

CALEPA POLICY MEMORANDUM

| | |
|---|-----------------------------------|
| SUBJECT: CALEPA ENVIRONMENTAL JUSTICE COMPLIANCE AND ENFORCEMENT WORKING GROUP | NUMBER: ENF – 13 - 01 |
| | DATE ISSUED: June 27, 2013 |
| REFERENCES: California Government Code sections 65040.12(e) and 12812.2; Public Resources Code sections 71110-71113; and CalEPA Intra-Agency Environmental Justice Strategy August 2004. | EXPIRES: UNTIL RESCINDED |
| | CATEGORY: ENFORCEMENT |

By statute the California Environmental Protection Agency (CalEPA or the Agency) is required to "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." (Pub. Resources Code, § 71110, subd. (b).)

In 2002, the Legislature directed CalEPA to 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.

To carry out this direction, in 2004, CalEPA developed the Intra-Agency Environmental Justice Strategy. This Strategy identified the following goals:

- Ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes;
- Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies;
- 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;
- Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

On April 23, 2013, CalEPA released the California Communities Environmental Health Screening Tool, Version 1 (CalEnviroScreen). CalEnviroScreen is a science-based tool that identifies the California communities most burdened by pollution from multiple sources and most vulnerable to its effects.

Currently, CalEPA and its board and departments employ a variety of compliance and enforcement priorities and strategies. This decentralized compliance and enforcement structure stems from the boards and departments focus on their respective media (air, water, toxics, solid waste and pesticides). While a single-media focus may be necessary to fulfill media-specific statutory mandates, abundant cross-media compliance and enforcement opportunities exist to comprehensively address burdens on disproportionately impacted areas.

Further, the Deputy Secretary for Law Enforcement and Counsel has the responsibility and authority to establish an agency-wide compliance and enforcement program to ensure that the Agency's enforcement efforts are consistent, effective and coordinated. (Gov. Code, § 12812.2.)

In order to continue and enhance existing efforts to incorporate environmental justice into compliance and enforcement strategies and priorities, an Agency-led working group is required. This working group will identify disproportionately impacted areas, using CalEnviroScreen and other data sources, and focus its efforts in those areas. It will streamline and strengthen the CalEPA boards' and departments' current compliance and enforcement programs and increase communication and visibility within disproportionately impacted areas.

This policy establishes the Environmental Justice Compliance and Enforcement Working Group with the responsibility and authority described in the attached Charter.



Matthew Rodriguez
Secretary for Environmental Protection

Attachment: Environmental Justice Compliance and Enforcement Working Group Charter



CHARTER

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL JUSTICE COMPLIANCE AND ENFORCEMENT WORKING GROUP

1. **PURPOSE:** To establish an Agency-led compliance and enforcement working group, focused on areas that contain multiple sources of pollution and are disproportionately vulnerable to the effects of pollution.
2. **CALEPA's MISSION:** Our mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality.
3. **WORKGROUP MISSION:** The mission of the CalEPA Environmental Justice Compliance and Enforcement Working Group is to protect public health and the environment by facilitating the use of environmental justice considerations in compliance and enforcement programs and enhancing communications with community members to maximize benefits in disproportionately impacted areas.
4. **WORKGROUP GOALS:**
 - Advance the environmental justice goals of CalEPA's Intra-Agency Environmental Justice Strategy, through targeted compliance assistance and enforcement in areas disproportionately impacted by health and environmental factors.
 - Identify disproportionately impacted areas for targeted compliance assistance and enforcement efforts using the California Communities Environmental Health Screening Tool (CalEnviroScreen) and other data sources.
 - Provide community stakeholders with meaningful opportunities for input on potential environmental justice concerns and the implementation of proposed remedies.
 - Incorporate community input in planning and implementing compliance assistance and enforcement initiatives in disproportionately impacted areas.
 - Increase coordination among CalEPA boards and departments to facilitate cross-media compliance and enforcement efforts.
 - Increase compliance in disproportionately impacted areas to prevent and reduce burdens.

- Improve communication with communities and the public regarding environmental justice concerns and the benefits of compliance and enforcement actions.
 - Tailor remedies in compliance and enforcement actions to improve and address concerns within disproportionately impacted areas.
 - Improve and increase environmental monitoring to determine levels of exposure and risk and track improvements over time.
 - Provide community stakeholders with compliance and enforcement information, such as inspection reports and notices of violations, as permitted by law.
 - Invite local agency partners to participate in the working group.
 - Increase coordination with local, state, and federal regulatory and law enforcement agencies in compliance and enforcement efforts in disproportionately impacted areas.
5. **MEMBERS:** Deputy Secretary for Law Enforcement and Counsel; Assistant Secretary for Environmental Justice and Tribal Affairs; Assistant General Counsel for Enforcement; DTSC's Enforcement and Emergency Response Division Chief; DPR Enforcement Chief; SWRCB Office of Enforcement, Director; ARB Enforcement Division, Chief; CalRecycle Enforcement Chief; OEHHA Executive Office representative. Alternates with decision-making authority may be designated.
6. **ADVISORY MEMBERS:** One representative from each of the following: California Air Pollution Control Officers Association, California Conference of Directors of Environmental Health, California Agricultural Commissioners and Sealers Association, Certified Unified Program Agencies Forum Board, and Local Enforcement Agencies invited to participate as advisory members of the working group.
7. **CHARTER DURATION:** The charter is effective June 27, 2013 and will stay in effect until rescinded.
8. **MEETINGS:** Meetings will be held on a regular schedule to be established by the working group.