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Bringing environmental justice to poor communities

By Toni G. Atkins | 4:56 p.m. Nov. 4, 2015

More than one in every five Californians lives in a neighborhood that is highly impacted by environmental, public-health or socioeconomic troubles, according to the state Office of Environmental Health Hazard Assessment. That's roughly 8 million people.

Almost half of Californians — 46 percent — live within six miles of a facility that belches significant amounts of greenhouse gas, and 62 percent of them are people of color, who are at a 50 percent higher risk of getting cancer from air pollutants that are listed under the Clean Air Act.

These statistics are cited in an analysis, written by staff of the state Assembly Natural Resources Committee, of one of my bills recently signed by Gov. Jerry Brown. The bill, AB 1071, is one of two bills that I authored — the other being AB 1288 — that will help disadvantaged communities realize environmental justice. When AB 1071 becomes law in January, it will require all of the boards, departments and offices under the California Environmental Protection Agency umbrella that have enforcement authority to establish policies governing so-called Supplemental Environmental Projects (SEP).

SEPs are environmentally beneficial projects that polluters can undertake as part of legal settlements with state enforcement authorities, in order to reduce the financial penalties they've been ordered to pay. Some divisions with the California Environmental Protection Agency already have SEP policies; AB 1071 ensures that all of them do. Now, regardless of which authority is enforcing an environmental law that's been violated, a neighborhood that has been victimized can potentially benefit directly from a settlement.

Georgette Gomez of the National City-based Environmental Health Coalition (EHC), a group that supported AB 1071, cites a nearby case as the sort of project that can benefit from the new law. The case involves a wood-treatment facility that polluted the soil and groundwater with hazardous chemicals. Without sufficient resources available, there wasn't an opportunity to rehabilitate the site to a point where it could help revitalize the neighborhood, so its highest use now is likely to be merely a parking lot.

Gomez says she believes AB 1071 will help in cases like that one, because it increases the monetary portion of a legal settlement that can be used on a Supplemental Environmental Project. In other words, when someone is guilty of

violating environmental law and must pay a fine, a higher percentage of that fine can now go into a fund that will finance nearby rehabilitation projects such as turning the old wood-treatment facility into something beneficial to the community.

My other bill that will help communities that have been overburdened by pollution is AB 1288, which emerged late in the legislative session. It was a product of the negotiations over SB 350, the landmark climate-change bill signed last month by the governor.

Among the topics of discussion surrounding SB 350 was legislative oversight of the California Air Resources Board (CARB). AB 1288 addresses that by adding two new members to CARB, one appointed by the Assembly Speaker and one appointed by the Senate Rules Committee. My bill requires these two new members to have worked as advocates representing disadvantaged communities.

What this does is inject genuine and badly needed diversity to the board that governs air-quality policy throughout California, ensuring that neighborhoods that have been plagued by pollution and are disproportionately populated by people of color, and people who struggle economically, have a seat at the table — literally. Two seats, in fact!

As the California Environmental Justice Alliance points out, “This will be a huge step toward making sure the concerns of environmental-justice communities are directly represented in some of the highest levels of decision-making on climate and air-quality issues.”

Historically, polluting industries have been allowed to plague low-income communities because they’ve had relatively little political power. However, largely thanks to the efforts of passionate, tireless environmental advocates, these neighborhoods and their residents are getting justice.

With AB 1071 and AB 1288, I’m glad I was able to help.

Atkins (D-San Diego), is Assembly Speaker and represents the 78th Assembly District.