

DID THE ENVIRONMENTAL JUSTICE ENFORCEMENT INITIATIVE ACHIEVE
ITS GOALS AND CORRECTLY APPLY A COLLABORATIVE APPROACH?

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HAS THE ENVIRONMENTAL JUSTICE ENFORCEMENT INITIATIVE BEEN
EFFECTIVE AT REDUCING ENVIRONMENTAL CRIME?

A Thesis

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Abstract

of

HAS THE ENVIRONMENTAL JUSTICE ENFORCEMENT INITIATIVE BEEN
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Objectives: *This thesis focuses on the use of a collaborative process to address environmental justice issues. The California Department of Toxic Substances Control has developed an Environmental Justice Enforcement Initiative (EJEI) that allows the community to identify sites that are in need of regulation. This thesis develops a case study of the EJEI in the City of Pacoima, one of seven California communities where the Department has hosted EJEI workshops.*

Methods: *The field research entailed interviews with community members in Pacoima and with employees of the Department of Toxic Substances Control. For comparison, information was also gathered at an EJEI community meeting in Fresno, California.*

Conclusions Reached: *The Environmental Justice Enforcement Initiative has been well received by the target community, and has met its goals. Overall, the initiative has been successful and should continue to be a priority to the Department of Toxic Substances Control. The final chapter of the thesis provides several recommendations for improving the Initiative as it expands to other target communities in California.*

_____, Committee Chair
William D. Leach, Ph.D.

Date

DEDICATION

I dedicate this thesis to my husband, Emmanuel for his encouragement and inspiration during this process. I also dedicate this thesis to my amazing family for providing me with a solid foundation to achieve my academic and personal goals, and finally to my Pinky for being my writing buddy and best friend.

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Chapter 1

INTRODUCTION

The topic of discrimination has a long history in this country. The fight for equal rights pertaining to race, ethnicity, sex, class and religion has been a large part of our history. One relatively new topic in this arena is that of Environmental Justice (EJ). The term EJ is defined as “The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies” (EPA, 2008). According to Taillant (2008), the struggle for civil rights has expanded to include environmental inequities. Many groups that have faced challenges throughout history now feel that they may be disproportionately exposed to harmful environmental toxins (Taillant, 2008).

The Environmental Justice Enforcement Initiative

The EJ movement dates back to the 1980’s; however in recent years, government has begun to take notice. Several government agencies that deal with environmental health and regulatory issues have been banding together to provide assistance in areas where there has been little intervention historically. One such project is the focus of this thesis. This thesis is a case study on the California Department of Toxic Substances Control’s Environmental Justice Enforcement Initiative (EJEI). Since 2007, the EJEI has visited 13 cities in California, and has organized workshops involving seven areas in California with a total population of 1.36 million (DTSC, 2008). The goal of this thesis is to measure the success of the goals the EJEI set for itself (listed below), and determine

if the collaborative approach was appropriate. For the purposes of this thesis, the city of Pacoima will be the focus.

The EJEI was initiated as part of new practice in the area of EJ by the California Department of Toxic Substances Control (DTSC). EJ has been a topic of interest for several decades, however recently new approaches have been utilized by DTSC in an effort to extend EJ to several communities throughout the state. This project began under the oversight of DTSC's Deputy Director of Enforcement and Emergency Response, Gale Filter. Filter accepted this position in 2007, and has worked since then to make EJ part of DTSC's mission. DTSC refers to the EJEI as a "Grassroots Environmental Policing and Partnership" (DTSC, 2008). The government organizations that are involved are DTSC and its agency, the California Environmental Protection Agency (Cal EPA). The goals of the project are as follows:

- Engage community residents who have been ignored or stymied for years
- Establish ongoing relationships and build public trust
- Invite residents and EJ organizations to show government the environmental harms, and explain the problems in their communities
- Listen to and encourage neighborhood and community perspectives
- Serve as a facilitator and resource as residents and groups prioritize environmental harms
- Within 100 days, provide residents and groups with results of investigations, testing, regulatory actions and begin regular dialogue and information sharing, efforts and enforcement

Source: DTSC, "Environmental Justice Enforcement Initiative", 2008.

In addition to the collaborative element, this project will also investigate the goals of the EJEI to determine if they were met. There are a total of six goals created by DTSC for this project. These goals are identified above. This project will determine how these goals were created and how they were measured. Some goals are difficult to measure. For example, “Establish ongoing relationships and build public trust” is one identified goal which is difficult to quantify without conducting interviews, or surveys. Other goals, such as returning in 100 days to the community to provide results, are easier to quantify and measure: either DTSC returned in 100 days with results, or they didn’t. The process of analyzing the goals, and determining their success or failure is an important element to this project because these goals are the only measure of the success the initiative set for itself. These goals will be utilized to measure the success of this initiative. They will be expanded on in later chapters.

The EJEI is a new approach to environmental enforcement, modeled after Community Oriented Policing (COP), which is a widely used tool for municipal police departments. The COP approach for local law enforcement involves partnerships with local communities to develop priorities for enforcement, and to report crime to law enforcement. In the context of environmental justice, COP is a new approach because it utilizes the premise of neighborhood watch for environmental issues. This technique creates a partnership between communities and environmental law enforcement to fight crime. Through the EJEI “California and its environmentally conscious residents are creating a model of environmental policing and government accountability” (DTSC,

2008). Considering that EJ groups have been active in their own communities for some time, DTSC is able to partner with the community to identify areas lacking enforcement.

A central theme of the EJEI is identification and elimination of environmental hazards. This approach is referred to as a “spot and squish”. This term is used to define the process of identifying sites in violation and stopping, or “squishing” them until they come into compliance or cease operations. This “spot and squish” mentality is a result of recommendations from several authors who believe environmental issues are important, and rely on relatively few steps to rectify environmental wrongs. For example, in his book, *Collapse*, UCLA Professor Jared Diamond (2005) proposed that whether societies succeed or fail at solving environmental problems depends largely on two factors: environmental problems must first be recognized, and then action must be taken to solve those problems. Also, Harvard Professor Malcolm Sparrow believes the job is pretty simple: pick important environmental problems and fix them (2008).

The audience for this project is mainly the DTSC. This agency is the lead for the EJEI and they are seeking a comprehensive analysis of this initiative thus far. In addition to DTSC, the audience also includes Cal EPA, and other government entities such as local environmental health departments and air and water quality management districts. In addition to government audiences, EJ community members and citizens at large also form part of the intended audience for this analysis. Considering that this project is focused on the city of Pacoima in Southern California, the citizens and government organizations in that area stand to gain most from this analysis. However, the

conclusions extend beyond that locality and to the project in general, which is being implemented in cities throughout the state.

As a part of this analysis I am investigating the effectiveness of the EJEI in the city of Pacoima. I intend to measure effectiveness on many levels, the first being from a collaborative standpoint. I will refer to the Center for Collaborative Policy (CCP) for guidelines relative to the collaborative process. Looking to the initiation of the EJEI in Pacoima, I will use the CCP's "Conditions Favorable to Initiate a Collaborative Process". Those conditions are listed below:

- A. Issues Do Not Focus on Constitutional Rights Or Very Basic Societal Values.
- B. Potential Areas for Agreement; Multiple Issues for Trade-Offs.
- C. Primary Parties are Identifiable and Will Participate.
- D. Each Party Has Legitimate Spokesperson.
- E. Potential Deal-Breakers are at the Table.
- F. No Party has Assurance of a Much Better Deal Elsewhere.
- G. Parties Anticipate Future Dealings With Each Other.
- H. Relative Balance of Power Among the Parties.
- I. External Pressures to Reach Agreement.
- J. Realistic Timeline for Completion.
- K. Adequate Resources/Funding to Support Negotiations

Source: Center for Collaborative Policy (2006). Conditions Favorable to Initiate a Collaborative Process. Retrieved March 5, 2009, <http://www.csus.edu/ccp/collaborative/initiate.stm>.

These guidelines, will allow for a comparison between the recommendations and what actually occurred. The conditions above, along with similar information from the CCP will serve as the standard by which the EJEI will be judged. The investigation into the collaborative elements of the initiative will reveal a great deal about how the process was successful and how the CCP may provide insight into potential improvements for the future. In addition to CCP standards for collaboration, interviews with community leaders in Pacoima will also be conducted that will touch on these subject areas, and on the issue of trust as a product of this collaborative. I believe the interviews will provide valuable insight into the success or failure of the collaborative process from the viewpoint of community members.

The goal of this thesis is to measure the success of the goals the EJEI set for itself, and determine if the collaborative approach was appropriate. Considering that the EJEI has only been in existence for just over one year, it is expected that it is not yet perfected. This thesis project has a practical application to DTSC because the result of this project will provide the department with the information to make improvements and understand what is working well. There has been no such analysis on this initiative to date; likewise there are no performance measures in place for the EJEI. The hope is that the lessons learned from the EJEI will extend to similar projects and promote awareness of EJ issues throughout the state and the nation.

Public Policy Connection

There are many topics in Public Policy and Administration that relate to this project. The premise of the EJEI is to achieve government intervention in places where government has long been absent in regard to regulation (DTSC, 2008). A source of frustration I observed while conducting interviews, and during the Fresno workshop was that government exists in silos. This is the concept that government is compartmentalized into agencies, departments, boards, divisions, offices and units that are only concerned with their specific function. For example, many sites that are identified as problem areas by residents have several types of violations. These violations may be with respect to air, water, illegal disposal or other issues. Generally speaking, each type of violation would be handled by a different government agency. If a site contains violations that are on multiple fronts, there may need to be involvement from many different entities to solve all the issues. This process of involving so many entities is problematic due to varying jurisdictions, typically not the response that the public seeks. This reality that government is compartmentalized only exacerbates EJ issues because the types of violations also tend to be cross-media and complex.

The EJ movement dates back to the 1980's, however the reasons for recent publicity and efforts on the part of government organizations is rooted in the multiple streams model of policy-making. Specifically, the three streams include: the problem stream, the policy stream and the political stream (Zahariadis, 2003). It is the coupling of

these streams that allows for a particular issue to be turned into a policy. This model helps explain why some issues gain traction and others never move forward.

Although the three streams model will not be developed into a tool to analyze the EJEI, it is possible to use this theory to explain the genesis of the initiative. The problem stream in the case of EJ is the disproportionate exposure of minorities and those of low socio-economic status to toxic environments. The policy stream deals with the formulation of policy alternatives and proposals. “New policies will never be shaped if there are no ideas or policy proposals on which they can be based and developed” (Zahariadis, 2003). In the case of EJEI there were other policy developments in the same arena happening just prior to its formation within DTSC and other developments within the Federal Environmental Protection Agency (EPA). The EPA established the National Environmental Justice Advisory Council (NEJAC) on September 30, 1993 and the Environmental Justice Collaborative Problem-Solving Model in 2004. These two actions taken by the leader in environmental policy set the stage for similar projects. The political stream changed for DTSC with a new Director, and a new Deputy Director of Enforcement. These changes in leadership brought a new focus to the department and drove the focus toward EJ. This series of events, or coupling of streams, created an environment that was ripe for progress.

The change in leadership is not just at the departmental level as it pertains to EJ. Recent developments on a national level have highlighted this issue as a priority. In January 2009, at a national conference of environmental justice groups in New York,

newly appointed EPA Chief, Lisa P. Jackson, spoke of the importance of EJ. President Obama has also expressed a great deal of support for EJ groups and issues. At this conference, Jackson spoke of Obama, she said, “As long as he’s committed to the idea that you don’t have to choose between environmental protection and the economy, we have a leg up on the previous administration” (Navarro, 2009). This conference was the first of its kind where nearly 200 groups gathered to advocate “protection of low-income and minority communities” (Navarro, 2009). It is recent events such as these that demonstrate how big of an impact new leadership can make on an issue that has struggled for attention for many years.

Contents of This Study

This thesis will expand on the issues identified in this introduction. However, some of the ideas touched on in this introduction will not be included in the study. The success of the EJEI will be measured using two criteria: the six goals the EJEI identifies for itself, and the CCP’s “Conditions Favorable to Initiate a Collaborative Process”. . . The six goals of the EJEI provide the most comprehensive basis for analysis, and will be carried into the methodology section of this project, along with the CCP guidelines that will gauge the appropriateness of the collaborative approach.

The next section of this thesis will include a review of relevant literature on this topic. There has been a significant amount of literature written on EJ issues, much of which focuses on the causes of environmental discrimination. A review of this literature provides the necessary background information to understand the specific initiative that is

the focus of this thesis. In addition to describing the basis for the EJ movement, a section is dedicated to the methodology and results of this study. This chapter will identify what data was collected, and a complete analysis that identifies what was discovered as a result of this thesis project. This project will be completed with a summary of the previous chapters and the identification of what further research should be conducted. The ultimate goal of this project is to improve the EJEI through a study of current data and public sentiment. At the conclusion of this project, I also hope to provide recommendations of possible performance measures for this and similar projects.

Chapter 2

LITERATURE REVIEW

Definition of Terms

As I began to review the literature related to EJ, I was confronted with a variety of terminology used to describe the issue. The term EJ is defined as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies” (US EPA). Environmental Justice is the most common term used in the subject area, however a handful of other terms are used and have slightly different definitions (see Table 1).

One such term is, Environmental Racism. This term is used when referring to disproportionate exposure to pollution experienced by nonwhites. Literature involving the study Environmental Racism generally has a broader focus than literature regarding EJ, and focuses on the topic of racism with disproportionate exposure to pollution as evidence of racism. A common definition of this term is "The social injustice represented by the disproportionately large number of health and environmental risks cast upon peoples of color in the communities in which they live" (Pulido, 2000). In addition to these terms, which are most commonly used, there are additional variations.

Another related term is Environmental Discrimination. This term is defined as existing, “When a certain sector of the population, especially vulnerable sectors, assumes a disproportionate burden of the effects of human induced environmental degradation” (Taillant, 2000). Another term, Environmental Inequality, addresses more structural

questions that focus on social inequality (the unequal distribution of power and resources in society) and environmental burdens (Pellow, 2000). That is, unlike environmental racism, for example, environmental inequalities include any form of environmental hazard that burdens a particular social group. Several authors have used this term and argued that to achieve greater theoretical sophistication and policy relevance, environmental justice research must move toward issues of inequality (Pellow, 2000, also see Been, 1994). In addition to terminology that defines the issue, another common term in the literature is locally undesirable land uses or LULU's (Pulido, 2005). This term refers to industry or other land uses that create pollution and are not supported by the community.

Table 1

Definitions

Term	Definition
Environmental Justice	The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (US EPA).
Environmental Justice Community	A minority and/or low income community suffering a disproportionately high and adverse environmental burden as a result of the unfair or unequal development, implementation, or enforcement of environmental laws, regulations or policies (the same as an EJ Area or EJ Population) (US EPA)..
Environmental Racism	Environmental racism is the social injustice represented by the disproportionately large number of health and environmental risks cast upon peoples of color in the communities in which they live (Pulido, 2005).
Environmental Discrimination	Environmental discrimination exists when a certain sector of the population, especially vulnerable sectors, assumes a disproportionate burden of the effects of human induced environmental degradation (Taillant, 2000).

Environmental Inequality	Environmental inequality addresses more structural questions that focus on social inequality (the unequal distribution of power and resources in society) and environmental burdens (Pellow, 2000).
LULU	Locally undesirable land uses (Pulido, 2005)

Scope of the Problem

The literature I identified when searching for Environmental Justice (EJ) topics touched on a broad area of topics. There are many synonyms associated with EJ that have identified above, that create many facets to this topic. I found it necessary to focus my efforts on a few topics within the research that I felt were relevant to this case study. The majority of the research I encountered dealt with the basic argument or whether or not EJ was actually an issue. There was a great deal of debate over whether citizens consciously chose to move into areas that were already infested with industry, or if industry moved in after the fact. I also focused on race and income as predictors of residing in an EJ community. Finally, I looked at recommendations for the collaborative process and similar case studies.

Background

This literature review focuses on the topic of EJ theory and collaborative practices. Most researchers agree that the EJ movement began in 1982 with a large protest over a large landfill in North Carolina (DOE, 2009), however only recently have EJ communities grown at such a rapid rate in California (US EPA, 2007). The collaborative efforts of many EJ groups, along with government and industry have created the need to review the processes and strive to detect measureable results. This

thesis will measure the success of the goals the EJEI set for itself, and determine if the collaborative approach was appropriate

Recent developments in our nation make the topic of EJ even more relevant. The new head of the Environmental Protection Agency (US EPA), Lisa P. Jackson was appointed January 30, 2009. Her first public appearance took place at an EJ group meeting in New York. Speaking again at Fordham University's Lincoln Center Campus in Manhattan, Jackson assured the audience that President Obama understands "urban issues and the concerns of low income communities that feel disproportionately affected by pollution and other environmental problems (Navarro, 2009). It seems that this administration maintains a platform of EJ and may advance this issue more than past administrations.

Relevant Legislation

There have been several developments in the law, dating back to the US Constitution, that relate to EJ. These types of legislation have great relevance to this issue, and in order to understand the development of the EJ movement, it is necessary to review the passages of such vital documents in history.

Federal Level

US Constitution (equal protection)

1. Title VI of the 1964 Civil Rights Act (nondiscrimination in programs and activities funded with federal money)
2. Executive Order #12898 of 1994 (established the federal EJ program)

3. EPA's 1998 EJ Guidance (provides details and guidance for implementing the federal EJ program)

State Level

1. California Constitution (equal protection)
2. Government Code Section 65040.12 (defines EJ and designates the Office of Planning and Research (OPR) as coordinator for state EJ program)
3. Government Code Section 65040.2 (requires the OPR to develop EJ guidelines for local General Plans)
4. Public Resources Code Section 71110 et seq. (establishes EJ program in Cal EPA with specific requirements for developing EJ policy, strategy and guidelines)
5. California Resources Agency EJ policy (directs entities under its jurisdiction - including the California Energy Commission - to consider EJ in their environment-related decision making process)

Source: California Energy Commission. (2009) Laws, Guidelines and Policies on Environmental Justice. Retrieved February 9, 2009 from http://www.energy.ca.gov/public_adviser/environmental_justice_faq.html.

These laws are important for two reasons: they establish the basis that discrimination is tolerated under the law, and they lay the ground work for the creation of EJ programs. Without the Civil Rights Act and the California Constitution guarantying equal protection, there would be no basis for environmental discrimination, or discrimination of any kind. Also, the passage of Executive Order #12898, on February

11, 1994, established the first governmental EJ program, other Departments, such as Cal EPA would create similar programs a result of this order.

The Chicken or the Egg?

A central theme in the literature was a debate over whether environmental injustices were legitimate. One question that is repeatedly posed is: Were the LULU's or sources of environmental threats sited in communities because they were poor, contained people of color and/or politically weak? Or were the LULU's originally placed in communities with little reference to race or economic status, and over time, the racial composition of the areas changed as a result of white flight, depressed housing prices, and a host of other social ills? (Cutter, 1995 also see Pulido, 2005). This "chicken or the egg" argument is sited in a majority of the literature, and for those that argue that sources of environmental threats came first, there are accompanying theories that explain the current status of those areas. A common theory states that this phenomenon was not due to intentional placement, but instead the phenomenon is related to dynamics of the housing markets, specifically the idea that over time people migrated out of the city centers and into the suburbs (Boerner and Lambert 1994, see also Baden and Coursey, 1997). This movement of people over time is suggested to account for the situation faced by low-income areas today. The conclusion of this theory is that the dangerous facilities did not choose areas because of poor or minority population; rather the nearby residents remained while others (perhaps more affluent populations) were able to move away.

This theory is expanded on through a study of history. Historically, factories and other sources of pollution were located in city centers because there was access to transportation. Some companies even provided low cost housing for their employees near their places of business (Been, 1993). In the Los Angeles area the city centers are largely populated by minorities in large due to residential mobility and the desire of those who were able, to move to the suburbs. This was much more desirable as the noise and traffic associated with factories, landfills and other such sites is not generally conducive to a residential life. The existence of Environmental Racism may not be the result of a conscious effort, but by a larger process of urban development and the process of white flight (Been, 1993, also see Krieg, 1998).

The table below demonstrates different scenarios for areas that are experiencing issues with dangerous facilities.

Table 2
Six Sequential Scenarios and Conclusions

Scenario	Event 1	Event 2	Event 3	Description
1	Siting	Danger	People	People move into an area known to be dangerous
2	Siting	People	Danger	People move into an area which is later determined to be dangerous
3	Danger	Siting	People	A dangerous facility is sited, then people move into the area
4	Danger	People	Siting	People live in an area, then a facility known to be dangerous is sited near them

5	People	Siting	Danger	A facility that is not known to be dangerous is sited in a region where people live and is later determined to be dangerous
6	People	Danger	Siting	A dangerous facility is sited in a community

Source: Baden and Coursey. (2007). *Advances in Environmental Protection and Public Health*. Environmental Policy and Public Health.

Considering the different scenarios, it is clear that there are a variety of ways that a community could end up next to a dangerous facility. Whether this situation was born out of intentional placement or other phenomenon related to social issues or market forces, it is clear that many communities with high minority and low socio-economic statuses face challenges today. Specifically, in southern California there have been six systematic studies conducted (five at the county level and one at the city) which focused on uncontrolled toxic waste sites, Transportation, Storage or Disposal Facilities or release of air toxins (Pulido, 2005). Each of these studies concluded that non-white were disproportionately exposed, particularly working class Latinos. Elsewhere in the state of California, areas such as Oakland, which also has a high population of Latinos and African America residents, has been the source of many such studies and efforts by government to combat environmental injustices (DTSC, 2005). The extent of the EJ movement today highlights the fact that no matter how the situation has occurred, the status quo is a problem in some areas and government is taking notice.

Is Race or Income a Better Predictor?

Another reoccurring theme in the EJ literature focuses on the characteristics of communities that are the victims of environmental injustices. The question is whether race or income is a better predictor that a community will fall victim to environmental injustices. One such study demonstrated that minorities, the poor, and the working class are all disproportionately affected by environmental hazards. The determination between race and income is difficult to determine because those two variables are highly correlated. It may be more helpful to investigate how both race and income are affected by environmental hazards (Downey, 1998). This study utilized a regression analysis determine if race or income was a stronger predictor that a community would fall victim to environmental injustices. This study concluded that there could be no such determination. The study cited muliti-collinearity issues between the variables for race and income.

A similar study also cited issues with disparate results. The reason for the differences, according to the author, was the result of varying definitions for terms. Common terms in such studies include: toxic hazards, socioeconomic indicators (race, class, income, education), community, and geographic region, are subject to variation. Also, some studies focus on only race or class, while others include both race and class to determine if injustices occur (Zimmerman, 1994). This explains the great degree of variation in outcomes produced from studies that appear to be similar.

Collaborative Policy

The nature of EJ projects is to include community members, government representatives, community leaders and industry in the process. These efforts are naturally collaborative. In order to assess a collaborative effort, we can look to the Center for Collaborative Policy for guidance. The CCP defines collaborative policy making as, “A process whereby one or more public agencies craft a solution to a policy issue using consensus-driven dialogue with diverse parties who will be affected by the solution or who can help to implement it”. This approach fits well EJ issues. The CCP also recognizes that decisions that are reached through the collaborative process “Can result in high-quality outcomes that are easier to implement, receive fewer legal challenges, make better use of available resources, and better serve the public”. In other words, the policy that is created as a result of the collaborative process is likely to be clear and effective, and enjoy a great deal of support from a variety of sources considering that all stakeholders had a part in the outcome.

The CCP also identifies conditions that are needed to sustain a collaborative process. These conditions are listed below:

The following conditions help to sustain collaborative processes:

- Clear Role and Purpose
- Transparency of Decision-Making
- Interest-Based Decision-Making
- Every Effort to Bring Affected Stakeholders into the Process

- Stakeholders Represents Organized Constituencies
- Upfront Exploration of Interests
- Common Understanding of Problems and Joint Fact Finding
- Policy and Technical Expertise
- Respectful and Authentic Process
- Transparency of Products
- Resources

These conditions are a basis by which we can assess EJ collaborative efforts.

Considering that collaboration is a good fit for these types of projects, the CCP is reliable resource for standards by which these collaborative efforts should be held. These types of criterion are a good starting point for EJ groups that wish to commence a collaborative effort.

Other Environmental Justice Collaborative Efforts

There have been many collaborative efforts in the arena of EJ both in California, and nationally. One such collaborative effort took place in Hailfax, North Carolina. The majority of the population in that area is low-income, African Americans. This community was concerned with pollution by nearby factories and hog operations that release fumes. The study identified a long history of “disenfranchised residents in a system that began during slavery and continues today in the form of racially segregated schools, housing and job opportunities” (Wing, 1996). It was the sentiment of residents that “industries chose to operate in that area because of the lack of local political power”

(Wing, 1996). As part of this project, members of the community, government and industry partnered together in a collaborative program to try and reach a compromise.

The program in North Carolina contained many resources for stakeholders. Their efforts included: community workshops; environmental health consultations; a quantitative analysis of environmental justice; seminars to raise awareness of environmental health; and festivals and other means of promoting greater awareness of the main environmental issues (Wing, 1996). This comprehensive approach was quite innovative in the early 1990's, and especially in this particular region. If a program such as this can be successful, it promises a great deal of optimism for similar attempts, especially in California. As groundbreaking as this effort may be, there are some issues I identified with data collection.

One of the concluding points of this study was the need not just for qualitative data analysis but quantitative analysis of such EJ collaborative efforts (Wing, 1996). This is an important point to consider as similar programs are developed. The methods by which we measure success in these efforts are important to identify. Without data collection and quantitative analysis, these programs are not likely to survive. Funding often relies on evidence of success, and programs such as these will not be able to justify their existence without measurable outcomes.

Chapter 3

METHODOLOGY

This study evaluates the collaborative process and preliminary achievements of the EJEI for the City of Pacoima. In addition, I provide a comparison between the EJEI in Pacoima and that of Fresno. I collected data mainly through interviews with government staff and community members who participated in the Pacoima EJEI.

Pacoima is located in the San Fernando Valley of California. The population of Pacoima is approximately 97,000 (US Census, 2000), and 83 percent of that population is Hispanic (USEPA, 2007). Residents of Pacoima are surrounded by freeways and pollution from motor vehicles, and are also faced with pollution from industry in their city. In 2007, Pacoima residents began a community organization they called Pacoima Beautiful. This community-based organization was started as a bi-lingual and multicultural entity that focused on building and environmental issues (USEPA, 2007). Pacoima Beautiful was able to obtain grant money from the United States Environmental Protection Agency (US EPA), to further their cause. In 2007, DTSC became involved when Pacoima was identified as a target city for the EJEI. DTSC worked with US EPA, other regulatory agencies and Pacoima Beautiful to coordinate a bus tour to identify problem sites in Pacoima. This bus tour identified two sites and several blocks of auto dismantlers.

Evaluation Criteria

The theory behind this study focuses on the collaborative process. I chose to use the CCP standards and because this EJEI is a collaboration between the community and government. The collaborative process and the subsequent standards apply to this project because the process of eliminating environmental injustices is not a simple task. The collaborative process works in this situation because the issue is complex and affects several diverse parties. In addition, the outcomes are sustainable through government involvement, which also provides the necessary resources. Considering the collaborative nature of this endeavor, I use the appropriate guidelines from the CCP to gauge the appropriateness of the collaborative process for the EJEI.

I will compare the initiation of the EJEI in Pacoima with the Center for Collaborative Policy's "Conditions Favorable to Initiate a Collaborative Process". Those conditions are listed below:

- A. Issues Do Not Focus on Constitutional Rights Or Very Basic Societal Values.
- B. Potential Areas for Agreement; Multiple Issues for Trade-Offs.
- C. Primary Parties are Identifiable and Will Participate.
- D. Each Party Has Legitimate Spokesperson.
- E. Potential Deal-Breakers are at the Table.
- F. No Party has Assurance of a Much Better Deal Elsewhere.
- G. Parties Anticipate Future Dealings With Each Other.
- H. Relative Balance of Power Among the Parties.

- I. External Pressures to Reach Agreement.
- J. Realistic Timeline for Completion.
- K. Adequate Resources/Funding to Support Negotiations

Source: Center for Collaborative Policy (2006). Conditions Favorable to Initiate a Collaborative Process. Retrieved February 5, 2009, from <http://www.csus.edu/ccp/collaborative>.

In addition to the CCP standards, the evaluation criteria used in this study to determine its relative success or failure will be the goals the initiative has set for itself.

The EJEI has a set of six goals that are broad enough to be applied to each target city.

These goals are as follows:

- Engage community residents who have been ignored or stymied for years
- Establish ongoing relationships and build public trust
- Invite residents and EJ organizations to show government the environmental harms, and explain the problems in their communities
- Listen to and encourage neighborhood and community perspectives
- Serve as a facilitator and resource as residents and groups prioritize environmental harms
- Within 100 days, provide residents and groups with results of investigations, testing, regulatory actions and begin regular dialogue and information sharing, efforts and enforcement

Source: DTSC, “Environmental Justice Enforcement Initiative”, 2008.

Overview of Field Methods

To assess these goals, I will followed several steps: 1. initial meeting with DTSC staff, 2. development of interview questions, 3. interviews with stakeholders and DTSC staff, 4. data summary and analysis. In addition, I attended an EJ community meeting in

Fresno, California to provide a comparison between the EJEI in Pacoima with that of Fresno. At this meeting I observed the information provided by DTSC and other government agencies, and took note of community member responses and suggestions. This interaction revealed the frustration many community members in Fresno were feeling. The EJEI work in Fresno took place after Pacoima, and the outcomes were different. This comparison will reveal how different communities can have unique issues and how the initiative must be adaptable to these conditions. The following methodology describes the evaluation process in greater detail.

Initial Meetings

My initial contact with DTSC staff relative to this project was in January and February 2009. My first meeting was with the Deputy Director of Enforcement to discuss the target cities involved, and the goals of the initiative. I received permission to utilize internal data regarding attendance to EJ meetings, identified sites and related progress and regulated business records. A subsequent meeting took place with the Associate Editor of Publications, who was also very involved with the EJEI. I explained my interest in the initiative, and my desire to focus on Pacoima because it was one of the initial target cities, and would have likely made substantial progress. It was my belief that Pacoima was far enough along in the process to have measurable outcomes. The Associate Editor of Publications confirmed that there was a great deal of information available on Pacoima. At this time I received contact information for the stakeholders in

this process, along with internal documents relating to the goals and background of the EJEI.

Community Meeting in Fresno

The city of Fresno was also identified as a target city for the EJEI. For the purposes of comparing the events in Fresno to those in Pacoima, I have created a timeline of pertinent events for each location.

Table 3
EJEI Timeline

July 2007	November 2007	October 2008	February 2009
Pacoima Bus Tour & Workshop	Pacoima Follow- Up Meeting	Fresno Bus Tour & Workshop	Fresno Follow-Up Meeting

On February 4, 2009, I attended the follow-up meeting in Fresno, California. At this meeting, government (local, state and federal), community stakeholders and industry representatives were present to review the sites indentified during the bus tour, and to provide an update on the status of those sites. Considering that Pacoima was past this stage in the process, this meeting allowed for a view of the process of this target city for reference. The meeting was an all-day event with several speakers. I took notes to document the information disseminated and responses from the audience. The outcomes of the EJEI in Fresno will be expanded on further in the subsequent chapter. These

outcomes will also be compared with those in Pacoima. The city of Fresno was chosen to provide this comparison because it is the most recent city involved in the EJEI.

Development of Interview Questions

I developed a list of standard questions for interviews with DTSC staff, (*Attachment 1, Appendix A*), and a similar list of questions was developed for stakeholders, (*Attachment 2, Appendix A*). The questions broadly dealt with the initiation of the project, the follow-up meetings, trust, the achievement of goals, and suggestions for future collaborations. The questions were crafted to determine if the EJEI goals were met, both from the perspective of DTSC and the community stakeholders. The only variations in questions were due to follow-up questions initiated as a result of individual responses.

Interviews

I conducted five interviews, two with DTSC staff involved in the Pacoima project, and three with members of the EJ community in Pacoima. I interviewed Gale Filter, Deputy Director of Enforcement with DTSC and Florence Gharibian, a Senior Hazardous Substances Scientist with DTSC. I also interviewed Mitzi Shpak with Action Now, Shabaka Heru with Society for Positive Action, and Marlene Grossman, formerly of Pacoima Beautiful.

I began each interview by providing the Consent Form (*Attachment 3, Appendix A*). I gave a brief explanation of the thesis project, and my role as a graduate student.

Once the interviewee agreed to participate, and provided his or her signature, the interview began. I asked the questions from the prepared list, and took notes on the responses. After a response was complete, I summarized the information provided to ensure accuracy. By summarizing responses I was able to ensure that my interpretation of the interviewees response was accurate.

Data Summary and Analysis

The data I collected from interviews and observations is organized using three methods:

1. Discussed in a narrative form organized around the six goals of the EJEI
2. Plotted on a continuum of the CCP's Conditions Favorable to Initiate a Collaborative Process (Willis-Gallagher, 2008)
3. Comparison analysis between Pacoima and Fresno

The first method of data analysis involved summarizing relevant responses from the interviews as they relate to the goals of the EJEI. The interviewees provided from the interviewees will provide insight as to whether or not the goals have been met, and where there is room for improvement. This section identifies the goals by number and provides a subsequent explanation of the interviewee response or additional evidence.

The second method is a graphical continuum with a range of low, medium and high. The ranking will be based on interview responses from DTSC staff and community members involved in the Pacoima EJEI. The responses from interviewees in regard to the collaborative process are plotted on this continuum. Each of the 11 criteria identified by the CCP will have a row and an aggregate of all responses will dictate where the

marker falls on the range of low to high. The aggregate response is marked with an “X”. A low ranking signifies that the collaborative process would not be optimal, a medium ranking signifies the collaborative process could be appropriate with modifications, and a high ranking signifies that the collaborative approach was appropriate. This section also includes narrative explanations of responses when appropriate. This graphic is an adaptation of a similar model used in a thesis titled “A Feasibility Assessment in Initiating Collaborative Dialogue for a California School District’s Wellness Policy” written by Jennifer Willis-Gallagher (2008).

The third method of data analysis is a narrative form. I will utilize the information gathered at the EJ Community Meeting in Fresno to compare Fresno and Pacoima. The target city of Pacoima is different in location and environmental threats. Pacoima also had a well developed network of environmental activists before DTSC was involved. A comparison of these two cities may provide a more complete picture of the challenges the EJEI faces as it continues to choose new target cities.

Limitations

I have identified two limitations of this methodology: a small sample of interviewees and the possibility for misunderstanding between interviewer and interviewee. I will address each limitation and how I attempted to mitigate the effects.

A small sample size in this qualitative methodology creates the possibility that conclusions drawn are not reliable. The sample size of five interviews is not optimal in most studies because the data collected is not representative of a large group. In this

study the sample is small because there are not many individuals involved in this project. Because this bus tour and workshop covered several cities, it was challenging to secure interview with participants that have followed the progress in Pacoima. The goal of this study is to determine the achievement of goals. This does not require every stakeholder to be interviewed, however it does require that the leaders of those entities be interviewed and allowed to speak on behalf of their community. As suggested by William D. Leach (2002) in a Research Note titled, "Surveying Diverse Stakeholder Groups", not taking shortcuts when surveying participants is important. In this case, interviewing only government employees or only advocacy group members has the potential to skew the results. Input from both perspectives allows for a more complete picture of the process. In addition, information was collected by attending one public meeting. This allowed for insight into the process which may not have otherwise been obtained through interviews.

The interview questions were open ended. This format has the potential to create misunderstandings, which can lead to incorrect conclusions. To mitigate this, I summarized the responses of the subjects and asked if my summary was a correct representation of their response. In addition, at the conclusion of the interview, I typed up a summary of the statements made by the subject and requested that the interviewees review the summary for accuracy. Through the use of these methods I sought to clarify any potential misunderstandings.

Summary

This is the first attempt at measuring the success of the EJEI in terms of goals achieved, and collaborative methods. These two sets of evaluation criteria are

intertwined in that many goals of the EJEI are also collaborative criteria, such as the establishment of trust. The utilization of both standards creates for a more comprehensive assessment.

Chapter 4

RESULTS

The results from this case study have been divided into three sections. The first section describes the process of the EJEI in Pacoima, and lists the sites identified as problem areas in that community. The second section describes progress to date on each of the six goals of the EJEI. Additional issues identified in the interview process are also discussed by topic. The third section provides a graphical representation of how the EJEI in Pacoima measured according to CCP standards for the initiation of a collaborative process. A narrative is also provided to discuss the rating system and potential improvements to the process. There is also a comparison described between the process conducted in Pacoima and Fresno in an attempt to gain perspective on the variances in cities.

Section I: EJEI Process and Activities

The EJEI began in Imperial County and then was initiated in Los Angeles County. The EJ bus tour that took place in Los Angeles County was held on July 31, 2007. This tour included target cities within Los Angeles County. The cities of Pacoima, Maywood and the City of Industry were identified. The process for identifying target cities for the EJEI is based on proximity to DTSC offices. Los Angeles County was chosen as a large area of concern, and then narrowed down into the three target cities. These cities were specifically chosen because they contained several potential toxic waste sites and had community groups already mobilized that showed interest in participating. A DTSC

representative was responsible for circulating flyers about the upcoming EJEI and maintaining a roster with all participants. There was an attempt to have an equal ratio of government and community representatives on the bus tours and subsequent meetings.

The first day was a bus tour through these three cities. The bus tour participants included: EJ groups, academics, private citizens and government agencies. Please refer to the entire list of participants (Appendix B, *Table 1*). During this bus tour, advocacy group members were encouraged to identify facilities or areas within these three cities that were posing risks to the environment and/or the health of the citizens in that area. During the bus tour, concerned citizens were invited to speak through a microphone system to the entire bus and explain their concerns relative to particular areas. At the end of the first day, the following sites were identified as areas of concern in Pacoima:

1. Holchem Laboratories
2. Price Pfister Incorporated
3. Several Auto Dismantlers

The following day, a workshop was held to discuss the sites identified in each city. This meeting was held at the Maywood City Hall. The participants included: EJ groups, academics, a private law firm, private citizens and government agencies. Please refer to the entire list of participants (Appendix B, *Table 2*). During the workshop the sites identified during the bus tour were discussed, and government agencies were assigned to take the lead on specific sites. There was also the opportunity for additional sites to be discussed. The next step included assessment of the sites and a plan of action.

The next scheduled meeting was to occur in 100 days to report progress on these sites to the participants.

There has been a great deal of work conducted to improve the three areas of concern in Pacoima. The Holchem and Price Pfister sites are being addressed by DTSC and the Community Redevelopment Agency of Los Angeles (CRA/LA). There was a public meeting held on November 27, 2007 that invited the public to comment on clean-up and future action with these sites. The direction taken with the auto dismantlers has been a collaborative approach with the industry. According to DTSC's Hazardous Waste Tracking System (HWTS), there are approximately 127 businesses that deal with auto parts in Pacoima and ten businesses that are listed as dismantlers. The HWTS only tracks sites that have an Environmental Protection Agency identification number (EPA ID). An EPA ID is assigned to hazardous waste transporters and permitted treatment, storage and disposal facilities. This number is used to track the generation, transportation and disposal of hazardous waste. The EPA ID allows the tracking of hazardous waste from "cradle to grave", or from origin to final disposal. All the auto dismantlers operating in Pacoima are likely not assigned an EPA ID, and therefore not tracked by DTSC. The lack of regulation in this industry starts at the local level with the Certified Unified Program Agency (CUPA) that is designated by DTSC to conduct inspections and maintain compliance with environmental laws. As a result of the EJEI, we have learned that local CUPA's often do not have the necessary tools to allow them to regulate this industry, and as a result auto dismantlers are able to operate without significant government intervention. If an auto dismantler has an EPA ID they are likely under

regulated and if a dismantler has no EPA ID at all, there is likely no regulation. In an attempt to remedy this situation, several things have occurred.

At the completion of the bus tour and meeting in Pacoima, it was evident that the majority of facilities identified as problem areas were auto dismantlers. There was an area identified in Pacoima that is coined “auto dismantler row” by residents. The sentiment in Pacoima, and specifically from the group Pacoima Beautiful, was that it would be most beneficial to work with the dismantlers to bring them into compliance. The dismantler industry is so large in Pacoima, shutting it down would cause the loss of an incredible number of jobs and likely only move this problem to a neighboring community. A compromise was met that involves DTSC, other government agencies, Pacoima Beautiful, and the State of California Auto Dismantlers Association (SCADA).

The goal is to hold all auto dismantlers to the same standard. To do this all government agencies that regulate auto dismantlers are being asked to come together with Pacoima Beautiful and SCADA to become partners in a solution. A workshop is scheduled for May 29, 2008. This workshop is being held to provide a forum for discussion of issues relative to the auto dismantler industry. One key issue is the fragmentation of inspection and enforcement work in this industry. The goal is that bringing all entities to the table can educate and create uniform standards for all players. There will eventually be a pilot project in Pacoima that will take these tools and apply them in this area where auto dismantlers are a large industry.

Section II: Progress on the Six EJEI Program Goals

To evaluate progress on the six goals identified by the EJEI, I will summarize the responses to interviews as they relate to the goals.

Goal 1. Engage community residents who have been ignored or stymied for years

The response to this aspect of the project was that through the EJEI in Pacoima, community residents have been given a voice. Filter stated that “you cannot ignore the communities you are employed to serve”. Filter suggested that the communication between government and the community with respect to environmental issues has been horrible in the past. There has been a lack of communication and an abundance of avoidance and defensiveness. Interviewee Florence Gharibian also stated that the EJEI in Pacoima took the approach of asking the people to identify the problems in their community. Both DTSC interviewees agree that the EJEI in Pacoima has been successful in engaging residents that have not before been asked to participate in this process.

The responses I received from community activist members were also positive in respect to this goal. Interviewee Mitzi Shpak of Action Now stated that the EJEI is a “very effective approach” and added that it is not enough for a government official to sit behind a desk and analyze facts and figures; they must go out into the field and see the sites for themselves. Shpak believes that EJEI is effective at engaging residents and government officials through this process. Interviewee Shabaka Heru of Society for Positive Action mirrored previous comments and stated that “people in the community are best equipped to point out problem areas to government”. Heru believes that the EJEI has allowed the citizens the opportunity to expose government the problems in their

communities. Interviewee Marlene Grossman, formerly of Pacoima Beautiful, stated that in her first meeting with DTSC she expressed that DTSC had the right mentality for site clean-up, but they needed more buy-in from the community. Grossman believes that the EJEI has provided that missing link between the community and government. The input from these participants in the process suggests that this goal has been achieved from their point of view.

Goal 2. Establish ongoing relationships and build public trust

The DTSC interview responses indicate that trust has been achieved in this community. Filter explained that government cannot show up, make promises and then disappear. Filter went on to explain that residents are amazed when government returns to follow-up on sites, and then reports back to the community 100 days later. This process of inviting input from residents and reporting results within a specific time frame builds trust. Filter also stated that the biggest issue at hand is restoring trust in government. He added that the worst thing government can do is nothing at all. Interviewee Gharibian also believed public trust was created through the EJEI in Pacoima. She added that Pacoima had started to organize before DTSC was involved. The fact that DTSC expanded on an existing effort in the community increased trust because the community was familiar with the cause and appreciated DTSC's work to further their goals.

The responses received from community activist members were positive in relation to this goal. Shpak stated that she "does not have enough good things to say about DTSC". Her responses indicate that she a great deal of respect for DTSC's efforts

and trust in this process. Interviewee Heru stated that community members have “needed the outlet to express themselves and they have that with DTSC”. Heru explained that this process has fostered trust between the community and DTSC.

Interviewee Grossman also believes that DTSC has gained public trust. She stated that “DTSC is seen as a friend, not an adversary”. Grossman also added that “DTSC has turned themselves inside out to help”. Grossman referred to the Holchem site in Pacoima that was highly contaminated. She stated that DTSC did an amazing job. Grossman stated that DTSC took what the community members were reporting and used that information to enforce the law. Grossman believes DTSC has successfully used the residents as the eyes and ears for the community. Grossman added that this tradeoff has created trust and has resulted in a great partnership.

Goals 3, 4 and 5 can be summarized together:

3. Invite residents and EJ organizations to show government the environmental harms, and explain the problems in their communities
4. Listen to and encourage neighborhood and community perspectives
5. Serve as a facilitator and resource as residents and groups prioritize environmental harms

Both DTSC interviewees agreed that DTSC has completed these three goals. The EJEI was established with these goals in mind. The procedure for establishing the EJEI in a community, inviting attendees and facilitating the process is the core of this project. The identification of a target city and the steps that follow will generally allow for the completion of these goals.

The community activist members again responded positively to this set of goals. Shpak stated that “DTSC is the best government agency she has dealt with in years” and added that everyone within DTSC she has contacted has been helpful. Shpak indicated that DTSC representatives have been consistently willing to listen and have taken action to improve problem areas. Interviewee Heru stated that the longstanding problem with respect to EJ issues is not the laws, but the enforcement of those laws. Heru believes DTSC has taken the correct approach by enforcing the law when it comes to environmental harms. Interviewee Grossman stated that DTSC has successfully engaged the community and provided and set the stage for open discussion. Grossman added that, “There is openness, transparency and willingness to collaborate.” The interviewees consistently stated that DTSC has achieved these goals.

Goal 6. Within 100 days, provide residents and groups with results of investigations, testing, regulatory actions and begin regular dialogue and information sharing, efforts and enforcement.

Both DTSC interviewees also agree that the 100 day follow-up meeting was conducted in Pacoima. In addition to the 100 day follow-up, the ongoing work with the auto dismantlers has reinforced the idea that DTSC is committed to this project. The community activist interviewees also agreed that DTSC followed through on the bus tour with a 100 day follow up meeting to discuss progress. None of the community activist interviewees had any recommendations to improve follow up, and agreed the 100 day benchmark was appropriate.

Section III: Collaborative Analysis

The nature of the EJEI lends itself to a collaborative analysis. This EJEI process in Pacoima involved a partnership between the community, government and industry. For the purposes of an analysis, a continuum was created to compare the conditions in Pacoima to the Conditions to Support Initiating a Collaborative Process created by the CCP (CCP, 2006). The chart below lists all eleven criteria and an “X” indicates the placement for this project on a low to high scale. A ranking of high would signify that conditions are favorable for collaboration.

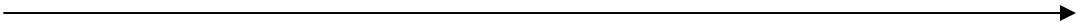
Figure 1

Environmental Justice Enforcement Initiative Feasibility Assessment
 Range of Conditions to Support Initiating a Collaborative Process
 From the Center for Collaborative Policy, CSUS

Low

Medium

High



	<i>1. Issue is not a Constitutional Right</i>	
	X	
	<i>2. Potential Areas for Agreement</i>	X
	<i>3. Primary Parties will Participate</i>	X

	4. <i>Each Party has a Legitimate Spokesperson</i> X	
	5. <i>Potential Deal-Breakers at Table</i>	X
	6. <i>No Party has a Better Deal Elsewhere</i>	X
	7. <i>Participants Anticipate Future Dealings</i>	X
	8. <i>Relative Balance of Power</i> X	
	9. <i>External Pressures to Reach Agreement</i> X	
	10. <i>Realistic Timeline for Completion</i>	X
	11. <i>Adequate Resources/Funding</i>	X

Source: Willis-Gallagher, Jennifer (2008). A Feasibility Assessment in Initiating Collaborative Dialogue for a California School District's Wellness Policy. Unpublished Thesis, California State University Sacramento.

For each of the eleven criteria, I will provide a narrative explanation of the placement on the continuum.

1. Issues Do Not Focus on Constitutional Rights or Very Basic Societal Values

This area received a low ranking because although EJ is not a basic societal value, there is a push in that direction by many EJ groups. The term EJ implies that a group is being disproportionately affected by environmental harms. The geographic areas affected tend to have high minority populations and low socio-economic status. This situation creates what some would label a civil rights violation. The reason why the EJEI could still be addressed using the collaborative process was because even though some would consider EJ a basic right, it is not being addressed as such. The EJEI has a goal of making EJ issues visible and raising their importance to that of a basic civil rights issue.

2. Potential Areas for Agreement; Multiple Issues for Trade-Offs.

This ranking fell on the low end of the high category because there are many areas for agreement, but not as many trade-offs. The goals of the EJEI are to work with communities to solve problems; this practice creates a situation where everyone can win. The community is given a voice, and in turn, government gains a position of trust in the community. The increased trust and transparency is the trade-off gained from government's perspective. The community stands to gain a reduction in pollution and environmental harm.

3. Primary Parties Are Identifiable and Will Participate.

In general the EJEI works to identify stakeholders in the community and invite their participation. Considering that many groups have not had positive interactions with government in the past, it is possible that groups are hesitant to be involved in this process. Fortunately, the situation in Pacoima made it possible for primary parties to get

involved. This is the first time that government, community and industry have come together to learn from each other. The case in Pacoima has that unique aspect, and that is why the placement for these criteria is high.

4. Each Party Has Legitimate Spokesperson.

These criteria received a medium rating because although several activist groups participated, it is not clear that the participants present were legitimate spokespeople for the group. For example, several activist groups attended the Pacoima EJEI bus tour and workshop, however in most cases one or two people from that group attended. DTSC has no way of knowing if those individuals provide representation for their group or are attending for other reasons. The representation from government is more likely to be legitimate representation. The individuals that attend these meetings with the community to represent government are generally those in a position to make decisions.

5. Potential Deal-Breakers Are at the Table.

This topic received a high rating because there are potential deal breakers at the table. In Pacoima there was an established network of activists with a plan to improve their community before DTSC became involved. If DTSC was not able to work within the parameters that those groups set, that would have been a deal-breaker. Also, if the community groups were not willing to work with DTSC and other regulatory agencies to create acceptable and realistic action plans, it is likely that meetings would not have continued.

6. No Party Has Assurance of a Much Better Deal Elsewhere.

The ranking for this criteria was in the medium to high range because the group Pacoima Beautiful started as a grassroots movement to clean up the city of Pacoima and gained a great deal of momentum on their own. However, their movement was lacking government backing and when DTSC stepped the group's goals were realized. Pacoima Beautiful had a well developed plan that could have eventually been successful through other avenues; however their most viable option was to start with DTSC. DTSC had the alternative of no action, however considering the priorities set by their leadership, this approach was most effective.

7. Parties Anticipate Future Dealings With Each Other.

This was one of the highest rankings because the EJEI in Pacoima is ongoing. Currently negotiations are underway with SCADA to create standards for enforcement. The bus tour and workshop in Pacoima were just the beginning of this collaborative process. This collaboration is expected to continue as a long-term project.

8. Relative Balance of Power Among the Parties.

The balance of power is not equal in this case. The government is more powerful than the community advocacy groups. DTSC has the power to stop including the community in their plans at any time, and the community does not have such a power because they need the regulatory arm of the government to ensure compliance. However, the balance of power is less skewed in Pacoima than in other target cities. The organization Pacoima Beautiful has been successful at getting the attention of legislators

and getting support to regulate the auto dismantler industry on their own. As EJ grows in popularity, it is possible that less power will be held by the government and more by the community. As we rely on the community to gauge government success and set the agenda for enforcement, these traditional roles will likely continue to change.

9. External Pressures to Reach Agreement.

There is external pressure from other government agencies, such as the US EPA to work with Pacoima on an action plan. This pressure exists because of grant money the US EPA has provided, and because DTSC has taken the lead there is an expectation that there will be results. These pressures do exist, but the pressure is not strong enough to be a driving force in this case. The EJEI in Pacoima has moved forward because both parties have been willing to compromise and develop a plan together, not because external pressures are present.

10. Realistic Timeline for Completion.

This area received the highest ranking because the timelines are finite. The way the EJEI was established included goals and reporting within a limited amount of time. This timeline and accountability to EJ groups sets this project up for success. The timeline of 100 days seems realistic for progress to occur and this ensures that DTSC is accountable to the community within an established amount of time.

11. Adequate Resources/Funding to Support Negotiations

There is a great deal of grant money available for EJ projects through the US EPA. This agency has given grants to Pacoima to aid in the clean-up of sites. In

addition, because EJ is an important goal to DTSC, they are willing to invest staff time and money to meet with the Pacoima community and provide support to remedy the situation.

Comparison between Fresno and Pacoima

Another way to analyze the success in Pacoima is to compare their efforts to those in a different target area. The city of Fresno was also a target city for the EJEI. There was a bus tour and subsequent meeting in Fresno on October 21 and 22, 2008. During the bus tour, the following sites were identified by the community as problem areas.

1. Kings River Conservation District Proposed Community Power Plant
2. Proposed Fresno County Household Hazardous Waste Collection Facility
3. West Fresno Substandard Housing
4. Cargill Meat Packers
5. Darling Industries (Rendering Plant)
6. Jaime's Auto Dismantler and Pick-n-Pull Dismantler
7. Wingate Chemical Company
8. Protein Incorporated

For comparison, here are the three sites identified in Pacoima:

1. Holchem Laboratories
2. Price Pfister Incorporated
3. Several Auto Dismantlers

There is a great deal of variation in the type of problem areas identified in these two communities. The sites identified in Fresno cover a variety of industries whereas in Pacoima, the main focus was the auto dismantler industry. Pacoima was able to work with SCADA and develop a plan to bring the dismantlers into compliance. It is much easier to get results when your efforts are focused on one industry. The situation in

Fresno called for involvement from various sources, and the result was that progress was more difficult to achieve.

The 100 day follow-up meeting in Fresno was held on February 4, 2009. At this meeting, the clash between government representatives and concerned citizens was apparent. One of the central issues was odor from rendering plants and like facilities. Several speakers from government agencies stated that the odor was not in their jurisdiction, or did not contain hazardous constituents. This was a major point of contention between the community members, government and industry representatives. Many citizens were visibly upset and shaking their heads in disagreement. This denial on behalf of the government representatives, although it may be factual, was not furthering the goals of the EJEI. This situation appeared to decrease the trust between citizens and these government entities. This meeting demonstrated how the process can be muddled depending on the priorities the community holds.

The struggles in Fresno were not expressed through interviews with those involved in the Pacoima EJEI. There are several reasons why the EJEI in Pacoima achieved its goals with less friction than in Fresno. Prior to DTSC involvement, Pacoima was well organized and had a well established EJ groups. The existence of groups like Pacoima Beautiful provided a ready network of citizens with clear goals and objectives that were ready to work with government. In addition, the problem in Pacoima was focused on the auto dismantler industry. This made the action plan very focused and precise. Once SCADA became a willing participant in the process, it made the solution

even more tangible. The situation in Pacoima provided almost a perfect storm of events that lead to success. The lesson here is that what happened in Pacoima will likely not be repeated in other target cities. The conditions in Pacoima that led to success were not created by DTSC, but were pre-existing.

Another key issue that was raised by advocacy groups in Fresno was the fact that government is compartmentalized and it is difficult to regulate a facility that has multi-media violations. Many citizens expressed that they were unsure which government agency was lead on a particular site, and were unsure how to get government to work together on the same site. In a response, representatives from the US EPA stated that they were developing methods to address multi-media cases. Although an agency may not regulate a certain industry, the goal is to find a solution even if that means directing the citizen to the proper authority. Another interesting point that was brought up by Gale Filter was that although government is compartmentalized, the EJ community is just as scattered. There is no official count on how many EJ groups exist in California. There are likely hundreds of groups that operate in isolation from other EJ groups. Filter suggested that if the EJ community would unite and coordinate their efforts, government would have no choice but to take notice.

The situation in Fresno has progressed. The activist groups in Fresno that attended the EJEI have recently formed the Central Valley Environmental Justice Task Force. This task force will provide an opportunity for EJ groups to meet and discuss issues identified in past EJ workshops, or bring up new issues. This is a promising move

forward considering the number of diverse sites that were identified in the beginning as problem areas. Fresno is moving forward without DTSC holding the forums, which is a step toward institutionalizing the EJ process for that community. One of the most important outcomes of the EJEI is the capability of that community to continue its efforts once DTSC is out of the picture. Fresno represents an area that is taking the first steps toward that goal.

The Future of the EJEI

One of the points I wanted to address during my interview with Gale Filter was how the EJEI would proceed once he leaves DTSC. Considering that Filter is on loan to DTSC from Butte County, there is the possibility that the EJEI could undergo change in his absence. Filter explained that he was very involved in the initiation and beginning stages of the EJ efforts in Imperial County. Filter explained that when he was no longer present, the project fell apart. In the absence of leadership and direction that project was unable to stand on its own. However, attempts are underway to bring that project back. Filter acknowledged that this is a learning process, and the project continues to evolve. Filter also gave the example of the EJEI in Fresno. This project is now at a stage where they hold task force meetings without DTSC. Filter stated that this is the ultimate goal of the project: to institutionalize the process so much that target communities become self sufficient. If this is achieved, a change in leadership at DTSC would theoretically have no bearing on the continuation of these projects.

The changes to the EJEI that have been made to date are a demonstration of how this project has evolved. Some interesting points came up during these interviews with

regard to how the EJEI has changed from city to city. In the beginning bus tours and workshops were held mid-week and participation was low. Through citizen input, it was discovered that many more citizens were able to attend a Friday and Saturday event, and the dates were adjusted in each subsequent city. In addition, the term “workshop” has been modified to meeting or a like term because citizens felt that “workshop” indicated that work was to be done on behalf of the citizens, and this created a negative connotation. Finally the use of a survey has been incorporated into the process. The EJEI in Fresno was the first target city to utilize a satisfaction survey. This survey was distributed to participants at the initial meeting and the 100 day follow-up. DTSC is working on a method to organize and report this data so that it may be used to make improvements to the process in future target cities. These efforts to make the program more user friendly are an indication that DTSC is working with the community to improve the EJEI.

The issue of performance measures for the EJEI was also raised during the interview process. There are currently no performance measures for this project. Filter stated that performance measures need to be identified for this initiative. Filter explained that he believes community members should identify the performance measures for DTSC. He did not feel it was appropriate for DTSC to identify their own measures because the goal is to serve the community and adhere to their standards. This is one a topic that will likely be addressed in upcoming community meetings.

Chapter 5

CONCLUSION

The results of this study were that the goals of the EJEI were met. The CCP standards were followed for most criteria, however in some instances the project in Pacoima fell short. The comparison between Pacoima and Fresno revealed that Pacoima was a city that was set up to succeed. The situation in Fresno and likely in other target cities will generally not flow as smoothly as in Pacoima, however lessons from Pacoima are applicable to future endeavors.

Recommendations

The two main criteria by which the EJEI in Pacoima was judged were the CCP Conditions to Support Initiating a Collaborative Process and the six goals set for the EJEI. My analysis concluded that the EJEI has achieved its goals in Pacoima. Based on the interview results, it was clear that the goals were recognized and achieved. This is a success; however I would recommend that the goals be reassessed at this point. As it stands, the six goals are not so much goals as they are milestones that are naturally met. I believe that the addition of new goals could motivate those involved in the EJEI to strive for greater success. I have crafted the following list of potential additions:

1. Work in conjunction with other regulatory agencies in target cities to address multi-media violations
2. Refer to citizens of target cities to create performance measures for DTSC and report back to the community

3. Allow for open dialogue on progress of sites through a website maintained by DTSC and other regulatory agencies

The proposed additions to the EJEI goals above address issues I observed while attending the Fresno public meeting and information I gathered during interviews. Citizens tend to become further disenfranchised when the sites they have identified have violations that fall into multiple jurisdictions, such as toxics, air and water violations. Through interagency cooperation, and joint inspections, government can coordinate to assess sites for all violations. Another addition to the list of goals is the input of citizens on performance measures for DTSC. During my interviews, I discovered that performance measures need to be developed for the EJEI, and as Gale Filter suggested, the target communities are a viable resource to create these measures. Working with communities to develop and report progress is another way to build trust and continue to be accountable. The last recommendation is the creation of a public website created by DTSC to provide up to date information on site progress and contact information for government officials assigned to each site. With the creation of such a database, citizens would be constantly able to follow the progress of sites in between public meetings. For those citizens who are not able to access the internet, there should also be a hotline that either had a live person or a recording to disseminate the same updates as the website.

I have also developed recommendations for the EJEI relative to the CCP standards. In the results chapter I provided a ranking for each of the 11 criteria. Although there were several areas that received a lower ranking on the continuum, I will provide recommendations for only those that are within DTSC's control to improve. The

first criterion for discussion is, “Each Party has a Legitimate Spokesperson”. This received a lower ranking because representatives from advocacy groups are not necessarily identified as a spokesperson for their group. This issue can be resolved during the preliminary stages of the EJEI in a particular city. The DTSC designee responsible for identifying and notifying stakeholders can ensure that the groups notified are responsible for sending proper representation. In addition, if possible attendees can provide a title when they register and sign-in for such meetings. Through these steps, DTSC can take reasonable measures to ensure the attendees have the authority to make decisions on behalf of those they represent.

Another variable, “Relative Balance of Power among the Parties”, also has room for improvement. As discussed in the results chapter, the balance of power between government and community is not equal. Government typically has more resources at their disposal than advocacy groups or private citizens. However, the recommendation to allow the target city to develop performance measures for DTSC could help to balance the scales. By allowing the community to set the standards by which government will be measured, power is shifted to the community. By implementing this recommendation, not only will a new goal be met, but the power will be shared more evenly between the two parties.

I have also developed some suggestions that are a direct result of the comparison between the EJEI in Pacoima and Fresno. As stated in the results chapter, the EJEI in Pacoima was different because there was a pre-existing network of community members

working to make improvements. In addition, most environmental complaints stemmed from a single industry, auto dismantlers. This situation created a focused effort that proved effective. In Fresno, a wide range of environmental complaints were present, some of which are not covered under regulatory jurisdiction. The challenges created by that situation suggest room for improvement; I have three recommendations that stem from this comparison:

1. Tell the story of Pacoima to new target cities in the beginning. Although Pacoima was a unique situation, a community could see the effort needed on their part to achieve this level of success. Hearing the Pacoima story from the beginning will help paint a realistic picture of what the EJEI can achieve when the community is willing to be extremely involved in the process.
2. Provide a clear and factual explanation of the jurisdiction of each involved regulatory agency. By being explicit about what can be regulated, and who has authority citizens can become educated on how best to achieve their goals. This would eliminate a great deal of confusion and frustration from citizens who are unsure which agency is the lead on a particular facility.
3. Create a new classification of criminal investigators to investigate a broad range of violations. Currently DTSC is the only department under Cal EPA that employs criminal investigators. These investigators are limited

in their jurisdiction and do not generally investigate cases that involve air, pesticide or other violations that are not specific to their duties. Creating an all-encompassing investigator that is trained in various waste streams could provide what the community is seeking when sites have violations that cover different media.

With the implementation of these recommendations, the success of Pacoima can provide lessons to future target cities. Although every city may not enjoy the same level of success, each city should have the benefit of learning from their story.

Unexpected Outcomes

Certain information that was learned during this case study was surprising. First, although the EJEI had set goals for the project, there was no method in place to collect data on the progress of these goals. In Fresno, a satisfaction survey was distributed to attendees, however the method used to analyze the results is unclear. It is promising that steps are being taken to collect data, however to have this data since the beginning would have been optimal. As I stated previously, I recommend that methods be identified to collect and report data on these satisfaction surveys.

The most interesting aspect of this case study was the fact that the Pacoima EJEI was successful in part due to a partnership with SCADA. As a member of the environmental enforcement community, it has been my experience that complaints against businesses generally lead to criminal or administrative charges being filed, or perhaps a company being closed down if the violations warrant such an action. As An

environmental enforcer, it has been my experience that industry generally does not respond to regulation by wanting to work with government and the community to learn what is being done wrong, and develop a plan to make improvements. This accomplishment in Pacoima is extremely rare and likely to be very successful since all parties are willing participants in the process.

Future Research

Further research on this topic should cover community opinions on potential improvements to the EJEI. This study was obtained a great deal of positive feedback on the EJEI from DTSC staff and community members. I would recommend that future researchers focus on advocacy groups and citizens that were involved in the EJEI process to gather their opinions on the process and their recommendations for improvement. I would also suggest a survey would be appropriate to gather this data from as many individuals as possible. By gathering these points of view, additional improvements can be made to the EJEI. I also predict that the EJEI in Oakland, which is scheduled to begin in the upcoming months, will be particularly interesting to researchers. DTSC has attempted to work with this community on other endeavors in the past, without success. This will be the first time DTSC will attempt an organized EJ effort. Considering the diversity and dense population of this area, this appears to be a good test of the effectiveness of the EJEI.

Final Analysis

This case study was focused on the question: Did the Environmental Justice Enforcement Initiative Achieve its Goals and Correctly Apply a Collaborative Approach? The EJEI in Pacoima has been successful by the parameters of this case study. The goals set for the EJEI have been met in Pacoima and the CCP standards were generally met. The recommendations mentioned above have been crafted in an attempt to take the EJEI to next level. After nearly two years, this initiative has undergone some improvements and has accomplished a great deal. These recommendations provide a possibility for the EJEI to generate a greater level of public trust and accountability, which is the ultimate goal of this initiative. It is important to mention that the EJEI couldn't be happening at a better time. The future of the EJEI is promising considering the agenda of our new President. With EJ as a national priority, this program will likely remain an important part of DTSC and enjoy a great deal of support.

APPENDICES

APPENDIX A

Attachment 1

Interview Questions for Department Staff

1. What does Environmental Justice (EJ) mean to you?
2. What experience have you had working with or in EJ Communities?
3. What is your involvement with the California Department of Toxic Substances Control's (DTSC) Environmental Justice Enforcement Initiative (EJEI)?
4. Why do you think that the time was right for DTSC to take the lead on such a project?
5. When was this project initiated? Is there a projected end date?
6. What method was used to identify target cities? Please list these cities/communities.
7. Who was responsible for determining stakeholders in these geographical areas?
8. Taking the city of Pacoima as an example, what entities were identified as stakeholders?
9. How were stakeholders contacted?
10. How many stakeholders that were contacted chose to participate?
11. How were the EJEI goals chosen?
12. Are the goals met? Measured?
13. Explain the meaning of a "toxic bus tour".

Please use the target city of Pacoima for the questions 14 and 15

14. When did the initial meeting take place?

15. What sites were identified as problem areas during the initial assessment?
16. What are the criteria for site to be identified- are there specific requirements?
17. What was the process for assigning a government agency to a particular site?
18. How are stakeholders notified of the follow-up meeting in 100 days?
19. How was 100 days chosen as a milestone in the process?
20. Who oversees the progress of each site? Is there a committee or individual that checks in on these sites, as they are likely managed by different government entities.
21. What is the next step in the process after the 100 day follow-up meeting?
22. Are satisfaction surveys disseminated at every meeting? Who collects that data?
23. Have any improvements to the process been made as a result of the surveys?
24. Have there been changes to the process as it has evolved from city to city?
25. Can you suggest any changes to the program that you think would be effective?
26. What is your opinion on the effectiveness on this program?
27. Do you believe the EJEI is effective at reducing environmental crime? (Meaning there are less sites in violation after the intervention)
28. How would you suspect the citizens of target areas feel about this program?
29. Do you feel this program has fostered trust with the target communities?
30. How is the EJEI funded?
31. Where do you see this program in five years?
32. How do you believe changes in leadership will affect this program?

Attachment 2

Interview Questions for Community Members

1. What does Environmental Justice (EJ) mean to you?
2. What experience have you had working with or in EJ Communities?
3. What is your involvement with the California Department of Toxic Substances Control's (DTSC) Environmental Justice Enforcement Initiative (EJEI)?
4. When was this project initiated in your area?
5. How were you notified of the project?
6. Was it explained to you why your area was selected to be part of this program?
7. Which entities were identified as stakeholders in this area?
8. How many stakeholders participated?
9. Were the goals of the EJEI clearly communicated?
10. In your opinion, were the goals met? Were the goals measured?
11. Explain the meaning of a "toxic bus tour".
12. When did the initial meeting take place in your area?
13. What sites were identified as problem areas during the initial assessment?
14. How did the stakeholders decide which sites would be recognized?
15. Were all proposed sites acted on?
16. How did government follow-up on these sites?
17. How were you notified of the follow-up meeting in 100 days?
18. Do you feel the 100 day mark is a good point of assessment?
19. Was a great deal accomplished at the identified sites in 100 days?

20. Is there any further interaction with DTSC or other government entities regarding this project after the 100 days?
21. Are satisfaction surveys disseminated at every meeting?
22. Can you suggest any changes to the program that you think would be effective?
23. What is your opinion on the effectiveness on this program?
24. Do you believe the EJEI is effective at reducing environmental crime? (Meaning there are less sites in violation after the intervention)
25. Do you feel this program has fostered trust between the government and this community?
26. How has this interaction with government been different than past attempts (or have there been no past attempts at collaboration)?
27. Are you satisfied with the outreach and follow-up conducted by DTSC?
28. Do you think the changes in the community will be longstanding?

*Attachment 3***Consent to Participate in Research**

You are being asked to participate in a research project regarding the California Department of Toxic Substances Control's Environmental Justice Enforcement Initiative. This research will be conducted by Tiffany Walker, a graduate student at the California State University, Sacramento and Criminal Investigator at the Department of Toxic Substances Control. The purpose of the study is to investigate the effectiveness of the Environmental Justice Enforcement Initiative, and measure the potential impact on environmental crime.

You will be asked a series of questions in regard to the Environmental Justice Enforcement Initiative. Please answer the questions as completely and honestly as possible. If you do not know an answer, or wish not to comment, please indicate such and that question will be skipped.

You might not benefit personally from your involvement in this research; however your input is vital to the analysis of the initiative. There is no monetary compensation associated with your participation.

There are no direct risks to you by participating in this research. However, should you prefer your identity be withheld in the completed report, please make that request known at the start of the interview. Please be advised that due to the nature of this research, even without revealing your identity others may recognize your participation.

If you have any questions about this research, you may contact Tiffany Walker at (916) 995-7759 or Tiffi01@msn.com.

You may decline to be a participant in this study without any consequences. Your signature below indicates that you have read this page and agree to participate in this research.

Signature of Participant

Date

APPENDIX B

Table 5

EJ Bus Tour List

Name	Number of Participants	Affiliation
California Communities against Toxics	1	Activist Group
Del Amo Action Committee	2	Activist Group
Comite Pro Uno	1	Activist Group
California Environmental Rights Alliance	1	Activist Group
Environmental Defense	2	Activist Group
Pacoima Beautiful	4	Activist Group
Society for Positive Action	1	Activist Group
Stop Quemetco	2	Activist Group
UC Irvine	1	Academic
Private Citizens	1	Community Members
DTSC	33	Government
Regional Water Quality Control Board (RWQCB)	1	Government
Los Angeles County Fire Department	2	Government

Total Participation: 14 Activist Group Members, 1 Academic, 1 Private Citizen, 36 Government

Table 6

EJ Workshop List

Name	Number of Participants	Affiliation
Action Now	1	Activist Group
Asian Pacific Environmental Network	1	Activist Group
California Communities against Toxics	1	Activist Group
California Environmental Rights Alliance	2	Activist Group
CCV Incorporated	1	Activist Group
Center for Community Action and Environmental Justice	1	Activist Group
Coalition for Clean Air	1	Activist Group
Coalition for a Safe Environment	2	Activist Group
Comite Civico del Valle	1	Activist Group
Comite Pro Uno	1	Activist Group
Communities for a Better Environment	1	Activist Group
Del Amo Action Committee	2	Activist Group
East Yard Communities for Environmental Justice	1	Activist Group
Environmental Defense	1	Activist Group
Healthy Homes Collaborative	1	Activist Group
Labor/Community Strategy Center	1	Activist Group
Long Beach Alliance for Children with Asthma	1	Activist Group
Padres Unidos de Maywood	2	Activist Group
Pacoima Beautiful	2	Activist Group
People's Community Organization for Reform and Empowerment	1	Activist Group

Philippine Action Group for the Environment	1	Activist Group
Physicians for Social Responsibility in Los Angeles	1	Activist Group
Society for Positive Action	2	Activist Group
Stop Quemetco	2	Activist Group
Toxic Assessment Groups	1	Activist Group
Union de Vecinos	1	Activist Group
Musick, Peeler and Garrett	1	Private Law Firm
UC Irvine	1	Academic
UCLA School of Law	1	Academic
Private Citizens	3	Community Members
Long Beach Environmental Prosecutor	1	Government
Los Angeles County District Attorney's Office	2	Government
Los Angeles County Fire Department	2	Government
Regional Water Quality Control Board (RWQCB)	1	Government
South Coast Air Quality Management District (SCAQMD)	1	Government
Attorney General's Office	1	Government
DTSC	40	Government
Water Board	1	Government

Total Participation: 33 Activist Group, 1 Private Law Firm, 2 Academic, 3 Private Citizens, 49 Government

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