



California Environmental Protection Agency

ENVIRONMENTAL JUSTICE PROGRAM UPDATE September 2004

A Report to the Governor and the Legislature on
Actions Taken to Implement Public Resources
Code Sections 71110-71116

STATE OF CALIFORNIA



Arnold Schwarzenegger
Governor



Terry Tamminen
Secretary, California Environmental Protection Agency

Prepared by:

California Environmental Protection Agency
Office of the Secretary
Environmental Justice Program

Contributors:

Air Resources Board
California Integrated Waste Management Board
Department of Pesticide Regulation
Department of Toxic Substances Control
Office of Environmental Health Hazard Assessment
State Water Resources Control Board

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California Environmental Protection Agency
ENVIRONMENTAL JUSTICE MISSION STATEMENT

To accord the highest respect and value to every individual and community, by developing and conducting our public health and environmental protection programs, policies, and activities in a manner that promotes equity and affords fair treatment, accessibility, and protection for all Californians, regardless of race, age, culture, income, or geographic location



I am pleased to present this Environmental Justice Program Update, which marks the progress the California Environmental Protection Agency (Cal/EPA) has made to address the disproportionate environmental impacts and risks faced by Californians of low-income and minority populations.

Since 1999, Cal/EPA has taken great steps in working with environmental justice (EJ) stakeholders to improve the environment in which we live, work, and play. And, although there are still many challenges to face, this report demonstrates Cal/EPA's commitment to address the dynamic and complex challenges of achieving environmental justice.

I want to thank the Cal/EPA Advisory Committee on Environmental Justice, the Cal/EPA Interagency Working Group on Environmental Justice, and the many EJ stakeholders throughout California for their guidance and support in Cal/EPA's efforts to advance environmental justice.

There is much to do and I do not take the tasks ahead lightly. Cal/EPA will continue to work vigorously to support and lead environmental justice efforts in the state, seeking and implementing innovative ways to protect and preserve our air, water, soil, and biological resources for all Californians.

Warmest regards,

Terry Tamminen
Secretary, California Environmental Protection Agency

1. EXECUTIVE SUMMARY

During the period of 1999-2003, California's Legislature approved, and its Governor signed into law, ten bills relating to environmental justice (EJ). These bills were momentous in illustrating California's response to the complex issue of environmental justice. In particular, California's first two explicit environmental justice laws were Senate Bill (SB) 115 (Chapter 690, Statutes of 1999) and SB 89 (Chapter 728, Statutes of 2000). These bills distinguished California as one of the first states in the nation to codify environmental justice in state statute.

- Introduced in 1999 by Senator Hilda Solis, SB 115 defined "environmental justice" in state law to mean "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies."
- Introduced in 2000 by Senator Martha Escutia, SB 89 required the California Environmental Protection Agency (Cal/EPA or Agency) to develop a model environmental justice mission statement and the Cal/EPA Secretary (Secretary) to convene an Interagency Working Group on Environmental Justice (IWG or Working Group) to assist Cal/EPA in the development an intra-agency (agency-wide) EJ strategy. SB 89 also required the Cal/EPA Secretary to appoint an EJ Advisory Committee composed of various external representatives to provide recommendations and information to the Working Group.

Since then, Cal/EPA has made great strides in advancing environmental justice. Some of the Agency's prominent EJ activities from 2000 to date are:

- **Establishing an Environmental Justice Program within the Office of the Secretary** to ensure coordination and consistency of environmental justice efforts by the Agency's boards, departments and office (BDOs).
- **Convening the Cal/EPA Interagency Working Group on Environmental Justice** composed of the Secretary of Cal/EPA, the Chairs of the Cal/EPA boards, the Directors of the Cal/EPA departments and office, and the Director of the Governor's Office of Planning and Research.
- **Appointing the Cal/EPA Advisory Committee on Environmental Justice**, a 17-member Committee composed of representatives from various sectors, including: community, environmental, non-profit, and environmental justice organizations; small and large business; local/regional planning agencies; certified unified program agencies (CUPAs); air districts; and a federally recognized tribe.
- **Developing the Cal/EPA Intra-agency Environmental Justice Strategy**, the Agency's overarching strategic vision document, which will guide Cal/EPA's BDOs in identifying and addressing any gaps in existing programs, policies, and activities that may impede the achievement of environmental justice.

- **Establishing a Two-Pathway Approach and Developing the Cal/EPA Environmental Justice Action Plan.** Recognizing it may take some time to complete the long term strategic planning process initialized by the completion of the Cal/EPA Intra-agency EJ Strategy, Cal/EPA has established a two-pathway process to begin taking action and advancing specific priorities. The four specific priorities, which will be explored in a deliberate and thoughtful manner via Cal/EPA’s 2004-2006 EJ Action Plan, include precautionary approaches, cumulative impacts, community capacity building, and public participation.

- **Conducting Various Environmental Justice Activities** within Cal/EPA, such as:
 - The **Air Resources Board’s “Barrio Logan Neighborhood Assessment Project,”** which identified, mobilized, and coordinated community, federal, state, local and industry resources to improve air quality, and community health;

 - The **California Integrated Waste Management Board’s “How to More Effectively Conduct Outreach to Environmental Justice Communities Study”** in coordination with the University of California at Santa Cruz; and

 - The **Environmental Justice Policies** developed by the Air Resources Board, the Department of Toxic Substances Control, the Department of Pesticide Regulations, and the Office of Environmental Health Hazard Assessment.

The September 2004 Cal/EPA Environmental Justice Program Update presents in Section 2 a brief history of the environmental justice movement in the nation and in California. Section 3 identifies the various EJ legislation passed in California. Sections 4-6 focus on the establishment and roles of the Cal/EPA Environmental Justice Program, the Cal/EPA Interagency Working Group on Environmental Justice, and the Cal/EPA Advisory Committee on Environmental Justice, respectively. Section 7 presents Cal/EPA’s Intra-agency Environmental Justice Strategy. Section 8 presents Cal/EPA’s Two-Pathway Process and EJ Action Plan, which are intended to advance EJ at Cal/EPA in the interim of completing the long-term strategic planning process. Section 9 discusses the stakeholder outreach and public participation efforts that have been integral in Cal/EPA’s EJ Program. Finally, Section 10 provides an account of other environmental justice activities from 1999 to mid-2004 by Cal/EPA’s BDOs.

2. BACKGROUND ON ENVIRONMENTAL JUSTICE

2.1 Environmental Justice Movement

Communities most severely affected by environmental hazards acted first to garner the nation's attention and spur action on the issue of environmental justice. Born out the Civil Right Movement of the 1960s, environmental justice did not receive its own recognition until 1982, when the community residents of Warren County, North Carolina, faced a challenging environmental justice problem.

Warren County, a predominately African-American and low-income community and already the host to an existing landfill, was the proposed site of an additional polychlorinated-biphenyl (PCB) landfill (exposure to PCBs can result in acute toxicological effects as well as long-term chronic effects, such as memory loss).ⁱ Over 500 Warren County residents nonviolently demonstrated against the PCB landfill being sited near their homes. Despite their efforts, the landfill was sited; however, the Warren County residents' actions did not go completely unanswered. A congressional request was instituted for a 1983 study of the U.S. Environmental Protection Agency's (US EPA) Southern Region, "Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities." The 1983 study, as well as later studies, revealed that many hazardous waste sites were indeed located in, and adjacent to, low-income and minority communities. More importantly, this was found to be not just an issue for the Southern region, but was a phenomenon across the nation.ⁱⁱ

Significant evidence mounted in demonstrating the disproportionate burden of environmental risk harbored by certain communities, especially minority and low-income populations. Compelling racial and income disparity in the distribution of exposure to air pollutants, hazardous wastes, lead contaminated groundwater, and toxic chemicals led to "an overwhelming number of studies showing differences by race and income in exposures to environmental hazards."ⁱⁱⁱ In 45 studies conducted between 1967 and 1993, researchers found racial disparities in 87 percent and income disparities in 74 percent of the cases.^{iv} Such studies have been instrumental in prompting official government action across the nation.^v

2.2 Environmental Justice Actions by the US EPA

As the grassroots environmental justice movement grew more organized and charged, the federal government affirmed the seriousness of the environmental injustice problem and instituted changes to make achieving environmental justice an integral part of its mission. At US EPA, then Administrator William Reilly formed the Environmental Equity Workgroup in 1990. After the assessment of available evidence, the Environmental Equity Workgroup announced several major findings recognizing the existence of environmental injustice and recommended that US EPA make environmental equity a priority.^{vi} In October 1991, environmental justice activists held the First National People of Color Environmental Leadership Summit to "...serve notice that the environmental justice movement had arrived as a force to be reckoned with on the national level."^{vii} The US EPA responded in 1992 by establishing its Office of Environmental Justice.^{viii}

On February 11, 1994, President Bill Clinton issued Executive Order 12898: “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” The Executive Order (codified in January, 1995) required that “...each federal agency make achieving environmental justice part of its mission by addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...”^x An accompanying memorandum directed all federal agencies to immediately apply existing environmental and civil rights statutes in the service of the Administration’s efforts in order to “...prevent those minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects.”^x

2.3 Environmental Justice Actions in California

In California, environmental justice issues also started to emerge. A toxic waste incinerator was being proposed in Kettleman City, a predominately Latino low-income farm worker community and host to one of the largest toxic waste landfills in the nation. Meaningful public participation did not appear to be considered in the California Environmental Review Quality Act review process. The Environmental Impact Report was not translated into Spanish for the City’s 40 percent monolingual Spanish-speaking population and the public hearing on the matter was held 35 miles away from Kettleman City (making it difficult for the low-income migrant farm workers without cars to attend). Also, the hearing was conducted entirely in English. Despite the nearly 200 Kettleman City residents who did carpool to give testimony (in Spanish) opposing the siting of the additional incinerator, the incinerator was sited. Thereafter, the City’s protestors were able to garner support from civil rights organizations, elected officials, and environmental and legal activists. Ultimately, after three years of protest, the project proponent withdrew its proposal to build the incinerator in Kettleman City.

In another case, in Bell Gardens, California (a 95% Latino and low-income community in southern Los Angeles County), the focus centered on Suva Elementary and Intermediate Schools, which were located adjacent to two metal chrome-plating plants (the chrome-plating plants were known to discharge hexavalent chromium, a chemical identified as a carcinogen). Teachers and students were frequently exposed to high levels of chromium, resulting in many complaints about being sick, teacher incidences of miscarriages, and rare leukemia cases. After tracking over a ten-year period the many instances of atypical sickness in the community, local, state, and federal authorities began to get involved. Monitoring and other legal actions began over the next several years, resulting in the facility agreeing in 2000 to stop its chrome plating operations.

A long-time pioneer in taking initiative to reduce environmental and public health impacts and risks, California has since emerged as a national leader on environmental justice issues. As early as the 1991, California began to legislatively attempt to address environmental justice, although these initial attempts were unsuccessful.^{xi} However, in 1999, California successfully codified environmental justice in state statute to formally and officially begin its efforts to address environmental justice issues. Since then, California has enacted a total of ten pieces of environmental justice related legislation. These legislative actions have helped set the stage for Cal/EPA’s role in advancing environmental justice issues.

3. ENVIRONMENTAL JUSTICE LEGISLATION IN CALIFORNIA

California's statutory environmental justice framework illustrates the state's leadership on the issue of environmental justice. Between 1999 and 2003, California enacted ten pieces of environmental justice legislation.

3.1 Statutes of 1999 and 2000 (SB 115 and SB 89)

In October 1999, Senate Bill (SB) 115 (Chapter 690, Statutes of 1999), authored by Senator Hilda Solis, was enacted, laying the foundation of environmental justice in California law. SB 115 explicitly defined "environmental justice" in California Government Code^{xii} and directed Cal/EPA to conduct its programs, policies, and activities and promote the enforcement of all its existing health and environmental statutes "...in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state." SB 115 also directed Cal/EPA to ensure greater public participation and improve research and data collection.^{xiii} This legislation also established the Governor's Office of Planning and Research (OPR) as the "...coordinating agency in the state for environmental justice programs."^{xiv} SB 115 provided the procedural framework for environmental justice in California.

After the passage of SB 115, California enacted Senate Bill 89 (Chapter 728, Statutes 2000) to guide and assist Cal/EPA in the implementation of SB 115. Authored by Senator Martha Escutia, SB 89 required the establishment of the Cal/EPA Interagency Working Group on Environmental Justice (composed of the Secretary of Cal/EPA, and the Chairs and Directors of Cal/EPA's BDOs and the Governor's OPR) to assist Cal/EPA in "...developing an agency-wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice."^{xv} SB 89 also required the Cal/EPA Secretary to report to the Legislature regularly on the status of EJ implementation at the Agency.^{xvi}

Furthermore, SB 89 directed the Cal/EPA Secretary to appoint an Advisory Group [Committee] on Environmental Justice (originally composed of 13 members of representatives from local/regional planning agencies, community organizations, environmental organizations, business, air districts, and certified unified program agencies) to assist the Working Group in developing recommendations for Cal/EPA's intra-agency EJ strategy.

Together, SB 115 and SB 89 required Cal/EPA to do the following activities (pursuant to Public Resources Code (PRC) sections 71110-71113):

- Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

- Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.
- Ensure greater public participation in the Agency’s development, adoption, and implementation of environmental regulations and policies.
- Improve research and data collection for programs within the Agency relating to the health of, and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- Coordinate its efforts and share information with the United States Environmental Protection Agency (US EPA).
- Identify differential patterns of consumption of natural resources among people of different socio-economic classifications for programs within the Agency.
- Consult with and review any information received from the [Interagency] Working Group on Environmental Justice established to assist Cal/EPA in developing an agency-wide strategy, pursuant to PRC section 71113.
- Develop a model environmental justice mission statement for Cal/EPA’s BDOs.
- Consult with, review, and evaluate any information received from the [Interagency] Working Group on Environmental Justice pursuant to PRC section 71113 and in development of its model environmental justice mission statement.
- Develop an agency-wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

3.2 Statutes of 2001 (SB 828, AB 1553, SB 32, and AB 1390)

SB 828 (Chapter 765, Statutes of 2001), authored by Senator Richard Alarcón, created deadlines for the development of Cal/EPA’s agency-wide or “intra-agency” environmental justice strategy. Assembly Bill (AB) 1553 (Keeley, Chapter 762, Statutes of 2001) and Senate Bill 32 (Escutia, Chapter 764, Statutes of 2001) specified programmatic obligations for environmental justice.

AB 1553 required the Governor’s OPR to adopt guidelines for local agencies when addressing environmental justice issues in its general plans to ensure the equitable distribution of new public facilities, public services, industrial facilities and uses, new schools, and residential dwellings.

SB 32 (2001 Statutes) authorized local governments to investigate and cleanup small parcels of property contaminated with hazardous waste, and required the development of a guidance document to assist communities, developers, and local governments in understanding complicated factors such as screening values.

AB 1390 (Firebaugh, Chapter 763, Statutes of 2001) extended the policy enacted in the 2001-2002 State Budget and required air districts with more than one million residents to expend at least 50 percent of the \$48 million in General Fund appropriations (horizon January 1, 2007) on environmental justice communities via three diesel emission reduction programs – the Carl Moyer Program, programs that fund the purchase of reduced emission school buses, and the diesel mitigation program. AB 1390 also authorized public (state, city, and county) agencies to receive grants to purchase zero-emission vehicles.

3.3 Statutes of 2002 (SB 1542 and AB 2312)

In September 2002, California passed two bills to ensure community participation in the environmental decision-making – SB 1542 (Escutia, Chapter 1003, Statutes of 2002) and AB 2312 (Chu, Chapter 762, Statutes of 2002).

SB 1542 required the California Integrated Waste Management Board (CIWMB) to provide local jurisdictions (cities and counties) and businesses with information and models to assist with environmental justice concerns when complying with certain requirements relating to development and revision of countywide siting elements for solid waste disposal facilities. For Countywide Siting Elements submitted (or revised) after January 1, 2003, the bill also required that local jurisdictions describe actions taken to solicit public participation by members of the affected communities, including minority and low-income populations. SB 1542 also expanded the Cal/EPA Advisory Committee to include two environmental justice organizations, an additional small business, and a federally recognized tribe.

AB 2312 established an Environmental Justice Small Grant Program under Cal/EPA's authority, furthering community participation in environmental decision-making. The purpose of the program is to award grants up to a maximum of \$20,000 to community-based grassroots non-profit organizations and federally-recognized tribal governments adversely affected by environmental pollution and hazards that are involved in environmental justice issues. The bill required the Agency to adopt the appropriate regulations to implement the grant program and thereafter review, evaluate, screen and select grant recipients to ensure they meet the requirements of this bill. Regulations describing the program procedures for applying for the grant, the criteria to be used in determining which applications will be funded, and the administrative and fiscal requirements governing the receipt and expenditure of grant funds were approved by the Office of Administrative Law and became effective April 1, 2004.^{xvii}

3.4 Statutes of 2003 (AB 1360 and AB 1497)

In 2003, California passed two more pieces of legislation relating to environmental justice – AB 1360 (Steinberg, Chapter 664, Statutes of 2003) and AB 1497 (Montañez, Chapter 823, Statutes of 2003).

AB 1360 required the Office of Environmental Health Hazard Assessment (OEHHA) to develop and maintain a system of environmental indicators that meets specified objectives. The bill, among other things, explicitly defined “environmental indicator” as an objective and scientifically-based measure that represents information on environmental conditions, releases of contaminants into the environment, or the effects of those releases. These indicators will “establish a scientific basis for evaluating the effectiveness of environmental programs and identifying the need for specific actions to improve environmental conditions throughout the state and the disproportionate impact of low-income and communities of color.”²¹

AB 1497 required an enforcement agency to submit its proposed determination to the CIWMB for comment regarding whether to approve changes to a solid waste facility, and hold at least one public hearing on the proposed determination. The enforcement agency is obligated to consider environmental justice issues when preparing and distributing the notice for the public hearing, to ensure that the notice is distributed ten days prior to the hearing, and to ensure that such notice is concise and understandable for limited-English-speaking populations. AB 1497 also required the CIWMB to consider the recommendations of the Working Group on Environmental Justice and the Cal/EPA EJ Advisory Committee when formulating and adopting regulations to implement components of this particular legislation.

4. CAL/EPA ENVIRONMENTAL JUSTICE PROGRAM

In 2000, Cal/EPA established an Environmental Justice Program in the Office of the Secretary to advance environmental justice and coordinate EJ activities by its six constituent boards, departments and office (BDOs).

4.1 Activities in 2000-2003

In July 2000, Cal/EPA published its Strategic Vision, a vision document which outlines Cal/EPA's mission, vision, values, goals, and objectives. In the Strategic Vision, Cal/EPA also articulated its goal of environmental justice (goal 5), "To reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations." Consequently, each of Cal/EPA's BDOs developed strategic plans that also addressed environmental justice.

The Cal/EPA Environmental Justice Program, in 2001, guided the establishment of a Cal/EPA Environmental Justice Internal Coordination Group, composed of designated representatives from each of the Cal/EPA BDOs. The Internal Coordination Group meets on a monthly basis for intra-agency coordination and information sharing on environmental justice issues.

In December 2001, the Secretary convened the Interagency Working Group ("IWG" or "Working Group") on Environmental Justice and Advisory Committee on Environmental Justice. Cal/EPA's collaboration with these two bodies, discussed in greater detail in following chapters, was instrumental in the development and finalization of the Intra-agency Environmental Justice Strategy.

The Agency, recognizing the need to enhance affected communities' ability to participate in order to effectively engage them in decision-making processes, established an EJ Program website (<http://www.calepa.ca.gov/EnvJustice/>). The website is dedicated to accessible, current environmental justice information and resources at Cal/EPA. The intent of its creation was to ensure current EJ information is easy to understand, accurate, and accessible to EJ stakeholders in a timely fashion.

In an effort to increase environmental justice awareness in a coordinated manner within the Agency, the Cal/EPA Environmental Justice Program also established an EJ Training Program for all Cal/EPA staff. The Cal/EPA EJ Training Team, composed of BDO EJ coordinators, provided a fundamental curriculum of environmental justice history, legislation, and discussion of EJ responsibilities in day-to-day work. To date, approximately 500 Cal/EPA staff members have been trained on environmental justice.

Furthermore, in an effort to increase and coordinate environmental justice activities and awareness within the state, Cal/EPA is steadfast in its role as an active participant in the State Agency EJ Steering Committee. The State Agency EJ Steering Committee is made up of designees of various state agency and department directors, which meets quarterly to identify coordinated ways in which the state as a whole can address EJ concerns through statutory, regulatory, or policy and practice reform.

With the passage of AB 2312 (Statutes of 2002, Chapter 994) in 2002, an environmental justice small grants program was established under Cal/EPA authority. The purpose of the program is to award grants up to a maximum of \$20,000 to community-based grassroots non-profit organizations and federally recognized tribal governments adversely affected by environmental pollution and hazards that are involved in environmental justice issues. Throughout 2002-2003, Cal/EPA undertook the process to adopt appropriate regulations to implement the grant program. Regulations describing the program procedures for applying for the grant, the criteria to be used in determining which applications will be funded, and the administrative and fiscal requirements governing the receipt and expenditure of grant funds were approved by the Office of Administrative Law and became effective April 1, 2004.

4.2 Activities in 2004

With a steadfast commitment to environmental justice, Cal/EPA established a two-pathway process to advance environmental justice. Secretary Tamminen, realizing it may take some time for Cal/EPA's BDOs to develop BDO-specific EJ strategies and work plans to identify and address any gaps in their respective programs, policies, and activities, set forth a two-pathway process to begin taking action and advancing environmental justice at Cal/EPA.

The first pathway is the formal, long-term strategic planning process mandated by statute, and includes the development of Cal/EPA's intra-agency environmental justice strategy and the development of BDO-specific EJ strategies and work plans to identify and address any gaps that may impede the achievement of environmental justice. The second pathway is a short-term, action-focused process (EJ Action Plan) that will advance specific priorities in the interim of completing the long-term strategic planning process. These priorities were identified by Secretary Tamminen in his April 23, 2004, memorandum as: (1) develop guidance on precautionary approaches; (2) develop guidance on cumulative impacts analysis; (3) improve tools for public participation and community capacity building; and (4) ensure EJ considerations within the Governor's Environmental Action Plan. These priorities will provide the foundation for Cal/EPA's EJ Program, establishing the framework for integrating key environmental justice concepts into Cal/EPA's regulatory functions. Cal/EPA's efforts on EJ strategy and EJ Action Plan are discussed in later sections of this report.

5. INTERAGENCY WORKING GROUP

Convened by the Secretary in December 2001, the Interagency Working Group on Environmental Justice (“IWG” or “Working Group”) consists of the Secretary of Cal/EPA, the Chairs of the Air Resources Board, California Integrated Waste Management Board, and State Water Resources Control Board, and the Directors of the Department of Pesticide Regulation, the Department of Toxic Substances Control, the Office of Environmental Health Hazard Assessment, and the Governor’s Office of Planning and Research. The Working Group, among other things, is charged with the task of assisting Cal/EPA in “developing an agency-wide 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, 2000 Statutes).”

The Working Group is also required by PRC section 71113 to do the following:

- Examine existing data and studies on environmental justice, and consult with state, federal and local agencies, and affected communities.
- Hold public meetings to receive and respond to public comments regarding the recommendations required pursuant section 71113, prior to the finalization of the recommendations. Cal/EPA shall provide public notice of the availability of draft recommendations at least one month prior to the public meetings.
- Recommend procedures to ensure that public documents, notices, and public hearings relating to human health or the environment, are concise, understandable, and readily accessible to the public. The recommendation shall include guidance for determining when it is appropriate for Cal/EPA to translate crucial public documents, notices, and hearings relating to human health or the environment for limited-English-speaking populations.
- Recommend criteria to Cal/EPA for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.
- Recommend procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy.
- Recommend procedures and provide guidance to Cal/EPA for the coordination and implementation of intra-agency environmental justice strategies.
- Recommend on other matters needed to assist the Agency in developing an intra-agency environmental justice strategy.

During 1999-2004, the Interagency Working Group accomplished the following tasks to complete its legislative obligations as directed in PRC section 71113:

- Examined existing data and studies on environmental justice (i.e., the precautionary approach, cumulative impacts, pollution prevention, meaningful public participation, etc.), and consulted with other agencies (including the California Department of Transportation, California Energy Commission, California Department of Health Services, U.S. Environmental Protection Agency, and others) and affected communities.
- In an effort to gain and respond to public input for consideration in its legislative charge to develop recommendations for a Cal/EPA intra-agency EJ strategy, the Interagency Working Group conducted four public meetings on the following dates: Saturday, May 18, 2002; Tuesday, January 21, 2003; Tuesday, October 14, 2003; and Monday, May 24, 2004.
- In the conduct of all four public meetings and in the development of its recommendations, the Interagency Working Group took great efforts to ensure meaningful public participation. These efforts are discussed further in Section 7 and in Section 9.
- For the May 24, 2004, public meeting, when the IWG met to discuss the draft April 23, 2004, IWG recommendations, Cal/EPA ensured the public availability of these draft IWG recommendations (via email, the Cal/EPA EJ website, and US mail) one month prior to the meeting. At this meeting the IWG finalized its recommendations on Cal/EPA's Intra-agency EJ strategy.

6. ADVISORY COMMITTEE ON ENVIRONMENTAL JUSTICE

In December 2001, the Secretary appointed the Cal/EPA Advisory Committee on Environmental Justice (EJ Advisory Committee), originally composed of the following 13 representatives (pursuant to Public Resources Code, section 71114):

- Two representatives from certified unified program agencies (CUPAs);
- Two representatives from local or regional land use planning agencies;
- Two representatives from air districts;
- Two representatives from environmental organizations;
- Three representatives from the business sector (one from small business, two from large business, as defined in Civil Procedure Code, section 1028.5); and
- Two representatives from community organizations

The EJ Advisory Committee, selected to assist the Working Group in implementing an environmental justice agenda, facilitates the opportunity to engage a multi-stakeholder group to assist with the direction of environmental justice efforts within Cal/EPA. The Committee's charge includes providing advice and recommendations to the Working Group to address environmental justice issues related to the following:

- Examination of existing data and studies on environmental justice.
- Criteria for identifying and addressing any gaps in existing programs, policies or activities that may impede the achievement of environmental justice.
- Procedures and guidance to Cal/EPA for the coordination and implementation of intra-agency environmental justice strategies.
- Procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy.
- Procedures to ensure public documents, notices, and public hearings related to human health or the environment are concise, understandable, and readily accessible to the public.

One of the Committee's first actions, after hearing many EJ stakeholders' comments that the representation on the Committee should be expanded, was to recommend to the Secretary and Working Group that the Committee should be expanded by 4 additional members to include the following:

- One representative from a federally recognized tribe;
- One representative from a small business; and
- Two representatives from environmental justice organizations.

The action prompted, in 2002, the inclusion of language to expand the Committee in SB 1542 authored by Senator Escutia. In September 2002, SB 1542 was enacted and the Advisory Committee was expanded to include the four additional members from the recommended sectors.

During 2001-2004, the EJ Advisory Committee provided the IWG and Cal/EPA invaluable assistance in the development of Cal/EPA's intra-agency EJ strategy. The EJ Advisory Committee conducted ten public meetings during 2001-2003 in Sacramento and throughout the state to assist the IWG in its legislative charge and receive public input for consideration in developing its own recommendations for a Cal/EPA intra-agency EJ strategy. After an extensive multi-year process, the EJ Advisory Committee, in October 2003, submitted its report, *The Recommendations of the Advisory Committee on Environmental Justice to the Interagency Working Group*, advising the IWG on the issues, goals, and actions for development of Cal/EPA's EJ strategy.

The following individuals served as members of the EJ Advisory Committee:

- Detrich B. Allen, City of Los Angeles, Environmental Affairs Department
- Henry Clark, West County Toxics Coalition
- Michael Dorsey, Department of Environmental Health
- Dorothy M. Hallock, Fort Mojave Indian Tribe
- Robert Harris, Pacific Gas & Electric
- William Jones, County of Los Angeles Fire Department
- James Kennedy, Contra Costa Redevelopment Agency
- Barbara Lee, Northern Sonoma County Air Pollution Control District
- Joseph K. Lyou, California Environmental Rights Alliance
- Cynthia McClain-Hill, McClain-Hill Associates
- Donna Pittman, Pittman & Associates
- Carlos Porras, Communities for Better Environment
- Levonne Stone, Fort Ord Environmental Justice Network
- Diane Takvorian, Environmental Health Coalition
- Cindy K. Tuck, California Council for Environmental & Economic Balance
- Eva Vasquez-Camacho, United Farm Workers of America
- Barry R. Wallerstein, South Coast Air Quality Management District

The EJ Advisory Committee Co-Chairs were Detrich Allen and Diane Takvorian. The EJ Advisory Drafting Subcommittee Co-Chairs were Barbara Lee and Henry Clark.

The following individuals served as member alternates of the EJ Advisory Committee:

- Martha Dina Arguello, Physicians for Social Responsibility
- Jose Bravo, Communities for a Better Environment
- Larry Greene, Yolo-Solano Air Quality Management District
- Martha Guzman, United Farm Workers of America
- Richard Smith, San Diego Air Pollution Control District
- Victor Weisser, California Council for Environmental & Economic Balance
- LaDonna Williams, People for Children's Health
- Holly Welles, Pacific Gas & Electric

7. INTRA-AGENCY ENVIRONMENTAL JUSTICE STRATEGY

Cal/EPA is charged with responsibility to develop an intra-agency (agency-wide) strategy to identify and address any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice (Public Resources Code, section 71113 (a)). The Interagency Working Group on Environmental Justice was convened to assist Cal/EPA in developing this intra-agency EJ strategy. In addition, the Advisory Committee on Environmental Justice was appointed by the Cal/EPA Secretary to assist the Working Group in developing its strategy recommendations. The IWG, the EJ Advisory Committee, and other EJ stakeholders were key to the finalization of Cal/EPA's intra-agency environmental justice strategy.

7.1 Development of Recommendations for the EJ Strategy

During 2001-2004, the Working Group held four public meetings to seek public input in the development of its recommendations for Cal/EPA's EJ strategy. At its first meeting on May 18, 2002, in south central Los Angeles, the Working Group and EJ Advisory Committee heard over eight hours of oral testimony from the public, community organizations, and other EJ stakeholders regarding key environmental justice concerns to consider in the development of Cal/EPA's strategy. The array of testimony heard at the first meeting motivated the Working Group to request the Advisory Committee's assistance in culminating and analyzing the various and numerous community and stakeholder input to address within the strategy.

In the process of developing its recommendations to the Cal/EPA Secretary, the Working Group also held three additional public meetings to gain more public input, examined existing data and studies on environmental justice (i.e., the precautionary approach, cumulative impacts, pollution prevention, meaningful public participation, etc.), and consulted with other agencies (including the California Department of Transportation, California Energy Commission, California Department of Health Services, U.S. EPA, and other agencies) and affected communities. These actions made by the IWG were to ensure that its recommendations were based on the input from many stakeholders of various regions, backgrounds, disciplines, and perspectives.

After hearing many public and EJ stakeholder testimony surrounding concerns, gaps, and issues regarding environmental and health protection at several initial Advisory Committee meetings, the Advisory Committee directed Cal/EPA EJ staff to develop a preliminary document to attempt to capture and reflect all input and information received. That preliminary document, first named the EJ Strategic Elements and later renamed the EJ Strategy Framework, was the first effort to frame the issues to address in an intra-agency environmental justice strategy.

The Advisory Committee provided invaluable assistance to the Working Group and Cal/EPA in the development and finalization of the Cal/EPA EJ strategy. The Advisory Committee conducted an extensive process, seeking and reviewing public input throughout the state involving 10 public meetings and 5 public workshops, as well as examining related environmental justice data, to assist the IWG and Cal/EPA with their statutory mandate.

Five public workshops were conducted in September 2002 throughout the state (West Oakland, Fort Ord, Fresno, San Diego, Los Angeles) to solicit public input on the EJ Strategy Framework document. Through additional information and input received at the workshops, the preliminary framework document was revised and restructured into the EJ Advisory Committee's Draft Recommendations Report by the EJ Advisory Drafting Subcommittee.

The EJ Advisory Committee conducted several meetings thereafter to listen to and discuss additional stakeholder testimony for potential incorporation into the Committee's Draft Recommendations Report. The Committee and the Working Group also solicited information and data on precautionary approaches, the concept of the precautionary principle, and assessment of cumulative impacts.

On September 29, 2003, the Advisory Committee heard oral testimony from over 200 stakeholders from throughout the state and representing various perspectives and backgrounds, regarding their July 2003 Draft Recommendations document. After some deliberation, on October 7, 2003, the Advisory Committee then submitted its report, *The Recommendations of the Advisory Committee on Environmental Justice to the Interagency Working Group*, which advised the IWG on the issues, goals, and actions in the development of Cal/EPA's EJ strategy. The Advisory Committee's report helped frame the complexity of environmental justice within the state, and contributed in meeting the IWG's statutory obligations in making recommendations to the Secretary on an intra-agency EJ strategy.

Cal/EPA and the IWG examined the Advisory Committee's report in great detail, and appreciated its thoughtful and comprehensive recommendations and strategies. Focused on four key goals, the Advisory Committee's report not only presented a host of viable actions to implement and integrate environmental justice into Cal/EPA's programs, policies, and activities, but also encouraged strategic direction in the face of a challenging and dynamic issue.

On October 14, 2003, the Working Group, after hearing public testimony and having some discussion regarding the EJ Advisory Committee's report, signed a resolution to acknowledge and accept the Advisory Committee's report and commit to using the concepts and goals within the report to provide the structure for development of Cal/EPA's intra-agency EJ strategy.

7.2 Finalization of the EJ Strategy

Guided by the IWG's resolution, Cal/EPA staff prepared draft IWG recommendations for a Cal/EPA intra-agency EJ strategy. The draft IWG recommendations, based upon many of the concepts and recommendations in the Advisory Committee's report, offered a deliberative approach to address environmental justice issues while recognizing the constraints of Cal/EPA's legal authority and available resources.

The draft IWG recommendations also presented goals and objectives with broad concepts and themes to reflect a comprehensive, long-term overarching vision to encompass all EJ activities conducted by Cal/EPA's BDOs. The overarching vision would provide Cal/EPA's BDOs the guidance and flexibility to address the many complex and varied issues necessary to achieve environmental justice in BDO-specific activities.

On April 23, 2004, the draft IWG recommendations were released for public comment. Cal/EPA ensured public availability of these draft IWG recommendations one month prior to the IWG's May 24, 2004, public meeting.

On May 24, 2004, the IWG met to discuss the draft IWG recommendations. The IWG also received written and heard oral public comments on the draft recommendations. At the close of the meeting, the IWG approved staff's proposal as the Working Group's recommendations to the Secretary for an intra-agency environmental justice strategy and recommended that the Secretary consider the public comments received for incorporation, as appropriate, into the final Cal/EPA intra-agency EJ strategy.

On July 7, 2004, under the direction of the Secretary, the Cal/EPA's Draft EJ Strategy document was released for 30-day public comment. A product of the multi-year efforts from the Working Group and Advisory Committee, the July 2004 Draft EJ Strategy presented the Agency's environmental justice mission, vision, core values, goals, and objectives to guide Cal/EPA's BDOs in integrating EJ into their programs, policies, and activities. Based on the recommendations adopted by the Working Group and appropriate public comment, the July 2004 Draft EJ strategy, described Cal/EPA's overarching environmental justice vision intended to guide Cal/EPA's BDOs in identifying and addressing gaps in their existing programs, policies, and activities that may impede the achievement of environmental justice.

On August 27, 2004, after consideration of comments received on the July 2004 draft strategy during the 30-day public comment period, Secretary Tamminen finalized and released Cal/EPA's Intra-agency Environmental Justice Strategy. The mission, vision, core values, goals and objectives of the EJ strategy are discussed below.

7.3 Mission, Vision, Core Values and Goals

Cal/EPA's environmental justice mission, vision, core values, and four strategic goals provide the foundation upon which our BDOs will be guided in integrating environmental justice into all our environmental programs, policies, and activities.

Mission: To accord the highest respect and value to every individual and community, by developing and conducting our public health and environmental protection programs, policies, and activities in a manner that promotes equity and affords fair treatment, accessibility, and protection for all Californians, regardless of race, age, culture, income, or geographic location.

Vision: All Californians, regardless of race, age, culture, income, or geographic location, are protected from environmental and health hazards, and afforded accessibility to and fair treatment in our decision-making processes.

Core Values: Leadership, Coordination, Respect, Accountability, Collaboration, Objectivity, Accessibility, Integrity, Quality, and Responsiveness.

Goals:

1. Ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes.
2. Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
3. Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.
4. Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

7.4 Achieving the Goals

The Cal/EPA intra-agency EJ strategy provides a comprehensive, long-term overarching vision, as reflected in our environmental justice goals. The environmental justice goals and objectives outline steps necessary toward achieving Cal/EPA's environmental justice vision. Cal/EPA has purposely developed broad concepts and themes to guide its BDOs in the development of BDO-specific environmental justice objectives and work plans, with specific and measurable targets adapted to BDO-specific responsibilities and priorities. Cal/EPA believes this approach is necessary to address the complexity of environmental justice in a timely, deliberate, and coordinated manner.

This strategy represents the initial step in Cal/EPA's long-term environmental justice strategic planning process. Using this strategy as a guide, each of Cal/EPA's BDOs will:

- Review environmental programs, policies, and activities to identify and address any gaps that may impede the achievement of environmental justice.
- Prepare an environmental justice strategic plan, or review and update as appropriate an existing EJ strategic plan, reflecting BDO-specific purpose, mission, goals, and milestones to achieve the Cal/EPA overarching vision outlined in this strategy.
- Prepare, or review and update as appropriate, an environmental justice work or implementation plan. Performance measures that include specific commitments and deadlines will be identified in the plan to demonstrate the BDO's progress toward fulfilling the overarching goals and objectives of the Cal/EPA intra-agency EJ strategy. Cal/EPA's BDOs will develop and implement their EJ work or implementation plans with appropriate consideration of science-based approaches, cost-effectiveness, and programmatic solutions, and with clear statement of regulatory requirements for affected communities and businesses.

Cal/EPA and its BDOs will engage the Advisory Committee on Environmental Justice and other EJ stakeholders in the implementation of this strategy to identify and address any gaps in existing programs, policies or activities that may impede the achievement of environmental justice. To ensure intra-agency coordination, BDO-specific environmental justice strategies, work plans, and related implementation documents will be reviewed by the IWG, with input and recommendations from Advisory Committee members, before they are finalized. Additionally, Cal/EPA will provide a triennial report to the Governor, the Legislature and the public on its BDOs' progress in achieving environmental justice.

Objectives for Goal 1: Public Participation and Community Capacity-Building

Goal 1 – Ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes.

Meaningful public participation is critical to the success of efforts to address environmental justice. Community capacity-building, as described in the Advisory Committee's report, addresses the needs of communities for resources to increase their understanding of the technical and procedural aspects of environmental decision-making, in order to participate in a meaningful way. Goal 1 addresses how Cal/EPA will promote community capacity-building, increase the availability of information, and enhance public participation in our decision-making processes. The objectives for Goal 1 state procedures to ensure that public documents, notices, and hearings are concise, understandable, and readily accessible to the public in a timely manner, and provide guidance on when it is appropriate to provide translation for limited-English speaking populations.

Cal/EPA's objectives for Goal 1 are the following:

- A.** Develop policies and procedures for all Cal/EPA BDOs on meaningful public participation, with consideration of actions recommended in the Advisory Committee's report, including early outreach efforts and communication with stakeholders to identify issues, questions, and concerns. Such policies and procedures shall be reviewed on a regular basis and updated as necessary.
- B.** Ensure that staff training on environmental justice is current and available.
- C.** Collaborate with agencies both within and outside Cal/EPA to use resources effectively and enhance public participation opportunities.
- D.** Identify opportunities (such as grants, loans, etc.) to assist communities, Tribes, and local governments in enhancing their knowledge and understanding of, and participation in, environmental issues and governmental processes.
- E.** Enhance educational efforts and expand outreach to communities, Tribes, local government, local elected officials, and stakeholders working on environmental justice issues.

- F. Develop a translation assistance guide for the Agency to ensure limited-English-speaking populations have access to Cal/EPA's decision-making processes.
- G. Extend outreach efforts and conduct meetings in various rural regions of the State to ensure meaningful public, Tribal, and local government participation when State regulatory or policy decisions may disproportionately impact rural areas.
- H. Increase public access to information necessary for meaningful participation in environmental decision-making and to enhance public knowledge and understanding of environmental issues and governmental processes.

Objectives for Goal 2: Environmental Justice Integration

Goal 2 – Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Goal 2 addresses how Cal/EPA will integrate environmental justice into all our public health and environmental protection programs (including permitting programs), policies, and activities. Goal 2 includes criteria for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

The following criteria will guide Cal/EPA BDOs in identifying and addressing environmental justice gaps in regulatory programs (including permitting programs), policies, and activities:

- I. Are environmental justice issues considered in developing and revising programs, policies, and activities?
- II. In the development, adoption, and implementation of programs and policies, is it ensured that new environmental justice problems have not been created or existing environmental justice problems have not been worsened?
- III. Have guidelines, procedures, and performance measures been established to ensure timely, equitable implementation and enforcement of programs, policies, and activities?
- IV. Have data, tools, and procedures been collected and collaborated on to identify environmental justice problems?
- V. Have actions been identified and prioritized to address environmental justice problems?

Cal/EPA's objectives for Goal 2 are the following:

- A.** Identify and address environmental justice issues when developing and revising programs (including permitting programs), policies, and activities.
- B.** Ensure adequate and fair deployment of enforcement resources.
- C.** Give high priority to actions (e.g., funding criteria) that will address environmental justice problems.
- D.** Dedicate resources and identify staff members responsible for assuring that the Boards, Departments, and Office of Cal/EPA properly considers and addresses existing and potential environmental justice problems.
- E.** Identify where a precautionary approach is currently being used, or could be used, to address environmental justice issues.
- F.** Identify and address any disproportionate economic areas, including Tribal areas and rural counties, in development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
- G.** Consult with appropriate stakeholders including Tribes, local government and/or local elected officials, regarding their priorities and concerns prior to developing or revising program elements, rules, or policies.

Objectives for Goal 3: Research and Data Collection

Goal 3 – Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.

Goal 3 addresses how Cal/EPA will enhance research and data collection to support environmental justice efforts. The objectives for Goal 3 also state procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy.

Cal/EPA's objectives for Goal 3 are the following:

- A.** Establish a Cal/EPA environmental justice clearinghouse.
- B.** Develop tools and approaches to assess and address adverse cumulative impacts.
- C.** Initiate and collaborate on community-based projects related to environmental justice.

- D. Develop, promote and support efforts to collect community and environmental emissions/discharge, exposure, and health risk data (including data on and surrounding federal facilities) that will improve understanding of environmental justice problems, and lead to solutions and prevention of further problems.
- E. Initiate, engage, and expand communication and collaboration with stakeholders and communities to build positive and effective working relationships.

Objectives for Goal 4: Cross-Media Coordination and Accountability

Goal 4 – Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

Goal 4 addresses how Cal/EPA will improve cross-media coordination and ensure accountability in its environmental justice efforts. The objectives for Goal 4 state procedures and provide guidance for the coordination and implementation of environmental justice activities.

Cal/EPA's objectives for Goal 4 are the following:

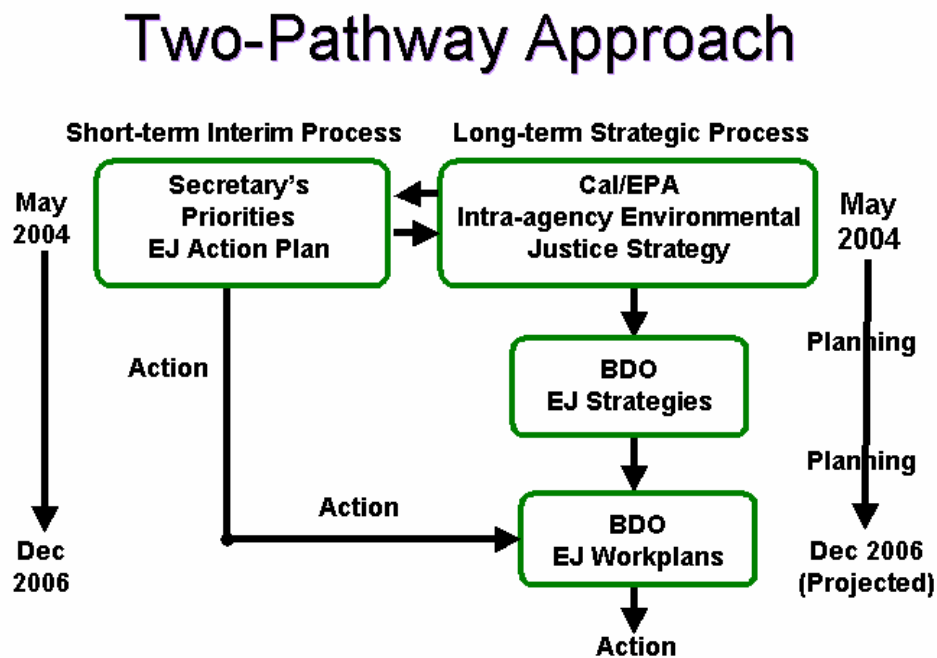
- A. Promote collaborative efforts between agencies (internal and external) towards the sharing of data and information relevant to environmental justice.
- B. Ensure ongoing communication between Cal/EPA and external stakeholders.
- C. Develop protocols for effective coordination within Cal/EPA and its BDOs, including regional offices, on environmental justice issues.
- D. Identify and adopt mechanisms to ensure greater coordination with other federal, state, Tribal, and local agencies.
- E. With input from external stakeholders, develop performance measures and conduct reviews to determine the success of environmental justice programs.
- F. Ensure compliance with federal (Title VI, Civil Rights Act of 1964) and state (California Government Code section 11135) civil rights laws in making environmental decisions.

8. TWO-PATHWAY APPROACH AND EJ ACTION PLAN

8.1 Overview

Cal/EPA has initiated a two-pathway process to advance environmental justice at Cal/EPA. Secretary Tamminen, recognizing it may take some time to complete the long-term strategic planning process (refer to Cal/EPA Intra-agency EJ Strategy section), has directed the Cal/EPA EJ Program to initiate actions (EJ Action Plan), in the interim, to advance four environmental justice priorities identified in his April 23, 2004 memorandum. The Secretary's leadership in this matter is consistent with Cal/EPA's overall EJ responsibilities under the law (Public Resources Code Section 71110). Thus, Cal/EPA has initiated a two-pathway process towards advancing environmental justice.

The two-pathway process involves the following – the first pathway, which is the formal, long-term strategic planning process mandated by statute, and includes the development of the intra-agency environmental justice strategy and the review of Cal/EPA BDOs programs, policies, and activities to identify and address any gaps that may impede the achievement of environmental justice; and the second pathway, which is the short-term, action-focused process (EJ Action Plan) to advance priorities in the interim of completing the long-term strategic planning process. These priorities will provide the foundation for Cal/EPA's EJ Program, establishing the framework for integrating key environmental justice concepts into Cal/EPA's regulatory functions.



Consistent with the second pathway process, the Cal/EPA EJ Program, therefore, has drafted an EJ Action Plan to advance the priorities identified by Secretary Tamminen. The proposed EJ Action Plan is intended for Cal/EPA and its BDOs to assess different EJ scenarios, identify challenges and opportunities, explore practical application of strategies, and develop recommendations to address environmental justice gaps. The EJ Action Plan should not, however, be viewed as the ultimate mechanism to provide direct and immediate solutions to existing EJ problems in any particular impacted community.

The proposed EJ Action Plan priorities and activities are outlined below.

8.2 Develop Guidance On Precautionary Approaches

Cal/EPA's California Integrated Waste Management Board (CIWMB) staff will lead the intra-agency Precautionary Approaches Workgroup (with representatives from all Cal/EPA BDOs) to accomplish, with appropriate stakeholder input, the following:

- Identify where/how precautionary approaches are used, or could be used, in Cal/EPA's environmental programs; evaluate whether additional precaution is needed to address or prevent environmental justice problems; and identify obstacles to precautionary actions.
- Identify reasonable, cost-effective approaches that could be used to prevent or minimize adverse environmental impacts.
- Develop guidance on precautionary approaches and recommend implementation options, including proposals for policy, regulatory, and statutory changes.

8.3 Develop Guidance On Cumulative Impacts Analysis

Cal/EPA's Office of Environmental Health Hazard Assessment (OEHHA) staff will lead the intra-agency Multi-media Cumulative Impacts Workgroup (with representatives from all Cal/EPA BDOs) to accomplish, with appropriate stakeholder input, the following:

- Develop a common, objective definition for multi-media cumulative impacts.
- Inventory current cumulative impacts studies, protocols, and tools, and identify needs to be addressed.
- Develop criteria and protocols for identifying and addressing environmental justice gaps in standard risk assessment.
- Develop guidance on multi-media cumulative impacts analysis, prevention and reduction; and recommend implementation options, including proposals for policy, regulatory, and statutory changes.

8.4 Improve Tools For Public Participation And Community Capacity Building

Cal/EPA's Department of Toxic Substances Control (DTSC) staff will lead the intra-agency Outreach and Public Participation Workgroup (with representatives from all Cal/EPA BDOs) to accomplish, with appropriate stakeholder input, the following:

- Develop common public participation guidelines.
- Secure funds and implement Cal/EPA EJ Small Grants Program.
- Identify opportunities to address EJ in existing Cal/EPA loan and grant programs.
- Establish agency-wide translation contract.
- Develop EJ complaint resolution protocols.
- Update the Cal/EPA EJ Web page on an on-going basis to provide information and tools to facilitate public participation and community capacity-building.

8.5 Develop and Conduct EJ Pilot Projects

The Governor's Environmental Action Plan outlines initiatives to protect and restore California's air, water and landscapes. Several of these initiatives have significant environmental justice implication. Cal/EPA will monitor those efforts to ensure EJ considerations in the Governor's Environmental Action Plan.

Cal/EPA and its BDOs will also develop and conduct pilot projects that incorporate some of the themes in the Governor's Environmental Action Plan. The purpose of Cal/EPA's EJ pilot projects will be to explore practical application of precautionary approaches and mitigation strategies to reduce children's environmental risk in specific scenarios. The proposed EJ pilot projects are listed below:

- The Air Resources Board (ARB) staff will lead a pilot project in Southern California, focusing on mobile and stationary source emissions, particularly emissions near highways and industrial sources, in an urban community.
- The Department of Pesticide Regulation (DPR) staff will lead a pilot project in the Central Valley, focusing on pesticide issues in a rural, farming community.
- The Department of Toxic Substances Control (DTSC) staff will lead a pilot project in Northern California, focusing on Brownfield and site remediation issues in an urban community.
- The State Water Resources Control Board (SWRCB) staff will lead a pilot project in North central California, focusing on water resources management and related environmental issues in a tribal or rural community.

The projects will focus on environmental exposure and risk factors that impact children's health. Each pilot project team will establish, with appropriate stakeholder input, a Children's Environmental Risk Reduction Plan (ChERRP) to explore strategies for reducing children's environmental risk.

8.6 Finalization and Implementation of the EJ Action Plan

The EJ action plan will be finalized in September 2004 and will be updated by Cal/EPA as-needed in response to new, significant and relevant information, opportunities, or needs.

In the implementation of the action plan, Cal/EPA and its BDOs will take steps to make decision-making processes more available and responsive to community concerns, pursue options that meet the business community's need for fair and predictable processes, and develop requirements that are feasible both technically and on the basis of cost. This is consistent with the objectives in seeking environmentally-just solutions as described in the October 2003 *Final Recommendations Report of the Cal/EPA Advisory Committee on Environmental Justice*.

Also, in concert with the Advisory Committee's recommendations, Cal/EPA and its BDOs will strive to avoid extreme interpretations and seek options that do not have an adverse economic impact on the community, jobs, and rural and local governments. Within its legal authority to do so and as resources allow, Cal/EPA and its BDOs will incorporate stakeholder recommendations that the Agency and its BDOs determine to be reasonable and feasible. Cal/EPA and its BDOs will develop and implement the EJ pilot projects in the spirit recommended by the Advisory Committee: "with a genuine desire to identify real environmental justice problems, including circumstances of disproportionate, cumulative impacts, and to make real and measurable improvements in those situations."

Cal/EPA will engage the IWG and Advisory Committee in developing EJ action plan implementation recommendations to the Secretary and in ensuring meaningful public participation in the implementation process. EJ stakeholders will provide input through public comment periods, staff workshops, respective public meetings of the IWG and Advisory Committee, and meetings of Local Advisory Groups (LAGs) that will focus on the specific proposed EJ action plan pilot projects.

The activities in the EJ Action Plan will culminate in December 2006, when these activities will merge with the implementation of the BDO-specific strategies and workplans derived from the formal, long-term strategic planning process.

The Cal/EPA EJ action plan provides opportunities for Cal/EPA and its BDOs to take the initial steps toward addressing complex EJ issues such as precautionary approaches and cumulative impacts. Cal/EPA will explore options for addressing EJ issues and examine various ideas, concepts, and approaches – in a structured and focused manner. Additionally, Cal/EPA will develop implementation options, including proposals for policy, regulatory, and statutory changes, to advance integration of EJ into its environmental programs. The action plan shall be the vehicle to allow Cal/EPA to expand its current knowledge base regarding critical EJ topics, and develop tools and guidance to address the Secretary's EJ priorities.

9. STAKEHOLDER OUTREACH AND PUBLIC PARTICIPATION

Hundreds of California environmental justice stakeholders representing various ethnic, gender, age, geographic, and socio-economic perspectives participated in 12 public meetings and 6 public workshops during Cal/EPA's strategy development process during 1999-2004.

The numerous ways EJ stakeholders participated in Cal/EPA's EJ efforts are discussed below.

9.1 Cal/EPA Environmental Justice Meetings

Twelve Cal/EPA Environmental Justice Meetings were conducted during 2001-2004 involving over 800 EJ stakeholder participants. All meeting/workshop notices were distributed at least 10-30 days in advance of each Cal/EPA EJ meeting/workshop pursuant to the Bagley-Keene Public Meeting Act. At all of the Cal/EPA Environmental Justice Meetings at least one public comment period was offered and written comments were also accepted and received.

- **Bi-Lingual Meeting Notices/Translation Services/Translated Documents:** 95% of the Cal/EPA Environmental Justice Meeting notices were translated into Spanish. As funding permitted, the Advisory Committee Recommendations Draft Report documents and final report were also translated to allow for greater input from limited-English speaking stakeholders and communities in the development process. Public education materials distributed at Cal/EPA EJ meetings were mostly made available in Spanish as well. Simultaneous translation services were also offered at meetings, as funding permitted, to allow for meaningful participation from Spanish-speaking EJ stakeholders.
- **Weekend/Evening Meetings:** Some meetings were held on a Saturday (e.g., the first Cal/EPA Joint EJ Meeting of the IWG and Advisory Committee in Los Angeles, May 18, 2002) or in the evening to allow greater and meaningful stakeholder participation.
- **Location of Meetings:** Meetings were held throughout the state at various locations to allow for greater participation from various regions.
- **Teleconference & Internet Audio Broadcasting:** Teleconferencing was made available for participation into some of the meetings for those stakeholders unable to attend meetings in person. Internet audio broadcasting of the many of the EJ meetings was also made available for those unable to attend the EJ meetings.
- **Cal/EPA Environmental Justice Program E-mailbox/Fax Number:** The Cal/EPA Environmental Justice Program established an e-mail mailbox (EnvJustice@calepa.ca.gov) and fax (916.445.6401) for any stakeholder comments, feedback, and/or questions.

- **Cal/EPA Environmental Justice Staff Contacts:** Cal/EPA Environmental Justice staff are available within the Office of the Secretary and among Cal/EPA's BDOs to field any questions or concerns on environmental justice, with the most current information.

9.2 Cal/EPA Public Workshops/Forums

Input from a broad representation of EJ stakeholders was solicited and received throughout the development process. Six public workshops were conducted throughout the strategy development process.

- **September 2002 Public Workshops:** The September 2002 public workshops were conducted to solicit input on the context of the Advisory Committee's recommendations for a Cal/EPA intra-agency strategy. The five three-hour workshops were conducted in West Oakland, Fort Ord (central coastal valley), Fresno, Los Angeles, and San Diego involving over 200 participants. Workshop notices were distributed in bi-lingual (Spanish/English) and simultaneous translation was provided, as funding permitted.

All workshop sessions were audio recorded, processed, and reviewed for potential incorporation into the Advisory Committee's Recommendations Report. Common overarching themes from these workshops included the following:

- Incorporation of environmental justice into Cal/EPA programs, policies, and activities;
 - Implementation of existing statutes and regulations which outline environmental justice;
 - Addressing problematic issues such as permitting, the precautionary principle, and cumulative impacts;
 - Early involvement of the public in decision-making processes;
 - Reliable research and data collection; and
 - Accountability and coordination with other governmental and stakeholder entities.
- **June 2004 Public Workshop:** The June 28, 2004 public workshop was conducted to solicit input on Cal/EPA's EJ Action Plan. Over 75 stakeholders representing various sectors participated in the three-hour workshop to share their comments on the proposal. The workshop notice was bi-lingual (Spanish/English) and teleconferencing and audio broadcasting over the Internet was provided.

10. 1999-2004 ACTIVITIES BY CAL/EPA BDOs

In addition to the activities and efforts previously mentioned in this report, Cal/EPA's constituent Boards, Departments, and Office (BDOs) have also embarked in advancing environmental justice through media-specific programmatic opportunities. The following highlights the accomplishments each Cal/EPA entity has made from 1999 to 2004 and the continuing priority efforts to ensure all Californians afford fair treatment, access, and protection in a clean, healthy environment.

10.1 Air Resources Board (ARB)

The Air Resources Board's policies and programs have reduced the regional health risk from air pollution across California. However, ARB recognizes the need to address localized neighborhood-scale air quality issues as well. Working with the Environmental Justice Stakeholders Group, ARB staff have identified priorities and projects that will benefit all California communities, including those with environmental justice concerns. ARB will continue to integrate environmental justice issues into all aspects of its programs, policies, and actions.

Accomplishments

- **Environmental Justice Policies and Actions:** The ARB approved Environmental Justice Policies and Actions (Policies) on December 13, 2001, to establish a framework for incorporating environmental justice into the ARB's programs consistent with the directives of State law. These Policies apply to all communities in California, but illustrate the recognition that environmental justice issues have been raised more in the context of low-income and minority communities. These Policies are intended to promote the fair treatment of all Californians and cover the full spectrum of ARB activities. Also underlying these Policies is the recognition that ARB needs to engage community members in a meaningful way as ARB carries out its activities.
- **ARB/District Complaint Resolution Protocol:** With input from the Environmental Justice Stakeholders Group, the ARB and Air Districts worked together to develop a protocol that outlines ARB and Air District responsibilities when responding to community complaints about sources of air pollution.
- **Public Participation Guidebook:** ARB released *Let's Clear the Air-A Public Participation Guide to Air Quality Decision Making in California*. Topics in the Guide include: roles and responsibilities of State and local air agencies; how to register a complaint about a source of air pollution; and how to participate in workshops and regulatory meetings.
- **Report on the Adequacy of the Monitoring Network:** In October 2003, ARB released the *Report on the Assessment of California's Air Monitoring Network*. The

report evaluated the adequacy of the air monitoring network in measuring the pollutant levels to which infants and children are exposed, as required by the Children's Environmental Health Protection Act (Escutia, Chapter 731, Statutes of 1999). The report found that the existing network provides a reasonable estimate of exposure from a broad regional perspective and identifies supplemental approaches to better characterize exposure from a community perspective. The report documents the findings of six community-monitoring studies at schools.

- **Environmental Justice Employee Training:** ARB and Cal/EPA staff worked together to provide environmental justice training to employees. Seminars on the ARB's Environmental Justice Policies and Actions have been given to many employees and training is also provided in ARB's Air Academy and rulemaking classes.
- **Access to Information-How to Contact ARB for Help:** ARB has identified Brent Takemoto (916-445-5569, Btakemot@arb.ca.gov) as the public contact person in the Chairman's Office of Community Health for environmental justice issues and Kathleen Tschogl (916-323-6791, ombudsman@arb.ca.gov) as the contact person in the Ombudsman's Office for general air pollution complaints. Bilingual staff is available to handle contacts in Spanish and other languages as needed. The ARB's Enforcement Division operates an air pollution hotline in both English and Spanish at 1-800-END-SMOG, 1-800-952-5588, or 1-800-242-4450.
- **Community Health Website:** ARB staff has developed an improved community health webpage that includes our programs specifically related to environmental justice. The site was designed to make it easier for residents to find air pollution information about their community and its major sources of air pollution.
- **Garbage and Recycling Collection Vehicle Toxics Control Measure:** In September 2003, ARB adopted a regulation to reduce diesel particulate emissions from solid waste collection vehicles. The regulation requires vehicle owners (and municipalities that contract for these services) to phase in use of the best available control technology. Since garbage collection trucks often operate in residential neighborhoods, this regulation is an important step to reduce community risk from exposure to toxic diesel particulate.
- **School Bus Idling Toxics Control Measure:** In December 2002, the ARB adopted a regulation that limits school bus idling and idling at or near schools to only when necessary for safety or operational concerns. This regulation was designed to reduce diesel exhaust, particulate matter, and other toxic air contaminants from school buses. This regulation was a high priority because children riding in, and playing near, school buses and other commercial motor vehicles are disproportionately exposed to pollutants from these sources.

- **Stationary Diesel Engine Toxics Control Measure:** In February 2004, the ARB adopted a regulation to reduce particulate matter from new and existing stationary diesel-fueled engines. These diesel engines are typically used to power electric generators, rock crushers, grinders, sand screeners, cement blowers, cranes, air compressors, and water pumps. The control measure will reduce diesel particulate matter and control criteria pollutant emissions through a combination of limits on annual operating hours and application of best available control technology.
- **Portable Diesel Engine Toxics Control Measure:** In February 2004, the ARB adopted a regulation designed to minimize the public's exposure to diesel particulate matter by expediting engine replacement to newer, cleaner engines and by requiring engine fleet owners to meet increasingly stringent fleet standards. This regulation affects portable diesel engines that are 50 horsepower or larger. It requires engine certification by 2010 and fleet average compliance by 2020. The regulation includes incentives to use clean technologies and exemptions for emergency and low-use engines.
- **Transport Refrigeration Unit Toxics Control Measure:** In February 2004, the ARB adopted a regulation to cut diesel particulate matter from transport refrigeration units (diesel-powered cooling units on cargo containers carried by trucks, trains, and ships that deliver produce, meat, dairy products, and other perishable goods). Compliance options may include installing an ARB-verified particle control system, replacing older diesel engines with cleaner new models, or using non-diesel alternative technologies.
- **Hotspots Analysis and Reporting Program (HARP):** HARP is a computer software package that combines the tools of emission inventory, facility prioritization calculation, air dispersion modeling, and risk analysis. The purpose of HARP is to perform risk assessments on facilities emitting toxic air pollutants. This program was designed for use by air districts and air quality professionals.

Priorities

- **Air Quality and Land Use Handbook:** ARB is developing an informational document for local air districts and government agencies to increase awareness of the potential public health consequences of land-use decisions. This document will be supplemented over time with fact sheets that address specific sources of air pollution that might be located in or near residential neighborhoods.
- **Heavy-Duty Diesel Truck Idling:** Later this year, ARB will consider a measure to further cut emissions from new and existing heavy-duty diesel trucks and buses. This measure would restrict the amount of time vehicles can idle. Idling emissions can pose a significant air quality problem near distribution centers, truck stops, and ports.

- **Diesel Risk Reduction Plan:** The Diesel Risk Reduction Plan outlines a long-term, comprehensive program which includes the development of numerous new control measures over the next several years aimed at substantially reducing emissions from new and existing on-road vehicles (e.g., heavy duty trucks, buses), off-road equipment (e.g., graders, tractors, forklifts, sweepers, boats), portable equipment (e.g., pumps), and stationary engines (e.g., stand-by power generators).
- **Air Toxic Control Measures for other Source Categories:** ARB staff is developing control measures for sources categories such as chrome plating, thermal spraying, dry cleaners, composite wood products, and welding.
- **Improving Access to Emissions Data in Communities:** The Community Health Air Pollution Information System (CHAPIS) is a visualization tool that provides interactive maps of air pollution sources. This program was created in collaboration with the air districts and will include stationary, mobile, and area-wide emission sources. CHAPIS will be available on ARB's community health webpage for use by the general public and air quality professionals.
- **Methods to Assess Cumulative Impacts in Communities:** ARB staff is developing technical tools for assessing cumulative emissions, exposures, and health risks on a neighborhood scale. Continuing projects include assessments in Wilmington (Los Angeles), and Barrio Logan (San Diego).

10.2 Department of Pesticide Regulation (DPR)

DPR conducts every aspect of its business with a guide to treating people fairly. Fair treatment means that no one group of people, including racial, ethnic, or socioeconomic groups, should be disproportionately impacted by pesticides. Anyone whose health or environment may be affected by pesticides holds a stake in DPR's decisions. DPR wants to ensure that all stakeholders have an opportunity to participate in the regulatory process.

Accomplishments

- **Methyl Bromide Regulation Workshops:** The DPR held regulatory workshops on its methyl bromide regulations in November 2003 in Ventura, and Salinas (in addition to Sacramento) to allow community members in areas where methyl bromide use is greatest to participate. Simultaneous translation into Spanish was available at the hearings, which were held in the evening (Salinas) or on Saturday (Ventura), to make it easier for interested parties to attend.
- **DPR Draft EJ Implementation Plan:** DPR has drafted an implementation plan for incorporating environmental justice principles into DPR's programs, policies, and activities <http://www.cdpr.ca.gov/docs/envjust/>.

- **Spanish Translation of Draft EJ Implementation Plan:** DPR translated its draft Environmental Justice Implementation Plan into Spanish and has posted it on the Department Web site for comment.
- **DPR's Pest Management Advisory Committee Discussion of Draft EJ Implementation Plan:** To help fulfill a goal of improving the use of DPR's advisory committees, the draft EJ Implementation Plan was a discussion item at a March 2004 meeting of the Department's Pest Management Advisory Committee.
- **Border Episode Demonstration Exercise:** Developed, evaluated, and presented a demonstration exercise of a border episode in coordination with regulatory and emergency response agencies from the U.S. and Mexico. The intent was to better coordinate how agencies from the two nations respond to pesticide-related incidents in the border area.
- **New Process for Prioritizing Pesticides for Risk Assessment:** Revised the process of prioritizing pesticides for risk assessment, to make the process more transparent and allow for public comment on selection of candidate pesticides. The Department also sought comment from the public during development of the new process, posting a draft document on the DPR Web site and discussing it at public meetings.
- **Local Pesticide Enforcement Activities Coordination:** Negotiated workplans with each county agricultural commissioner to assure local pesticide enforcement activities align with DPR's goal of improving industry compliance with worker safety requirements.
- **Enforcement to Address Greatest Risk:** DPR used the findings of the 1999 Compliance Assessment Report to fine-tune enforcement activities and to develop State enforcement priorities to address areas of greatest risk. The findings suggested carrying out a County Oversight Inspection Program, conducting focused inspections in designated counties and compiling and analyzing completed data to identify improvement initiatives for implementation in county programs. The focused activities were also evaluated to determine their effectiveness and identify their impact on the overall program.
- **Enhancement of Worker Safety Notification:** Since 1999, DPR managers and technical experts have met regularly with public interest and farm labor groups, county agricultural commissioners, state and local public health officials, migrant health clinic directors, and agricultural production representatives to get input on ways to enhance worker safety. To follow up on the information gathered, DPR conducted formal studies of field posting, notification requirements in general, and the hazard communication rules. One outcome is a regulatory package to enhance worker safety by improving worker notification, application-specific information, field reentry pesticide application, and early entry, to be proposed later in 2004.

- **Worker Pesticide Safety Information Leaflets:** DPR revised 20 pesticide safety information series leaflets intended to provide information to workers on ways to reduce pesticide exposures. The leaflets were rewritten to make them more accessible, redesigned to make them easier to read, and translated into Spanish. Both Spanish and English versions of the leaflet are posted on DPR's Web site <http://www.cdpr.ca.gov/docs/whs/psisenglish>. Paper copies have also been distributed to the county agricultural commissioners.
- **Methyl Bromide Field Fumigation Regulation Workshops and Meetings:** Held a formal workshop and informal meetings with worker and community representatives to provide input in development of revised methyl bromide field fumigation regulations.
- **Non-occupational Investigation for County Agricultural Commissioners:** Developed guidelines for county agricultural commissioners to conduct non-occupational investigations. The intent of this guidance is to give county agricultural commissioner staff a tool to assist them in conducting their investigations when responding to non-occupational pesticide use-related incidents involving large numbers of affected people.
- **Northwestern California Tribal – Forestry Herbicide Monitoring Project:** When trees from national forests are removed (due to fires or logging), the U.S. Forest Service prepares the site and replants conifers. Similarly, after timber companies harvest trees on their own land, they also replant. As part of this process, herbicides are used to control plants that compete with the conifers. In recent years, California tribal people who live and gather food, medicinal, ceremonial and basketry plant materials in or near these forests have voiced concerns about herbicide exposure. In response, the U.S. Forest Service and the U.S. Environmental Protection Agency funded a series of studies by DPR to assess the potential exposure of plant gatherers and users to forestry herbicides. Beginning in 1998, surface water was monitored during and after aerial and surface pesticide applications and plant samples were collected to monitor drift and the dissipation of herbicides on sprayed plants. DPR also completed a pilot study in collaboration with the State Department of Fish and Game and the Yurok Tribal Fishery to determine herbicide residues in fish tissues. Final reports on the studies were completed in 2002.

In one project, DPR formed a workgroup of tribal members, timber company representatives, and staff from DPR and the offices of local county agricultural commissioners. As a result of the information sharing in the workgroup, DPR contracted with the University of California at Davis to develop an Internet-based training program for Indian health care providers who may not be familiar with the symptoms of pesticide-related illnesses.

- **Pesticide Illness Surveillance Data:** DPR initiated four trends analyses of pesticide illness surveillance data: chloropicrin off-site movement; pyrethrins; illness following structural application; and applicator illness using hand application equipment.
- **Integrated Pest Management (IPM) Policy & Program Development Assistance:** DPR assisted school districts in establishing IPM policies and programs by publishing informative articles in several school professional journals and newsletters (including *Small School District's Association Newsletter* and *CASBO Journal of School Business Management*).
- **School IPM Website:** DPR created, updated, and improved the Department's School IPM Web site, <http://www.schoolipm.info/>, to assist school administrators and others in implementing the Healthy School Act of 2000.
- **School IPM Training:** DPR trained individuals designated by school districts to carry out school IPM. DPR also hosted regional workshops to showcase various tools used to implement IPM programs and provide hands-on experience.

Priorities

- **Prioritization of DPR Outreach Materials:** DPR is designing and conducting a survey of California counties to determine what ethnic groups are present in the agricultural community to prioritize the translation of outreach materials. The complete analysis of survey results will be available by mid-2004.
- **Translation Services for DPR Documents:** DPR is contracting with the University of California for translation services so more DPR documents can be made available in Spanish and other appropriate languages.
- **EJ in DPR's Progress Report:** DPR is highlighting the importance of EJ by featuring DPR's EJ accomplishments and priorities in DPR's Progress Report - to be published late in 2004.
- **Pesticide Use Inspections:** DPR is conducting 200 pesticide use inspections, including 30 special focus inspections for worker protection.
- **Improvement of Enforcement Action Database:** DPR will improve the utility of its enforcement action database to help analyze compliance, evaluate county oversight, and identify inspection program efficiencies.
- **Development of Pesticide Regulatory Process Handbook:** DPR will complete and widely distribute a handbook for the public that identifies and explains the pesticide regulatory process, how to file complaints, the investigative process and what to expect from it, and public participation rights and opportunities. DPR will consult with EJ stakeholders and other groups in the handbook development and translate the

handbook into appropriate language to reach a wide audience.

- **Complete Risk Assessments:** DPR will continue a comprehensive, multi-media approach, taking into account sensitive populations, unique exposure scenarios, and cumulative impacts, to complete 15 risk assessments between July 1, 2003 and December 31, 2004. This effort will include risk characterizations of the widely used fumigants metam-sodium and sulfuryl fluoride, and the highly toxic agricultural insecticides azinphosmethyl and methamidophos.
- **Development of Methyl Isothiocyanate (MITC) Off-Site Exposure Mitigation Measures:** DPR is developing mitigation measures to reduce off-site exposures of methyl isothiocyanate (MITC) to the public. MITC is a fumigant used in agriculture to control various pests. MITC drift has been the cause of numerous recent incidents that have sickened scores of persons living near fumigation sites.
- **IPM Policies & Program Establishment in School Districts:** DPR will continue to assist school districts to establish IPM policies and programs by featuring resources for implementing IPM programs on DPR's website and publicizing the Department's School IPM program at meetings attended by school district personnel.
- **Least-Toxic Alternatives Information to School Districts:** DPR will continue to provide information to school districts on least-toxic alternatives for pest management needs.
- **Evaluation of IPM Adoption:** Evaluate IPM adoption in schools and the technical, institutional, or economic constraints that might hamper wider IPM adoption in schools. Review outreach techniques and evaluate whether changes should be made.
- **School IPM Guidebook:** DPR will continue to update and improve the School IPM Guidebook, getting feedback from school personnel to ensure appropriateness for pest management needs of all sectors of California.

10.3 Department of Toxic Substances Control (DTSC)

DTSC actively engages communities throughout California regarding site cleanups and permit determinations. DTSC invites comments from all interested stakeholders on key decisions by going to the affected community to engage them in dialogue. DTSC's project teams are sensitive to cultural issues, language, and educational levels.

DTSC has drafted an interim environmental justice policy:

http://www.dtsc.ca.gov/PolicyAndProcedures/env_justice/OEA_POL_DRAFTEJ.pdf. The draft policy states that DTSC is committed to ensuring that all of the State's populations, without regard to color, national origin, or income, are equally protected from adverse human or environmental effects as a result of DTSC's policies, programs, or activities. DTSC will seek opportunities to instill the principles of environmental justice into all projects and processes.

Accomplishments

- **Community Meetings:** DTSC public participation specialists provided California communities with multiple opportunities to participate in DTSC's decision-making process by facilitating 17 community meetings, 12 public hearings, 9 smaller meetings, and 22 restoration advisory board (RAB) meetings. DTSC staff produced and distributed 54 fact sheets and 28 public notices, translated approximately 30 percent of the Department's documents into other languages including Spanish, Chinese, Vietnamese, Hmong, and Armenian.
- **Training for Permitting Division Staff:** Public participation training was conducted by DTSC public participation specialists for permitting division staff to allow for better understanding and communication with the public.
- **Community Survey Methods Revision:** To ensure removal actions at schools are completed in a timely manner, DTSC staff revised community survey methods to better determine public outreach steps required to inform and involve the surrounding community. The revised methodology was designed to quickly identify low or non-existent community interest, allowing DTSC staff to focus its communication efforts on higher interests, issues, and sites.
- **Public Participation Manual:** DTSC developed a Public Participation Policy and Guidance Manual
<http://www.dtsc.ca.gov/PolicyAndProcedures/ppp/PublicParticipationManual.htm>
and provided training to DTSC staff in its use.
- **Environmental Justice Info on US EPA EJ Webpage:** The Office of Environmental Information Management, created links in the profile reports for DTSC database information (HWTS, Calsites, and schools) to the US EPA Environmental Justice Tool web page. The US EPA EJ website shows federal toxic sites surrounding a DTSC site and provides a wide range of information including demographic information including topo and aerial maps.

Priorities

- **Public Outreach Training:** DTSC public participation specialists plan to provide appropriate training to staff in the permitting and site mitigation programs to improve the department's public outreach efforts.
- **Public Outreach Surveys:** DTSC will expand and apply new methods of providing public outreach to communities by utilizing the community survey tools recently created to assess interest in school projects.

10.4 California Integrated Waste Management Board (CIWMB)

The CIWMB appreciates the state's diversity and act to protect the environment and public health and safety in a manner that does not unfairly affect any group. CIWMB reaches out to California's diverse communities to assure the Board is aware of the effects of the Board's work. The CIWMB takes great effort to share its information with all communities, and include the input of all communities in its policy and decision-making processes. The CIWMB provides assistance and support to communities in need to ensure they have the knowledge, access, and tools to participate in the public process in a meaningful way. The CIWMB is committed to reducing or eliminating the disproportionate impacts of pollution on low-income and minority populations.

Accomplishments

- **CIWMB's Environmental Justice Policy:** CIWMB's Strategic Plan includes an environmental justice policy, 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.
- **Used Oil & HHW Minority Community Gaps Guidance Document Development:** The CIWMB is currently overseeing a \$200,000 contract with California State University, Sacramento for development of a guidance document or toolkit for local jurisdictions to identify service gaps and address enhanced recycling and collection of used oil and household hazardous waste (HHW) programs in minority communities. This toolkit will contain a list of current programs, the results of a survey of what jurisdictions want in terms of support for outreach and communication programs; marketplace information; jurisdiction resources; a marketing plan template; a needs assessment sample and satisfaction surveys; sample communications and media tools; and program assessments. The final report and toolkit will be available in the fall 2004.
- **UC Santa Cruz Environmental Justice Public Participation Study:** The CIWMB commissioned an environmental justice study that was conducted by the University of California, Santa Cruz, to assess methods to increase public and community participation in CIWMB processes. The final report contains recommendations on the priorities of key community based environmental justice organizations throughout California relative to the CIWMB's programs and a summary of the best practices of federal, state, local government and private business relative to environmental justice strategies that could be applicable to the CIWMB.
- **EJ Information on Agenda Items:** In order to provide CIWMB members with background and context regarding environmental justice concerns as items are being considered, CIWMB has revised its agenda item template to incorporate information on environmental justice as part of each item. Information requested includes a

description of the community setting, including land use, demographics, population density, race and ethnic origin; a description of any known environmental justice issues in the area; what efforts were made by the CIWMB and by local government/project proponents to ensure that all groups had access to public information and technical assistance to ensure meaningful participation; and a description of any positive impacts of the action being proposed.

- **Demographic Information in CA Waste Stream Profiles Database:** California Waste Stream Profiles is one of many CIWMB web-based tools. By providing technical information, demographic and contact information, Profiles is a useful starting point when examining environmental justice concerns related to solid waste issues. Profiles allows the public to access a variety of CIWMB information in a user-friendly format, including data on landfills, waste tire facilities, schools and local governments. The mapping feature of Profiles can plot solid waste facilities, used oil centers, and a variety of other entities in relation to California's neighborhoods and schools. Demographic information is also included at the Census Tract level. Currently based on the 1990 census, the demographic data will be updated to the 2000 census information soon. Profiles includes facility operator, CIWMB and local government contacts, as well as contact information for the appropriate state senate and assembly representatives. In addition, new links allow concerned citizens to find contact information for pertinent local, state, and federal agencies.
- **Demographics & Solid Waste Facility Information Coordination:** Consistent with the CIWMB-wide effort, the permitting and enforcement division has increased the amount information provided in agenda items relative to land use and demographics surrounding solid waste facilities and other projects. Staff continues to be fully involved in the CEQA process for solid waste facilities in an effort to identify any and all potential impacts to the environment and to public health. Information regarding all community outreach efforts is also being included in agenda items. Division staff are currently studying the frequency and type of community outreach that has occurred relative to solid waste permits during the last 3 years. Staff will be reporting the results of this study to the CIWMB in the near future and will take additional actions as directed by the CIWMB. When requested, Division staff have helped facilitate communication between solid waste facility owners and operators and community groups.
- **EJ & Waste Tire Management Program:** The special waste division is focusing its efforts to address the CIWMB's environmental justice goals and objectives in the Tire Program through the development of the Revised Five-Year Plan for the Waste Tire Management Program. The revision of the Five-Year Plan presents a unique opportunity for the CIWMB to work with a very diverse group of stakeholders and interested parties on environmental justice issues as waste tire facility standards, hauler registration and manifest regulations and waste tire permitting requirements are assessed, so that these standards are fair and equitable for all parties, particularly

low-income and minority populations (including affected parties south of the border).

- **Countywide Siting Elements & Public Participation:** The diversion, planning and local assistance division is responsible for implementing Public Resources Code (PRC) Section 41701 that was amended by SB 1542 (Escutia, 2002). This section requires revised countywide siting elements (CSEs) submitted by counties to the CIWMB for approval on or after January 1, 2003, to include “a description of the actions taken by the city or county to solicit public participation by the affected communities, including, but not limited to, minority and low-income populations.” PRC Section 40912 was also amended in the bill to require the CIWMB to “provide local jurisdictions and private businesses, with information and models to assist with consideration of environmental justice concerns when complying with Section 41701.” The CIWMB has a model CSE that was originally developed in 1994 to assist counties in developing their CSEs. CIWMB staff will be amending the model CSE to comply with SB1542 based on the guidance provided by the Cal/EPA Interagency Working Group on Environmental Justice. CIWMB staff will also review the results of the environmental justice study being prepared by the University of California, Santa Cruz (mentioned above) when available, to see if the model CSE could/should be further amended.
- **Grants & EJ Practice Consideration:** The CIWMB requires all grantees and contractors to certify that they conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations. This requirement is included as part of the grant and contract award processes for grant and contracts in all CIWMB divisions and offices.

Priorities

- **Complete Two Studies:** The CIWMB will focus on finalizing the two studies described above, and on discussing and implementing recommendations from the report.
- **Assist in Finalization of Cal/EPA Environmental Justice Strategy:** CIWMB staff will continue to assist in finalizing the Cal/EPA Environmental Justice Strategy, and follow-up with implementation plans to address the recommendations in the Strategy, once it is finalized through the Interagency Workgroup.

10.5 Office of Environmental Health Hazard Assessment (OEHHA)

The Office of Environmental Health Hazard Assessment (OEHHA), to promote environmental justice, will provide expertise to other Cal/EPA organizations to minimize any disproportionate impacts that hazardous substances may have on low-income and minority communities.

Accomplishments

- **OEHHA Core Scientific Work:** OEHHA has incorporated a greater sensitivity toward environmental justice in core scientific work. For example, risk assessment calculations have traditionally been based on a hypothetical 150-pound Caucasian man. Such assumptions are not appropriate for women, infants and children, and may not be appropriate for persons of color or individuals with differing cultural or racial backgrounds. OEHHA now includes calculations for a wide range of individuals to address differences in physiology, eating habits, ethnicity and cultural differences as well as age, gender, and other factors.
- **EJ in OEHHA's 2001 Strategic Plan:** OEHHA's 2001 Strategic Plan (and its amendments) includes goals to actively support Cal/EPA's mission and efforts to ensure environmental justice in California. The plan includes goals to: 1) conduct training on health risk assessments and provide information on the toxicity of chemicals to communities at high risk of exposure in California and on both sides of the California-Mexico border, 2) incorporate changes to risk assessment guidelines and methods to protect susceptible individuals and sensitive subpopulations, and 3) train staff in understanding principles of environmental justice and the importance of incorporating environmental justice into program activities.
- **Fish Consumption Advisories:** OEHHA specifically addresses exposures in people of color and low-income communities where the consumption of contaminated fish might be greater than the general public. Before issuing a fish advisory, OEHHA conducts a public workshop in the area near the affected water body to help ensure the local community has input into the development of the advisory. OEHHA prepares fact sheets on safe fish consumption typically in six non-English languages, including Spanish, Chinese, Korean, Vietnamese, Cambodian, and Laotian. Additionally, OEHHA continues its efforts in the fish consumption arena through:

Improving community understanding of fish advisories by working with local government agencies and organizations to help disseminate fish consumption advisory information. For example, OEHHA is working with local environmental health officials in Marin County to disseminate advice in Spanish to local populations working on dairy farms and fishing in Tomales Bay. OEHHA also worked with Yolo County environmental health officials to develop a multi-language sign that was posted at fishing access sites in the Sacramento-San Joaquin Delta.

Working with the CALFED Bay-Delta Program and the Department of Health Services (DHS) to develop a fish consumption survey of fishers, particularly subsistence fishers, in the Delta.

Partnerships, in the San Francisco Bay Area, with DHS and other entities to revitalize an interagency Education and Outreach Task Force to improve knowledge and understanding of fish advisories, particularly in the African-American and Filipino and other Asian communities. The Task Force meets to help community-

based organizations develop programs and materials for disseminating information on the fish advisories.

OEHHA is also regularly meeting and working with the Fish Contamination Education Collaborative in Los Angeles and Orange Counties to develop program materials and outreach information on existing advisories in this area for diverse communities. This effort is ongoing in preparation for developing and disseminating new advisories.

OEHHA issues specific advice for mercury-contaminated fish to women of childbearing age and children to protect the developing nervous system.

- **Federal Interagency Environmental Justice Demonstration Projects:** OEHHA, along with the Air Resources Board (ARB), represents Cal/EPA before the Imperial County/Mexicali Clean Air Stakeholders' Group and the Barrio Logan Toxics Monitoring Project, one of nine Federal Interagency Environmental Justice Demonstration Projects. The Barrio Logan project comprises community groups, state, federal, and local agencies that work together on environmental justice issues—particularly traffic, lead contamination, and air pollution—in this low-income Latino community.
- **Lead Poisoning Prevention Training:** OEHHA provided training in lead poisoning prevention for the Environmental Health Coalition and Clinicas de Salud del Pueblo. These groups work with environmental justice communities throughout Imperial and San Diego counties as well as in Tijuana. OEHHA, along with DHS, is also working with these groups to sample candies that are popular among the Latino populations in the border region and that may be contaminated with lead.
- **Barrio Logan Public Outreach Activities Coordination with ARB:** OEHHA's assisted ARB in implementing public outreach activities for its Neighborhood Assessment Program when its air monitoring in Barrio Logan found high ambient concentrations of hexavalent chromium (chromium VI) near a chrome-plating shop. OEHHA developed a fact sheet on chromium VI and explained risk assessments for area residents. OEHHA staff will continue to assist ARB in similar situations.
- **Pesticide Illness:** Episodes commonly occur in communities of color and low income because these are the individuals living at the agricultural-rural and urban interface. OEHHA have conducted several health studies in these communities and emphasize meeting with the affected individuals and reaching out to community members, seeking input on decisions.
- **California-Baja Border Environmental Program:** OEHHA participated in the California-Baja Border Environmental Program, a cooperative effort between Cal/EPA and the Baja California Department of Ecology. The project addresses environmental health issues facing the five million residents of the California/Mexico border region.

OEHHA operates 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). The project aims to serve low-income Spanish-speaking communities on both sides of the border. The FRONTERA Project: 1) provides training to local agencies and community groups in the recognition of lead-contaminated candies and other products, 2) provides funding for materials needed for blood-lead testing, and 3) develops training program on toxicology and health risk assessment for agencies and the community groups on both sides of the border. The Project is developing special Spanish-language “train-the-trainer,” an outreach program for community groups in the border region.

OEHHA conducts training on toxicology and risk assessment and provide information on the health risks of various chemicals to government officials and non-governmental organizations in the California-Mexico border region. Guides to health risk assessment for use in these training sessions are translated into Spanish.

Priorities

- **OEHHA Draft Environmental Justice Policy:** OEHHA is currently developing a draft policy on environmental justice. The draft policy will be made available for internal and public comment and discussion prior to finalization. The final policy will be made available to all OEHHA employees and the public, and will be posted on OEHHA’s Web site <http://www.oehha.ca.gov> . The environmental justice policy is intended as a resource for use by OEHHA employees, but is not intended to have the force or effect of a regulation.
- **Race, Socioeconomic Status, & Exposure Investigations:** OEHHA is conducting an exploratory analysis of race, socioeconomic status, and exposure to ambient air toxicants in California. Prior investigations using national databases suggest racial and socioeconomic disparities in exposure to air pollution; however, there are no published reports examining differential exposures using measured air toxics data. OEHHA obtained one year of air monitoring data from a network of ten fixed-site monitors (all sites chosen according to U.S. Environmental Protection Agency guidelines for “neighborhood-scale” monitoring and therefore considered representative of adjacent communities) used in the Multiple Air Toxics Exposure Study (MATES-II), a program intended to evaluate urban air toxics in the Los Angeles basin. Applying population-weighted linear regression models, OEHHA examined annual mean concentrations for six air toxicants in relation to 2000 Census socioeconomic and demographic data for three different neighborhood configurations surrounding each monitoring site. The analysis indicated significant associations between some of the census data and some of the pollutants related to vehicular emissions. Recognizing the exploratory nature of this analysis, these results support prior reports of racial and socioeconomic disparities in exposure to air pollution, and suggest the potential importance of differential exposures to traffic-related emissions.

- **Children's Environmental Health:** OEHHA dedicates substantial resources to implementing the Children's Environmental Health Protection Act (SB 25 by Senator Martha Escutia), passed in 1999. Children across the state, and particularly those in low-income communities, are vulnerable to environmental exposures. California leads the nation in traffic-related air pollution, and many children in California live and attend schools in neighborhoods near busy roads. Recent studies have reported associations between respiratory symptoms and residential proximity to busy roads. Protecting the environmental health of children is of primary importance for OEHHA.

In an effort to protect children, particularly those most impacted in low-income communities, OEHHA and ARB are continuing to review ambient air quality standards to ensure that they adequately protect children.

OEHHA conducted a study of the respiratory health of children in the East (San Francisco) Bay living in neighborhoods at varying distances from major roads. The study population was racially diverse and economically disadvantaged. An increase in respiratory symptoms among children living and attending schools in neighborhoods with higher levels of traffic pollution was found.

To gain further insight into the extent of California children's potential exposures to traffic while at school, OEHHA conducted a follow-up study to determine the number and demographics of public schools in California near major roadways. About nine percent of schools are within 150 meters of busy roads and a disproportionate number of children attending schools close to major roads are economically disadvantaged and not Caucasian.

OEHHA is developing cancer risk assessment guidelines for children to ensure that exposures to potential carcinogens early in life are taken into account when developing risk assessments and related guidance. A database of cancer studies developed by OEHHA will be used in developing risk assessments.

OEHHA is reviewing health criteria for chemicals found at school sites to ensure that the criteria adequately protect children. The criteria are revised as necessary to protect the most susceptible individual. These undertakings will help to ensure statewide consistency in selecting new school sites and in any necessary clean up of current sites.

OEHHA is mandated to assess risks to children's health from chemical contaminants in drinking water and develop public health goals ("PHGs"), which consider and are protective of sensitive subpopulations, which are defined in statute as "members of subgroups that comprise a meaningful portion of the general population, including, but not limited to, infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subgroups that are identifiable as being at greater risk of adverse health effects than the general population when exposed to the contaminant in drinking water."

- **Worker Protection Regulations for Farm Workers:** OEHHA works together with the Department of Pesticide Regulation (DPR) to develop worker protection regulations for farm workers who are exposed to pesticides.
- **Health Risk Evaluation Consultation:** OEHHA consults with DPR on its evaluation of health risks from pesticide use and contamination in water, food, and air. This consultation includes providing peer review comments on all risk assessments produced by DPR as well as health-based findings on candidate pesticide toxic air contaminants. Advice and recommendations to DPR include an emphasis on protecting the most susceptible individuals, specifically considering age, gender, health status, race, and cultural diversity.

10.6 State Water Resources Control Board (SWRCB)

The State Water Resources Control Board/Regional Water Quality Control Boards will promote and ensure public outreach, participation and education regarding meetings, hearings and activities for all Californians. The SWRCB/RWQBs will provide a transparent process for communities, local governments, Tribes and any interested group to learn of and participate in hearings, decisions and actions.

Accomplishments

- **Language Assessment Survey:** SWRCB conducted a survey of staff to assess languages spoken and amount of usage. A report will the results of the survey will be used to identify SWRCB employees with bilingual skills that can assist in verbal/written translations.
- **Grants:** Several SWRCB grants have been made to various EJ communities (e.g., Rialto, California) in California to address infrastructure issues impacting low income and minority neighborhoods.
- **Public Participation in Prop 50 Process:** SWRCB has invited communities and community groups to provide feedback on the Prop 50 fund grants process.
- **Calexico & SWRCB Coordination:** SWRCB has been working with the community of Calexico, California in addressing raw sewage entering through the New River from Mexicali, Mexico. The New River has been called the most polluted river in the United States and runs through the community of Calexico, comprised of approximately 70 percent Latino and low-income.

Priorities

- **Neighborhood Action Kit:** SWRCB will test a “Neighborhood Action Kit” beginning mid-2004, in Los Angeles designed to guide community leaders in

conducting gutter clean ups and raise consciousness of storm drain pollution. Testing will be conducted in several low-income communities and will also be conducted in Spanish and Chinese.

- **Staff Public Participation Guide:** The SWRCB is currently developing a Public Participation guide to help staff increase public participation in hearings and meetings. It is also in compliance with SB 1949 requiring the SWRCB and regional boards to increase public participation and conduct training as appropriate.

LIST OF ACRONYMS

AB	Assembly Bill
ARB	Air Resources Board
BDOs	Cal/EPA Boards, Departments, and Office
Cal/EPA or Agency	California Environmental Protection Agency
CEQA	California Environmental Review Quality Act
CIWMB or Waste Board	CA Integrated Waste Management Board
CUPAs	Certified unified program agencies
DPR	Department of Pesticide Regulation
DHS	Department of Health Services
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EJ	Environmental Justice
EJ Advisory Committee	Cal/EPA Advisory Committee on Environmental Justice
IWG or Working Group	Cal/EPA Interagency Working Group on Environmental Justice
NEJAC	National Environmental Justice Advisory Committee
NEPA	National Environmental Protection Act
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Governor's Office of Planning & Research
PCB	Polychlorinated-biphenyl
PHG	Public health goal
PRC	Public Resources Code
RWQBs	Regional Water Quality Control Boards
SB	Senate Bill
SWRCB or Water Board	State Water Resources Control Board
Title VI	Civil Rights Act of 1964, Title VI
US	United States
US EPA	United States Environmental Protection Agency

REFERENCES

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< http://www.nicholas.duke.edu/cehi/health/env_jus.htm > [22 July 2004]
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- ^v United States Congress. House Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights. *Environmental justice: Hearings before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives, One Hundred Third Congress, first session, March 3 and 4, 1993*. Washington: U.S. G.P.O.
- ^{vi} US EPA Office of Compliance and Enforcement Assurance, Frequently Asked Questions.
<<http://www.epa.gov/compliance/resources/faqs/ej/index.html>> [12 December 2003].
- ^{vii} *Ibid.* p.31.
- ^{viii} Environmental Justice, Colorado People's Environmental & Economic Network (COPEEN)
< http://www.copeen.org/environmental_justice.htm > [22 July 2004]
- ^{ix} Executive Order No. 12898, as it appears in the 42 United States Congressional National Environmental Policy, section 4321. Congressional declaration of purpose.
- ^x Memorandum from William Jefferson Clinton, Forty-second President of the United States, to the Heads of All Departments and Agencies (February 11, 1994).
<http://www.epa.gov/compliance/resources/policies/ej/exec_order_12898.pdf> [12 December 2003].
- ^{xi} Peter, Ellen M., "Implementing Environmental Justice: The New Agenda for California State Agencies." *Golden Gate University Law Review* 31;4 (2001): 543.
- ^{xii} California Government Code § 65040.12(c) reads, "For the purposes of this section, 'environmental justice' means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."
- ^{xiii} California Public Resources Code 72000.
- ^{xiv} *Id.*
- ^{xv} California Public Resources Code § 72002. The law requires the Secretary of Cal/EPA, not later than January, 1 2006, and every 3 years thereafter, to prepare and submit to the Governor and the Legislature a report on the implementation of the agency-wide environmental justice strategy.
- ^{xvi} *Id.*

^{xvii} Laws and Regulations, Cal/EPA Website, Cal/EPA EJ Small Grants Regulations, Title 27, California Code of Regulations, Division 1, Chapter 3, Article 1
< <http://www.calepa.ca.gov/LawsRegs/Regulations/EnvJustice/FinalRegs.pdf> > [22 July 2004]