



April 19, 2022

Assembly Member Bauer-Kahan, Chair
Assembly Water, Parks, and Wildlife (WPW) Committee
1020 N Street, Room 160
Sacramento, California 95814

RE: Assembly Bill 2108: Addressing Disproportionate Water Quality Impacts to Environmental Justice Communities - SUPPORT

Dear Chair Bauer-Kahan and WPW Committee Members,

The undersigned environmental organizations recognize the importance of leadership that reflects its community, outreach to reduce barriers to meaningful participation, and procedural safeguards to ensure that environmental justice is considered at every step of the regulatory process. For these reasons, the undersigned organizations express their strong support for Assembly Bill 2108 to ensure that environmental justice and tribal communities are properly represented in water policy issues throughout the state by reclassifying one seat on the State and Regional Water Boards to include a member with experience in these communities.

Environmental justice principals mandate the fair treatment and meaningful involvement of all people in the development and enforcement of environmental laws.¹ When government deprives people of these opportunities, those communities become unable to advocate for themselves or guard against harmful environmental consequences. As a result, the communities that have historically lacked political power bear disproportionately larger environmental burdens. For these reasons, it should come as no surprise that environmental justice and tribal communities are disproportionately impacted by water quality pollution.²

California's low-income communities of color are plagued by ongoing pollution to their waters, making local rivers and lakes unsafe to swim, fish unsafe to eat, and drinking water more expensive to treat. Nearly one million Californians lack access to clean water for domestic use, with millions more affected by poor water quality, limited availability, and affordability. Water systems serving predominantly Latino and low-income communities have disproportionately high occurrences of arsenic and nitrate contamination. Unsafe tap water can be found in nearly every county of the state, but underserved areas like the San Joaquin Salinas Valleys are disproportionately impacted. These injustices are examples of what environmental justice policies seek to address.

It was only recently that the State Water Boards' policies, programs, and plans expressly considered or addressed racial inequities. Over the last decade, the Water Boards have increasingly emphasized actions to address environmental injustices, including: (1) creating the Safe and Affordable Funding for Equity and Resilience (SAFER) Program, (2) improving engagement with California Native American Tribes and recognizing and protecting tribal beneficial uses, (3) developing a comprehensive response to climate change, including addressing disproportionate impacts on vulnerable communities, and (4) administering funding for projects that remediate the harm—or threat of harm—caused by existing or threatened surface water and groundwater contamination.

¹ See, e.g., SWRCB, *Environmental Justice*, https://www.waterboards.ca.gov/water_issues/programs/outreach/education/justice.html.

² OEHA, CalEnviroScreen (Oct. 2021), at 56, <https://oehha.ca.gov/media/downloads/calenviroscreen/report/calenviroscreen40reportf2021.pdf>.

However, more work needs to be done. In 2021, the State Water Board released the 2021 Drinking Water Needs Assessment, identifying approximately 345 water systems that fail to meet the goals of the human right to water. In addition, the needs assessment identified 617 at-risk public water systems, 611 at-risk state small water systems, and 80,000 at-risk domestic wells. It also identified 13 federally regulated tribal water systems that failed to meet the goals of the human right to water and 22 at-risk tribal water systems.³

AB 2108 will continue to improve environmental justice at California's water boards through three approaches: (1) requiring that one member of the State Water Board and each regional board has environmental justice or tribal expertise, (2) ensuring that waterboards proactively reduce barriers to meaningful community engagement by increasing outreach and reprioritizing enforcement in low-income areas, and (3) requiring transparency regarding environmental justice considerations at key steps in the planning and permitting processes.

By requiring one member of the State Water Board and each regional board has environmental justice expertise, AB 2108 will ensure that environmental justice principals are permanently housed within the waterboard decision-making bodies. Similarly, building community capacity lowers barriers to civic engagement and increase representation at the water boards. And, by requiring early environmental justice considerations for project planning and permitting, AB 2108 will carry environmental justice issues throughout water board decision-making processes.

The undersigned organizations are committed to advocating for a healthy environment for all. However, the structure of the Water Boards reflects both the current and historic disparities between communities; disparities which have led to inequitable environmental health across the state. We strongly support AB 2108 because it incorporates the principals of environmental justice into the structure of the Water Boards, helping to ensure environmental equity for all.

Sincerely,

Sean Bothwell
Executive Director
California Coastkeeper Alliance

Matt O'Malley
Executive Director & Managing Attorney
San Diego Coastkeeper

Garry Brown
Executive Director & CEO
Orange County Coastkeeper
Inland Empire Waterkeeper

Bruce Reznik
Executive Director
Los Angeles Waterkeeper

Ted Morton
Executive Director & Channelkeeper

³ SWRCB, *2021 Drinking Water Needs Assessment*, (Apr. 2021), at 16-17, www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2021_needs_assessment.pdf.

Santa Barbara Channelkeeper

Don McEnhill
Executive Director & Riverkeeper
Russian Riverkeeper

Jen Kalt
Director
Humboldt Baykeeper

Sean Bothwell
Executive Director
Monterey Baykeeper

Sean Bothwell
Executive Director
The Otter Project

Melinda Booth
Executive Director
South Yuba River Citizens League
Yuba River Waterkeeper

Kyle Jones
Policy & Legal Director
Community Water Center

Michael Claiborne
Directing Attorney
Leadership Council

Leslie Mintz Tamminen
Director
7th Generation Advisors

Betsy Reifsnider
Sacramento Policy Associate
Mono Lake Committee

Belen Bernal
Coalition Coordinator
OurWaterLA Coalition

Erin Woolley
Policy Advocate
Sierra Club California

Laura Walsh
California Policy Manager
Surfrider Foundation

Andria Ventura
Legislative and Policy Director
Clean Water Action

Regina Chichizola
Co-Director
Save California Salmon

Barbara Barrigan-Parrilla
Executive Director
Restore the Delta

Konrad Fisher
Director
Water Climate Trust

Martha Camacho Rodriguez
Grassroots Organizer/Director
Social Eco Education (SEE-LA)

Caleen Sisk
Chief and Spiritual Leader
Winnemem Wintu Tribe