
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: SB 624
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Version: 4/19/2021
Urgency: No
Consultant: Rylie Ellison

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Fiscal: Yes

SUBJECT: Environmental Equity and Outdoor Access Act

DIGEST: This bill would set forth the state’s commitment to environmental equity and outdoor access and would allow the California Natural Resources Agency (CNRA) to take action to reduce barriers to access to the state’s public lands and to reduce exposure to environmental health risks that disproportionately impact disadvantaged and marginalized communities.

ANALYSIS:

Existing law:

- 1) Provides that no person shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. (Government Code (GOV) §11135)
- 2) Prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. This applies to the state, any city, county, city and county, public university system, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the state. (California Constitution, Article I §31)
- 3) Defines “environmental justice” to mean the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. It includes: (Public Resources Code (PRC) §30107.3)

- a) The availability of a healthy environment for all people.
 - b) Addressing pollution burdens for impacted populations and communities.
 - c) Providing technical assistance to these populations and communities to promote their meaningful participation in public processes.
 - d) Meaningfully considering the recommendations of these populations and communities, as specified.
- 4) Directs the California Environmental Protection Agency (CalEPA) to incorporate environmental justice into its programs and policies, as specified. (PRC §71110)
- 5) Establishes the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 to authorize the issuance of \$4 billion in general obligation bonds for various parks, water infrastructure and environmental purposes, including: (PRC §8000 et seq.)
- a) At least 20% of the funds be allocated for projects serving severely disadvantaged communities.
 - b) Up to 10% of the funds may be allocated for technical assistance to disadvantaged communities.
 - c) For the creation and expansion of safe neighborhood parks in park-poor neighborhoods.
 - d) For improvements at existing parks that will lead to increased visitor usage and enhanced user experiences.
 - e) For innovative transportation programs that provide new and expanded access to outdoor experiences to disadvantaged youth.
- 6) Establishes the California Natural Resources Agency (CNRA), which consists of various departments, boards, offices, and conservancies (BDOs). (GOV §12805 et seq.)

This bill:

- 1) Enacts the Environmental Equity and Outdoor Access Act to set forth the state's commitment to ensuring all Californians can benefit from, and have meaningful access to the state's rich cultural and natural resources.
- 2) Makes findings and declarations regarding:
 - a) California's natural resources are a shared heritage that must be stewarded for future generations with equitable access to all.

- b) The CNRA has made environmental justice and tribal consultation a priority.
 - c) The significant barriers countless Californians face to visiting and enjoying the state's natural resources and outdoor spaces due to lack of safe, reliable, and affordable transportation, cost barriers, lack of accessible information, exposure, and culturally relevant and multilingual programming, lack of local outdoor spaces and amenities, and lack of diversity among staff at all levels and career pathways at the CNRA.
 - d) The need for additional competency training around implicit biases among staff employed at outdoor spaces that interface with the public, as well as the need for representation to reflect the actual diversity of California and its residents.
 - e) Barriers to access and lack of representation of California's diversity in outdoor spaces are a result of environmental racism and the marginalization of low-income communities and that these communities face the brunt of environmental impacts without receiving the benefits from the activities that caused them.
 - f) Achieving environmental equity and promoting equitable access necessitates prioritization for demographics that have been left with the least access to the state's natural resources and most vulnerable to environmental harms.
 - g) Ensuring that access to the state's prized natural resources for all is essential to cultivating the respect for nature that is necessary to instill environmental stewardship and support state conservation, biodiversity protection, and climate goals.
- 3) Makes findings and declarations that it is the policy of the state to:
- a) Ensure all people have access to natural resources and recreation opportunities, with special emphasis on creating and promoting access to those people and communities who face disproportionate barriers to access.
 - b) Prevent and minimize the intentional and unwarranted limitation to access to public lands.
 - c) Ensure all people of the state have equal protection from environmental degradation and the impacts of climate change, with special emphasis to those who face elevated risks and exposures to environmental harms and climate impacts.
 - d) Promote inclusivity and representation of marginalized groups to improve competency around implicit biases among staff at the CNRA to ensure all Californians and visitors of the state feel safe and welcome in the outdoors.

- 4) Authorizes the CNRA, in implementing these policies, to take targeted actions that prioritize communities of color, economically disadvantaged communities, the LGBTQ community, people with disabilities, women, and individuals belonging to more than one of these groups, to reduce elevated barriers to access and increased exposure to environmental health risks that disproportionately impact these communities to ensure equitable environmental protection and outdoor access is achieved.

Background

- 1) *The California Natural Resources Agency.* The CNRA's BDOs include 7 departments, 10 conservancies, 20 boards and commissions, 3 councils, and 2 museums, many of which are responsible for overseeing environmental equity and outdoor access:
 - a) BDOs responsible for access to parks and outdoor spaces, natural resources, and public recreation include the Department of Parks and Recreation, the Wildlife Conservation Board, and a number of conservancies across the state.
 - b) BDOs that protect environmental and public health include CAL FIRE, the Central Valley Flood Protection Board, and the Department of Water Resources.
 - c) Several BDOs also protect cultural resources, including the California Cultural and Historical Endowment, the Native American Heritage Commission, the State Historical Resources Commission, and the California African American Museum.
- 2) *The Nature Gap.* In the US, communities of color are three times more likely than white communities to live in nature-deprived areas, or areas with high levels of human modification, and 70% of low-income communities also do not live in areas with easy access to nature. In California, 62% of people of color live in a place that is nature-deprived compared to 36% of white people, based on an analysis of census tract demographics in 2017 by the Center for American Progress. The same analysis showed that there is less disparity in California between income levels compared to other states, with 47%, 51%, and 46% of low-, middle-, and high- income communities respectively, living in nature-deprived areas.

Research shows that, at the state level, there are unfair park and outdoor access disparities based on race, ethnicity, income, poverty, youth, and access to cars. For instance, in Southern California, children of color disproportionately live in communities of concentrated poverty without enough places to play in parks

and schools, and without access to cars or an adequate transit system to reach parks and school fields in other neighborhoods. Several scientific research studies have shown that access to nature is an important part of childhood development and found that lack of exposure to nature and green space often correlate with negative health outcomes.

There are also disparities in access to state and national parks and forests. A study surveying around 2000 residents in four California cities on national forest visitation found that 95% of White respondents and 55% to 75% of Latino, Asian and Pacific Islander, and Black respondents had ever visited a national forest. The groups least likely to (<65%) were Latinas, and Black males and females. When asked about the major constraints on more frequent forest visitation, all groups cited lack of time as the primary reason, however respondents of color were much more likely to cite lack of money and distance or transportation issues than white respondents. The study also looked at access to information about the outdoors and concluded that ensuring messages appeal to individuals focused on culturally relevant and valued themes, and using trusted and relied upon pathways, may help to alleviate these disparities.

- 3) *Environmental and Health Disparities.* There is extensive evidence of the disproportionate environmental and climate burdens faced by vulnerable, frontline, and disadvantaged communities, including communities of color and low-income communities. These disproportionate burdens are the direct result of exclusionary and discriminatory policies and inequitable investments. California's Climate Justice Working Group succinctly summarized the issue:

“While all Californians are impacted by climate change, climate change does not affect all people in the same way. These frontline communities are particularly vulnerable to the impact of climate and environmental changes because of decades-long, pervasive socio-economic conditions that are perpetuated by systems of inequitable power and resource distribution. Those systems, in turn, are the result of intentional decisions by people in positions of power and deeply institutionalized racism and class bias. These conditions and systems have left California's frontline communities with unsafe, unhealthy neighborhoods and limited access to quality education, public services, and economic opportunities... As a result, frontline communities are often the first and worst impacted by climate disruption and extreme weather events (e.g., Hurricane Katrina), which in turn increase already-present health and economic disparities. The systematic and structural inequities experienced by frontline communities require an immediate, extraordinary, and sustained increase in public resources to these communities to build and ensure their resilience.”

Access to nature is an established social determinant of health with clear benefits to physical, mental, and social health. A report by the Los Angeles County Parks & Recreation Department found that cities and communities with less park space were the same communities with the highest rates of pollution burden and economic hardship. These communities were also more likely to have negative health outcomes, including premature mortality from cardiovascular disease and diabetes, higher prevalence childhood obesity and asthma, as well as bicycle and pedestrian collisions. Parks and greenspaces have environmental benefits that can protect public health, such as reducing the impacts of heat waves by ameliorating the “heat island effect” experienced in urban settings where asphalt and other hard surfaces reflect and intensify the heat.

Comments

- 1) *Purpose of Bill.* According to the author, “California is a beautiful state enriched with culture, history, and natural resources. Unfortunately, millions of Californians don’t have access to our state’s parks, beaches, and outdoor spaces, nor our state’s array of museums and cultural and historical sites. Nature promotes and improves our environmental and mental stewardship, active care for the environment and our overall health. Communities that lack access to these recreational opportunities are the same communities that suffer from environmental injustices. SB 624 seeks to expand all Californians’ access to parks, open space, nature and cultural amenities. This requires that state agencies and departments reshape the approach to policy making and program administration at the forefront, under a framework of promoting equity and access.”
- 2) *Environmental Equity Efforts in CNRA.* CNRA and its BDOs have implemented some programs and initiatives to promote environmental justice and increase access to natural resources and outdoor spaces, especially in recent years, including:
 - a) An Outdoor Access for All initiative to expand access to parks, open space, nature, and cultural amenities for all Californians
 - b) A Justice, Equity, Diversity, and Inclusion (JEDI) framework
 - c) Adopting an environmental justice policy and a tribal consultation policy
 - d) Multiple programs that seek to create and enhance green space and improve access to these spaces.
 - e) Executive Order N-82-20 established a state goal to conserve at least 30 percent of California’s land and coastal waters by 2030 to support the

global effort to combat the biodiversity and climate crises, and directs CNRA to develop strategies to achieve this goal in a manner that expands equitable outdoor access and recreation for all Californians.

SB 624 seeks to create an environmental justice-oriented framework that would promote efforts such as these across all of the BDOs in CNRA and would codify that it is the policy of the state to ensure environmental equity and outdoor access for all. However, it does not mandate CNRA to take any particular actions or adopt any particular programs. On the other hand, existing law mandates certain actions by CalEPA and its BDOs to incorporate environmental justice into their programs and policies, such as improving data collection relating to the health and environmental conditions of different populations in the state and consulting with the Working Group on Environmental Justice to develop agency-wide strategies. CalEPA is also required to report to the Legislature every three years on implementation of the policies.

As SB 624 moves forward, the author may wish to consider mandating certain actions by CNRA regarding the policies laid out in this bill.

- 3) *Interaction with Proposition 209.* Proposition 209 (1996) prohibits granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. While SB 624 does not include any of these specific actions in prioritizing communities of color or other marginalized groups, the CNRA may be limited in the programs, actions, and partnerships they can employ in doing so. This can make it challenging to address the disproportionate burdens often faced by these communities. For example, in hiring a diverse staff or contracting with groups that specifically target communities of color. However, other state laws define low-income, disadvantaged, under-resourced, and vulnerable communities, and are able to prioritize these communities and areas for investments such as through the Greenhouse Gas Reduction Fund.

Related/Prior Legislation

AB 30 (Kalra, 2021) would declare that it is the policy of the state that safe and affordable access to nature is a human right and would require the Natural Resources Agency, the Department of Transportation, and other agencies to incorporate this policy into future policies and expenditures. AB 30 has been referred to the Assembly Committee on Water, Parks, and Wildlife.

AB 209 (Limón, Chapter 675, Statutes of 2019) establishes the Outdoor Equity Grants Program at the Department of Parks and Recreation to provide funding for outdoor recreation and environmental education opportunities, particularly for youth in under-resourced communities, and focuses on providing transportation and programming.

SB 5 (De León, Chapter 852, Statutes of 2017) would place the Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018, on the June 2018 ballot. This bill proposes the issuance of \$3.5 billion in general obligation bonds to implement its provisions. SB 5 was approved by the voters in 2019 as Proposition 68.

AB 2150 (Rendon, 2014) proposed to create a new division of community initiatives and park access within the DPR, and called for the development of a strategic action plan for improving park access and relevancy for underserved populations. It also included an emphasis on development of partnerships to address park and recreational needs of underserved youth and young adults, and to connect youth with nature and the outdoors. AB 2150 was vetoed by the Governor.

SOURCE: Parks Now (Sponsor)

SUPPORT:

Active San Gabriel Valley

Akoma Unity Center

Azul

Brown Girl Surf

California Association of Local Conservation Corps

California Native Plant Society

California State Parks Foundation

Chicano Indigenous Community for Culturally Conscious Advocacy & Action

Community Nature Connection

Defenders of Wildlife

Fathers & Families of San Joaquin

Fresno Building Healthy Communities

Inclusion Outdoors

Latino Outdoors

Los Angeles Neighborhood Land Trust

Midpeninsula Regional Open Space District

Nature for All

Outdoor Outreach

Pogo Park

Prevention Institute

Pueblo Unido CDC
Resources Legacy Fund
River LA
The Rosalinde and Arthur Gilbert Foundation
The Trust for Public Land
Yes Nature to Neighborhoods
Yoots
Youth Outside

OPPOSITION:

None received

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