

ROUGH DRAFT

6/24/15

June 24, 2015

Dear Supervisor xxx:

On behalf of the Contra Costa County Hazardous Materials Commission, I am writing you to express our concerns about the implementation of the County's Environmental Justice Policy. As you are aware, the Hazardous Materials Commission has strongly supported the need to address Environmental Justice concerns, first by preparing a report in 2000 recommending that the Board of Supervisors declare the County's commitment to Environmental Justice, and then working with the County Departments to prepare a report that led to the development of a County policy on Environmental Justice in 2003. While it is evident that the County does much to engage residents on environmental issues and implement its programs in a fair manner, the Commission believes that more needs to be done to fully implement the County's Environmental Justice policy.

In 2008 the Commission undertook a comprehensive review of the implementation of the County's Environmental Justice Policy which resulted in the Commission making a number of recommendations to the Board of Supervisors to improve its implementation. (see attached letter) In the ensuing years, the Commission has encouraged the Board of Supervisors to implement these recommendations, but as of yet, none have been implemented. This year, the Hazardous Materials Commission undertook another review of the implementation of the County's Environmental Justice Policy by sending a questionnaire to the Agriculture, Conservation and Development, Health Services and Public Works Departments, as these are the departments with the most direct activities related to the environment.

The Commission received written responses from the Agriculture, Conservation and Development and Public Works Departments, and a presentation from the Health Services Department. The Commission reviewed these responses and has reached the following conclusions based on this review:

- 1) The lack of written Environmental Justice Policies and assigned Environmental Justice coordinators for the Departments means the Departments rely on their existing standard procedures for engaging the public in their activities.
- 2) These standard procedures, while meeting the requirements of the laws governing the department's activities, may not necessarily empower the most impacted residents to effectively engage with the Departments in the development of their programs, or to fully utilize their services.
- 3) None of the County Departments interviewed seem to have a comprehensive method for evaluating successful implementation of the County's Environmental Justice policy, so there is really no way of knowing if the efforts by the Departments to engage the public and implement programs fairly are adequate to address the County's Environmental Justice policy.

The development of Environment Justice policies grew out of a realization that low-income communities of color throughout the Country, including Contra Costa County, bore a disproportionate burden of environmental pollution. The reasons for this disparate burden were many and complex, but included historic land use development patterns, and legislative and regulatory decisions that occurred due to both institutional biases and a lack of the ability of the impacted communities to effectively engage in, and advocate for themselves when decisions were made that impacted their health. The County's Environmental Justice policy was created to help ensure that future decisions did not follow these same patterns and yield similar results. Achieving these goals takes deliberate, concerted effort to closely examine institutional decision-making processes and to facilitate true engagement of those potentially impacted.

While the Commission has seen many examples of the County addressing Environmental Justice concerns, such as implementation of the County's Industrial Safety Ordinance and the successful multi-departmental effort to reduce illegal garbage dumping in the residential areas of North Richmond, the Commission has also been presented evidence of illegal dumping in the industrial area of North Richmond that effective implementation of the County's Environmental Justice policy may have mitigated. Also, despite a reduction in the number of accidental chemical releases and fires in the County, and an overall reduction in the level of pollution, health disparities still exist between various regions, races and income levels in the County. The health disparities are also caused by a complex number of factors, but environmental burden can be a contributing factor for many of them. The Commission believes that as long as disproportionate pollution burdens and health inequities exist within the County, a robust implementation of the County's Environmental Justice policy is warranted.

The Commission believes the Departments can implement more rigorous evaluations of their practices to determine if they are, in fact, implementing their programs fairly in the spirit of the Environmental Justice policy, and do more to identify and engage impacted communities. But they need the Board of Supervisors guidance, leadership and support to do so. They also need support from the community at large, and the Hazardous Materials Commission is available to lend this support, whether it is to facilitate public educational forums on environmental topics, like the forums the Commission sponsored on prescription drug disposal and pipeline safety, or to work with Departments on developing policies and programs, like it did with the development of the original 2003 policy and solid waste pilot.

The Commission looks forward to further discussing this matter with the Board of Supervisors, and working with the Board and the Departments to further the cause of Environmental Justice.

Sincerely,

George Smith