

# ENVIRONMENTAL JUSTICE, RACISM, HEALTH, AND CIVIL RIGHTS

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**El Pueblo Para el Aire y Agua Limpia  
de Kettleman City**

**Greenaction for Health and Environmental Justice**

[www.greenaction.org](http://www.greenaction.org)



**Greenaction for Health and Environmental Justice** is a multiracial grassroots organization that fights for health and environmental justice with low-income and working class, urban, rural, and indigenous communities.

Founded in 1997 by grassroots community leaders, Greenaction has been at the forefront of the environmental justice movement for over 23 years.

# **We work for:**

- **Environmental health and Environmental and Climate Justice**
- **Clean Air & Clean Water & Healthy Communities**
- **Cleanup of Contaminated Sites**
- **Community Empowerment & Education**
- **End Environmental Racism, Defend and Protect Civil Rights**
- **Clean, Renewable Energy**
- **Zero waste future not dumping and burning**
- **Protection of Indigenous Lands**





# Kettleman City, California: Picture Postcard of Environmental Racism and Injustice

- Predominantly Spanish-speaking farmworker town in San Joaquin Valley of California
- 1500 residents
- Long history of environmental exposure to toxins from a hazardous waste landfill, contaminated drinking water, pesticides, old oilfield operations, diesel pollution – and poor regional air quality as well
- Historic and ongoing racial discrimination in County, State & Federal environmental decision-making processes

## A Birthplace of the Environmental Justice Movement

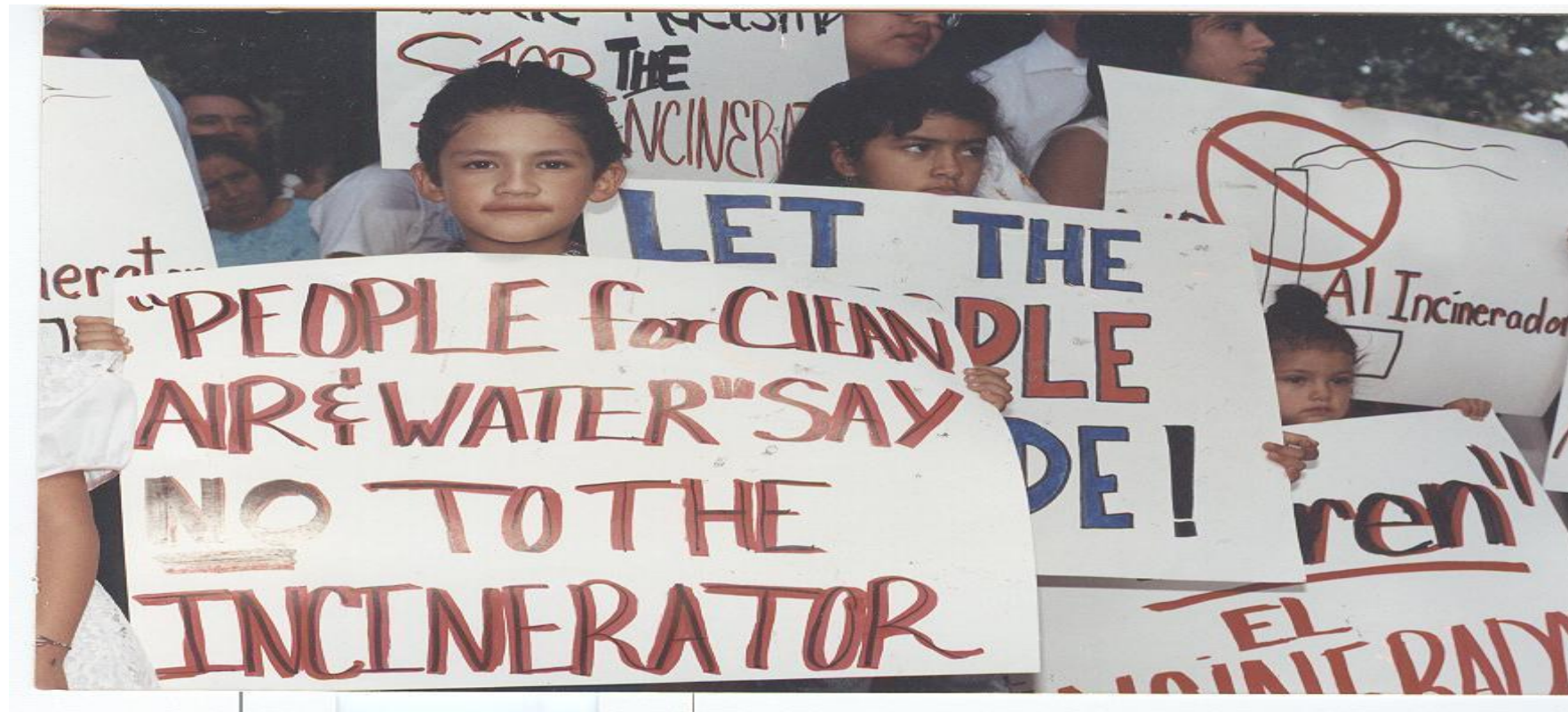
1988: Chemical Waste Management – with support of government agencies - proposes hazardous waste incinerator at Kettleman Hills hazardous waste landfill, largest toxic dump in western US

Kings County refuses to translate permit documents or public hearings

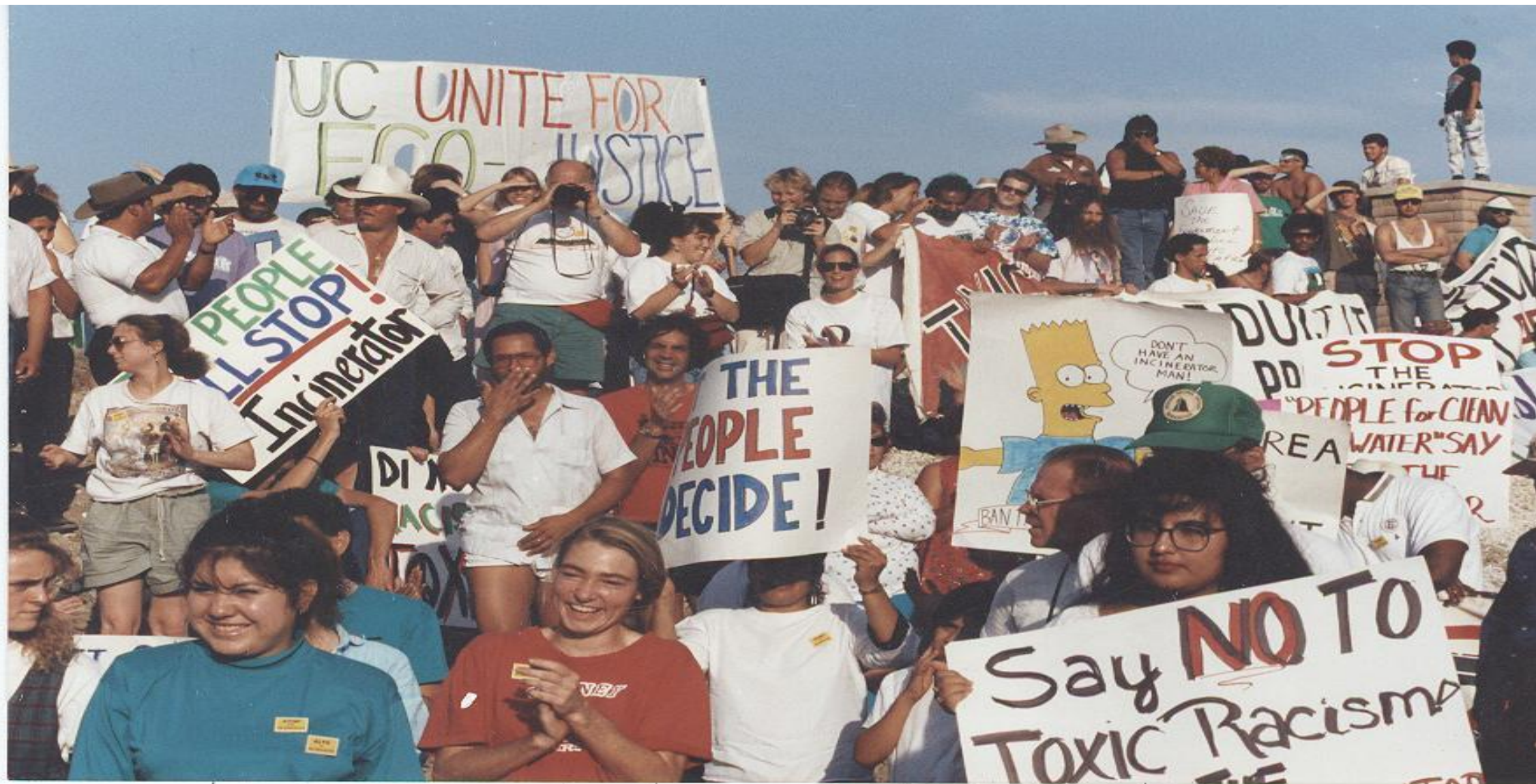
Spanish speaking residents told to go to the back of the room

1993: In face of united community opposition and support from community and EJ groups from far and wide, Chem Waste withdraws their proposal

If the government won't, the people will,  
Stop the Incinerator! Alto al Incinerador!











# **“Don’t Worry! Everything is Fine!” – But It Is Not!**

Local, State and Federal agencies claim toxic waste landfill is safe, refuse to consider cumulative impacts of pollution or to conduct biomonitoring of residents

2009: Greenaction & El Pueblo Para el Aire y Agua Limpia de Kettleman City conduct Community Health Survey

We discovered and documented many birth defects and infant deaths in 14 month period



# CalEnviroScreen 3.0

CalEnviroScreen is a tool made by California Environmental Protection Agency to help identify communities most affected by pollution.

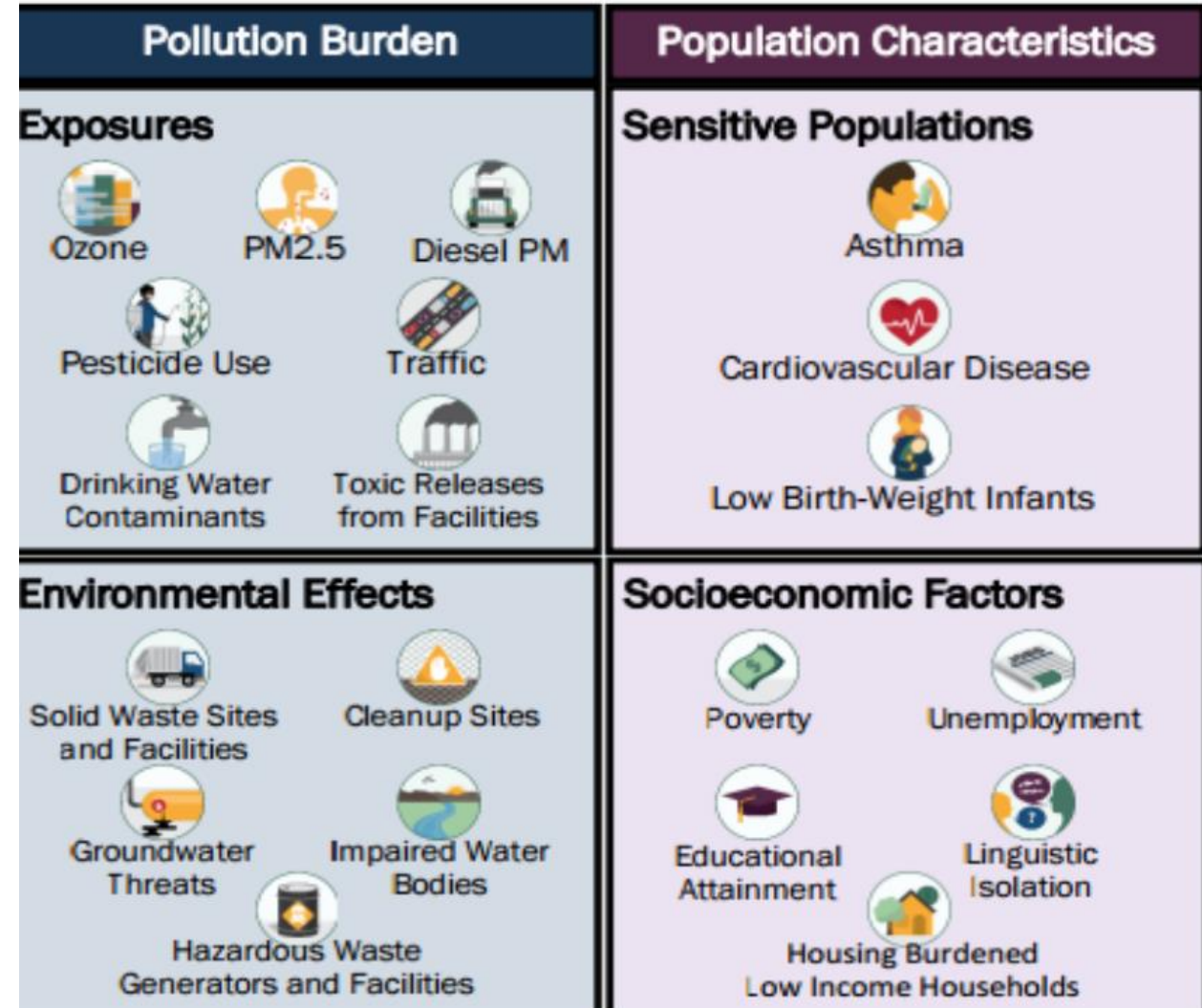
**CalEnviroScreen measures indicators through these four main groups**

<b>Exposures</b>	<i>Contact with pollution</i>
<b>Environmental Effects</b>	<i>Adverse environmental conditions caused by pollutants</i>
<b>Sensitive Populations</b>	<i>Populations with existing health conditions that may increase the effects of pollutants</i>
<b>Socioeconomic Factors</b>	<i>Community characteristics that result in increased vulnerability to pollutants, such as poverty</i>



# Cumulative Impacts

CalEnviroScreen uses the *cumulative impact theory* to compare pollution levels and health risks in communities across California. Cumulative impacts are the combination of different factors that when added together result in a higher impact.



What does this mean for Kettleman City?

*Kettleman City has a higher pollution burden than 90% of California.*



## CalEnviroScreen results for Kettleman City:

For Environmental, Health factors, or Population Characteristics, the higher the %, the more the factor affects the community.



Environmental Factors	Percentage
Pesticides	92%
Drinking Water Threats	74%
Solid Waste	85%
Health Factors	Percentage
Asthma	73%
Low Birth Weight	74%
Cardiovascular	83%
Population Characteristics	Percentage
Poverty	86%
Unemployment	74%
Lack of Formal Education	93%







# **Title VI of the U.S. Civil Rights Act of 1964 and California Government Code 11135**

- **prohibit recipients of state and/or federal funding from discriminating on basis of race, color or national origin.**
- **prohibit actions/decisions with discriminatory impacts**
- **prohibit denial of language access**

# Case Study: Kettleman City

- 2014: DTSC/CalEPA approved expansion of Kettleman Hills hazardous waste landfill
- State relied on racist & English-only Kings County permit process that gave Spanish-speakers half the time to testify as English-speakers
- County “public” hearings had police dogs and used police intimidation and violence against residents who demanded health, justice & meaningful opportunities for public participation
- State used “Statement of Overriding Consideration” to approve permit because dump expansion would have negative impact on Kettleman City
- 2015: El Pueblo and Greenaction filed state and federal administrative civil rights complaints against DTSC and CalEPA

# Historic Civil Rights Settlement

- 7 months of federal mediation led to historic & precedent-setting settlement in August 2016
- Applies to Kettleman City toxic dump situation
- Also applies statewide during “regulatory oversight” of facilities under DTSC’s jurisdiction
- Requires compliance with civil rights & language access laws and policies



## How settlement is helping Kettleman City

- State moved forward clean water project to replace toxic contaminated water supply – after decades, clean water is now a reality for first time in decades.
- DTSC must provide proper notices about toxic dump
- Must consider cumulative impacts & civil rights
- Work with agencies to reduce diesel idling
- Helped El Pueblo & Greenaction get AB 617 grant & support from UC Davis on biomonitoring & air/ water testing

# Good news from Civil Rights Settlement

- **State adopted good Language Access Policy requiring translation of key documents and hearings in permit and regulatory processes**
- **DTSC must take into account & comply with civil rights laws & requirements in permitting and regulatory oversight**
- **The settlement provides an invaluable tool to hold government agencies accountable to end their environmental racism and injustice**

# **Bad News: State Violations of Settlement**

- **DTSC violated mandate of the settlement & SB 673 to adopt criteria to consider cumulative impacts in permit decisions – still have not finalized criteria**
- **DTSC and CalEPA try to limit types of facilities and contamination sites that the settlement applies to.**
- **DTSC continues to make decisions that protect polluters and harm communities, violating civil rights**
- **DTSC allows Chem Waste dump to operate on expired permit for years**



# TAKE ACTION FOR ENVIRONMENTAL JUSTICE



For more information, to get involved,  
and to support our work, please contact:

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