

California's attorney general puts polluters on notice with new environmental justice unit

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California is working hard to pick up the slack created by the Trump administration's ongoing campaign to curtail enforcement of environmental laws across the nation. Many states don't have the financial means or the political will to fill the gap left by Trump's decision to gut environmental regulations and roll back enforcement efforts.

California, on the other hand, is making a big investment in protecting low-income neighborhoods and communities of color that stand to lose the most from President Trump's decision to favor corporate polluters over protecting public health.

With enforcement of environmental crimes [declining dramatically](#) at the federal level, California Attorney General Xavier Becerra announced Thursday the creation of a Bureau of Environmental Justice that will work to protect people who live in polluted communities through oversight, investigation, and enforcement of the law. The environmental justice bureau's initial staffing will be composed of a supervising deputy attorney general and three deputy attorneys general.

The bureau will work primarily with attorneys in the California Department of Justice's environment section handling environmental enforcement matters. The attorneys will also be able to use the expertise of other sections within the attorney general's office.

"The harsh reality is that some communities in California — particularly low-income communities and communities of color — continue to bear the brunt of pollution from industrial development, poor land use decisions, transportation, and trade corridors," Becerra said Thursday in a [statement](#). "Meeting the needs of these communities requires our focused attention. That's why I'm establishing the Bureau of Environmental Justice."

Through the creation of the environmental justice bureau, the California attorney general's office wants to make sure it's on the "front lines" to protect the state's residents from pollution, Becerra spokesperson Walter Garcia told ThinkProgress.

“Pruitt has done so much damage to the EPA, so we’re making sure to take every step on our end to protect our environment,” he said. “Climate change is real, pollution is real. You can’t ignore it and wish it away.”

Last year, the EPA reorganized its environmental justice office, placing it within the agency’s Office of Policy. Critics of the move said it would politicize the office.

Cynthia Giles, who led the EPA’s enforcement office under President Obama, [told](#) E&E News last year that Trump’s proposal to zero out funding for the office in its FY’18 budget indicated what administration officials thought of the program, so shifting the office was clearly not a move to enhance environmental justice. In its FY’19 budget proposal, the Trump administration once again called for [zeroing out funding](#) for the environmental justice office.

Similar to California’s efforts, New York is placing an emphasis on helping people — who have historically seen polluting industries continue to be sited in their communities — in the wake of the Trump administration’s pullback from enforcement. In the New York attorney general’s office, its environmental work is housed in its Social Justice division.

Environmental justice is an inherent part of New York Attorney General Eric Schneiderman’s lawsuits and legal action in the state and against the Trump administration, spokesperson Amy Spitalnick told ThinkProgress. Schneiderman, for example, has led a number of smog-related lawsuits that focus on how at least one in three New Yorkers, particularly in the most vulnerable communities, are breathing unhealthy levels of smog.

In California, Becerra has filed several environmental lawsuits at the federal level, almost half aimed at protecting air and drinking water. In December, the attorney general [joined](#), through an [amicus brief](#), the city of Oakland, California’s efforts to prohibit, for health and safety reasons, the storage and handling of coal and petroleum coke at one of its port terminals.

Oakland passed an ordinance in July 2016 because of concerns about the health and safety impacts of coal, and the extent to which those impacts would be disproportionately borne by communities of color residing in West Oakland near the Bulk Oversized Terminal. Oakland Bulk and Oversized Terminal LLC, the developer of the Bulk Oversized Terminal, is currently challenging the ordinance in court.

“We’re sending a clear signal that we’re going to have a team that’s going to have your backs,” Garcia said. “And we’re going to do everything in our power to make sure that polluters are put on notice.”

Eight of the 10 cities with the highest year-round concentration of particulate matter — or PM2.5 — between 2013 and 2015 were in California, according to the American Lung Association’s latest “State of the Air” [report](#). Pittsburgh, Pennsylvania, and Cleveland were the only non-California cities in the top 10. Los Angeles was the city with the worst ozone pollution in the country.

The Wilmington neighborhood of Los Angeles, for example, must deal with more than just ozone, making its residents logical recipients of legal help from the new

environmental justice bureau. Located near one of California's most heavily industrialized zones, the enclave of mostly Latino residents are exposed to emissions from chemical plants, six oil refineries, hundreds of oil wells, trucks, trains, and cargo ships in the Los Angeles harbor region.



ENVIRONMENTAL JUSTICE ACTIVISTS RALLY ON THE STEPS OF THE CALIFORNIA STATE CAPITOL: CREDIT: CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE

Last week, California Assembly Member Eduardo Garcia introduced a bill, [A.B. 2636](#), that would create an environmental justice fund for the state. The bill would require that the fund be used by the attorney general to provide additional support for investigations and litigation to protect people who live in highly polluted and toxic communities.

“The launch of this bureau along with the introduction of A.B. 2636 is the first step of empowering environmentally disenfranchised areas with tools to take charge of their own destiny with the means to significantly improve their public health and overall prosperity,” Assembly Member Garcia said.

The bureau's work will focus on ensuring compliance with the California Environmental Quality Act and land use planning laws; remediating contaminated drinking water; eliminating or reducing exposure to lead and other toxins in the environment and consumer products; challenging the federal government's actions that repeal or reduce public health and environmental protections; and penalizing and preventing illegal discharges to air and water from facilities located in communities already burdened disproportionately with pollution.

The opening of the environmental justice bureau comes after a year that showed a marked decrease in the number of bills passed in the California Legislature that would

help communities disproportionately affected by pollution. For legislators to be environmental justice champions, they must do more, according to the California Environmental Justice Alliance, an independent nonprofit group. In the group's 2017 [environmental justice scorecard it said](#): "With a federal-level attack on low-income communities and communities of color and the environment underway, our elected officials need to rise to the challenge."

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