

Law for the People: a Case Study of Community-Based Environmental Justice Advocacy



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SCU Law 288 Environmental Protection Law
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Today's Goals

- Deepen understanding of environmental justice (EJ) and community-based advocacy
- Increase awareness of Bay Area EJ issues
 - Land management and development
 - Who benefits, who bears the burdens?
- Inspire engagement in community-based EJ advocacy



Intro

- SCU Law grad ('14)
- NLG Weinglass Fellow
- Environmental Justice & the Common Good Initiative
- SCU tUrn Climate Action: Oct. 12-16



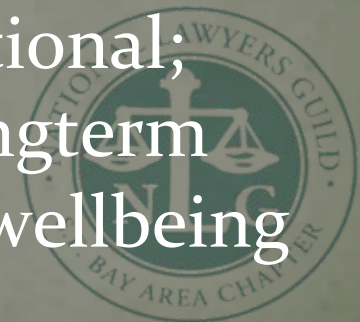
What is Environmental Justice?

- The right of all people to healthy, livable communities, now and in the future, including fair:
 - **Distribution** of environmental burdens and benefits
 - **Recognition** of individual dignity and group rights
 - **Participation** in environmental decision making by all affected, including historically excluded groups, and consideration of future generations



What is Community-Based Advocacy?

- Seeks community empowerment using strategies including policy, public education and mobilization, and litigation
- Less transactional; invests in longterm community wellbeing



Bayview Hunters Point, San Francisco

- Low-income community of color
- Impacted by multiple pollution sources
- CalEnviroScreen 3.0: 90th percentile
- BAAQMD CARES community



India Basin Mixed-Use Project



Environmental Impact Report



SAN FRANCISCO
PLANNING
DEPARTMENT

India Basin Mixed-Use

PLANNING DEPARTMENT
CASE NO. 2014-002541ENV

STATE CLEARINGHOUSE NO. 2016062003

**RESPONSES TO COMMENTS ON
DRAFT EIR**

Overall EIR Findings

- Project would generate “significant” air pollution
- Harmful, especially for sensitive receptors
- Would result in exceedences of air quality standards
- Cannot be mitigated to “less than significant”



Environmental Review Process

- Draft EIR, Public hearings, comments
- Response to Draft EIR Comments (Final EIR)
- Statement of Overriding Considerations, project approval
- Community group filed appeal, rejected by Board of Supervisors



Bayview Hunters Point demands

- Reduce projected air quality impacts to less than significant or rescind approval
- Properly test for and clean up hazardous waste and toxic contamination
- Ensure long-time residents will not be displaced



Supporting Community-Based Advocacy



Supporting Community-Based Advocacy

BAYVIEW HUNTERS POINT SAYS

WE CAN'T BREATHE!

PROTEST TUESDAY, SEPT 1
11 AM MLK/BAY VIEW PARK (3RD & CARROLL)
12 NOON CAR CARAVAN TO SHIPYARD & CITY HALL

**TELL MAYOR BREED & BOARD OF SUPERVISORS:
 STOP ENVIRONMENTAL RACISM, POLLUTION, & DISPLACEMENT!**

- Clean up radioactive and toxic waste at Hunters Point Shipyard Superfund Site and other contaminated sites in our community!
- Stop upscale developments that would pollute and displace people of color!

FB EVENT: [HTTPS://BIT.LY/BVHPCANTBREATHE](https://bit.ly/bvhpcantbreathe)

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Coalition of Labor Union Women/SF Chapter - Progressive Democrats of America - California - SF Green Party
 1000 Grandmothers for Future Generations - SV-CAN! Silicon Valley Climate Action Now

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National Lawyers Guild
 San Francisco Bay Area Chapter

September 1, 2018

Mayor London Breed
 Board of Supervisors District 1 Sandra Lee Foster
 Board of Supervisors District 2 Catherine Strickland
 Board of Supervisors District 3 Juanita Pardo
 Board of Supervisors District 4 Gordon Mui
 Board of Supervisors District 5 Evan Lowery
 Board of Supervisors District 6 Matt Haney
 Board of Supervisors District 7 Norman Yee
 Board of Supervisors District 8 Rafael Mandrinos
 Board of Supervisors District 9 Hilary Roman
 Board of Supervisors District 10 Barbara Walter
 Board of Supervisors District 11 Stella Ichi
 San Francisco Planning Commission
Mayor.LondonBreed@sfgov.org
boardofsupervisors@sfgov.org
www.sfdemocrats.org

Re: Request for Reconsideration of Approval and for Major Mitigation of India West Mixed-Use Project and the Significant, Ongoing and Harmful Air Pollution Impacts on Bayview Hunters Point.

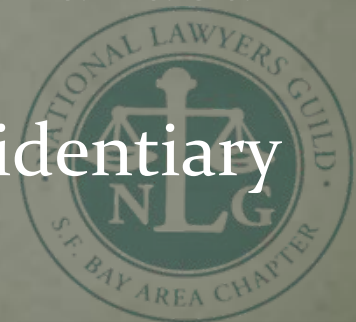
Dear Mayor Breed, San Francisco Board of Supervisors, and the Planning Commission:

The Bayview Hunters Point Mothers and Fathers Committee, Commission for Health and Environmental Justice, and the San Francisco Bay Area Chapter of the National Lawyers Guild ("NLCNG") write to express our strong concerns about the India West Mixed-Use Project that threatens the health and environment of Bayview Hunters Point, and to request that you **revisit the project in light of changed circumstances, namely 1) the global pandemic of COVID-19 and the increased vulnerability it has created for Bayview Hunters Point, and 2) the renewed calls to address institutional racism.** We write this while the community suffers with the worst air quality in the world due to smog from the wildfires, which poses acute dangers every year.¹ As more information reveals troubling links between air pollution, race, and COVID-19, we call upon you to consult the public to reduce the project's impacts on air quality to less than significant, or if not feasible, to request approval of the project altogether for the health and safety of the community and in fulfillment of long-standing racial justice.

1000 Grandmothers for Future Generations, 214 Powell Street, Suite 200, San Francisco, CA 94102-4400 | www.sfdemocrats.org | 415.398.8307 | 415.398.8308

Next steps

- Awaiting city's response or lack thereof
- Possible CA Gov't Code §11135 Complaint
 - Like Title VI, prohibits discrimination in any program or activity that is conducted, funded directly by, or receives any financial assistance from the State.
- CA law prohibits intentional discrimination *and* disparate-impact discrimination in state-funded programs and activities
- Researching: may face overwhelming evidentiary burdens



Q&A and Closing Remarks



Thank you!

Contact: zsea@nlgsf.org
National Lawyers Guild – SF Bay Area
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