

CALIFORNIA

Environmental justice: From the margins to the mainstream

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RICHMOND, Calif. — On a cloudy Friday afternoon, Mari Rose Taruc stood in a muddy lot outside California's largest greenhouse gas emitter.

The parking area outside Chevron Corp.'s 3,000-acre oil refinery offers a view of a hillside dotted with brick-red tanks. It's one stop on the "toxic tour" led by Taruc's Oakland-based Asian Pacific Environmental Network (APEN) and a handful of environmental groups as they seek to win over those in charge of California's climate and energy policies.

"It gives us a way to show decisionmakers, be they lawmakers or agency officials, what we experience every day," she said. "Standing in front of the Richmond refinery — to me, climate change starts there."

Taruc is part of a slice of green groups that fight for what they call "environmental justice." Rather than focusing on distant casualties of climate change like polar bears and ice caps, they advocate for poor people and people of color who are often the first to feel the brunt of rising temperatures, as well as the effects of local air pollution.

Over the past seven years, environmental justice groups have gone from fringe to front and center of California's climate change policies. Working alongside the state regulators they once sued, the organizations have won major victories in ensuring that improving conventional air pollutants and other benefits aimed at underserved communities become central to California's climate change policies.

"In the past, the environmental justice movement was always viewed as a subset of the environmental movement," Jimmy Gomez, an Assembly Democrat from Los Angeles, told a coalition of environmental, affordable housing and public transit activists in Oakland on Oct. 14. "That's no longer the case. It's the environmental justice movement that saved the broader environmental movement in California."

The first major display of their power was to secure billions of dollars in proceeds from the state's cap-and-trade program for low-income communities and communities of color. The second has been to throw the survival of the cap-and-trade program into further uncertainty. Observers say a broadening of the traditional environmental agenda is underway, with the outcome still to be determined.

"Some of the bigger environmental groups are very aware that in California the future of the environmental movement has got to be very inclusive of people of color and address the needs of communities of color," said Bill Magavern, policy director for the Coalition for Clean Air. "I think we're also seeing a real growth of the environmental justice movement in terms of scope and clout."

Changing demographics, changing climate policies

In her work with APEN, Taruc has given tours of Richmond's rail yards and refineries to officials like Arsenio Mataka, assistant secretary at the California EPA. Taruc now serves as chair of the state's Environmental Justice Advisory Committee, which makes recommendations to the California Air Resources Board, the agency in charge of achieving the state's ambitious greenhouse gas targets for 2030 and beyond.



Megan Zapanta (left) and Mari Rose Taruc with the Asian Pacific Environmental Network visit the Chevron refinery in Richmond. Photo by Debra Kahn.

After state Sen. Connie Leyva (D) took a tour of a particularly polluted area of San Bernardino County, she passed a bill requiring local governments to consider how their land-use plans affect "environmental justice" neighborhoods — ones that possess a set of social and physical disadvantages including high unemployment, low income, proximity to industrial areas and a dearth of fluent English speakers — where residents are also more likely to have asthma, cancer and birth defects.

Gomez, meanwhile, sponsored a bill this year to increase the share of proceeds from the state's cap-and-trade system that low-income and disadvantaged communities receive as direct investment, from 25 to 35 percent.

California, where Latinos have been the largest single ethnic group since 2014, is a harbinger of a shift in demographics that is altering the way policies are made. A growing bloc of lawmakers, motivated by economic equality as much as environmental concerns, have become invested in the state's climate change policies.

Environmental justice groups are advocating for a democratization of policymaking that addresses pollution more broadly than the state's current policies do, said Parin Shah, APEN's senior strategist.

The first generation of environmental activists, Shah said, crafted top-down, siloed regulations like the Clean Air Act and Clean Water Act. "That was all codification based on a few folks believing they knew best," he said.

Now, with the advent of the internet, "there's distributed intelligence," he said. "We're not in the world of Encyclopedia Britannica. People made fun of Wikipedia at the beginning, but now it's the default. We live in a world of distributed intelligence. We must move from a small cabal of folks determining a path for California's climate policies to the broad base of California's electorate being engaged and providing solutions for California's climate policy future."

Unemployment, asthma as drivers for climate bills

Gomez identified a conversation with ARB Chairwoman Mary Nichols in early 2015 as a pivotal moment in his ideological progression.

At a panel discussion devoted to climate policy, Democratic lawmakers were asking questions about the spending of proceeds from the state's cap-and-trade program. Nichols, he said, was dismissive of their concerns, steering them instead to the point that poor communities are receiving the benefit of cleaner air.

"That kind of sat as a 'Let them eat cake' moment," Gomez said. It turned him and others against Gov. Jerry Brown's (D) attempt last year to get legislative approval to extend the state's carbon-capping regulations through 2030. Fifteen members of the Assembly — 14 of them Democrats — abstained from the floor vote on S.B. 32, dooming it to failure.

"The rest of 2015 was colored by that comment," Gomez said. "That's why S.B. 32 didn't pass."

When S.B. 32 finally did pass this September, it was accompanied by a bill by one of last year's holdouts that put constraints on ARB's power. Assemblyman Eduardo Garcia's (D) A.B. 197 gave lawmakers two nonvoting seats on ARB's board and specified that the state should prioritize direct emissions reductions rather than market-based mechanisms. The provision raises questions about the state's choice of cap and trade going forward.

Garcia said he was motivated by his district's high unemployment and asthma rates rather than the threat of climate change.

"Our climate change policies today, by the signing of these two bills, indicate a turning of the page as it relates to focusing on people," Garcia **said** at the signing ceremony for the two bills in September. "I have not ever considered myself a climate change advocate, but I know that advocating for Imperial Valley and Coachella Valley is my primary responsibility."

Gomez agrees. "It was framing environmental issues as an environmental justice and equity issue that really won the day when it came to S.B. 32," he said. "Without it, I don't think it ever would have passed."

Finding a 'third way'

Now, according to Shah, mainstream environmental groups in California are in the curious position of being laggards.

"The principles of environmental justice saved the broader environmental movement, without the enviros realizing that just happened," Shah said. Lawmakers acting on principles of putting people at the center of environmental policies, he added, are "already steps ahead."

Mainstream groups that have been pushing for cap and trade to remain the state's climate policy of choice are in a tough position. The Natural Resources Defense Council's Latino engagement arm, Voces Verdes, limited itself to helping Latino business owners place op-eds in Spanish-language newspapers in support of S.B. 32 and A.B. 197.

"We were very much on the back end of it," said Adrianna Quintero, NRDC's director of partner engagement. "There was so much leadership from the environmental justice community that all we wanted to do was say, 'We're here if you need us.'"

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Mike Madrid, a California GOP consultant.

Privately, some mainstream environmentalists and state regulators express frustration with environmental justice groups, saying that the state's climate policies are not the right venue to address problems related to conventional pollution. One area where the tensions have come to a head is the debate over the role of carbon offsets within the cap-and-trade market, which EJ groups are trying to limit (*ClimateWire*, Sept. 20).

A Republican Latino observer said the new voting bloc could represent a compromise between traditional environmental constituencies and industry, which has also resisted the state's climate policies, in part by appealing to an overlapping set of lawmakers known as "mod Dems."

"The only thing whiter than the environmental movement is probably the Republican Party," said Mike Madrid, a California GOP consultant. "They don't reflect the reality of moderate California."

"Until Latino lawmakers realize we have the capacity to tell environmentalists you're taking it too far and tell oil companies you're taking it too far, we're going to continue to be whipsawed between these two disparate groups," he said. "We need to find a better way, a third way, and increasingly I think it's going to be a Latino way."

Major legislative victories of the environmental justice movement

- Senate President Pro Tem Kevin De León's (D) **S.B. 535**, which reserves 25 percent of the state's cap-and-trade proceeds for projects that benefit disadvantaged communities (2012).
- State Sen. Lois Wolk's (D) **S.B. 43**, which requires utilities to set up optional renewable energy projects for customers who can't install renewables themselves (2013).
- State Sen. Ricardo Lara's (D) **S.B. 605**, which requires the state to address short-lived climate pollutants that also pose public health risks (2014).
- Lara's **S.B. 1204**, which gives cap-and-trade revenue to low-emissions truck, bus and equipment development, with priority given to projects that benefit disadvantaged communities (2014).
- Assemblymember Susan Talamantes Eggman's (D) **A.B. 693**, which set aside cap-and-trade funding for solar installations on low-income multifamily housing (2015).
- Assembly Speaker Emeritus Toni Atkins' (D) **A.B. 1288**, which added two environmental justice seats to the Air Resources Board (2015).
- Assemblymember Eduardo Garcia's (D) **A.B. 197**, which requires the state to prioritize direct emission reductions over market-based systems (2016).
- Assemblymember Jimmy Gomez's (D) **A.B. 1550**, which requires more of the cap-and-trade proceeds to be spent directly within disadvantaged communities, rather than just benefiting them (2016).
- Gomez's **A.B. 1937**, which requires that utilities try to avoid signing new gas-fired power contracts with plants in disadvantaged communities (2016).
- State Sen. Connie Leyva's (D) **S.B. 1000**, which requires cities to include environmental justice elements when updating their general plans (2016).