

First Quarterly Report
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 June 30, 2001. The Report also outlines activities planned for the first quarter of 2001 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) and SB 89 (Chapter 690, Statutes of 2000)

Background

Cal/EPA is charged with the responsibility of implementing SB 115 (Solis) and SB 89 (Escutia) to ensure fair treatment of all communities and populations, including minority populations and low-income populations. SB 115 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 lays out broad responsibilities for Cal/EPA, SB 89 outlines a structure through which Cal/EPA operationalizes environmental justice goals. SB 89 establishes the formation of an Interagency Advisory Group made up of the Cal/EPA Secretary, boards, departments, and office (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.

ACCOMPLISHMENTS THROUGH JUNE 30, 2001

Incorporating Environmental Justice Within Cal/EPA

- ❑ **Cal/EPA Strategic Vision:** Environmental Justice is a goal in its Strategic Vision committing the Agency and its included boards, departments, and office to "Reducing or eliminating the disproportionate impacts of pollution on low-income and minority populations."
- ❑ **Environmental Justice Mission Statement:** Cal/EPA developed an Environmental Justice Mission Statement as required by Chapter 690, Statutes of 1999 (SB 115, Solis). The Environmental Justice Mission Statement and the program elements therein, function to guide the Cal/EPA and its BDOs development of its overall strategic plan. (*Mission Statement attached*)

- ❑ **Strategic Plan Development for 2002/2003:** 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.
- ❑ **Environmental Justice Coordinators in the BDOs:** Environmental justice coordinators have been identified in the boards, departments, and office of Cal/EPA.
- ❑ **Interagency Working Group on Environmental Justice:** Cal/EPA has established an Interagency Working Group on Environmental Justice to assist the Agency in the development and implementation of an interagency environmental justice strategy as set forth in Chapter 728, Statutes of 2000 (SB 89, Escutia). 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. (*List of Working Group attached*)
- ❑ **Air Resources Board Draft Environmental Justice Guidelines:** The Air Resources Board (ARB) is in the process of developing draft environmental justice guidelines. These guidelines will set Board policies for incorporation of environmental justice into ARB policies and programs. ARB staff will be conducting an extensive public outreach as part of the development of the guidelines to ensure that community, environmental and business organizations have an opportunity to comment on the guidelines. In addition to establishing the Board's policies on environmental justice, there will be additional guidance for land use decision-makers on the cumulative impacts of air pollution, guidance on uniform penalties for refineries and 'good neighbor' activities, and tools for cumulative impact analysis.

Identifying And Addressing Gaps And Opportunities To Incorporate Environmental Justice

- ❑ **Legal Review of Environmental Justice Opportunities:** In partnership with the Attorney Generals Office, the Department of Pesticide Regulation, and Cal/EPA, legal review of environmental justice opportunities in pesticide related laws and regulations is being conducted. This legal review is an initial phase in examining the opportunities to address environmental justice in existing environmental laws and regulations. Such a review and analysis could yield a model for how existing environmental laws and regulations can be applied in environmental decision-making to address environmental justice.
- ❑ **Comprehensive Review of Opportunities to Address Environmental Justice in Cal/EPA Programs:** Cal/EPA hired an intern to begin to examine programmatic and resource gaps in the Agency. This report will be furnished to the Interagency Working

Group on Environmental Justice to assist in the development of specific strategies to address gaps.

Raising Awareness On Environmental Justice

- ❑ **Environmental Justice (EJ) Training:** Cal/EPA, in coordination with the Governor's Office of Planning and Research, has provided four (4) Environmental Justice Workshops to state agencies. Approximately 150 individuals from numerous state agencies have been trained on environmental justice. Cal/EPA is now a member of United States Environmental Protection Agency's (U.S. EPA) National Environmental Justice Training Collaborative, which consists of U.S. EPA Regional Offices, state agencies, community groups, and industry to develop a consistent curriculum for environmental justice. Cal/EPA has also established an EJ Training Team work with the Collaborative to provide on-going EJ Training to state and local agencies.
- ❑ **Air Resources Board Sponsored Environmental Justice Workshop:** On July 23-24, 2001, ARB convened an environmental justice workshop entitled "What is EJ, Why Should we be concerned, and What can we do about it?" This workshop was aimed to facilitate an increased understanding of environmental justice issues, and targeted the participation of local air districts, community groups, and ARB staff.
- ❑ **Board Meetings in Environmental Justice Communities:** Concurrent Assembly Resolution 132 urged ARB to hold public meetings in communities that might be affected by the conversion to Phase III gas and to discuss the air quality impacts of that change. The Board took this opportunity to hold two meetings in low income and minority communities to hear first hand from community residents about issues related to Phase III gasoline and other air quality issues, and to initiate some actions that would begin to address these communities' concerns. Meetings were held in Richmond in February 2001 and in Huntington Park in May 2001. A follow up meeting was also held in May 2001, in Richmond. Many of the actions, that the Board will consider at its December meeting, such as the refinery uniform penalty guidance and the refinery "good neighbor" guidance, are a direct result of these community meetings and the Board's commitment to address community issues.

Supporting Community-Based Environmental Justice Projects

- ❑ **Contra Costa County Early Warning System:** ARB and the Bay Area Air Quality Management District partnered to fund an emergency early warning system to warn Richmond-area Laotian residents of dangerous refinery leaks or transportation-related hazards. The emergency warning system is designed to protect residents when there are industrial or roadside spills or accidents. In July 2001, ARB supported the system with \$100,000 along with the BAAQMD's \$40,000 for a pilot project that will bring four Laotian dialects into the system.

- ❑ **Waste Stream Impacts on Minority Communities:** The Integrated Waste Management Board (IWMB) commissioned a \$35,000 study on waste stream impacts on minority communities.
- ❑ **Roadside Inspection of Heavy-duty Diesel Trucks:** In conjunction with the California Highway Patrol, the Enforcement Division of ARB conducts random roadside inspections of heavy-duty diesel trucks to monitor for compliance with emission, environmental, and safety regulations. Over the last year, these inspections have included low-income communities that experience a large amount of heavy-duty diesel truck traffic. In the second quarter of 2001, the heavy-duty diesel truck random roadside inspections were conducted in a number of low-income communities. These included two inspections in the Barrio Logan community in San Diego and single inspections in Fremont, Oakland, and Huntington Park.
- ❑ **Neighborhood Assessment Program:** ARB is currently working on two neighborhood assessment program (NAP) projects. One in the Barrio Logan community of San Diego and the other in the Wilmington area of Los Angeles. Both studies will include air quality monitoring and computer modeling of air pollutant emissions. The purpose of both studies is to develop better tools for understanding air pollution impacts at the neighborhood level. The Barrio Logan study is nearing completion and the Wilmington study is just getting underway.

FUTURE ENVIRONMENTAL JUSTICE EFFORTS: For the First Quarter of FY 2001/2002

- ❑ **Interagency Working Group on Environmental Justice:** The first meeting of the Interagency Working Group on Environmental Justice is scheduled to take place in mid-October 2001 in Sacramento.
- ❑ **External Environmental Justice Advisory Committee:** Cal/EPA will establish an external Environmental Justice Advisory Committee to provide recommendations and to function as a resource in the development and implementation of environmental justice strategies. The Advisory Group will be made up of stakeholders representing, community groups, environmental organizations, air districts, local/regional planning agencies, CUPAs, and private industry as set forth in Chapter 728, Statutes of 2000 (SB 89, Escutia). November 2001
- ❑ **Environmental Justice Assessment Project:** Cal/EPA, in collaboration with its BDOs, will draft mechanisms to establish a consistent approach in the way the Agency identifies, targets, and responds to communities experiencing disproportionately high and adverse human health and environmental burdens. The project aims to develop a GIS based tool that would identify and analyze communities with potential environmental justice concerns to better assist the Agency in planning, development and implementation programs, projects and policies. December 2001.

- **Incentive Programs:** The Carl Moyer Program at 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 ARB is \$16 million in fiscal year 2001-2002, half of which must be applied in low-income and minority communities. AB 1390 (Firebaugh, 2001) will continue to direct 50 percent 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.

Low-income Community Smog Checks and Auto Repair: ARB and the Bureau of Automotive Repair (BAR) are working together to promote the Smog Check Consumer Assistance Program (CAP) in low-income communities. One element of CAP provides up to \$500 in automotive repairs to qualifying low-income owners of cars that do not pass the Smog Check test. As part of the effort, ARB and BAR provided free smog checks to attendees of the Pacoima Beautiful Family Day event in Pacoima on August 18. ARB and BAR tested over 40 cars and handed out vouchers for up to \$500 in free smog-related repairs to about 20 vehicle owners.

- **Roadside Inspection of Heavy-duty Diesel Trucks:** ARB is continuing to conduct its roadside inspection of heavy-duty diesel trucks in low income and minority communities. In the first quarter, random roadside inspections have been conducted at the Port of Los Angeles, the Port of Long Beach, the Port of Oakland, and the Los Angeles International Airport (LAX).

POTENTIALLY SIGNIFICANT OBSTACLES

- None anticipated.