

Environmental Justice
**Cumulative Impacts in Permitting Coveted by
Advocates**

By *Rachel Leven*

Sept. 24 — The next frontier for California to address cumulative impacts of pollution on overburdened communities is in permitting, environmental justice advocates told Bloomberg BNA. Their comments come on the heels of a study that found a strong correlation between race and environmental health hazards.

California—a bellwether state for environmental justice—has the tools to begin addressing multiple sources of pollution in a given community, but it may be a fight moving forward, researchers and advocates said. However, the ultimate goal of establishing a California standard that caps the amount of pollution or risk in a given community is still far off, they said.

“That may be a bridge too far,” Jonathan London, director of the University of California, Davis, Center for Regional Change, told Bloomberg BNA.

Sam Delson, a spokesman for an office within the California Environmental Protection Agency, said a screening tool largely cited by advocates for use in permitting isn't currently fit to be used in that format. The decision to change the tool lies with policy makers, not his office—the Office of Environmental Health Hazard Assessment.

California advocates' agenda could offer a glimpse to where national conversations are headed and show what goals are becoming feasible in efforts to help protect already overburdened communities from accumulating more pollution or polluting facilities. Environmental justice advocates have long pushed for consideration of all pollution sources without silos when making environmental decisions to better protect already overburdened communities.

The Study

The [study](#) found that nonwhite communities were subject to significantly more environmental health hazards than white communities, in part by using a tool created by Delson's office that is known as CalEnviroScreen. The version of the screening tool used for the study, which has since been updated, includes more than 15 pollution burden and vulnerable populations factors that make up a relative cumulative impact score.

In fact, race or ethnicity was a better indicator of the amount of environmental health hazards than poverty. However, communities with more poverty were still more likely to have pesticides used, high ozone and diesel particulate matter concentrations and cleanup and solid waste sites in California than those with less poverty, the Sept. 17 study published in the American Journal of Public Health said.

“What it [the study] shows is that the traditional approach to risk assessment where we address one source at a time is missing the bigger picture,” Lara Cushing, lead author of the University of California, Berkeley, study told Bloomberg BNA.

“The study really highlights the co-exposure aspects [of the problem]—not just that particular communities have many hazards clustering, but also that these same communities are dealing with social stressors,” Cushing, a former CalEPA employee, said, referring to problems such as low education attainment that can make an individual less resilient to or able to combat those hazards.

Next Steps

The study is the latest in a number of developments elevating the prominence of cumulative impact issues for vulnerable communities. California has already led in environmental justice nationwide by acknowledging the problem of cumulative impacts, Bahram Fazeli, director of research and policy for Communities for a Better Environment, told Bloomberg BNA. But now, advocates and researchers said the state needs to alter rules to require use of



cumulative impact science in permitting, boost use of cumulative impact science by the state in enforcement and add more data to the CalEnviroScreen tool.

"That's where the rubber meets the road," Amy Vanderwarker, a co-director for the California Environmental Justice Alliance, said. "At the end of the day we need to ensure that there are not new facilities coming in and that existing facilities are following the law."

London, Vanderwarker and Fazeli pointed to permitting as a crucial area for assessing what facilities and pollution already exist in a community before allowing more facilities to move in or existing facilities to increase pollution.

Assessing in Permitting

Assessing cumulative impacts as part of the environmental impact statement under the National Environmental Policy Act "would be a really good thing," but could be a challenge politically, London said. There is still analysis being done on what the best way is for cumulative impacts to be considered in permitting, Vanderwarker said.

"Even looking at one media at a time for a cumulative impact perspective would be a huge step forward," Fazeli said.

CalEnviroScreen feasibly could eventually be used in those actions, if the tool was updated.

The current version of the tool shouldn't be used to make those decisions, Delson said, because it offers "relative" scores rather than "absolute" scores. But that could change, Delson said.

Pending Legislation

The permitting battle has already begun, and there may be victories for justice advocates soon.

Gov. Jerry Brown (D) is considering a bill, enrolled earlier this month, that could be the beginning for California to incorporate cumulative impact considerations into permitting.

The bill, S.B. 673, would revise the hazardous waste facility permitting and public participation process for the California Department of Toxic Substances Control.

In part, this bill would require consideration of cumulative impacts, potential risks and community vulnerability, among other factors when making permit decisions. A previous version of the bill explicitly cited "CalEnviroScreen" as a tool to be used in that process.

Delson said changes needed for the tool to be used in the permitting process are feasible to be done.

"We're scientists. Our role is to develop the most accurate tool possible and it's up to policy makers to determine how that tool is used," Delson said.

The governor has until Oct. 11 to sign the enrolled bill. His office declined to comment on whether or not the governor planned to sign it.

Enforcement, Data Expansion

Expansion of CalEnviroScreen's data and enforcement using the tool are also important areas for action within the cumulative impact-realm.

Guidance for the latest version of the screening tool states enforcement as a use of the tool, meaning relative overall burden of multiple pollution sources is already being considered in targeting enforcement efforts.

However, Vanderwarker and Fazeli said there must be more focus on cumulative impacts in this area.

“Enforcement still goes facility-by-facility,” Vanderwarker said, noting a need to look more broadly at total pollution levels in a given area. Adding indicators to the tool such as climate vulnerability could also help expand its usefulness for understanding communities’ vulnerabilities and burdens, London said.

Adding data for communities near the borders of the state is another potential area for expansion. A.B. 1059, another bill that has been enrolled and is awaiting the governor's signature by Oct. 11, would collect additional data at the U.S.-Mexico border to better understand the impacts to communities in those areas.

Cumulative Impact Standard

With all of these discussions about considering the impacts of multiple pollution, advocates and researchers said California is still far off from establishing any sort of cumulative impact or risk standard. There is a significant amount of political pressure on California agencies “not to go there,” London said. Besides that, more research still needs to be done on the issue, advocates said.

Fazeli said that incorporating cumulative impact further into enforcement, regulation and permitting are steps that come before a full cumulative impact standard. While the justice community is fighting hard to accomplish these steps—through legislation, if necessary—and is making progress, these steps are difficult, Fazeli said.

Despite that, he said he believes that California will be a leader in these actions.

“California is now a leader in recognizing the problem [of cumulative impacts],” Fazeli said. “To acknowledge that that problem exists took a lot of work and it's a big first step.”

'A Public Health Crisis.'



Fazeli said cumulative impacts from pollution and social stressors is “a public health crisis” that can be paralleled to when people smoked in hospitals. As a society, we now acknowledge that smoking is bad for us and society addressed it, he said.

“Well, this cumulative impact is really like that bad habit and we would like society to put the regulations in place to put this behind us,” Fazeli said.

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