Designing Equitable Policy

How to Advance Environmental Justice and Community Leadership in Your Work
CEJA is a statewide, community-led alliance that works to achieve environmental justice by advancing policy solutions.
Welcome to our Webinar

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Housekeeping & Centering Ourselves

- Check in: In the chat - share your name, organization or position, and where you’re from
- Questions can be shared in Gotowebinar’s chat feature, or sent to isa@caleja.org
- Center and take a deep breath
- Turn off distractions
- Download the report at: https://calgreenzones.org/report-rethinking-local-control/
Guest Speakers

Esther Goolsby
(Formerly of) Communities for a Better Environment (CBE)

Gabriela Ojeda
Committee for a Better Arvin
Speakers

Chelsea Tu
Center on Race, Poverty & the Environment (CRPE)

Adeyinka Glover
Leadership Counsel for Justice & Accountability
Challenges with Local Control

- EJ residents’ voices tend to be minimally included or not at all in local decision-making.

- Political forces at the local level do not tend to act in favor of EJ communities. Oftentimes, “local control” means that decisions cater to powerful industry and NIMBYs.

- EJ communities face many structural barriers to influencing local land use decisions. These barriers are apparent both in the *limited regulatory tools available to EJ communities* and in the *power imbalances among actors in the planning process*.

- When EJ communities don’t have voice in local decisions, planning may act to perpetuate, rather than confront and reverse, long histories of discriminatory policies (such as government-backed redlining practices and lax pollution standards) in low-income neighborhoods and communities of color.
1. Challenges with Local Control & the Planning Process

2. EJ & the Importance of Community Leadership

   A. East Oakland Crematorium
   B. Perry Ford and a Specific Plan in National City
   C. Southeast LA Community Leaders: Central Metal
   D. The Importance of Notification for EJ Communities: AB 2447 (2018)
   E. National City’s Amortization Ordinance
   F. Planning for Environmental Justice Through SB 1000 (2016)
   G. A Clean Up Green Up Ordinance for Los Angeles
   H. Committee for a Better Arvin and an Oil and Gas Ordinance

4. Recommendations
Local Control:

Cities and counties have the right to make land use planning decisions without significant oversight by state agencies.

Community-Led Decision-Making:

A meaningful process by which governmental entities proactively work with and directly address the needs and priorities of affected EJ community residents when making decisions.
The Importance of Community-Led Decision-Making

1. Advances Civil Rights and Procedural Justice
2. Allows for Meaningful Public Process
4. Generates Innovative Solutions that Improve Community Health
Communities for a Better Environment: A Crematorium in East Oakland
Communities for a Better Environment: A Crematorium in East Oakland
Committee for a Better Arvin: Oil & Gas Ordinance and Litigation

See this video about Arvin’s incredible journey toward a cleaner, oil free community.
AB 345 (Muratsuchi, 2019-2020)

- By July 2022, CalGEM shall adopt regulations to protect public health and safety:
  - Including the establishment of a minimum setback distance between oil and gas activities and sensitive receptors
  - CalGEM shall consider a setback distance of 2,500 at schools, playgrounds, and public facilities where children are present
The California Environmental Quality Act (CEQA)

Myth #1
CEQA hurts low-income communities and people of color.

Myth #2
CEQA is a key barrier to housing production.

Myth #3
CEQA must be streamlined to increase housing production.

1. **CEQA protects the rights of EJ communities** by giving people the ability to shape and challenge local land use decisions.

2. **We need to build housing that’s safe and healthy** while ensuring that our state's most vulnerable residents are not exposed to toxic hazards and other dangers in their own homes.

3. **CEQA is not a significant barrier to housing.** Studies show that local planning processes and local decision-making are oftentimes the bigger issue.

4. **CEQA litigation rates are actually very low.**

5. **California already has many ways to "streamline" CEQA.** This has not led to more housing for all. We need to incentivize affordable housing, enforce local housing plans, and protect tenants.
What is SB 1000 (Leyva, 2016)? [Gov. Code Section 65302 (h)(1)]

- Requires **cities and counties that have disadvantaged communities to incorporate environmental justice goals, policies and objectives** in their general plans (January 1, 2018)
  - Environmental Justice element; or
  - Integration in other General Plan elements
- Address the needs of and “unique or compounded health risks” in disadvantaged communities
  - Reduce: pollution exposure
  - Promote: infrastructure, parks, community facilities, food access, safe and sanitary homes, physical activity, civil or community engagement in public decision making
- **Definitions of disadvantaged communities**
- **Gives decision-making power to communities** that have been traditionally left out of the planning process
SB 1000 Implementation: Examples from the Counties of Kern, Tulare, and Fresno

- Kern County
  - Update process began 2016/2017
  - Workshops
  - Workgroups

- Tulare County
  - Update in two phases
  - Limited public engagement

- Fresno County
  - Review process since 2005
  - Limited public engagement
Strengthening SB 1000 through Senate Bill 1070

- Identifying disadvantaged communities & transparent methodology
- Community engagement & decision making
- Clear EJ implementation planning
- Clear legal trigger for update
- Coordination with other governmental agencies and departments
- Accountability provisions
Rethinking Local Control: Report Recommendations

- **Solutions to Promote Inclusivity in Government Decisions**
  - Honor the expertise and wisdom of residents
  - Establish community advisory boards and EJ positions
  - Provide funding for community-led, community-serving projects.

- **Solutions to Advance Environmental Justice in State Policy**
  - Strengthen SB 1000 to improve local implementation of the law
  - Enhance notification for EJ communities (similar to AB 2447)
  - Protect and strengthen CEQA
  - Provide guidance for the state’s updated definition of EJ (AB 1628, 2019)
• Solutions for Healthier Land Use Planning
  ○ Discretionary review for industrial uses near EJ communities
  ○ Buffers between polluting and sensitive land uses
    ■ health and safety overlay zone
    ■ transitional land uses between incompatible land uses
    ■ integrating environmental standards within zoning and code
  ○ Policies to separate incompatible land uses, grandfathered uses
  ○ Properly transform formerly polluted sites into a public benefit
● **Solutions for Stronger Accountability and Transparency**
  ○ Enhance pollution monitoring and enforcement in EJ communities
  ○ Implement an electronic system for tracking permits that is also accessible and transparent to the public
  ○ Utilize cumulative impact screening tools to direct protections and resources to overburdened EJ communities
Questions?

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Report Credits and Appreciations

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Cover and Report: Design Action Collective
Planning for Healthy Communities: Environmental Justice in General Plans

SB 1000 IMPLEMENTATION TOOLKIT

https://calgreenzones.org/sb-1000-toolkit/
(e) (1) For purposes of this section, “environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(2) “Environmental justice” includes, but is not limited to, all of the following:

(A) The availability of a healthy environment for all people.

(B) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.

(C) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decisionmaking process.

(D) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.
Redlining Maps vs. CalEnviroScreen 3.0 Results