

ROUGH DRAFT  
Operations Committee edits 7/10/15

July 10, 2015

Dear Supervisor xxx:

On behalf of the Contra Costa County Hazardous Materials Commission, I am writing you to express our observations concerning 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, 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 many of 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 County residents on environmental issues and implement its programs in a fair manner, the Commission believes that more needs to be done to fully and more effectively implement 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 communities. 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 county residents potentially impacted.

In 2008 the Commission undertook a comprehensive review of the implementation of the County's Environmental Justice Policy which resulted in the Commission recommending that the Board of Supervisors reinstate the Environmental Justice Coordinator position to meet with Department representative periodically and report their efforts annually (see attached letter). In the ensuing years, the Commission has encouraged the Board of Supervisors to implement these recommendations, none of which, per our review, have yet to be 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 County's Environmental Justice Policy .

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 each of these County's Departments means the Departments rely on their existing standard operating procedures for engaging the public in the Department's daily activities.
- 2) These standard operating procedures, while meeting the requirements of the laws governing each of the department's activities, may not necessarily enable the most impacted residents to effectively engage with each of the County's 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 no way to know 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 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 to aid in reducing those inequities. 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. However, opportunities remain for improvement. Recently, the Commission was 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 if there had been a more coordinated departmental response. Also, health disparities still exist between various regions, ethnic groups and income levels in the County despite a reduction in the number of accidental chemical releases and fires in the County, and success in reducing the levels of some environmental pollutants. These health disparities are caused by a complex interaction of a number of socio-economic factors, but environmental burden can be a contributing factor for many of them.

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 County's Environmental Justice policy, and do more to identify and engage impacted communities. However, the County Departments need the Board of Supervisors guidance, leadership and support to do so. As a first step, the Commission recommends that the Board of Supervisors reinstates the Environmental Justice Coordinator function that was required as part of the original policy. 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 discussing this matter further with the Board of Supervisors, and working with the Board and the County Departments to fully implement the County's Environmental Justice Policy, in both spirit and practice.

Sincerely,  
George Smith, Hazardous Materials Commission Chairperson