

Los Angeles' "Clean Up, Green Up" Ordinance: A Victory in the Environmental Justice Fight

BY CARLA J. KIMBROUGH

Instead of fighting discrete battles, Communities for a Better Environment, a California environmental justice organization, declared war against the pollution that plagues neighborhoods where people of color and poor people live. As part of that war declaration, the group became a part of a coalition to fight environmental racism. The strategy focused on executing a ground game—block by block, finding truth and building alliances.

The result of that hard work was new legislation passed unanimously in April 2016 by the Los Angeles City Council and signed by Mayor Eric Garcetti. The ordinance, commonly known as Clean Up Green Up or CUGU, created a way that three largely Latino neighborhoods would begin to see concrete measures for securing environmental justice after years of living in the shadow of industries that polluted air, water, and land.

Called "historic" and "cutting edge," the ordinance creates "green zones" in Boyle Heights, Pacoima/Sun Valley, and Wilmington, neighborhoods that score in the top 25 percent of census tracts deemed as overburdened by California's Office of Environmental Health Hazard Assessment. Some parts of these neighborhoods are in the top 10 percent of the state's most vulnerable areas.

Under this policy, new and expanding businesses must reduce the environmental impact on neighboring residents with buffer areas, landscaping, and other measures. Another measure mandates higher air filtration standards in new developments within 1,000 feet of a freeway. The ordinance also created an ombudsperson to assist local businesses with implementing these new regulations.

This victory took a long time—10 years—and relied on many collaborations. During that decade, community organizations and residents, academic

researchers, and foundation officials worked collectively to create a narrative that showed the impact of living among polluters. The groups also used the time to find allies in neighborhoods, including residents and business owners, and in the broader community.

Unending Small Wins Prompted Need for Bigger Change

Darryl Molina Sarmiento, Southern California program director for Communities for a Better Environment (CBE), told part of the story of how CUGU came to be. CBE had been on the battlefield for years, going from one fight against environmental racism to the next.

CBE created toxic tours, which highlight the oil refineries, seaports, recycling plants, and highway traffic that dominate the landscape shared by homes, schools, daycare centers, and ballfields. The group also found people who lived in the neighborhoods and who suffered health ailments, from coughs to cancer.

The group mobilized residents to fight a power plant, force removal of roadway rubble, and demand higher air quality standards. The organization would spend time and resources on one issue, only to be called into battle once again.

"We needed something that was more sweeping," she said of the group's need for a new approach.

So, CBE looked for how the communities they fought on behalf of were affected. The answers were found in the people who have little access to health clinics and gyms, have lower incomes, experience language barriers, and who live in neighborhoods saddled with factors that limit healthy living, such as the nearby factories, highway exposure,

oil refineries, and other businesses that pollute the environment.

CBE already had established a relationship with Liberty Hill Foundation, a social justice organization that assists grassroots activities related to community organizing. Together, in 1996, they established the Los Angeles Collaborative for Environmental Health and Justice—in short, the Collaborative—that combined academic expertise and community knowledge to fight for healthy living conditions and to study and support the new field of environmental justice.

In December 2010, the expanded collaborative—nine organizations strong—published the 33-page report *Hidden Hazards*.¹ The report added more evidence to the discussion of environmental impacts and offered recommendations to government officials about addressing the hazards of living close to pollution sources.

The report, which was built in part on a ground game, used a process that had been honed over the years. James Sadd, a professor of environmental science at Occidental College, was one of the academic researchers who became interested in environmental justice and, as a result, later became involved in collaborating with community organizers.

Sadd said he owes his interest in environmental justice to two of his students who were enrolled in an interdisciplinary environmental class he taught. One day, the students, who he described as “really smart and kind of courageous,” told him that his work in spatial analysis could be applied in the examination of hazardous waste. They asked to do a research project, to which Sadd agreed.

“I had never seen results so startlingly obvious,” Sadd said of the relationship between race and income and exposure to hazardous waste.

Pairing Academic Researchers, Community Organizers Became A Strategy

That eye-opening experience led him to become involved in researching environmental justice. He joined a colleague, Manuel Pastor, who had ties to Liberty Hill Foundation, to do such research.

Pastor, a professor of sociology and American studies and ethnicity, now works at the University of Southern California where he also serves as director of USC’s Program for Environmental and Regional Equity. Through Pastor’s work with Liberty Hill, Sadd said they discovered that they, as academic researchers, shared common issues with community groups such as CBE.

Calling community groups such as CBE “important stakeholders,” Sadd said these organizations have information researchers could not get anywhere else, and they also helped sharpen the focus of research.

“We think we do better research because of the collaboration,” Sadd said. “We found colleagues that we consider equals.”

Sadd, though, emphasized that researchers have maintained their integrity as they conduct their work. For example, research may not support a belief for which a community group seeks validation. When that happens, researchers and community groups still enjoy “great mutual respect” and trust, Sadd said.

“We’re not doing advocacy research,” Sadd said, even though advocacy around environmental justice is “frankly right.”

Both data and community knowledge have been key to the success of their work. The researchers had official government databases of businesses and aerial imagery, but that information didn’t line up with what community residents knew, and they told him so. Sadd realized that something different had to be done; they had to go out into the neighborhoods and find the truth. The process became known as “ground truthing.”

“It was my idea because the community helped me realize it,” Sadd said.

Ground truthing started with training the people and then sending out small teams with notebooks, maps, photos, data-entry forms, and portable GPS receivers into designated areas. More than sixty people went street by street in six neighborhoods and documented what occupied the land. They verified and added information.

By the summer of 2008, the teams had finished the neighborhood expeditions. Once all information was collected, verified, and synthesized, the “Hidden Hazards” report featured their findings.

Ultimately, they discovered numerous errors in regulatory databases, and they learned that many more polluters were absent from databases, sometimes due to their smaller sizes. They noted that the environmental impact of smaller businesses clustered in small area can be just as significant as a larger business. Sometimes, the air pollution levels exceeded state recommendations.

Among the pollution sources included in their research were vehicle repair shops, auto body/paint shops, dry cleaners, printing facilities as well as idling vehicles, truck traffic in neighborhoods, and large containers that might hold chemicals.

They also found that these polluters were closer than previously known to “sensitive” areas, such as homes, churches, schools, playgrounds, daycare centers (including in-home daycare), senior housing, community centers, and medical facilities. That means, in some cases, the polluters were actually within the 1,000-foot boundary.

Hidden Hazards Report Spots Cumulative Impacts, Offers Policy Solutions

The report, the authors said, added to the focus on “cumulative impacts,” which occur when people experience multiple exposures to all types of pollution, either routinely or accidentally, in a geographic area. The impacts also consider the presence of both young and older people and socioeconomic factors.

While the report highlighted the problems, it also suggested solutions. The Collaborative’s report featured a review of city planning and land-use tools from academic studies, a few California cities and Cincinnati, Ohio, which the report said passed the nation’s first environmental justice ordinance in 2009.

Armed with these examples, the Collaborative next asked environmental lawyers, land-use experts, and health advocates to identify the most promising approaches to deal with cumulative impacts locally.

“The complex problem of reducing exposure to toxic hazards in our communities can appear overwhelming and intractable to most policy-makers and community residents,” the report said. “However, we have found the following framework helpful in conceptualizing the problem and identifying the steps that are necessary to lower health risk while moving towards resilient and vibrant local economies.” (p. 24).

The framework used a three-pronged approach focused on *prevention* (preventing more hazards in overburdened communities), *mitigation* (cleaning up and reducing existing hazards), and *revitalization* (using economic revitalization approaches and green technologies to transform these neighborhoods into healthy, sustainable areas with jobs). The Collaborative’s framework included 11 policy options designed to work together to comprehensively battle environmental problems.

Specifically, the report asked the city to incorporate the various practices. Perhaps the most consequential approach, though, was the recommendation to create special districts—also known as supplemental use districts—that have specific community standards and guidelines to prevent and reduce environmentally hazardous land uses and promote economic development and community revitalization.

The report also called for a screening tool for land-use policy development to identify the most vulnerable areas that already have a significant concentration of hazardous land uses. Another recommendation was to create a zoning designation that temporarily restricts new land uses that threaten environmentally the health and safety of residents.

These policy recommendations were directed specifically to the City of Los Angeles. Sarmiento said the group recognized that city officials had the authority to regulate those businesses, but people were an essential part of convincing local government to act.

“Community organizing is really key,” Sarmiento said. “You really have to demonstrate people power.”

That power was visible at public hearings and workshops. As the City of Los Angeles began its work

on changing zoning codes, the planning department held evening hearings—6:30 to 8:30 p.m.—in each of the affected neighborhoods, including at a youth center and a senior center. The department also used Facebook to inform and invite participation. Nearly 200 people attended these public hearings.

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People power was exerted through a broad-based alliance of environmental groups such as Green LA and Heal the Bay, public health groups such as the American Lung Association of California, business leadership, including Los Angeles Business Council, and representatives of education, government, clergy, labor, and local businesses.

Business and labor played an important but delicate role. Half of the parents worked in oil refineries, and small businesses could be offenders of environmental quality. So, rather than calling for industry to close, the groups rallied for good labor practices that adapted to climate change, Sarmiento explained.

“We want jobs *and* a clean environment,” she said.

Foundation Plays Critical Role As Hub, Funder

Community organizers, academic researchers, and even city officials insert Liberty Hill Foundation as they tell the story of CUGU. Liberty Hill provided a critical funding stream that helped with creating community friendly materials, hiring lawyers and consultants who helped draft legislation, and supporting the hire of a city employee—with a \$100,000 matching grant given to the city—to evaluate the impact of implementing proposed regulations and standards.

Daniela Simunovic, Liberty Hill’s environmental health and justice program manager, said the

foundation became a hub for community organizations and helped connect researchers with those organizations. When the focus on cumulative impacts became clear, the foundation also helped analyze what it would take to make the city act on the information, Simunovic said. Hiring a city employee was key, and the foundation raised some of the money through public fundraising appeals.

The foundation held two workshops during which business owners could sign up for program assistance. The foundation also created “Guide to Green,” a web-based directory of resources that provide technical and financial assistance to small and mid-sized businesses that want to improve their operations with environmental safety in mind; the guide continues to be updated at <https://www.libertyhill.org/news/reports/guide-green-resource-guide>. Helping business was important because proponents of the CUGU policies needed support from business and wanted to avoid adversarial positions, Simunovic said.

Hard Work Continues With Clean Up, Green Up Ordinance

When the Los Angeles City Council passed the ordinance unanimously in April 2016, the victories included: signage to deter diesel truck idling beyond five minutes; performance standards that address noise, lighting, landscaping treatments, set-backs; buffer zones of at least 500 feet for new or changing auto-related operations; and enclosures for air emissions from smoke, dust, and fumes.

By July, Daniel Hackney was named ombudsman, a position authorized by the CUGU ordinance. Hackney said he sees his role as serving somewhat as a liaison and coordinator between the community and the city and its agencies.

He is under no illusions, though. He counts off the challenges: The Los Angeles area is home to two large ports; the city has a lot of ship and truck traffic; neighborhoods with lower socioeconomic residents have inherited the most negative conditions; many jobs are connected with industries that contribute to environmental hazards.

“This is one of the most daunting challenges I’ve seen,” said Hackney, who has worked for the city and with community residents since 1989.

A recent example of the challenge is the report of a dumping site where offenders work in the dark of night. Hackney said he’s trying to come up with short- and long-term strategies to deal with the problem. Long term, he’s looking at usage of the land. Short term, he’s considering how to address the problems of dust and noise. The puzzle begins with identifying the culprit.

Even with the experience he gained in working for the city, Hackney said he’s on a steep learning curve. This new role requires him to learn lots of information—fast. He’s new to working with regulators and inspectors. He has gone on toxic tours to get a better understanding of the landscape. He’s also gathering the best information available for financial assistance, expert knowledge, and management practices so that he is prepared to share information with business owners. Then, he’s trying to prioritize the list of businesses—where to go first, which ones have the greatest needs.

“I try to put myself in the shoes of all the players, the stakeholders,” Hackney said.

A few months in, Hackney said he is conscious of the urgent need to work with businesses, which he numbered at over 700 in the three neighborhoods. The business owners often receive multiple visits from multiple agencies, at different levels of government, all issuing different directives, he said.

“They feel under siege,” Hackney said.

Hackney said one of his goals is to coordinate the visits and unify the message for business owners. Aware of what he called the “inherent distrust,” Hackney said he wants to eliminate this “us-them” mentality and build on the concept of partnership. That’s the first step of getting buy-in from residents.

“All of the problems are “we” problems; help us identify the solutions,” Hackney said of his message to the three communities. “This is a

we effort. There’s no finger-pointing; there’s hand-holding.”

As a former neighborhood council liaison for the city, Hackney has seen this approach work before. He shared an example of how the city’s Bureau of Sanitation department worked with residents to determine the best way to introduce new recycling efforts. The department did pilot studies with different sizes of recycling containers, went to all neighborhood councils for input and advice, and then, after all the work with community had been done, the department went to city council with its proposal. The old way of governing was that government had all the expertise, Hackney said, but now partnership between government and the community is the way to create buy-in.

“That same kind of approach is the same way to do CUGU,” Hackney said.

By the time Hackney completes his first year as ombudsperson, he said, he will probably have recommendations about how to improve aspects of CUGU. In the meantime, he plans to meet with local groups in each of the three communities, briefing the mayor’s office and city council with quarterly reports, and searching for victories along the way.

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Another victory is that the idea of CUGU seems to be catching on in other places, Liberty Hill’s Simunovic said. In California, the city of Commerce has been creating a green growth corridor, and Long Beach is looking at the CUGU ordinance. Miles away in Minneapolis, people are looking at the ordinance as well, Simunovic said. In Los Angeles, Simunovic said she hopes to see the CUGU spread from its pilot green zones to other areas of the city that need the protections too.

Lessons Gleaned From Clean Up, Green Up

Foundations that might consider this work should recognize that the process requires a long-term commitment, Simunovic said.

“It is important to give multi-year grants as the policy-making process can be very slow and requires a lot of constant follow-up,” she said of advice she would offer to foundations that want to support similar work.

For researchers interested in this type of work, Sadd offered some of the lessons he learned. First, researchers should keep an open mind and avoid thinking they understand the challenges without the benefit of talking with community residents; researchers are not the sole experts. Second, researchers should maintain objectivity while consulting with residents, especially in the design phase. Finally, understand that researchers can encourage collaboration and trust between residents and governments and help break down barriers of mistrust, he said.

“No one has it all figured out. I think it’s tough for the city to do things differently,” Sadd said.

The city had to identify its own process to create change, Sadd said. Sometimes the fact that government has smart, capable, and skilled people gets lost as the community fights for change.

“We were able to soften hardened positions,” Sadd said. “I think we were helpful.”

Like others, Sadd gave credit to Liberty Hill Foundation for the success of CUGU. The foundation, he said, has tremendous professionals who really understood how to facilitate change and how to navigate the complexities of policy development. The process of moving from recommendations to policy requires substantial—and not always pleasant—time, he said. As researchers, their goal was to develop an approach to data analysis that would allow them to identify, understand, and characterize the problems so that others could see them as well.

CBE’s Sarmiento said to pass such legislation, it is also important to find members of city council to propose and defend legislative proposals.

“You really need to foster a champion,” she said.

Note

- 1 Los Angeles Collaborative for Environmental Health and Justice, *Hidden Hazards* (Los Angeles: Liberty Hill Foundation, 2011). <https://www.libertyhill.org/news/reports/hidden-hazards-call-action-healthy-livable-communities>.

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