

# *Contractor's Report to the Board*

## *Environmental Justice Opportunity Assessment and Analysis*

*December 2004*

***Produced under contract by:***

*Center for Justice,  
Tolerance and Community  
University of California Santa Cruz*



Center for  
Justice, Tolerance  
& Community  
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# 1. Executive Summary

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## ***Project Summary***

The Center for Justice, Tolerance and Community (CJTC) was asked to provide the California Integrated Waste Management Board (CIWMB/Board) with an analysis of the environmental justice (EJ) context for its decision-making, examples of strategies to increase public participation and community input, and recommendations on how the Board might effectively address EJ through its programs and activities.

To fulfill those tasks, CTJC has specifically:

- Conducted an analysis of the environmental justice context in the state and documented the demographic and income disparities that may be associated with CIWMB-regulated facilities.
- Provided coordinated, cohesive presentations on the work described above as well as on environmental priorities and concerns related to Board decisions, programs, activities, and outreach.
- Prepared this report on methods to increase effective communication and public participation, with a special focus on best practices by public and private sectors in the fields of outreach and relations with environmental justice communities.

## ***Report Summary***

### **The California Landscape: Emerging and Innovative EJ issues in California**

Environmental justice has become a central concern in California, particularly after the passage in 1999 of legislation mandating that the California Environmental Protection Agency (Cal/EPA) and related agencies and departments administer and enforce their programs in a way that “ensures fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations.” (Public Resources Code [PRC] section 71110(a)).\* The adoption of environmental justice legislation at the State level places California in a leadership role nationally in environmental justice policymaking. This is due to leadership within State government but also to active organizing by environmental justice organizations and a growing body of research that has demonstrated that many of California’s environmental disamenities, including hazardous facilities and toxic air emissions, are disproportionately in lower-income communities of color.

California is home to many active and engaged community groups determined to have their voices heard at the State policy level. Environmental justice organizations throughout the state participated actively in the development of the recommendations of the Cal/EPA Advisory Committee on Environmental Justice that were finalized in September 2003. While some of the recommendations that emerged from that process

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\* Chapter 690, Statutes of 1999 (Solis, Senate Bill [SB] 115). A second environmental justice bill was passed the following year (Chapter 728, Statutes of 2000 [Escutia, SB 89]). Public Resources Code sections resulting from passage of these bills were renumbered and moved to sections 71110–71116 by a third environmental justice bill (Chapter 765, Statutes of 2001 [Alarcon, SB 828]).

were controversial and stirred some degree of debate and dissension within the committee, public sector officials, private sector representatives, and community leaders all agreed on the importance of public participation. Indeed, in many ways, the forward momentum on environmental justice policy exists precisely because there has been statewide action driven by community organizing and open debate at the State level with elected officials, policy makers, regulators, and decision-making bodies who understood the importance of accountability to their constituencies.

Implementing Cal/EPA's environmental justice recommendations provides an opportunity for CIWMB to create meaningful and accessible public participation. This will work only if policymakers, elected officials, and their decision-making bodies support and implement the policies and recommendations that have already been adopted. To this end, EJ groups and their governmental counterparts have begun to create tools for equitable public health protection and public participation. This report is focused on those tools and strategies, particularly as they might apply to the CIWMB.

### **The Distribution of CIWMB-Regulated Facilities**

To understand baseline community perceptions about the CIWMB, we engaged in extensive interviews with numerous community representatives. We also sought to understand what the empirical realities were with regard to CIWMB-regulated facilities. This is key because studies on other types of facilities, such as those listed in the U.S. Environmental Protection Agency's (U.S. EPA) Toxic Release Inventory ([www.epa.gov/tri/](http://www.epa.gov/tri/)), have found a pattern of environmental inequity in the state. While there has been little work on CIWMB-regulated facilities, these other studies may affect public perceptions about waste management.

To understand the distribution of CIWMB-regulated facilities, we downloaded data on facilities from the CIWMB website ([www.ciwmb.ca.gov/SWIS/](http://www.ciwmb.ca.gov/SWIS/)), geo-coded all active and permitted facilities, and compared these to demographics of nearby communities. We found that:

- At first glance, landfills do not seem to be disproportionately sited near minority or low-income areas. However, once one takes into account nearby population density and whether the area is rural, both of which are predictors of the proximity of a landfill, there is some statistically significant evidence of disproportionate proximity to these socially vulnerable communities.
- Transfer stations and waste tire sites are more clearly located near minority and low-income areas, and this pattern persists even when one introduces proper statistical techniques to once again account for the relationship of urbanization and population density to site location.

While our analysis of CIWMB-regulated facilities is quite preliminary, it suggests the background perceptual context for community outreach and participation around environmental justice. Two key conclusions we draw from this work are that:

- Making statewide data more easily accessible, more easily understood, and more amenable to geographic mapping and analysis might be helpful for both the public perception of CIWMB and the facilitation of community voice in meetings and other forums. CIWMB's California Waste Stream Profiles system ([www.ciwmb.ca.gov/Profiles/](http://www.ciwmb.ca.gov/Profiles/)) is a very good step in this direction.

- Developing an ongoing capacity for staff and outside researchers to conduct further research and evaluate the degree of demographic disparity in facilities and permitting decisions might provide targets for improvement, build trust in the directions being taken, and provide measures for evaluation and accountability.

### **Community Issues and Perceptions**

Many EJ organizations and community leaders are deeply committed to the notion of improved participation and concerned about problems in that area with both the CIWMB and local enforcement agencies (LEA). These concerns fall into several themes dealing with both outcomes and process. Although LEAs often have decision-making authority before the Board and there may be confusion about jurisdiction, the focus of this report is on the role of the Board and its relationship with California communities. The concerns are as follows.

1. Many community leaders believe that decisions have already been made and worry that their participation will not affect actual decision outcomes.
2. The respective roles of the LEA and the CIWMB remain unclear to many community leaders, and there are related concerns about the proper complaint protocols.
3. Community leaders feel more attention needs to be paid to special needs of communities, such as building the state's capacity to adequately communicate with non-English speaking communities.
4. Many in the community sense that there is not a particular entry point for expressing EJ concerns, nor is there a point person within the CIWMB to whom environmental justice concerns can be voiced.
5. Community leaders would like to see funds directed to building their technical and community capacity to participate effectively in meetings and discussions.

To address these concerns, community leaders and best practices research suggest that the CIWMB and LEAs:

- Institutionalize a process by which a report or memo is drafted after a decision has been made to identify where public input has been incorporated and why other input has been excluded. Such a process might apply only for high-interest and controversial cases.
- Following the recent example of the California Air Resources Board (ARB) and the Department of Toxic Substances Control (DTSC), create a public participation handbook that guides the community through the process of permitting and provides accessible information about the CIWMB's responsibility, with special attention paid to redesigning web resources to make information more accessible and meaningful to community leaders and members.
- Develop a statewide complaint resolution protocol in collaboration with community leaders, and develop strategies to minimize its use by widening the circle of community notification and hosting key informational meetings early in the process.
- Partner with community-based organizations (CBO) through the provision of small grants, thus facilitating outreach and building technical capacity.

Furthermore, these partnerships can help to design an appropriate public participation process on a case-by-case basis.

- Conduct meetings as often as possible in affected communities to enhance attendance and effective participation, and include CBOs in meeting development and outreach.
- Continue staff training on environmental justice issues. As part of this effort, conduct site tours with community members to learn firsthand about community concerns. To help coordinate this training and other activities, designate an environmental justice-focused staff position within the CIWMB.

### **Effective Community-Competency Participation Strategies**

“Community competency” means the ability to increase public participation with diverse communities made up of a multitude of backgrounds, geographies, and histories. Crossing lines of culture, neighborhood, and income requires a special set of techniques we develop in detail in the body of this report; here, we suggest several underlying directions for this work.

1. Make time to *build trust*, particularly when there has been some existing strain between community groups and the CIWMB. It will also be important to clearly communicate the priority placed on including new voices in the public debate.
2. *Create effective mechanisms to listen* to community concerns, borrowing from effective tools used by other agencies and states.
3. *Develop culturally competent outreach processes and materials for the community to reach* underrepresented populations. In doing this, utilize non-traditional techniques, such as incorporating community-based surveys to capture issues and perspectives of these communities.
4. *Demonstrate institutional support* by making CIWMB and LEA resources available, including assistance in building the capacity for effective participation by communities.
5. *Maintain participation* over time so that sustained commitment is evident; this is especially important, as it will allow individuals and groups who may be frustrated by one set of decisions to believe that policy conversations will continue to occur and include their voices.

To implement these principles, we suggest:

- Developing trust in the context of less formal venues and workshops, places where conversation and information sharing can replace the positional dynamics of most formal public forums.
- Developing new marketing tools, such as sponsorship of local community events, targeted media campaigns, internships with local youth, and local community surveys.
- Creating mechanisms for capacity-building and incorporating environmental justice communities into longer-range strategic planning rather than only during controversial moments.

- Designating an agency liaison for environmental justice and participation who would keep in touch with developments in other agencies and be a focal point for sustained community contact.

We should stress that incorporation of these principles will not eliminate the conflict and cacophony that are part of democratic processes. However, conflict and collaboration are not mutually exclusive; in other states and other policy realms, organizations that once challenged environmental decision-making have sometimes become the biggest allies of communities in the shared goal of public participation.

The principles of community competence can help ensure long-term productive relationships. In any case, inviting environmental justice communities to the policy table is only one step in a larger process that begins with building trust and ends with measurable results. Reaching out to communities in culturally sensitive and community-competent ways will increase and sustain resident participation in the long-term. Achieving results that noticeably reflect community input will be the ultimate measure, so it is important to look beyond marketing and understand that sustained participation will likely affect the tone and content of decisions.

### **Best Practices: Community Approaches and Tools**

To move beyond the general principles of community participation to the actual practice of such participation, this report offers an analysis of best practices utilized in various parts of the country. These examples illustrate models of collaborative public participation planning and implementation that involve agency and community stakeholders. These collaborative methods suggest strategies for moving beyond a traditional regulatory model to greater participation and information sharing between the regulators and the community and across agencies as well. We group a wide variety of examples of best practices into six general categories.

#### **CATEGORY 1: DEVELOPING POLICY BY APPLYING PRINCIPLES.**

Policy can help both communities and agencies to move beyond facility-by-facility conflicts. In this realm:

- We suggest that rules prohibiting an over-concentration of certain types of facilities provide another mechanism for protecting communities while these communities develop their capacity and voice. This kind of mechanism also helps convince residents that they will not be engaged in continual facility-by-facility arguments.
- We note that protocols for complaint resolution help give communities clarity of regulations and processes and a firm sense of agency commitment.
- We note the possibility of targeting both monitoring and participation resources to communities that have historically been more disproportionately proximate to environmental risks.

#### **CATEGORY 2: CONDUCTING STAKEHOLDER RESEARCH AND NEEDS ASSESSMENT.**

Understanding community perceptions and needs is critical to building trust and engagement. In this realm:

- We suggest the use of stakeholder surveys to garner unbiased perceptions of agency-community relations, and also stress the need for community-specific research to ascertain needs and issues.
- We also suggest the use of community-based participatory research as one mechanism to build a base of both trust and information and suggest showing how this has been done elsewhere.

**CATEGORY 3: CAPACITY-BUILDING AND TWO-WAY LEARNING.**

We note that many communities lack full information about the complexity of issues and stress that full participation will require the building of local capacity. In this realm:

- We suggest that small grants programs can be used to build the capacity of community organizations and raise local abilities to participate effectively.
- We also suggest that learning and communication can be two-way, stressing the use of stakeholder advisory groups as one mechanism to come to consensus and noting that both the public and private sectors have utilized these groups in beneficial ways.

**CATEGORY 4: MARKETING AND COMMUNICATION STRATEGIES.**

We stress the difference between traditional marketing, which involves emphasizing the positives of a product or a policy, and communication, which involves proactively anticipating what multiple audiences will ask, and responding in a timely and complete way. In this realm:

- We suggest the development of public participation manuals for both community and staff. The former should be concentrated on explaining organizational structure and responsibilities, and the latter should be concentrated on new strategies and tools for effective participation.
- We also reiterate the need to think about non-traditional meeting techniques to ensure conversation and consensus rather than the public stand-offs often characteristic of formal processes.

**CATEGORY 5: OUTREACH PROCESSES AND APPROPRIATE RESOURCES FOR ACCESSIBILITY.**

Effective community participation requires access to data and information. While community capacity building will help, providing groups with access to specific technical assistance can also enhance their understanding and voice. In this realm:

- We suggest that providing resources for independent technical advice and assistance could be helpful and note that university-based programs could play a role, one that might also offer an opportunity to bring other constituencies into the discussion.
- We also stress the important role of technology, including web-based information and tools that are accessible to community members and leaders. At the same time, we address the limitations and need for support to effectively use this powerful tool.

## **CATEGORY 6: EVALUATION OF PARTICIPATION USING CLEAR MEASURES.**

Effective evaluation completes the circle of accountability and is an indispensable element of a successful public participation program. In this realm:

- We suggest the identification of an independent evaluator, the creation of a baseline of current CIWMB practices, and the use of ongoing and interactive evaluation of public participation.
- We also suggest that there be key points at which written assessment of public participation plans, programs, proposals, goals, and activities are made available to the public and agency leaders for consideration and improvement.

In short, there is an extensive menu of tools from which to draw to facilitate the meaningful participation of environmental justice communities. This calls for the designation of an office or an individual to take leadership in developing and implementing an advanced participation plan. The challenge will be twofold: (1) developing an assessment of the baseline of current practices in order to be able to measure progress, and (2) distributing resources amongst the tools in a way that will maximize community participation.

### **Conclusion**

The report illustrates the complexity and opportunities for enhancing community participation. Some of the key overarching lessons are:

- Meaningful participation can result from both conflict and/or strategic collaboration. Many times strategic and proactive processes created by both community and agencies transform a conflict into an opportunity for meaningful change. In fact, confrontational interaction can lead to longer and sustainable working relationships between community and agencies.
- Due to the common disconnect between what the community hears and understands from the messages of multi-layered agencies and the actual realities behind the messages, representatives who have the first contact with the community should anticipate some misperceptions and confusion that will be the source of frustration and even misinformation.
- Because building community participation evolves over the longer term, achieving change requires time, training, and patience.

Key to this assessment and participation will be political will and guidance from the CIWMB leadership. The Board's interest in engaging in this work is reflected in its support of this report. The analysis and actions presented will serve as a resource for further communicating and implementing the Board's participation and EJ goals.

## 2. Introduction and Context

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This report, *Environmental Justice Opportunity Assessment and Analysis*, details the multifaceted aspects of developing and enhancing community participation with an emphasis on environmental justice (EJ). We begin by laying out the context for this work—the EJ and California environmental landscape, an overview of data on the distribution of CIWMB-regulated facilities and its implications, and community issues and perceptions. Then we turn to strategies and practices (approaches and tools) for operating within this context. We do this by first defining effective community competency participation strategies and show how they can be applied. We then launch into a substantial menu of best practices from across the country. We conclude with recommendations that have surfaced from these strategies and practices as they relate to potential CIWMB activities.

### ***What is Environmental Justice?***

“Environmental justice” is a term and principle that advocates that all people have the right to clean air, clean water, and clean land, and that those potentially affected by environmental decisions should have meaningful say in the process regardless of race, income, or ethnicity. To achieve environmental justice, grassroots communities and others organized to create a social movement that represents the coming together of many struggles. These struggles include issues of the environment and public health, but also issues of worker safety, economic development, women’s and reproductive rights, and youth, immigrant, and indigenous peoples’ rights. (*Building Healthy Communities*, 2003, pp. 9–12) Environmental justice represents a fundamentally different approach to defining the environment as where we live, work, play, pray, and go to school.

Research has shown that low-income minority neighborhoods bear a disproportionate burden of environmental hazards. It has been suggested that the problem is due to individual choice—people moving to places with toxic facilities due to lower housing prices—rather than due to public policy or business decisions, such as zoning or siting decisions). However, the “move-in” argument has been challenged with research using simultaneous models that allow for siting and demographic change to be occurring at the same time; these more complex studies have shown disproportionate siting, for example, of toxic storage disposal facilities. Neighborhoods that experience significant demographic changes tend to be where siting of hazardous waste and toxics occur because social networks and institutions in the neighborhood may not be well-organized, weakening the community and political influence to planning and policymaking decisions (Pastor, Sadd, and Hipp, 2001, pp. 13–15). The data section of this report describes the environmental disparities in the state and how community perceptions of the CIWMB are affected by this experience.

### ***The California Landscape: Emerging and Innovative EJ issues in California***

Environmental justice has become a central concern in the California, particularly after the passage of legislation in 1999 (as mentioned in the Executive Summary) that mandated that the California Environmental Protection Agency (Cal/EPA) and related agencies and departments administer and enforce their programs in a way that “ensures fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations.” (PRC section 71110(a)) The adoption of environmental justice legislation at the State level places California in a leadership role in

environmental justice policymaking nationally. This is due not only to leadership within State government but also to active organizing by environmental justice organizations and a growing body of research that has demonstrated that many of California's environmental disamenities, including hazardous facilities and toxic air emissions, are disproportionately in lower-income communities of color.

In one of its earliest federal policy successes, the environmental justice movement spearheaded the U.S. EPA Accountability Campaign that resulted in the signing of Executive Order 12898 in February 1994 by then-President Bill Clinton that requires all federal agencies to address environmental justice in their programs and strategies. The National Environmental Justice Advisory Council (NEJAC) was established earlier in September 1993 to provide a forum for the discussion of environmental conditions of minority and low-income populations and to serve as a national advisory board to U.S. EPA. These institutional changes were a significant catalyst to legitimize EJ efforts. Since then, other EJ-related laws have been passed in California. While not all the laws have been funded or implemented yet, their passage indicates a heightened awareness and responsiveness to EJ advocacy and concerns within the state.

The aim of this section of the report is to demonstrate emerging and innovative EJ issues, approaches and strategies from local, regional, and State efforts in California. Examples of these innovative approaches should be useful in thinking about creating opportunities for more productive public participation and engagement. The cases presented here represent public participation at various governmental levels. The report *Building Healthy Communities from the Ground Up: Environmental Justice in California* argues that significant State policy approaches are needed to create smart policy changes that influence conditions at the local and neighborhood levels. (*Building Healthy Communities*, 2003, pp. 13–19)\* Collaborative work on statewide strategies among EJ organizations represents a recent turning point in strategy to affect policy change. Traditionally, EJ groups have predominantly focused on local issues with localized strategies that do not necessarily sustain long-term outcomes. EJ organizations are now building capacity to engage at the State level to address some of the root causes of the many EJ problems found in their communities and to effect changes in policies, programs, and decision-making for the long-term.

Much progress has been made thus far at the State level. The creation of the Cal/EPA Office of Environmental Justice along with the Governor's Office of Planning and Research put in place a process to develop environmental justice recommendations for Cal/EPA that were adopted in September 2003. The passage of key legislative bills that focus on the protection of EJ communities reflects important community organizing statewide. It also reflects open debate with elected officials, policymakers, regulators, and decision-making bodies committed to open and meaningful public participation of communities in the decision-making that affects them.

As CIWMB and other State boards, departments, and offices within Cal/EPA work to implement the adopted environmental justice recommendations, there are opportunities to continue the collaborative process. Meaningful and accessible public participation will be

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\* An EJ collaborative, also known as the EJ Working Group, published this report in 2003 that sums up the environmental justice crisis in California and has offered meaningful policy recommendations for achieving EJ in California.

possible if policymakers, elected officials, and their decision-making bodies support and implement the policies and recommendations that have already been adopted. To this end, EJ groups and their governmental counterparts have begun to create tools for equitable public health protection and public participation.

In recent years, key approaches have emerged which frame much of the work of many EJ campaigns and organizations: (1) the “Precautionary Principle,”\* (2) cumulative impact analysis for assessing potential harm to EJ communities, (3) pollution prevention/source reduction, and (4) land use planning. These issues can be successfully addressed by multiple strategies that can include advocacy, research, legal support, community organizing, lobbying, and coalition and capacity building. At the heart of these combined strategies is community involvement and engagement. The cases below illustrate some of the approaches discussed here.

## ***Local and Regional Cases***

### **The City/County of San Francisco Adopts the Precautionary Principle as Policy**

In 2003, the San Francisco County Board of Supervisors adopted the Precautionary Principle as the policy framework for development of all city/county environmental policy. The precautionary principle as an approach to environmental problems ensures that when an activity raises threats of harm to human health or the environment, precautionary measures will be taken even if some cause and effect relationships are not fully established scientifically. A key element of this approach is that the proponents of products and services, rather than the public, bear responsibility for the safety of those products and services. (Wingspread Conference, 1998)

By adopting the Precautionary Principle, San Francisco’s leaders and residents affirm: a duty exists to take anticipatory action to prevent harm; the community has a right to know complete and accurate information on potential human health and environmental impacts; an obligation exists to assess a full range of alternatives and select the alternative with the least potential impact on humans and the environment; decisions will be participatory, transparent, and informed by the best available science and complete product information; decision-makers will consider long-term costs and savings of environmental policies in economic evaluations. (Wingspread Conference, 1998)

This was an unprecedented victory and “a combined grassroots victory” (“San Francisco Adopts the Precautionary Principle,” 2003) for the Bay Area Working Group, a coalition of community and environmental organizations that includes Communities for a Better Environment, Bay View Hunters Point Community Advocates, the Science and Environmental Health Network, the Breast Cancer Fund, and many others. The group was savvy enough to get a local community foundation, The San Francisco Foundation, to support their efforts; the Foundation hosted an initial breakfast to catalyze business interests in adopting the tenets of the Precautionary Principle. San Francisco Mayor Willie Brown also supported the Precautionary Principle and hired an individual to head the city’s Department of the Environment. This staff took great interest in integrating

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\* The Precautionary Principle states that when an activity raises threats of harm to human health or the environment, precautionary measures should be taken, even if some cause and effect relationships are not fully established scientifically.

precautionary policies into city and county policy. Together, the combined political, grassroots, philanthropic, and small business interests pushed for smart policy change that sends the message of the possibilities and benefits to adopting the precautionary principle as policy.

### **Los Angeles Unified School District Embraces Precautionary Approach**

The Los Angeles Unified School District (LAUSD), the second-largest school district in the nation, adopted an integrated pest management policy, and the preamble to this policy is the “Precautionary Principle.” The California Safe Schools Coalition worked hard for this victory. This coalition consisted of grassroots EJ organizations, environmental and health organizations, local philanthropic organizations, and technical assistance providers. This is now a nationally renowned program that has influenced other districts to consider this policy change as well.

### **Youth in Action in Huntington Park**

A group of youth of color in an EJ community, with the support of their umbrella organization, Communities for a Better Environment (CBE), has formed a youth-driven recycling project at a local high school. The group is also promoting the elimination of a concrete recycling facility which has created a public health nuisance over many years because the recycled concrete is stacked far above any legal limits and is spread via wind and air pollution throughout the neighborhood as particulate matter that ends up in people’s lungs and homes. This “concrete mountain,” also known as La Montaña, is formed out of concrete waste that was intended for recycling in the wake of the 1994 Northridge earthquake and the collapse of Los Angeles area freeways.

The youth group engaged in a strategic planning process and realized that the production of waste in their community was a large part of the pollution problem in southeast Los Angeles neighborhoods. The youth found that their communities are exposed to more manufacturing pollutants than other neighborhoods in the region. They also found that their neighborhoods are the location of most of the region’s waste recycling facilities. Youth worked with CBE, and its Latino constituency in the City of Huntington Park, to successfully challenge the city to mandate the removal of La Montaña. However, due to changes in administration, bureaucratic communication barriers, and lack of statewide oversight, La Montaña still remains a public health issue and residents feel its effects daily.

Youth in Action of CBE have continued to organize and have decided to rebuild their efforts to eliminate this environmental hazard. What makes this campaign innovative is that this time it is spearheaded by the youth committed to identifying the policymakers, regulators, and decision-makers that can join them in resolving the problem. Also, it is interesting how the youth have combined their efforts at La Montana with recycling efforts in a local high school. They believe the recycling campaign at South Gate High School will be a good starting point to encourage youth of color to build leadership skills. They also see the campaign as a way to increase the students’ awareness of the life cycle of waste and to develop tools for waste prevention and reduction at the source.

## **Community-Based Planning in Barrio Logan, San Diego**

The Environmental Health Coalition\* and the residents of Barrio Logan successfully organized a community-based planning and zoning effort to protect their health and the environment. In this effort, this group was successful in shutting down one of the worst polluters in the area, Master Plating. Most importantly, they won a long-term commitment from the City of San Diego to revise and update the area's zoning and 1978 community plan. This also led to strong grassroots influence to push the State to establish environmental justice guidelines, and specifically to evaluate and amend the California Air Toxics Control Measure for chrome plating. This case exemplifies the importance of organizing around a local issue, which can then lead to regional and statewide policy change to ensure a long-term victory and sustainable change.

## **The South Coast Air Quality Management District Establishes an EJ Stakeholder Group**

In September 2002, the South Coast Air Quality Management District's (SCAQMD) Governing Board approved enhancements to its existing EJ program in response to a well-coordinated and collaborative effort among EJ organizations in the Los Angeles region. Community organizing sought to improve rulemaking for EJ that would integrate an assessment of cumulative impacts of air toxics beyond the air quality management district's (AQMD) requirements. Also, as a result of the demands by EJ groups† for a cumulative impacts analysis, a working group was created to assist SCAQMD staff in developing recommendations on options regarding this innovative approach to the assessment and mitigation of community health risks. This group consisted not only of EJ groups, but also business representatives and other agencies.

As a result, in September of 2003, the SCAQMD Governing Board directed staff to proceed with the Cumulative Impacts Reduction Strategy (CIRS), as outlined by a white paper created with community input. This regional victory was part of a long-term effort and campaign spearheaded by grassroots efforts arguing that permits were being approved based on outdated and limited information on health impacts to community. This regional effort has catalyzed a statewide dialogue and set examples for other APCDs across the state.

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\* The Environmental Health Coalition was founded in 1980, and is a community-based EJ organization in San Diego that works in grassroots organizing, advocacy, technical assistance, research, education and policy development.

† EJ Work Group community reps and members included Communities for a Better Environment, California Environmental Rights Alliance, Coalition for Clean Air, Community Coalition for Change, and East Yard Communities for Environmental Justice, among others.

## **Statewide Cases**

### **Computer Waste**

The Silicon Valley Toxics Coalition\* established the Health and Environmental Justice Project (HEJ) to identify, reduce, and prevent peoples' exposure to environmental hazards where they live, work and play. Its current focus is on toxic hazards resulting from high-tech industry waste. One such campaign that is supported by both SVTC and HEJ's work is the Computer Take Back Campaign.

The goal of this work is to protect the health and well being of electronics users, workers, and the communities where electronics are produced and discarded by requiring consumer electronics manufacturers and brand owners to take full responsibility for the life cycle of their products. This would be done through effective public policy requirements or enforceable agreements. The majority of high-tech assembly workers are women of color, often immigrants who work in the most hazardous and low paying jobs. Likewise, residents who live in the most polluted neighborhoods are low-income people of color, where the recycling of these products usually takes place and consequently exposes them to a whole list of toxic compounds found in computers, monitors, and cell phones.

As a result of the work of this campaign, the San Francisco Board of Supervisors adopted a resolution in 2002 urging the State Legislature to introduce and support legislation requiring computer and electronics producers to take responsibility for reuse and recycling of their products and electronic waste ("e-waste"). In the same year, the Legislature enacted legislation to ensure infrastructure and funds existed to responsibly recycle computer, television, and cell phone products. Governor Davis approved the legislation (SB 20) on September 24, 2003. The model legislation builds off of policy adopted in the European Union requiring brand owners to finance the e-waste collection and recycling system. This effort that began locally is now part of a larger international campaign focused on the creation of legislation for producer responsibility.

### **Statewide Collaboration on Environmental Justice**

A collaborative of environmental justice organizations was created by the Asian Pacific Environmental Network, Communities for a Better Environment, the Environmental Health Coalition, the Silicon Valley Toxics Coalition, and People Organizing to Demand Environmental and Economic Rights. The result of broader dialogues with labor and social justice groups led to the creation of a statewide strategy for policy change. The outcome of this effort thus far has been the prominent involvement of local EJ groups in statewide policy development. This EJ collaborative engaged and mobilized hundreds to participate in public hearings of the Cal/EPA Advisory Committee on Environmental Justice and advocated for adoption of its recommendations. Two of the groups were represented on the committee, thus systematically improving participation in the creation of statewide policy.

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\* The Silicon Valley Toxics Coalition (SVTC), established in 1982, is a diverse grassroots coalition that engages in research, advocacy, and organizing pertaining to the environmental and human health problems caused by the rapid growth of the high-tech electronics industry. SVTC has always involved and engaged people of color, urging them to speak for themselves.

The committee's adopted recommendations have yet to be fully integrated and implemented in all Cal/EPA agencies; however, this first step was in no small part due to the active participation of several EJ organizations across the state. These groups argue that the elements that will create long-term and sustainable change for communities to achieve health and environmental justice are: building the State level advocacy of EJ organizations, increasing technical assistance and the allocation of resources for this purpose, and building solidarity with other social movements.

### **Challenges and Opportunities**

These examples of EJ campaigns and work demonstrate that there is now a growing, stronger, statewide, multi-racial, multi-issue environmental justice movement and capacity-building effort whose overall presence and impact are achieving greater changes than the individual efforts. Throughout California, there are growing examples of local struggles becoming vehicles for statewide policy change, each building on the success of the previous effort. The formation of the EJ collaborative is a model (1) for building a wider coalition of organizations engaged in creating environmental justice policies at the State level and (2) for seeing that these policies are implemented. As a result, State agencies must be prepared with the resources, tools, policies, programs, and systems to support this level of involvement in order to create not only meaningful public participation, but also meaningful public policy.

The major challenges lie in implementing previously adopted EJ policies and legislation so that they are not set aside or doomed to fail due to lack of funding, or changes in administration. Instead, decision-makers can remain accountable to the public by ensuring these policies are put into practice and well resourced. As the sophistication and capacity of the EJ groups grow to engage and demand statewide public policies that address their concerns, so should the mechanisms for equal access and input. The report will address these kinds of practices and strategies, but first we turn to the data that illustrates the communities' experiences and perceptions of their environment.

### 3. Environmental Justice and the CIWMB

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Understanding the terrain for community participation requires that we also understand two things: first, the general set of public perceptions about environmental justice in the state, and second, the actual demographic characteristics of the areas surrounding the facilities regulated by CIWMB.

Both are important. If there are actual problems of environmental justice—that is, if facilities such as landfills and transfer stations are disproportionately in minority and low-income neighborhoods controlling for other factors (see explanation of “controlling for” two paragraphs below this one) that might explain their location—then community participation in Board-sponsored processes may focus on those concerns. Yet even if careful analysis shows that the types of facilities regulated by CIWMB were equitably located, communities might still be concerned if there were a general problem of environmental disparity in the state and this influenced communities’ perception of all environmental agencies and thus formed the context for CIWMB efforts.

This section therefore takes up two issues. The first issue is the general state of environmental justice in the California and the set of public perceptions about this. The second issue is the actual difference in proximity to CIWMB-regulated sites, that is, differences in distance between EJ communities and these sites. Here, we take on a particular task, again related to perception: Using publicly available data, we show the correlations that exist between race/ethnicity and income, and the location of active and permitted landfills, transfer stations, and waste tire recyclers.

Based on our analysis, there is some evidence of demographic difference with regard to the proximity of permitted transfer stations and waste tire recyclers to certain neighborhoods. Permitted landfills, on the other hand, seem to be more equitably distributed in terms of income and ethnicity. However, a more sophisticated multivariate analysis of landfill location suggests the potential for racial differences in proximity once we control for whether an area is rural or urban, as well as other factors. Controlling, in statistical parlance, means taking into account the multiple factors that might lead to siting. We generally expect, for example, that transfer stations will be in urban areas where waste transfers are necessary. Since California’s urban areas are more minority, the correlation of percent minority and likelihood of a transfer station could reflect this fact rather than any pattern of racial inequity in siting of transfer stations. However, the use of appropriate statistical techniques to control for whether or not an area is urban or rural, as well as other factors, still suggests a pattern of racial difference with regard to proximity of minority populations to transfer stations and waste tire recyclers, and also reveals evidence of racial difference with regard to siting of landfills. This may influence the perception and context for community participation around environmental justice.

#### ***The General State of Environmental Justice in California***

The State of California has been a leader in environmental justice legislation, including SB 115, which defined environmental justice in statute and required Cal/EPA to develop a model environmental mission statement for its boards, departments and offices, and SB

89,\* which required Cal/EPA to form a working group, aided by an external advisory panel, to identify and address environmental justice “gaps” in existing programs. These and other legislative mandates reflected the sort of higher standard around environmental issues typical of the state. At the same time, numerous studies have suggested that California may exhibit a pattern of environmental differences by race and income.

To be sure, some national-level studies have been inconclusive with regard to whether there are significant demographic differences pertaining to proximity to environmental disamenities across the United States (see Anderton, et al., April 1994, May 1994, and the exhaustive review of the debate in Bowen, 2000). However, a national study by Lester, Allen, and Hill (2001) is especially interesting: it was conducted by researchers that were originally skeptical about environmental justice concerns but who were then persuaded by the national evidence that some disparities were present. Whatever the state of the national controversy, however, previous studies of the California experience seem to be more consistent with the concerns of environmental justice advocates.

It is important to stress that none of these previous studies have looked at the types of facilities regulated by CIWMB. Still, the consistent evidence of certain racial and low-income populations being in proximity to various facilities generally considered to be environmental disamenities may shape public perceptions and predispositions. These perceptions and predispositions will be the backdrop for community outreach and participation in CIWMB processes.

### ***What have studies found?***

- Early research on toxic facilities found that African Americans in Los Angeles County are about fifty percent more likely and Latinos are two times more likely than Anglos to be living in neighborhoods directly proximate to hazardous waste treatment storage, transfer, and disposal facilities (the TSDFs listed with the California’s Department of Toxic Substances Control). These differences diminish but do not disappear when one controls for population density, income levels, percent of residents working in manufacturing, and even local land use, all factors that should explain hazard location (Boer, et al., 1997, pp. 802–807).
- Some analysts have argued that this may be because minorities move to cheaper, but higher risk, neighborhoods. However, the evidence suggests otherwise: siting is more important than rapidly changing demographics as an explanation for the location of such TSDFs. In Los Angeles County, for example, areas that received new hazardous waste facilities over the 1970s and 1980s had a far higher percentage of minority residents than those neighborhoods that did not receive new TSDFs. The neighborhoods with these new sites did indeed become more minority, but the gain in percent minority was no faster than in the rest of the county. The basic result holds even when one accounts for the other factors that might determine facility siting as well the dynamics that drive neighborhood demographic change (Pastor, Sadd, and Hipp, 2001, pp. 13–15).

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\* Chapter 690, Statutes of 1999 (Solis, Senate Bill [SB] 115). A second environmental justice bill was passed the following year (Chapter 728, Statutes of 2000 [Escutia, SB 89]). Public Resources Code sections resulting from passage of these bills were renumbered and moved to sections 71110–71116 by a third environmental justice bill (Chapter 765, Statutes of 2001 [Alarcon, SB 828]).

- The pattern of disproportionate proximity is not limited to hazardous waste treatment facilities. Using information from the mid-1990s and census information from the 1990s, one study found that in Southern California, African Americans were a third more likely, and Latinos were nearly twice as likely, to be living in a census tract containing a facility that emits high-priority pollutants as listed in the national Toxic Release Inventory. The racial differences in exposure persisted even when controlling for income, land use, and manufacturing presence. This pattern was actually more pronounced for facilities with emissions designated by the national Environmental Protection Agency as priority pollutants (Sadd, et al. 1999, pp.114–119).
- Including mobile and smaller sources, such as dry cleaners, does not improve the picture. One study tried to rank census tracts by estimated cancer risk from airborne toxics from all sources. The study found that roughly two-thirds of the population in the third of tracts with the lowest estimated air toxic-related cancer risk in 1990 in Southern California were Anglo. In the third of tracts with the highest risk, two-thirds of the population was African American, Asian, or Latino (Morello-Frosch, et al. 2001, p. 564). Income made a difference, with the estimated risk of cancer from airborne toxics declining as neighborhood wealth rose. But across any band of income, African Americans, Latinos, and Asians generally faced a 15 to 25 percent higher risk of cancer from airborne toxics.
- This is not simply an issue in Southern California. One very recent study (Pastor, et al. 2004) compared demographics from the 2000 census to data from the federal Toxic Release Inventory of the same year. Examining California as a whole, the researchers found that that African Americans were one-third more likely, and Latinos two-thirds more likely, than Anglos to be living with one mile of a facility reporting air emissions. These demographic differences diminished but still persisted even when controlling for home ownership, population density, and whether the community is rural or urban.

Again, none of these studies speak specifically to the distribution within California of the types of facilities regulated by the CIWMB. However, they do set the stage for public perceptions, and this is the context for any particular environmental agency's program for community outreach and participation.

Is there a general public perception of environmental justice as a concern? One of the most respected polling sources in the state, the Public Policy Institute of California, has asked respondents about their sense of environmental issues in California (Baldassare 2002, p. 11). While Latinos tend to be more convinced that environmental differences in proximity exist, both white and Latinos—the two largest ethnic groups in the survey and the only ones for which breakdowns would be statistically reliable—believe that minority communities are more likely to be proximate to (defined as within one mile of) toxic waste and less likely to be proximate to such environmental amenities as parks (see Figure 1, Appendix D).

This then is the public perception field into which community outreach and participation may fit: the public may be predisposed to assuming that landfills and other CIWMB-regulated operations will be disproportionately concentrated in minority communities. Thus, it is important to understand the available evidence.

What is the evidence with regard to CIWMB-regulated facilities? While the goal of this study was not originally to conduct a detailed analysis of the location of CIWMB-

regulated facilities, we proposed a limited analysis to serve two objectives. The first is to add an empirical basis to understand public perception in order to inform best practices with regard to public outreach and participation. Secondly, we did not attempt an exhaustive analysis but rather tried to design and implement a research project that might be doable by a community organization with research capacity to see what such a group might be able to demonstrate with publicly available information using basic crosstabs and simple multivariate analysis.

Through a review of literature, we found the only earlier research was in a report prepared in December 2000 by the California State Auditor titled *California Integrated Waste Management Board: Limited Authority and Weak Oversight Diminish Its Ability to Protect Public Health and the Environment*. The report looked at “active, permitted landfills and transfer stations” and matched up site locations with 1990 demographics. (California State Auditor, 2000, p. 14) Though researchers did not find a disproportionate number of landfills located in low-income areas, they did find a disproportionate number of transfer stations. With regard to ethnicity, it found that “transfer stations and landfills are not disproportionately located in minority communities.”

The study does not explain, however, the exact methodology for locating and determining neighborhood demographics—that is, whether the focus was on the tract containing the facility or utilized the sort of radii analysis (tracts within a certain range of a facility) that has become the standard in the emerging literature on environmental justice. Moreover, the calculations with regard to demographics are somewhat unclear. For example, the authors study whether landfills and transfer stations are correlated with the percent Caucasian population; however, Latinos can be of any race, and in 1990, according to the U.S. Census, 45.5 percent of California’s Latinos identified themselves as “white or Caucasian” (with 50.5 percent identifying themselves as “Other” and the rest choosing “Black,” “Asian,” or “Native American”). Thus, it is quite possible to find no pattern with regard to race and still have environmental differences with regard to Latinos. For this reason, most analysts now use the Hispanic origin by race series to look at demographic patterns, and we follow that standard practice here.\* In any case, the analysis seems to be in need of updating in terms of both the 2000 Census data and new methods.

### ***What research is available about CIWMB-regulated sites and contemporary demographics?***

CIWMB staff report that in order to provide demographic information relative to a proposed permit the Board is considering, staff obtains relevant census information. The agency provides localized 1990 demographics for various facilities; these are provided in the California Waste Stream Profiles ([www.ciwmb.ca.gov/Profiles/](http://www.ciwmb.ca.gov/Profiles/)) of the CIWMB website, with nearby demographics available by clicking on interactive maps.

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\* We would also note that given the usual correlation between income and ethnicity, it is striking to find a difference for the transfer stations by income but not by race. While this might occur in a multivariate analysis (where one is, say, controlling for income), the State Auditor was engaged in a univariate analysis—and this leads us once again to wonder whether some Latinos (who are generally lower-income) were included in the “Caucasian” category.

CIWMB is to be commended for the California Waste Stream Profiles. Improvements could be made, including the incorporation of 2000 demographic data, the utilization of the Hispanic origin by race series (rather than the current separate reports on race and then Hispanic origin), and inclusion of more income variables (median household income and per capita income as well as the poverty rate). However, the California Waste Stream Profiles is a very good start to data provision, and CIWMB is to be congratulated for making this accessible to the public in a user-friendly fashion.

On the other hand, site-by-site data is not the same as a general analysis of all facilities of various types. One knows the local demographics of the area proximate to a particular facility but not how this compares to all other facilities, and whether the demographics near that facility is reflective or not reflective of a general pattern. Since environmental justice concerns depend on this broader view, we decided to undertake such an analysis as a starting point to our own work on best practices in participation.

Thus, we went to the Solid Waste Information System (SWIS) and downloaded the data as of August 1, 2002 (the SWIS is updated regularly). The SWIS data comes in an Excel database that is organized by site, unit, and owner. Multiple units can exist at each site. Since we were interested in neighborhood demographics (which are not included in the SWIS and must be attached by the researcher), we focused on the site information and aggregated the unit information to it by splitting the pages into two separate files and linking data into a flat or rectangular structure using the SWIS number. Like the State Auditor's study, we focused only on active and permitted units.

Once we had the facilities in the SWIS determined as active and permitted, we exported the site information for three types of facilities: landfills, transfer stations, and waste tire facilities. Using the geographic information indicated in the SWIS file, we located each of the facilities in the state. To determine the demographics surrounding the various facilities, we needed to decide on a radii of influence. We decided to use a one-mile radius since this has been relatively standard in the environmental justice literature; again, a full quantitative study might explore other radii as well but the primary rationale of this effort was to determine whether there was *prima facie* evidence of demographic difference and hence reason for further research.

The demographic unit of analysis was the census block group, a level of geography which is smaller than the census tract but larger than the block. We chose this because it is the most detailed level on which income is available. We were careful to both remove any bodies of water from the analysis and to project the surface so that we were controlling for the curvature of the earth; the exact projection used was the state standard, Teale-Albers. We then tagged any block group falling into the circle emanating from the facility as being under the influence of that facility; after some examination of the patterns, we excluded any block group where less than one percent of its land area fell under the one mile buffer (with land area calculated using Teale-Albers projections).

Figure 2 (Appendix D) affords a view of an area in Contra Costa County that includes all three different sorts of sites as well as buffers with the water areas removed from the analysis.

Analysis of the results was fairly straightforward. We first conducted simple comparisons of the demographics and income levels of those block groups falling within the one-mile buffer of the various active and permitted sites; because the 2000 data was available at the time of this analysis, this is what we use, and hence this represents an update of the Auditor's work. As can be seen in Figures 3 through 6 (Appendix D), part of the

Auditor's analysis seems to be replicated here: landfills are not, at first glance, differentially distributed by race or income while transfer stations and waste tire facilities (a facility type not analyzed by the Auditor) seem to be.\*

In summary, the main finding here is that using the SWIS listings of 2002 and the demographic information from 2000, we find that landfills are not, at first glance, differentially distributed by race or income, while transfer stations and waste tire facilities seem to be. However, this preliminary view does not take account of the multiple factors that are associated with site location; for that, we turn to a multivariate analysis as explained directly below.

## ***Multivariate Analysis***

To look at the pattern more formally, we decided to analyze the demographics and income in a multivariate regression. A multivariate regression means that we are trying to explore the impact of one factor while controlling for another. It is common, for example, to explore the impact of gender on wages while holding all other characteristics of the individual, such as education, constant. This strategy allows one to determine whether dramatic findings are merely correlational artifacts—for example, maybe income differences in site neighborhoods are driving the apparent differences in site location based on race—and to uncover deeper patterns in the data.

Following standard practice in the environmental justice literature, we configure our regression analysis to follow a logistic form—that is, to see what the effect of independent variables were on the likelihood that a particular census block would be hosting or not hosting a facility of some type. To keep matters simple, we focused on income, percent minority, population density, and whether the block group was considered urban or rural. Our hypothesis was that income would be negatively correlated with facility location and percent minority would be positively correlated. Population density and an urban tag were control variables. In general, one hopes that facilities will be in block groups that have fewer people per square mile. We expect that both transfer stations and waste tire facilities would be in urban areas, and that landfills might be more prevalent in rural areas.

In fact, this latter urban-rural distinction is important: of the block groups designated as rural, 8.7 percent are designated as proximate to an active and permitted solid waste facility, while the comparable figure for urban tracts is 1.5 percent. For transfer stations and waste tire disposal sites, the rural urban differences were far smaller, with both of these sites more frequently in urban rather than rural areas but not by much.

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\* As noted above, the State Auditor also found that transfer stations were not inequitably distributed by race, although they were by income. However, it is not clear whether this is a result of the race/ethnic breakdown used in that report; if it was, then the pattern shown here for 2000 may represent a correction to the Auditor's earlier analysis[rather than a transformation of demographics near transfer stations in the intervening 10 years. We suspect the former, particularly since the Auditor's report shows the race and income variables performing differently in a univariate setting. However, the only way to resolve this discrepancy would be to redo the work using 1990 data using the 1990 census shapes and the Hispanic origin-by-race series; such a backward-looking effort is beyond the scope of this effort although we do discuss in the conclusion why a related historical or longitudinal analysis might be important.

Why would this make a difference? Breaking up the state into rural and urban areas based on the census tract designation, we find that rural areas have higher incomes on average (with a per capita income about 8 percent higher) but are far more non-Hispanic white (66 percent non-Hispanic white in rural areas versus 34 percent non-Hispanic white in urban areas). What this means is the following: If landfills are more likely to be in rural areas for reasons other than race and income, such as available land, then the environmental justice issue may be whether such facilities are disproportionately distributed into more minority areas within the rural landscape. A similar set of questions could be posed around the transfer and waste tire sites: given our assumption that these will be urban, are they inequitably allocated across the urban landscape? This sort of controlling for locational conditions is exactly what a multivariate analysis is designed to address.

Several technical caveats are in order. First, we actually entered the log of income and the log of population density, mostly because we believe that the effects of each will taper off.\* Second, the urban-rural specification is not actually available for a whole block group but rather is available at a block group level where the chain of geographic levels is such that groups may be split by jurisdiction. We thus calculated the area for each of these smaller areas, summed them up to the whole block group level, and then labeled a tract “urban” or “rural” depending on whether more than 50 percent of the calculated area was urban. Thus, the terms “urban” and “rural” have well-defined and specific meanings in this analysis.

The final caveat is the most important: this is not a very sophisticated model and in other work, we have utilized more explanatory variables and also tried to control for spatial clustering of facilities. However, recall that the point here is not an exhaustive study but rather an examination of what a capable community group might produce using basic crosstabs and simple multivariate analysis.

Table 1 presents the results of the multivariate analysis. In this table, the plus or minus symbols (+ or –) show the direction of effect, with a question mark (?) indicating that the result is not significant and so we cannot firmly establish the direction. As can be seen there, the simple pattern for both transfer stations and waste tire facilities essentially persists. Even controlling for population density and urbanization (with our assumption being these facilities are more closely located to urban centers), we find that the relationships between race, income, and facility location are statistically significant at the .01 level—meaning that there is only a one in 100 chance that the pattern is a “statistical fluke.” This statistical level of significance is generally considered very solid evidence in the field of environmental statistics.

What about landfills? Consistent with the earlier bivariate analysis, we find that there are no statistically significant differences in terms of income. However, we do find that race is now a significant predictor of landfill location. That is, once we control for the fact that such facilities are disproportionately in areas designated rural by the Census and that these are, reasonably enough, located in areas with lower levels of population density (particularly right around the landfill itself), racial differences in proximity do seem to exist.

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\* For more information on population density and the logic for this sort of specification, see Mennis (2002).

To afford an easier view of what it means to control for urbanization, we broke the state up into its urban and rural components. As it turns out, people of color are more likely to be near a landfill in both urban and rural areas, with the demographic difference biggest in the rural areas. In the rural areas, for example, the population proximate to an active and permitted landfill is 42 percent people of color while the population not proximate to an active and permitted landfill is 33 percent people of color. In the urban areas, the difference is smaller. The population proximate to an active and permitted landfill is 58 percent people of color while the population not proximate is 56 percent people of color. While this simple comparison is not as technically rigorous as a multivariate analysis, it is very consistent with the story that emerges from those results: The reason the statewide pattern shows that non-Hispanic whites are more likely to be near such landfills is that rural areas are more likely to host both whites and landfills—but even in those areas, people of color are more likely to be proximate to active and permitted landfills.

This multivariate or multidimensional pattern is important to keep in mind when considering environmental justice, partly because it represents a more complex and sophisticated analysis of the issue and partly because public perceptions implicitly take this into account. That is, the state's residents understand that landfill facilities will tend to be in more rural areas and transfer facilities will be in more urban areas (closer to trash generation) and that this therefore limits the potential neighboring populations. Given these basic facts, the question is, "Are populations of different incomes and ethnicities sharing the burden?"

### **Some Key Caveats**

We stress here three caveats, two relating to the empirical limits of this study and the other to CIWMB's role in the permitting process. First, this research represents a first step in what might be a more complete analysis of the environmental justice implications of the pattern of CIWMB-regulated facilities. In particular, we have made no attempt to assess the particular set of health hazards associated with facilities, nor have we tried to see if there are differences related to the size of the facility. However, facilities do indeed differ with regard to quantities of wastes processed daily and quantities of waste buried in place, and the utilization of other variables such as tons of waste received per day or landfill acreage might add value in a future analysis.

However, we would stress again that this work is not meant as a complete study but rather as a quick look at what a community group might find using techniques that are now very standard in the environmental justice field (locating sites, using standard radii, calculating proximate demographics, and developing simple multivariate models). In other work, we have tried to control for size or estimated health effects of facilities (Boer, et al., 1997; Sadd, et al., 1999); here, we are doing the usual first steps of such a research program: establish the likelihood of the pattern, then call for more analysis.

Second, the analysis above is not a time series analysis but rather a cross-sectional view—a statistical "snapshot"—of the pattern at a particular time. Environmental justice analysts are increasingly concerned with whether facilities were sited in minority neighborhoods or whether the demographics of the neighborhoods shifted post-siting, perhaps due to changes in land prices and the move-in of lower-income residents. While the contemporary picture could still suggest various sorts of problems with regard to differential risk, the possibility of a "move-in" dynamic could suggest that the current scenario is a reflection of individual or market-driven choice. The few studies that have tackled the move-in versus siting issue directly with large-scale multivariate analysis of other environmental disamenities (Been and Gupta 1997, Oakes, Anderton, and Anderson

1996, Pastor, Sadd, and Hipp 2001) have found no evidence of a “move-in” effect but have sometimes found evidence of demographic disparities in siting.

It is also useful to note that the multivariate analysis employed in this cross-section controls for income. The usual move-in story involves the notion of lower-income residents moving in to capture lower housing prices; if one finds a statistically significant difference in race after controlling for income, one has to explain why people with the same income but different ethnicity would wind up in different locations.

Still, we believe that this is a longitudinal issue that calls for future study, partly because it has ramifications for outreach and policy. If, for example, the issue is siting, then one should worry about participation in decisions regarding siting and expansion; if the issue is move-in, one might wish to insure full information to homebuyers and renters so that choices are well-informed.

Our third and more important caveat has to do with the policy decision points regarding facilities. This issue of CIWMB’s limited power with regard to environmental justice was highlighted in the Auditor’s report. The siting of solid waste and other disposal facilities is fundamentally a local decision. CIWMB has a primary role in determining what level of regulation and what State standards an activity must comply with, but the actual siting decision is a product of local land use planning and permitting processes, including the California Environmental Quality Act (CEQA).

These other aspects of the decision process could be improved. Better separation of land uses, particularly residential from industrial, more outreach for participation in local planning processes, and a fuller incorporation of environmental justice criteria in Environmental Impact Reports would all be useful additions to the process. Many of these strategies are discussed in the September 2003 final report, *Recommendations of the California Environmental Protection Agency (Cal/EPA) Advisory Committee on Environmental Justice to the Cal/EPA Interagency Working Group on Environmental Justice* (see especially pp. 22-23).

However, this report does not focus on what the local agencies can and should do. Rather, its purpose is to illustrate how CIWMB can make use of this data analysis to continue to improve its own practices with regard to environmental justice in general and community participation in particular. Due to its importance, the understanding and communication of local and State authority is referred to in Sections 4 (“Community Issues and Perceptions”) and 6 (“Best Practices: Community Approaches and Tools”) of this report. CIWMB can and does provide leadership to the local enforcement agencies. In addition, the Board’s own commitments regarding environmental justice and community participation can serve as an important signal of what local authorities should take into account as well.

## ***Implications***

This analysis offers at least three insights for community participation in the environmental justice aspects of CIWMB operations. The first is simply that there is a context for community perceptions: most Californians believe that environmental disamenities are not randomly distributed by race and income in the state, and the general pattern of evidence is not at odds with this perception. Thus, even before any specific consideration of landfills, transfer stations, and waste tire facilities, there are public perceptions that may make residents and citizens more predisposed to worry about environmental disparities.

The second insight is that there is a complex pattern of race and income differences in terms of populations living near active and permitted facilities. Transfer stations and waste tire facilities do seem to be in more minority and poorer areas, but such disparities do not seem, in a simple crosstabs analysis, to exist for landfills. However, in a multivariate analysis, race does seem to be significantly correlated with the location of a landfill, particularly once one controls for the rural setting typical of such landfills. Race and income are also significantly associated with transfer and waste tire sites in such multivariate regressions.

The third insight is that as part of an environmental justice outreach effort, research is important. CIWMB staff could conduct the analysis done here in more detail and also make the data and the associated demographics easier for the public to access. It might be useful, for example, to conduct a longitudinal analysis of current facilities and to extend the current work with considerations of facility size. As for existing public access to contemporary data, the California Waste Stream Profiles are a very good step in this direction and could be augmented by the more general analysis discussed above as well as the updating of the demographic data and inclusion of some different data series.

**Table 1. Logistic Regression Analysis**

*Probability of hosting an active and permitted:*

	Landfill/ Solid Waste Facility	Transfer Station	Waste Tire Site
Percent people of color	(+) ***	(+) ***	(+) ***
Per Capita Income	(?) --	(-) **	(-) ***
Population Density	(-) ***	(?) --	(-) ***
Urbanized Community	(-) ***	(-) ***	(+) ***

\*\*\* significant at the .01 level  
 \*\* significant at the .05 level  
 \* significant at the .10 level  
 -- not statistically significant

+ or – signs: Show direction of effect.

?: Indicates result is not significant, so direction cannot be firmly established.

## 4. Community Issues and Perceptions

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In order to better understand the attitudes and perceptions of community, we turn now to a summary of the feedback received through this research project. We also offer recommendations for addressing the issues that were raised. Over 20 individuals from seven counties (Imperial, Fresno, Kern, Los Angeles, Riverside, San Diego, and Stanislaus) were contacted and interviewed for this report. Interviewees were typically affiliated with neighborhood or community organizations and have been engaged in ongoing debates around siting, expansion, or enforcement in the last five years. Most interviewees were focused on current landfill issues; however, we also spoke with individuals who have been working around waste transfer stations, waste tire facilities, recycling facilities, and sludge facilities. While most of these community members had taken their case to the State level in some form, overall the interaction has been with their respective local enforcement agencies. Both rural and urban community members were contacted and all were located in communities with environmental justice concerns. The quotes used as a preface for each subsection below are drawn from these interviews.

When talking with community leaders, we distinguished between issues with the Board and with LEAs, but in practice the lines are not often clear to outside audiences. The confusion over who has jurisdiction can lead to erroneous perceptions regarding the Board and its authority. Communicating the line of authority and leadership is addressed in this and other sections of the report. As mentioned previously, this report focuses on the role of the CIWMB and its relationship with communities.

At the community level, overwhelming support exists for improved public participation in the permitting, policy, and enforcement practices of the CIWMB and LEAs. There is a strong belief that effective public participation is foundational for sound decision-making as it pertains to environmental justice. Looking forward, residents are excited by the changes that will come with the implementation of the Cal/EPA Environmental Justice Working Group recommendations that each board, department and office has endorsed and is expected to comply with by statute.

Generally, community members that have interacted with the CIWMB or their LEAs feel alienated by the public participation process currently in place. At the core of this sentiment are (1) lack of confidence that community involvement has meaningful impact on outcomes and decisions, and (2) the perception that outreach and programs of the CIWMB and LEAs are geared more towards industry involvement and meeting industry needs than community perspectives and focusing on public or environmental health. The issues raised during interviews with community residents can be divided into five broad categories:

1. Confidence in the public participation process.
2. Level of clarity.
3. Engagement of environmental justice communities.
4. Relationship with government officials.
5. Investment in community.

Following is a summary of community commentary divided into these five categories. Each is prefaced by a quote that captures a general sentiment in the community, followed by bullets that specify related concerns, and ending with community recommendations. While not all interviewees necessarily shared these opinions, each point presented below was voiced repeatedly by various community members. Many of the issues that surfaced in this section will be addressed with strategies that are described in greater detail in the following three sections.

## **Confidence in the Public Participation Process**

*“People start to glaze over at these meetings because they know the deal is already done... doing public consultation meetings is done just to check off a box....it’s worse than not doing it at all.”*

- Community members feel that their input does not yield substantial changes in CIWMB or LEA decision-making, and that key community recommendations, even mitigating measures, are rarely reflected in the outcome.
- There is a perception that the CIWMB and LEAs streamline processes and as a result circumvent debate. Community members say that current efforts do not go beyond statutory compliance.
- The community strongly believes that environmental justice should be a priority for LEAs, and a primary factor in decision-making.
- The community does not feel that its voice has equal power with industry advocates or politicians at either the local or State level.
- **Community Recommendations for the CIWMB:**
  - The CIWMB should create a mechanism for gauging public interest around permitting, policy, and enforcement cases. For high-interest and/or environmental justice cases, public participation should receive more emphasis.
  - The CIWMB should institutionalize a process by which a report is drafted after a decision has been made to identify where public input has been incorporated or addressed, and why other input was not. Such a process might apply only for high-interest and environmental justice cases.

## **Level of Clarity**

*“We decided not to get involved at the State level because it was just such a big unknown. There’s no clarity behind who oversees what. There needs to be clarity on what the CIWMB can do, on what their enforcement powers are.”*

- **Process:** The basic permitting and public participation process is not clear to community members. Generally, communities do not know when and how to address an issue or concern.
- **Structure and Jurisdiction:** There is little understanding of the interface between CIWMB and LEAs regarding each level’s responsibilities. The community is often given contradictory information about where to direct a complaint or request. It is unclear which staff members are responsible for environmental justice issues or public participation. A perceived disconnect

exists in State and local standards. An LEA claiming to enforce State standards that are not aligned with local standards often disregards community agreements with local agencies.

- **Interagency Coordination:** Communities believe that governmental agencies often work at cross-purposes, and are delivering contradictory information about their respective jurisdictions and/or authorities to the public.
- **Information Access:** Communities find it difficult to access important information, and many have had to invoke the Public Records Act or ask lawyers to write letters.
- **Complaint Resolution:** Communities are not aware of formal mechanisms for receiving complaints at the local or State level and they found no standard response. The community contends that there are few complaints filed because there is a strong belief that they will be lost in the bureaucratic shuffle.
- **Appeal Process:** The appeal process at the State level is confusing for community members. It is unclear for example, who will respond, in what time frame, and in what form. There are few appeals at the State level because community members feel that their treatment is arbitrary.
- **Community Recommendations for the CIWMB:**
  - Following the recent example of California Air Resources Board (ARB) and Department of Toxic Substances Control (DTSC), CIWMB should create a public participation handbook that guides the community through the process of permitting and informs their participation.
  - Following the example of ARB, the CIWMB should create a statewide complaint resolution protocol (CRP) that designates where complaints should be directed and standardizes time and form of response. The CIWMB and LEAs should use the CRP as a mechanism for gauging interest and adapting public participation as necessary.

## ***Engagement of Environmental Justice Communities***

*“Most community folks, especially the immigrant community, are afraid to deal with government. It’s very overwhelming and they don’t know who to talk to, so they don’t get involved at all. The agencies have not understood that community groups should act as a go-between.”*

- There is need for increased awareness of environmental justice among the LEAs, As a result, communities often feel that they themselves are responsible for educating staff of the various public agencies they work with. The community believes there can be a disconnect between officials and the sensitivities of a community.
- There are numerous accounts of LEAs that needed to be “pushed” into providing translation in their public participation efforts, even though a large proportion of non-English speakers lived in the area.
- The community is extremely concerned about cumulative impacts and the fact that these impacts are not being communicated as a factor in decision-making.

Community members do not feel that their knowledge and concern about facilities in their neighborhoods is viewed as credible.

- A disconnect between the community and the agencies exists that stems from a lack of representation for the affected communities, as well as too little diversity throughout the agencies.
- Community members have trouble understanding the CIWMB's statutory mandates, that is, the purpose of the Board, and find that the CIWMB website and materials make little explicit mention of the CIWMB's efforts toward environmental justice.
- There is a desire by communities for CIWMB staff to visit site locations and go on tours led by residents.
- **Community Recommendations for the CIWMB:**
  - Use public outreach tools such as community interviews and surveys to assess the particular public participation needs and interests within a community.
  - Establish partnerships with community-based organizations to aid in outreach and help to design an appropriate public participation process on a case-by-case basis.
  - Establish a training program that sensitizes CIWMB/LEA staff to environmental justice issues. CIWMB should draft a public participation manual for staff that includes environmental justice.
  - If possible, develop diversity guidelines in CIWMB hiring practices.
  - CIWMB's Board members and staff should continue to go on site tours with community members to learn firsthand about community concerns.
  - The CIWMB could work to create more visibility and better clarity of the CIWMB's environmental justice efforts, perhaps by designating a staff member or office to focus on environmental justice.

### ***Relationship With Government Officials***

*"... NIMBY (not in my back yard) [is used] to make everyone think less of a community that's just trying to protect itself...the last thing we want to do is put it in someone else's yard."*

- The community has not been able to consistently identify a liaison at either the CIWMB or LEA level.
- LEAs have not always demonstrated their respect for community concerns, which leaves community members feeling disempowered and frustrated.
- Some phone calls and letters to the CIWMB and LEAs are not answered.
- The community believes that instead of benefiting and utilizing the services of community organizations, the LEAs project a less productive "us-them" mentality.

- Communities say that the communication about risks needs improvement and community often has to press agencies for essential information about potential impacts.
- **Community Recommendations:**
  - Create or designate a public participation or community liaison staff position within the CIWMB.
  - Conduct workshops on risk communication.
  - Open up new avenues for communication between community and CIWMB/LEAs that work toward cooperation (see Best Practices section for potential mechanisms).

### ***Investment in the Community***

*“... an educated community that knows what the process is [is] able to create a headache for agencies ...and it costs money...So there’s no political will for capacity-building to get communities educated and involved.”*

- The community’s perception is that the majority of available resources are allocated to industry needs, giving the impression that the CIWMB helps industry more than the community.
- Limited awareness exists about available resources (financial or informational) that could help the community gain the technical expertise that better prepares them to constructively engage in the public participation process or check the science that is being used.
- The community wants more opportunity for public participation. The opportunities that exist are later in the process, and more opportunities are needed in the front-end of the decision-making process. There is a call for greater attention to outreach and publicity regarding funding and resource opportunities.
- Community members contest that State officials rarely visit or decide to hold important meetings in communities; rather, community members must make the trip to Sacramento to represent their perspective.
- **Community Recommendations:**
  - Make grant monies available to community organizations for technical assistance. Such programs should be packaged with a guide to preparing a proposal.
  - The CIWMB website is an important point of distribution that can make materials such as fact sheets, guides, and explanatory pamphlets available to community. Hardcopies should also be made available to community organizations to distribute to their members.
  - CIWMB should expand the distance for distributing public notices to a one mile radius of the facility, and should consult with community to learn of other effective media to publicize important matters. If notice is not properly circulated and there was not a community presence, then community

members should be able to request another meeting within a specified timeline.

- A public hearing could be held before an application is submitted.
- Public meetings with CIWMB representation could be held in affected communities whenever possible.
- Community advisory groups could be created and consulted around high-interest issues.

# 5. Effective Community-Competency Participation Strategies: Five Key Building Blocks

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## ***Background***

Due to the ever-changing demographics in the state combined with the disproportionate impact of exposure to harmful facilities on communities of color, Cal/EPA boards, departments, and offices need to integrate and embrace cultural or community competency into its programs, policies and procedures. First we define cultural competency as a congruent set of attitudes and policies that enable a system, agency, or provider to treat culturally diverse communities effectively (Cross, et al., 1989, p. iv). “Culture” can be defined as the integrated pattern of human behavior that includes the thought, actions, traditions, beliefs, values, and institutions of a group of people that can be shaped by many characteristics, including, but not limited to, gender, socioeconomic class, ethnicity, race, disability, religious or spiritual beliefs, and sexual orientation. Culture also includes customs relating to communication and community.

For the purposes of this report, we will use the term “community competency” to emphasize that we are working to increase public participation with diverse communities made up of a multitude of backgrounds, geographies, and histories.\* Understanding what is meant by community competency can improve communication with the public and consequently improve community participation. Although it is important to have a diverse staff to conduct outreach, it will not be enough if these principles are not embraced by all staff, administrators, and boards.

For this report, we offer two contextual principles that are important to recognize when thinking about effective and culturally competent community participation. While we know community participation can be a challenge, it is a process that over time can be characterized as both conflictual and collaborative. *Participation can be created through both conflict and/or strategic collaboration.* Usually community members enter into the public participation process through a disputed issue that directly affects its neighborhood. Nonetheless, many times strategic and proactive processes created by both community members and agencies transform a conflict into an opportunity for smart policy change. In the ideal, this confrontational interaction can lead to longer and sustainable relationships between community and agencies to work together. The opportunities for identifying effective community participation are not always evident in an atmosphere of conflict, but the challenges and practices offered in this report will show how to create these opportunities more systematically to achieve policy change and its implementation that serves everyone.

For example, the South Coast Air Quality Management District (AQMD) was entrenched in litigation led by community groups for the permitting of facilities in disproportionately air-polluted areas. However, through intensive work with the community and responsive changes to internal policies and procedures that address improved communication, the

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\* It should be noted that in the report community and cultural competency will be used interchangeably.

AQMD now has protocols that are agreed upon by the community. The AQMD also developed a stakeholder advisory board that it workw with on an ongoing basis to create policies and practices that better reflect the perspectives of various affected EJ communities (See case study in Appendix A for further detail). There are many possible points of entry for community participation (such as conducting needs assessment with community members, collaborative community planning, decision-making, implementation, enforcement and evaluation) that will be explored in the following section.

The second contextual issue we have observed is that *there is often a disconnect between what the community hears and understands from the messages of a multi-tiered agency*. Repeatedly, we see the importance of understanding perceptions as a prerequisite for making appropriate improvements or changes. Agency representatives who have the first contact with the community can anticipate some misperceptions and confusion that can be the source of frustration and even misinformation that leads to a disconnected public. Dedicating resources to work with the LEAs to develop systems, programs, and public participation skills is one way of developing a strategy to reduce this disconnect. For example, the California Air Resources Board has committed to work with local air pollution control districts to develop guidelines for implementing EJ-related legislation. In this process, it is imperative to clarify the roles of the various agencies and boards, as this will be key to understanding jurisdictional boundaries and loopholes. LEAs would also benefit from a centralized system that creates easy access to information that identifies where to go for help and offers guidance on addressing misperceptions.

Because community competency is a developmental process that evolves over the long term, people and organizations are at various levels of awareness, knowledge, and skills along a continuum. Therefore, achieving systemic change through community competence requires time, training, and patience. Furthermore, the agency (beginning with top leadership) must sanction, and perhaps mandate, the incorporation of cultural knowledge into policymaking infrastructure and practice.

The following section of the report walks through a process of building quality community participation. To demonstrate a thorough process for authentic, sustainable community participation, we use “building blocks” to arrive at the intended final outcome. This model does not suggest that multiple steps or blocks cannot be pursued simultaneously. Rather, it emphasizes that skipping steps can lead to a future breakdown in the process.

Also, while we specifically address the issue of valuing diverse communities as a part of Building Block #4 (“Institutional Support and Recognition”), community- competent and inclusive approaches should be considered throughout the process of improving community participation. As will be demonstrated, valuing cultural diversity is but one element of achieving community competence, and if used alone it can be perceived as tokenism. For instance, a meeting may have diverse groups represented, but other factors warrant consideration: Have efforts been made to make the meeting participants feel welcome? Do they understand technical language? Is the meeting close to the affected community? Is the setting intimidating? Does the meeting time, such as during work hours, create a hardship for workers? A comprehensive approach to community competency with attention to these kinds of details will be woven throughout this report.

## **Building Blocks**

### **Building Block #1: Building Trust and Credibility**

With the intention of moving forward in a collaborative process, agencies should reflect upon, address, and acknowledge previous policies and decisions that did not seek out sufficient community input or where there were difficulties. An important point made by many individuals and groups was that it is difficult to trust agencies when they may have promised to listen to community input but there was no measurable outcome that reflected community participation in the planning or policy-making process.

When CIWMB began development of its strategic plan in 2001, the Board went through an extensive process that included cross-divisional development teams, in addition to internal and external stakeholder forums. This process is an example of ways in which key stakeholders can participate in agency activities. Inclusion of environmental justice groups, in addition to traditional mainstream environmental groups, will be important to building a working relationship with many communities that have not historically participated in environmental planning and regulatory decision-making.

#### **Questions to ask:**

- Have we acknowledged and effectively communicated the information that we have heard from communities and made the necessary revisions in our participation and decision-making processes?
- Is there a way that we can systematically respond to community issues and concerns that is culturally appropriate and responsive?
- Are there community-competent methods of communicating issues in languages and formats that people can relate to and understand? Or, are we sending form letters without much attention to community priorities and cultural and personal detail?
- Are we using less formal venues and workshop formats to have conversations with the community, or are we relying on traditional, formal, and possibly bureaucratic methods of eliciting community input?

### **Building Block #2: Effective Communication Through Community-Competent Education, Engagement, and Listening**

Effective communication involves working in conjunction with natural, informal support systems and respected leaders in a community and tapping into existing social, cultural, and political networks to connect with culturally diverse communities. In order to create more meaningful public participation, the agency, which is inherently in a position of power, needs to honor and recognize the need for community self-determination and identification of the community's own needs and priorities.

For effective dialogue to occur, CIWMB administrators, staff, and Board members must share knowledge and goals in an accessible and genuine way. In addition, community members must invest time and energy to learn about the issues and prepare their public presentations for community forums allowing for dialogue between stakeholders and agencies. Community engagement should be the reciprocal transfer of information, knowledge, strategies, and skills among all collaborators, stakeholders, and partners. Ultimately, communities look to the decisions made by CIWMB and LEAs as the best measure of whether or not their issues and concerns are being addressed; therefore to

strengthen their positions as good listeners and communicators the CIWMB and the LEAs will have to demonstrate specifically how communities have affected particular decisions over time (see “Evaluation: Measurability and Accountability” on page 58).

Even though some battles may be lost by community, others are “won” over the long run. For example, to address the creation of a long-term dialogue and relationship with EJ communities, the California Air Resources Board created an EJ liaison that directly advises its board and board chair. The EJ Liaison (a person of color) attends local district meetings, stakeholder sessions, and even the People of Color Summit for EJ activists in Washington D.C. This liaison was a direct link to ARB for local communities and their leadership. This one step taken by ARB established a respectful, reciprocal and long-term relationship. Even when times are difficult and communities do not achieve a short-term victory, access to the decision-makers and board chair is still guaranteed. In the example here, credibility, trust, and consistent dialogue for the long term with ARB is the larger victory.

#### **Questions to ask:**

- How open is the system? Are there multiple entry points for community participation to our processes and are they welcoming and accessible?
- How are people included? Can administrators and agencies truly say that including people of color creates a more inclusive process and that it is not just mere tokenism but meaningful and respectful to typically marginalized communities?
- Have we prioritized informing and engaging communities of color and low-income communities?
- How do we determine if the information is adequately disseminated?
- What mechanisms and resources are needed to ensure more effective dissemination of information and community engagement?
- What mechanisms are in place to foster intra and interagency communication?

#### **Tools for Improving Community Participation: Education**

Culturally relevant education of all stakeholders will increase awareness and further community capacity and participation. An inclusive education program conveys information in a manner easily understood by a diverse audience, including persons of limited English proficiency, those who are illiterate or have low literacy skills, and individuals with disabilities. Public agencies should have policies, structures, practices, procedures, and dedicated resources to support this capacity.

Agency staff also benefit from educational activities and cross training. For example, ARB has committed to develop and incorporate an EJ program element into its employee training curriculum, and the Department of Toxic Substances Control has built a strong element of public participation and EJ into its programming. It would also be helpful to integrate community competence into CIWMB’s LEA training because expecting people to be more sensitive and responsive to EJ issues without training in this area is expecting change without adequate tools for implementation.

Making information available in a culturally sensitive way is the first step to inform the public. However, even culturally sensitive information dissemination does not ensure that

the information will be retained or applied in the way it was expected. This information strategy must be coupled with other approaches that build engagement. We have found that communities are eager to learn when culturally appropriate learning opportunities are available. Therefore, quality outreach will be a central component to raising awareness and desirability of educational opportunities.

Having written materials does not automatically lead to education either. Are the materials overly technical, making them difficult to understand? Are they offered in multiple languages? Are they presented in a way that the reader can read them without feeling confused? Is there someone from the agency to contact if questions arise?

A good example of culturally sensitive communication is demonstrated by the Laotian language pilot of the multi-lingual Emergency Telephone Ring Down System (ETRDS) implemented in Contra Costa County. From 1999 to 2001, the Asian Pacific Environmental Network (APEN), in collaboration with other EJ groups, organized to require the county to design and implement a multi-lingual emergency warning systems program to warn residents living near industrial facilities of industrial emergencies in their communities. Laotian-speaking residents in West Contra Costa County can receive a warning call in their own language in the event of an emergency. This kind of system is particularly important to reach elders, mothers, and children, but will also benefit the entire community in the long run. Contra Costa County will expand the system to other languages, such as Spanish, to fulfill its promise to inform non-English speaking residents. ETRDS will also be used as a federal model for communities across the country in need of multi-lingual warning systems to alert non-English speaking residents of industrial accidents.

Although this is a great model of success, technical assistance may be necessary for those with greater needs and fewer resources or less capacity or experience. Communities need the information early in the public process and may require technical assistance to process the information.

In Los Angeles, a collaboration of academics working with Communities for a Better Environment and the Liberty Hill Foundation sponsor annual gatherings designed to build capacity of community activists and resident leaders through training on navigating environmental rules, technical language, and public policy-making processes. Local agency representatives are often offered an opportunity to speak and address current issues that affect the community at these forums.

**Questions to ask:**

- Is the information accessible? What else can be done to make it easier to access?
- Is the information relevant to community priorities?
- Are we truly valuing community differences in the tools and programs we develop?
- Has sufficient training been provided and required of the CIWMB's Board, staff, and administrators in the area of community competence to enable the creation of new systems that reflect this value?

- Have partnerships been developed with community-based organizations that can help inform our progress and improve our community assessments?
- What other models and tools exist that can be adapted to our agency?

### **Building Block #3: Mechanisms and Strategies for Community Input**

#### **Tools for Improving Community Participation: Community-Competent Marketing**

A fundamental rule of marketing is to know your audience and their issues. However, the complexity of California’s diverse population (even within ethnic groups) makes it challenging to fully understand these multiple audiences. A community-competent approach would move away from conventional public relations techniques to public education and information-sharing based on the distinct qualities of different communities.

The Best Practices section of this report (Section 6) lays out mechanisms for the different tools to encourage quality participation; here, we offer a brief introduction to these mechanisms by using marketing as an example of one of these “community-competent” tools. One tool being used to reach out to agency constituencies to understand communities better is the stakeholder survey. The State Water Resources Control Board has distributed one such survey to its staff and other stakeholders. Also, the California Environmental Health Tracking Program is conducting a stakeholder survey reaching out to non-governmental organizations, local health departments, and local environmental health departments to assess needs and the materials that would address these needs. Another tool for engaging the community and stakeholders is the focus group. Focus groups have been used in the form of stakeholder group meetings on particular issues with the South Coast AQMD, as well as with LEAs. Approaches to ensure authentic engagement carefully identify and engage key community partners, such as:

- Elders and leaders in the community.
- Politicians that genuinely represent the community.
- Institutions that serve the community.
- Advocacy and community-based organizations. Community businesses. Authentic participation is achieved through culturally- and linguistically-competent communication, dialogue, and engagement with the public. Local ethnic media outlets (radio, television and print) are being used more by private industry, because industry understands the effectiveness of this tool for marketing their products to diverse populations. Agencies can also improve their outreach through identifying local ethnic media outlets that collectively have a wider audience than traditional media resources. Other ideas for improving engagement through marketing include:
  - Sponsorship of local community events and activities, such as local health fairs, school day trips, marathons, and community gardens.
  - Media campaigns directed toward communities of color with the community members’ participation.

- Internship opportunities at the CIWMB for local youth, who can then disseminate information to their communities.
- Sponsoring community-driven surveys on relevant CIWMB issues.

**Questions to ask:**

- Are our outreach efforts going beyond the required checklist of minimum requirements in order to develop the most community-competent approaches needed for effective participation?
- Can all levels of our agency respond to basic questions and inquiries by the public, such as where to send people who have specific questions?
- Are we selectively marketing our messages with the public or striving to be more responsive by addressing issues raised by all of our stakeholders?
- Do our communication methods reach our target audiences and cultivate leadership and partnerships?
- 

**Building Block #4: Institutional Support and Recognition**

**Make resources available for building capacity for meaningful community participation.**

In these challenging economic times where foundations and government alike are experiencing significant cuts in their budgets and other rollbacks, volunteer groups are consequently more overburdened and under-resourced, and this pressure is even magnified with community-based organizations. Without the capacity and resources to participate, communities will surely miss opportunities to become involved. Therefore, this is a time to creatively maximize resources to ensure continued community participation.

An effective way of increasing community participation and ownership is to bring community stakeholders into agency decision-making and education processes early. Grant programs such as the CIWMB’s programs for used oil grants or household hazardous waste grants might also include resources for the creation of community-competent outreach. This outreach would include provision of resources to be allocated to organizations that have sufficient capacity, but not necessarily the financial resources to assist with communications, public campaigns, or outreach for important events and meetings. Funds traditionally used for marketing can also be a potential source for funding community-based organizations that are willing to take on this role in their communities. This allocation of resources will promote the perception among communities that they are being seen as full partners and that their expertise is respected.

As with education, to encourage communities to remain at the table, government agencies must thoroughly consider other factors such as linguistic competence (including translation of technical terminology), meeting venue, and the creation of community-competent materials and visual methods for presenting information for those with low literacy skills. The meeting location should be inviting and comfortable, even if not familiar. It could be a location the community members recommend or that is already used for community meetings. Again, to show its commitment to this way of doing

business, an agency must have policies, structures, practices, procedures, and dedicated resources to support this capacity.

### **Tools for Improving Community Participation: Valuing Cultural Diversity**

Valuing cultural and community diversity is demonstrated through an agency's actions, practices, and implementation of relevant policies. Institutionalizing procedures and practices that allow for targeting EJ communities and prioritizing efforts in areas such as monitoring, outreach, and programming will help advance EJ principles within the agency and thus improve community participation (See "Policy: Applying Principles" in Section 6).

Communities are rarely the same; they are complex with different priorities, assets, and needs. Recognizing diversity means to draw upon a variety or combination of approaches for different groups. For instance in the Moffett Field case in Sept 2002, community members were very involved with a cleanup process of the former military facility. The community members were already well-connected with an established community group, Silicon Valley Toxics Coalition (SVTC). SVTC is an organization with a long history and well-established track record for influencing local as well as State policy. A wide range of community organizations came together to form a model of community oversight of the cleanup of hazardous waste and toxics on the site. However, politically, economically, and socially disenfranchised communities who do not necessarily share all these same assets will need to adjust this model to their particular set of circumstances. Marginalized communities may require targeted and/or prioritized efforts in areas such as monitoring, outreach, and programming. Reaching these marginal groups will further advance EJ work and support the involvement of traditionally excluded communities that might not typically become involved due to multiple barriers.

#### **Questions to ask:**

- Even in a time of scarce resources, have we dedicated adequate personnel and offered capacity-building opportunities to ensure equitable participation?
  - Is there a systematic, effective means of enabling communities of color to participate in CIWMB processes, such as advisory committees, community forums, communication with community liaisons, and data collection in communities of color?
  - Have we created policies, programs, procedures, and strategic planning processes that are inclusive of marginalized communities and their organizations?
  - Do the affected communities need more resources to be engaged in meaningful ways?
  - Are we managing logistics so that communities are informed well in advance of events, forums, and stakeholder dialogues?
  - Are we initiating, managing, and sustaining community partnerships? Is there someone who is monitoring and working to enhance the relationship between the agency and the community?

### **Building Block #5: Sustained Community Involvement**

In order to maintain a balanced dialogue, community members must see concrete results that they recognize as the result of their participation and input. Indicators of success are

community buy-in to public processes, higher levels of awareness about issues and decision-making processes, and ongoing interest and participation (see “Evaluation: Measurability and Accountability” in Section 6).

Being invited to the table in and of itself is not the end of the process. Actions must be taken to reaffirm community participation throughout the process. Recognizable results, such as the implementation of complaint resolution protocols and stakeholder advisory groups, will be important to build community buy-in; these actions can lead to authentic participation if practices are community-competent and there is a strong commitment from the agency and the stakeholders.

However, it cannot be assumed that low participation is only due to apathy—if people do not see any impact from their involvement, they may withdraw from the process. Reflections on how outreach was conducted, whether the issue was a priority for the community, and whether community was involved early are just some of the factors that will affect participation levels. We cannot emphasize enough that while noticeable changes in process are good starting points, having a noticeable effect on the outcomes is what communities will view as progress. When possible, factors affecting decision-making, including the effect of community input, should be shared (and even documented) explicitly with stakeholders.

**Questions to ask:**

- Do communities see the impact of their participation? How has this effect been communicated?
- Does the community feel ownership of the decision, and if so, how is this measured?
- Does the community write about working with the agency in its newsletters and websites? At community gatherings, do community members speak about the changes they have supported and the effects the changes have had?
- Is there consistent representation from marginalized communities at stakeholder meetings and other strategic planning processes?

**Conclusion**

This section began with the assumption that conflict and collaboration are not necessarily exclusive of each other. In public participation processes, conflict often occurs because there are competing interests and perspectives, often times between community interests and business interests.

Creative solutions such as the adoption of a community benefits plan through mutual agreements have also helped communities get involved with the outcomes of government and business practices and reap some of the benefits. A good example of a community benefits campaign in progress is led by the Los Angeles Alliance for a New Economy and a coalition comprised of Los Angeles Airport (LAX) workers, EJ organizations, unions, schools, and religious leaders. Together, these entities are working with the Los Angeles Airport Commissioners to ensure community health benefits, lower pollution levels, and better wages and to create better jobs in the community with the \$9 billion expansion plans. While practices such as community benefits agreements may not yet be widely used, they certainly present possibilities for the future. Ultimately, it is in everyone’s interest to equally involve all stakeholders. This can be more pragmatic and,

when done well, can lead to successful results that meet mutual goals and concerns for the involved stakeholders.

This is a multi-step collaborative process that begins with acknowledging potential problems, institutionalizing community competency, building community capacity to engage among EJ groups working in the relevant issues, having protocols in place to deal with complaints that might arise, institutionalizing a diverse stakeholder advisory board, initiating processes to study and explore the issues more closely, and developing remedies that are influenced by the process. When possible, the results should be measurable and include both a self-assessment and a monitoring process. These kinds of steps show progress by sending the message that people can make a difference if you get involved. Section 6 of this report on best practices gives greater detail on proactive examples for potential future actions. While some people might seek “grander” changes, such as with policy, they also understand, as one activist said, “It is the beginning of the road,” and we have to embark on it together.

## 6. Best Practices: Community Approaches and Tools

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As communities continue to advocate for increased participation in environmental decision-making processes, a variety of approaches have been utilized to effectively integrate community and stakeholder involvement with government agencies. Lessons learned from these initiatives present strategies for agencies to move beyond a traditional regulatory model toward a collaborative process. This section provides a menu of options to consider when crafting a public participation plan.

Information on best practices was gathered through a thorough literature review on best practices and community competency. We also relied heavily on information from community members, EJ activists, advocates, neighborhood and grassroots organizations, U.S. EPA staff, and public participation professionals from Cal/EPA. In addition, we gathered information from other environmental protection agencies, lawyers, funders, technical assistance providers, and non-government organizations that work on EJ and/or public participation. We found that while California has its own set of circumstances and parameters, many commonalities exist with other places in the U.S. in regard to public participation. In particular, best practice research and research on the application of community competency within governments across the country is consistent with what we have heard in California.

We have divided the different approaches and tools into six broad categories and offer illustrations of successful applications in each category. While some of the examples or cases described here are California-based, we conducted a national scan to draw upon a larger pool of experiences. As all best practices research promotes an integrated, comprehensive approach to this work, naturally overlap will exist between the different categories and also with Section 5, on effective community-competent participation strategies. This interconnectivity speaks to the necessity of sharing information across agency offices, as well as to the great potential for cross-training.

### ***Policy: Applying Principles***

The passage of SB 115 in 1999 formally mandated the Office of Planning and Research to develop a new EJ program for the state. This legislation brought forward environmental justice, and therefore the closely related community participation principles, in policy debates and development at Cal/EPA. Agencies were required to apply these principles to their strategic planning. While the ability to mandate LEAs to change their practices may require systematic changes, the CIWMB can provide guidelines to encourage practices for enhancing public participation. The following best practices offer some examples of where the principles are being applied in meaningful and innovative ways. The caveat is that principles and even policies, while well-thought-out and impressive on paper, must also be functional to be successful. As many of these policies are new, in many cases it is yet to be seen how well they have been implemented.

Environmental justice concerns have been addressed in a range of policies and programs in several states across the country. In Georgia, the state limits the number of solid waste facilities that may be sited within a given area. In Alabama, there are also anti-concentration regulations for hazardous waste facilities—only one is allowed within a county. When considering a siting request, legislators must consider the “social and economic impacts of the proposed facility on the affected community, including changes

in property values, community perception, and other costs.” (*Environmental Justice for All*, 2004, pp. 2, 20) Though Arizona does not have established environmental justice laws, the state has addressed environmental justice concerns by requiring the Arizona Department of Environmental Quality (ADEQ) to notify communities affected by permitting decisions. To implement this policy, ADEQ has enforced a Public Notification Policy that requires air quality, water quality, hazardous waste, and solid waste divisions to notify environmental justice communities within 31 days of receipt of permit applications. (*Environmental Justice For All*, 2004, p. 3)

An emerging model for environmental justice policy comes from the relatively new statewide policy (signed on October 9, 2002) to be implemented by the Executive Office of Environmental Affairs (EOEA) in Massachusetts. EOEA aims to institutionalize EJ principles by targeting resources in high-minority, low-income neighborhoods that in the past may not have been able to participate in decision-making or aware of how to participate. In addition to some of the more standard approaches to improve public participation, the office uses its limited monitoring resources strategically by prioritizing disproportionately impacted communities.

EOEA will establish regional outreach teams that will meet with local residents to discuss related community issues and collect feedback and data on the effectiveness of the public participation programs. A regional entity called EPA New England is, among other activities, developing a regional mapping tool to identify potential geographic areas of concern. This support in data collection improves the likelihood for these neighborhoods to legitimize their issues and get their concerns heard through credible monitoring sponsored by the state.

With the goal of assessing public health risks, the California Air Resources Board has committed to targeting actions that include special air monitoring studies in communities where EJ or other air quality concerns exist. The California Department of Pesticide Regulation has an extensive EJ policy that includes, among other efforts, a recognition that the impact within minority populations, low-income populations, or Indian tribes may differ depending on a community’s cultural practices. Maryland is working towards a comprehensive approach where policy and regulations lead agencies and programs to address EJ. For example, those groups applying for small grants get EJ bonus points for promoting economic partnerships. The Maryland Office of Business Development is collaborating with the regional outreach teams to effectively link the issues of economics and environmental justice at the neighborhood level.

### **Complaint Resolution Protocols**

Currently, while the CIWMB utilizes a written complaint form through the LEAs, there is not a boardwide or full complaint resolution protocol (CRP). Since LEAs often have the responsibility for permitting and regulating facilities, they can be the logical first point of contact for community and should use comprehensive CRPs. Because of delays in response, some community members who expressed concern about a waste facility either redirected their complaints to other agencies with institutionalized standards in place, or decided not to issue their complaints at all.

An effective CRP would include:

- **Standard response time:** While communities are quick to recognize something out of the ordinary such as an odor or a suspicious delivery, agency officials often arrive to investigate after the evidence of a problem has disappeared. Identifying a standard for response time would clarify expectations and streamline the process.
- **Method for receiving complaints:** Community members need to know what media are available for delivering a complaint, and who to contact at the LEAs or CIWMB.
- **Documentation:** Keeping records of complaints and findings will indicate to community that the agency is taking note of their concerns and compiling a file that can be referred to when looking at a facility's behavior, community reaction, and agency response over time.
- **Investigative procedure:** Staff training would provide the preparation needed for a clear investigation of complaints.
- **Feedback:** Community members would be notified of the agency's findings in response to their complaints and given copies of documentation.
- **CIWMB/LEA interaction:** CRP should identify which complaints should be directed to LEAs and which to CIWMB.

**Complaint Resolution Protocol**  
**California Air Pollution Control Officers Association and California Air Resources Board**

In a foundational effort to fulfill its mandate for environmental justice, the California Air Resources Board (ARB) teamed up with the California Air Pollution Control Officers Association (CAPCOA) to produce a statewide complaint resolution protocol that has been an important tool in community/agency collaboration. ARB worked with its Environmental Justice Stakeholders Group to develop the guidelines and tailor it to community input. The CRP institutes a standard process for complaint response, including receiving, documenting, investigating, follow-up, and feedback. There is a clear determination of duties as they relate to the State board and local air districts. The agreement also includes a strong element of community education and capacity-building at the local level.

Because communities are usually the first to experience the side effects of facilities, they keep surveillance on them. As the budgetary limits may not allow for inspectors to be stationed at each site that raises concern, communities are often the first to detect code violations. As such, the community response if tapped into effectively will help to protect public and environmental health, and fulfill the mandate for environmental justice. A statewide complaint resolution protocol policy would promote a quality response to community members and provide a foundation for cooperation.

### **Stakeholder Research: Needs Assessment**

It is critical to understand your audience or constituency and their interests to promote community participation. While we may know about those communities that are more vocal, it is important to hear from a broader constituency, while also deepening the knowledge about specific affected communities. This section will describe practices that seek out information about these affected communities through two powerful tools: stakeholder surveys and community specific research.

## **Stakeholder Surveys**

Surveys can be used for various purposes such as evaluating programming and communication activities, identifying priority needs and concerns, informing strategic planning, documenting successes, assessing capacity, resources, gaps, and barriers in local and State agencies and the community, designing trainings, and developing key messages. They also present an opportunity for outreach/education, involving stakeholders at early stages of program development, and identifying and engaging future partners/collaborators.

First, the goal(s) of a single survey must be focused, so that it is not too lengthy for stakeholders to complete. Generally, survey recipients have a limited amount of time, so survey designers should strive to keep the survey accessible and concise. Once the focus is determined, survey designers should craft questions that get to the heart of the issues without leading the reader. Developing such questions requires time and expertise.

The next step in the process is to distribute the survey extensively to administrative staff and external stakeholders to identify any disconnect between agency and community perceptions. Finding a balance of stakeholders will be crucial to the validity of the results. Therefore, updated mailing lists and follow-up with key stakeholders to ensure their response will be an important part of data collection. Finally, the analysis of the results and distribution should be widely shared and utilized so that survey respondents see the outcome of their feedback.

The State Water Resources Control Board (SWRCB) recently completed collecting a stakeholder survey to gauge its “effectiveness in public education and involvement.” SWRCB worked with consultants to design and implement the survey and will continue to work with consultants to develop a manual with a training component for its staff. SWRCB distributed between 3,000 and 4,000 surveys to 1,700 staff and to approximately 10 percent of all its stakeholders. The SWRCB is now entering the data analysis phase and will be releasing the results by the end of 2004. (Mays, 2004) While each Cal/EPA Board, department, or office will have its particular needs and questions, there will be commonalities that would make sharing the surveys and the resulting assessment, as well as any tools developed, highly practical rather than duplicative. Existing survey tools and the training materials that result from the assessment are excellent resources in launching a similar process.

## **Community-Based Participatory Research (CBPR)**

Community-based participatory research (CBPR) offers another opportunity for learning about communities to build and restore collaboration, trust, and empowerment. “Democratizing” the research process can be a foundational step towards involving community early in the process and supporting research that is accessible to those with non-technical backgrounds. Such research, when disseminated to members of the affected communities, will encourage wider participation<sup>\*</sup>. For these purposes, CBPR is a model of research that:

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<sup>\*</sup> Examples of CBPR are found in Arcury et al. (1999), Corburn (2001), Gibson, Gibson, and Macaulay (2001).

- Includes the participation of those that are being studied and/or are affected by the conclusions of a study.
- Develops an agenda that serves the objectives of both the researcher/agency and the community.
- Utilizes personal experiences and community perceptions as a valid data source.
- Provides actionable recommendations that are attentive to the characteristics of the community.

One of the many values of CBPR is that community experience and wisdom complements quantitative data for a more comprehensive analysis. CBPR is useful at every stage of the research process:

- **Problem Definition:** Ensures that research considers a potentially impacted community and raises concerns that may reach beyond one particular agency's jurisdiction. CBPR may also help an agency to avoid the common pitfall of assuming that no hazard or public concern exists because there is no existing data.
- **Research Design:** Takes into account the contextual forces that define a community's characteristics, such as history, geography, citizenship, economics, employment, education, and politics. Where "academic" research may be restricted by its data sources, CBPR generates data that is tailored specifically to the community.

**Information Gathering:** Instead of creating new institutions, government agencies and researchers can often collaborate with established and trusted institutions in the community (see text box on cumulative exposures in Brooklyn, New York). Communities are in a position to monitor a facility in real time, whereas agency officials may be slower to respond, witness, or capture important evidence.

**Data Analysis and Interpretation:** The data that is produced will inform both community and agency needs.

### ***Education: Capacity-Building and Two-Way Learning***

When important environmental issues are being negotiated, communities who have much at stake often have few of the essential resources needed to effectively engage in the process. In a national study, partners from neighborhood-based and social service organizations identified inadequate access to environmental information resources and tools as the root cause of the lack of participation. To gain more solid ground, community members require assistance to build the capacity necessary for greater participation.

#### **Community-Based Participatory Research (CBPR): *Cumulative Exposures in Brooklyn, New York***

In the Greenpoint/Williamsburg neighborhood in Brooklyn, New York, the U.S. EPA partnered with The Watchperson Project, a community-based watchdog and research organization, to develop and implement the nation's first community-based cumulative exposure project. Because the neighborhoods consisted of many non-English speakers that were reluctant to speak with outside researchers, the U.S. EPA asked Watchperson to help with outreach and data collection. Watchperson was also instrumental in providing community-specific information that sharpened the study. For instance, working to measure cumulative hazardous impact beyond single-source pollutants, the U.S. EPA assumed a default urban diet, unaware of the substantial consumption of fish from a nearby polluted river. After providing this insight, Watchperson was commissioned by U.S. EPA to conduct important surveys with subsistence anglers that helped to inform the study.

Beyond standard methods of involving the public and stakeholders, innovative capacity-building projects have more aggressively supported meaningful involvement. This report examines advisory groups, “citizen juries,” and capacity-building small grants that can support community stakeholder involvement. This section will review the advantages of these practices and outline recommendations for their implementation.

### **Stakeholder Advisory Groups**

One method of community representation is through community advisory groups (CAG) and stakeholder advisory groups (SAG), both of which inform and influence decision-making. Advisory groups offer a mechanism for direct participation in environmental decision-making by establishing a forum and a process for those with differing viewpoints to resolve issues and concerns. They assist in educating the public about proposed actions and demystifying the decision-making process. While addressing all issues and concerns in a public meeting, the advisory group structure and process establishes an ongoing forum for discussion and resolution of ongoing concerns. Advisory groups have been successful in reaching a consensus among conflicting interests, and, in many cases, have saved significant time in the decision-making process. Still, advisory groups achieve joint decisions in circumstances only when regulatory agencies and industries are highly committed to sustaining public participation.

An extensive review and analysis identified that *integration* was the greatest gap within Cal/EPA stakeholder involvement programs. Common needs for increased integration are:

- Stakeholder involvement needs to be clearly linked to decision-making processes and not simply regarded as an end to itself.
- Careful front-end analysis is needed to effectively identify what kind of stakeholder involvement is needed and how to ensure that stakeholders are involved in ways that provide the greatest value to both the agency and stakeholders.
- Stakeholder involvement programs need to be part of a single coherent network that crosses agencies so that lessons learned and information acquired in one program are communicated to other programs. (Report of the Common Sense Initiative Council’s Work Group, 2004, p. 2)

A key strength of advisory groups is the benefit of reciprocal learning—if done properly, the group can act as a two-way channel for communication. In the most ideal setting, advisory board members serve as a communication link back and forth to the constituencies they represent, while also providing feedback to the agency. Advisory board members should understand their responsibility to represent the interests of the stakeholders, provide feedback to the group, and take the results back to their community.\*

Advisory groups can also serve as a working structure to address environmental justice needs. For example, an essential component of the Arizona Department of Environmental Quality’s (ADEQ) Superfund program is agency collaboration with community advisory

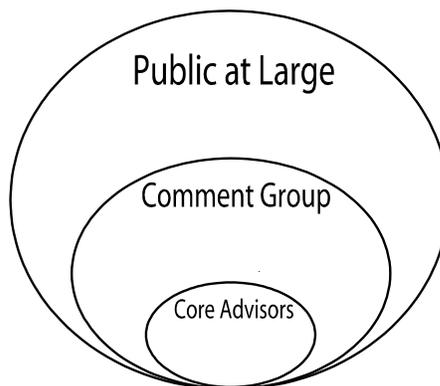
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\* See Appendix B: “Building Blocks for Successful Stakeholder Advisory Groups.”

boards (CAB). This collaboration is aimed to “keep citizens informed about site progress and give them the opportunity to provide their concerns, issues, and opinions to assist ADEQ in determining the best way to move forward with the remediation of the site.” (Waste Programs Division: Superfund Programs, 2003)

The Arizona CABs are made up of between 5 and 20 members from a cross-section of the community. The selection criteria are established in an application process, and participants are selected by a committee composed of an ADEQ representative, a local elected official, two community members, and a stakeholder, specifically an owner and operator of a facility within the site or an affected business or industry. The CAB meets four times each year with ADEQ representatives to examine the status of the project. CABs are responsible for providing feedback to ADEQ on cleanup goals and methods, representing the community surrounding the site, performing community outreach, and making visits to the cleanup site. Beyond serving as advisors to the state on community views, CABs also relay information back to the community. (Waste Programs Division: Superfund Programs, 2003)

There are a variety of ways to structure advisory boards and define their roles and responsibilities. One model advocates that there is a core representative group that meets more frequently, and a larger group that meets to comment on the core group’s activities and decisions. This structure allows for even greater representation and accountability. See diagram below:



Advisory groups have also been developed by industries to serve as links between plants and communities in which they operate. Such advisory boards allow community members to share their concerns with plant managers, learn about plants in their neighborhood, and work with management to change the way plants deal with issues of environmental impact. In many cases, community advisory panels have affected the environmental management practices of companies they work with.

An example of this was seen in Wichita, Kansas with Vulcan Chemicals. When plans for a hazardous waste incinerator sparked community resistance, community members met with company officials and set up a committee of representatives from groups involved in the conflict. Vulcan’s plant manager supported the development of a community advisory panel and urged continual involvement despite a series of challenging sessions. After Vulcan dropped the incinerator plan, the community advisory panel continued meeting to strengthen future collaboration in decision-making between the community and company. A key aspect of success was the advisory board’s hiring of an independent technical

consultant to produce a health risk assessment, which in turn raised the group's credibility with Vulcan. In addition, an independent facilitator ensured fair and effective discussions.

## ***The Citizens Jury Process***<sup>\*</sup>

Now we explore an innovative method of public participation, in fact an alternative model to advisory groups, called "Citizens Juries." This approach is designed to provide informed and representative citizen input to public policy makers working at a different level than an advisory group. CABs can be characterized as mostly providing a forum for airing dialog and viewpoints of community and stakeholders. However, because agencies and industries are not always required or expected to implement all aspects of community feedback and consultation, some advisory group processes do not permit CABs sufficient negotiating power.

Citizens Juries are intended to represent a microcosm of the community; members are selected through random telephone poll to reach a balance of age, education, gender, geographic location, and attitude toward the issue under debate. Participants are paid to sit in hearings lasting from four to five days, during which they hear testimonies from individuals representing multiple points of view who make policy recommendations. The coordinators of the Citizens Jury design a charge, which carefully states the issue in terms of a question to be answered by the jurors. To control for bias, the question is framed to be fair to all affected parties and is to provide a framework for the jurors to make a level judgment.<sup>†</sup> The guiding principle of the Citizens Jury approach is that the best policy will emerge out of dialogue between experts and citizens when the setting elicits high-quality citizen input.

The Citizens Jury process has many advantages over standard methods of incorporating citizen input, such as public hearings and public opinion polls. The central argument is that a small group of citizens who are well-informed on the issue at hand will make a better decision than an opinion poll of hundreds of citizens who are less informed. The advantage of the Citizens Jury is that it offers informed input to decision-makers and also gets citizens to listen carefully to the views of technical experts in a respectful dialogue. The process is facilitated in a democratic and neutral way, so that outcomes are trusted by both public policy-makers and the public at large.

## **Capacity-Building Small Grants Programs**

The U.S EPA Small Grants Program was established by the Office of Environmental Justice (OEJ) in 1994 to give financial assistance to community-based/grassroots organizations, churches, other nonprofit organizations, and tribal governments working on local environmental

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<sup>\*</sup> Please note that this term was used in Ken Sexton's *Better Environmental Decisions* (Island Press, Washington, D.C., 1999). We do not imply that only citizens should be included in these processes. We advocate that any resident, regardless of immigration status or nationality, that is affected by the issue under scrutiny has the ability to be engaged in community processes.

<sup>†</sup> For a detailed outline of this approach, see "Using the Citizens Jury Process for Environmental Decision Making" in Ken Sexton's, *Better Environmental Decisions* (Island Press, Washington D.C., 1999).

problems.\* Specifically, these funds support projects that examine community exposure to multiple environmental risks. Under this particular program, funding is awarded to qualified groups for projects that have a research focus such as surveying, collecting and analyzing data, and expansion of scientific knowledge. However, there are many different areas where grants can be awarded, such as outreach, monitoring, and education. The criteria for grant selection include geographic and socioeconomic balance, diversity of project participants, and sustainability of benefits of the project after the grant is completed. High priority is given to proposals that show a strong level of community involvement in the initial stages of the project.

Another innovative approach to environmental justice-focused capacity-building has been implemented by the Wisconsin Department of Natural Resources (WDNR). Low-cost loans are available for remediation projects at brownfield sites where contamination has affected groundwater or surface water. A unique feature of this program is that WDNR scores loan applications by a priority system that assigns points to sites where remediation will directly affect environmental justice.

There are also viable efforts by the U.S. EPA and other agencies to build capacity outside of the Environmental Justice Small Grants Program. One example of this is in 1997 when the Office of Research and Development's National Risk Management Research Laboratory (NRMRL) applied special community-based environmental protection (CBEP) funds to assist nine rural communities in Region III (from the states of Maryland, Pennsylvania, West Virginia, and Virginia). Community-based environmental protection (CBEP) is an approach for identifying environmental problems and setting solutions through an open, inclusive process driven by community participation. It differs fundamentally from U.S. EPA's program-based efforts, which analyze isolated environmental problems and structures solutions nationally through legislative mandates.

#### **Quality for the Kootenai Landfill Area**

In 1996 a Native American group in Idaho received a \$20,000 grant to examine the operations of the Kootenai Country Fighting Creek Landfill to determine if there was a need for modifications that would reduce or eliminate the emissions of methane like gas. The first step of the project was to obtain an unbiased report assessing the environmental issues relating to the landfill. Surveys were conducted to determine what effects the emissions from the site had on residents in the surrounding area. Formal monitoring using EPA equipment determined the composition of the emissions. A summary report was prepared representing the results of water monitoring, and the information was provided to downstream residents. An assessment study was completed, and articles were printed in local newspapers. The tribe benefited from an unbiased report showing measures that could be taken by the landfill to upgrade the collection and burning of the landfill gasses.

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\* Each year approximately \$2 million is allocated equally among 10 U.S. EPA regions where grants are awarded, ranging between \$10,000 and \$20,000 each. For a more extensive review of grant recipient projects, see *Environmental Justice Small Grants Program: Emerging Tools for Local Problem Solving*, (EPA publication number 200-R-99-001, National Center for Environmental Publications and Information (NCEPI), Cincinnati, Ohio, 2001).

CBEP stresses partnerships with states, tribes, community organizations, and other federal agencies.

The project leveraged numerous other grants totaling many times the original amount of funding given. Grant funds were used to assist in a variety of local watershed and other environmental issues through the involvement of regional resource providers and the National Association of Counties (NACO). The goal of the project was to facilitate local problem-solving by using regional resource providers to train local teams.

The first activity of the project was a training session at the U.S. Fish and Wildlife facility in Shepherdstown, West Virginia, where the teams heard presentations by the federal partners, U.S. EPA's Office of Water and Office of Policy, Economics, Innovation, and NACO. The presentations educated the local groups on U.S. EPA and other useful tools on the Internet. Each of the local teams developed a one-year implementation plan that included at least one skill gained from the training. Tools included Region III's Internet-based Green Communities Toolkit, U.S. EPA's draft Community Cultural Profiling Guide, and the Geographic Information Systems (GIS). At the end of the project, significant progress had been made by all of the local teams, demonstrating that even modest U.S. EPA support was key to successful advancement of the project. While direct U.S. EPA involvement is often intimidating to small local groups due to its regulatory character, models such as this offer an effective framework for instituting support. These models allow communities to intervene and offer their own solutions.

The models demonstrate the potential of capacity-building initiatives to incorporate the use of regional resource providers, community-generated tools and solutions, accessible information materials and toolkits, and community-led assessment and research.

### **Marketing: Communication Strategies**

A public relations approach to marketing or simply disseminating information may not win the public's confidence. First, it is necessary to distinguish between a "public relations" approach to marketing and being "up front" with important messages and being proactive rather than reactive when sharing information. A public relations approach is traditionally more concerned with controlling the public message or information to promote and protect an entity, while the latter is more concerned with proactively anticipating what multiple (and sometimes diverging) audiences will be asking and responding fully and in a timely way.

#### **The Citizens Committee for New York City**

This group was awarded a \$20,000 grant in 1995 to establish a chapter of the Neighborhood Environmental Leadership Institute (NELI). The NELI is an environmental training and education program that works through community partnerships to build and support environmental leadership. The target audience for the project was residents of low-income and/or Latino, African American or Asian American neighborhoods in the Bronx. The goals of the project were to educate and transfer skills to more than 150 grassroots leaders in these neighborhoods and to develop of an environmental justice resource guide to help grassroots groups take advantage of available resources to support environmental justice activities. Community outreach was conducted through a mass mailing of neighborhood organizations. Interactive training workshops covered effective meetings and agendas, outreach techniques, public communication skills, and funds available for environmental justice programs. Staff conducted more than 2,000 technical assistance phone consultations during that year.

As mentioned previously, in Section 5, “Effective Community-Competent Participation Strategies: Five Key Building Blocks” conventional outreach methods may no longer be effective. For example, a meeting where panelists each present their own agendas, as opposed to a facilitated dialogue with translation, will have a very different effect on community audiences. Other approaches that are both responsive and welcoming will most likely be more successful.

Every communication with the public has its impact and merits attention. Even something as seemingly small as the timely response to a query by a community member sends the message that the individual’s voice was heard. In Alameda County, part of the technically savvy Bay Area, only 3 percent of the information about recycling and waste disposal was obtained from the Internet. A large percent was through media outlets such as newspapers and TV, but 14 percent of respondents learned about recycling and waste disposal from their garbage collectors, 10 percent learned through word of mouth, 9 percent learned through the city or city council, and 10 percent through the county waste management authority. These percentages demonstrate the importance of connecting more directly with people—these interactions make a lasting impression. (*Alameda County Waste, Composting, and Recycling*, 2001, p. 35)

### **Public Participation Guide for Community**

Public participation guides help community members learn about how they can become more involved with and navigate the system. As mentioned previously, one of the primary sources of confusion community members expressed is regarding the complexity and difficulty in understanding the structure and jurisdiction of the CIWMB and LEAs. Even more importantly, community members were confused about how to engage in the decision-making process. Community-based organizations attempt (with varying degrees of success) to map out the system and identify contacts within the agencies. Any resulting confusion and frustration may lead concerned residents to direct their complaints to other agencies, giving the incorrect impression that there is low community interest.

The California Air Resources Board and the Department of Toxic Substances Control have recently found public participation guidebooks (see text box) to be a valuable resource for communities by giving them the information needed to be involved with the process. Creating such a resource lends transparency to the agency and illustrates a willingness to facilitate greater community participation. An advisory committee with strong community representation will greatly aid in the drafting of a public participation guidebook that addresses the gaps in understanding. The guidebook should be published in, at a minimum, English and Spanish, and should be widely distributed through community-based organizations and other local outlets. Making this resource

#### **California Air Resources Board Public Participation Guidebook for Community**

At the request of communities, the California Air Resources Board produced a user-friendly public participation guidebook, “Let’s Clear the Air.” The guidebook introduces the permitting and enforcement system and explains the different points of entry for community members wanting to weigh in on decision-making. The guidebook uses non-technical language to define basic governmental agencies, policies, and key terminology, and is formatted with graphics and pictures that enhance the presentation. A clear definition of how to issue a complaint and what to expect back as a response are included. The guidebook also focuses on the stages of permitting, identifying when and how to get involved at the community level. Lastly, there is a listing of additional resources that communities can use to find out more about various air quality subjects.

prominent on the web will also help orient community members to the CIWMB, its public participation process, and its treatment of environmental justice.

Following are suggestions for information that might be included in a public participation guidebook:

- **Organizational Diagram:** Clarity regarding the regulatory structure and jurisdiction of the CIWMB and LEAs.
- **Policy:** An explanation of key policies that direct the operations of CIWMB and the LEAs.
- **Key Contact List:** Names and contact information of CIWMB staff that can be contacted with specific concerns. Community members should know who to call and when to expect a response.
- **Process:** An explanation of how the permitting and enforcement processes work and where the opportunities for public participation exist.
- **Complaint and Appeal Process:** Detailed explanation of how to issue a formal complaint and/or appeal to either the CIWMB or LEAs.
- **Information Access:** A step-by-step guide to requesting public records. How to identify related information and sources on the Internet.
- **Technical Advisors Listing:** A listing of independent technical advisors endorsed by the agency and communities.

### **Public Participation Manual for Staff**

As the responsibility for implementing a successful public participation program will largely fall on the LEAs, capacity-building is essential. At the LEA level, staff must be highly skilled and experienced in understanding public participation techniques, and would benefit greatly from a manual that provides basic tools to guide them through appropriate methods. It should be noted that a manual should complement and reinforce, but not substitute for, person-to-person training.

A comprehensive manual would clarify the goals of the agency's public participation efforts and delineate CIWMB and LEA staff roles and responsibilities in achieving these goals. It would anticipate the kinds of questions and demands coming from community and describe how to formulate a public participation plan at the beginning of a project. Again, since the CIWMB's interest is to cultivate community involvement, there must be a distinction made between public relations and public participation. Where the former is engineered to deliver a message and portray an image, the latter should work to open up a dialogue with community for an ongoing working relationship.

A public participation manual should include sections that address, at a minimum:

**Public Participation Requirements:** A clear statement of the policy mandate behind public participation and its basic guarantees.

**Community Assessment:** Instruction on how to conduct community surveys or interviews that help an agency gain an understanding of the specific needs and demands of that community.

**Outreach:** Suggestions for how to contact and communicate with a group that accurately represents the community.

**Notification:** Process for raising awareness within a community of the opportunities for public participation.

**Public Hearings:** Criteria for a successful public hearing, including how to conduct effective outreach prior to the hearing.

**Capacity-Building:** How to create access to the information that will enable community to effectively engage the decision-making process.

**Language:** Instruction on how to use accessible language that those without a scientific or governmental background can understand.

**Complaint Resolution:** Standard process for responding to complaints issued by community.

**Environmental Justice:** Information regarding the CIWMB's and Cal/EPA's mandates for environmental justice, and how to integrate it into public participation work and decisions.

**Public Forums:** Ideas for meetings that go beyond formal public hearings and engage community members that may prefer other formats of interaction.

## Public Forums

As public forums are an essential component to community participation, we discuss in greater detail the elements to successful forums. Community members recommend more numerous and diverse opportunities for public participation—beyond formal public hearings, there are few chances to interact with agency staff, learn about the details of a project, or voice an opinion or concern. Furthermore, and especially relevant when looking through an environmental justice lens, many individuals may shy away from the official setting of a public hearing that is central to the public participation process.

Introducing different kinds of forums to stimulate broader community engagement requires preparation. Below are four procedural essentials to organizing successful forums:

- **Community Assessment:** Use various mechanisms, such as a short community survey or evaluation, to gain an accurate profile of the community and its needs ahead of time.
- **Timing:** Avoid the “decide, announce, defend” approach—instead, involve the community in the process from the start.

### Department of Toxic Substances Control Public Participation Manual for Staff

Over the last 20 years, the Department of Toxic Substances Control (DTSC) has developed a comprehensive public participation program that is nationally recognized as a model for replication. One of the foundational tools DTSC uses to cultivate a culture of community involvement in its programming is an extensive public participation manual that all staff at both the State and local levels, including scientists, are required to read in full. The manual explains the DTSC public participation policy and the relevance to its mandate for environmental justice. Before each section, there is a clear delineation of responsibilities among staff. While it serves as a guide to the step-by-step process of enhanced public participation, it is also a guide that provides a wide array of ideas and tools that can be used in different scenarios, thus building capacity for flexibility and creativity into DTSC's public participation program.

- **Design:** Make sure community members have a role in developing a **public participation plan** that identifies objectives, available resources, tools, and opportunities for input. In addition, include them in designating a “community involvement area” that specifies the radius where outreach will be concentrated, notification process, timeline, and contact sheets that list important community leaders and institutions.
- **Outreach:** It is important that the agency work with the community to ensure that there is adequate awareness of the opportunities for participation. The location and scheduling of public forums should be convenient, and notification should be delivered through various media, not just via mailings. As public announcements in mainstream newspapers may not be as widely read today, it is necessary to advertise events in culturally specific media outlets, such as newsletters, TV, and radio.

Forums can be of an informational or interactive nature. Informational forums, such as workshops, briefings, or discussions, illustrate a commitment and investment in the community’s role and technical understanding, which can then translate into more efficient and effective input from the community. Interactive forums, such as open houses, small group meetings, or community interviews, allow community members and agency staff to communicate with each other and voice concerns about a project. Interactive forums help break down a feeling of separation between the community and government agencies.

Providing various points of entry into the decision-making process encourages participation. However, an agency’s intentions in using these forums will have more bearing on the results than the forums themselves. Again, while building trust through procedural changes is an important step, seeing the impact of community members’ participation through changes in outcomes is the ultimate measure of success. Still, as we have repeated throughout the report, even a small adjustment lends credibility to the process and encourages further participation.

### ***Accessibility: Outreach Processes and Appropriate Resources***

The failure of many communities to effectively participate in environmental decision-making may be due to the lack of expertise and understanding of underlying technical issues. When explanations and interpretations of technical material pertaining to agency decisions are unavailable, a barrier to meaningful involvement can result.

Linked to the need for technical assistance is the importance of having credible data. Lack of trust in scientific information that is beyond the understanding of the affected community has often led to diminished confidence. The trustworthiness of data often depends upon whether it can be produced and confirmed by an outside source; therefore, it is important to provide technical advice that is independent of various interest groups involved. An evaluation completed in 1998 examined eight agency regulatory negotiations and determined that 80 percent of the controversial issues were “either successfully negotiated or resolved through the presentation of objective data and/or analysis.” (Stakeholder Involvement and Public Participation at the U.S. EPA, 2001, p. 5) Thus, credible sources of information are crucial in mediating conflicts among stakeholders, citizens, and regulatory agencies.

## **The Technical Assistance Grants Example**

The Superfund program has pioneered U.S. EPA efforts in this area by providing early access to independent technical assistance through Technical Assistance Grants (TAG). This program has helped communities understand and participate in decisions affecting hazardous waste cleanup which are based on technical data and complex information. Since the first TAG was awarded in 1988, more than \$20 million has been given directly to community groups. (Superfund Community Involvement: Technical Assistance Grants)

The TAG program provides grants of \$50,000 for qualified community nonprofits to hire an independent technical advisor to help understand technical issues associated with contaminated sites. This assistance is crucial to community groups' participation in cleanup decisions. A community may qualify for a TAG if it is affected by a site on the Superfund National Priorities List (NPL), or a site proposed for the NPL.\*

Independent technical advisors can review and interpret site-related documents, explain technical information to the community, attend site visits, public hearings and site-related meetings, and help the community communicate site-related concerns. Community groups can apply for TAGs at any stage during a site cleanup, but it is usually most effective to apply during the remedial investigation/feasibility study phase when most of the decisions about the response to the site contamination will be made. It is during this phase that technical advising is most crucial. The recipient group must provide 20 percent of the total project cost, usually substituted through in-kind services and volunteer work. Administrative costs such as record-keeping may also be paid for out of grant funds.

Examples of qualifying groups to receive TAGs are community groups formed to address site-related issues, citizen's associations, environmental or health advocacy groups, and coalitions of such groups formed to address community views about the site. Not eligible are potentially responsible parties, including facility owners, transporters or generators of hazardous waste, academic institutions, political chapters, or government-supported groups. This program has shown considerable success in making it easier for community groups to access data information, understand technical issues, improve dialogue with the EPA and other regulatory agencies, educate affected residents, and establish credibility as a group.

A recent application of this model demonstrates its applicability beyond the Superfund program. In Jay, Maine residents argued that they could not participate in project negotiations involving a paper mill because they lacked technical expertise. The project team proposed a grant based on that of the Superfund program, which allowed stakeholder groups to apply for task-specific technical assistance funds. In 2000, two stakeholder groups succeeded in securing a grant and gained more capacity in negotiations.

## **The Technical Outreach Services for Communities Example**

Initiated in 1994, the Technical Outreach Services for Communities (TOSC) is a university-based education outreach program for communities that do not have the profile to apply for a TAG. This program provides no-cost technical assistance to communities

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\* The NPL is U.S. EPA's list of the most hazardous waste sites nationwide.

affected by hazardous substances. The goal of TOSC is to give communities an independent understanding of the technical aspects of hazardous substance contamination to gain more meaningful participation in decision-making. The assistance is provided by a national network of university staff and students at 30 major research universities and is coordinated out of five regional Hazardous Substance Research Centers (HRSC). TOSC is funded by a grant from the U.S. EPA's Office of Solid Waste and Emergency Response.

The decision to assist a particular site is made independently by the HRSCs. The criteria for selection requires that the problem must relate to hazardous or toxic contamination or pollution and that the site must be nominated for TOSC by the U.S. EPA, State or local government, citizen group, or third party. The most likely communities to receive services through TOSC are those in which environmental justice concerns are present. Other important considerations in receiving services include whether (1) human health protection concerns are present, (2) groups such as advisory groups are established, (3) a meaningful role for education efforts exists, and whether (3) the request occurs early in the decision-making process.

While the focus of TOSC is on education, the program has also worked with community members to facilitate better communication among stakeholders and offer scientific opinions on specific issues. TOSC personnel are not U.S. EPA employees and do not have any regulatory responsibilities. They remain neutral in their dealings with the community, and an effort is made to distinguish scientific issues from policy issues. As a result, TOSC staff remains outside of the decision-making process itself and do not make substantive recommendations or play a lobbying/advocacy role.

TOSC has assisted communities by:

- Sponsoring workshops and courses and using other educational approaches to explain basic science concepts that affect environmental policy.
- Informing community members about existing technical assistance materials, such as publications and Internet resources.
- Offering training to community leaders in facilitation and conflict resolution among stakeholders.
- Creating technical assistance materials tailored to the identified needs of a community.
- Interpreting technical data and reviewing and explaining technical reports.
- Providing a toll-free TOSC information line for services.
- Answering questions about potential health effects and possible cleanup technologies for hazardous waste sites.
- Assisting communities as they interact with regulators and others involved in a cleanup effort.

The following examples highlight the benefits of basic levels of assistance provided by TOSC.

In 1997 the Spring Creek, Pennsylvania, Watershed Association was awarded U.S. EPA funding and dedicated a large portion to rent a state-of-the-art computerized facility at Pennsylvania State University. The purpose of the program was to facilitate a community visioning process involving 40 stakeholders that span the 175-square-mile watershed. This process was organized as a series of meetings that were jointly planned by a facilitator and an information officer.

The agenda of each meeting was carefully set, and a series of questions was prepared which ensured responses targeting information participants needed to achieve their goals. At the meetings, participants used their own computer terminals to type responses to questions, and these responses were instantly projected on a large screen. When participants voted on issues, statistical analyses were immediately run and displayed, allowing participants to interact with the results. Significant time for discussion was allowed, and during this time participants had the option of sending anonymous responses from their terminals to be posted on the large screen. Five of these meetings, lasting three hours each and including all 40 stakeholders, occurred over the course of eight months. Each meeting generated discussion, consensus, and resolutions. Because of the technology aspect of the sessions, a higher number of stakeholders was able to participate.

### **The Role of Technology**

In 1999, the U.S. EPA-formed Public Participation Policy Review Workgroup reviewed the U.S. EPA's public participation strategies and recommended that the agency develop tools to help overcome barriers to the use of computer technology in underserved communities. (*Engaging the American People*) Dependence on technology is common practice in organizations both within and across communities and agencies. While technology has been used in innovative ways to advance community participation, this same technology has its limits and may exclude some of the audiences it intends to reach. While this report will concentrate on community use of technology, the information-sharing between U.S. EPA agencies is also an excellent resource for public participation professionals.

The Internet is a useful tool for reaching a wide audience and has helped many individuals and communities gain access to information that was not even available to the public in the past. Other technology resources, including e-mail and databases, have enhanced both education and communication between people in different geographic localities. However, depending on the accessibility—the content, software, and hardware—one can easily get lost or left behind. Literacy (English and technical language capacity) can be a barrier to the often complex and multi-layered websites that are constructed with different users in mind. Unfortunately, there is valuable information

#### **Barrios Unidos, Phoenix, Arizona**

This community-based organization sought assistance from Technical Outreach Services for Communities to address problems associated with air pollutants from traffic, industry, and waste management. Barrios Unidos has partnered with three environmental justice communities surrounding the Phoenix airport, and they have all formed a consolidated group, Neighborhoods for Justice. This group would like TOSC to prepare educational summaries of technical reports to assist the community in tracking the status of air quality permits for entities located near the neighborhood. The group was awarded TOSC assistance based on a high level of community organizing and their profile as a low-income community of color.

posted on the Internet that is never discovered because it is too difficult to navigate to and it is not advertised to the affected public.

Well-designed websites for stakeholders provide an accessible gateway to information that can help organizations participate in decision-making. Websites should include glossaries of environmental terminology, information about specific rules, appropriate opportunities for involvement, data sites with local information, links to related sites, educational materials, and fact sheets in multiple languages. Most importantly, they should include a contact person to speak with if the user has further questions.

Several examples of useful websites include:

- The EJ page of the Massachusetts Executive Office of Environmental Affairs (EOEA): An example of the use of multiple languages.  
[www.state.ma.us/envir/ej/default.htm](http://www.state.ma.us/envir/ej/default.htm).
- The California Department of Toxic Substances Control: An example of concise and accessible questions and answers.  
[www.dtsc.ca.gov/ToxicQuestions/index.html](http://www.dtsc.ca.gov/ToxicQuestions/index.html).
- U.S. EPA Brownfields Cleanup and Redevelopment: An example of accessible references. [www.epa.gov/swerosps/bf/topics.htm](http://www.epa.gov/swerosps/bf/topics.htm).
- Building a Regional Community-Based Voice for Environmental Health: An example of a user-friendly mapping tool.  
<http://departments.oxy.edu/ess/index.html>.

Obviously, even the optimal website is not useful for those without electronic access. The Department of Energy, in collaboration with Howard University, has a technology program in which it not only provides donated computers to community groups, but also offers training on how to use the Internet to obtain the material the groups are seeking. The program also provides support to maintain the computers. This kind of comprehensive approach to reaching the public will have greater success than advertising a website without any additional supports.

The Sustainable Cleveland Partnership is another example of the use of computer-based resources in the community, where various stakeholders worked together effectively using technology to interface with government agencies. Even so, these approaches must be considered in their cultural context, and a multi-faceted approach to complement technological tools may work best.

### ***Evaluation: Measurability and Accountability***

Effective evaluation completes the circle of accountability and performance and is an indispensable element of a successful public participation program. When designed appropriately, it could serve to gauge progress in fulfilling an agency's mandate for environmental justice and improve an agency's track record with communities. While several proven methods of evaluation can be used to ensure that public participation is having its desired effect, the following basic steps and considerations should be taken into account (Chess 2000; Englebert, Fudge, Garon, and Marsh, 2003).

- **Identify Evaluator**

The community should be included in the evaluation process, including early in the process when an evaluator is identified. Implementing such a collaborative model

demonstrates a constructive response to the “us-them” mentality that can characterize the community-agency relationship.

There are two basic options for identifying who should be responsible for evaluation. First, participatory evaluation brings agency and stakeholders together to design and perform evaluation. This method, especially when based on consensus, is thought to be the most inclusive, and offers precision in treating the diversity of perspective. The other option, independent evaluation, avoids overly politicizing the selection of the evaluator but still must ensure that the design and implementation does not reflect the biases of the involved parties. If independent evaluation is chosen, the subsequent decisions must be subject to endorsement by all stakeholders.

- **Baseline Assessment**

An audit of current public participation practices should be conducted, including both internal and external perspectives. Any obstacles to improvement should be identified and weighed to inform the goals of an agency-wide public participation plan. This assessment will serve as a starting point from which CIWMB and stakeholders can measure progress.

- **Public Participation Plan Objectives**

At the State, LEA, and project levels, stakeholders and agencies should work together to draft a plan that defines the objectives of public participation. Working from the baseline assessment, such a plan provides the infrastructure for measurability and sets a tone of collaboration. At a project level, more specific goals will be possible. At the State and LEA levels, broader goals might be adopted. Some objectives might include to: advance environmental justice mandate; increase institutional trust; build community capacity; empower community; build awareness; build consensus.

- **Feedback Tools**

Regardless of the evaluation model being implemented, routine collection of data on public participation programs is essential. Concise evaluations or questionnaires passed out after every public participation opportunity will create a repository of information that can be used for assessment. Collecting both quantitative and qualitative information will generate a more accurate and integral representation of the program and help to better determine the necessary steps to be taken.

- **Formative Evaluation**

Formative evaluation—or gauging progress throughout the process—allows for adaptive participation that takes into account the circumstances and evolution of a project and moves away from a less dynamic checklist. This method is also interactive with community and demonstrates a more attentive approach. As mentioned previously, incorporating attainable smaller goals along the way is important to achieve a sense of progress, which will lend considerable credibility to the process.

- **Analysis and Application**

A follow-up and final assessment of public participation programs are important for sharing best practices. The results should highlight areas of strength and include recommendations for improvement. Analysis should be discussed among staff and even interagency communication would allow for fruitful exchanges. Project-specific cases

should be compared against one another and against the agency program objectives. Most importantly, results should be communicated to stakeholders, and opportunity for comment should be made available.

## 7. Recommendations and Conclusion

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To conclude, we offer a summary by listing recommendations that come out of the body of this report. With an eye towards future planning and action, we emphasize recommendations lifted up from our research on best practices. While this summary is not an exhaustive list of all possible recommendations, it highlights directions and specific measures for improving public participation.

### ***Overarching Recommendations***

- Communities should be openly involved in environmental decisions early in the process, and the CIWMB, LEAs, and other decision-makers should be explicit about how public input will be used.
- Due to the common disconnect between what the community hears and understands from the messages and realities of multi-layered agencies, representatives who have the first contact with the community should anticipate some misperceptions and confusion that will be the source of frustration and even misinformation. Dedicating CIWMB resources to work with the LEAs to develop systems, programs, and public participation skills is one way of reducing this disconnect.
- Structural barriers between agencies make community participation more difficult. Community groups expressed the need for a more comprehensive approach to interacting and working with the boards, departments, and offices in Cal/EPA. As recommended by Cal/EPA's environmental justice working group, improved intra-agency coordination is a priority. CIWMB should coordinate with other boards, departments and offices within Cal/EPA to ensure that concerns reach the correct agencies.
- Implement even small adjustments and improvements to public participation processes. Like all stakeholders, communities view impact on outcomes as the greatest measure of effective participation. Even a small adjustment as a result of public participation lends credibility to the process and will encourage further participation.

### ***Community-Competency Recommendations***

- The Governor and State legislature should allocate adequate funds for all Cal/EPA Boards, departments, and offices to institutionalize and operationalize community competency to enable the implementation of EJ policy and action items.
- Community competency training should be provided for all of CIWMB's staff, administrators, and Board. The training would increase EJ education and awareness of multiple cultures, languages, and ages when developing appropriate promotional materials and tools.
- Community collaborations and partnerships should be pursued by working with natural, formal and informal networks within diverse communities. Personnel and fiscal resources should be allocated to technical assistance for community-based organizations to support their efforts in community outreach for events related to the CIWMB.

- The CIWMB should include diverse EJ groups in CIWMB planning processes, as well as mainstream environmental groups.

## ***Best Practices Recommendations***

### **Policy**

- While the ability to mandate LEAs to change their practices may require regulatory or statutory changes, the CIWMB can provide guidelines to encourage practices for enhancing public participation and addressing EJ issues.
- Policy approaches should prioritize communities that meet specific EJ criteria, and in a time of limited resources, this practice will be important in actually applying EJ principles. Other states have used anti-concentration policies to address disproportionate and cumulative exposures.
- The CIWMB should implement a statewide complaint resolution protocol using the elements in this report: standard response time, method for receiving complaints, documentation, investigative procedure, feedback, and CIWMB/LEA interaction. The protocol should be developed with a committee that has community representation.
- The CIWMB should coordinate with LEAs to ensure that the appropriate means for delivering complaints is publicized widely and implemented correctly.
- Mechanisms should be created to inform communities about technical assistance opportunities and options. The assistance is most effective when the recipient group acts as a partner with the Cal/EPA and broader community in the remedial process. The recipient group committee should be appropriately balanced to represent members of the affected community.

### **Community-Based Research**

- Community-based research and data collection should be encouraged, as well as culturally competent dissemination of data.

### **Education and Capacity-Building**

- Capacity-building initiatives should be encouraged and supported by incorporating the use of regional resource providers, community-generated tools and solutions, accessible information materials and toolkits, and community-led assessment and research. Grants that provide resources for community-based organizations to build community capacity for greater participation should also be made available.
- CIWMB should consult with other agencies with experience educating staff on public participation and environmental justice. Given the difficult budgetary atmosphere, conducting staff exchanges may be a revenue-neutral means of cross-training in this and other areas.
- Educational workshops for LEA officials should be provided for coaching them through the correct preparatory procedure and introducing new formats for public participation. Particular emphasis should be placed on communities where there are environmental justice concerns.

## **Marketing and Communication**

- CIWMB's website should be designed to be more accessible to a wide public audience with different literacy and language abilities. It should include an EJ and public participation page that shows ways to get involved with CIWMB's processes. Technology assistance programs should be developed to improve stakeholder involvement.
- Following DTSC and ARB precedent, the CIWMB should develop a comprehensive public participation guidebook that clarifies the structure and jurisdiction of the Board and LEAs and aids community members through the public participation process. A committee that includes strong representation from the community should have input on the drafting of this public participation guidebook.
- A comprehensive public participation manual should be developed that coaches staff in effective methods and process.
- The agency should survey the community for input on what a public participation guidebook should focus on and what material it should cover.

## **Evaluation and Accountability**

- A standard process should be instituted that requires a public participation plan, especially for more sensitive cases (an early assessment should be conducted which identifies these cases). Community members/groups should be involved in developing the public participation plan.
- Standards for public participation evaluation should be instituted at the project level. The evaluation should include a baseline assessment, a public participation plan, feedback tools, and accountability.
- A statewide public participation evaluation should be designed and implemented to establish a baseline and monitor progress over a specified time period.
- Guidelines for successful outreach should be developed, including expanded requirements for notification.
- There should be structural support for the process of creating of stakeholder advisory committees, such as a work group that will develop a diverse and representative stakeholder advisory committee. Community members should be invited to directly participate in determining the structure and decision-making process of an agency-sponsored advisory committee.

Moving from setting the context to the best practices available, the report illustrates the complexity and opportunities for improving community participation. We recognize the budgetary constraints under which most State agencies are operating at this time. However, many of our recommendations can be implemented using existing resources strategically and creatively. In an effort to think of long-term issues, we included some more ambitious measures that may have greater fiscal impacts. Still, the recommendations will only be applied throughout the state with the leadership and guidance of the Board as it demonstrates its commitment to EJ and enhanced community participation.



## 8. Appendix A: Environmental Justice Policies of the California Air Resources Board: An Example of the Process of Design and Implementation

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Incorporating environmental justice into the daily operations of government agencies requires a concerted effort on the part of leadership and participation at all levels of the organization. The California Air Resource Board's (ARB. In this appendix, "Board" refers to Board members of ARB) environmental justice policies demonstrate one successful approach to incorporating environmental justice priorities into Cal/EPA activities and plans. By encouraging low-income communities of color and their leadership to participate in the decision-making process, ARB has embarked on a path of reform. The Board unanimously approved its Environmental Justice Policies and Actions (Policies) on December 13, 2001, thereby establishing a framework for addressing environmental justice concerns in ARB's programs.

In the 1990s low-income communities of color experienced a growing awareness of and concern about the disproportionate impact of air pollution from stationary and mobile sources on their neighborhoods. During this period, the environmental justice movement made important achievements at the national, state, and local levels.\* ARB leadership took the extraordinary step of going beyond the legislative mandates and embarked on an ambitious project of incorporating environmental justice into the work plan of the ARB. Following are the important elements of this project and this process:

### ***Listening to Community Members***

ARB staff held public hearings throughout California in low-income communities of color to hear community members express concerns regarding air pollution and shortcomings of responsible agencies, as well as suggestions for addressing these issues. ARB held these meetings in partnership with environmental justice organizations and in places familiar and accessible to community members. ARB provided translation for the meetings, limited the time of staff presentations, and allocated most of the sessions for listening to people. Participation of senior staff, the presence of culturally competent ARB staff, the proactive involvement of community leaders, and collaboration with local environmental justice groups created a welcoming atmosphere that encouraged people to participate. This step was vital in creating trust, engagement, and participation throughout the process of the policy formation.†

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\* Events such as protests leading to development of Environmental Justice Principles at South Coast Air Quality Management District (AQMD) in 1997 and Rule 1402 hearing at South Coast AQMD in 2000 where more than 300 people from low-income communities of color attended an AQMD Board hearing.

† "...This effort included 200 conference calls; 165 e-mail discussions; attendance at 50 meetings with community, environmental, businesses, and government groups; two formal workshops; and distribution of information in both Spanish and English. The result of this allowed staff to interact with nearly 800

## ***Consulting With Environmental Justice Stakeholders***

Parallel with the process of community meetings, ARB convened a stakeholder process where the representatives of industry, environmental justice organizations, and regulatory agencies participated in formation of policy language. Initially, the Chairman of the Board, Dr. Alan Lloyd, or his advisor, Dr. Shankar Prasad, chaired these stakeholder meetings to express the commitment of the leadership to this process. During the implementation phase, the public member of the Board chaired the stakeholder meetings, while the Chairman remained actively engaged and kept abreast of developments.

During this entire process, the representatives from the environmental justice organizations worked with staff to translate the demands of the community members into concrete policy language, while addressing the concerns of industry and business interests. ARB held these meetings throughout the state and facilitated the participation of environmental justice organizations. In addition, ARB sponsored environmental justice conferences and training sessions to raise the understanding of the regulatory community, business representatives, and the public about the most recent scientific findings related to environmental justice issues.

## ***Providing Technical Assistance***

Another important element in the process of identifying the problems and solutions regarding environmental justice has been providing technical assistance to communities. ARB performed a number of detailed monitoring and technical studies in Wilmington, Boyle Heights, Barrio Logan (San Diego) and Oakland as pilot studies to assess the state of air quality. After gathering the data, ARB held frequent community meetings to explain the findings in simple language. Furthermore, ARB provided grants for environmental justice community groups to assist them in building the capacity of communities to engage in the decision-making process. Better-informed community members were able to more effectively participate in public hearings, leading to a more productive dialogue between ARB and the community.

## ***Participating in Community Tours***

Another important element in the process of decision-making was the active participation of ARB Board members. An important step that facilitated this involvement was the participation of all the Board members, executive staff, and management staff in tours of toxic areas in the community. During these tours, regulators had an opportunity to see firsthand the detrimental effect of poor regulatory policies on people. They had an opportunity to hear from the impacted people directly. Listening to the experience of children with asthma who had to bear a disproportionate share of the impact of pollution, hearing the frustration of parents, and witnessing the tragic consequences of regulatory shortcomings and neglects was a powerful experience that could not be replicated by any

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individuals throughout California. Staff also distributed fact sheets in Spanish and English at many ARB workshops. These materials explain what the proposed policy goals are and how the public could become involved in the process. Finally, staff held two workshops to discuss the draft guidance document. These workshops were held in Oakland and in Carson on November 13 and 15, respectively. The workshop notices were sent to more than 2,200 individuals...” From, “December 13, 2001 Board Meeting Transcript,” ARB, December 13, 2001 <[Hwww.arb.ca.gov/board/mt/mt/121301.txt](http://www.arb.ca.gov/board/mt/mt/121301.txt)H> (May 14, 2004), pp. 426–427.

boardroom presentation. During the December 13, 2001 Board meeting, when the Board voted unanimously to approve the environmental justice policies, a number of Board members specifically thanked the community leaders for these tours as one of the key factors that helped shaped their view about the urgency of adopting these polices. (Transcript of December 13, 2001 Board Meeting, pp. 411–412)

## **Adopting the Measures**

The Board unanimously approved the policies on December 13, 2001. The policies have seven main components (see below). (*Policies and Actions for Environmental Justice*, Dec. 13, 2001, pp. 3–12).

- I. *It shall be the ARB's policy to integrate environmental justice into all of our programs, policies, and regulations.*
- II *It shall be the ARB's policy to strengthen our outreach and education efforts in all communities, especially low income and minority communities, so that all Californians can fully participate in our public processes and share in the air quality benefits of our programs.*
- III *It shall be the ARB's policy to work with local air districts to meet health-based air quality standards and reduce health risks from toxic air pollutants in all communities, especially low-income and minority communities, through the adoption of control measures and the promotion of pollution prevention programs.*
- IV. *It shall be the ARB's policy to work with the local air districts in our respective regulatory jurisdictions to strengthen enforcement activities at the community level across the state.*
- V. *It shall be the ARB's policy to assess, consider, and reduce cumulative emissions, exposures, and health risks when developing and implementing our programs.*
- VI. *It shall be the ARB's policy to work with local land-use agencies, transportation agencies, and air district to develop ways to assess, consider, and reduce cumulative emission, exposure, and health risks from air pollution through general plans, permitting, and other local actions.*
- VII *It shall be the ARB's policy to support research and data collection needed to reduce cumulative emissions, exposure, and health risks, as appropriate, in all communities, especially low income and minority communities.*

Under these seven categories, 58 action items have been identified as specific objectives. Some of these items are: (*Policies and Actions for Environmental Justice*, Dec. 13, 2001, pp. 3–12).

- *Develop and incorporate an environmental justice program element into our employee-training curriculum.\**

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\* ARB and South Coast Air Quality Management District have held regular environmental justice training sessions where representatives of EJ Communities and researchers in the field give presentations to staff.

- *Issue a written annual status report identifying action items accomplished and a proposed work plan outlining the actions items for the next year.*
- *Hold meetings in communities affected by our program, policies, and regulations at times and in places that encourage public participation (such as evenings and weekends at centrally located community rooms, libraries, and schools).*
- *Establish within the Chairman's Office of Community Health a specific contact person for environmental justice issues.*
- *Allow, encourage, and promote community access to the best available information in our databases on air quality, emission inventory, and other information archives.*
- *Develop and incorporate an environmental-justice awareness element into our enforcement-training curriculum to promote fair enforcement for all communities.*
- *Identify necessary ARB risk reduction and research priorities based on the results of the neighborhood assessment and other information.*
- *Develop the ARB Clean Air Plan to assist in the achievement of federal and state ambient air quality standards and to reduce health risks posed by toxic air pollutants.*
- *Develop geographic-based information systems for assessing health-based information within communities, and correlating that information to air pollution and socioeconomic factors.*
- *Develop better methods to monitor community exposures through controlled scientific studies. To support this effort, develop continuous monitoring systems and miniaturized monitoring technologies.*

## **Implementing the Policies**

After the adoption of the policies, ARB continued to convene the stakeholder meetings to seek input for achieving the specific objectives outlined in the policy document. To date, the following projects have been undertaken:

- *Lets Clean the Air: A Public Participation Guide to Air Quality Decision Making in California:* This document provides communities with basic information needed to understand and participate in the air pollution policy, planning, permitting, and regulatory decision-making processes in California. The guide includes: an overview of agencies responsible for controlling air pollution, steps for resolving air pollution complaints, and steps community members can take to participate in air quality decision making process and issues in their community.
- *ARB/CAPCOA [California Air Pollution Control Officers Association] Complaint Resolution Protocol:* This document is intended to ensure timely and effective resolution of air pollution complaints and to inform the public of the process.

- *Air Quality and Land Use Handbook* (draft document): This handbook serves as a general reference guide for evaluating and reducing air pollution impacts from projects that go through the land use decision-making process.

### **Case Study: South Coast Air Quality Management District**

South Coast Air Quality Management District (SCAQMD) is the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties.

SCAQMD adopted its own environmental justice principles in October 1997 due to increasing community awareness about environmental justice problems in the South Coast Air Basin. However, ARB's adoption of environmental justice policies set new processes in motion that have had far-reaching impacts on the daily operations of SCAQMD.

- Adoption of environmental justice enhancement measures.

In September 2002, SCAQMD's governing board unanimously adopted 23 environmental justice enhancement measures. AQMD worked with the environmental justice leaders and community members across the region to hold eight public workshops reaching out to over 400 community members in developing these measures. Some of the important objectives in this document are:

- Regulating the use of hydrogen fluoride used in oil refineries in Wilmington and subject of increasing concern and complaint by the community members.
- Developing a rule to reduce diesel emissions from off-road truck yard hostlers used to move cargo containers at ports, railroad yards, and warehouse distribution centers. These activities are a major cause of air pollution and community concern for people in Wilmington, Commerce, and Riverside.
- Developing small, low-cost outdoor air monitoring devices that can be placed in residential areas to assist SCAQMD in identifying the source of air pollution complaints and engage community members in the process.
- Improving community access to information at SCAQMD and posting information on facility health risk assessments and violation notices on the agency's website.
- Developing a user-friendly handbook in several languages to help residents recognize and report air pollution problems, find out about emission sources, and request public documents.
- Developing a "cumulative impact" work plan to consider ways that SCAQMD can set regulations addressing the issue of disproportionate pollution in low-income communities of color.
- Sponsoring a conference on precautionary approaches to rulemaking.

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- Inclusion of environmental justice representatives in all stakeholder groups.
  - Environmental justice representatives have been invited to participate in developing and improving all rules and regulations at SCAQMD.
  - Community members are encouraged to participate in these processes as well.
- Improved interaction with community members.
  - Improving the interaction of SCAQMD enforcement agents with community members regarding complaints about facilities.
  - Incorporating the complaint resolution protocol recommended by the ARB environmental justice stakeholder group in communications with community members.
- Sponsoring workshops on environmental justice.
  - EJ workshop for community members.
  - EJ workshop for all staff, including special session for executive staff and managers.
  - Community tours for Board members and staff of low-income communities of color disproportionately impacted by pollution.

## **Conclusion**

During the process of formulating its environmental justice policies, ARB adopted a model that has produced important results. This is not to suggest that ARB's work on environmental justice is finished. In fact, the most challenging work in implementing the policies, such as adopting regulations to address cumulative impact and introducing more stringent pollution control/prevention mandates, remains to be addressed. This analysis has attempted to demonstrate how improved participation opens the doors to better decision-making processes, which in turn leads to better practices. In sum, incorporation of environmental justice is a continuous process of engagement, education, and participation for both the regulators and the community members.

## 9. Appendix B: Guidelines for Successful Stakeholder Advisory Boards

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The following building blocks are guidelines for successful stakeholder advisory group outcomes:

### ***Building Block #1: Early Formation of Advisory Groups***

- Forming an advisory group early in the decision making process ensures that all entities within the group have adequate opportunity to fully mature and time required to build trust.
- The community has an opportunity to investigate possible solutions and respond to proposals.
- If structured community involvement is introduced late in the progression of an issue, repairing damage relating to public disenfranchisement or distrust is difficult.

### ***Building Block #2: Representation of Full Range of Interests and Values in the Community***

- Representing the community's full range of interests and values requires community initiative in forming and selecting a group.\*
- Some strategies for group selection:
  - Seeking nominations at public meetings or written nominations.
  - Publishing selection criteria for advisory committee members.
  - Meaningful representation of key interests.
  - Membership that is representative of the community in age, gender, socio-economics, ethnicity, and stakeholder interest.

### ***Building Block #3: Role of Group Decision-Making Is Clearly Defined***

- All participants must understand the particular group's advisory role and responsibilities.
- All participants should agree on process, purpose, and timeframe.

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\* For a guide to basic methods for selecting advisory group members, see:

Creighton, James L. *Involving Citizens in Community Decision Making. A Guidebook*, Program for Community Problem Solving, (undated), pp. 163-174.

- All participants should understand the scope of the issues that will be addressed by the group.

#### ***Building Block #4: Community Initiative***

- When a community itself initiates the formation of an advisory group, this initiative fosters a sense of community ownership and legitimacy of the process.

#### ***Building Block #5: Inclusiveness and Independence***

- The agency must exhibit openness and responsiveness to community needs.
- The agency must act independently of influences of others with a special interest in the outcome of the issues.

#### ***Building Block #6: Maintain Communication With Constituencies Represented***

- Since an advisory group cannot speak for the whole community, it is important that the community be kept informed of progress, and ideally contribute input to ideas.
- Group members should inform constituencies of issues with appropriate education materials.
- Group members should hold discussions with leaders of their constituencies to ensure the group members continue to reflect the constituencies' views.
- Group members should involve and inform the wider community, so that ownership of the process and outcomes is not exclusive to advisory group members.

#### ***Building Block #7: Access to Technical Expertise***

- Providing information materials in non-technical language ensures effective communication between staff and advisory groups.
- Independent technical advice from outside consultants allow group members to interpret information for themselves.

#### ***Building Block #8: Impartial Facilitation***

- Credibility of the collaborative process depends on an impartial facilitator.
- Establish facilitation early on to foster trust building.

## 10. Appendix C: Spanish Translation of Executive Summary (Apéndice C: Traducción del Sumario Ejecutivo al español)

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This translation is also available as a separate publication (*Justicia Ambiental Evaluación y Análisis de Oportunidades: Sumario Ejecutivo*, publication #520-04-009). To obtain it, call (916) 341-6306 or (800) CA-WASTE or order it online at [www.ciwmb.ca.gov/Publications/default.asp?pubid=1099](http://www.ciwmb.ca.gov/Publications/default.asp?pubid=1099).

Esta traducción está también disponible como publicación separada (*Justicia Ambiental y Análisis de Oportunidades: Sumario Ejecutivo*, publicación #520-04-009). Para obtenerla, llame al (916) 341-6306 o al (800) CA-WASTE u ordénelo a [www.ciwmb.ca.gov/Publications/default.asp?pubid=1099](http://www.ciwmb.ca.gov/Publications/default.asp?pubid=1099).



# **Justicia Ambiental Evaluación y Análisis de Oportunidades**

*Presentada a:*

La Junta Directiva para el Manejo Integral de los Residuos Sólidos de California  
(CIWMB)

*Preparada por:*

El Centro para la Justicia, la Tolerancia y la Comunidad (CJTC)  
Universidad de California Santa Cruz

**Diciembre, 2004**

## **SUMARIO EJECUTIVO**

### **SUMARIO DEL PROYECTO**

La Junta Directiva para el Manejo Integral de los Residuos Sólidos de California (CIWMB/Board, por su sigla en inglés), ha solicitado al Centro para la Justicia, la Tolerancia y la Comunidad (CJTC) la provisión de: un análisis de contexto de justicia ambiental<sup>1</sup> para aportar a su proceso de decisión, ejemplos de estrategias para incrementar la participación pública y la opinión de la comunidad, y recomendaciones sobre como la Junta Directiva de CIWMB podría en forma efectiva trabajar justicia ambiental a través de sus programas y actividades.

Para llevar a cabo la tarea solicitada, CJTC específicamente ha:

- Conducido un análisis de contexto de la justicia ambiental en el estado y documentado las diferencias demográficas y de ingreso, las cuales quizás presenten relaciones con las facilidades reguladas por CIWMB

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<sup>1</sup> La justicia ambiental se refiere al trato justo y a la participación significativa de todas las personas, independientemente de su raza, color, país de origen y nivel de ingresos, en la formulación de leyes, reglas y políticas ambientales, su puesta en práctica y cumplimiento. Trato justo significa que ningún grupo de personas, sean estos grupos raciales, étnicos o socioeconómicos, deben cargar, de manera desproporcionada, con las consecuencias ambientales negativas que generan las actividades industriales, municipales y comerciales o la ejecución de programas y políticas federales, estatales, locales o tribales. Participación significativa significa que: los residentes de comunidades potencialmente afectadas tengan la oportunidad de participar en la toma de decisiones acerca de una actividad propuesta que influirá en su medio ambiente y su salud; la contribución del público pueda influir en las decisiones de una institución reguladora; las preocupaciones de todos los participantes involucrados sean tomadas en cuenta en el proceso de toma de decisiones; y los responsables de la toma de decisiones permitan y faciliten la participación de quienes pudieran verse afectados (CDC, <<http://www.cdc.gov/omh/Spanish/ejSpanish.htm>> (June 29, 2004)).

- Provisto presentaciones coordinadas y cohesivas sobre el trabajo descrito arriba, así como también sobre prioridades medioambientales y asuntos relacionados a las decisiones de la Junta Directiva de CIWMB, sus programas, actividades y alcance comunitario
- Preparado este reporte sobre métodos para incrementar la comunicación efectiva y la participación pública, enfocándose particularmente en las mejores prácticas realizadas por el sector público y privado en las áreas de alcance comunitario y relaciones con las comunidades de justicia ambiental.

## RESUMEN DEL REPORTE

### **El Paisaje de California: Temas Emergentes e Innovativos de Justicia Ambiental en California**

La justicia ambiental se ha vuelto una preocupación central en el estado de California, particularmente después del pasaje de legislación en 1999 ordenando que la Agencia de Protección del Medio Ambiente de California (Cal/EPA, por su sigla en inglés) y agencias y departamentos relacionados administren y enforquen sus programas de un modo que “asegure el trato justo de la gente de todas las razas, culturas y niveles de ingreso, incluyendo a las minorías y a los sectores de bajos ingresos” (Código de Recursos Públicos, sección 71110(a)).<sup>2</sup> La adopción de legislación de justicia ambiental al nivel Estatal pone a California en una posición de liderazgo en cuanto a la creación de la política para la justicia ambiental en comparación con el resto del país. Esto se debe al liderazgo dentro del gobierno del estado pero también a la activa organización realizada por las organizaciones de justicia ambiental y crecientes grupos de investigación que han demostrado que muchas de las amenazas medioambientales, incluyendo las facilidades que contienen productos peligrosos (tóxicos) que contaminan el aire, se encuentran en una relación desproporcionada en comunidades de bajos ingresos habitadas por personas de color.

California es el hogar de muchos grupos comunitarios activos e involucrados los cuales están determinados a hacer escuchar sus voces al nivel de la política del estado. Las organizaciones de justicia ambiental a lo largo del estado participaron activamente en el desarrollo de las recomendaciones del Cal/EPA Comité Consultor de Justicia Ambiental las que fueron concluidas en Septiembre de 2003. Mas allá de que algunas recomendaciones que emergieron de este proceso fueron contraversiales y despertaron cierto nivel de debate y diferencia de opinión dentro del comité, oficiales del sector público, representantes del sector privado y líderes comunitarios estuvieron de acuerdo sobre la importancia de la participación pública. Ciertamente, en muchos aspectos, el impulso del avance en las políticas medioambientales es posible porque ha habido una acción por todo estado conducida por la organización comunitaria y el debate abierto a nivel Estatal, contando con los oficiales electos, responsables de la política, cuerpos reguladores y actuantes en el proceso de decisión quienes entendieron la importancia de la rendición de cuentas para con sus electores.

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<sup>2</sup> Capítulo 690, Estatutos de 1999 (Solis, Declaración de Senado [Senate Bill [SB]] 115. Una segunda declaración de justicia ambiental fue aprobada el año siguiente (Capítulo 728, Estatutos de 2000 [Escutia SB 891]). Las secciones del Código de Recursos Públicos, resultando del aprobado de esas declaraciones fueron renumeradas y movidas a las secciones 71110-71116 por una tercera declaración de justicia ambiental (Capítulo 765, Estatutos de 2001 [Alcaron, SB 828]).

La implementación de las recomendaciones del Cal/EPA de justicia ambiental facilita una oportunidad para CIWMB para crear una participación pública accesible y significativa que funcionará si los legisladores, oficiales electos y sus cuerpos decisores dan apoyo e implementan las políticas y recomendaciones que ya han sido adoptadas. Para este fin, los grupos de justicia ambiental y los departamentos gubernamentales correspondientes han comenzado a crear herramientas para conseguir un servicio de salud pública equitativo y la participación pública. Este reporte se enfoca en esas herramientas y estrategias, en particular aquellas que quizás sean de utilidad para la CIWMB.

## **La Distribución de las Facilidades Reguladas por la CIWMB**

Para un mejor entendimiento sobre las percepciones de la comunidad acerca de la CIWMB, hemos realizado extensas entrevistas con numerosos representantes comunitarios. También buscamos entender cuales eran los resultados empíricos en relación a las facilidades reguladas por CIWMB. Esto es clave porque estudios sobre otros tipos de facilidades tales como las enlistadas en el Inventario de Emisiones Tóxicas (Toxics Release Inventory/TRI, por su sigla en inglés) de la Agencia de Protección del Medio Ambiente de los Estados Unidos (US/EPA, por su sigla en inglés),<sup>3</sup> han encontrado un patrón de inequidad medioambiental en el estado ([www.epa.gov/tri/](http://www.epa.gov/tri/)). Mientras ha existido poco trabajo realizado sobre las facilidades reguladas por CIWMB, estos otros estudios quizás afecten la percepción pública acerca de la administración de los residuos sólidos.

Para entender la distribución de las facilidades reguladas por la CIWMB, hemos utilizado información del sitio web de la CIWMB ([www.ciwmb.ca.gov/SWIS/](http://www.ciwmb.ca.gov/SWIS/)), dado un código geográfico a todas las facilidades autorizadas que se encuentran en actividad y comparado estas con las demografías de las comunidades cercanas. Hemos encontrado que:

- A primera vista, los rellenos sanitarios no aparentan estar situados en forma desproporcionada cerca de las áreas donde hay grupos minoritarios o de bajos ingresos. Sin embargo, si uno tiene en cuenta la densidad de la población cercana y en que casos es un área rural, que son pronosticadores de la proximidad a rellenos sanitarios, se encuentran pruebas significativo estadísticamente de una proximidad desproporcionada a estas comunidades de bajos recursos.
- Estaciones de transferencia y sitios para desechar neumáticos están claramente ubicados cerca de áreas donde viven minorías y grupos de bajos ingresos, y este patrón se repite cuando uno introduce los patrones propios de técnicas estadísticas para tener en cuenta la relación del grado de urbanización y densidad de la población a las ubicaciones de las facilidades.

Mientras nuestro análisis de las facilidades reguladas por CIWMB es básicamente preliminar, este sugiere el contexto de trasfondo de percepción para alcance comunitario en la comunidad y la participación en justicia ambiental. A partir de este trabajo, elaboramos dos conclusiones claves:

- Hacer la información en todo el estado más accesible, más fácil de entender y más adaptable para su localización demografica y análisis, lo cual quizás sea de ayuda

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<sup>3</sup> La ley federal requiere que se informe a las autoridades estatales, nacionales y a la comunidad sobre la emisión de sustancias tóxicas por sobre determinados niveles. La EPA mantiene una lista de sustancias tóxicas que requieren informes si hay emisiones en el aire, agua, tierra o subsuelo.

tanto para la mejor percepción pública de la CIWMB como para la facilitación de la voz de la comunidad en los encuentros y foros. La sistema de los Perfiles del Flujo de Desechos de California (California Waste Stream Profiles) de la CIWMB muestra un gran avance en esa dirección ([www.ciwmb.ca.gov/profiles](http://www.ciwmb.ca.gov/profiles)).

- Desarrollar una capacidad permanente de poseer miembros propios e investigadores externos para conducir investigaciones más profundas y evaluar el grado de disparidad demográfica entorno a las facilidades y decisiones sobre permisos, y así permitir que ésta capacidad provea un objeto para el mejoramiento, construyendo confianza en los caminos que se emprendan y proveyendo información precisa para la evaluación y la rendición de cuentas.

## **Temas de la Comunidad y Percepciones**

Muchas organizaciones de Justicia Ambiental y líderes comunitarios están profundamente comprometidos con la idea de mejorar la participación y presentan un interés acerca de los problemas en el área relacionados con CIWMB y las agencias de enfortamiento locales (LEAs, por su sigla en inglés).<sup>4</sup> Estas preocupaciones se manifiestan en varios temas que se conectan con resultados y procesos. Aunque las LEAs a menudo tienen poder de decisión ante la Junta Directiva y allí quizás haya falta de claridad acerca de la jurisdicción, el foco de este reporte está puesto sobre el papel de la Junta Directiva y su relación con las comunidades de California. Los asuntos son los seguidore:

- Muchos líderes comunitarios creen que las decisiones ya han sido tomadas y temen que su participación no afectará los resultados de las decisiones finales.
- Los papeles respectivos de LEA y CIWMB permanecen poco claros para muchos de los líderes comunitarios y allí se alojan muchas preocupaciones sobre los protocolos apropiados de reclamo.
- Los líderes comunitarios sienten que se necesita poner mas atención en las necesidades particulares de las comunidades, tales como la construcción a nivel Estatal la capacidad para comunicar adecuadamente a las comunidades que no hablan inglés.
- Entre muchas personas en la comunidad, se encuentra una falta específica punto de entrada para expresar los asuntos ambientales, ni una persona clave dentro de la CIWMB a quien se puedan reportar las preocupaciones de justicia ambiental.
- A los líderes comunitarios les gustaría ver fondos destinados a construir la capacidad técnica y en la comunidad para participar eficientemente en encuentros y debates.

Para tomar en cuenta estas preocupaciones, líderes comunitarios e investigación en mejores prácticas sugieren que la CIWMB y LEAs:

- Institucionalicen un proceso mediante el cual un reporte o memo sea realizado después de que una decisión ha sido tomada para identificar donde se ha incorporado

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<sup>4</sup> Los LEAs son designados por la CIWMB para implementar programas de La Junta Directiva y actividades locales. Tienen la responsabilidad para asegurar la operación correcta y cierre de facilidades de residuos sólidos del estado y también el almacenamiento y transportación de residuos sólidos.

el aporte público y porqué otros aportes han sido excluidos. Este proceso, quizás, aplicaría en casos de alto interés o casos de gran controversia.

- Siguiendo el reciente ejemplo del Consejo de Recursos Atmosféricos de California (CARB, por su sigla en inglés)<sup>5</sup> y el Departamento de Control de Sustancias Tóxicas (DTSC, por su sigla en inglés),<sup>6</sup> crear un manual de participación pública que guíe a la comunidad a través del proceso y provea información accesible acerca de la responsabilidad de la CIWMB, prestando atención especial al rediseño de los recursos en el internet para hacer la información mas accesible y darle más significado para los líderes comunitarios y miembros de la comunidad.
- Desarrollar un protocolo de resolver quejas, para todo el estado, en colaboración con líderes comunitarios y desarrollar estrategias para minimizar su uso a través de la ampliación en la notificación del círculo de la comunidad y mantener encuentros claves para informar sobre el proceso en forma temprana.
- Asociarse con organizaciones del base comunitario (community-based organizations/CBOs, por su sigla en inglés), a través de la provisión de pequeñas becas para ayudar con la difusión y construir una mayor capacidad técnica. Además, estas asociaciones pueden ayudar a diseñar un proceso de participación pública apropiado para cada caso y conducir encuentros cuando sea posible en las comunidades afectadas.
- Conducir reuniones lo mas frecuente posible en comunidades afectadas para mejorar el número de asistentes y participación pública efectiva, incluyendo CBOs en el desarrollo de estas reuniones y alcance comunitario.
- Continuar entrenando a los miembros del equipo en justicia ambiental, incluyendo visitas a los lugares con miembros de la comunidad para ver cuales son sus preocupaciones. Para coordinar el entrenamiento y otras actividades, designar un puesto dentro de la CIWMB que se enfoque en justicia ambiental.

### **Estrategias Efectivas de Participación en Competencia Comunitaria**

“Competencia comunitaria” representa la habilidad para incrementar la participación pública con diversas comunidades, compuestas por una multitud de orígenes culturales, geografías e historias. Cruzar las fronteras culturales, de los barrios y ingresos requiere un conjunto de técnicas que

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<sup>5</sup> El CARB es la agencia Estatal que es responsable de asegurarse que la población de California respire aire saludable. El trabajo primordial del ARB es el de proporcionar un ambiente atmosférico limpio y seguro para todos los Californianos al reducir emisiones de los vehículos automotores, de los combustibles, de los productos de consumo, y de las fuentes de sustancias tóxicas en el aire a nivel Estatal. También supervisa a las agencias locales de contaminación del aire ambiental.

<sup>6</sup> El DTSC es una de las seis juntas y departamentos que conforman la Agencia de Protección del Medio Ambiente de California. La misión del DTSC es restaurar, proteger y mejorar el medio ambiente para asegurar la salud pública, la calidad del medio ambiente y la vitalidad económica, regulando los desechos peligrosos, conduciendo y supervisando limpiezas, y desarrollando y promoviendo la prevención de la polución.

nosotros desarrollamos en detalle en el reporte completo; aquí, nosotros sugerimos varios de los lineamientos generales para realizar este trabajo:

1. Hacerse tiempo para construir confianza, particularmente cuando ha habido algunos quiebres entre los grupos de la comunidad y las agencias y claramente comunicar la prioridad de incluir nuevas voces en el debate público.
2. Crear mecanismos efectivos para escuchar a las preocupaciones de la comunidad, tomando prestadas herramientas efectivas que ya han sido utilizadas por otras agencias y otros estados.
3. Desarrollar procesos de alcance comunitario y materiales para la comunidad quienes son apropiadas para comunidades diversas y las con bajo nivel de representación. Por hacerlo, utilizar técnicas no tradicionales tales como encuestas basadas en y de la comunidad que servirán para capturar temas y perspectivas de la misma.
4. Demostrar apoyo institucional haciendo de CIWMB y LEA recursos disponibles para la participación, incluyendo apoyo en la construcción de capacidad para la participación pública efectiva.
5. Mantener la participación a través del tiempo de modo que el compromiso sea evidente; esto es particularmente importante porque esto le permitirá a individuos y a los grupos, quienes quizás estén frustrados por ciertas decisiones, creer que las conversaciones sobre las políticas van a seguir e incluirán sus voces.

Para implementar estos principios, sugerimos:

- Desarrollar credibilidad en un contexto menos formal: vecindades, talleres, lugares donde compartir informaciones y conversaciones puede reemplazar las dinámicas de posicionamiento que ocurren en la mayoría de los foros públicos.
- Desarrollar nuevas estrategias de publicidad, tales como el patrocinio de eventos comunitarios locales, pasantías de trabajo para jóvenes locales en la CIWMB y encuestas a nivel de la comunidad local.
- Crear mecanismos para la construcción de la capacidad e incorporar las comunidades de justicia ambiental dentro de un rango estratégico mas amplio, en lugar de hacerlo solo cuando son momentos controversiales.
- Designar un enlace de la CIWMB para justicia ambiental y la participación, la cual se podría mantener en contacto con los procesos de desarrollo en otras agencias y volverse un punto de contacto sostenido para la comunidad.

Quisieramos remarcar que la incorporación de estos principios no eliminará el conflicto y las desacuerdos propios de los procesos democráticos. De todos modos, conflicto y colaboración no son mutuamente excluyentes; en otros estados y otros marcos políticos, organizaciones que alguna vez retaban decisiones, en algunas ocasiones, llegaron a ser los mejores aliados de comunidades en el objetivo común de la participación pública. Los principios de competencia comunitaria pueden ayudar a asegurar relaciones productivas y de largo plazo. En cualquiera de los casos, invitar la comunidad de justicia ambiental a la formación de las políticas es solo uno de los pasos de un proceso mas largo que comienza construyendo confianza y termina con resultados concretos que se pueden medir. Comunicar a las comunidades siendo sensibles hacia su cultura y utilizar modos competentes en la comunidad, incrementará y sustentará la participación de los

residentes al largo plazo. Lograr resultados que reflejen la contribución de la comunidad será la medida mas importante, por eso es importante mirar mas allá de la publicidad y entender que una participación en forma sostenida probablemente afectará el tono y contenido de las decisiones.

### **Mejores Prácticas: Aproximaciones a la Comunidad y Herramientas**

Para ir mas allá de los principios de participación comunitaria y realizar dicha participación, este reporte ofrece un análisis de mejores prácticas utilizadas en varias partes del país. Estos ejemplos ilustran modelos de participación pública de un modo cooperativo, así como también planeación e implementación que incluyen partes interesadas de la comunidad y las agencias. Estos métodos de colaboración sugieren estrategias para ir mas allá del modelo regulador tradicional para alcanzar una mayor participación e intercambio de información entre los reguladores y la comunidad pero a través de las agencias también. Nosotros agrupamos una gran variedad de ejemplos dentro de seis categorías.

**Categoría 1: *Desarrollo de políticas a través de la aplicación de los principios.*** Las políticas pueden ayudar a las comunidades y a las agencias a moverse mas allá de los conflictos entre empresas. En este plano:

- Sugerimos que la normativa prohibiendo una excesiva concentración de ciertos tipos de facilidades provea otro mecanismo para proteger las comunidades mientras las mismas desarrollan sus capacidades y su voz – y ayude a convencer a los residentes de que ellos no se verán involucrados en conflictos entre empresas continuos.
- Observamos que los protocolos para resolución de reclamos ayudan a las comunidades a obtener una mayor claridad en cuanto a procesos y regulaciones y dan un firme sentido del compromiso por parte de la agencia.
- Vemos la posibilidad de apuntar ambos: monitoreo y recursos para la participación pública a comunidades que han estado históricamente en inferiores condiciones, aproximándose a situaciones de riesgo medioambiental.

**Categoría 2: *Conducir investigaciones de partes interesadas y evaluación de los necesidades.*** Entender las percepciones y necesidades de la comunidad es una cuestión crítica para construir confianza y conseguir que la gente se involucre. En este plano:

- Sugerimos el uso de encuestas de las partes interesadas para evitar percepciones que reflejen tendencias por parte de la agencia o la comunidad, así como también sugerimos dar gran énfasis a la necesidad de apelar a las investigaciones realizadas por la comunidad para averiguar determinados temas y necesidades.
- También sugerimos el uso de investigaciones basadas en la participación de la comunidad como un mecanismo para construir una base de información y de confianza, así como también mostrar como esto se ha llevado a cabo en otro lugar.

**Categoría 3: *Construyendo capacidad y un aprendizaje recíproco.*** Observamos que muchas comunidades no poseen mucha información sobre la complejidad de ciertos temas y remarcamos que la plena participación requerirá la construcción de capacidades a nivel local. En este plano:

- Sugerimos programas que provean pequeñas becas que puedan ser usadas para desarrollar las capacidades necesarias en las organizaciones comunitarias y así elevar las habilidades a nivel local para participar en forma efectiva.

- También sugerimos que el aprendizaje y la comunicación pueden ser recíproca, enfatizando el uso de consultoría provista por grupos que representen las partes interesadas como un mecanismo para llegar a un consenso y observando que el sector público y el sector privado han utilizado la participación de estos grupos de un modo beneficioso.

**Categoría 4: *Estrategias de publicidad y comunicación.*** Recalamos la diferencia entre publicidad tradicional, el cual enfatiza todo lo relacionado con lo positivo de un producto o una política, y comunicación, la cual requiere en forma proactiva la anticipación de lo que múltiples audiencias preguntarán; y responder a este en tiempo y forma. En este plano:

- Sugerimos el desarrollo de manuales de participación tanto para la comunidad como para los miembros del equipo, con uno inicial explicando la estructura organizacional y responsabilidades y luego otro enfocado en nuevas estrategias y herramientas para una participación efectiva.
- También reiteramos la necesidad de encuentros no-tradicionales como una técnica para asegurar la conversación y el consenso en lugar de los encuentros alejados del público, que a menudo son característicos de los procesos formales.

**Categoría 5: *Procesos de alcance comunitario y recursos apropiados para la accesibilidad.***

Una efectiva participación de la comunidad requiere acceso a datos e información. Mientras la capacidad de construir comunidad ayudará, proveer a los grupos acceso a soporte técnico específico puede incrementar su entendimiento y su voz. En este plano:

- Sugerimos que la provisión de recursos por un consejo técnico independiente podría ser de ayuda y observamos que programas con base en la universidad podrían jugar un papel que quizás ayude a traer otros miembros al debate.
- También destacamos el importante papel de la tecnología, incluyendo información en el internet y herramientas que sean accesibles para los miembros de la comunidad y sus líderes. Al mismo tiempo contemplamos las limitaciones y la necesidad de apoyo para usar esta herramienta de un modo efectivo.

**Categoría 6: *Evaluación de la participación utilizando parametros claros.*** Una evaluación efectiva completa el círculo de responsabilidad y es un elemento indispensable para un programa de participación pública exitosa. En este plano:

- Sugerimos la identificación de un evaluador independiente, la creación de un base que contenga las prácticas actuales de la CIWMB y el uso de una evaluación permanente e interactiva de la participación pública.
- También sugerimos que haya puntos claves en los cuales se encuentre una evaluación escrita de los planes de participación pública, programas, propuestas, metas y actividades, y que estos estén disponibles para el público y los líderes de las agencias para su consideración y para realizar mejoras.

Allí se encuentra, resumidamente, existe un extenso menú de herramientas con las cuales se puede facilitar una significativa participación de las comunidades de la justicia ambiental. Esto llama a la designación de una oficina o un individuo para tomar liderazgo en el desarrollo e implementación de un plan de participación avanzado. El desafío se desdobra en dos partes: (1)

desarrollar una evaluación de base para ver cuales son las prácticas actuales y así poder medir los progresos, y (2) distribuir recursos entre las herramientas de modo que se aumenta a la máxima la participación por parte de la comunidad.

## **Conclusión**

El reporte ilustra la complejidad y las oportunidades para ampliar la participación de la comunidad. Algunos de los aprendizajes claves que se han cubierto son:

- Significativa participación puede resultar tanto del conflicto como/ o de una colaboración estratégica. Muchas veces, procesos proactivos y estratégicos creados por ambas, la comunidad y las agencias transforman conflictos en oportunidades para realizar cambios significativos. De hecho, la interacción confrontacional puede liderar hacia relaciones de mayor plazo y mas sostenibles entre la comunidad y las agencias para su trabajo conjunto.
- Debido a la común desconexión entre lo que la comunidad oye y lo que entiende de los mensajes de las agencias complejas y las realidades actuales dentro de los mensajes, los representativos quienes tengan el primer contacto con la comunidad deberán anticipar ciertas percepciones erróneas y confusiones las cuales serán fuente de frustración e incluso de información errónea.
- Porque la construcción de medios de participación en la comunidad evoluciona a través del largo plazo, lograr cambio requiere tiempo, entrenamiento y paciencia.

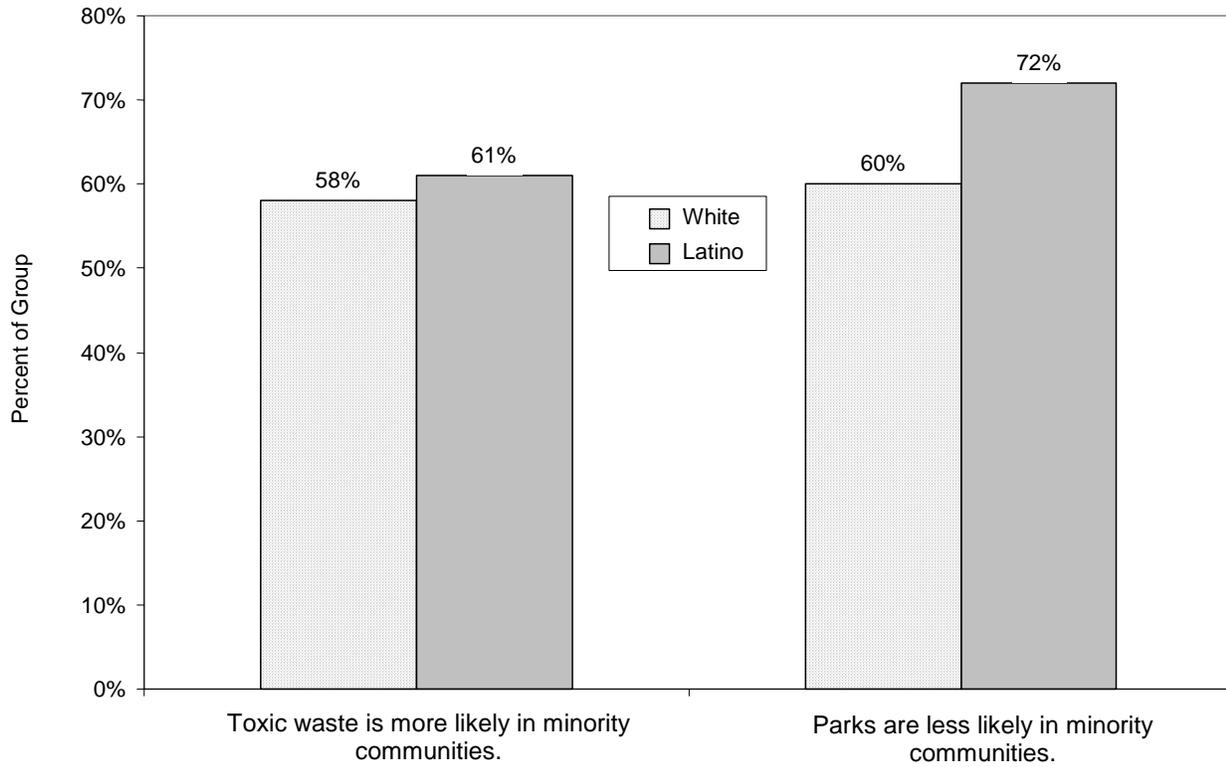
La clave para esta evaluación y participación será la voluntad política, guía y liderazgo por parte de la CIWMB. El interés de La Junta Directiva en participar en este trabajo está reflejado en su soporte de este apoyo. El análisis y acciones presentadas servirá como un recurso para futuras comunicaciones e implementación de la participación de la Junta Directiva y las metas de justicia ambiental.



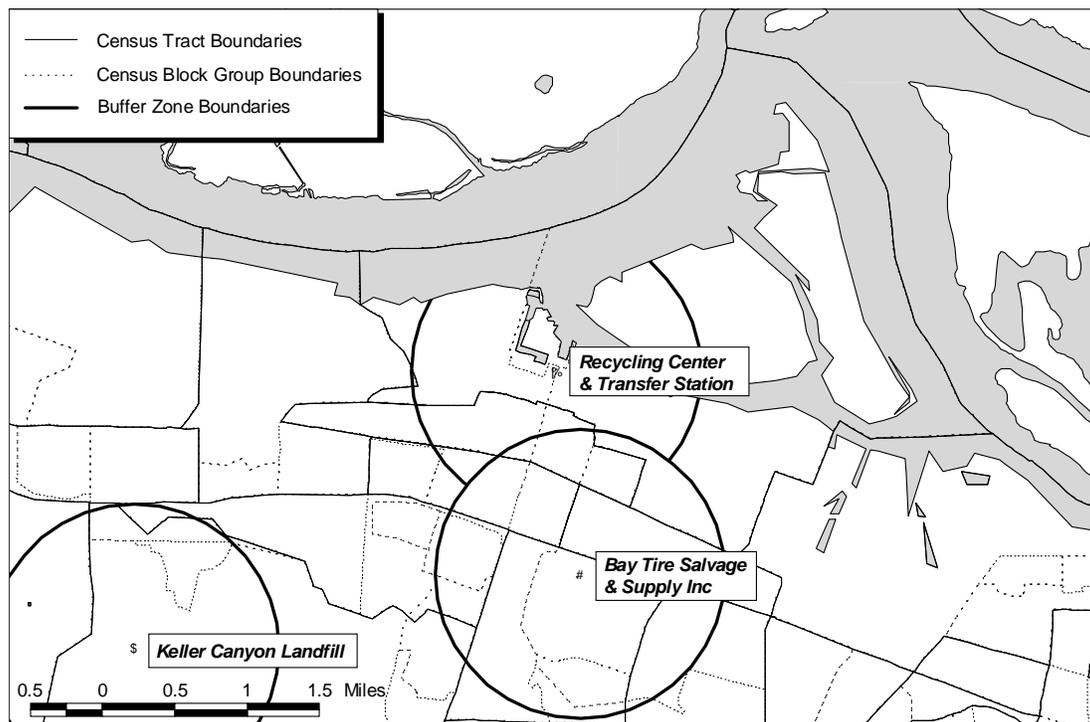
# 11. Appendix D: Figures

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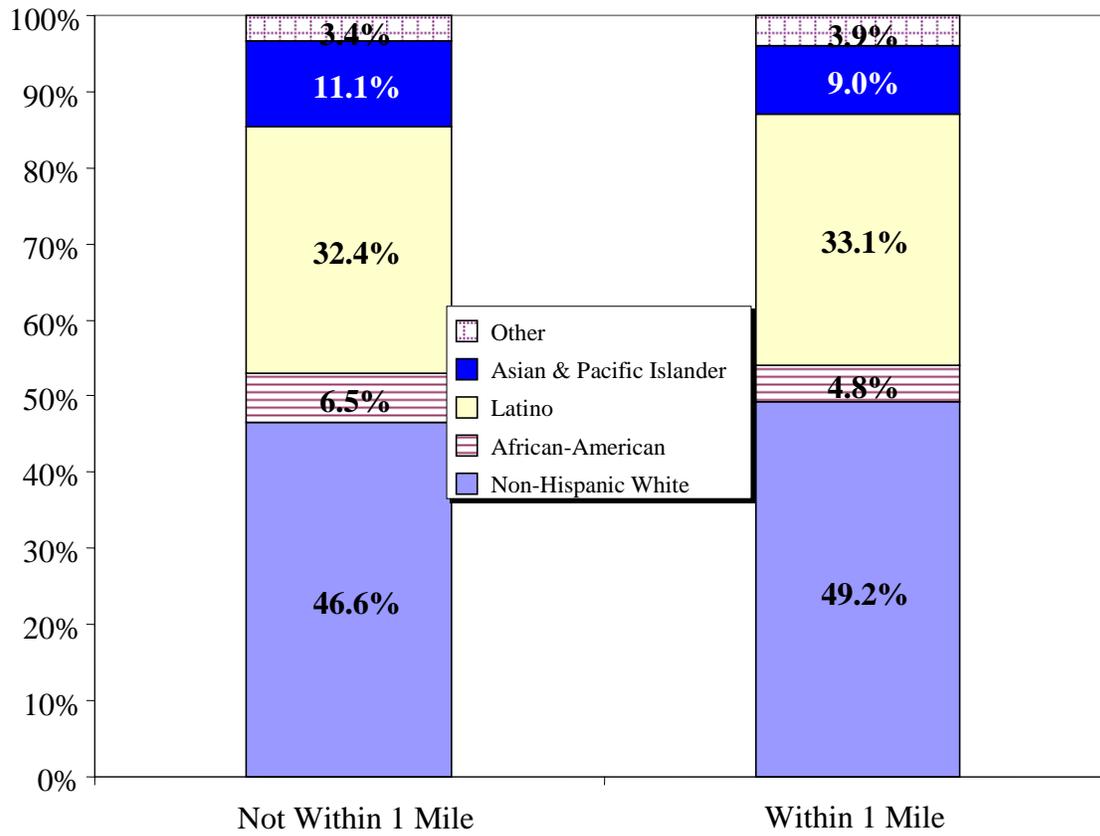
Figure 1. Perceptions Regarding Environmental Justice in California



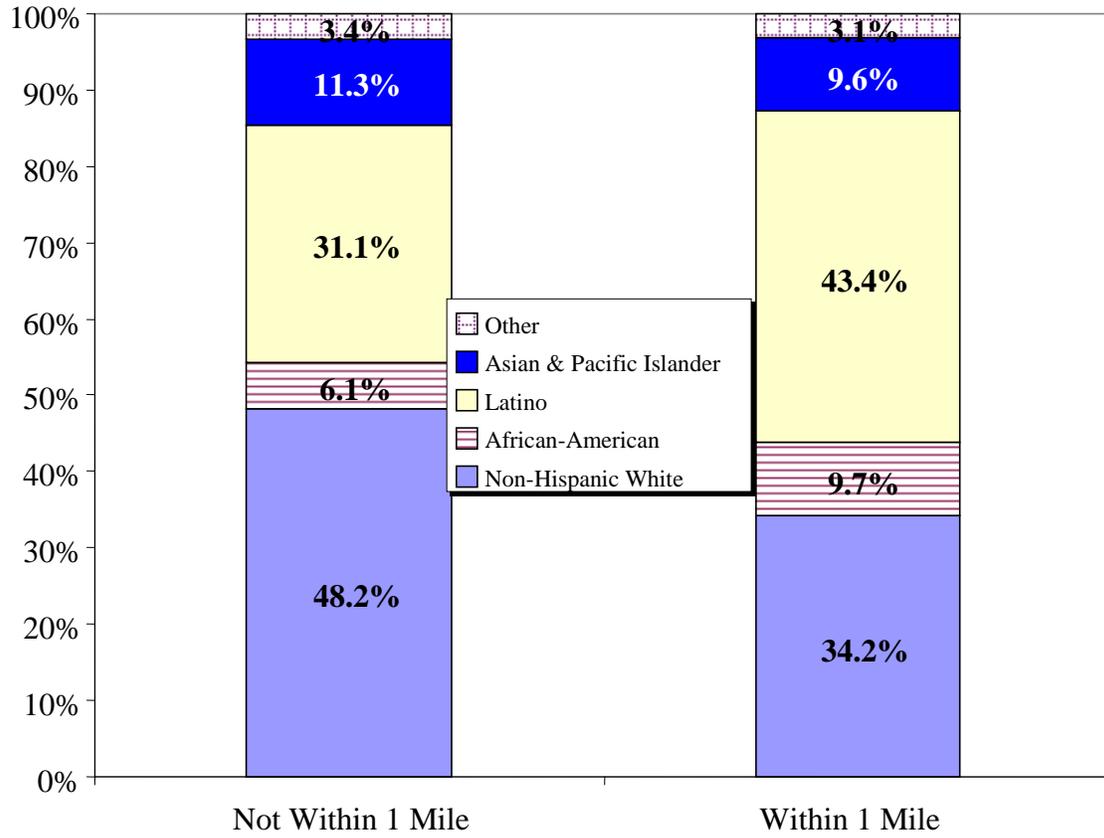
**Figure 2. A View of One-Mile Buffers and Census Block Groups Near Landfills, Transfer Stations, and Waste Tire Recyclers**



**Figure 3. Demographic Distribution Proximate and Not Proximate to Landfill and Solid Waste Disposal Sites in California**



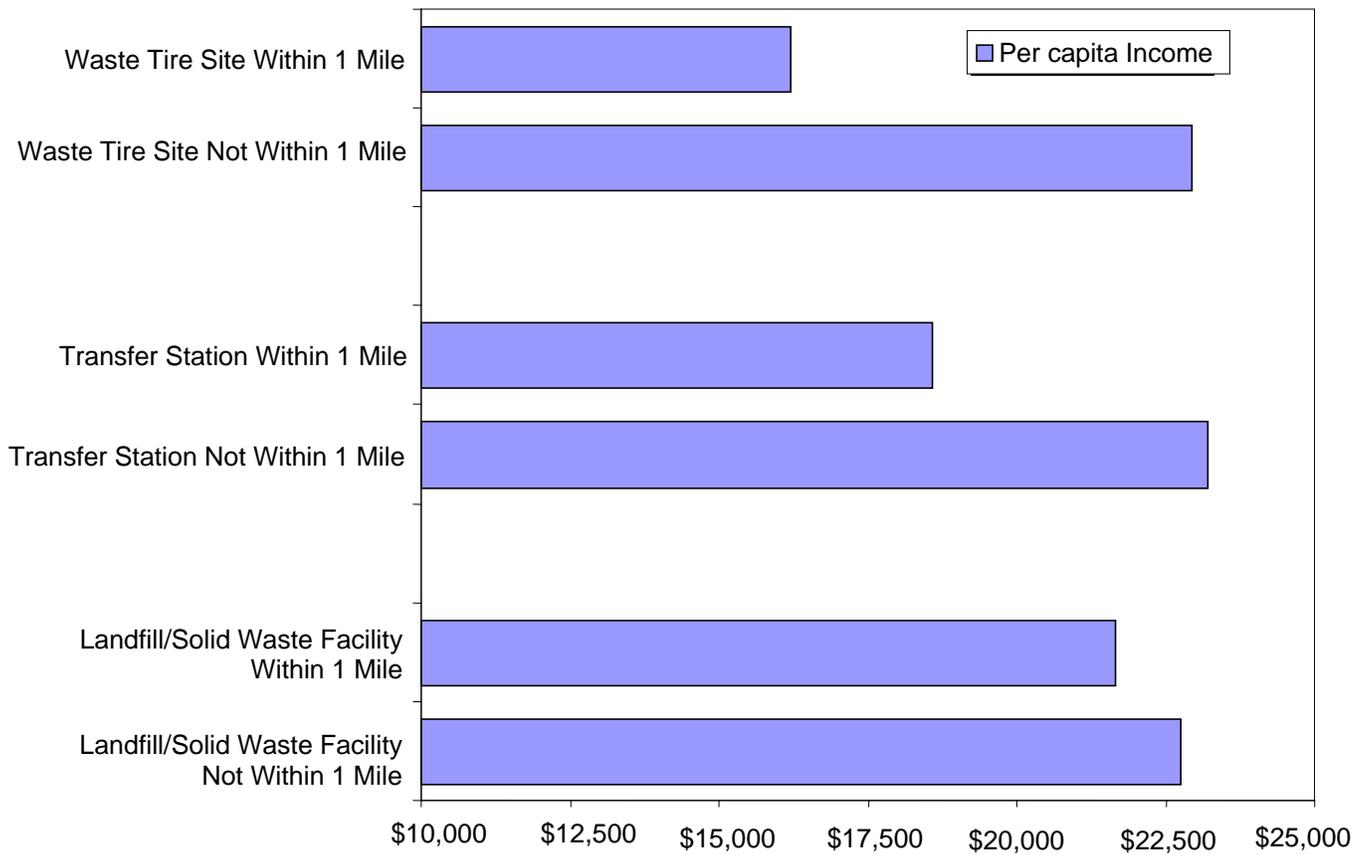
**Figure 4: Demographic Distribution Proximate and Not Proximate to Transfer Sites in California**



**Figure 5. Demographic Distribution Proximate and Not Proximate to Waste Tire Disposal Sites in California**



**Figure 6. Proximity to Waste Tire Sites, Transfer Stations, and Disposal Sites and Per Capita Income**



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