

California Environmental Justice Alliance

Position on Cumulative Impact methodology development and use in California

The California Environmental Justice Alliance (CEJA) is a statewide coalition of six grassroots, community-based organizations throughout California. Our members are: Asian Pacific Environmental Network, Center on Race, Poverty and the Environment, Center for Community Action and Environmental Justice, Communities for a Better Environment, Environmental Health Coalition and People Organizing to Demand Environmental and Economic Rights (PODER). We organize in communities most impacted by environmental pollution – low-income communities and communities of color – and push for statewide policies that protect public health and the environment.

Environmental Justice groups, like CEJA and our allies, and communities where we work are experts on Cumulative Impacts (CI). We have invested years in developing and testing CI methodologies. More importantly, it is the lived experience of communities where we work that give us, and the residents we work with, the true expertise on this issue. We have formed the following positions on how the state of California, and in particular the Office of Environmental Health Hazard Assessment (OEHHA) and the California Environmental Protection Agency (CalEPA) should move forward in their efforts to utilize a Cumulative Impact methodology. This position is summarized below, and more detail is provided in the following pages.

CEJA's position on developing and utilizing Cumulative Impact methodologies in statewide policy:

- CEJA and our member organizations have been seeking a Cumulative Impact tool for over a decade. The **time is long past for action on Cumulative Impacts; it is a critical issue** facing low-income communities and communities of color overburdened by pollution. Statewide policy supporting cumulative impacts has been on the books in California for almost a decade, since 2004, and Cumulative Impacts has been thoroughly documented in rigorous scientific literature.
- CEJA supports the **use of the Environmental Justice Screening Methodology (EJSM) in statewide policy** and the Cumulative Environmental Vulnerability Assessment (CEVA) methodology in Central Valley policy venues.
- The most important next step we can take to advance environmental justice and the science of CI is to start **using a methodology in policy implementation** as soon as possible.
- We support the use of a Cumulative Impact tool in statewide policy, but we also need to make sure it is the *right* tool and can accurately identify environmental justice communities. We appreciate the work of the Office of Environmental Health Hazard Assessment (OEHHA) at the California Environmental Protection Agency (CalEPA), but **we do not feel the OEHHA tool accurately identifies our communities and strongly prefer the EJSM.**
- As the experts on Cumulative Impacts, **we should be included as decision-makers** in any adoption of a statewide cumulative impact methodology.

Background: CEJA's expertise on Cumulative Impact screening methodologies

Over the past five years, CEJA has made a significant investment in developing our expertise on Cumulative Impact (CI) screening methodologies. Many of our member organizations have worked on the issue of Cumulative Impact for years, including helping

to pass the original Cumulative Impact/Precautionary Approaches at California Environmental Protection Agency (CalEPA), being original members of the California Environmental Justice Advisory Committee, and Joy Williams, Research Director at the Environmental Health Coalition has been a member of the Cumulative Impact/Precautionary Approach statewide work group since inception. Given the lack of movement on this issue at the statewide level, in 2010 we decided to push this important issue forward ourselves by engaging with leading researchers in the field.

As a coalition, we have formed a partnership with Manuel Pastor (University of Southern California), Rachel Morello-Frosch (UC Berkeley), and Jim Sadd (Occidental College) on the development of their Cumulative Impact screening tool, the Environmental Justice Screening Methodology (EJSM), for the past several years. In 2011, we contracted with the researchers to run the EJSM in 11 environmental justice communities throughout California. We organized over 70 community residents and 30 organizers and advocates to “ground-truth” the model and test its accuracy. We field-tested over 15 square miles of California environmental justice communities, in both urban and rural settings. Augmenting this expertise has been the simultaneous work of our member organization Center on Race, Poverty and the Environment to help develop the Cumulative Environmental Vulnerability Assessment (CEVA) methodology, specific to environmental concerns in the Central Valley. Their dual engagement has allowed us to compare the two models, understand how the two tools are best applied, and has been invaluable to augmenting our understanding of the science of Cumulative Impact methodologies.

Our position on Cumulative Impact Screening Methodologies

CEJA supports Cumulative Impact tools in statewide policy; the time has come to take action on this critical issue.

- We should not delay in moving towards the ultimate goal: using the best-available science to improve policy-making and address environmental justice issues.
- Communities across California need and deserve action to address this persistent and devastating issue of cumulative impacts.
- Environmental justice communities and advocates have called for a Cumulative Impact tool for decades, and the time has to come to make the promise a reality.
- We believe accurate identification of highly impacted communities will pave the way to transforming these areas into healthy, thriving Green Zones. Because they have been neglected and overlooked for so long, dedicated attention is needed to ensure they get support to develop solutions to environmental, public health and poor land-use planning issues.
- A cumulative impacts tool will support our communities’ planning efforts and help us get resources for cleanup, appropriate new development, green energy, and sustainable transportation planning.
- For years, a concern with incorporating CI into policy-making has been that we lack the scientific basis to identify communities that face disproportionate impacts. *We now have the science.* Like all science, it is constantly evolving, but with the existing models out there we now have highly regarded methodologies that are based in academic literature and scientific analysis.

CEJA would like to see the Environmental Justice Screening Methodology adopted in statewide policy, with flexibility to use regionally-appropriate screening tools such

as the Cumulative Environmental Vulnerability Assessment where needed, such as in Central Valley-specific contexts.

- These two tools represent the best available science on cumulative impact screening. The EJSM has been peer-reviewed and is regarded as one of the leading tools in the country.
- There has been extensive community engagement in the development of both tools. The researchers have worked with communities to solicit feedback and incorporate the expertise of those who understand environmental justice the best: residents in overburdened communities across California.
- The models have both been field-tested. The EJSM alone has been tested in 22 communities across California, sometimes on multiple occasions.
- Both models are “ready-to-go.” Resources in the state of California are tight. Using models that are fully developed and tested will save California agencies time and money. CalEPA’s OEHHA tool will most likely take several more months to develop, and even then, it will have to be tested and vetted more thoroughly.
- Using the EJSM and CEVA allows us to move towards implementation much more quickly, which is the most important step.
- Engaging in a time consuming process to finalize the OEHHA tool when there are at least two other scientifically-peer reviewed models available for implementation is a poor use of limited resources.

The most important next step we can take to advance environmental justice and the science of CI is to start testing the methodologies in policy implementation.

- The California Environmental Protection Agency (CalEPA) should support the use of the variety of scientifically-sound screening methodologies that are available right now, as these tools have strong community buy-in, are based on the best available science, and are available immediately.
- CalEPA should include environmental justice groups active in cumulative impact issues in decision-making around CI tool development and implementation. We are the experts on this issue and need to be fully incorporated in a meaningful way on final decisions regarding the tool and its use.
- CalEPA should support efforts such as AB 1990, or “Solar for All,” that utilize Cumulative Impact methodologies in policy venues. These efforts, while not only being important to alleviating environmental justice issues, will be opportunities to assess how various methodologies work in practice. There are numerous other opportunities and efforts to move CI methodologies into implementation, which should all be supported.
- CalEPA should consider the following ways to use a CI tool, and partner with community-based organizations to realize these potential uses. These uses include, but are not limited too:
 - Creating “Green Zones” in highly impacted communities throughout California in partnership with community-based organizations.
 - Targeting of public funding at both statewide and regional level, e.g. climate change revenues.
 - Targeting of enforcement activities in overburdened areas.
 - Identifying ways to improve siting of new businesses, e.g. the Clean Up Green Up ordinance at the City of Los Angeles.
 - Targeting of beneficial programs into identified communities, e.g. prioritizing solar project build-out in EJ communities through AB 1990.

- Potential use in regional planning and land-use decisions, e.g. within SB 375 Sustainable Community Strategy development.

The OEHHA tool currently does not include aspects critical to an effective Cumulative Impact tool. These aspects include, but are not limited to:

- A geographic scale that is fine enough to identify highly impacted communities is essential to ensuring that small communities are not “washed out” in a larger geographic areas, as often happens. Zipcodes are too big and will identify an area that is much larger than is truly heavily impacted; this is abundantly clear in the case of National City. The zipcode for National City includes the highly impacted community of National City, but also includes a large swathe of urban area that is NOT highly impacted. We have seen this same phenomenon over and over in the Central Valley, where entire Counties are identified as highly impacted, rather than drilling down to the specific areas that are in need.
- An assessment of environmental hazards in proximity to sensitive sites is critical. Without this indicator, a tool not only overlooks land-use issues, it will overlook hazardous facilities or emissions that are directly outside of a geographic unit of analysis. Ports, railyards, airports, shipyards, metal platers, and refineries are examples of industries that can have significant impacts on air quality in downwind communities.
- Diesel emissions and concentrations must be assessed in any cumulative impact tool. Diesel is a key pollutant in environmental justice communities throughout the state, particularly those who are impacted by goods movement. A CI tool needs to include an indicator of diesel pollution.
- It is very important to our allies in farmworker communities to include pesticides in the model. EJSM has done this for rural areas.
- It is important to include linguistic isolation as a social vulnerability indicator. Many of our communities are monolingual and information on hazards, emergencies, etc rarely reaches them. The recent Chevron explosion is a perfect example – the multiple language warning system that EJ communities fought hard for in Richmond didn’t even work, so many Laotian, Mien and Spanish speakers were left without warning or instructions on how to protect themselves.
- Any methodology must be ground-truthed, an essential component to any statewide CI methodology. CEJA invested significant fiscal, staffing and community resources into ground-truthing the EJSM model.

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