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May 9, 2019

*Via First Class Mail and Email*

Olivia Pimentel  
City of Kerman  
Planning and Development Services Department  
Kerman City Hall  
850 S. Madera Avenue  
Kerman, CA 93630  
opimentel@cityofkerman.org

**RE: City of Kerman 2040 General Plan Update – Notice of Preparation of a Draft  
Program Environmental Impact Report**

Dear Ms. Pimentel:

The California Attorney General's Office has reviewed the Notice of Preparation ("NOP") for the City of Kerman 2040 General Plan Update Draft Environmental Impact Report. The NOP states that the revised General Plan Policy Document will include environmental justice policies. The Attorney General's Bureau of Environmental Justice would like to serve as a resource for Kerman as it undergoes the important process of developing environmental justice policies and complying with Senate Bill 1000 ("SB 1000"). The following comments provide information regarding SB 1000's requirements and resources for SB 1000 compliance in an effort to help Kerman effectively address environmental justice concerns within its jurisdiction.

A. Background on Environmental Justice and SB 1000

Low-income communities and communities of color often bear a disproportionate burden of pollution and associated health risks when compared to their more affluent neighbors. This inequity can be addressed through environmental justice, which is defined by California law as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code, § 65040.12(e).) Environmental justice aims to correct the legacy of concentrating pollution and other hazards in or near low-income communities of color by reducing these hazards and involving the impacted communities in any related decisions.

The California Legislature passed SB 1000 in 2016 to promote environmental justice through the local land use planning process. SB 1000 ensures that local governments take into

account pollution burdens and other hazards experienced by low-income communities that are disproportionately exposed to such risks. The implementation of SB 1000 is intended to make environmental justice a real and vital part of the planning process by requiring local governments to identify environmental justice issues in their communities and address them through tailored environmental justice policies.

B. Legal Requirements of SB 1000

If a city or county adopts or updates two or more elements of its general plan after January 1, 2018, SB 1000 requires the city or county to identify any “disadvantaged communities” in its jurisdiction. (Gov. Code, § 65302(h)(1)-(2).) SB 1000 defines “disadvantaged communities” as either: (1) “an area identified by the California Environmental Protection Agency (CalEPA) pursuant to Section 39711 of the Health and Safety Code”; or (2) “an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.” (*Id.* at (h)(4)(A).)

Regarding the first definition, pursuant to Health and Safety Code section 39711, CalEPA designates an area as a disadvantaged community if a census tract scores at or above 75 percent on the agency’s CalEnviroScreen screening tool. This tool and additional information regarding how it works is available on CalEPA’s website.<sup>1</sup> Generally speaking, CalEnviroScreen combines pollution burden indicators with population characteristics and socioeconomic indicators to rank every census tract in the state, with those scoring highest as the most burdened and most vulnerable to pollution.<sup>2</sup>

Pursuant to the second definition of a disadvantaged community, the local government should first determine whether low-income areas exist. SB 1000 defines a “low-income area” as “an area with household incomes at or below 80 percent of the statewide median income” or (2) an area with “household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s (HCD) list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.” (Gov. Code, § 65302(h)(4)(C).) Once a city or county identifies low-income areas using this definition, the local government would then evaluate if these areas are disproportionately affected by environmental pollution that can lead to negative health impacts. (*Id.* at (h)(4)(A).) The law does not expressly prescribe what information a local government must consider in the second part of this analysis. However, there are various data sets and tools a local government can use, including CalEnviroScreen, which contains specific information regarding the location of pollution sources throughout the state.

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<sup>1</sup> CalEPA and Office of Health Hazard Assessment, CalEnviroScreen 3.0, *available at* <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.

<sup>2</sup> CalEPA and Office of Health Hazard Assessment, CalEnviroScreen 3.0: Update to the California Communities Environmental Health Screening Tool (January 2017), *available at* <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>.

If a city or county identifies one or more disadvantaged communities in its jurisdiction, it must include either an “environmental justice element” or “related goals, policies, and objectives integrated in other elements” (collectively, “EJ policies”) in its general plan update. (Gov. Code, § 65302(h)(1).) A general plan’s EJ policies must “reduce the unique or compounded health risks in disadvantaged communities” by doing at least the following:

- 1) reduce pollution exposure;
- 2) improve air quality;
- 3) promote public facilities;<sup>3</sup>
- 4) promote food access;
- 5) promote safe and sanitary homes; and
- 6) promote physical activity.

(*Id.* at (h)(1)(A).) SB 1000 also requires EJ policies that “promote public engagement in the public decisionmaking process” and “prioritize improvements and programs that address the needs of the disadvantaged communities.” (*Id.* at (h)(1)(B)-(C).)

#### C. Disadvantaged Communities in Kerman

As stated in the Background Report for the General Plan Update, Kerman is an agricultural community with a large Latinx population (81 percent of Kerman’s total population). (Background Report, pp. 2-4, 2-10.) Kerman is also a relatively low-income community, with a median household income of \$42,046 (33 percent below the state average). (*Id.* at p. 2-5.) Further, 44 percent of Kerman residents do not have a high school diploma. (*Id.* at p. 2-8.) These statistics show that Kerman has a particularly vulnerable population.

According to CalEnviroScreen, both census tracts in Kerman are designated as disadvantaged communities. However, the eastern census tract has an especially high pollution burden (85th percentile). This community is exposed to more particulate matter 2.5 than 95 percent of the state, more ozone than 91 percent of the state, and more pesticides than 89 percent of the state. The Attorney General’s Office encourages Kerman to draft tailored EJ policies that will specifically address these and other unique health risks faced by the most impacted neighborhoods in Kerman.

#### D. Methods and Resources for SB 1000 Compliance

To satisfy SB 1000, Kerman should engage in an open and transparent process that 1) identifies the location of disadvantaged communities in its jurisdiction, 2) determines the unique health risks and pollution burdens of those communities, and 3) proposes EJ policies that specifically address the needs and burdens of those communities and meets SB 1000’s minimum

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<sup>3</sup> SB 1000 defines “public facilities” as facilities that include “public improvements, public services, and community amenities.” (Gov. Code, § 65302(h)(4)(B).)

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requirements. One critical resource available to Kerman as it goes through this process are the communities themselves. Kerman should engage with local disadvantaged communities throughout its general plan update process to ensure that its EJ policies address the needs of these communities. To this end, we encourage the City to provide all documents related to the General Plan Update in the native language of local disadvantaged communities and provide translation services at future meetings and hearings.

Kerman should also consult data sources to identify disadvantaged communities, determine the unique health risks of those communities, and draft tailored EJ policies. Similar to CalEnviroScreen, the California Healthy Places Index is a useful tool for identifying community needs, such as access to safe drinking water, clean air, supermarkets, and greenspace.<sup>4</sup> Further, Kerman can look to the Office of Planning and Research's ("OPR") 2017 General Plan Guidelines, which includes several chapters that discuss public engagement techniques and environmental justice.<sup>5</sup> OPR also has draft guidance that further addresses SB 1000 compliance<sup>6</sup> and provides example environmental justice policies from adopted general plans.<sup>7</sup>

We look forward to serving as an additional resource for Kerman as it undergoes its general plan update process. Please do not hesitate to contact my office if you have any questions regarding environmental justice and SB 1000 compliance.

Sincerely,



ABIGAIL BLODGETT  
Deputy Attorney General  
Bureau of Environmental Justice

For XAVIER BECERRA  
Attorney General

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<sup>4</sup> Public Health Alliance of Southern California, California Health Places Index Map, available at <https://map.healthyplacesindex.org/>.

<sup>5</sup> OPR, 2017 General Plan Guidelines, pgs. 26-38 (Community Engagement and Outreach), 164-194 (Environmental Justice Element), available at <http://www.opr.ca.gov/planning/general-plan/guidelines.html>.

<sup>6</sup> OPR, Draft Environmental Justice Chapter (November 19, 2018), available at [http://opr.ca.gov/docs/20181120-EJ\\_Chapter\\_Public\\_Comment.pdf](http://opr.ca.gov/docs/20181120-EJ_Chapter_Public_Comment.pdf).

<sup>7</sup> OPR, Draft Environmental Justice Policies (November 19, 2018), available at [http://opr.ca.gov/docs/20181120-Draft\\_for\\_public\\_review\\_example\\_GPG\\_Policy\\_Language.pdf](http://opr.ca.gov/docs/20181120-Draft_for_public_review_example_GPG_Policy_Language.pdf).