



INFORMATION ITEM

Environmental Justice Issue Paper Interview Results

Summary: The Council's 2019 Five-Year Review of the Delta Plan (2019 Review) identified environmental justice (EJ) as a key issue for Council focus. The 2019 Review recommended that staff prepare an issue paper to inform potential future actions to address EJ and better serve disadvantaged communities in the Council's mission of furthering and achieving the coequal goals of "providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.... in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place" (Cal Wat. Code § 85054). Today's presentation will: 1) provide an update on work conducted to date to develop an understanding of EJ issues impacting the Delta; 2) highlight findings from interview-based research conducted with EJ organizations; 3) feature perspectives from the three EJ Expert Group members; and 4) outline the next steps for finalizing the public draft of the paper.

BACKGROUND

California was one of the first states to codify Environmental Justice (EJ) in statute in 1999.¹ Under State law, EJ means "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" (Gov. Code § 65040.12, subd. (e)). EJ as a concept refers to the disproportionate burden of environmental impacts (such as pollution, land or water contamination, or other hazards) borne by certain communities, and calls for equity in the development and implementation of laws, programs, and policies that affect the environment. EJ has also been defined differently by academic scholars and community leaders. Staff recognizes that environmental justice can mean different things to different people.

Over the past two decades, the State of California has worked to incorporate more EJ principles into policy, planning, and funding priorities. Many of the Council's peer state agencies have recently adopted or are developing EJ policies, principles, or guidelines.

¹ Senate Bill 115 (1999).

Five-Year Review of the Delta Plan

The Council's 2019 Review identified EJ as a key issue, noting a specific need for more information and analysis to inform potential future actions (p. 4-18).² The Council recommended that an issue paper be prepared, "to investigate the potential need for additional strategies or responses within the Delta Plan to address disadvantaged communities and environmental justice" (p. 4-25).

The Five-Year Review identified three ongoing initiatives as potential starting points to explore the Council's role in acknowledging and addressing EJ concerns: (1) the Council's Public Participation Plan; (2) the Social Science Task Force; and (3) Delta Adapts.

The Social Science Task Force issued its final strategy to better support and integrate social sciences in the Delta in April 2020.³ Since that time, the Council has begun implementing the strategy's recommendations, including the hiring of a social science extension specialist, in partnership with California Sea Grant; building staff capacity and expertise in social science; and starting the Bay-Delta Social Science Community of Practice (CoP)⁴ to bring together social science scholars, practitioners, and allies committed to advancing social science research in the Bay-Delta. The CoP includes multiple members with expertise in environmental justice scholarship and policy who have been called on to inform the issue paper development. Furthermore, CoP members presented and participated in a four-part seminar series in Fall 2021 focused on environmental justice topics relevant to the Bay-Delta⁵.

The Public Participation Plan, finalized and endorsed by the Council in June 2020⁶, outlines initial outreach strategies for the EJ Issue Paper and includes a foundation to, "Value and promote accessibility, equity, inclusion, and diversity in the development and implementation of the Council's public engagement processes."

² Delta Stewardship Council. (2019). *Five-Year Review of the Delta Plan*. Endorsed by Council on October 24, 2019. Available at: <https://deltacouncil.ca.gov/pdf/council-meeting/meeting-materials/2019-10-24-item-10-attachment-1.pdf>

³ Social Science Task Force. (2020). *A Social Science Strategy for the Sacramento-San Joaquin Delta*. March 2020. Available at <https://deltacouncil.ca.gov/social-science>

⁴ Bay-Delta Social Science Community of Practice: <https://deltacouncil.ca.gov/bay-delta-social-science-community-of-practice>

⁵ Delta Science Program's Environmental Justice Seminar Series: https://www.youtube.com/playlist?list=PLqTHClIW1HhpULvnbvm0P5_HWP2JnwwuN

⁶ Delta Stewardship Council. (2020). *Public Participation Plan*. Endorsed by Council on June 25, 2020. Available at: <https://deltacouncil.ca.gov/public-participation>

The development of the Public Participation Plan included a survey of Delta stakeholders, highlighting opportunities to increase participation in Council processes and meetings. Although a 2021 follow-up survey indicated that the Council had improved in this regard, respondents identified EJ as an issue needing a particular focus. The Public Participation Plan also informed the comprehensive analysis of past public comments submitted to the Council related to environmental justice topics, which has provided baseline data used to identify a range of EJ issues relevant to the Delta (see more below and full analysis in Attachment 2).

The Council released the final Delta Adapts Vulnerability Assessment in June 2021 and is currently developing the Delta Adapts Adaptation Strategy. The Vulnerability Assessment included a technical memorandum on equity and an evaluation of factors contributing to different communities' vulnerability to climate change.⁷

Each of these efforts has contributed to building an understanding of EJ issues relevant to the Delta and supporting the development of the EJ Issue Paper. Staff will draw on each initiative's guidance, resources, and findings to prepare the issue paper.

EJ ISSUE PAPER OBJECTIVES

Drawing upon the 2019 Review, Public Participation Plan, and Delta Adapts outreach process, as well as EJ policy precedents set by other peer state agencies, staff developed the following objectives for the issue paper:

- Build a network of community leaders and organizations to inform and support the Council's EJ work;
- Identify EJ issues within and around the Sacramento-San Joaquin Delta; and
- Identify options to address those issues.

The EJ Issue Paper will present findings about EJ issues in the Delta and surrounding areas, along with recommendations and possible implementation options for Council consideration. Councilmembers may then direct staff regarding options to carry forward.

⁷ https://deltascience.shinyapps.io/Delta_vulnerability_map/

PROGRESS TO DATE

Research for the EJ issue paper began with analyzing past public comments received by the Council, which identified issues relevant to EJ (53 comments total). Analyzing past public comments provided a preliminary list of EJ issues relevant to community members in the Delta. Additionally, staff completed an in-depth literature review of more than 36 papers to understand EJ issues, theoretical frameworks, and available policy approaches. To further educate staff and the broader Delta science and management community, the Council partnered with California Sea Grant to host a four-part EJ webinar series in fall 2021 to hear from experts in water justice, government EJ reforms, indigenous justice, and climate justice. This background informed the focus of the interview-based research approach used to develop a more robust understanding of EJ issues in the Delta. These data sources (public comments, peer-reviewed literature, EJ webinars, and interviews) are combined to build a robust understanding of EJ issues in the Delta.

Concurrently, the EJ Expert Group was formed to inform and help guide the development of the issue paper. The EJ expert group consists of representatives from:

- Restore the Delta
- Little Manila Rising
- California Indian Environmental Alliance
- Sacramento Regional Coalition to End Homelessness

The EJ Expert Group has provided insight throughout every step of this effort and has been invaluable in building diverse community relationships in the region.

To diversify the range of perspectives reflected in the EJ Issue Paper, staff also conducted interviews with additional community-based organizations and community members working on EJ issues in the Delta and surrounding areas (described in the next section). Background from the analysis of public comments, the literature review, and the webinar series informed the interview-based research, which yielded a more robust understanding of EJ issues in the Delta.

Interview Overview

For the community interviews, staff co-designed the interview approach with the EJ Expert Group and partnered with California Sea Grant to provide research expertise and secure funding that allowed interviewers to offer modest financial

compensation as a show of appreciation to all interview participants, which is a best practice when working with community organizations. The interview guide was reviewed by the University of California San Diego Institutional Review Board to ensure best practices in ethical research with human subjects were appropriately followed. Staff conducted interview outreach between January and May 2022, completing a total of 22 interviews – 18 with organizational staff and 4 with community members. The interview sampling followed a purposive approach, meaning staff purposefully tried to reach a wide range of organizations working on various EJ issues relevant to the Delta. The primary advantage of this approach is collecting rich qualitative data to better understand the breadth of EJ issues affecting the Delta and begin to understand linkages between issues that intersect and compound to affect communities' lived realities yet are often siloed in management or policy contexts. The interviews allowed staff to hear directly from EJ advocates and groups working on the ground in communities most impacted by environmental burdens about their primary EJ concerns, how these issues are affecting different communities, and what solutions they would like to see explored.

While purposive sampling is an appropriate methodology when targeting a small participant population (in this case, EJ organizations working in or around the Delta), the data collected should not be considered representative of all EJ issues or all EJ communities. While staff tried to reach organizations that work on a wide range of major EJ-related topics, the results are limited to the groups that were able to participate in interviews. Some issues were covered in much greater depth and breadth (e.g., water issues) than others (e.g., food security issues), but this does not necessarily reflect their overall importance in achieving a healthy and just environment for all communities. Staff acknowledges that some communities impacted by Delta management and policy decision-making were not reached and are thus not represented in the results. These include but are not limited to communities in southern California that receive Delta water, Central Valley communities that experience challenges related in part to access to Delta water, and Tribes dispossessed from the use of Delta water or resources. Additionally, COVID-19 severely impacted EJ communities, and many groups did not have the

capacity to participate. Staff paused outreach during two COVID spikes in Winter and Spring 2022, but were still unable to reach some groups, including those representing faith-based, LGBTQ+, and farmworker perspectives.

All interviewees were anonymized, and interview data was coded following qualitative data analysis approaches. EJ issues identified by interviewees were categorized and grouped based on similarity. Although issues were separated for analysis purposes, staff recognize that EJ issues are interconnected, and many issues cut across multiple categories. Staff addressed these interconnectivities qualitatively in the interview results report but recognize the potential to lose important connections across issues as a limitation of grouping issues into key areas. In addition to issue-specific results, some of the questions asked in interviews solicited community perspectives on topics that cross-cut specific EJ issues, such as meaningful community engagement and EJ research needs. Key themes that emerged from our analysis of interviewees' responses to these cross-cutting questions are presented as well.

The key findings and trends from the interviews are outlined below and inform the issues that will be covered in the EJ Issue Paper. Additional available data, literature, community input, and the EJ Expert Group guidance will be drawn on to further develop the issue paper recommendations.

Summary of Interviewees

- Geographic distribution: the Interior Delta (2), Sacramento (4), Stockton (6), Contra Costa County (4), the Bay Area (3), and Statewide (3).
- Organizational expertise: general EJ, water, public health, workforce development and education, housing and the unhoused, basic services including drinking water systems, health care and social services, Latino/a advocacy, outdoor and recreation access, Tribes and indigenous groups, disability advocacy, and local service providers.

Interview Findings

Interview data provided rich and qualitative information around recognitional, procedural (or process), and distributive justice issues in the Delta.

Recognitional justice: The first principle of environmental justice is recognizing which communities are impacted by environmental harms and ensuring their perspectives are represented in decision-making processes. Interviewees described the communities most impacted by EJ issues in the Delta to include: low-income communities, minority communities/communities of color, indigenous communities and Tribes, immigrant communities, undocumented immigrants, farmworkers, renters, unhoused communities, food insecure communities, youth, elders/seniors, people with disabilities, LGBTQ+ communities, unincorporated communities, and Delta legacy town residents. Terms including ‘vulnerable’ communities and ‘disadvantaged’ communities are often used to describe or characterize communities most impacted by EJ issues.

Procedural justice: Environmental justice principles also call attention to process, to ensure that environmental decision-making processes are fair, transparent, and accessible to impacted communities. Interviewees provided rich descriptions of challenges around procedural justice, including process transparency, meeting support, regulatory enforcement, and meaningful engagement. With regard to meaningful engagement, interviewees identified challenges related to EJ communities’ disenfranchisement resulting in distrust of government, unfamiliarity with issues and technical processes, and barriers to participation, including financial, technology access, and time limitations.

Distributive justice: Distributive justice considers how environmental benefits and burdens are distributed across communities. The following key issue areas were identified across interviews as issues that disproportionately impact certain communities: climate change, flooding, water, pollution exposure and public health, housing and the unhoused, indigenous and Tribal justice, food security and access, and recreation and outdoor access. For the sake of time and to highlight the EJ Expert Groups’ expertise, staff will focus on a subset of the total list of issues during today’s discussion. More information on the other four issue areas is included in the full interview results report (Attachment 1).

- **Water:** Fifteen out of the 22 interviewees discussed water-related issues. The most affected communities include disadvantaged, minority, and low-income communities, Tribes, seniors and people with disabilities, small and rural

communities, farmworkers, and unhoused populations. Many of the issues around water are related to water management systems, representation in water decision-making (e.g., Delta conveyance), water quality concerns (e.g., harmful algal blooms), and water affordability. Many interviewees discussed in-Delta water quality issues that result from reduced flows and pollution (including agricultural runoff and industry contaminants), which impact communities' health, drinking water systems, and recreational opportunities. Several interviewees emphasized that certain communities, especially Tribes and disadvantaged communities are excluded from or not represented in water management decision-making. Many interviewees emphasized the need for community-engaged research to monitor water quality, water contaminants, and water supply needs of different communities. Multiple interviewees expressed concern about how the Delta Conveyance project would negatively impact EJ communities both in and outside the Delta.

- **Pollution exposure and public health:** Nineteen of the 22 interviewees discussed issues related to pollution and described public health impacts on low income, minority, unhoused, indigenous, and renter communities as well as specific access and physical challenges for undocumented people, people with disabilities, youth, and senior populations. Interviewees described disproportionate impacts of air, land, and water pollution, resulting long-term respiratory impacts, and other impacts associated with long-term exposure to pollutants and sources of contamination. They attributed these impacts to land use decisions, and redlining practices that place certain communities in closer proximity to industrial land uses, ports, factories, freeways, toxic waste, illegal dumping, and other environmental harms. These impacts are compounded by a lack of access to public health services, public transportation, or healthy food that contribute to well-being. Interviewees also noted that often the only jobs available to these communities have higher pollution exposure rates. According to the interviewees, other factors such as drug use, racism, poor mental health, and COVID compound health disparities.

Interviewees shared that to address these impacts, they focus on education and awareness building. Many cited examples of work with government agencies such as the California Environmental Protection Agency and California Air Resources Board. This serves to build trust between community groups and agencies responsible for managing pollution. Interviewees suggested the need for: regular and accurate air and water quality monitoring, and soil testing to control contamination and raise community awareness; national surveys on the state of environmental hazards; government agency action to prove they are prioritizing community health; laws that reduce pollutant sources and limit industrial growth in areas already experiencing high pollution levels; more green job options for these communities; and smarter land use planning with infrastructure like public transit.

- **Housing and the unhoused:** Ten out of the 22 interviewees indicated housing and homelessness was an issue that affects many communities including: low-income communities, people of color, undocumented immigrants, indigenous communities, seniors and youth, people with disabilities, the LGBTQ+ community, and veterans. Many of these communities lack adequate sanitation resources. Unhoused communities most often use the same freshwater sources for bathing and drinking. Unhoused people are often blamed for starting fires used for cooking and heating. Encampments near levees pose a safety risk if there is a flood in the area or access is needed during emergencies. Unaffordable housing and housing costs were also mentioned as a cause and barriers to reducing the number of unhoused residents. Even if housed, many elderly residents, people with disabilities, or children may face health hazards while still struggling to afford necessities like electricity or water. Community organizations' current work on this issue includes education and awareness building, capacity and coalition building with other organizations and the community, providing space and food when everyone comes together, and informing communities through social media and newsletters. Interviewees shared that agencies need to reach out and form relationships with the

communities. Multiple interviewees noted that year-round cooling and warming centers are a major EJ need in this region. Additionally, continued support is needed for counties and non-governmental organizations that fund programs that provide educational services, services to aid unhoused communities, and housing assistance programs.

- **Indigenous and Tribal justice:** Issues related to indigenous and Tribal justice were discussed in six interviews. Some of the interviewees represented organizations that primarily serve indigenous and Tribal communities and some of the interviewees represented organizations serving broader communities. Staff heard about a wide range of highly interconnected issues, which were loosely categorized into six major themes: Tribal sovereignty and preservation, traditional knowledge, marginalization and exclusion, consultation, environmental hazards, and water systems.
 - Sovereignty, preservation, and traditional knowledge are related to the failure of US settler colonial government agency representatives and developers to recognize and honor Tribal sovereignty. Traditional knowledge, including indigenous land management practices, language, and ceremony, are regularly repressed.
 - Marginalization and exclusion and consultation refer to disregarding and delegitimizing Tribal representatives and their expertise and failure to engage in meaningful consultation as legally required.
 - Interviewees discussed the commodified water system as it infringes on Tribal rights. They also highlighted environmental hazards facing Indigenous communities using contaminated water for ceremony and as a food source from fishing. There are also a host of health issues that impact urban communities, including urban Native American communities, such as air, heat, and noise pollution.

NEXT STEPS AND TIMELINE

In addition to continuing to convene the EJ Expert Group on a monthly basis, staff is currently finalizing the interview data analysis and planning to solicit additional community input at several events led by community partners this fall. Staff is also

working to develop recommendations based on the interview data, EJ Expert Group recommendations, and additional thoughts from workshop participants. Staff aims to have a public draft of the issue paper for Council consideration in early 2023.

FISCAL INFORMATION

Not applicable

LIST OF ATTACHMENTS

Attachment 1: Draft Interview Results Report

Attachment 2: Public Comment Analysis Report

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