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Promoting Economic and Community Redevelopment and Environmental Justice in the Revitalization and Reuse of Contaminated Properties

Thank you Chair Napolitano for the invitation to share with you all today. I am participating in this Subcommittee hearing virtually from the ancestral homelands of the Tongva, Kizh, Gabrieleño, specifically the community of East Los Angeles. I also want to acknowledge my grandfather, Ricardo Jesus Gutierrez, who helped lay the groundwork with the Mothers of East LA Santa Isabel, that makes me qualified to speak before you today. He passed a week ago. I appreciate the opportunity to speak from the perspective of the experiences of our communities when it comes to the revitalization and reuse of contaminated lands with a focus on threats, opportunities and the importance of engaging communities.

My name is mark! Lopez and I am a member of East Yard Communities for Environmental Justice. I also currently serve as the Eastside Community Organizer and Special Projects Coordinator. East Yard is a movement based in the communities of the Eastside, Southeast Los Angeles, Long Beach and surrounding communities. We focus on building well informed and well-equipped self-advocates for the self determination of our communities. We recognize that many of the harms our communities have historically faced and continue to deal

with are because of the planning of public agencies and private entities without our consent or involvement, intentionally and unintentionally.

Toxic Cleanup Reproducing Harm?

Federal investment in the cleanup of contaminated sites isn't the end of the story for our communities. While this type of reinvestment has the potential to boost economic opportunity and community cohesion, it can also just reopen real estate for the development of new toxic facilities.

In sea port and inland port communities across the country we have witnessed over the last decade as warehouses occupy large areas of commercial and industrial zoned property. What were once job dense career employment hubs have transformed into what are essentially indoor parking lots with low rates of labor for the area they occupy, and typically provide low wage temporary jobs. These types of developments rob our communities of economic opportunity, and on top of that subject us to tens of thousands of toxic truck trips daily, concentrating truck emissions in our communities and in our lungs.

In some cases, when public dollars are used to clean up toxic sites but there is a lack of public agency follow through, our communities are threatened with losing a potential community asset in favor of the "lowest hanging fruit," which is typically not in the interest of community health and well-being. In one instance in the City of Maywood, after over a decade of cleanup and groundwater monitoring to ensure the threat of toxic exposure was appropriately addressed, the community was shocked to find that what was intended to become public park land in one of the most park poor areas of Los Angeles County was instead going to become a private parking lot for a business down the street. After millions of dollars of

public investment, the plan was now to lay down blacktop asphalt and subject the newly cleaned up site to leaking motor vehicle fluids that would threaten to recontaminate the land. It required community intervention to pause the development and return to the original plan, which now includes grass fields, trees, benches, gazebos and BBQ grills adjacent to the LA River.

With federal dollars going to clean up contaminated sites, we must ask, what is the purpose? To reduce harm? To prevent further harm? To address historical harm? For our communities, if a new development isn't providing a solution to an existing problem it is most likely contributing to an existing problem.

Community Stability

In some cases, cleaning up contaminated sites can lead to whole new problems. High amounts of public investment without community protections can result in the displacement of existing communities, both residents and the local businesses they sustain. Private investment typically follows public investment to exploit the revitalization intended for existing communities, but instead only prioritize profit at the cost of community cohesion. This is why many have called for "better neighborhoods, same neighbors."

Through the Lower LA River Revitalization Plan, initiated by California State Bill 530, over a dozen jurisdictions and community members met for two years to create a vision for the redevelopment of the last 21 miles of the LA River. This is an area plagued with economic divestment and legacies of industrial contamination, as was studied through the US EPA Region 9's Targeted Brownfields Assessment of the I-710 corridor which parallels the Lower LA River.¹ In the Lower LA River Revitalization Plan we recognized the threat to community stability that

¹ <https://19january2017snapshot.epa.gov/www3/region9/waste/ust/710corridor/index.html>

future investment can cause. Because of this, we identified multiple policies and programs that will help contribute to community stability ahead of the redevelopment. The Community

Stabilization Toolkit² includes:

- Community benefits agreements
- Inclusionary housing policies
- Locally owned business support
- No net loss housing policies
- Rent control ordinances
- Community land trusts
- Workforce development

With federal funding, there is an opportunity to ensure some of these community stabilization tools are requirements, and others where the scoring criteria for funding applications can award points to applicants where these programs and policies are in effect or will be activated in the future development of contaminated sites cleaned up with federal dollars. In this way, cleaning up contaminated sites can contribute to community stability, instead of threatening it.

Local/Targeted Hire and Workforce Development

We cannot underestimate the value of people cleaning up contaminated sites in their own neighborhoods. For one, this is a direct monetary investment in the community through targeted hire of local residents who are impacted by the toxic contamination, as well as an investment in the economic future of communities through workforce development. There is

² <https://lowerlariver.org/wp-content/uploads/2018/02/Community-Stabilization-Toolkit.pdf>

an opportunity here to utilize the historical harms in communities to generate careers for those most impacted and infuse dollars directly into the communities immediately.

Here in my community, this is what we pushed for, contributed to and have witnessed with the Exide lead smelter clean up. The Exide plant in Vernon contaminated over 10,000 residential properties in East LA and Southeast LA. The cleanup will exceed \$1 billion, and along with lead being removed from the soil at our homes, we are seeing our own neighbors do the work with pride and joy. The California Department of Toxic Substances Control (DTSC) developed the Workforce for Environmental Restoration in Communities (WERC) program.³ This workforce development program has trained and certified impacted community members who are now in the field 5 or 6 days a week literally removing poison from our communities shovel by shovel. Residents cleaning up their own neighborhoods carry a special sense of responsibility to do the job and do it right. This has helped with holding contractors accountable who have attempted to cut corners to maximize profits. Local cleanup workers have also contributed to addressing the hostility of racism and sexism prevalent in construction culture. It isn't perfect, but this is where the importance of community partnership also plays a role.

Community Partnership

Often when cleaning up contaminated sites, it will be the case that communities have been aware of the site, studied the impacts of the site, raised the visibility of the site, and even advocated for the cleanup. Even if this isn't the case, it is essential to develop partnerships with communities. In my experience, local jurisdictions have limited capacity, being under resourced

³ <https://dtsc.ca.gov/workforce-for-environmental-restoration-in-communities-werc/>

and under staffed. Local jurisdictions also tend to experience more turnover of staff and elected officials. Local jurisdictions often have limited power, as is the example with Exide, where over 3,000 homes have already been cleaned up, but the two giant railyards between the Exide site and our neighborhoods have yet to be tested because they fall under federal jurisdiction. This means every time the wind blows we fear toxic Exide dust deposited on the rail yards is blowing in our front doors.

Regardless, community groups tend to have a longer-term vision and longer-term commitment than a local jurisdiction could possibly have. For the Exide site for example, I was the third generation in my family fighting for the facility to close, and I know my daughters will have to carry the responsibility to ensure the full cleanup of our communities. Our communities can look back to the time before the freeways displaced our homes and cut up our neighborhoods, before the railyards transformed the character of our communities, and before the toxic facilities poisoned us. This means our communities can look into the future, when these problems no longer exist. Our communities don't exist in a vacuum or in silos in the ways many public agencies do, which means we are often building bridges and making connections between public agencies to fill gaps and maximize impact. We are here for the long run and look to federal cleanup dollars to address historical harm without creating future harm. You can count on us because we are FIGHTING FOR LIFE!