

**Adopted by the Board of Education at its Regular Meeting of December 10, 2002**  
**Resolution of Commendation**

Subject: Resolution No. 212-10A13  
**Environmental Justice: Commending Grassroots Parent and  
Community groups for organizing for Healthy Schools and Fighting  
Cancer Pollution in our Neighborhoods**  
– Commissioners Eric Mar and Mark Sanchez

**WHEREAS:** On November 1, 2002, the Bay Area Air Quality Management District (“BAAQMD”) approved Permit Application # 2136 for the expansion of the Shell Oil/Equilon station at 4298 Mission Street, in the Excelsior District of San Francisco (District 11), allowing a doubling of the facility’s throughput to 2.870 million gallons per year; and,

**WHEREAS:** There are three elementary schools located within one-quarter mile of the facility— San Francisco Community School, Monroe Elementary School, and Corpus Christi school; and,

**WHEREAS:** The National Environmental Trust has documented Shell's history of polluting the environment and its bad neighbor policies locally and globally; and

**WHEREAS:** Gasoline contains benzene, a toxic air contaminant and known carcinogen; and,

**WHEREAS:** The BAAQMD’s risk assessment acknowledges a ten in one million (or 1 in 100,000) increased risk of contracting cancer for residents who live near the facility due to exposure to and inhalation of benzene; and,

**WHEREAS:** This increased cancer risk is the highest level of risk deemed acceptable by the BAAQMD for such a permit; and,

**WHEREAS:** More children under five years of age live in District 11 than in any other San Francisco District; and,

**WHEREAS:** More foreign-born immigrants reside in District 11 than in any other San Francisco District, and it is the only District where such residents form a majority of the population; and,

**WHEREAS:** A majority of children attending said elementary schools live in homes with non-English-speaking or limited-English-speaking parents or guardians; and,

**WHEREAS:** Prior to approving a permit to expand operations and increase emissions of a toxic air contaminant, the BAAQMD is required by State law (California Health & Safety Code § 42301.6 and BAAQMD Regulation 2-1-412) to provide public notice, distributed at the expense of the permit applicant, to parents of children enrolled in schools within one-quarter mile and to residents who live within 1000 feet of the facility, in which the proposed project and increased emissions are fully explained; and,

**WHEREAS:** Prior to the approval of such a permit, BAAQMD must provide for a 30-day public comment period during which all comments received must be reviewed and considered by the BAAQMD; and,

**WHEREAS:** On August 15, 2002, the BAAQMD issued a public notice regarding the potential expansion of the Shell station and resulting emissions increase in English only; and,

**WHEREAS:** The public notice required to be distributed by the BAAQMD was not received by numerous residents who live within 1000 feet of the facility; and,

**WHEREAS:** Numerous parents of students enrolled in the schools who received the notice were unable to read it or provide public comment as it was distributed in a language they could not understand, and not in Chinese, Spanish or Tagalog; and,

**WHEREAS:** Based on these and other factors, the notice failed to inform a majority of the affected community of the project and the proposed emissions increase, including the resulting increased risk of cancer; and

**WHEREAS:** The notice provided that interested members of the public could review the relevant health risk reports at the three local schools, however school staff were not prepared by the BAAQMD to assist with the public notice process, despite staff members' ability to provide multilingual translation for concerned community members; and,

**WHEREAS:** Public comments were submitted by English-speaking members of the community on behalf of concerned parents, residents and students who live, work, study and play near the facility, opposing the expansion due to the increased cancer risk and prevalence of other such facilities already in the community; and,

**WHEREAS:** Such public comments were received by the BAAQMD within the 30-day period (including a petition of 200 parents of students at said schools); and,

**WHEREAS:** Public comments received by the BAAQMD informed the agency that residents within 1000 feet of the facility did not in fact receive the public notice, and that notices sent to parents of students did not inform them of the project or comment period as the majority of them are non-English speaking or limited-English speaking; and,

**WHEREAS:** Such public comments requested that the BAAQMD withhold approval of the permit application until a multilingual meeting was held in the impacted community regarding the permit and increased cancer risk, with multilingual outreach assistance to be conducted by community members and school staff; and,

**WHEREAS:** BAAQMD staff agreed to meet with community members prior to issuance of the permit but then failed to do so; and,

**WHEREAS:** Said permit was issued on November 1, 2002, despite BAAQMD staff's knowledge of and request to attend a community meeting scheduled for November 13, 2002 to discuss the issues; and,

**WHEREAS:** Members of the public requested that the BAAQMD rescind the permit due to defective notice and demanded that the public comment period be re-opened for impacted residents to provide comments after the notice was translated into Spanish and Chinese; and,

**WHEREAS:** The denial of such requests by BAAQMD staff in effect denied affected residents of their right to know about the risks posed to their health and of their rightful opportunity to provide public comment on the permit application; and,

**WHEREAS:** The BAAQMD’s actions violated its own policies on Environmental Justice (to assure that “no segment of the population, regardless of race, national origin or income, bears disproportionately high and adverse health impacts of air pollution” by ensuring “equal access to ... permit evaluation” and to “[s]olicit concerns and ideas from communities” where there may be “disproportionately high levels of pollution and adverse health effects”); and,

**WHEREAS:** The BAAQMD’s actions may have denied residents of the affected community of their rights under State law; and,

**WHEREAS:** San Francisco parents, students, teachers and staff from SF Community School and Monroe Elementary School have spent countless hours researching the issues, meeting with BAAQMD staff, and educating and organizing others in their communities around the issue of environmental health hazards in their schools and neighborhoods; and

**THEREFORE BE IT RESOLVED:** That the Board of Education of the San Francisco Unified School District commends the parents and students of SF Community School and Monroe Elementary School for organizing their communities, with the assistance of the Chinese Progressive Association, PODER [People Organizing to Demand Environmental Rights], Green Action, Coleman Advocates, and the Environmental Law & Justice Clinic at Golden Gate University School of Law, to demand healthy schools, fight environmental racism and hold Shell Oil and the BAAQMD accountable to our communities and schools.

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12/10/02