

December 16th, 2005

Alan C. Lloyd, Ph.D.
Agency Secretary
California Environmental Protection Agency

Sunne Wright McPeak
Agency Secretary
Business, Transportation & Housing Agency

Re: Goods Movement Action Plan Criteria

Dear Secretary Lloyd and Secretary McPeak:

We would like to provide the following comments to the goods movement action plan, specifically regarding the development of Criteria that is proposed to be used in this action plan.

Through out the last several years our organizations have collaborated, engaged and heard from a wide variety of community representatives. Through these interactions we have heard thousands of community members express there concerns and pleads to address the negative impacts from the good movement industry, highlighting the unacceptable levels of diesel pollution, cases of respiratory illnesses and negative impact to the quality of life of those communities adjacent to goods movement facilities. The overwhelming message has been that community health has to be the priority in all decision making. We have used this information along with a exhaustive process which has included directly impacted residents to develop a report titled – ***The View from Our Window, Environmental Justice and the Goods Movement Industry***. We has submitted this report within the first phase of the Goods Movement Action Plan process and have now pulled priority issues to create Criteria to be used in the action plan.

As representatives of our individual communities we urge you to include the Attached Criteria in your Statewide Goods Movement Action Plan. With out including these criteria, our communities would not feel confident that the protection of the public's health or Environmental Justice issues would be addressed. The cost of expanding the good movement infrastructure and industry will come at the expense of local communities health and quality of life. This would clearly perpetuate Environmental Racism. Again, we urge you to include the attached Criteria;

Attached we have laid out the following issue areas and Criteria for them.

Infrastructure
Community Impacts Mitigation and Workforce Development
Public Health and Environmental Impact Mitigation
Public Safety and Security
Environmental Justice

We have also included a performance chart with **Criteria** items listed over the top (numbers and letters) and Projects along the left hand column. (the example is designed for Community Impact Mitigation and Workforce Development.

Sincerely,

Bayview Hunters Point Community Advocates (Bayview Hunters Point)
Center for Community Action and Environmental Justice (Riverside/San Bernardino)
Coalition for A Safe Environment(Wilmington)
East Yard Communities for Environmental Justice (Commerce)
HOME- Helping Our Mira Loma Environment (Mira Loma)
West Oakland Environmental Indicators Project (West Oakland)
Westside Residents for Clean Air Now!(San Bernardino)

GOODS MOVEMENT ACTION PLAN

Infrastructure– Criteria

1. **Project improves velocity, throughput and reliability through alternative transportation technologies.**
 - a. The communities most impacted need to be prioritized; no increased impacts should occur, there must be a net increase in cleaner air, and a decrease in noise level.
 - b. Specific mitigation plans need to be developed and put into effect during all construction phases.
2. **Reduce congestion**
 - a. The main purpose of congestion relief must be to improve the quality of life and economic vitality of the surrounding communities rather than to simply accommodate goods movement growth.
 - b. Maximize the use of existing infrastructure.
 - c. Develop a consistently implemented plan with cities and residents to mitigate construction impacts and maintain accessibility.
3. **Increases connectivity between corridors**
 - a. Every action should be viewed as an opportunity for repair and improvement of the current situation. Not to disrupt or displace communities surrounding the goods movement infrastructure.
4. **No impacts on local community**
 - a. Public Health should be the overall priority.
 - b. Specific studies must be conducted prior to adopting any changes in existing infrastructure facility, which focus on air quality, traffic congestion, noise, and impact on the surrounding communities, these findings need to be made public and information needs to be accessible to all sectors of public.

- c. All infrastructure facility project developments must include a process which includes impacted cities and residents in order to minimize the impact on the surrounding communities.

GOODS MOVEMENT ACTION PLAN

Community Impacts Mitigation and Workforce Development – Criteria

1. Prioritize health concerns

- a. Conduct a comprehensive analysis of the current economic model to prioritize healthy communities.
- b. Prioritize funding research that assesses health and quality of life in impacted communities

2. Improve Air Quality

- a. 80% green by shifting from the current forms of energy use to new and cleaner technologies.
- b. Utilize other ports of entry, rather than concentrating the majority of goods movement through the Los Angeles/Long Beach ports.
- c. Industries should pay their full cost of doing business.
- d. Put a significant tariff on ships and logistics industries bringing in and moving goods.
- e. Phase out dirty burning fuels to transition into alternative technologies such as magnetic levitation or electric rail used in other countries – Japan, Sweden, Norway.
- f. Provide incentives to polluting businesses that incorporate these healthy business practices/policies.
- g. Develop education campaigns to change polluters' attitudes about conducting healthy business.

3. Community driven decision making process

- a. Respect people's time by scheduling meetings when it is possible for community members to attend, such as during the evening or weekend days
- b. Incorporate a process for meaningful participation that includes input from the beginning stages
- c. Draw on knowledge and experiences from the community
- d. Acknowledge that, for the community, the effects of the goods movement industry is a disproportionate burden and should be mitigated
- e. Provide acknowledgement to community concerns by following up with a timely and thorough response
- f. All mitigation measures and strategies developed through this process must be implemented before any expansion project begins

For example, the process used in establishing the Community Advisory Committee Tier 2 involved the community members impacted by the I-710 expansion project. The document, (including the conditions framed on the next page) was a collaboration of work reflecting the will of multiple stakeholders who are directly affected by goods movement.

4. Local Control of Sources Currently Regulated on State and Federal Level

- a. Governing agencies (i.e. Cal-EPA, AQMD etc.) need to endorse and support legislation introduced that represents locally preferred strategies and has community support.
- b. Governing agencies (i.e. Cal-EPA, AQMD etc.) need to endorse and support regional and local rule making and ordinances.

5. Environmental Justice

- a. Negative impact must not fall disproportionately on **Minority Populations and Low-Income Populations**.
- b. Wages, working conditions and living conditions in and around goods movement industries and facilities must meet the highest standards.
- c. In the protection of public health and environmental justice zoning controls strategies such as buffer zones must be established.
- d. Land use decisions must be made with the recognition of the existing communities and compatibility with existing infrastructure and area land uses.

- e. Eliminate encroachment of goods movement industries and facilities into communities Public and private land such as parks, open space and homes etc.
- f. The public must have the right to full, authentic and meaningful participation, in determining all developments in our communities.

6. Communities First – Local Control, Local Benefit

- a. Must value California's natural resources, its self-reliance, independence, and self-determination.
- b. Promote independent, locally owned small businesses that produce strong communities.
- c. Develop a process that includes all voices to the table to decide what 'we,' as a community, want for 'our' families.

7. Sustainability

- a. **Sustainable Development** ensure that all members of present and future generations can achieve economic security, social-wellbeing, good quality of life and preserve ecological integrity on which all life depends.
- b. **A Sustainable Community** ensures all participants access and opportunity to effectively use their social, financial and natural resources to meaningfully participate in shaping their futures.

In this context local communities must be at the center of all decisions. Outside forces can not dictate the future of a community or force market driven project upon unwilling residents. The imposed burden of pollution drastically impacts the health and well being of a community and dictates the quality of life for those families. Any analysis of the direction for economic growth must be an open, public debate with local residents leading the way.

GOODS MOVEMENT ACTION PLAN

PUBLIC HEALTH AND ENVIRONMENTAL MITIGATION- CRITERIA

1. Implementation of Environmental Justice principles

- a. Negative impacts must not fall disproportionately on communities of color and low-income populations.
- b. Ensure that individual communities most directly affected by a project are meaningfully involved in the process from beginning to completion of the project.
- c. Local, state, and federal governments should identify actions that reduce impacts of pollution in communities disproportionately impacted.

2. No additional negative impacts to air quality

- a. There must be a reduction in existing unacceptable and deadly air pollution in and around communities that are directly affected by the goods movement industry.
- b. Prioritize funding research that assesses health and quality of life in impacted communities.
- c. Conduct a comprehensive analysis of the current economic model to prioritize healthy communities and workplaces.
- d. Industries should pay their full cost of doing business.

3. No additional degradation to quality of life in communities

- a. No increase to industrial noise, industrial lighting, industrial visual pollution, blight, industrial traffic, and industry encroachment into communities.
- b. New projects must not encroach upon existing communities.
- c. Competition for land use influences the character of a community. Land devoured by goods movement industries result in the loss of open space and recreational areas and also competes with alternative uses such as green businesses, high tech industries, manufacturing, and small locally owned businesses.

4. All current negative impacts to communities must be addressed

- a. Zoning control strategies such as buffer zones must be established. Land use decisions must be made with the recognition of the

existing communities, and compatibility with existing infrastructure and land use.

GOODS MOVEMENT ACTION PLAN

PUBLIC SAFETY AND SECURITY - CRITERIA

1. **Must increase enforcement of all safety laws and regulations.**
2. **The information about shipments of dangerous and explosive chemicals on American rails and highways must be shared with those agencies that are first responders to related accidents.**
3. **Local communities and the general public need to be part of all emergency planning.**
4. **Project must fund and develop evacuation plans, training and drills in communities near busy facilities.**
5. **Transportation of hazardous materials must be rerouted away from heavily populated areas.**

GOODS MOVEMENT ACTION PLAN

Environmental Justice- Criteria

1. **Ensure Public Participation.**
 - a. Ensure that the individual communities most directly affected by a project are involved in a meaningful manner in the process from the beginning through completion of the project.
2. **Health First—Current conditions within a potentially affected community must drive decisions.**

- a. Conduct an analysis of the cumulative impacts currently affecting those communities that may be impacted by the proposed project and utilize that information in decision making process.
- b. Reduce and correct conditions that currently exist that place a disproportionately heavy impact upon certain communities before initiating new projects that do not improve but simply maintain or worsen the environment and quality of life of that community.
- c. Establish guidelines, procedures, and performance measures to ensure equity in implementation and enforcement of programs.
- d. Include data, tools and procedures to identify existing environmental justice problems.
- e. Give high priority to actions (e.g., funding criteria) that will address existing environmental justice problems.
- f. Dedicate resources and identify staff members responsible for assuring that the agency properly considers and addresses existing and potential environmental justice problems.
- g. Assess the relationship between socio-economic indicators (i.e., race, income, etc.) and the distribution of pollution sources and any associated health impacts.

3. Include actions that local, state and federal governments will take to reduce impacts of pollution in communities identified as disproportionately impacted, such as:

- a. Creation of buffer zones around significant sources of risk;
- b. Relocation of small sources away from residential areas or sites of sensitive receptors;
- c. Develop tools for communities and local governments to use for evaluating the siting of facilities that significantly increase pollution in disproportionately impacted communities, including the authority for denial of permits, and increase the weight of community involvement in those decisions;
- d. Engage community and environmental justice groups in community planning activities that address the potential conflicts between jobs, economic development, and environmental health; and Adoption of stricter control and/or pollution prevention measures to reduce pollution and health risks.

4. Include an analysis of environmental justice when developing and revising programs

5. program elements, including explicit analysis of environmental justice in the staff report or other supporting documentation.

6. Consult with communities and other stakeholders, and consider their priorities and concerns prior to developing proposals for key projects.

7. Give high priority to known environmental justice problems when establishing program development agendas and refrain from imposing more pollution upon those communities.
8. Use a public process to identify opportunities to advance environmental justice goals within the current statutory and regulatory structures, as well as any necessary changes or clarifications.
9. Officially recognize the importance of precaution, and that it is not necessary or appropriate to wait for actual, measurable harm to public health or the environment before evaluating alternatives that can prevent or minimize harm.
10. Identify significant decision points or processes within existing and developing programs where a precautionary approach is currently used, or could be used, and evaluate whether additional precaution is needed to address or prevent environmental justice problems.
11. Identify, through a public process, a set of criteria or indicators that can be used as a preliminary assessment to locate and prioritize potential environmental justice problems, and how the prioritized information will be used.
12. Identify, through a public process, a set of reasonable, cost-effective, achieved-in-practice approaches that could be used to prevent or minimize adverse environmental impacts, and develop a process for consideration and use of these approaches.

For a more comprehensive listing of actions on environmental justice please consult the "Final Recommendations Report of the Cal/EPA Advisory Committee on Environmental Justice", approved September 30, 2003; Published date: October 7, 2003.

