



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# Centering Civil Rights and Environmental Justice in the San Francisco Bay Area

**National Association of Clean Air Agencies Spring Meeting  
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# Agency Civil Rights Requirements



## Equal Protection Clause | 14th Amendment, U.S. Constitution

- Government cannot discriminate in pollution burdens or benefits
- Applies to protected classes, including race

## Title VI of the Civil Rights Act of 1964

- Applies to recipients of federal funding (even a dollar of funding triggers a compliance obligation for all agency programs)
- Administrative Process: Disparate impact is a violation, not just discriminatory intent
  - But no private right of action in federal court without proving discriminatory intent
- U.S. EPA recently disapproved the San Joaquin PM air plan, citing failure to show compliance
- U.S. EPA is applying a Title VI lens to its review of permits
- In the extreme, a negative finding could result in surrender of federal funding

## California Government Code Section 11135

- California state law analog to Title VI
- Applies to recipients of state funding

# BAAQMD's Title VI Compliance Roadmap



## Agency-Wide Title VI Compliance Program Elements:

- Being developed as part of an agency-wide EJ Policy and Strategic Plan for all agency divisions and programs
- Partnering with our Community Advisory Council and expert civil rights consultants to develop our Title VI program
- Affirmative elements include proactive civil rights analyses for programs like permitting, enforcement, and rulemaking
- Responsive elements include developing a manual for processing civil rights/discrimination complaints promptly and fairly

# More Stringent Permitting in Overburdened Communities

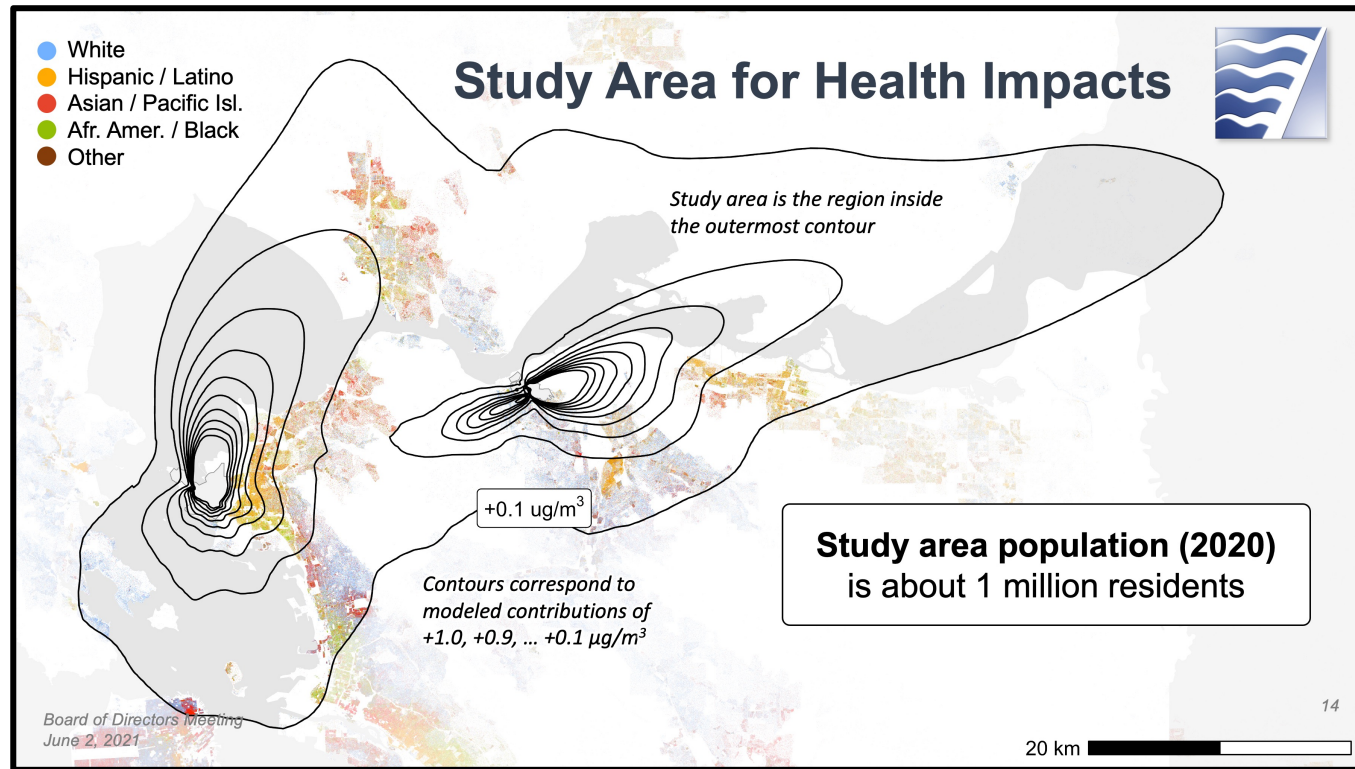


- First jurisdiction in California to implement more stringent and transparent permitting requirements in overburdened communities.
- Leveraged CalEnviroScreen to identify communities that require additional protection from air pollution.
- Sets stricter limits on toxic impacts from new and modified sources in overburdened communities.
- Required robust public notice for any project requiring a health risk assessment for toxics in these communities.
- Five-year look back when evaluating air toxics emissions

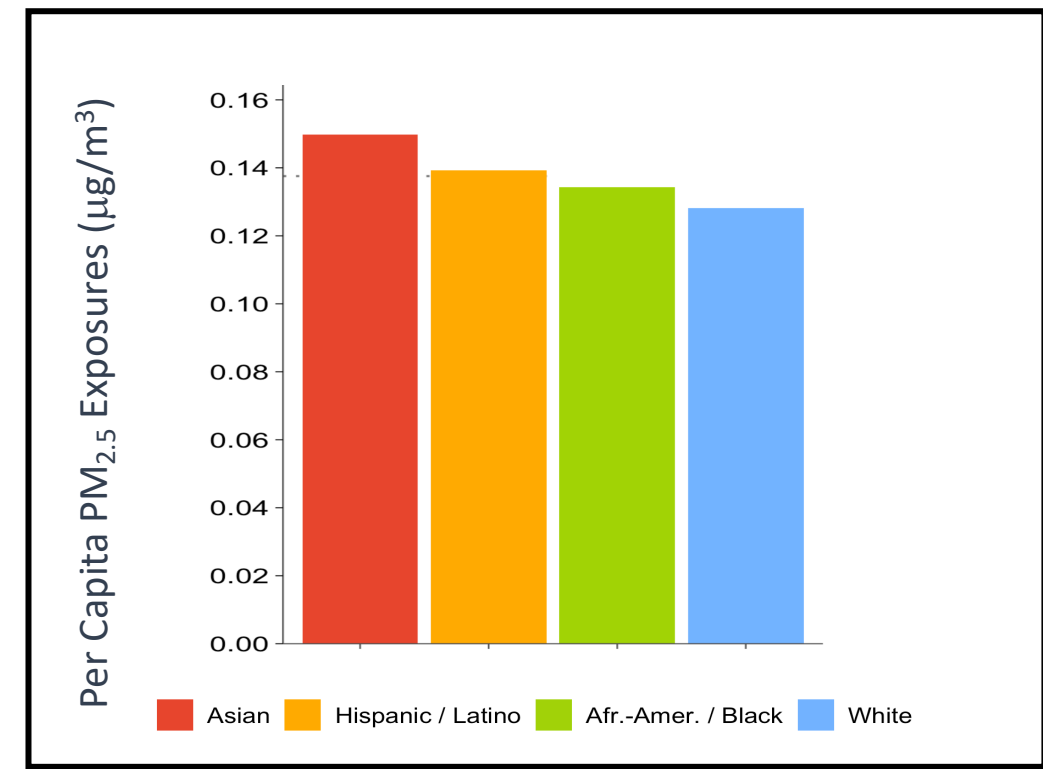
# Rulemaking: Impacts by Race and Ethnicity



## PM<sub>2.5</sub> Exposures for Refinery FCCU Rule



## Equity Assessment for NO<sub>x</sub> Appliance Rule



# BAAQMD's EJ-Forward Actions



## **CEQA (California's NEPA)**

- Developed unprecedented CEQA guidance defining a disparate impact as an environmental impact that should be disclosed and mitigated, along with consideration of less discriminatory alternatives
- Includes procedural justice recommendations such as language access, tribal consultation, and expanded notice and comment for EJ communities

## **Community Grants**

- We awarded \$3 million in grants to CBOs over the past year to support capacity-building, environmental education, and community-based pollution reduction efforts

# Community Co-leadership: AB 617 Implementation



- Designed to address historical/structural inequities in pollution burdens
- District identified pollution-burdened communities in the Bay Area
  - West Oakland
  - Richmond/San Pablo
  - East Oakland
  - Bayview Hunters Point
- We are partnering with community leaders to develop local, tailored, and targeted monitoring and pollution reduction plans