CHAPTER 24 — POLICIES ADDRESSING Racism in Environment & Infrastructure

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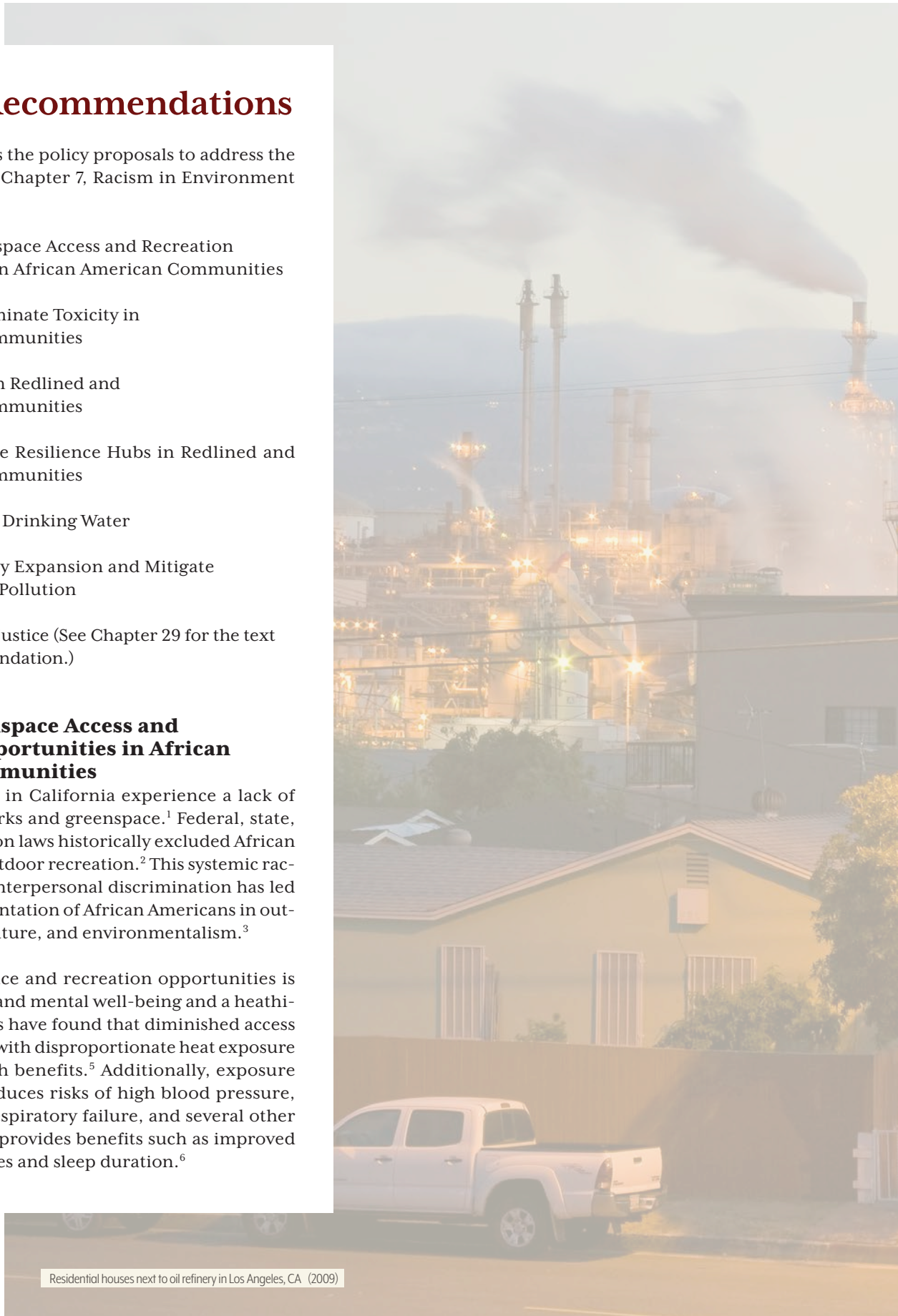

Residential houses next to oil refinery in Los Angeles, CA (2009)

I. Policy Recommendations

This chapter details the policy proposals to address the harms set forth in Chapter 7, Racism in Environment and Infrastructure.

- Increase Greenspace Access and Recreation Opportunities in African American Communities
- Test for and Eliminate Toxicity in Descendant Communities
- Increase Trees in Redlined and Descendant Communities
- Develop Climate Resilience Hubs in Redlined and Descendant Communities
- Remove Lead in Drinking Water
- Prevent Highway Expansion and Mitigate Transportation Pollution
- Address Food Injustice (See Chapter 29 for the text of this recommendation.)

Increase Greenspace Access and Recreation Opportunities in African American Communities

African Americans in California experience a lack of access to urban parks and greenspace.[1] Federal, state, and local segregation laws historically excluded African Americans from outdoor recreation.[2] This systemic racism coupled with interpersonal discrimination has led to an underrepresentation of African Americans in outdoor recreation, nature, and environmentalism.[3]

Access to greenspace and recreation opportunities is critical to physical and mental well-being and a heathier lifestyle.[4] Studies have found that diminished access to parks correlates with disproportionate heat exposure and reduced health benefits.[5] Additionally, exposure to green spaces reduces risks of high blood pressure, diabetes, stroke, respiratory failure, and several other health harms, and provides benefits such as improved pregnancy outcomes and sleep duration.[6]

The harms of systemic racism, especially historically racist urban planning policies that produced inequitable access to greenspace exposure for African American Californians, have not yet been corrected. The Task Force recommends the Legislature fund the development of local parks in African American communities, with special consideration for descendant communities, to acquire land, build and renovate parks, purchase play equipment, support programming, and build indoor and outdoor recreation facilities (e.g., fields, playgrounds, basketball and tennis courts, ice rinks, public pools);[7] include African American communities, with special consideration for descendants, as stakeholders in the process of creating and programming parks to develop universally accessible park designs and increase access to parks for African Americans, with special consideration for descendants;[8] and support the work of community-based organizations to ensure safe access to neighborhood-level physical activity spaces and services (e.g., public parks and playgrounds).[9]

Test For and Eliminate Toxicity in Descendant Communities

Seventy percent of hazardous waste sites listed on the National Priorities List (NPL) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) are located within one mile of federally assisted housing.[10] Communities that live in federally assisted housing are disproportionately Black.[11] Proximity to a contaminated site during flooding events can expose nearby residents to hazardous pollutants and groundwater contamination.[12] Disproportionately African American, disadvantaged communities[13] face greater risks from sea-level rise and subsequent climate change flooding than the general population.[14] In California, they are five times more likely to live within half a mile of a toxic site that could flood by 2050.[15]

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The Task Force recommends the Legislature amend existing state law to (1) require coordination between the Department of Toxic Substances Control (DTSC) and water boards (the State Water Resources Control Board and Regional Water Quality Control Boards, collectively) to allocate resources to remediate contaminated sites with a high flood risk where descendant communities are specifically located; (2) expand the definition of "Vulnerable Community" used in the Cleanup in Vulnerable Communities Initiative to include descendant communities as a category; and (3) allow tenants to terminate their lease early if their housing is on or within one-half mile of a toxic site.[16]

The Legislature should direct the California Environmental Contaminant Biomonitoring Program, also called Biomonitoring California, to develop a program to conduct environmental exposure screenings in public housing adjacent to Superfund sites in a manner that is readily available to communities. Screenings should be mobile, offered directly in the community before and after school and work hours, and provided in the resident's primary language.[17] In addition to exposure screenings, local health departments and organizations should offer informational sessions for community members about the exposure risks, potential health harms, and opportunities for screening and care,[18] using materials created by the California Department of Public Health and Biomonitoring California.

Finally, the Task Force recommends the Legislature require local governments with high flood risk zones to develop community action plans to relocate residents in high-risk hazardous flood zones during climate emergencies, and offer vouchers for temporary housing relocation. This should include a notification system that alerts residents whenever land is discovered to have toxic contamination following a climate disaster event.[19] Following a climate emergency, Biomonitoring California should provide free community biomonitoring for toxic chemicals including lead, mercury, and arsenic, and for elevated levels of natural elements such as iron and zinc for residents living in contaminated communities with a high flood risk.

Increase Trees in Redlined and Descendant Communities

In the 1930s, the Home Owners' Loan Corporation (HOLC) developed neighborhood appraisal maps to assess loan risk, and their legacy correlates with infrastructure inequality and housing segregation today.[20] Under that appraisal process, areas with older housing, typically economically disadvantaged neighborhoods and communities of color, were almost always labeled "hazardous," outlined in red, and given the lowest grade, "D."[21] Today, the same neighborhoods that received an "A" grade have nearly twice as much tree coverage as communities that were "redlined" by receiving the "D" grade.[22] Without trees, communities suffer from increased health and environmental hazards.[23]

The Task Force recommends the Legislature require local governments to identify redlined and descendant communities within their jurisdiction and make plans to increase tree canopy coverage and access to greenspace to limit pollution exposure, ameliorate heat island effects, and improve air quality.[24] This proposal would strengthen Senate Bill No. 1000 (SB 1000),[25] California's current law that requires cities and counties to adopt environmental justice elements or integrate environmental justice policies into their general plans. The Task Force recommends the Legislature further the aims of SB 1000 in the following ways:

- Define "disadvantaged communities" to include redlined and descendant communities with a "D" HOLC rating and minimal tree canopy coverage;
- Require timelines and deadlines for environmental justice plans, with regular public reporting on the progress toward implementation;
- Require the adoption and regular updating of environmental justice policies regardless of when other elements are considered;[26] and
- Ensure investments in climate change adaptation projects do not displace residents (via, for instance, gentrification), by implementing rent control policies tailored to local communities.[27]

Develop Climate Resilience Hubs in Redlined and Descendant Communities

African Americans bear some of the greatest risks from climate change, such as increased asthma diagnoses and premature mortality from extreme heat or pollution exposure.[28] Because redlined communities suffer disproportionately from extreme heat, the expanding duration and frequency of heat waves due to climate change pose a particular threat to African Americans,[29] who are more likely to live in redlined areas.[30] Redlined communities lack the public infrastructure necessary to adapt to the gravest climate change risks.

This Task Force recommends the Legislature provide economic support to ameliorate these disparities through the development of climate resilience hubs, community-driven facilities that support residents, facilitate communication, distribute aid, and provide an opportunity for communities to become more self-sustaining during climate emergencies. Specifically, the Task Force recommends the Legislature utilize the Transformative Climate Communities (TCC) Program to fund climate resilience hubs.[31] The TCC is operated by the California Strategic Growth Council, a 10-member executive council comprised of seven state agencies and three public members, with funding from California's Cap and Trade system and the California General Fund.[32]

The Legislature should establish and increase TCC funding to provide grants to redlined and descendant communities to improve infrastructure and climate resiliency, and address other health harms associated with the legacy of redlining. The Legislature should also invest in retrofitting public buildings to serve as climate resilience hubs, to respond to community needs caused by a climate disaster by providing clean water, food distribution, high-speed internet, electricity, and heat or cool air, among other necessities.[33] The Legislature should also require local governments to develop accessible warning/alert systems and climate shelters for unhoused residents.[34]

This Task Force recommends the Legislature provide economic support to ameliorate these disparities through the development of climate resilience hubs, community-driven facilities that support residents, facilitate communication, distribute aid, and provide an opportunity for communities to become more self-sustaining during climate emergencies.

At the same time, the Legislature must ensure that these environmental investments do not displace residents (via, for example, gentrification), by implementing rent control policies tailored to local communities.[35] Developing resilient community infrastructure can lead to increased property values and spur cycles of gentrification that make the now-improved communities unaffordable for their original residents.[36]

Remove Lead in Drinking Water

Lead pollution is disproportionately high in African American communities that were segregated through federal redlining.[37] One major lead pollution source is lead service lines (LSL) that deliver drinking water to homes.[38] Replacing LSLs can be prohibitively expensive, costing thousands of dollars.[39] California has addressed the replacement of the publicly-owned portion of LSLs through legislation, but funding LSL replacement on privately-owned properties in less affluent communities remains an issue.[40] Many individual homeowners cannot afford to replace their LSL, and some property owners refuse to cover the costs of LSL replacement on rental properties.[41] If the LSL is replaced on only one side of the water system, it is called a partial replacement.[42] Partial LSL replacement can significantly increase short-term lead exposure in the time after replacement and lead to greater health risks,[43] while also creating a disproportionate burden of health harms on poor communities.[44]

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Source: https://www.epa.gov/ground-water-and-drinking-water/infographic-lead-drinking-water

The Task Force recommends the Legislature ban partial lead service line replacement and fund full LSL replacement on privately-owned property to remove lead in drinking water. The Legislature should allocate 40 percent of the Drinking Water State Revolving Fund from the federal Infrastructure Investment and Jobs Act funds for full lead service line replacement to go directly to African American neighborhoods that were formerly redlined, with special consideration for descendants. To ensure accountability, the Legislature should require the State Water Resources Control Board's Division of Drinking Water to track federal Infrastructure Investment and Jobs Act fund distribution to ensure money reaches African American neighborhoods.

Prevent Highway Expansion and Mitigate Transportation Pollution

From the 1950s to the 1970s, state and federal highway construction targeted "blighted" neighborhoods and valuable inner city land that tended to be overwhelmingly poor and African American.[45] These highways destroyed African American communities or otherwise suffocated their economic vitality by cutting off their access to the rest of the city.[46] Today, Black communities are disproportionately located near highways and subsequently suffer more from on-road sources of carcinogenic pollution.[47] The Task Force recommends the Legislature reduce the pollution burden shouldered by African American communities, by ending highway expansion in areas with high levels of pollution. Assembly Bill No. 1778 (AB 1778), which was passed by the Assembly but failed in Senate Transportation Committee, would have prohibited California from funding or permitting freeway expansions or widening transportation projects in disadvantaged communities.[48] AB 1778 would have required the Department of Transportation to consult the California Healthy Places Index, an online resource developed by the Public Health Alliance of Southern California that uses indicators like income level and PM 2.5 pollution, to identify disadvantaged communities before initiating any projects.[49] The Task Force recommends the Legislature pass such a law, tailored to serve the needs of African American communities.

Endnotes

[1] Chapman et al., *Parks and an Equitable Recovery: A Trust for Public Land Special Report* (May 27, 2021) (as of May 18, 2023); Rigolon, *A Complex Landscape of Inequity in Access to Urban Parks: A Literature Review* (Sept. 2016) 153 Landscape and Urban Planning 160, 161,165 (as of May 18, 2023).

[2] Taylor, *The Environment and the People in American Cities, 1600s-1900s: Disorder, Inequality, and Social Change* (2009) p. 365; Asmelash, *Outdoor Recreation Has Historically Excluded People of Color. That's Beginning to Change*, cnn.com (Dec. 14, 2021) (as of Feb. 7, 2023).

[3] See generally Finney, *Black Faces, White Spaces: Reimagining the Relationship of African Americans to the Great Outdoors* (2014).

[4] See Borunda, *How 'Nature Deprived' Neighborhoods Impact the Health of People of Color*, (July 29, 2020) nationalgeographic.com (as of Feb. 7, 2023).

[5] See Rigolon, *153 Landscape and Urban Planning*, *supra*, at pp. 161,167.

[6] Twohig-Bennett and Jones, *The Health Benefits of the Great Outdoors: A Systematic Review and Meta-Analysis of Greenspace Exposure and Health Outcomes* (Oct. 2018) 166 Environmental Research 628, 628-637.

[7] Chapman, *Parks and an Equitable Recovery*, *supra*.

[8] Finney, *Black Faces, White Spaces*, *supra*.

[9] See, e.g., Outdoor Afro, *Our Mission* (as of Feb. 7, 2023).

[10] Shriver Center on Poverty Law and Earthjustice, *Poisonous Homes: The Fight for Environmental Justice in Federally Assisted Housing* (June 2020) p. 2 (as of Jan. 5, 2023); see also Caputo and Lerner, *House Poor, Pollution Rich* (Jan. 13, 2021) (as of May 19, 2023).

[11] Shriver Center on Poverty Law and Earthjustice, *Poisonous Homes*, *supra*, at p. 15.

[12] See *id.* at pp. 14-15.

[13] These are communities, designated by CalEPA for the purpose of Senate Bill No. 535, that represent the 25-percent highest scoring census tracts in CalEnviroScreen 4.0—tracts with high amounts of pollution. (California Office of Environmental Health Hazard Assessment, SB 535 Disadvantaged Communities (Update 2022) (as of May 19, 2023).

[14] University of California, Berkeley, Sustainability and Healthy Equity Laboratory, Toxic Tides Project, Fact Sheet (2021).

[15] *Ibid.*

[16] See Shriver Center on Poverty Law and Earthjustice, *Poisonous Homes*, *supra*, at p. 60.

[17] See *id.* at p. 67.

[18] See *ibid.*

[19] See *ibid.*

[20] Locke et al., *Residential Housing Segregation and Urban Tree Canopy in 37 US Cities* (Mar. 25, 2021) 1 NPJ Urban Sustainability 15, 1 (as of Dec. 2, 2022).

[21] *Id.* at p. 2.

[22] *Id.* at p. 3.

[23] Infrastructure absorbs and re-emits the sun's heat, and trees are critical to cooling down the temperature to prevent a "heat island" effect. (EPA, Learn About Heat Islands (as of Dec. 2, 2022).) Heat-related deaths in California are disproportionate along racial lines with "Black Californians . . . more likely than those of any other race to die from heat." (Phillips, et al., *Extreme Heat is One of the Deadliest Consequences of Climate Change But California Undercounts the Human Toll*, L.A. Times (Oct. 7, 2021) (as of May 30, 2023).)

[24] Legislative efforts targeting redlined areas might not aid predominantly African American communities and will likely exclude important African American communities. Adequately addressing the needs of all African American Californians will require a consideration of more than just redlining maps and should consider socioeconomic status and race. (Perry and Harshbarger, *America's Formerly Redlined Neighborhoods Have Changed, and so Must Solutions to Rectify Them*, Brookings Institute (Oct. 14, 2019) (as of Nov. 28, 2022).)

[25] Gov. Code, § 65302.

[26] SB No. 1000 requires that environmental justice policies be adopted when two or more general plan elements are adopted. (Gov. Code, § 65302, subd. (h)(2).)

[27] See CEJA, Environmental and Housing Justice Platform (Oct. 2021) p. 17 (as of Dec. 2, 2022).

[28] EPA, *Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts* (Sept. 2021) p. 6 (as of Nov. 22, 2022).

[29] Cal. Dept. of Public Health, Off. of Health Equity, *Climate Change & Health Equity: Issue Brief* (May 2019) p. 2 (as of May 30, 2022).

[30] Plumer et al., *How Decades of Racist Housing Policy Left Neighborhoods Sweltering*, N.Y. Times (Aug. 24, 2020) (as of Nov. 22, 2022); Locke et al., Residential Housing Segregation and Urban Tree Canopy, *supra*, at p. 2.

[31] The TCC awards grants to specified eligible-entities such as community-based organizations, local governments, and nonprofits, to implement plans that reduce greenhouse gas emissions or provide local economic, workforce, health and environmental benefits. (See California Strategic Growth Council, Transformative Climate Communities (as of May 19, 2023).)

[32] See California Strategic Growth Council, *Vision* (as of Dec. 2, 2022).

[33] See CEJA, Environmental and Housing Justice *Platform* (2021) p. 14 (as of May 30, 2023).

[34] See also *ibid.*

[35] See *id.* at p. 17.

[36] *Ibid.*; see also California Task Force to Study and Develop Reparation

Proposals for African Americans (Oct. 12, 2021) Testimony of Helen H. Kang (as of May 19, 2023).

[37] Muller et al., *Environmental Inequality: The Social Causes and Consequences of Lead Exposure* (2018) 44 Annual Review of Sociology 263, 266-268.

[38] See Comments of the Attorneys General of California, Oregon, Minnesota, Connecticut, Pennsylvania, Wisconsin, Illinois, Maryland, New York, and New Jersey (Feb. 12, 2020) p. 10 (as of May 19, 2023).

[39] *Id.* at p. 8.

[40] *Id.* at pp. 7-9.

[41] *Id.* at pp. 7-9, 11.

[42] *Id.* at p. 10.

[43] EPA Science Advisory Board, Evaluation of the Effectiveness of Partial Lead Service Line Replacements (Sept. 28, 2011) p. 1 (as of May 19, 2023).

[44] EPA, *Lead and Copper Rule Revisions White Paper* (October 2016) p. 4 (as of May 19, 2023).

[45] Mohl, *The Interstates and the Cities: Highways, Housing, and the Freeway Revolt* (2002) Poverty & Race Research Action Council p. 3 (as of May 19, 2023).

[46] *Ibid.*

[47] Pratt et al., *Traffic, Air Pollution, Minority and Socio-Economic Status: Addressing Inequities in Exposure and Risk* (May 2015) 12 International Journal of Environmental Research and Public Health 5355, 5360 (as of May 30, 2023).

[48] Assem. Bill No. 1778 (2021-2022 Reg. Sess.).

[49] *Ibid.*