



CALIFORNIA  
ENVIRONMENTAL  
JUSTICE ALLIANCE

# ENVIRONMENTAL JUSTICE AGENCY ASSESSMENT 2018

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## I. About the California Environmental Justice Alliance

The California Environmental Justice Alliance is a statewide, community-led alliance that works to achieve environmental justice (EJ) by advancing policy solutions. We unite the powerful local organizing of our members in the communities most impacted by environmental hazards — low-income communities and communities of color — to create comprehensive opportunities for change at a statewide level. We build the power of communities across California to create policies that will alleviate pollution and poverty. Together, we are growing the statewide movement for environmental health and social justice.

## II. Overview of Environmental Justice Agency Assessment

The California Environmental Justice Alliance (CEJA) is proud to release our third *Environmental Justice Agency Assessment*. This year's assessment includes review of nine state agencies and highlights key recommendations for an additional four agencies. Our strategy teams, members, and partners that played an important role in engaging these agencies include: Asian Pacific Environmental Network (APEN); Center for Community Action and Environmental Justice (CCA EJ); Center on Race, Poverty & the Environment (CRPE); Central Coast Alliance United for a Sustainable Economy (CAUSE); Communities for a Better Environment (CBE); Environmental Health Coalition (EHC); Leadership Counsel for Justice and Accountability (LCJA); People Organizing to Demand Environmental and Economic Rights (PODER); Strategic Concepts in Organizing and Policy Education (SCOPE); Physicians for Social Responsibility-Los Angeles (PSR-LA); Californians for Pesticide Reform (CPR); Center for Biological Diversity (CBD); and Environmental Justice Working Group (EJWG).

CEJA continues to lead the nation in formally examining how state agencies develop, implement, and monitor policies and processes that impact low-income communities and communities of color. This assessment follows issuance of CEJA's Environmental Justice Scorecard, which analyzes the voting record of state legislators on environmental issues impacting these same communities. Taken together, these tools provide an overview of how well environmental justice issues are integrated into state policy, and where there are areas for improvement. The Agency Assessment and EJ Scorecard are educational and advocacy tools that reflect the principles with which our agencies should govern — principles that respect and protect our land, air, water, and people. We believe both reports provide a critical resource to hold our state agencies and elected officials accountable to the people they serve.



Community groups across the state engage in regulatory agency proceedings, bringing the voices of residents who are most impacted by environmental regulations into decision-making processes. Community-based advocacy is difficult but vital work. It is in the regulatory space where state policies are developed and implemented to the benefit or harm of disproportionately impacted communities. We embrace the opportunities and challenges of community-led advocacy in this regulatory realm. Regulatory agencies wield significant power. Their decisions determine the environmental health, safety, and

welfare of our communities through a range of actions — providing or denying approvals for fossil fuel and other industries to operate, developing guidelines for low-income solar programs, determining consumer rates, siting of

both renewable energy investments and polluting operations, and enforcing rules designed to protect people from pollution. These decisions directly impact community health and wellbeing, and the interests of communities most impacted by pollution must therefore be central to decision-making strategies.

While our *2018 EJ Agency Assessment* shows some progress in advancing EJ priorities, we regrettably are not able to report significant improvement from our *2017 EJ Agency Assessment*. A number of state agencies are not successfully integrating environmental justice into their decision-making and continually fail to prioritize long-standing health and quality of life needs of constituents. For example, the Department of Oil, Gas, and Geothermal Resources (DOGGR) continues to neglect the needs of EJ and low-income communities, which house a majority of the 8,500 active oil and gas wells that fall within 2500 feet of schools, homes, and hospitals.<sup>1</sup> There are, however, some marked improvements among the assessed agencies that serve as examples of good practices that we encourage all of California's environmental regulatory agencies to incorporate. The Strategic Growth Council, for example, has meaningfully integrated EJ recommendations throughout its implementation of the Transformative Climate Community (TCC) program, while the California Coastal Commission suspended an initial draft EJ policy in order to engage EJ groups in policy development. We hope that the key recommendations, which are a new feature of the assessment, will provide further guidance for improvement.

The assessments in this report are made in the spirit of charting a course to improve agency culture and actions, with the ultimate goal of creating healthy and environmentally prosperous conditions in our most vulnerable communities. Improving air and water quality, renewable energy access, and climate resiliency in EJ communities will benefit all Californians.

Our climate and political reality is sobering, and the need for state agency leadership is greater than ever. We will continue to see increased wildfires, worsening air and water pollution, and a climate crisis that continues to exacerbate the racial and social inequities in California and the nation. We have a federal government that eviscerates environmental protections and recklessly disregards health and equity, placing EJ communities at great risk. We need our state officials to be resolute in fulfilling mandates to protect the public's health and safety in executing regulatory duties, and to double-down on commitments to do so justly and equitably. We hope this assessment contributes to a robust and active conversation about how regulatory agencies can proactively improve the health and future of low-income communities and communities of color in California. We also hope it serves as a tool upon which agencies can build working relationships with EJ communities and advocates.

### III. Methodology

Consistent with our previous reports, we used eight Environmental Justice Principles to assess the actions of state agencies in developing our *2018 EJ Agency Assessment*. These were developed by our members and partners as principles that agencies should uphold in taking action to ensure they are in alignment with environmental justice. The principles are outlined in the *Appendix*.

CEJA examined how an agency's actions reflect each of the principles and assigned a performance assessment score of "poor (1)," "poor/fair (2)," "fair (3)," "fair/good (4)," or "good (5)." This year we have added an "Overall Score," which is an indexed score of the average rating for each principle converted to a letter grade. For example, if an agency had a total score of 32 out of 40, we divided by 8 for an overall score of 4, or a "B." The scores convert to a letter grade as follows: 5 = A, 4 = B, 3 = C, 2=D, 1 = F.

**It is important to note that the assessments are based on contributions from CEJA's member and ally organizations and the key proceedings, decisions, or programs in which they have engaged. These scores do not reflect the totality of decision-making of each agency, or what other organizations may have experienced.**

The 2018 assessment includes two new questions concerning each agency's progress or deficiencies on environmental justice, which improved reviewers' recommendations overall: (1) What has been the most significant improvement or failure for the agency in 2018 relative to our 8 EJ principles?, and (2) What is one recommendation that we have for this agency?

<sup>1</sup> Oil Change International. "The Sky's Limit California: Why the Paris Climate Goals Demand That California Lead in a Managed Decline of Oil Extraction." Price of Oil. May 2018. [http://priceofoil.org/content/uploads/2018/05/Skys\\_Limit\\_California\\_Oil\\_Production\\_R2.pdf](http://priceofoil.org/content/uploads/2018/05/Skys_Limit_California_Oil_Production_R2.pdf).

## IV. Agency Assessment Overall Scores

Name	2018 Overall Assessment Grade
California Air Resources Board	C-
California Department of Pesticide Regulation	D
California Department of Toxic Substances Control	D
California Division of Oil, Gas, and Geothermal Resources	F
California Public Utilities Commission	B+
California State Lands Commission	INC*
California State Water Resources Control Board	B
California Strategic Growth Council	A -
California Coastal Commission	B -
California Department of Food and Agriculture	To Watch
California Department of Water Resources	To Watch
California Energy Commission	To Watch
California Transportation Commission	To Watch

*\*The California State Lands Commission received an incomplete (INC) for 2018, as the agency is undergoing shifts in how it engages environmental justice communities.*

## V. Agency Assessments

### 1. California Air Resources Board (CARB)

*Assessment Leads: CEJA Climate Justice Committee and AB 617 Work Group*

“The California Air Resources Board (CARB) is charged with protecting the public from the harmful effects of air pollution and developing programs and actions to fight climate change.”<sup>2</sup> CARB is a regulatory agency tasked with overseeing the state’s clean air programs and implementing climate policies. In 2018, CEJA and our members were engaged in the following key processes at CARB, on which this assessment is based.



- AB 617: Community Air Protection Program.** The main processes related to AB 617 in which CEJA engaged were the development and approval of the Community Air Protection Program Blueprint, selection of first year communities for monitoring and/or emission reduction plans, statewide oversight of the first year community steering committee process within air districts, first year Community Air Grants (for technical assistance and capacity building), supplemental guidelines to the Carl Moyer Program for first year incentive funds, and the Criteria and Toxic Emissions Reporting Regulation. We continue to engage in AB 617 processes to advocate for strong statewide implementation that centers community-identified priorities and aggressive emission reduction measures that will lead to clean air and improved public health in our state’s most polluted communities.
- AB 398: Cap and Trade Program Regulation.** CARB updated the Cap and Trade Program Regulation to comply with AB 398. CEJA opposes Cap and Trade for its severe implications for EJ communities, as it allows large stationary sources to continue polluting and harming communities by paying to comply instead of directly reducing emissions. We advocate for direct emissions reductions, and urge CARB to address serious

<sup>2</sup> California Air Resource Board. <https://ww2.arb.ca.gov/homepage>. Accessed April 1, 2019.

flaws in the program design, which includes, but is not limited to: the low price of carbon, oversupply of pollution allowances, increased Industrial Assistance, and use of offsets. Research published in 2018 shows that emissions at facilities covered under Cap and Trade have *increased* since the program began.<sup>3</sup>

- **Tropical Forest Standard.** CARB staff proposed the Tropical Forest Standard in 2018. CEJA, along with dozens of other groups, environmental justice and indigenous groups, environmental organizations, and academic researchers, opposed this proposed Standard. Opposition is based on the questionable methodology of calculating tropical forest offsets and because allowing tropical forest offsets in California's Cap and Trade program would reduce in-state emissions reductions while increasing the risk of human rights abuses and displacement of native people living in tropical forest areas abroad.
- **Innovative Clean Transit (ICT).** ICT is a monumental rule approved in 2018 to transition all public transit bus fleets in California to 100% zero emissions by 2040. This is a critical piece in the transition to zero emission technologies, particularly because public buses are an affordable clean transportation option in urban EJ communities where many may not otherwise have access. This is the first major statewide regulation of its kind, and more zero emission regulations in the transportation sector are vital. Freight trucks are a particular concern as they cause serious health and safety issues in many EJ communities.

Overall, CARB's performance was mixed, with more failed opportunities than successes. We applaud the approval of the Innovative Clean Transit (ICT) regulation, which will improve the health and quality of life in EJ communities. We also appreciate CARB staff within the Executive Office, Environmental Justice team, Community Air Protection Program, and Greenhouse Gas and Toxics Emission Inventory Branch, who made efforts to be available and responsive to EJ communities and advocates throughout the year.

We are disappointed, however, that this welcomed responsiveness resulted in few positive material changes in agency decisions, rulemaking, or program implementation. While CARB expanded its EJ staff team, we have yet to see EJ principles meaningfully incorporated into agency processes, programs, and regulatory actions.

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**CARB can strengthen the Blueprint requirements and provide stronger, more proactive guidance to air districts to ensure that CERPs reflect community-identified priorities and contain clear, ambitious plans and timelines for specific emission reduction measures.**

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CARB missed some key opportunities to prioritize EJ communities. CARB's AB 617 Community Air Protection Program Blueprint failed to include specific baseline emission reduction metrics or requirements for all Community Emission Reduction Programs (CERPs). CARB instead gave air districts wide discretion to develop CERPs without consistent statewide standards or any concrete assurance of emission reduction outcomes. CARB can strengthen the Blueprint requirements and provide stronger, more proactive guidance to air districts to ensure that CERPs reflect community-identified priorities and contain clear, ambitious plans and timelines for specific emission reduction measures.

In its AB 398 updates to the Cap and Trade program, CARB continued to fail to prioritize and protect EJ communities. A few of the notable failings in the program design are: lack of justification or explanation of the increased Industrial Assistance, unwillingness to address or meaningfully analyze the oversupply of pollution allowances, and continuing to allow forest offset protocols with questionable methodology.

Moving forward, we encourage CARB to follow the lead of the staff members who proactively reached out to share information, discuss, and explain their work on the Criteria and Toxic Emissions Reporting Regulation during the drafting process. We would appreciate more practices like these across the agency to improve transparency, communication, and engagement with EJ advocates and community members. CARB should post meeting and workshop agendas and relevant materials as far in advance as possible and at least one week beforehand to allow people to review and prepare. Meeting minutes, transcripts, notes, and other relevant materials, including board

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<sup>3</sup> Cushing, *et al.* "Carbon trading, co-pollutants, and environmental equity: Evidence from California's cap-and-trade program (2011–2015)." PLOS Medicine. July 10, 2018. <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002604>.



resolutions, should be posted and publicly available as soon as possible after a meeting or workshop. With regard to the AB 617 Community Air Protection Program, CARB staff and board members should actively and vocally support Community Steering Committees and ensure that air districts respond to their recommendations.

California Air Resources Board Assessment		
(Programs: AB 617, AB 398, TFS, and ICT)		
Overall Score: C-		
Principle	Assessment	Reasoning
<b>Prioritize and value prevention, human health, and improve quality of life</b>	Poor	CARB has been reluctant to take the strong regulatory action needed to truly prioritize and value health, quality of life, and harm prevention in communities impacted by air pollution. The Cap and Trade program and proposed Tropical Forest Standard are unfortunate examples of these failures.
<b>Do no harm</b>	Poor	CARB remains hesitant to use its authority to prevent further harms in EJ communities. Its implementation of Cap and Trade and proposal of the Tropical Forest Standard continues to show its failure to apply this principle.
<b>Prioritize environmental justice communities</b>	Poor-Fair	<p>CARB staff is improving in this area. They have traveled to EJ communities for AB 617 implementation, which has expanded their understanding of these communities. In one positive example, CARB helped influence a local decision at an air district by uplifting a request from the AB 617 community steering committee. Unfortunately, we have not seen substantive changes in regulatory decision outcomes and material terms that prioritize EJ communities.</p> <p>In its implementation of Cap and Trade, CARB has failed to "ensure that activities undertaken to comply with the regulations do not disproportionately impact low-income communities," which is a requirement of AB 398. CARB has also failed to adhere to the mandates of AB 197.</p>
<b>Meaningful community engagement</b>	Fair	Over the past three years, CARB has given greater value to community engagement and demonstrated improvements in this area, though there remains room for further improvement. Meaningful community engagement includes adequate notice and outreach, accommodations for working people's schedules, language access, physical and transportation accessibility, making presentations and content understandable for people without technical knowledge, meeting or workshop formats that facilitate dialogue, and other considerations.
<b>Responsiveness</b>	Fair	CARB staff have been accessible and responsive to questions in a timely manner, but have not substantively responded to our comments and recommendations in official agency actions or policy and program implementation.
<b>Transparency</b>	Poor-Fair	CARB has not improved its transparency. For example, in year one of the AB 617 community selection process, CARB did not explain how actual selection decisions were made. The process became unnecessarily subjective and political, and made the decision difficult to accept as fair and well-grounded.
<b>Accountability</b>	Poor	CARB has done little to demonstrate that it is accountable to EJ communities.
<b>Proactivity</b>	Poor-Fair	CARB has tried to respond when contacted, but the agency has generally not been proactive in reaching out to EJ organizations. During development of the Criteria and Toxic Emissions Reporting Regulation, a CARB staff person did proactively reach out to engage EJ groups.

## 2. California Department of Pesticide Regulation

*Assessment Leads: Californians for Pesticide Reform and Center on Race, Poverty & the Environment*



The mission of the California Department of Pesticide Regulation (DPR) is “to protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management.”<sup>4</sup> This mandate includes: evaluation and registration of pesticides, licensure of professionals, and evaluating health impacts by monitoring air, water, soil, and residue on fresh produce. DPR is responsible for working with 56 county agricultural commissioners to enforce laws regarding pesticide use. To meet its human and environmental health protection duties, DPR should encourage the use of least-toxic pest management practices in agricultural counties. Commissioners permit pesticide applications that disproportionately impact socially disadvantaged rural communities in California, which, according to CalEnviroScreen, are primarily comprised of low-income, rural Latinx residents. As acknowledged in DPR’s own Guide to Pesticide Regulation, the law requires “the California EPA and its boards, departments and offices to:

- Ensure programs are conducted in a manner that provides fair treatment of all races and income levels;
- Promote greater public participation in the development and implementation of environmental policies; and
- Improve research data collection for environmental programs related to the health and safety of minorities and low-income populations.”<sup>5</sup>

Our assessment is based primarily on DPR’s actions related to two of the most hazardous pesticides used in California<sup>6</sup> —Chlorpyrifos and 1,3 Dichloropropene, also known as Telone— as well as continued barriers to pesticide enforcement that inhibit the ability of community members to report and follow up on pesticide concerns and complaints. Overall, the 2018 assessment of DPR is poor and reveals that the agency fails to meet its own reported guidelines.

<sup>4</sup> California Department of Pesticide Regulation. <https://www.cdpr.ca.gov/dprabout.htm>. Accessed April 1, 2019.

<sup>5</sup> California Department of Pesticide Regulation. <https://www.cdpr.ca.gov/docs/pressrls/dprguide.htm>. Accessed April 1, 2019.

<sup>6</sup> Chlorpyrifos is a neurotoxic pesticide that the U.S. Environmental Protection Agency (EPA) determined posed an unacceptable health risk to children nearly two decades ago, leading to a ban on residential use, but use of chlorpyrifos on fields was still allowed, leaving children in agricultural farmworker communities at continued risk. For more information please refer to the US EPA’s 2016 report, “Chlorpyrifos Revised Human Health Risk Assessment” (that can be found here: <https://www.regulations.gov/document?D=EPA-HQ-OPP-2015-0653-0454>). 1,3 Dichloropropene (Telone). In 1990, DPR air monitors found unacceptably high levels of the carcinogenic fumigant Telone. In response, DPR immediately banned Telone from use in California. Five years later, under pressure from Telone manufacturer Dow, DPR allowed Telone to be used again – this time subject to a special use cap tracked by the manufacturer Dow itself. For more information, please refer to the Center for Race Poverty and the Environment: <https://crpe-cj.org/our-work/sustainable-agriculture/pesticides/>





We appreciate DPR's meetings with community members and environmental justice groups from agricultural communities to address concerns about a multitude of enforcement failures that prevent people from reporting pesticide exposure and for adequate punitive action to be taken. These concerns include: providing bilingual and culturally-competent staff to engage communities, creating more transparency in pesticide decisions, completing pesticide investigations in a timely fashion, and issuing fines to growers and pesticide applicators who cause environmental and community harm.

Despite community engagement, by the end of 2018 DPR had not taken any action that resulted in practical change. Of greatest concern is DPR's denial that the department has authority over County Agricultural Commissioners – the very entities with whom DPR contracts to carry out statewide pesticide enforcement. DPR continues to adopt and promulgate policies that fail to protect EJ communities from hazardous pesticide exposure. DPR has taken some steps to incorporate more public input, but often makes decisions that benefit

the agricultural industry and harm local communities. We do not believe that this is a zero-sum game, but rather, that regulations and rulings can support our agricultural economy while upholding the health and wellbeing of the state's residents. For example, many farmers engage in farming practices that are consistent with community health, rural development, and that offer ecosystem and carbon sequestration benefits.

Though this development occurred after we developed our 2018 assessment, it is important to note that as of May 8, 2019, at the direction and leadership of Governor Newsom's administration, chlorpyrifos will now be banned and phased out over the next two years. This is a significant, far-reaching win, as resounding evidence and documentation by the U.S. EPA and DPR scientists show that no use of chlorpyrifos is safe, especially through its documented detail of the life-long harms caused by prenatal exposure to chlorpyrifos.<sup>7</sup> We hope that DPR will swiftly implement the new directive and prevent undue delay in finally protecting communities.

**DPR has taken some steps to incorporate more public input, but often makes decisions that benefit the agricultural industry and harm local communities.**

In addition to implementing this ban, we encourage DPR to adopt a plan, with annual benchmarks, to help growers reduce their use of the most hazardous pesticides (including organophosphates, fumigants and neonicotinoids). DPR's Integrated Pest Management (IPM) training program in schools and daycares is an excellent model that should be expanded. DPR should shift staff and departmental resources to prioritize fostering and supporting growers' adoption of reduced-risk crop and pest management, which will better protect communities and the environment, while ensuring the long-term sustainability of farming in California. DPR should proactively engage other relevant agencies and departments in a plan for how to work in a complementary fashion to help move toward a more sustainable farming vision for California that protects key water and other natural resources, bolsters farmers' ability to adapt to challenging conditions caused by climate change, and benefits community health, local and rural economies and the environment.

<sup>7</sup> Metzger, Michael, et. al. "Chlorpyrifos Revised Human Health Risk Assessment." US Environmental Protection Agency. November 17, 2016. <https://www.regulations.gov/document?D=EPA-HQ-OPP-2015-0653-0454>.

California Department of Pesticide Regulation		
(Assessment regarding regulation of Chlorpyrifos and Telone)		
Overall Score: D		
Principles	Assessment	Reasoning
Prioritize and value prevention, human health, and improve quality of life	Poor	DPR failed to suspend or ban chlorpyrifos use despite findings in its own risk assessment, which documents that any chlorpyrifos use results in exposure levels too high for young children and women of childbearing age. Compared to other agricultural economies, California lags far behind in helping farmers adopt profitable, non-hazardous crop and pest management practices. DPR has an Integrated Pest Management program and a grant program for research into pest management alternatives, but they are underfunded and face huge unmet needs.
Do no harm	Poor	By continuing to allow application of dangerous pesticides and fumigants near California's rural schools, DPR continues a pattern of racial discrimination documented by the U.S. EPA and the California Department of Public Health. DPR has a regrettable history of decisions that exacerbate environmental injustice, including increasing permitted usage of the carcinogenic fumigant Telone. Despite resounding evidence of the life-long harms caused by prenatal exposure to chlorpyrifos and documentation by the U.S. EPA and DPR showing no chlorpyrifos use is safe, DPR continues to allow nearly 1,000,000 pounds of chlorpyrifos to be used in agricultural fields each year. This use disproportionately affects Latinx children. <i>As of May 2019, under a new executive administration, chlorpyrifos will be banned.</i>
Prioritize environmental justice communities	Poor	In 2018, air monitors detected the highest levels of 1,3 D (Telone) ever in the state of California in Shafter, Kern County, and Parlier, Fresno County. To date, DPR has taken little action to inform communities and no action to protect communities in response to the unprecedented air levels of this known carcinogen. DPR often focuses on mitigating acute rather than chronic daily pesticide exposure, and by doing so, fails to protect communities of color from the serious health consequences of long-term pesticide exposure. DPR now has an EJ staff position, though it lacks the high level of authority required to properly serve EJ communities.
Meaningful community engagement	Fair	DPR is willing to meet and discuss community concerns and questions, but recommendations from community members are rarely incorporated into regulatory decision-making. DPR has been open to receiving public input and making changes to the department's air monitoring network, enforcement compendium, and notification pilot projects.

<b>Responsiveness</b>	Poor	DPR is open to public input through formal and informal processes and meets with community members on the frontlines of pesticide exposure. DPR does not, however, incorporate community feedback in decisions that affect agriculture. In contrast, DPR frequently adopts policies and practices with a veneer of public protection that too often benefits the chemical agricultural industry over the health and well-being of nearby communities.
<b>Transparency</b>	Fair	DPR posts important documents on its website, but many are technical, inaccessible to community members, primarily in English only, and misleading. For example, DPR expanded and improved its air monitoring network, but its data analyses and summaries from monitoring results continue to misleadingly discount pesticide detections. DPR has a practice of releasing media communications ahead of its communication with the public, leading to media stories favoring DPR's analysis and narrative, and preempting public critique.
<b>Accountability</b>	Poor	DPR does not have a governing board or other body to whom it is accountable. The pesticide industry often has far more opportunities for input on decisions than the public—a clear imbalance of access and undue influence.
<b>Proactivity</b>	Fair	DPR continues the positive step of partnering with community groups on public workshops on enforcement. DPR produced some pesticide safety materials in indigenous languages (such as Mixteco) and with community group input, such as its production of a Hmong video on pesticide safety. DPR initiated development of a phone app in English and Spanish to facilitate farmworker and community reporting of pesticide incidents in 2018. DPR sought input from community members in agricultural regions to help test and improve upon the app. In order for the app to be effective, however, Agriculture Commissioners who are responsible for local enforcement of pesticide regulation need to be more responsive and investigate reports in a timely manner. When questioned about how the app would improve enforcement at the local level, DPR staff evaded the question.



### 3. California Department of Toxic Substances Control (DTSC)

*Assessment Lead: Center on Race, Poverty & the Environment*



The mission of DTSC is “to protect California’s people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.”<sup>8</sup> CEJA engaged DTSC on two major programs:

- **The Site Mitigation Program** is responsible for the clean-up and restoration of contaminated sites throughout the state, including providing operation and maintenance support to the 470 sites on the Superfund National Priorities List.
- **The Hazardous Waste Management Program** regulates the generation, storage, transportation, treatment, and disposal of hazardous waste to minimize risks to public health and the environment. The program oversees permitting and compliance at 119 authorized facilities that manage hazardous waste, approximately 900 registered businesses that transport hazardous waste, and approximately 100,000 entities that generate hazardous waste in California.

DTSC established an Office of Environmental Justice and Tribal Affairs in 2016 and has expanded its staff to a total of eight employees, including scientists and analysts located in Sacramento, Commerce, and Chatsworth. It is important to note that DTSC has one of the highest numbers of dedicated environmental justice staff of all the CalEPA boards and departments, which is warranted due to the high number of hazardous waste facilities and contaminated sites within its jurisdiction near low-income communities of color. We appreciate the growing commitment to environmental justice concerns, the growth and composition of the Office of Environmental Justice and Tribal Affairs, and the leadership of the Assistant Director for Environmental Justice and Tribal Affairs. The Office of Environmental Justice is a bright spot worthy of recognition for a Department that otherwise continues to be plagued by structural and cultural obstacles that prevent it from adequately protecting vulnerable populations from toxic exposure.

<sup>8</sup> Department of Toxic Substances Control. [https://www.dtsc.ca.gov/informationresources/dtsc\\_overview.cfm](https://www.dtsc.ca.gov/informationresources/dtsc_overview.cfm). Accessed April 1, 2019.



Overall, DTSC made some improvements in its engagement and outreach efforts in 2018 to include more stakeholders in its agency wide rule-making efforts, while other areas have continued to suffer from a lack of accountability and transparency, as well as a continuing failure to meet agency deadlines. These deficiencies will likely become more pronounced as the Department struggles with inadequate funding and inefficient decision-making structures.

The most significant issue in 2018 is a structural funding deficit that has reached a crisis point. Despite years of warning of an impending deficit, the State of California took no action to prevent the full depletion of the Hazardous Waste Account; the Toxic Substances Control Account to follow within a year or two. These financial constraints have real and immediate consequences for EJ communities. Without sufficient remediation funds, DTSC is unable to investigate and characterize the between

10,000 to 212,000 potentially contaminated sites in the state, or fulfill its obligation to provide remediation funds to prevent potential toxic exposures from identified contaminated sites. The funding deficit may also reduce the number of inspections and enforcement actions taken at hazardous waste facilities. Overdue permitting decisions will be delayed even more, increasing the already high number of hazardous waste facilities (mostly located in low-income communities of color) allowed to operate on expired permits. Any cutbacks to the Department's enforcement, permitting, and remediation activities will disproportionately harm EJ communities.

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**Any cutbacks to the Department's enforcement, permitting, and remediation activities will disproportionately harm EJ communities.**

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California must immediately restructure hazardous waste fees in order to increase revenue, ensure that all industries that generate and dispose of hazardous materials are contributing to the Department's funding, and incentivize a reduction in hazardous waste generation. It must provide full and adequate funding to the Department, without siphoning off funds intended for other important purposes (such as the Lead-Acid Battery Cleanup Fund). Lastly, state funding must be coupled with concrete conditions to ensure that the DTSC meets its statutory mandates, such as the creation of a governing board or other oversight body to increase accountability, transparency, and responsiveness.

<b>California Department of Toxics Substances Control</b> (Programs: Site Mitigation; Hazardous Waste; Safer Consumer Products)		
Overall Score: D		
Principle	Assessment	Reasoning
Prioritize and value prevention, human health, and improve quality of life	Poor	In 2018, DTSC failed to conduct any remediation activities at nearly half of the state's orphan sites. This may have delayed discovery of dangerous contamination and allowed contamination to spread in communities. The Department's Safer Consumer Products Program, while important, does not address the complete lack of mid-stream pollution prevention activities that would directly benefit communities near disposal sites. Despite initiating a hazardous waste reduction initiative in 2017 after identifying potential waste streams for reductions, DTSC took no steps to implement the project.
Do no harm	Poor	DTSC's failure to conduct remediation activities at half of the state's orphan sites increased risk of toxic exposure to an untold number of nearby residents. About one third of California's hazardous waste facilities are operating on expired permits despite DTSC's efforts to reduce the backlog. This backlog will likely get worse in the coming years as more permits expire. Untimely permit renewal decisions harm residents because facilities are operating pursuant to outdated standards and without regard to changing conditions and new risk factors.
Prioritize environmental justice communities	Fair	The size and composition of DTSC's Office of Environmental Justice and Tribal Affairs is an indication that DTSC is working to prioritize environmental justice concerns. However, given the total size of the Department at over 1,000 employees, EJ staffing should further increase. DTSC is currently conducting rulemaking to determine how it will consider cumulative impacts and community vulnerability in permitting decisions. Despite being required to do this analysis by statute, DTSC's initial workshops and concept papers indicate the agency's openness to consider meaningful avenues to address EJ concerns in its permitting process. DTSC must necessarily include criteria for denying a renewal permit based on cumulative impacts and community vulnerability. DTSC has used CalEnviroScreen to map the locations of vulnerable communities near hazardous waste facilities. DTSC must improve its policies to ensure equity in its hiring processes, access to data and information, and in resource allocation.



<b>Meaningful community engagement</b>	Fair	DTSC has increased community engagement for a number of agency activities, including the implementation of SB 673 (permitting) and SB 1249 (metal shredding), the Community Dialogue on the Management of Contaminated Soil, and the Civic Scientist Project. Improvements include more community workshops, more consistent translation of materials, invitations to EJ advocates and impacted residents to participate in planning activities and advisory bodies, and participation in community initiatives when invited. However, community engagement for site-specific activities needs considerable improvement and standardized practices. Outreach materials do not include sufficient information, and residents are not informed about site activities in a timely fashion. DTSC does not consistently follow through on commitments to impacted communities. DTSC should release all results from investigations and testing in a timely manner and communicate the results to the affected communities in their respective language and be transparent about what the results indicate.
<b>Responsiveness</b>	Poor	The responsiveness of DTSC to community concerns is highly staff-specific. DTSC needs to standardize and enforce practices to ensure that all community concerns are approached in the same way. Staff who are unable or unwilling to meet these protocols should be removed or transferred to other positions.
<b>Transparency</b>	Poor	Since the Independent Review Panel disbanded in 2016, members of the public have few opportunities to raise issues and concerns in any systematic way. DTSC hosts quarterly public meetings in which it reports on specific, preferential issues, without providing opportunities to address community concerns or topics not on the agenda. DTSC has a long history of defending its practices rather than admitting deficiencies, which erodes trust in the information it provides.
<b>Accountability</b>	Poor	DTSC continues to be one of the only permitting and regulatory departments at the CalEPA without a governing board or other body to whom it is accountable. Decisions are made with little opportunity for public input or transparency. DTSC hears and decides all appeals of its decisions, a clear conflict of interest.
<b>Proactivity</b>	Fair	DTSC engaged with environmental justice advocates on two community/advocate-led initiatives to identify and implement structural improvements at the agency. The Community Dialogue on the Management of Contaminated Soils was suggested by EJ representatives on the Hazardous Waste Reduction Advisory Panel. DTSC staff worked closely with EJ representatives to host three community workshops to identify principles and practices that address concerns of residents near remediation sites and hazardous waste disposal facilities during clean-ups. DTSC has also taken a leadership role in convening CalEPA boards and departments to work with EJ advocates to develop a comprehensive civic science curriculum and to identify agency barriers to using community generated data. Both these initiatives are ongoing, and their ultimate success will depend on DTSC's willingness to implement the improvements identified by these initiatives.

#### 4. California Division of Oil, Gas, and Geothermal Resources (DOGGR)

*Assessment Leads: Center on Race, Poverty & the Environment and Center for Biological Diversity*



The Division of Oil, Gas, and Geothermal Resources is the state's primary oil and gas regulator that supervises the "drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production."<sup>9</sup> It is responsible for granting or denying permits for new and ongoing oil and gas facilities and the expansion of oil field operations. Specifically, it issues permits for drilling and re-drilling of wells; the use of fracking and other extreme extraction methods; employment of injection techniques called "enhanced oil recovery" and wastewater disposal; and at to related operations to

**DOGGR is aware that the proposed locations of many drilling activities are in or near EJ communities, but approves permits irrespective of known health and safety risks associated with neighborhood drilling.**

facilitate oil and gas production. DOGGR has the authority to adopt and enforce regulations for oil and gas operations, and to issue fines for violations. In carrying out its duties, it has a mandate to "prevent, as far as possible, damage to life, health, property, and natural resources."<sup>10</sup>

For 2018, we assessed DOGGR permitting processes of oil and gas operations that disproportionately affect low-income communities and communities of color in Los Angeles and Kern County, where wells are as close as 150 feet away from residential homes and other sensitive receptors (schools, day cares, residential homes, and hospitals).

<sup>9</sup> Cal. Pub. Res. Code, § 3106(a).

<sup>10</sup> *Id.*



We witnessed some growth and improvement by the agency through its commitment to a civic science project that will provide skills and training on how to monitor and report environmental exposures from oil and gas operations in communities. This is a step toward developing a working relationship relative to the EJ principle of meaningful community engagement. However, DOGGR continues to receive a failing grade for 2018. DOGGR has historically approved projects that emit carcinogenic, toxic, and criteria air emissions, increase the risk of water degradation, and add to traffic, noise and light pollution, with little to no scrutiny of adverse health impacts. The agency did not take action toward preventing

wells from being placed near sensitive receptors, nor has it established a 2,500 foot health and safety buffer zone between wells and sensitive receptors. DOGGR is aware that the proposed locations of many drilling activities are in or near EJ communities, but approves permits irrespective of known health and safety risks associated with neighborhood drilling. DOGGR has overall failed in its responsibility to include EJ principles within its decision-making processes despite evidence that EJ communities are disproportionately impacted by oil and gas activity.<sup>11</sup>

To better serve the health and needs of residents, DOGGR should use its regulatory authority to institute a science-based mandatory health and safety buffer zone of at least 2,500 feet between sensitive receptors and oil and gas operations. Its project approval processes should also carefully abide by the California Environmental Quality Act to ensure community members can review and comment on environmental assessments, including Environmental Impact Reports. DOGGR should also collaborate with the Office of Health Hazard Assessment, the California Department of Public Health, and other agencies to ensure adequate health and safety assessments have been completed before permit approval. DOGGR is one of only a handful of environmental regulatory entities with no dedicated environmental justice staff or office. DOGGR should immediately hire environmental justice and community engagement staff and consider opening an Office of Environmental Justice and Tribal Affairs.

<sup>11</sup> Shamasunder, *et al.* "Community-Based Health and Exposure Study around Urban Oil Developments in South Los Angeles." *Int. J. Environ. Res. Public Health* 2018, 15(1), 138; <https://doi.org/10.3390/ijerph15010138>.



California Division of Oil, Gas, and Geothermal Resources (DOGGR)		
(Program: Oil and Gas Permits and Regulations)		
Overall Grade: F		
Principle	Assessment	Reasoning
Prioritize and value prevention, human health, and improve quality of life	Poor	DOGGR has a track record of neglecting the safety of communities by approving permits and injection sites without considering community health and safety impacts. The permit approval criteria do not include impacts to EJ communities, allowing for drilling and oil and gas activities within close proximity of residential communities. Further, according to FracTracker's analysis, in 2018, DOGGR approved at least 518 permits for wells that fall within 2500 feet of sensitive receptors. <sup>12</sup>
Do no harm	Poor	Despite numerous studies linking adverse health impacts for communities living near oil and gas operations, DOGGR has not taken meaningful action to limit operations near homes and schools.
Prioritize environmental justice communities	Poor	DOGGR has rejected calls to incorporate environmental justice considerations in its underground injection regulations. As the agency rewrote the injection well regulations in 2018, which allow for oil and gas injection wells to operate and conduct activities, advocates pointed out that low income communities and communities of color bear a disproportionate burden of oil and gas pollution exposure, and should especially be granted a meaningful opportunity to raise concerns over proposed projects. The Division rejected a request to establish notice and comment procedures specifically designed to help ensure such communities can have their voices heard. The agency responded that it "particularly welcomes comments from the residents of communities situated near oil and gas operations," but failed to explain how it does so. Rather, it went onto cite a 1981 document upon which it basis its practice of publishing a notice in a regional newspaper. DOGGR's English-only, newspaper-based notices are inadequate for EJ communities. Furthermore, DOGGR still provides no notice or comment opportunities for other types of drilling activities.

<sup>12</sup> Ferrar, Kyle. "Impacts of a 2,500' Setback in California." *FracTracker Alliance Analysis*. 11 June 2019. [http://bit.ly/Drilling\\_June2019](http://bit.ly/Drilling_June2019).

<b>Meaningful community engagement</b>	Poor-Fair	Notices for public hearings and rulemakings are English only, and there is no indication that DOGGR has reached out specifically to marginalized communities regarding permitting decisions or development of regulations. The one area where DOGGR has improved is through its participation in a civic science project. Working with community groups like CRPE, DOGGR will provide training for residents to monitor and report oil and gas exposures.
<b>Responsiveness</b>	Poor	DOGGR has not been responsive to concerns from EJ communities, such as the continued permitting of oil and gas development near residential homes in low-income communities of color.
<b>Transparency</b>	Poor	DOGGR's "stakeholder" meetings generally do not include anyone beyond a few connected larger environmental groups, and they fail to provide data or access to decision-making processes to EJ and impacted communities. Permit decisions are made without meaningful notice or input from impacted communities.
<b>Accountability</b>	Poor	DOGGR repeatedly has failed to enforce even its own regulations regarding steam-injection, and there have been no consequences for DOGGR or for oil companies violating those legal requirements. For example, for many years, including 2018, there was a regulation that prohibited injection at pressures high enough to fracture subsurface formations; however, the DOGGR continuously failed to enforce the rule. Rather than penalize those violations, DOGGR proposed in 2018 to update the regulation to make the practice lawful, rather than enforce it. The regulation adopted in 2019 no longer contains the prohibition against injection at these higher pressures.
<b>Proactivity</b>	Poor	Outside of efforts around the civic science project, there is little evidence of DOGGR being proactive on issues of environmental justice. DOGGR has no dedicated EJ staff, programs or policies.

## 5. California Public Utilities Commission

*Assessment Leads: CEJA Energy Committee, Communities for a Better Environment, Asian Pacific Environmental Network, and Center on Race, Poverty & the Environment*



The California Public Utilities Commission (CPUC) “regulates services and utilities, protects consumers, safeguards the environment, and assures Californians’ access to safe and reliable utility infrastructure and services.”<sup>13</sup> The CPUC has jurisdiction over privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies. There are five appointed Commissioners and staff that are dedicated to “ensuring that consumers have safe, reliable utility service at reasonable rates, protecting against fraud, and promoting the health of California’s economy.”<sup>14</sup>

For the 2018 Assessment, the five main areas of CEJA’s work before the CPUC were:

- **AB 327 Net Energy Metering (NEM) 2.0 Proceeding.** AB 327 expanded access and created a pathway for community solar. In the NEM 2.0 decision, CEJA advocated for two decisions that prioritize a 20% bills savings and community-based solar projects in low-income communities. In particular, Commissioner Guzman-Aceves proposed a twelve year solar rebate program that expands Single-Family Affordable Solar Homes (SASH) in low-income communities.
- **Solar on Multi-family Affordable Housing (SOMAH):** The CPUC considered feedback and advice from EJ advocates to implement SOMAH by selecting program administrators with a strong focus on working with community-based organizations, approving a SOMAH guidebook, and planning for the first phase of implementation.
- **San Joaquin Proceeding:** In response to AB 2672, the CPUC created a pilot program to invest in renewable energy projects in disadvantaged communities within the San Joaquin Valley. In 2018, the CPUC awarded over \$56 million dollars for 11 projects within low-income communities.
- **Electric Program Investment Charge (EPIC):** The Commission improved transparency and accountability to disadvantaged communities through a decision that requires utilities to better incorporate community input

<sup>13</sup> California Public Utilities Commission. <http://www.cpuc.ca.gov/>. Accessed: April 1, 2019.

<sup>14</sup> *Id.*



and maximize opportunities to locate projects that benefit EJ communities. The Commission committed to better integrating community input and to providing technical support and training on how to engage in EPIC proceedings to interested community organizations within disadvantaged communities.

- **Integrated Resource Planning (IRP):** In February 2018, the CPUC issued a landmark decision in the Integrated Resource Plan proceeding that requires utilities and other energy providers to prioritize disadvantaged communities most impacted by air pollution and climate change in future planning efforts. The CPUC also defined disadvantaged communities as the top 25% of communities in the state with the highest pollution and socio-economic burdens. The CPUC found that existing natural gas plants in the state are disproportionately located in, and thus disproportionately impact, disadvantaged communities.

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**Although the CPUC overall scored well as to our EJ principles, it must improve its ability to timely launch projects and continue to work closely with disadvantaged communities through project completion.**

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The CPUC made meaningful advancements in engaging and centering EJ communities. The Commission created a Disadvantaged Community Advisory Group (DAC-AG) that included Community Based Organization (CBO) leaders. The CPUC adopted environmental and social justice action plans, such as the San Joaquin Proceeding in which the Commission proactively sought community input and engaged the local EJ organizations. It

improved its work through its IRP, in which the Commission took a firm position on the impact on disadvantaged communities and included criteria to consider pollutants. The CPUC made strides by proactively engaging communities and supporting EJ recommendations within the Green Tariff Program, and introducing the Climate Adaptation Proceeding.

The CPUC's inability to get the SOMAH program implemented in a timely and accountable manner was a significant challenge. The biggest failure for the CPUC, specifically the Energy Division, was the lack of accountability and transparency in a serious decision regarding SOMAH administration funds made over the summer without notice to the Program Administrator (PA) or implementing CBOs. By approving utility requests for extraordinary funding, it depleted funds necessary for the community implementation by the PA and CBOs and further delayed implementation. Due to the Commission's subsequent action that course-corrected, implementation, while delayed, is now able to move forward.



Although the CPUC overall scored well as to our EJ principles, it must improve its ability to timely launch projects and continue to work closely with disadvantaged communities through project completion. We are monitoring how the CPUC handles decisions and issues regarding utility responsibility for California wildfires and mitigation plans, and hope that communities and equity are prioritized.

California Public Utilities Commission (CPUC)		
(Program: NEM 2.0, SOMAH, EPIC, IRP, San Joaquin Proceeding)		
Overall Grade: B+		
Principle	Assessment	Reasoning
Prioritize and value prevention, human health, and improve quality of life	Good	The CPUC has done well in prioritizing human health. The San Joaquin Proceeding is an example of the CPUC prioritizing health in energy decisions, in which the CPUC awarded the community \$56 million for a renewable energy pilot project that initiates a critical shift in energy usage. In the IRP proceeding, the CPUC required utilities to develop and apply evaluation criteria to consider the impact of air pollution on disadvantaged communities and detail plans to minimize this pollution. The CPUC also required consideration of the necessity of new or long-term contracts with natural gas plants and whether the need can be met by other less-polluting resources.
Do no harm	Good	The IRP decision requirements to consider air quality and community input are essential for ensuring that communities most impacted by air pollution and climate change are not left behind. The CPUC's Resolution 4909 required a utility to procure energy storage resources, rather than keep natural gas plants online. This type of leadership will be essential as California starts to phase out natural gas facilities. Importantly, replacing aging natural gas facilities with energy storage and other preferred renewable resources can decrease harm immediately in EJ communities.
Prioritize environmental justice communities	Fair-Good	<p>In the AB 327 (NEM) proceeding, the CPUC issued a decision requiring that projects must be sited in a top 25% disadvantaged communities based on CalEnviroScreen. Priority will also be given to low-income CARE-eligible and FERA-eligible residents living in EJ communities. 50% of the subscribers to the Green Tariff Shared Renewables Program must be low income customers. The CPUC ruled in favor of more restrictions to promote smaller, community-based projects. Residents who received CARE/FERA discounts will now enjoy an additional 20% off their total bill, which is an important and necessary benefit to improve community members' quality of life.</p> <p>Within SOMAH, the CPUC did well in selecting the Program Administration team by listening to and incorporating EJ community feedback in the decision. Regarding the IRP, the CPUC requires that utilities planning for new resources or long-term contracts seek input from disadvantaged communities that could be impacted by the potential resources.</p>
Meaningful community engagement	Fair-Good	<p>The Public Participation Workshops led by the CPUC were authentic attempts to increase meaningful community engagement. These statewide workshops were productive because they focused on key concerns, such as the lead time necessary to give community members opportunities to engage in the process.</p> <p>In the San Joaquin Proceeding, the CPUC initiated a robust conversation with the community that provided a positive result reflective of meaningful community engagement. The funding set aside for CBOs to collaborate on a pilot project is a direct reflection of the public comment and meaningful opportunity for community engagement.</p> <p>CEJA was pleased to see more initiative taken by the CPUC to engage the community, including more local hearings throughout the state. The CPUC has initiated a process to evaluate public participation and has taken steps to reduce barriers to participation, such as making transcripts public.</p>

<b>Responsiveness</b>	Fair-Good	<p>In the AB 327 (NEM) proceeding, the CPUC was responsive to the concerns raised by CEJA. Initially, the administrative law judge was disinclined to provide tangible community solar options, but the Commission was receptive to our concerns and created a process that focused on providing more benefits to EJ communities. The decision resulted in another step forward to increase community solar accessibility for EJ communities.</p> <p>Many of the concerns raised by EJ communities were considered and included in the final decisions in multiple proceedings, including the SOMAH and the IRP proceedings. Within SOMAH, the final decision included our requests to focus the program on disadvantaged communities, offsetting low-income tenants' energy bills, and prioritizing local hires. Within the IRP, the CPUC responded to our requests to require the consideration of disadvantaged communities and impacts of pollution in the planning processes. This is a fundamental shift from viewing communities as an afterthought to a core consideration.</p>
<b>Transparency</b>	Fair	<p>The CPUC has improved its transparency processes by conducting workshops across the state to solicit feedback, and openly consider steps such as Commissioner office hours and making technical language more community accessible so the public can more readily follow proceedings.</p> <p>The CPUC still has an opaque decision-making process. Timelines of hearings and decisions are often shifted without sufficient notice, making it difficult for community advocates to engage in the process and even more difficult for community members to participate. Commissioners agree to ex parte meetings instead of scheduling all-party meetings that give both parties a chance to hear and respond to each others' concerns. We have concerns with the Energy Division's decision approving administrative funding requests from the utilities with SOMAH funds, which were made without notice. As a result, the program was delayed with increased potential for mismanagement.</p>
<b>Accountability</b>	Fair	<p>The CPUC's accountability is improving. The Commissioners' willingness to travel outside of Sacramento to reach EJ communities is an important step towards public accountability, such as in the San Joaquin proceeding. It remains unclear to whom the CPUC is ultimately accountable. For example, the CPUC failed to be accountable to community based organizations as it delayed SOMAH implementation for several months. These delays woefully limited and set back opportunities to engage with and build projects in EJ communities in a timely and effective manner.</p>
<b>Proactivity</b>	Good	<p>The CPUC demonstrated that it is moving in a good direction when it comes to proactivity. For example, it opened the Climate Adaptation Proceeding, which was not ordered by statute. The CPUC was deliberate in advancing the proceeding in an open and productive way. The Commission was also proactive in the San Joaquin proceeding, and we appreciate that the pilot program was initiated on its own accord as an avenue to provide affordable energy.</p>



## 6. California State Lands Commission

### *Assessment Leads: Communities for a Better Environment and EJ Working Group*

The State Lands Commission has jurisdiction over tidelands and state waters. These lands are often the site of large oil and gas facilities, such as refineries and marine terminals that receive oil tankers. SLC's mission is to provide "effective stewardship of the lands, waterways, and resources entrusted to its care through preservation, restoration, enhancement, responsible economic development, and the promotion of public access."<sup>15</sup>

The State Lands Commission (SLC) took a significant step forward in 2018 through its commitment to listening to the Environmental Justice Working Group and other members of the environmental community and public concerning its EJ policy. In December 2018, at a public meeting in San Diego, the SLC approved an update to its Environmental Justice Policy that includes recommendations by the EJ Working Group, as follows<sup>16</sup>:

- Honor the importance of Native Californian's ancestral homelands;
- Increase equitable public access to state lands and resources;
- Practice inclusion of EJ communities in decision-making;
- Prevent pollution from oil and gas, as well as ports and transportation; and
- Analyze benefits and burdens of projects in a more equitable manner.

We appreciate that the SLC respected the recommendations of EJ Working Group and strengthened its EJ Policy by incorporating them. We urge the staff to actively implement the SLC's newly amended EJ policies. This requires a cultural shift in the SLC's understanding of and approach to its mission, especially its responsibilities to frontline communities that bear the brunt of fossil fuel impacts as explored in the EJ Working Group's report documenting various case studies.<sup>17</sup>

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**We urge the staff to actively implement the SLC's newly amended EJ policies. This requires a cultural shift in the SLC's understanding of and approach to its mission, especially its responsibilities to frontline communities that bear the brunt of fossil fuel impacts**

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<sup>15</sup> California State Lands Commission. <http://slc.ca.gov/About/Overview.html>. Accessed May 1, 2019

<sup>16</sup> Communities for a Better Environment. "Equity groups encouraged by State Lands Commission's new Environmental Justice Policy." December 4, 2018. <http://www.cbca.org/wp-content/uploads/2018/12/STATELANDS-PRESS-RELEASE.pdf>.

<sup>17</sup> Environmental Justice Working Group. "Environmental Justice Working Group Case Studies. November, 2018. <http://www.healthyworldforall.org/en/pdf/EnvironmentalJusticeWorkingGroupCaseStudies.pdf>.

California State Lands Commission		
(Program: Environmental Justice Policy)		
Overall Grade: Incomplete (Until 2019 implementation of EJ Policy)		
Principle	Assessment	Reasoning
Prioritize and value prevention, human health, and improve quality of life	Good	The State Lands Commission underwent a comprehensive nine-month process of crafting an Environmental Justice Policy (EJ Policy) that examines the impacts of permits, leases, and land-use policies regarding energy systems (such as under-water gas drilling or renewables in desert land). The new EJ Policy explicitly identifies a process for responsible decommissioning of oil and gas facilities, while exploring how to advance renewables on state lands that prioritize clean air, jobs, climate equity, and environmental justice.
Do no harm	Good	Within the EJ Policy, the Commission laid out plans to modify its leasing and permitting processes to include environmental justice analysis, environmental impact assessments, and take steps to mitigate and eliminate undue burdens on communities. The Commission has demonstrated its commitment to making decisions aligned with racial and social equity. The Commission committed to recognizing tribal and ancestral lands and seeking Indigenous perspectives and knowledge as to not replicate past harms in land-use decisions.
Prioritize environmental justice communities	Good	The agency made a deep and authentic commitment to understand and learn about EJ issues. The Commission held several meetings with the EJ Working Group and analyzed case studies, elevated the impacts of pollution to climate change, and named explicit changes in its leasing policies to prioritize EJ issues in its decision-making processes.
Meaningful community engagement	Fair-Good	The EJ Policy is the most forward thinking one of its kind in California. The Commission engaged, supported, and listened to the EJ Working Group that informed the creation of the EJ Policy. The EJ Policy blueprint lays out: a pathway for taking meetings to communities where EJ, marginalized, and other disadvantaged communities can participate in listening sessions; will move the Commission to consider community-oriented energy leases on land; and offers an intentional engagement process for meeting with Indigenous leadership on land-use decisions. We look forward to seeing how this is implemented through 2019.
Responsiveness	Good	After a challenging 2017, the State Lands Commission was very responsive and supportive of the EJ Working Group's policy and process recommendations.
Transparency	Good	The Commission has committed to educating its entire staff on EJ issues, sending EJ knowledgeable staff to engage in meetings in disadvantaged communities, and will commit to providing translated materials at meetings.
Accountability	Good	The Commission was open, transparent, and engaged with the EJ Working Group as it created the EJ Policy and adopted a significant majority of the recommendations. The Commission has committed to implementing an independent EJ Advisory group in 2019.
Proactivity	Fair	The agency had not been proactive on considering EJ policies, nor has it explicitly considered the climate equity impacts of a responsible transition off fossil fuels through decommissioning power plants on state lands. However, throughout the EJ policy process, this has shifted and the Commission has adopted a more proactive position considering EJ climate equity, and decommissioning.

## 7. California State Water Resources Control Board

*Assessment Lead: Leadership Counsel for Justice and Accountability*

The California State Water Resources Control Board (State Water Board) is tasked with regulating the waters of the state, both surface water and groundwater. Its jurisdiction spans the entire state, with regional water quality control boards tasked with protecting water quality within each of the nine regions. The State Water Board takes numerous actions that impact EJ communities, including regulation of drinking water contaminants and discharges; setting and reviewing Maximum Contaminant Levels; creating grant funding guidelines; drafting and revising point of use and point of entry regulations; improving access to affordable drinking water and cleaning up wastewater, which includes implementing a water affordability study as directed by AB 401; reviewing regulations adopted by the regional water boards; acting as a Sustainable Groundwater Management Act regulatory backstop; and overseeing public drinking water systems.



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**We recommend that the State Water Board promptly review, amend, and adopt waste discharge requirements that are strong enough to ensure that contamination does not continue.**

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Our 2018 assessment is based on the State Water Board's efforts to fulfill the right to affordable drinking water and source water protection. Overall, the State Water Board has done a good job addressing the right to safe and affordable drinking water. We appreciate the efforts of the former and current Chair of the State Water Board, both of whom provided steadfast support for Safe and Affordable and Drinking Water legislation in 2018. The Board updated the Human Right to Water portal; utilized tools at its disposal to make sure communities have technical assistance; and identified programs for septic-to-sewer projects to provide safe wastewater service and improve access to clean drinking water. The State Water Board has been diligent and responsive to our requests and questions.

The State Water Board can and must improve when it concerns source water protection, especially with respect to groundwater quality. Instead of addressing the root causes of water pollution, the Board has allowed agricultural dischargers to continue polluting in exchange for the provision of bottled water and/or creation of water kiosks near communities. On review of regional board orders, the Board has failed to adequately uphold binding policies and regulations intended to ensure the protection of source water and beneficial uses, impacting in particular communities and households in unincorporated areas relying on private wells.

We continue to be deeply troubled about the amount of nitrates, among other contaminants, that seeps into sources of drinking water. Water contamination leaves communities in the Central Valley, the Central Coast, and other regions that rely on groundwater without access to clean and affordable drinking water. We recommend that the State Water Board promptly review, amend, and adopt waste discharge requirements that are strong enough to ensure that contamination does not continue. These permits must include more constant and detailed analysis of well systems to ensure that discharges are compliant. We continue to encourage the Board to work with communities to identify long-term solutions to the root cause of contamination in addition to emergency solutions such as bottled water, drinking water kiosks and point of use and point of entry treatment.



California State Water Control Resources Board		
(Programs: Right to Clean Water and Source Water Protection)		
Overall Score: B		
Principle	Assessment	Reasoning
Prioritize and value prevention, human health, and improve quality of life	Fair	The State Water Board has done a good job prioritizing human health on securing safe drinking water, but has fallen short in preventing contamination or pollution of groundwater.
Do no harm	Fair	The Board has not fulfilled its duty to protect sources of drinking water from discharges from irrigated agriculture and dairies. It has failed to enforce its own binding policies which, among other things, require that it consider the interests of community residents who rely on groundwater for drinking water prior to allowing water quality degradation.
Prioritize environmental justice communities	Good-Fair	The Board has done a good job at being responsive and addressing EJ communities in its drinking water and wastewater programs.
Meaningful community engagement	Fair-Good	State Water Board staff have generally been responsive to community residents. For example, in the Coachella Valley, the Board did a good job engaging communities regarding Salton Sea issues. It was encouraging to see the Board engage residents who are not always able to advocate for policies in Sacramento. On the other hand, the Water Board should have acted with more urgency in supporting drinking water consolidation, especially when local jurisdictions delayed critical drinking water solutions for rural and marginalized communities.
Responsiveness	Good	The State Water Board has been very open to meeting with CEJA, including taking calls, meetings, and addressing concerns and ideas thoughtfully. The Board has been responsive and open to critique and willing to find new solutions.
Transparency	Good	For the most part, the Board makes efforts to share information and make it accessible to the public. For example, the Board did a good job in updating the Human Right to Water portal with accessible and useful information. It would be helpful for the Board to further engage communities by holding rotating meetings, using CARB's efforts as a model.
Accountability	Fair	The Board has shown accountability in its responsiveness to community questions, critiques, and requests for data transparency. However, we have not seen the Board commit to holding dischargers accountable for contaminating groundwater. This is a significant concern for CEJA as this fails to create long-term and systemic solutions for rural communities of color.
Proactivity	Fair-Good	The Board has been proactive in identifying tools and resources needed to realize the promise of the Human Right to Water. It should be more supportive of policies and programs that get these tools and resources to communities faster. The Board must be more aggressive in strengthening and enforcing water quality regulations and binding policies, such as the Antidegradation Policy.

## 8. California Strategic Growth Council (SGC)

*Assessment Leads: CEJA, Center on Race, Poverty & the Environment, and Leadership Counsel for Justice and Accountability*



The California Strategic Growth Council (SGC) works to “support a healthy, vibrant and resilient California.” SGC oversees the state’s multi-agency efforts to create sustainable communities, improve air and water quality, protect natural resources, increase affordable housing, improve transportation, and help California meet its SB 32 goals, among other priorities. SGC makes recommendations on the state’s policy and investments strategies, and administers grants and loans.

To support sustainable and equitable development throughout our state, SGC oversees two important California Climate Investments programs: the Affordable Housing and Sustainable Communities (AHSC) Program, and the Transformative Climate

Communities (TCC) Program that was created by AB 2722 (Burke) in 2016. While 50% of AHSC funds are dedicated to disadvantaged communities, the TCC Program is notable for its 100% focus on serving EJ or disadvantaged communities by using large scale resources to fund comprehensive plans at the neighborhood level that reduce greenhouse gas emissions and provide other important community co-benefits.

In 2018, CEJA worked to ensure that strong EJ values remained at the heart of the TCC Program, such as meaningful community involvement and the ability to serve the state’s most disadvantaged communities.

The Strategic Growth Council has consistently performed well when it comes to our EJ principles. We commend SGC for its ongoing commitment to in-depth public engagement, which includes its work and conversations with CEJA organizations throughout the year. SGC’s engagement efforts stand out in comparison to other state agencies and departments, and are a model for others to follow. We also appreciate SGC’s goal to create a program that can remain sustainable for the long-term, while analyzing ways to expand the program’s reach over time. SGC consistently engages EJ communities for feedback, and responds with intentionality and listening when EJ communities request meetings, or offer feedback. Staff are upfront and transparent in discussing program implementation, and have recognized and respected EJ communities as full partners with expertise in the development of TCC program guidelines.

SGC can improve its performance by finding more effective ways to address the needs of additional disadvantaged communities within the TCC program, and not just incorporate disadvantaged communities that score in the top 5% of CalEnviroScreen (CES) 3.0 results. For instance, the program’s guidelines continue to pose significant barriers for some of our state’s most historically under-resourced EJ communities. We are also interested in learning how SGC will hold TCC grantees accountable for the deliverables that they propose, particularly in how they engage and work in high-need disadvantaged communities without causing any unintended consequences, such as displacement.

As of June 20, 2019, some of California’s high need disadvantaged communities are still ineligible to apply for TCC implementation grants — including disadvantaged unincorporated communities (DUCs) and communities scoring below the top 5% of CES 3.0 results. For the past two years, SGC has awarded 14 Planning Grants to promising communities across the state, including a number of DUCs and EJ communities that fall within the AB 1550 (2016) definition of disadvantaged communities and low-income communities. We strongly recommend that SGC broaden the TCC Program’s eligibility requirements for implementation grants so that more of these communities can apply for and win grants that can bring important and transformative benefits to their region.

California Strategic Growth Council		
(Program: TCC)		
Overall Score: A -		
Principle	Assessment	Reasoning
Prioritize and value prevention, human health, and improve quality of life	Fair-Good	<p>SGC is one of the only state agencies that strives to maximize multiple benefits (such as deep affordability and greening) within the programs it oversees. For the TCC program in particular, SGC has been effective at working with the public to develop comprehensive program guidelines that can create significant local reductions in pollution and greenhouse gas emissions while attracting greater investment dollars, equitable community benefits, infrastructure, high quality local jobs, and anti-displacement protections. The thoroughness of the guidelines are a strong foundation for the TCC program's success, and can serve as a model for other state agencies. The SGC staff are highly involved in each individual TCC application.</p> <p>The TCC program's current eligibility requirements exclude high-need unincorporated communities and rural areas, and can improve by expanding to include them. We have yet to see how well the TCC program will achieve its intended goals.</p>
Do no harm	Fair-Good	<p>SGC has been receptive to a number of CEJA's recommendations for the TCC Program, adding provisions that strengthen the requirements while preventing against harms on local communities. This includes tenant organizing as a strategy to guard against displacement and eliminating the requirement to maintain connectivity with High Speed Rail. In addition to having all applicants develop a Community Engagement Plan and a Displacement Avoidance Plan, SGC required all applicants to submit a Workforce and Economic Development Plan for Year 2 of the TCC Program. Together, these three plans illustrate the agency's intention to bring equitable community development and opportunities to longtime residents living in disadvantaged communities while working to prevent unintended negative consequences. We would like to see even stronger community engagement requirements and anti-displacement safeguards within the program's guidelines.</p>
Prioritize environmental justice communities	Fair-Good	<p>Using the CalEnviroScreen 3.0 (CES 3.0) cumulative impact screening tool, SGC has facilitated the TCC program's focus on disadvantaged communities that experience some of the highest combined pollution burdens and socioeconomic vulnerabilities. While we appreciate SGC's goal to target our state's most impacted communities, we have seen how restricting the TCC program to only communities that fall within the top 5% highest scoring census tracts in CES 3.0 can be very limiting. This strict eligibility requirement is also challenging as many disadvantaged communities beyond the top 5% could greatly benefit from the program's comprehensive approach — particularly disadvantaged unincorporated communities and rural areas that have experienced legacies of neglect. We look forward to working with the agency on including more disadvantaged communities beyond the top 5% in the future.</p>



<b>Meaningful community engagement</b>	Good	<p>SGC was responsive to public comment during the design of the TCC Program's guidelines and required meaningful community engagement throughout all phases, from grant development to implementation. This includes a requirement for lead applicants to sign MOUs with all project collaborators, including community stakeholders — a great model for other state programs to follow. In the past, SGC also visited different regions of the state to conduct outreach and discuss the TCC program with potential applicants.</p> <p>SGC has consistently encouraged CEJA to submit written comments on the draft TCC Guidelines and welcomed discussing our feedback on the program. A number of our recommendations are incorporated into the final version of the guidelines.</p> <p>The program's strong focus on community partnerships and the SGC's public engagement work has encouraged local governments to partner with residents and nonprofit organizations in unprecedented ways to apply for TCC grants and other sources of funding.</p>
<b>Responsiveness</b>	Good	<p>SGC has been highly accessible and responsive to the public during TCC's development and implementation. SGC has often accommodated CEJA's requests for meetings and has been open to our feedback and recommendations during conversations. One CEJA member commented that the agency merits a "very good" score as to responsiveness.</p>
<b>Transparency</b>	Good	<p>We appreciate SGC's willingness to discuss the strengths and challenges of the TCC program with CEJA in order to create a stronger and more effective program. During CEJA's meetings with SGC, both staff and council members openly shared their thoughts and concerns, which has allowed us to problem solve together. While we differ in opinions at times, SGC is upfront when it believes certain options are not feasible and shares its reasoning.</p>
<b>Accountability</b>	Fair-Good	<p>The SGC has been transparent about changes to the TCC program and has followed through on a number of commitments to improve the program. We would like to see SGC make the program further accessible by expanding the eligibility of more disadvantaged communities in the near future.</p> <p>While SGC is working to address some of the challenges that may arise during implementation, CEJA hopes that it will hold all grantees accountable to produce high quality TCC projects and assist with problem solving to ensure their success. It is promising that SGC will not move forward with a grant until all lead agencies meet commitments and program requirements. Maintaining such high standards will help produce positive outcomes for the program.</p>
<b>Proactivity</b>	Good	<p>SGC staff are very proactive and have consistently reached out to different organizations, stakeholders, and communities to encourage them to comment on the TCC guidelines. It is notable that SGC has taken the time to visit and learn about the unique issues facing each region during the grant application process. Whenever issues arise with TCC applicants, SGC intervenes to ensure a high quality program. We appreciate SGC's commitment to strong and meaningful community engagement and believe it sets a much-needed new bar for other state agencies and departments to follow.</p>

## 9. California Coastal Commission

*Assessment Lead: Central Coast Alliance United for a Sustainable Economy (CAUSE)*

The California Coastal Commission's mission is to protect and enhance California's coast and oceans. It plans, regulates, and coordinates environmentally sustainable development on 11,000 miles of our coast, including coastal development permit decisions. Its programs include public education on coastal resources, protecting water quality from pollution, and preventing oil spills. In 2016, the California legislature passed AB 2616 that explicitly authorized the Coastal Commission to consider environmental justice in its permit decisions. Commission staff have proactively reached out to environmental justice organizations if they believe an agenda item may be relevant to EJ, and in 2016, the Commission unanimously opposed a new proposed gas-fired power plant in Oxnard. In 2017, Governor Brown appointed the Coastal Commission's first-ever EJ seat. Although CEJA was disappointed to not have an appointee from an EJ organization, CEJA looks forward to realizing the potential of the new EJ seat to prioritize environmental justice issues.

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**We recommend that the Coastal Commission continue to build relationships with EJ communities to effectively implement its new EJ Policy, learn about EJ issues, and bridge the historic divide between coastal policy and communities of color.**

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The Coastal Commission performed adequately overall in 2018. The Coastal Commission developed its Environmental Justice Policy in 2018, with staff doing some outreach to EJ groups. CAUSE engaged the Coastal Commission on the development and creation of the EJ Policy.

The Coastal Commission made significant strides over the year, which resulted in a 2019 adoption of a stronger and community-grounded EJ Policy. The initial EJ Policy was only three pages long with limited and sparse direction, detail, and guidance on how to use an EJ and equity lens on decision-making. CEJA sought a stronger definition

and guidance on environmental justice to prevent decisions with consequences on low-income and communities of color, while prioritizing areas on which the Commission could focus. The Coastal Commission initially engaged community advocates in limited ways until CAUSE and other partners, such as AZUL, challenged the agency to undertake a more substantive process and demonstrate a deeper, long-standing commitment. As such, the adoption of the EJ Policy was both the most significant failure and improvement of the agency. As stated, the initial EJ Policy demonstrated the Commission's historic lack of engagement with EJ communities, lack of familiarity with issues affecting our communities, and tendency towards non-inclusive and insular policy-making processes. However, after careful critique, the Commission responded with sincerity and a serious commitment to improve these missteps. We appreciated the Commission's intentional engagement with EJ advocates and communities through meetings and listening sessions that resulted in a much stronger and more community-grounded EJ Policy.

The challenges we experienced with the Coastal Commission throughout most of 2018 concerned working to shift the agency's perspective around land-use. We appreciated the Commission's efforts to avoid bad land-use, protect the coastline from development, and secure access to public space. The Commission has historically failed to center EJ communities in its decisions on fossil fuel development and coastal access, such as in the community of Wilmington in Los Angeles. However, we hope the new EJ Policy will help change course and remedy this challenge.

We recommend that the Coastal Commission continue to build relationships with EJ communities to effectively implement its new EJ Policy, learn about EJ issues, and bridge the historic divide between coastal policy and communities of color. We recommend that it undertake a study on access to and quality of coastal land based on race, economic, and EJ lenses. This would be a productive process to identify barriers and opportunities.

California Coastal Commission		
(Program: EJ Policy)		
Overall Score: B -		
Principle	Assessment	Reasoning
Prioritize and value prevention, human health, and improve quality of life	Fair	The Coastal Commission's long-standing priority has been coastal ecosystem health, divorced from human health. For example, the Commission's past focus on water quality failed to focus on human health and the impacts of air quality and other industrial pollution on public access to healthy coastal recreation. While the EJ Policy has prompted some shifts, the Commission has neglected to prioritize the impacts of diesel truck traffic from ports or oil refinery impacts on coastal health, habitats, and human wellbeing.
Do no harm	Good	The Coastal Commission has done a good job in fulfilling its mission by not allowing permits for industrial use along the coasts. We hope that moving forward the Commission will give due consideration to community health.
Prioritize environmental justice communities	Fair-Poor	While the Coastal Commission has largely acted to protect the coasts and prevent its harm, the agency's decisions have not considered human health or environmental justice. We hope that the Commission will apply and integrate the new EJ Policy moving forward.
Meaningful community engagement	Fair-Poor	The Coastal Commission fell short in creating meaningful community engagement through the first half of 2018 and in the initial development of the EJ Policy. The result was a very short, vague, and weak EJ Policy that failed to create processes and metrics for accountability. When the agency presented the draft to EJ communities, the Coastal Commission was challenged to redo the process, which it successfully did. In the latter half of 2018, the Coastal Commission made great strides by bringing in community and EJ partners to the public process to shape and build out the new policy. By 2019, a much stronger EJ Policy was adopted.
Responsiveness	Good	The Commission's staff demonstrated its enthusiasm to work with EJ communities in developing the EJ Policy. The staff are responsive and also reach out to engage. We are pleased to see the Commission shift from the historic neglect of EJ communities to authentically learn, engage, and grow to be responsive to all communities.
Transparency	Fair	The initial EJ Policy development process lacked transparency and engagement with EJ communities. The Commission staff responded productively to criticism and the second phase (the redo) included a transparent process with public meetings and engagement. On the other hand, the process of appointing Commissioners was not transparent.
Accountability	Good	Based on the positive response to community feedback on the initial EJ Policy, the Commission showed itself to be accountable.
Proactivity	Fair	Historically, the Commission has not addressed or included EJ issues, but it is making concerted efforts to now do so. It proactively engaged CAUSE and community partners regarding dunes and all-terrain vehicle (ATV) riding because of the potential upwind impacts on low-income Latinx communities in the area. It remains to be seen if this type of proactivity will cut across different Coastal Commission decisions in the future.

## VI. Agencies to Watch

We have not sufficiently worked with the following agencies to offer a complete assessment; however, we are following and engaging with these agencies in key proceedings and programs in 2019. Based on our EJ principles and emergent work with these agencies, we make the following recommendations:

### 10. California Department of Food and Agriculture

We appreciate the Department of Food and Agriculture (CDFA) leadership's active support in pushing against pesticide use in agriculture to protect source water. The CDFA can continue its support for the right to clean air and water by reconsidering its financial and regulatory support of the dairy digester program, which creates hazardous air quality conditions for nearby communities. The CDFA should invest in sustainable farming and energy practices. We look forward to engaging in productive dialogue with the agency on these issues.

### 11. California Department of Water Resources

We are monitoring the Department of Water Resources' (DWR) Groundwater Sustainability Planning process, which is authorized by the 2014 Sustainable Groundwater Management Act. These planning processes will shape how we protect source water, and decide who has access to clean and affordable drinking water and who is burdened. It is essential that the DWR engage with communities in this planning process, particularly those living with wells and who lack healthy and accessible clean water programs.

### 12. California Energy Commission

We appreciate the California Energy Commission's (CEC) continued focus on prioritizing equity in its efforts to improve access to clean energy. For example, the Electric Program Investment Charge (EPIC) decision requires consideration of disadvantaged communities and working with community-based organizations. This is an improvement, as there are not many decisions that require engagement with CBOs. The CEC has been working to make other public participation and transparency improvements, such as making transcripts public. We are following EPIC and encourage the CEC to strengthen its community engagement process in its implementation. In our experience, it is difficult for community organizations to navigate grants like EPIC. We recommend the CEC to: (1) evaluate community organizations based on the geographic location and demographic profile of their respective communities; (2) develop a survey to inform the creation of a publicly available and active list of past and prospective applicants, categorized by sector; (3) provide an online platform with discussion threads and online meet and greets; and (4) offer technical assistance on grant applications for community-based organizations.

### 13. California Transportation Commission

We are discouraged that the majority of the California Transportation Commission's (CTC) policy, planning, and funding decisions continue to support highways and freight infrastructure without consideration of climate impacts and disproportionate pollution and health impacts to EJ communities. We recommend that the CTC make a concerted effort to: (1) make its processes more transparent, accessible, and inclusive; (2) engage the communities most impacted by transportation inequities and transportation-related pollution; and (3) prioritize the needs and interests of these communities in decision-making.



## VII. Appendix: Environmental Justice Principles for Policy Implementation at Regulatory Agencies

CEJA developed the following principles to assess whether agencies are effectively integrating environmental justice into their policy development and implementation through regulatory proceedings and other actions.

**1. Prioritize and value prevention, human health, and improve quality of life:** These needs must be given full weight in decision-making, not overlooked in favor of business interests or cost effectiveness. Particular concern must be given to the health and well-being of residents in highly impacted neighborhoods.

**2. Do no harm:** Regulatory agencies must commit to actions that do no further harm environmental justice communities. The most egregious decisions are those that actively exacerbate existing environmental health and justice inequalities, which are unfortunately all too common.

**3. Prioritize environmental justice communities:** State regulatory agencies have a responsibility to address the historic legacy and ongoing disproportionate siting of polluting sources and disinvestment in low-income communities and communities of color. This goes beyond simply preventing future harms, to also proactively addressing the impacts of long-standing, disproportionate burdens of pollution. There is an ethical, environmental, and public health imperative to ensure that environmental justice communities are prioritized for targeted resources and programs and receive special consideration within regulatory decision-making by state agencies.

**4. Meaningful community engagement:** Residents in environmental justice communities must have the ability and opportunity to inform design and implementation of policies that impact their health and quality of life. Many agencies use a flawed “decide, announce, defend” process, whereby an agency determines and releases documentation on a policy devoid of any community input, engages with environmental justice communities in public discussions after-the-fact, and ultimately moves forward with implementing their initial proposed policy without incorporating significant feedback from environmental justice communities. Other times, community organizations and members are engaged in dialogue, but agencies do not alter any decisions, even after hearing significant feedback. Environmental justice communities must be engaged early, often, and meaningfully.

**5. Responsiveness:** Agencies must respond, and be willing to address, community concerns once they have been articulated, rather than simply noting them in the public record. Without a clear commitment to responsiveness, community engagement efforts become a “check-box,” rather than a meaningful attempt to work with community stakeholders in policy design and implementation.

**6. Accountability:** As the public stewards of a clean and healthy environment for all Californians, state regulatory agencies must be accountable for any and all (in)actions and commitments made from policy or project inception through implementation, all decision-making processes, and all relevant impacts from their (in)actions, commitments, and decision-making processes, including benefits and harm.

**7. Transparency:** Agencies must be clear in: (a) detailing the processes by which all decisions are made and regularly reviewing the processes to ensure accessibility by communities most impacted by environmental hazards; (b) disclosing all factors and stakeholders that inform and influence all decisions affecting all policies and projects; and (c) describing decisions made, in addition to upholding the principles of engagement and responsiveness outlined above.

**8. Proactivity:** To be truly stellar on environmental justice issues, regulatory agencies need to work proactively and in partnership with environmental justice communities and organizations to develop innovative ways of addressing key environmental justice issues in communities.





CALIFORNIA  
ENVIRONMENTAL  
JUSTICE ALLIANCE

## About the California Environmental Justice Alliance (CEJA)

The California Environmental Justice Alliance is a statewide, community-led alliance that works to achieve environmental justice by advancing policy solutions. We unite the powerful local organizing of our members in the communities most impacted by environmental hazards — low-income communities and communities of color — to create comprehensive opportunities for change at a statewide level. We build the power of communities across California to create policies that will alleviate pollution and poverty. Together, we are growing the statewide movement for environmental health and social justice.

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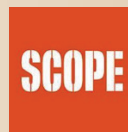
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