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## Environmental Justice Summary

California was one of the first states to codify environmental justice (EJ) in statute, which calls for the "fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."<sup>1</sup>

While environmental justice is about a fair process, many people also recognize that fair outcomes must also result from government decisions.

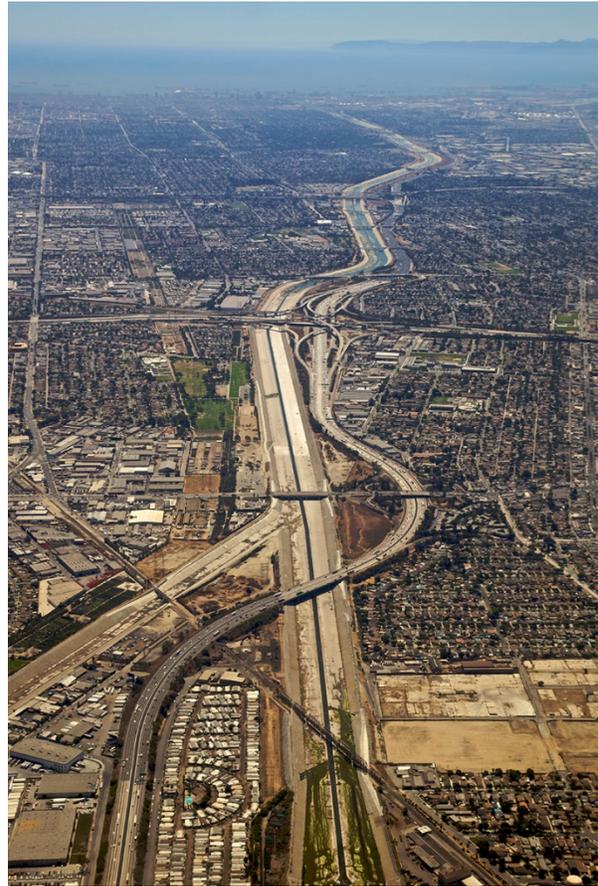
DTSC established a new executive-level staff position, Assistant Director for Environmental Justice and Tribal Affairs, whose primary responsibility is to ensure that DTSC protects communities most burdened by pollution, and those most vulnerable to its effects. Since starting in July 2015, the Assistant Director has listened and learned about many concerns from EJ communities, and aims to facilitate increased and improved communication, ensure the department can improve actions at specific sites in communities, use those opportunities to identify systemic problems, and find and implement solutions.

The Assistant Director has been working to develop a comprehensive EJ strategy for the department, which includes, 1) identifying any hidden biases and inequities in programs; 2) emphasizing and achieving frequent and ongoing community engagement; and 3) promoting problem solving and addressing of community concerns across the department's programs and its work.

In order to better understand and prioritize work to benefit EJ communities, DTSC is making use of the CalEnviroScreen tool, which is a screening methodology that can be used to help identify California communities that are disproportionately burdened by multiple sources of pollution. This is just one tool being used in the development of an enhanced review process for EJ communities.

### STRENGTHENING THE ENFORCEMENT OF SAFEGUARDS IN EJ COMMUNITIES

Currently, DTSC is participating in a CalEPA Environmental Justice Enforcement Initiative, which focuses on specific communities that contain multiple sources of pollution and are disproportionately vulnerable to the effects of such pollution. This initiative enhances communication with community members and



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<sup>1</sup> Gov. Code, § 65040.12, subd. (e).



EJ considerations in compliance and enforcement. Last year's pilot took place in Fresno, and an LA initiative in Boyle Heights and Pacoima is currently underway.

DTSC also participates in IVAN networks (Identifying Violations Affecting Our Neighborhoods) which is a community-led initiative that incorporates community experiences and government expertise to address environmental hazards in communities. Community members can report a suspected environmental violation online, and monthly in-person task force meetings provide a space for regulators and community members to address the issue. The DTSC enforcement program's Enhanced Enforcement Initiative in Vulnerable Communities is also taking a closer, systematic look at metal recyclers and hazardous waste transporters in EJ communities.

The department is in the final stages of adopting a Supplemental Environmental Projects (SEP) policy. SEPs are projects that can be undertaken by a violator to offset a portion of the penalty. The DTSC SEP policy promotes a community nexus and commitment to environmental justice, which is in line with the recent signing of AB 1071, the Assembly Speaker's bill requiring CalEPA to adopt a SEP policy to benefit disadvantaged communities.

### **DEVELOPING MORE MEANINGFUL COMMUNITY ENGAGEMENT PRACTICES**

DTSC has contracted with the UC Davis Extension Collaborative Center to develop recommendations and help the department implement an enhanced public engagement strategy, focused in communities where there are multiple sources of pollution and residents are most vulnerable. The team has conducted individual community and internal interviews, drafted recommendations, and will start focus groups and assist in implementing changes in early 2016.

### **INTEGRATING EJ CONCERNS INTO PERMITTING DECISIONS**

With respect to permitting, many environmental justice groups who organize for improved policies advocated for enactment of several bills that the legislature passed and the governor recently signed into law. AB 1075 requires the department to consider repeating and recurring patterns of violation or noncompliance as compelling cause to deny, suspend, or revoke a hazardous waste facility permit. SB 673 also calls for broad programmatic reforms to the permitting program, including strengthening environmental justice safeguards, enhancing enforcement of public health protections, and increasing public participation and outreach activities.

The department has already initiated efforts and conducted pre-rulemaking activities that will implement some of requirements of the new legislation. For example, the Permitting Enhancement Work Plan includes two specific EJ goals that DTSC is developing and implementing: Goal 7, Inform the Public of Progress in Processing Permits; and Goal 8, Identify and Address EJ Concerns Early in the Permitting Process. Further, Goal 8 includes the development of an enhanced review procedure to include a list of potential health concerns and mitigation measures. The department has also started informal public feedback sessions on a draft Violation Scoring Procedure, which aims to clarify how a



facility's compliance history will be used as a basis for determining when violations justify denial of a permit application or revocation of a permit.

### **REDUCING WASTE THAT CAN THREATEN EJ COMMUNITIES**

Another current effort is the Community Protection and Hazardous Waste Reduction (CPHWR) Initiative. The CPHWR Initiative will to select up to three pilot-scale projects with the potential to accomplish the following: 1) reduce hazardous wastes generated, treated or disposed in significant quantities in California; 2) identify hazardous wastes generated in California that can pose substantial risks or hazards to human health or the environment; and 3) identify hazardous wastes that are generated, treated, or disposed in California communities that are disproportionately burdened by multiple sources of pollution.

DTSC's Safer Consumer Products Program also aims to reduce toxic chemicals in the products that consumers buy and use. It examines the potential for exposure to cause significant or widespread adverse impacts, and also considers additional factors such as impacts on sensitive populations, waste and end-of-life impacts, and the availability of safer alternatives.