

California Communities Against Toxics
P.O. Box 845 * Rosamond, CA 93560
661-273-3098
www.stoptoxics.org

Cal/EPA-EJ Program
1001 I Street, 25th Floor
Sacramento, CA 95814

September 10, 2003

Dear Advisory Committee Members,

Thank you for the opportunity to comment on the Recommendations of your committee to the Cal/EPA Interagency Working Group on Environmental Justice. California Communities Against Toxics (CCAT) is a coalition of 85 community-based environmental justice and health advocacy groups in California. We were founded in 1989 at the Santa Isabel church in East Los Angeles after a march held by the Madres del Este Los Angeles to protest the proposed hazardous waste incinerator in Vernon. We are the oldest environmental justice coalition in the nation, and are committed to advancing environmental justice in California.

We are proud of the work that this committee has done to address the serious issues of inequity and environmental health in California. While initially skeptical that this process would yield consensus on meaningful steps that state agencies could take to advance environmental justice in California, we are pleased to see many of the recommendations that we have advocated for the last decade included in these recommendations. We realize that the difficult work will come when the agencies go to implement these recommendations in measurable and meaningful ways, and we are dedicated to seeing that process through.

We offer the following comments to the Recommendations:

Goal #1-The members of CCAT have extensive experience dealing with the agencies in CalEPA and have generally felt that there is little understanding of environmental justice and its impacts on communities. They feel that while the directors of these agencies and some of the upper management may be sympathetic to the plight of disenfranchised communities, often line staff and some senior management treat community members with a lack of sensitivity and sometime outright hostility. Therefore, we recommend that an additional element be added to the criteria on page 18, preferably at the top of the list in Guidelines and Staff Training that would address the issues of agency culture on environmental justice. Ideally, a performance criteria would be created for each agency and would be included in their yearly evaluation. Suggested language for this recommendation could be:

Create an agency culture that is sensitive and knowledgeable to the differences in communities and cultures, and creates, from the line staff to the director, an acceptance of those differences.

Under availability of information, agencies should have a performance criteria that they are in compliance with the public records laws, and that compliance with these laws is the responsibility of every staff member.

Under relationship building, there should be a recommendation that creates measures of success for positive community-agency interactions and a reporting requirement so that those measures can be shared among all the agencies of the CalEPA. The results of these measures should be included in the Report that Cal EPA does each year so the public can track incremental success.

Each agency should have an advisory board that includes community representatives and meets quarterly or semi-annual similar to the External Advisory Board at DTSC. This board could also help guide the agency with its implementation of the recommendations.

Under Goal #2, Site Remediation we suggest changing the wording from “Recognizing that sites posing the greatest health risk”....be changed to “sites that have the highest potential for exposure”.

We have great concerns about the recommendation that guidelines for cleanup be based on the intended use of the site. If lead contaminated soil can be cleaned up easily from a site, it should be cleaned up no matter what the intended use of the site it. Cleanups also need to do a better job of considering the uncertainty that is inherent in our chemical regulatory system i.e. that we have a dirth of knowledge about the toxicity of most of the chemicals we are being exposed to and that are on contaminated sites.

Under Goal #3, we support a recommendation that has all agencies adopting a policy that it will not fund or participate in research that does not comply with the Responsible Research Criteria established by the state’s Biomonitoring Planning Committee or the National Institute of Environmental Health Sciences Participatory Based Public Research criteria develop in partnership with West Harlem environmental justice advocates.

We strongly suggest the committee take the time to establish measurable objectives for its key recommendations and recommend that agencies report yearly on those measurable objectives. For example, establishing a timeline for the Air Resources Board and the local air districts to update their emissions inventories, establishing a reporting mechanism for agencies to report to the public how many complaints they have had regarding the agency’s failure to comply with public records laws, creating a report documenting how the agencies are consulting with and providing greater involvement opportunities for the public.

We would recommend that the committee needs to create a subcommittee to establish measurable and reportable objectives for its recommendations to assist the agencies’

ability to track performance with the recommendations, and also establish an auditing mechanism by an outside institution (the legislature, a university, a board charged to periodically perform such an audit) to track performance of these objectives and report this to the legislature and the public.

General Comments:

The fact that we have grossly inadequate information on the toxicity of most of the chemicals in commercial production needs to inform this document. The implementation of precaution in standard setting doesn't make sense to the public without a clear understanding of just how inadequate our information on the exposure to chemicals in our environment and their resulting health effects, is. In a world where uncertainty plays a big role, we have certainty on many important facts that can inform the implementation of a more precautionary approach to pollution and its regulation:

We know that for the majority of the over 3,000 high production volume chemicals (HPV) in production that we do not have lab methods to find these chemicals in land, air, water, or the human body.

We know that for the majority of HPV chemicals we do not have even basic information on their toxicity, i.e. are they carcinogenic, are they are a reproductive toxin, do they affect the brain of the developing child, do they bioconcentrate, will they harm fish, birds, or other mammals, are humans being exposed to these chemicals, etc...?

Our ability to factor in these uncertainties in our standard setting process has failed over and over to protect human health, with some notable examples being: The current debacle over TCE cleanup standards for water (groundwater that was cleaned up to one standard must be pumped out and retreated now that new information about human toxicity has been discovered). The finding of perchlorate, an unregulated chemical, in many of the state's groundwater aquifers and the Colorado River after new lab methods were found to detect it and scientists found that it was toxic to the fetus and infants. The widespread exposure of the public to pthalates found in the NHANES study, presumably from food and consumer products; pthalates are known to cause premature birth and reduce sperm counts.

Each of these examples underscores that we do not have an effective chemical regulatory process and that often the uncertainty embodied in our chemical regulatory system is foisted off on communities of color and low-income rural communities. It is important to note that environmental justice refers to many inequities relating to environmental quality (i.e. a lack of parks in the inner cities, lack of accessibility to political power at the local government level, lead poisoning in housing), but it clear that exposure to chemicals is a key driver for many communities involved in environmental justice struggles.

In conclusion, we strongly support the recommendations of this committee and hope that these comments have been helpful. Again, we are very pleased with the work the committee has done and recognize that it has not always been easy sailing. Our congratulations on your patience with each other, and your perseverance in promoting environmental justice for the people of California.

Sincerely,

Jane Williams
Executive Director