

# San Francisco Bay Conservation and Development Commission

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**TO:** Environmental Justice Commissioner Working Group Committee Members

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**SUBJECT: Agency Analysis of Environmental Justice and Social Equity Efforts to Inform Potential Bay Plan Amendment**  
(For Environmental Justice Commissioner Working Group consideration on May 3, 2018)

## Background

On July 20, 2017, at the culmination of the commissioner workshop series on rising sea levels, the Commission voted to initiate a process to consider amendments to the San Francisco Bay Plan (Bay Plan) in order “to address social equity and environmental justice” by updating policies in certain sections of the Bay Plan, specifically:

- Shoreline Protection;
- Public Access;
- Mitigation; and/or
- Adding a new section on Social Equity and Environmental Justice.

At the first Environmental Justice Commissioner Working Group meeting on April 5, 2018, members discussed other state and regional agencies’ efforts on environmental justice. As part of their background research, staff has prepared an analysis of how other agencies are addressing environmental justice and how those efforts could inform BCDC’s Bay Plan amendment process.

### Questions for the Commissioner Working Group to consider:

1. How do you see BCDC’s environmental justice and social equity work fitting into the environmental justice movement in the state and region?
2. What coordination opportunities do you anticipate between state or regional partner agencies in supporting ongoing environmental justice efforts?
3. Are there additional agency initiatives not listed below from which BCDC could learn?

## Background Research on State and Regional Agency Efforts

**Governor’s Office of Planning and Research.** The Governor’s Office of Planning and Research (OPR) is responsible for long-range planning and research as the comprehensive state planning agency. OPR has many functions including coordinating environmental justice efforts in California.<sup>1</sup> Since 1999, pursuant to SB115, OPR has coordinated efforts and shared information with state and federal agencies on environmental justice.<sup>2</sup> OPR’s environmental justice efforts have included listening sessions and tours, developing models for community partnerships, employee trainings, and assisting agencies in developing environmental justice policies and practices.

Pursuant to Executive Order B-30-15, which directed state agencies to integrate climate change into all planning and investment, OPR convened a technical advisory committee to develop implementation guidance, *‘Planning and Investing for a Resilient California,’* which includes an “Equity Checklist” in Appendix C.<sup>3</sup> In 2015, SB246 directed OPR to create the Integrated Climate Adaptation and Resilience Program (ICARP) to aid in the coordination of climate change adaptation efforts throughout the state.<sup>4</sup> Both components of the program, the State Adaptation Clearing House and the Technical Advisory Committee (TAC) include elements of environmental justice and equity.<sup>5</sup> The clearinghouse has “Equity and Environmental Justice” listed as one of its topic areas with relevant resources for climate change adaptation and resilience practitioners.<sup>6</sup> The TAC includes members from environmental justice organizations and in April 2018, defined the term “vulnerable communities” to inform OPR’s efforts in implementing SB246.<sup>7</sup>

In 2017, OPR released updated General Plan Guidelines, which outlines the statutory requirements for SB1000, which requires local governments to include an environmental justice element in their General Plans (or alternatively, to add environmental justice considerations to each element of their General Plan). The 2017 guidance also contains policy guidance on healthy communities, equitable and resilient communities, and community engagement and outreach.<sup>8</sup>

**California Natural Resources Agency.** The California Natural Resources Agency (Resources Agency) is tasked with “...restor[ing], protect[ing], and manag[ing] the state’s natural, historical and cultural resources for current and future generations using creative approaches and solutions based on science, collaboration and respect for all the communities and interests involved.”<sup>9</sup> The Resources Agency is the umbrella agency to several state departments,

<sup>1</sup> <http://www.opr.ca.gov/about/>

<sup>2</sup> [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=199920000SB115](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=199920000SB115)

<sup>3</sup> <http://opr.ca.gov/planning/icarp/resilient-ca.html>

<sup>4</sup> <http://opr.ca.gov/planning/icarp/>

<sup>5</sup> [http://opr.ca.gov/meetings/tac/2018-04-02/docs/0\\_Final\\_April\\_2\\_Meeting\\_Minutes.pdf](http://opr.ca.gov/meetings/tac/2018-04-02/docs/0_Final_April_2_Meeting_Minutes.pdf)

<sup>6</sup> <http://resilientca.org/topics/equity-and-environmental-justice/>

<sup>7</sup> [http://opr.ca.gov/meetings/tac/2018-04-02/docs/0\\_Final\\_April\\_2\\_Meeting\\_Minutes.pdf](http://opr.ca.gov/meetings/tac/2018-04-02/docs/0_Final_April_2_Meeting_Minutes.pdf)

<sup>8</sup> <http://www.opr.ca.gov/planning/general-plan/guidelines.html>

<sup>9</sup> [http://resources.ca.gov/about\\_us/](http://resources.ca.gov/about_us/)

museums, boards and commissions, conservancies, and councils working on issues related to the state's natural resources.<sup>10</sup> The Resources Agency has directed that all of these offices consider environmental justice in their decision-making processes. Additionally, the Resources Agency has identified eight implementation efforts for incorporating environmental justice into its work, including identification of environmental justice communities, improvements in community engagement and accessibility, consideration of disproportionate impacts, and staff training.<sup>11</sup> In the Resources Agency's *'Safeguarding California Plan: 2018 Update,'* "Climate Justice" was included as a stand-alone, over-arching chapter with dozens of action items pulled from the other sector-specific policy areas. Much of this chapter was informed by the Climate Justice Working Group, convened by the Resources Agency Fund and comprised of environmental justice non-profit organizations.<sup>12</sup>

1. **Ocean Protection Council.** The California Ocean Protection Council (OPC) works to protect, conserve and maintain healthy ocean and coastal ecosystems throughout the state and to address the challenges included in the California Ocean Protection Act.<sup>13</sup> Under their climate change program, OPC has released the state guidance on sea-level rise to assist local and state level decision-makers in planning for sea-level rise and its impacts utilizing the best available science. The 2018 guidance recognizes the unique challenges that will be faced by vulnerable communities as sea level rises and states, "Adaptation planning and strategies should prioritize social equity, environmental justice and the needs of vulnerable communities."<sup>14</sup> The guidance specifies that this recommendation could be achieved by addressing contamination risks, preserving coastal access, preventing displacement, addressing impacts on agriculture, addressing emergency services, and evaluating the implications of different adaptation strategies on vulnerable communities.<sup>15</sup>
2. **California Coastal Commission.** In alignment with environmental justice principles, the California Coastal Commission (CCC) has expanded public access to trails, bike paths, open space, lower-cost campgrounds, and affordable lodging and recreation along the California coast since 1976.<sup>16</sup> CCC is now in the process of increasing its ability to address environmental justice in permitting decisions through legislative and internal policy changes. In September 2016, Governor Brown signed AB2616, which amended the Coastal Act to allow consideration of environmental justice in permit approvals and required that one of the members of the commission appointed by the Governor

<sup>10</sup> <http://resources.ca.gov/offices/>

<sup>11</sup> [http://baydeltaconservationplan.com/Libraries/Dynamic\\_Document\\_Library/Environmental\\_Justice\\_Policy\\_-\\_California\\_Natural\\_Resources\\_Agency.sflb.ashx](http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Environmental_Justice_Policy_-_California_Natural_Resources_Agency.sflb.ashx)

<sup>12</sup> <http://resources.ca.gov/docs/climate/safeguarding/update2018/safeguarding-california-plan-2018-update.pdf>

<sup>13</sup> <http://www.opc.ca.gov/>

<sup>14</sup> [http://www.opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20180314/Item3\\_Exhibit-A\\_OPC\\_SLR\\_Guidance-rd3.pdf](http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf)

<sup>15</sup> [http://www.opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20180314/Item3\\_Exhibit-A\\_OPC\\_SLR\\_Guidance-rd3.pdf](http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf)

<sup>16</sup> <https://www.coastal.ca.gov/whoweare.html>

resides in, and works directly with, communities in the state that are disproportionately burdened by, and vulnerable to, high levels of pollution and issues of environmental justice.<sup>17</sup> CCC staff are currently in the process of creating an environmental justice policy and/or guidance to aid the implementation of AB2616 in collaboration with environmental justice groups and stakeholders throughout the state.<sup>18</sup>

3. **California State Lands Commission.** The California State Lands Commission (SLC) manages the state's Public Trust lands through lease-issuing, public access provision, boundary resolution, and regulatory program implementation on oil spills and invasive species.<sup>19</sup> SLC was one of the first state agencies to incorporate environmental justice into its work with the creation of an environmental justice policy in 2002. SLC is currently in the process of updating the policy, through which they have developed draft environmental justice principles to guide their process and to gather input from environmental justice communities and other stakeholders. These principles cover topics including: identifying environmental justice communities, facilitating meaningful and early public engagement and accessibility, providing staff training, and assessing SLC's environmental review process and lease terms.<sup>20</sup> Although a separate but related issue, in 2016, SLC adopted a Tribal Consultation Policy to guide and streamline interactions between SLC and tribal entities that includes mutual education, mutual respect, outreach, and timely notice and information sharing.<sup>21</sup>
4. **California State Coastal Conservancy.** Established in 1976, the California State Coastal Conservancy (SCC) provides grants and technical assistance for projects that protect and improve state coastal resources as well as those that bring people to the coast and provide opportunities for people to enjoy the coast.<sup>22</sup> Much of SCC's environmental justice and social equity work occurs through their Explore the Coast Grant Program. These grants fund various projects that bring people to the coast, particularly those from underserved communities and those with disabilities.<sup>23</sup> More recently, SCC has convened an internal Environmental Justice Working Group to identify how SCC can better achieve environmental justice and equity with their regions, projects, and workplace.<sup>24</sup> The Working Group created an Environmental Justice Hiring Sub-Committee, which developed a set of recommendations to ensure that SCC program staff are reflective of the communities their agency aims to serve.<sup>25</sup> Although a separate but related issue, SCC also adopted a Tribal Consultation Policy in 2015 to ensure

<sup>17</sup> <https://www.coastal.ca.gov/env-justice/>

<sup>18</sup> <https://www.coastal.ca.gov/env-justice/>

<sup>19</sup> <http://slc.ca.gov/About/Overview.html>

<sup>20</sup> <http://slc.ca.gov/Info/EnviroJustice.html>

<sup>21</sup> <http://slc.ca.gov/About/Tribal.html>

<sup>22</sup> <http://scc.ca.gov/about/>

<sup>23</sup> <http://scc.ca.gov/grants/explore-the-coast-grants/>

<sup>24</sup> State Coastal Conservancy Environmental Justice Working Group document (2/12/18)

<sup>25</sup> State Coastal Conservancy EJ Sub Committee Recommendations document

effective consultation between SCC and tribes and tribal communities on any SCC activities that may affect tribes and tribal communities.<sup>26</sup>

5. **San Francisco Bay Conservation and Development Commission.** The San Francisco Bay Conservation and Development Commission (BCDC) is the country's oldest coastal zone management agency, created to plan and regulate development in the San Francisco Bay and its shoreline band.<sup>27</sup> BCDC's Adapting to Rising Tides (ART) program leads and supports multi-sector, cross-jurisdictional projects to build local and regional capacity for adapting to the impacts of climate change by providing staff support, guidance, tools, and information.<sup>28</sup> The ART program has developed an outcome oriented adaptation planning process that includes three pillars for success. One of these pillars is sustainability, which includes "society and equity."<sup>29</sup> Currently, the ART team is in the process of developing a regional vulnerability assessment for the Bay Area's transportation assets, as well as assessing Plan Bay Area's Priority Development and Conservation Areas and disadvantaged communities. This vulnerability assessment represents the first step in the development of a Regional Adaptation Plan. Additionally, BCDC is in the process of amending the San Francisco Bay Plan to incorporate environmental justice and social equity into the planning, design, and permitting of shoreline projects in and along the San Francisco Bay.<sup>30</sup>
6. **California Department of Parks and Recreation.** The California Department of Parks and Recreation (DPR)'s mission is, "To provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation."<sup>31</sup> In 2013, the Parks Forward Commission embarked on an assessment of the challenges that face California's state parks, informed by a "Transformation Team," comprised of stakeholders. This two-year process culminated with a report titled, "Final Transformation Progress Report," which recounted the work of DPR to better advance several environmental justice and social equity paradigms, such as attempting to better serve diverse populations, increase access opportunities, and strengthen relations with local communities.<sup>32</sup>
7. **California Department of Water Resources.** The California Department of Water Resources (DWR) strives to responsibly and sustainably manage the state's water resources, systems, and infrastructure.<sup>33</sup> DWR works towards advancing the state's environmental justice goals with its Disadvantaged Community Involvement Program,

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<http://scc.ca.gov/webmaster/ftp/pdf/notices/Coastal%20Conservancy%20Tribal%20Consultation%20Policy.pdf>

<sup>27</sup> <http://www.bcdc.ca.gov/>

<sup>28</sup> <http://www.adaptingtorisingtides.org/about/>

<sup>29</sup> <http://www.adaptingtorisingtides.org/howto/art-approach/>

<sup>30</sup> <http://www.bcdc.ca.gov/ejwg/BPAEJSE.html>

<sup>31</sup> [http://www.parks.ca.gov/?page\\_id=91](http://www.parks.ca.gov/?page_id=91)

<sup>32</sup> [http://www.parks.ca.gov/?page\\_id=29241](http://www.parks.ca.gov/?page_id=29241)

<sup>33</sup> <https://www.water.ca.gov/What-We-Do>

promoting disadvantaged community involvement in integrated regional water management (IRWM) efforts guided by Proposition 1. Specifically, the Environmental Justice Coalition for Water received \$6.5 million for the San Francisco region in 2017 from this program.<sup>34</sup>

8. **California Energy Commission.** As the state's energy policy and planning agency, the California Energy Commission's core responsibilities include: advancing state energy policy, achieving energy efficiency, investing in energy innovation, developing renewable energy, transforming transportation, certifying thermal power plants, and preparing for energy-related emergencies.<sup>35</sup> The California Energy Commission is working to advance environmental justice principles through improved, effective, and open public participation.<sup>36</sup>
9. **Native America Heritage Commission.** Pursuant in AB4239, the Native American Heritage Commission (NAHC) was established to identify and catalogue Native American cultural resources throughout the state as well as to prevent damage and interference with these resources.<sup>37</sup> The NAHC's efforts to protect these resources adhere to principles of environmental justice and social equity.
10. **Sacramento-San Joaquin Delta Conservancy.** The Sacramento-San Joaquin Delta Conservancy (the Conservancy) aim to protect the natural environment and economic vitality of the Delta and its residents.<sup>38</sup> Through its Delta Mercury Exposure Reduction Program (Delta MERP), the Conservancy is advancing environmental justice. The Delta MERP works in collaboration with other state and regional agencies to reduce exposure to mercury from eating contaminated fish through public education and outreach, including developing signage and educational materials in appropriate languages.<sup>39</sup>

**California Environmental Protection Agency.** Along with OPR, the California Environmental Protection Agency (CalEPA) has a long history of environmental justice and social equity efforts. CalEPA is required by statute to promote environmental justice. Along with OPR's designation as the coordinating state agency for environmental justice, SB115 directed CalEPA to develop a model environmental justice mission statement for its various departments by 2001.<sup>40</sup> In 2002, SB828 directed CalEPA to identify existing gaps that may prevent the agency from achieving environmental justice through its activities. In accordance with this bill, CalEPA created the Intra-Agency Environmental Justice Strategy, which outlined the strategic direction and goals

<sup>34</sup> <https://www.water.ca.gov/Work-With-Us/Grants-And-Loans/IRWM-Grant-Programs/Proposition-1/DAC-Involvement-Program>

<sup>35</sup> [http://www.energy.ca.gov/commission/fact\\_sheets/index.html](http://www.energy.ca.gov/commission/fact_sheets/index.html)

<sup>36</sup> [http://www.energy.ca.gov/public\\_adviser/environmental\\_justice\\_faq.html](http://www.energy.ca.gov/public_adviser/environmental_justice_faq.html)

<sup>37</sup> <http://nahc.ca.gov/about/>

<sup>38</sup> <http://deltaconservancy.ca.gov/about-delta-conservancy/>

<sup>39</sup> <http://deltaconservancy.ca.gov/delta-mercury-exposure-reduction-program-merp/>

<sup>40</sup> [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=199920000SB115](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=199920000SB115)

for achieving environmental justice.<sup>41 42</sup> Moreover in 2002, AB2312 established the Environmental Justice Small Grant Program under CalEPA to assist community non-profits and tribal governments in addressing environmental injustices.<sup>43</sup> In 2012, SB535 mandated CalEPA to identify disadvantaged communities for investment opportunities, requiring 25% of available monies in the Greenhouse Gas Reduction Fund benefit these communities and that 10% is spent on projects located in these communities.<sup>44</sup> CalEPA released the California Communities Environmental Health Screen Tool (CalEnviroScreen) in April of 2013 to identify disadvantaged and burdened communities Version 2 was released in October 2014.<sup>45</sup> In April 2017, CalEPA released CalEnviroScreen 3.0 to designate disadvantaged communities and is used by public, private, and non-profit actors around the state to identify disadvantaged and burdened communities in policymaking and project design.<sup>46</sup> Since 2009, CalEPA has had a Tribal Policy and a Tribal Advisory Committee to improve and strengthen work with California Native American Tribes and in 2018, developed a Tribal Consultation Protocol.<sup>47</sup>

1. **California State Water Resources Control Board/Regional Water Quality Control Boards.** The California State Water Resources Control Board (the State Water Board) and the Regional Water Quality Control Boards (the Water Boards) mission is, “To preserve, enhance, and restore the quality of California’s water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.”<sup>48</sup> The State Water Board and the Water Boards are developing an environmental justice program to ensure equitable outreach, participation, and education of their activities. They have developed four program goals including integrating environmental justice into the State Water Board’s decisions, regulations, and policies; encouraging equitable public participation; improving data collection and research on communities of color and low-income populations; and creating cross-media coordination and accountability when addressing environmental justice issues. The Water Boards have identified an environmental justice coordinator who assists with CalEPA’s environmental justice program development, conducts research on the implementation of the State Water Board’s program, performs environmental justice trainings for Board appointees and staff, and integrates the State Water Board’s bilingual program to encourage broader participation in the State Water Board’s activities. Additionally, the State Water Board hopes to establish a complaint process in alleviating environmental injustices and to establish a monitoring system in assessing

<sup>41</sup> [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=200120020SB828](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200120020SB828)

<sup>42</sup>

[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PRC&division=34.&title=&part=3.&chapter=&article=](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=34.&title=&part=3.&chapter=&article=)

<sup>43</sup> [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=200120020AB2312](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200120020AB2312)

<sup>44</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120SB535](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB535)

<sup>45</sup> <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>

<sup>46</sup> <https://oehha.ca.gov/calenviroscreen>

<sup>47</sup> <https://calepa.ca.gov/tribal/>

<sup>48</sup> [https://www.waterboards.ca.gov/about\\_us/](https://www.waterboards.ca.gov/about_us/)

impacts of enforcement decisions in environmental justice communities.<sup>49</sup> The State Water Board has also created the Office of Sustainable Solutions, which aims to provide financial and technical assistance to small and disadvantaged communities in identifying and addressing problems.<sup>50</sup> The Central Coast Water Board has been active in pursuing environmental justice by coordinating with environmental justice groups and conducting outreach to local communities in its adherence to the Human Right to Water law.<sup>51</sup>

2. **California Air Resources Board / Regional Air Districts.** As a department under CalEPA, the California Air Resources Board (CARB) is committed to addressing environmental injustices throughout their work in mitigating air pollution and climate change.<sup>52</sup> Since 2017, AB617 has been a major catalyst for CARB's environmental justice work. Pursuant to AB617, CARB created the Community Air Protection Program to reduce air pollution exposure in the most impacted communities, in coordination with local air districts, community-based organizations, environmental organizations and regulated industries. The program will include both monitoring and community action plans in the identified impacted areas, with grants directed at local community-based organizations.<sup>53 54</sup>
3. **CalRecycle.** California's Department of Resources, Recycling, and Recovery (CalRecycle) coordinates the state waste management and recycling programs while fostering environmental stewardship.<sup>55</sup> Similar to other CalEPA departments, CalRecycle has an environmental justice program to integrate environmental justice principles into their programmatic activities. CalRecycle has identified several overall environmental justice objectives, including those related to improvements of current programs, participation in decision-making processes, and resources. CalRecycle has created an Environmental Justice Strategic Plan, an Environmental Justice Methodology, and a guiding document titled, *Connecting Communities to CalRecycle* to help the agency advance environmental justice principles in the state and under CalEPA.<sup>56</sup> Additionally, CalRecycle has a Tribal Policy to ensure robust relationships with California Native American Tribes through effective communication.<sup>57</sup>
4. **California Department of Toxic Substances Control.** The California Department of Toxic Substances Control (DTSC) is the department under CalEPA responsible for protecting residents and the environment from the effects of toxic substances. DTSC remediates

<sup>49</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/outreach/education/justice.shtml](https://www.waterboards.ca.gov/water_issues/programs/outreach/education/justice.shtml)

<sup>50</sup> <https://calepa.ca.gov/wp-content/uploads/sites/62/2016/10/EnvJustice-Documents-2016yr-EJReport.pdf>

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[https://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2016/march/item18/item18\\_stfrpt.pdf](https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2016/march/item18/item18_stfrpt.pdf)

<sup>52</sup> <https://ww2.arb.ca.gov/about>

<sup>53</sup> <https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program-ab617/about>

<sup>54</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB617](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB617)

<sup>55</sup> <http://www.calrecycle.ca.gov/AboutUs/>

<sup>56</sup> <http://www.calrecycle.ca.gov/EnvJustice/Principles.htm>

<sup>57</sup> <http://www.calrecycle.ca.gov/Publications/Documents/1579/20161579.pdf>

contaminated lands and reduces hazardous wastes with the goal of fostering a cleaner, healthier California.<sup>58</sup> DTSC's Office of Environmental Justice and Tribal Affairs works to prioritize vulnerable and over-burdened communities (using CalEnviroScreen) in DTSC's work. This office is attempting to bring these communities into the department's decision-making process, promote equitable data collection and communication, and improve protections.<sup>59</sup> DTSC is also improving its public participation process. DTSC contracted with UC-Davis to conduct the Community Engagement Enhancement and Modernization Project, producing a set of recommendations to improve participation practices. DTSC emphasizes the need for early, continuing, meaningful and accessible participation opportunities.<sup>60</sup> Additionally, DTSC is prioritizing diversity and equity in their workplace based upon the recommendations of their Diversity and Inclusion Work Group.<sup>61</sup>

5. **California Office of Environmental Health and Hazard Assessment.** Under the auspices of CalEPA, the California Office of Environmental Health and Hazard Assessment (OEHHA) uses scientific evaluation of risks associated with contaminants to protect and improve public and environmental health.<sup>62</sup> OEHHA attempts to achieve environmental justice by identifying vulnerable and over-burdened communities, disseminating information to the public on harmful contaminants, and by assisting CalEPA with their environmental justice efforts. OEHHA integrates environmental justice into several of their programs and activities including: CalEnviroScreen, Biomonitoring California, Fish Advisories, Pesticides, Climate Change, and Children's Health.<sup>63</sup>
6. **California Department of Pesticide Regulation.** Under CalEPA, the California Department of Pesticide Regulation (DPR) regulates pesticide sales and use for the protection of human and environmental health. DPR also promotes reduced-risk pest management.<sup>64</sup> DPR has been partnering with community organizations to host a number of environmental justice workshops focused on the nexus of pesticide use enforcement and environmental justice. DPR has also translated many of their publications and safety information into languages other than English, including Spanish, Mixteco, Zapoteco, Punjabi, and Hmong.<sup>65</sup>

<sup>58</sup> [http://www.dtsc.ca.gov/InformationResources/DTSC\\_Overview.cfm](http://www.dtsc.ca.gov/InformationResources/DTSC_Overview.cfm)

<sup>59</sup> <http://www.dtsc.ca.gov/GetInvolved/EnvironmentalJustice/ejandtribal.cfm>

<sup>60</sup> <http://www.dtsc.ca.gov/GetInvolved/PublicParticipation/PublicParticipation.cfm>

<sup>61</sup> [http://www.dtsc.ca.gov/InformationResources/DTSC\\_Overview.cfm#diversity\\_inclusion\\_equity](http://www.dtsc.ca.gov/InformationResources/DTSC_Overview.cfm#diversity_inclusion_equity)

<sup>62</sup> <https://oehha.ca.gov/about>

<sup>63</sup> <https://oehha.ca.gov/environmental-justice>

<sup>64</sup> <http://www.cdpr.ca.gov/dprabout.htm>

<sup>65</sup> <http://www.cdpr.ca.gov/docs/envjust/>

**California Department of Public Health.** The California Department of Public Health (DPH) is one of the state agencies at the forefront of integrating social equity and environmental justice into its work. Section 131019.5 of the Cal Gov't Health and Safety Code established DPH's Office of Health Equity (OHE) to work towards reducing health and mental health disparities to vulnerable communities.<sup>66</sup> There are three operational units under the OHE that help eliminate these health disparities by advising and assisting other state health departments, providing data, and engaging partners: the Community Development and Engagement Unit, the Health Research and Statistics Unit, and the Health Equity Policy and Planning Unit.<sup>67</sup> Additionally, the Climate Change and Health Equity Program (CCHPEP), under the Health Equity Policy and Planning Unit, works to integrate health equity into state climate change mitigation and adaptation policy and planning.<sup>68</sup>

**California Public Utilities Commission.** The California Public Utilities Commission (CPUC) regulates private utility companies to ensure safe and reliable services at reasonable rates, to protect against fraud, and to promote a robust economy.<sup>69</sup> CPUC is working to improve air quality and economic conditions in identified disadvantaged communities (via CalEnviroScreen). This bill also required the CPUC and the California Energy Commission to create a Disadvantaged Communities Advisory Group to understand how the state's energy programs affect these communities as well as identify areas for improvement.<sup>70</sup>

**California Strategic Growth Council.** The California Strategic Growth Council (SGC) was created to coordinate state agency initiatives around sustainability, economic development, and quality of life improvement such as activities involving air and water quality, natural resource and agriculture land protection, affordable housing, public health and equity, transportation improvement, infill and compact development, economic development, water conservation, community and urban revitalization, meeting the goals of AB32 and advancing the principles of *Safeguarding California*.<sup>71</sup> Additionally, the SGC aids local governments in planning for sustainable communities by providing grants and data/information.<sup>72</sup> Currently the SGC has several programs related to environmental justice including: the Transformative Climate Communities (TCC) program, the Affordable Housing and Sustainable Communities Program, the Health in All Policies (HiAP) Program, and the California Climate Investments Technical Assistance Program.<sup>73</sup> Through these programs, SCG has invested over half of its grants in disadvantaged communities, totally more than \$387 million.<sup>74</sup>

<sup>66</sup> <https://www.cdph.ca.gov/Programs/OHE/Pages/OfficeHealthEquity.aspx>

<sup>67</sup> <https://www.cdph.ca.gov/Programs/OHE/Pages/OfficeHealthEquity.aspx>

<sup>68</sup> <https://www.cdph.ca.gov/programs/OHE/pages/CCHPEP.aspx>

<sup>69</sup> <http://www.cpuc.ca.gov/aboutus/>

<sup>70</sup> <http://www.cpuc.ca.gov/discom/>

<sup>71</sup> <http://sgc.ca.gov/about/>

<sup>72</sup> <http://opr.ca.gov/docs/Overview-GC.pdf>

<sup>73</sup> <http://sgc.ca.gov/programs/>

<sup>74</sup> <http://sgc.ca.gov/vision/>

**Metropolitan Transportation Commission/Association of Bay Area Government.** The

Metropolitan Transportation Commission (MTC) is the San Francisco Bay Area transportation planning, financing, and coordinating agency.<sup>75</sup> The Association of Bay Area Governments (ABAG) is a regional agency coordinating with the San Francisco Bay Area local governments on issues such as land use planning, housing, transportation, climate change and disaster resilience, and equity.<sup>76</sup> In July 2017, MTC and ABAG merged and consolidated staff.<sup>77</sup> MTC works to ensure equity and accessibility in all of their transportation projects, specially targeting mobility improvements to minority and/or low-income communities, people with disabilities, seniors, and residents with limited English language proficiency.<sup>78</sup> In 2007, MTC adopted environmental justice principles surrounding equitable and transparent public participation, data collection, and funding. In the development Plan Bay Area 2040, MTC and ABAG formed a Regional Equity Working Group to inform the development of an equity analysis of the plan. The analysis included identifying equity measures, defining Communities of Concern, and creating a methodology.<sup>79</sup> At present, MTC/ABAG is undertaking an innovative planning initiative, *Horizon*, to explore current and future challenges facing San Francisco Bay Area residents through 2050 that asks questions typically found outside of the traditional planning processes. The effort will rely heavily on public engagement and involvement, allowing policymakers, planners, and the public to coordinate on how to solve identified challenges.<sup>80</sup> Another MTC/ABAG initiative related to equity is the Committee to House the Bay Area (CASA) project. CASA is attempting to address the San Francisco Bay Area's housing affordability challenges by building actionable political consensus.<sup>81</sup> Additionally, MTC recently released a Draft Public Participation Plan (March 2018) that includes equitable approaches to participation such as multilingual publications, innovative and/or targeted outreach methods, increased accessibility, and removal of participation barriers.<sup>82</sup>

**San Francisco Estuary Partnership.** In 1988, the State of California and the US Environmental Protection Agency established the San Francisco Estuary Partnership (SFEP) under the Clean Water Act's National Estuary Program as the San Francisco Estuary is an estuary of national significance. SFEP works to restore and protect this estuary.<sup>83</sup> SFEP is guided by the Comprehensive Conservation and Management Plan (CCMP) or Estuary Blueprint, which the 2016 update identified integrating estuary health with community health as a next step, recognizing the importance of environmental justice and social equity.<sup>84</sup> In its resilience work,

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<sup>75</sup> <https://mtc.ca.gov/about>

<sup>76</sup> <https://abag.ca.gov/overview/whowhat.html>

<sup>77</sup> [https://abag.ca.gov/media/2015\\_merger/](https://abag.ca.gov/media/2015_merger/)

<sup>78</sup> <https://mtc.ca.gov/our-work/plans-projects/equity-accessibility>

<sup>79</sup> <http://2040.planbayarea.org/strategies-and-performance>

<sup>80</sup> <https://mtc.ca.gov/our-work/plans-projects/major-regional-projects/horizon>

<sup>81</sup> <https://mtc.ca.gov/our-work/plans-projects/casa-committee-house-bay-area/about>

<sup>82</sup> [https://mtc.ca.gov/sites/default/files/2018\\_Draft\\_PPP.pdf](https://mtc.ca.gov/sites/default/files/2018_Draft_PPP.pdf)

<sup>83</sup> <http://www.sfestuary.org/about-us/about-sfep/>

<sup>84</sup> <http://www.sfestuary.org/wp-content/uploads/2017/08/CCMP-v26a-all-pages-web.pdf>

SFEP has begun to work towards this goal by working in North Richmond to create a community-based approach to planning.<sup>85</sup>

**Bay Area Air Quality Management District.** In 1955, the California legislature created the Bay Area Air Quality Management District (BAAQMD), the first regional air pollution control district in the county, to regulate stationary sources of air pollution in the San Francisco Bay Area region.<sup>86</sup> Since 1999, the Bay Area Air Quality Management District (BAAQMD) has worked to address disproportionate exposure to air pollutants with the adoption of the Guiding Principles of Environmental Justice and the development of implementing programs.<sup>87</sup> BAAQMD's flagship program to address environmental justice concerns is the Community Air Risk Evaluation program (CARE).<sup>88</sup> The CARE program has three main goals: "Identify areas where air pollution contributes most to health impacts and where populations are most vulnerable to air pollution," "Apply sound scientific methods and strategies to reduce health impacts in these areas," and "Engage community groups and other agencies to develop additional actions to reduce local health impacts."<sup>89</sup> Consistent with these goals, BAAQMD has developed a regional emissions inventory, and conducted studies that identified "a clear correlation between areas of impact and socioeconomic factors such as race, income and education level."<sup>90</sup> BAAQMD also coordinates core program activities, such as grants and incentives, regulations, planning, and enforcement with the CARE program. For instance, BAAQMD has adopted regulations to address specific pollutants impacting CARE communities. In addition, BAAQMD has developed a robust Public Participation Plan and community engagement program. As directed by AB 617, BAAQMD has developed another environmental justice effort, the Community Health Protection Program. In order to reduce exposure to air pollutants in the most impacted communities, BAAQMD is identifying priority communities using CalEnviroScreen and the Healthy Places Index. Once locations have been identified, BAAQMD will work with California Air Resources Board (CARB) and local stakeholders to conduct monitoring and/or create action plans.<sup>91</sup>

**San Francisco Bay Restoration Authority.** The San Francisco Bay Restoration Authority (SFBRA) was established by the California legislature in 2008 as a regional agency to raise and allocate funds for the "restoration, enhancement, protection, and enjoyment of wetlands and wildlife in San Francisco Bay and its shoreline."<sup>92</sup> In June 2016, SFBRA placed Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure on the ballots of all nine Bay Area counties, passing with a 70% majority. The approximately \$500

<sup>85</sup> <http://www.sfestuary.org/vision/>

<sup>86</sup> <http://www.baaqmd.gov/about-the-air-district>

<sup>87</sup> [https://archive.epa.gov/civilrights/docs/t6com/web/pdf/t6com2000\\_032att1.pdf](https://archive.epa.gov/civilrights/docs/t6com/web/pdf/t6com2000_032att1.pdf)

<sup>88</sup> <http://www.baaqmd.gov/plans-and-climate/community-air-risk-evaluation-care-program>

<sup>89</sup> <http://www.baaqmd.gov/plans-and-climate/community-air-risk-evaluation-care-program>

<sup>90</sup>

[http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CARE%20Program/Documents/CARE\\_Retrospective\\_April2014.ashx?la=en](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CARE%20Program/Documents/CARE_Retrospective_April2014.ashx?la=en)

<sup>91</sup> <http://www.baaqmd.gov/plans-and-climate/community-health-protection-program>

<sup>92</sup> <http://sfbayrestore.org/>

million dollars will be used to fund shoreline projects that protect and restore the bay.<sup>93</sup> Measure AA stipulated nine prioritization criteria for determining funding for projects, one of which is to “benefit economically disadvantaged communities.”<sup>94</sup> SFBRA’s Grant Program Guidelines define economically disadvantaged communities as “... a community with a median household income less than 80% of the area median income (AMI). Within this set of low-income communities, communities of particular concern include those that: are historically underrepresented in the environmental policymaking and/or projects, bear a disproportionate environmental and health burden, are most vulnerable to climate change impacts due to lack of resources required for community resilience, or are severely burdened by housing costs, increasing the risk of displacement.”<sup>95</sup> SFBRA scores projects on both quantitative and qualitative measures, including community support, involvement, and benefits.<sup>96</sup>

**Government Alliance on Racial Equity.** The Government Alliance on Racial Equity (GARE) is a network of local and state government working to advance racial equity through education and training as well as regional and local collaboration and support.<sup>97</sup> Several California counties and cities as well as state agencies have or are currently participating in a GARE cohort to improve racial equity in their workplaces as well as in their programmatic activities. Past and current California GARE participants include:<sup>98</sup>

- Alameda County
- Contra Costa County
- Los Angeles County
- Marin County
- Merced County, Department of Public Health
- Napa County
- Sacramento County
- Santa Clara County, Department of Public Health
- Sonoma County
- Solano County
- City of Berkeley
- City of Culver City
- City of Long Beach
- City of Los Angeles

<sup>93</sup> <http://sfbayrestore.org/>

<sup>94</sup> <http://sfbayrestore.org/docs/BallotMeasureLanguage.pdf>

<sup>95</sup> [http://sfbayrestore.org/docs/Grant\\_Program\\_Guidelines\\_062717\\_final.pdf](http://sfbayrestore.org/docs/Grant_Program_Guidelines_062717_final.pdf)

<sup>96</sup> [http://sfbayrestore.org/docs/Final\\_SFBRA\\_RFP\\_9-15-17.pdf](http://sfbayrestore.org/docs/Final_SFBRA_RFP_9-15-17.pdf)

<sup>97</sup> <https://www.racialequityalliance.org/about/>

<sup>98</sup> <https://www.racialequityalliance.org/where-we-work/jurisdictions/>

- City of Oakland
- City of Salinas
- City and County of San Francisco
- City of San Jose
- City of Santa Monica
- City of Richmond
- California Arts Council
- California Coastal Commission
- California Environmental Protection Agency (including Boards, Departments, and Offices)
- California Department of Community Services and Development
- California Department of Corrections and Rehabilitation
- California Department of Education
- California Department of Housing and Community Development
- California Department of Public Health
- California Department of Transportation
- California Department of Social Services
- California State Coastal Conservancy
- California State Lands Commission
- California Strategic Growth Council
- Government's Office of Planning and Research
- Bay Area Regional Collaborative (BARC) – BCDC, MTC/ABAG, SFEP, BAAQMD
- San Francisco Planning Department
- San Francisco Public Utilities Commission

## Staff Analysis

There are many state efforts currently underway related to environmental justice, but most fall into these categories:

- Environmental justice policy statement of commitment and/or vision for addressing environmental injustices and social inequities;
- Environmental justice and social equity integration into programmatic activities;
- Improvement and enhancement of public engagement and participation process, including language and logistical accessibility;
- Identification of communities impacted by environmental injustices through more inclusive data collection, research, and spatial analysis;
- Appointing a staff member to focus on environmental justice and/or social equity matters; and
- Equitable workplace practices, including workforce development, e.g., several agencies are participating in the Government Alliance on Racial Equity (GARE) cohort.

As described above, the Commission will consider amendments to the Bay Plan in order “to address social equity and environmental justice,” which will also be responsive to the California Natural Resources Agency’s request that all of its departments, museums, boards and commissions, conservancies, and councils consider environmental justice in their decision-making processes. Like other state and regional agencies, BCDC could achieve this goal by creating a new section of the Bay Plan that describes findings, policies, and a general statement of commitment to address environmental justice in its permit approval process. Beyond the Bay Plan amendment, BCDC could integrate environmental justice and social equity into other aspects of our work, such as recruitment and hiring, public communications and engagement, our regulations, our Commission and, potentially, through proposed legislation.