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ONE NEW ENVIRONMENTAL JUSTICE LAW YOU SHOULD KNOW

By Rachel Leven

On Oct. 8, California Gov. Jerry Brown (D) signed a law ([S.B. 673](#)) aimed at improving protections for low-income and minority communities from hazardous waste impacts.

What makes it of national interest is one of its requirements that the California agency in charge of issuing new or modified related permits—the Department of Toxic Substances Control—consider establishing or updating its regulations to assess the “cumulative impact” of its actions.

Considering cumulative impacts in permitting is an area the federal Environmental Protection Agency has been [examining](#) for years.

Considering “cumulative impact” means looking at what other environmental and health burdens exist in a given community, and at how additional pollution would affect the community.

Assessing existing pollution and social stressors during the permitting process could help prevent new sources or additional pollution from occurring in already overburdened communities, which a recent [study](#) said are disproportionately made up of minority and low-income populations.

This law is far from definitive regarding how or whether cumulative impacts will ultimately end up in regulations. An earlier [version](#) of the bill that would have required the state department to establish rules encompassing several factors--including cumulative impacts--was strongly opposed by a wide-ranging industry coalition led by the California Chamber of Commerce.

However, it is a first step by a bellwether state toward establishing a highly sought after environmental justice requirement in permitting. The law could foreshadow where national conversations are headed and show what goals are becoming feasible in efforts to help protect overburdened communities.

The final version of the bill had the support of the Natural Resources Defense Council and the California Environmental Justice Alliance, among other national and local groups. It was opposed by hazardous waste service providers, such as Clean Harbors Environmental Services Inc. and Safety-Kleen.