Handle CEQA with care; it safeguards state environment

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In Vernon, the state's first large-scale commercial toxic waste incinerator spews deadly dioxins and furans near schools, churches and the residential communities of East Los Angeles. In Richmond, a commercial center is constructed on the Breuner Marsh, filling wetlands and severing the San Francisco Bay Trail. In Santa Monica, Occidental Petroleum drills for oil just yards from Will Rogers State Beach and Santa Monica Bay.

East of Riverside, the rich natural habitat of Potrero Valley is bulldozed and converted into an 18,000-unit golf resort. Along the Los Angeles River, in the city's historic center, millions of square feet of industrial warehouses, serviced around the clock by thousands of diesel trucks, open for business on land identified by community residents for parkland.

Welcome to California without the California Environmental Quality Act.

Known as CEQA, this landmark environmental protection law requires an environmental impact report and effective measures to mitigate environmental harm for any project that may have a significant effect on the environment. CEQA derailed the incinerator in Vernon, the commercial center in Richmond, the oil drilling on Santa Monica Bay, the massive golf resort in Potrero Valley and the warehouses along the L.A. River, where the sites were then acquired for state parkland. The oasis in Potrero Valley was acquired by wildlife agencies and is being operated as a nature preserve.

In addressing these and countless projects like them up and down the state, Californians have relied on CEQA for more than 40 years to protect their communities and our natural resources from environmentally uninformed government decisions – decisions that needlessly pollute our air, contaminate our water, endanger our children's health, despoil our wild lands and undermine the quality of our lives. CEQA has been called "a bill of rights for an environmental democracy," and development is better, smarter and greener because of it.

But environmental democracy takes time, costs money and has regulatory teeth, so CEQA has also become the law that developers love to hate.

Last week, in the wake of double-digit unemployment, that sentiment carried the day as Gov. Jerry Brown signed into law two bills – Senate Bill 292 and Assembly Bill 900 – hastily approved by wide margins on the final day of the legislative session. The bills amend CEQA to expedite court review of legal challenges to "environmental leadership projects" that commit to meet certain loosely defined environmental standards and create a significant number of jobs. Under SB 292, one of the expedited projects is the proposed Farmers Field stadium in downtown Los Angeles.

The understandable purpose is to put people to work. Fair enough. But once amended, the threat to CEQA and the purposes it serves becomes dangerously difficult to contain. Indeed, development lobbyists are already talking about extending this latest "CEQA reform" to a range of polluting projects, from port expansion to warehouse development to highways.

While job creation is a goal everyone supports, the well-worn juxtaposition of jobs vs. the environment is a hollow refrain. Just two years ago, for example, Majestic Realty Co. promised thousands of new jobs if its

stadium project in the City of Industry were exempted from CEQA challenge. The Legislature complied, but the jobs are nowhere to be seen.

In fact, no compelling case has ever been made that California's environmental standards cost more jobs than they attract. And there is no factual basis to conclude that lowering those standards will benefit anyone but the polluters who demand it.

Nor is there solace in corporate promises of environmental stewardship. The world of public policy is littered with failed good intentions, and it is the public that suffers the consequences. Indeed, CEQA was enacted to make enforceable the good intentions of developers and government officials – intentions often discarded, prior to the act's passage, in the rush to issue permits and break ground. Through CEQA, the Legislature wisely obligated decision-makers to be skeptical of lofty promises – and then granted to citizens the right of enforcement if CEQA's obligations weren't met.

CEQA isn't perfect, but it has served Californians well by providing communities a line of self-defense when elected officials become cheerleaders for, not regulators of, significant projects. Highways, incinerators, refineries, sewage treatment plants, power stations, prisons, stadiums, and commercial or residential developments are all subject to environmental and judicial scrutiny before they can be built.

And while important to all of us, this protection is particularly valuable to low-income communities, disproportionately the recipients of projects that "have to go somewhere." These are the communities without financial or political resources available to affluent citizens, and these are the communities most at risk if the protections are weakened.

California is a richer, more livable place because of its environmental standards. Reform of our most important environmental law must be handled with care, even as we strive to create jobs and promote green energy technology. Each of us has a personal stake in CEQA's integrity, because none of us, especially our children, can afford to lose its protection.