low-income and minority communities. ARB staff is working with the local air districts to provide guidance on following this legislative initiative.

Carl Moyer Program Funds Projects in the Bay Area: In the Bay Area, the ARB's Carl Moyer Program has funded several projects in areas which are disproportionately impacted by air pollution. Specifically, funding from the Carl Moyer Program has been used to repower a terminal packer unit through L.B. Rail Co. in Hunter's Point. This unit is essentially a forklift that loads and moves containers on and off of ships at the port. This project will reduce NOx emissions by 0.63 tons per year and PM10 emissions by 0.04 tons per year over its project life of eight years. ARB has also funded a project that repowered two tugboats in Portrero Point through Weststar Marine Services. Over their 20-year life these new engines will reduce NOx and PM10 emissions by 14.75 and 2.39 tons per year, respectively.

Carl Moyer Program Funds Projects in the South Coast: In the South Coast, the Carl Moyer Program has funded multiple projects in environmental justice areas. For example, 15 street sweepers in the city of Gardena (L.A. County) were repowered with compressed natural gas engines through California Street Maintenance. Over their 10-year project life these new engines will reduce NOx and PM emissions by 6.82 and 0.20 tons per year, respectively. Additionally, a transit bus in Santa Fe Springs was repowered through Family Care for the Elderly. This project will reduce NOx emissions by 0.68 tons per year and PM10 by 0.02 tons per year over its seven year project life.

- ❑ **Strategic Plan Development for The State Water Resources Control Board/Regional Water Quality Control Boards (Boards):** The Boards adopted a strategic plan that incorporates Environmental Justice into its Vision, Values, and Operating Principles.

The Board's Operating Principles clarify its interactions, roles, and responsibilities, and approaches toward effective decision-making. In addition to the Operating Principles, the Boards have incorporated Environmental Justice within its Goals, Objectives, Performance Measures, Strategies, and Key Strategic Projects. Additionally, the Boards are currently reviewing an Environmental Justice Directive outlining organizational expectations in programs, decisions, activities, and enforcement. It is anticipated this Directive will be distributed internally and externally by February of 2002.

- ❑ **Strategic Plan Development for the California Integrated Waste Management Board (CIWMB):** The CIWMB adopted its 2001 Strategic Plan in November 2001. The plan includes a commitment to environmental justice in the values element, committing the Board to act in a manner that ensures the fair treatment of people of all races, cultures and income levels; to reach out to California's diverse communities and include their input in policy and decision making; and to reduce or eliminate any disproportionate impacts of pollution identified. The plan also includes a specific goal to ensure that the CIWMB integrates environmental justice concerns into all of its programs and activities.
- ❑ **CIWMB Review of Opportunities to Address Environmental Justice in its Programs:** CIWMB staff conducted an initial review of its programs and activities to determine areas of potential environmental justice impact. Board staff then identified detailed environmental justice action items that could be implemented in those areas on a short-term basis, within existing resources. This review is an initial phase in examining the opportunities to address environmental justice concerns, issues, and impacts for the Board's consideration. The Board considered the immediate environmental justice action items at its October 2001 meeting, and directed all divisions and offices to implement the short-term environmental justice action items. As part of the review effort, CIWMB staff will identify long-term action items for future consideration by the Board.
- ❑ **Strategic Plan Development for the Department of Pesticide Regulation (DPR):** DPR has included Environmental Justice in its 2001 Strategic Plan. DPR's Strategic Goals, Objectives, and Strategies include *Protecting Human Health* to assure that people, especially workers and sensitive populations, are protected from unacceptable pesticide risks; *Ensuring Environmental Justice* by regulating the use of pesticides so that no socio-economic group of Californians is disproportionately impacted; and *Building Good Relationships* through extensive outreach, communication, and improved responsiveness.
- ❑ **The Department of Toxic Substance Control (DTSC) Examines Environmental Justice policies:** DTSC formed a workgroup to develop and refine environmental justice policies and procedures within DTSC's programs. The group is expected to make its recommendations to DTSC's executive staff in early 2002.
- ❑ **The Office of Environmental Health Hazard Assessment Incorporates Environmental Justice Considerations into its Core Scientific Work:** OEHHA incorporated a greater sensitivity toward environmental justice in its core scientific work. OEHHA now has a greater tendency to calculate a range of risks in risk assessment

calculations that can account for the differences in sensitive populations such as females and minority populations.

III. Ensuring Public Participation and Outreach

- ❑ **The State Water Resources Control Board/Regional Water Quality Control Boards (Boards) initiated a process to adopt a new Enforcement Policy:** To ensure public participation in the adoption of the new enforcement policies, hearings are being conducted and have been announced in various Spanish language newspapers. Announcements in other languages have been made to encourage broader participation in other public hearings by the Regional Boards. Additionally, the Boards are currently in the process of developing uniform presentations to assist Regional staff in conducting outreach presentations that discuss environmental justice.
- ❑ **DPR has completed translating 11 of its 13 Consumer Fact Sheets into Spanish:** Translations of the two remaining handouts are being done. The handouts have been professionally redesigned and the new series, in both English and Spanish, have been posted on DPR's Web site. In addition, DPR has sent all 58 offices of the California Agricultural Commissioners (CACs) "starter sets" of the fact sheets in both languages. DPR is encouraging the CACs to distribute the handouts widely, and will provide additional copies to the CAC offices free of charge.
- ❑ **Environmental Justice/Public Health Town Hall conference in Los Angeles:** The conference, sponsored by the National Institute of Environmental Health Sciences, was held the first week of December. Approximately 300 community group members attended. Cal/EPA, DTSC, and ARB were panelists to discuss environmental justice issues related to public outreach, cumulative impacts, air quality, clean-up, and permitting.
- ❑ **Low-Income Community Smog Checks and Auto Repair:** On August 18, 2001, ARB staff participated in the Pacoima Beautiful Family Day in Pacoima, a predominantly low-income and minority community of Los Angeles. In conjunction with the Bureau of Automotive Repair, the ARB provided free smog checks to Pacoima residents and gave \$500 for repairs to those income-eligible residents whose vehicles failed the smog check. Forty-two cars were checked, and 30 of those failed the test. Repairing these vehicles provides immediate air-pollution benefits for the residents of Pacoima.
- ❑ **The Office of Environmental Health Hazard Assessment Improves Community Understanding of Fish Advisories:** OEHHA has prepared fact sheets on safe-fish consumption in five foreign languages. Additionally, OEHHA works with local government agencies and organizations to help disseminate fish advisory information. In the San Francisco Bay Area, OEHHA will be working with DHS and other entities on revitalizing an interagency Education and Outreach Task Force that will work on improving knowledge and understanding of fish advisories, particularly in the African-American, Filipino and other Asian minority communities. Moreover, before issuing a

fish advisory, OEHHA conducts a public workshop in the area near the affected water body to ensure that the local community has input into the development of the advisory.

IV. Environmental Justice Training for Staff

- ❑ **Cal/EPA's Environmental Justice Training Pilot Program:** Cal/EPA established an Environmental Justice Pilot Training Team to provide Cal/EPA and its Boards, Departments, and Offices with the fundamental information on environmental justice and how it applies to the programmatic, legal and policy framework of the environmental programs administered in Cal/EPA. Environmental Justice Trainings were conducted in November 2001. The 2002 Environmental Justice Training includes monthly trainings to staff of Cal/EPA and the BDOs.

V. Data and Research Supporting Environmental Justice

- ❑ **ARB's Neighborhood Assessment Program (NAP):** The ARB is currently working on two neighborhood assessment program projects. One in the Barrio Logan community of San Diego and the other in the Wilmington area of Los Angeles. Both studies include air quality monitoring and computer modeling of air pollutant emissions. The purpose of the studies is to develop better tools for understanding air pollution impacts at the neighborhood level.
- ❑ **Northwestern California Tribal - Forestry Herbicide Monitoring Project:** The Department of Pesticide Regulation (DPR) completed monitoring of herbicide residues in surface water from drift and rain runoff during and after herbicide application, respectively. DPR has initiated a pilot study in collaboration with the Department of Fish and Game and the Yurok Tribal Fishery to determine herbicide residues in fish tissues. The studies on dissipation and off-site movement of herbicides in and on plants of interest to the tribes are in progress. This is a collaborative project with the U.S. Environmental Protection Agency; the Yurok, Karuk, and Hupa tribes; the Department of Fish and Game; the Del Norte and Humboldt County Agricultural Commissioners (CACs); and a timber company. The study is to address the tribal people's concerns regarding exposure to forestry herbicides in various environmental sources. Documentation of this project is available at www.cdpr.ca.gov/docs/emppm/pubs/tribal/tribproj.htm.
- ❑ **National Forest - Tribal Basketweavers Herbicide Monitoring Project:** The Department of Pesticide Regulation completed the three-year collaborative study with several California tribes and the U.S. Forest Service. The study was designed to address concerns of the tribal people regarding herbicide applications in the El Dorado, Sierra, and Stanislaus National Forests, particularly the exposures and impacts of the applications to tribal people during gathering and using of plant materials collected near

sprayed areas. Both the final report and the scientific publication are in preparation. The summary report is available at www.cdpr.ca.gov/docs/empm/pubs/forest/forstprj.htm.

- ❑ **The Office of Environmental Health Hazard Assessment Reviews Children's Environmental Health:** In an effort to protect children, particularly those most impacted in low-income communities, OEHHA and the ARB are reviewing ambient air quality standards to see if they adequately protect children. Children in low-income communities will benefit most from this work because they are more likely to be exposed to a greater level of air pollution than other children. There is a greater tendency in low income communities for school sites to be located, or be proposed to be located, on former industrial land that may contain contamination. OEHHA is developing a list of toxic air contaminants that may make children and infants especially susceptible to illness. OEHHA is further advancing efforts to protect children's health by developing risk assessment guidelines for school sites, and developing cancer risk assessment guidelines for children.
- ❑ **The Office of Environmental Health Hazard Assessment Operates the FRONTERA Project:** In the Border region, where there exists a high level of poverty and potential environmental pollution, OEHHA is operating the FRONTERA Project. ("Frontera" in Spanish means "border," and the acronym stands for For Region's Overt Need of Training and Education in Risk Assessment). OEHHA's Frontera Project provides training to local agencies and community groups in the recognition of lead-contaminated candies and other products; providing funding for materials needed for blood-lead testing; and developing a training program on toxicology and health risk assessment for agencies and community groups on both sides of the border. To help ensure that Spanish-speaking communities benefit from these programs, the FRONTERA Project is developing special Spanish-language "train-the-trainer" and outreach programs for community groups in the border region.

VI. Future Environmental Justice Efforts

- ❑ **Interagency Working Group on Environmental Justice (Working Group):** There will be a public meeting in April 2002 with the External Advisory Committee on Environmental Justice in Los Angeles to examine priorities for Environmental Justice.
- ❑ **External Advisory Committee on Environmental Justice (Advisory Committee):** The Advisory Committee is expected to meet in January of 2002 to discuss the responsibilities of the Advisory Committee and their role in providing policy and programmatic guidance to the Interagency Working Group.
- ❑ **Recommendations on Guidance for Penalty Assessments at Petroleum Refineries:** ARB staff is developing a guidance document for local air districts regarding penalty assessments for rule and permit violations at petroleum refineries in California. This guidance will assist local air districts in assessing penalties that are more uniform and commensurate across the State. The guidance document is a result of environmental

justice concerns expressed by residents living near petroleum refineries. ARB staff obtained extensive violation and settlement information from local air districts, and held two preliminary workshops on the guidance concepts.

VII. Potentially Significant Obstacles

- None anticipated.