Title VI of the Civil Rights Act/South Coast Air Quality Management District: Earthjustice Complaint Submitted to U.S. Environmental Protection Agency



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Earthjustice submitted a March 6th Complaint under Title VI of the Civil Rights Act of 1964 ("Title VI") addressing the South Coast Air Quality Management District in California ("SCAQMD").

The Complaint is filed on behalf of the following organizations:

- People's Collector for Environmental Justice
- Communities for Better Environment
- East Yard Communities for Environmental Justice
- Sierra Club

Earthjustice states that because SCAQMD receives federal financial assistance, its alleged discriminatory practices are subject to Title VI.

Title VI prohibits recipients of federal funding from creating policies that have disparate impact on communities of color.

The Complaint criticizes what it describes as SCAQMD's credit program that is utilized by major stationary sources. Earthjustice argues that instead fees should be imposed on major stationary sources to drive reduction of nitrous oxide and volatile organic carbons. A related expressed concern is that unlike emission reduction obligations, adversely affected communities do not have remedies.

The South Coast Air Basin is described as having 400 major facilities that are subject to SCAQMD's Section 185 nonattainment fee regulation. Such major stationary sources are stated to be overwhelming in low-income communities and communities of color. Specifically, nearly 75 percent of stationary sources are stated to be adjacent to communities on the South Coast comprised of people of color and almost 35 percent experiencing poverty. As a result, SCAQMD's practices are alleged to have had a disparate, adverse impact on communities of color which violates Title VI and EPA's implementing regulations.

Earthjustice requests that the EPA Office of Civil Rights accept the Complaint and investigate whether SCAQMD has violated and/or continues to violate Title VI and to require SCAQMD to adopt a nonattainment program that reduces emissions in low-income communities and communities of color where such facilities are located. In addition, it is requested that until such time proper fee equivalency is established that EPA require SCAQMD to levy the fee on major stationary sources and reduce emission 20 percent below baseline.

A copy of the Complaint can be downloaded here.