



March 03, 2016

Search

Advanced Search

INSIDE CAL/EPA - 03/04/2016

DTSC Employee Charges Of Discrimination Heighten Policy, Pay Disputes

March 03, 2016

A small group of minority employees at the state toxics department is charging in a new letter to Cal/EPA Secretary Matt Rodriguez that they are being discriminated against by management and are being paid less than their peers, creating a new battle in an ongoing dispute over employee salaries and duties within the department.

The group of 14 Department of Toxic Substances Control employees also charges that the most polluted communities in the state are not receiving the contaminated site cleanups they deserve because department management is concentrating cleanup activities in mostly white communities with less hazardous cleanups.

DTSC Deputy Director Jim Marxen responded in an email comment to *Inside Cal/EPA* that department officials are reviewing the employees' letter and will refer it to the department's Office of Civil Rights to "assess whether there are valid claims of discrimination. Based on that determination we will respond in an appropriate manner."

Marxen -- who said he was also responding on behalf of Cal/EPA -- notes the letter "raises the issue of pay disparity between state scientists and engineers. Neither DTSC nor Cal/EPA have control over salary scales for specific job classifications; those are set through collective bargaining between employee unions and the California Department of Human Resources."

The charges by the minority employee organization may heighten ongoing controversies within the department, including previous allegations of racism among staff (*Inside Cal/EPA*, Dec. 11) and investigations by a legislatively created Independent Review Panel (IRP) that has resulted in sweeping recommendations to overhaul DTSC programs and policies (*Inside Cal/EPA*, Jan. 22).

The group of DTSC employees calls itself "racial and ethnic minority scientists representing four DTSC offices," as well as "DTSC's Environmental Justice Community of Scientists" and "La Comunidad Justicia Ambiental de los Cientificos de DTSC," in a Feb. 29 letter to Rodriguez obtained by *Inside Cal/EPA*.

There are currently 14 employees in the group, who work in DTSC offices in Cypress, San Diego, El Centro/Imperial and at headquarters in Sacramento, according to a source representing the organization. The employees are not identifying themselves, the source says, fearing retaliation by their management.

The employees are calling on Rodriguez and DTSC Director Barbara Lee to create a "racial and ethnic minority scientist redress and support program wherein internal DTSC financial and human capital resources are redistributed from overfunded, white-dominated engineer and geologist positions to the underfunded minority scientist positions that protect communities of color," according to the letter. "This would be at no additional cost to the state/to the taxpayer and with the result that racial and ethnic minority scientists are empowered to perform to their full capacity to protect communities." *The letter is available on InsideEPA.com. (Doc. ID: 189328)*

In addition, the group wants DTSC to "stop spending the work time of your ethnic and minority scientists on 'easy' low-hazard inspections in privileged and/or white neighborhoods just so DTSC can claim it did so many x number of inspections in a certain year instead of y number of inspections in the communities of color that most need our protection from complex sites with many problems that require our time to address them," the letter says.

Third, the group asks Rodriguez and Lee to "come forward to the public acknowledging that 1) racial prejudice within DTSC is in fact deeply permeated in the organization; 2) that you did not address it when individual minority scientists came to you, even as the DTSC IRP recently published reports on DTSC putting communities at risk; 3) that this prejudice is so severe and such a degradation to our work that we will come forward together like this but will not give their names due to fear of retaliation from our white managers; 4) that the Exide disaster occurred during the early years of discrimination and growing apartheid at DTSC; and 5) that the DTSC apartheid system as it exists now cannot protect communities of color from the next Exide."

Exide refers to Exide Technologies, which recently closed a battery recycling plant in southern California that DTSC had allowed for years to operate on an expired permit. Gov. Jerry Brown (D) last month proposed a \$176.6 million spending

plan to fund expedited and expanded testing and cleanup of residential properties, schools, daycare centers and parks near the site.

The employee group asks Rodriguez and Lee to make an official announcement to the DTSC workforce by March 31 in which they agree to its requests for action detailed in the letter.

If such an announcement is not made, "then racial and ethnic minority scientists will be uniting with [environmental justice] community leaders to demand justice so that WE scientists can protect the communities of color who rely on us," the letter adds.

The employees claim that there is "entrenched apartheid" at DTSC because minority workers -- including blacks, Latino and Hindu -- "dominate the scientist classifications" at the department who are entrusted to serve environmental justice communities, while the engineer and geologist classifications are composed mostly of workers of "Caucasian descent," according to the letter. They charge that the engineer and geologist positions are unfairly getting significantly higher pay as well.

"Secondly, as may or may not be known by the public, DTSC engineers and geologists play a critical role in deciding which of Governor Brown's political campaign supporters are awarded lucrative contracts to perform work for DTSC," the group charges.

Meanwhile, the minority scientists "must make difficult and politically unfavorable decisions to punish those in this same group of large, multimillion dollar companies who mismanage thousands of gallons or millions of pounds of hazardous waste in close vicinity of communities of color," the group claims in the letter.

"These scientists are underfunded by DTSC, comparable to their DTSC engineer and geologist counterparts, by approximately 39 percent. Scientists are hired into this discriminatory system, trained and raised in it, and stay in it indefinitely while struggling to put forth the resources to serve millions of people who live, work, and play within a few miles of serious potential exposure hazards," the letter says.

Inside Cal/EPA - 03/04/2016 , Vol. 27, No. 9

189337