Lead-Safe Housing Law
Approved by City Council

IN THIS ISSUE

Children’s Lead Protection Ordinance Passes.................................Page 3
EHC’s Preferred Developer Recommended for Mercado Project........Page 6
Port Acts to Reduce Emissions from Trucks and Ships................Page 7
Southwest Chula Vista Fights Power Plant....................................Page 8
Chula Vista Adopts Landmark Climate Change Policies...............Page 9
Precaution Used in Assessing Powerline Impacts.........................Page 9
Environmental Justice Declaration Opposes Cap and Trade Policies.................................................................Page 10
ENVIRONMENTAL HEALTH COALITION
Organizing for Justice

ENVIRONMENTAL HEALTH COALITION is dedicated to environmental and social justice. We believe that justice is achieved when empowered communities act together to make social change. We organize and advocate to protect public health and the environment threatened by toxic pollution. EHC supports efforts that create a just society which foster a healthy and sustainable quality of life.

STAY INFORMED!
Become a member of EHC today!

Yes, I want to become a member of EHC. I am enclosing my tax-deductible membership contribution of:

☐ $15 Students and Seniors
☐ $100 Super Supporter

☐ $25 Individual
☐ $250 Toxic Avenger

☐ $40 Booster
☐ $_____ Other

Name__________________________________________________________
Street__________________________________________________________
City_______________________________ State__________ Zip__________
Phone: (W)_________________________ (H)__________________________
Email: _______________________@_________________________________

Check enclosed Please charge my □ Visa □ Mastercard
Card No.___________________________________ Exp.Date__

Signature_______________________________________________________

MAIL TO: EHC, 401 Mile of Cars Way, Suite 310, National City, CA 91950

www.environmentalhealth.org
One after another, they approached the podium with passion and conviction to address the San Diego City Council—parents with children in their arms, lead poisoning experts, representatives of labor and faith-based organizations, realtors and property managers—all urging the Council to approve the Children’s Right to Lead-Safe Housing Ordinance. On March 11 the City Council responded by adopting one of the strongest lead protection ordinances in the country. 150 community supporters in attendance celebrated a victory for many San Diego children.

“Each time I went into the office of Councilmember Donna Frye, who along with Council President Scott Peters was a longtime champion of the lead ordinance, I was struck by a Margaret Mead quote on her wall: ‘Never doubt that a small group of thoughtful committed citizens can change the world. Indeed it is the only thing that ever has.’ I knew our community members were thoughtful, committed, and would make certain this ordinance passed,” said Leticia Ayala, Director of EHC’s Campaign to Eliminate Childhood Lead Poisoning.

After six years of effort and community organizing, families had reason to celebrate the changes they had brought about. The ordinance will require the use of lead-safe work practices and ensure that children living in rental homes are protected from the dangers of lead-based paint. Unfortunately, the ordinance adopted left out one key protection, the provision which would have required eliminating lead hazards at the time a home is sold. This stronger version lost by one vote!

**EHC Gets the Ball Rolling**

While the news is saturated with stories of lead in toys and lipsticks, some people don’t know the number one environmental health hazard in San Diego for children under six is...
lead poisoning from paint and dust in homes built before 1978. To address this issue, Diane Takvorian, EHC’s Executive Director and member of former San Diego Mayor Murphy’s Environmental Committee, successfully advocated to Mayor Murphy to establish a Citizen’s Advisory Lead Prevention Taskforce in 2002.

Frye and former Councilmember Ralph Inzunza co-chaired the committee, which drafted the ordinance. EHC was an active member with Ayala chairing the Ordinance Subcommittee. The Taskforce members represented a broad diversity of stakeholders including affordable housing, childcare, construction, real estate, and apartment owners. The draft ordinance, including the Point of Sale provision, was approved by the all committee members except the San Diego Association of Realtors, who abstained.

**Why Point of Sale Matters**

Each year in the City of San Diego, over 8,500 homes built before 1978 are sold, and the new owners usually have no idea if their homes are lead-safe for their children, grandchildren, pregnant women, or frequently visiting children. Currently, the law states that real estate agents share the property’s owner duty to notify buyers of known lead-based paint and lead hazards and give them 10 days to conduct a lead inspection/risk assessment. There is no obligation to test the property for lead. The disclosure requirement creates a disincentive to test. Owners who do not know whether the paint contains lead have nothing to disclose, while owners aware of lead-based paint must attach a “Lead Hazard Warning Statement” to the sale documents. Unfortunately, there is no law requiring that a home be lead-safe at the point of sale.

The Point of Sale is reasonable and can be done at minimal cost. The San Diego Association of Realtors argued that the Point of Sale impacts the ability of low-income families to purchase homes. This is a clearly bogus and self-serving argument as in today’s San Diego real estate market, when buyers and sellers enter negotiations over homes averaging $400,000-500,000, the cost of a lead inspection and/or clearance inspection certifying the home is lead-safe is not unreasonable. According to City Environmental Services Department, the average cost associated with ensuring the paint is in good condition is $700, and the filing fee with the City of San Diego is $40.

“Whatever the cost of not passing this ordinance? We need to protect our children. What is the value of children’s health? You cannot put a dollar value to it!” said Frye.

Mayor Jerry Sander’s Office sided with the realtors and promoted a less protective alternative to the ordinance recommended by the Citizen’s Advisory Lead Prevention Taskforce, excluding the Point of Sale clause.

Though Councilmembers Frye, Peters, Toni Atkins and Ben Hueso voted in favor of the stronger measure that would protect children in both rental and owner-occupied homes, five votes were needed. Kevin Faulconer, Tony Young and Brian Mainschein voted against this version. Councilmember Jim Madaffer was not present.

**Lead Ordinance May Get Better**

At the second reading of the ordinance on March 25, the Council unanimously reaffirmed their vote, which will protect the children most at-risk, living in low-income communities.

As we go to print, EHC and Frye are working to amend the ordinance to include a partial point of sale clause. Frye will have The Natural Resources and Culture Committee – which she chairs – work on the amendment to be drafted by the City Attorney’s office. The amendment will include a provision requiring the identification and remediation of lead hazards upon change of ownership of multi-family complexes and single-family homes sold as rentals. We haven’t given up protecting ALL children. Our small group of thoughtful people is creating change in San Diego and getting bigger and more powerful. We thank you for being a part of this victory and many more to come.
Environmental Health Coalition

Prevention is Key! Practice Lead Safety in Your Own Home

Lead in small amounts kills brain cells, causes lower IQ, learning disabilities, hyperactivity, and aggressive behavior. In high amounts, lead can cause swelling of the brain, coma and death. Old lead-based paint and dust are the main culprits. Old paint deteriorates into tiny particles invisible to the eye. This lead dust falls to the floor and soil – the most common method of child poisoning. Because children play on the floor with frequent hand to mouth contact, they are at risk for absorbing 50% of the lead they are exposed to.

The good news is that childhood poisoning can easily be prevented with a few simple and usually inexpensive repairs. Protecting children’s health from lead poisoning is priceless.

Please see www.environmentalhealth.org or contact Leticia Ayala at EHC at 619-474-0220, x121 for more information.

To everyone who helped make the “Children’s Right to Lead-Safe Housing Ordinance” a reality, THANK YOU! EHC is especially grateful for the dedication and leadership of Councilmember Donna Frye and Council President Scott Peters.

Thanks for lending your helping hand to keep our children’s hands lead-free!

Excerpts of an Opinion Editorial by Gerald Markowitz, published in the San Diego Union Tribune. Markowitz is a Distinguished Professor of History, John Jay College and Graduate Center, CUNY and author of numerous books on the history of toxic chemicals, including “Deceit and Denial: The Deadly Politics of Industrial Pollution.”

The solution to this devastating problem is to simply have good paint condition. There is no need to spend astronomical amounts of money in removing the lead from the walls. Simple repair and paint stabilization and a fresh coat of paint will enclose the lead-based paint. Thus it seems that the Children’s Right to Lead-Safe Housing Ordinance Option A (the version developed by the Citizen’s Advisory Lead Prevention Taskforce) is the right solution as the main goal is to prevent, identify, and remedy lead hazards in housing before children are poisoned. Environmental Health Coalition has been working tirelessly on passing this ordinance for numerous years. It has taken four years to docket this item as the San Diego Association of Realtors have successfully lobbied against it. Finally, on March 11th, the Children’s Right to Lead-Safe Housing Ordinance will be considered by the full City Council along with a watered-down version promoted as an alternative. Shame on the San Diego Association of Realtors for working against protecting children’s health! I strongly urge the San Diego City Council to stand up against the San Diego Association of Realtors. The City Council’s responsibility is to be the voice for our children – our children’s health is priceless!
Barrio Logan residents are one step closer to a new beginning for the perpetually delayed Mercado Project. This spring the City Council is set to consider Shea Properties, EHC’s preferred choice, as the new developer for the project.

EHC endorsed Shea Properties’ proposal on the condition that the final project would restrict all its housing to affordable prices since the majority of current Barrio Logan residents earn less than $30,000 a year.

EHC, our Barrio Logan Community Action Team (CAT) members and other community representatives have consistently advocated for affordable housing at public meetings held by the City’s redevelopment agency over the past year and a half. In an EHC community-based survey of 217 residents in 2006 and 2007, the majority made affordable housing their top priority for the Mercado project. Unfortunately, despite this strong community outcry, the redevelopment agency asked developers to submit proposals with no more than half the housing restricted to affordable rents.

Two developers presented their proposals at a community meeting at Perkins Elementary in January. EHC’s Barrio Logan CAT determined Shea Properties’ proposal would best meet their needs. As CAT member Bacilia Martinez explained, “We support Shea’s proposal because it offers affordable housing, which is much needed in Barrio Logan, and the opportunity to provide spaces for small businesses.”

For the 6.8 acre project slated for Cesar Chavez Parkway, Shea revealed plans to build a traditional outdoor market, a Latino grocery store, 12 townhomes and 60 rental apartments, with the option that all could be restricted as affordable housing for low income families.

The other developer, McCormack Baron Salazar, proposed a more complicated mix of affordable and market-rate housing and a larger scale, more costly project. According to Martinez, the CAT felt that the scale of Shea’s proposal was more in line with the character of Barrio Logan, and that the proposal has “a lower price and therefore more possibility that this project might be built.”

EHC is also seeking guarantees that small, local businesses are not displaced, that a safe distance is created between the Coronado Bridge and homes to protect public health and safety, and that energy efficiency and green building standards will be incorporated into the project.
Port Acts to Reduce Emissions
From Trucks and Ships

Significant Action Still Needed for Barrio Logan and National City

At a March 4 Port Commission meeting, EHC members, many with their children in tow, demanded that the Port establish a solid program to reduce diesel pollution from Port activities. “We need a good plan that includes the community in the whole process. We want to have confidence that we can live in our neighborhoods and not be concerned with pollution,” said National City resident and EHC leader Irma Tranquilino.

With over 500 tons of toxics released into the air each year by ships docked at Tenth Avenue Marine Terminal (TAMT), it is good news that the Port passed a resolution to put up $1.5 to $2.5 million in matching funds to apply for Proposition 1B funds from the State. These funds would be used for cold-ironing infrastructure at TAMT to serve the Dole operation. Cold-ironing allows ships to plug in and draw their energy from the local electricity grid instead of running diesel engines which pollute while at berth. EHC is urging the Port Commissioners to use renewable energy for cold ironing at all the terminals.

While the Port Commissioners agreed to apply for state grant funding to put pollution filters on some trucks, they refused to require that all trucks that visit the Port meet emission reduction standards.

Residents near TAMT in Barrio Logan and the 24th Street Terminal in National City are at increased risk for asthma, cancer and higher death rates because of their extra exposure to diesel pollution from ships and trucks. This led EHC in 2006 to request that the Port fulfill its mission as an environmental steward by developing a Clean Air Plan with an enforceable timeline.

Port Commissioners Mike Najera and Laurie J. Black were strongly supportive of the community’s needs, along with Commissioner Robert “Dukie” Valderrama, who said, “I can’t put a dollar figure on the health of kids...we’ve got to start doing something now.”

Also highly in favor of a strong Clean Air Plan was Councilmember Ben Hueso, who testified at the hearing and said, “I will be counting on the Port to ensure that this Clean Air Plan really has teeth and will result in significant improvements in air quality in Barrio Logan. I would urge you to develop clear emissions reductions goals, set a standard for clean trucks that will be enforced at the Terminal gate, and take immediate action on building infrastructure to reduce ship emissions from Dole and other ships at the Terminal.”

Tony LoPresti, EHC Policy Advocate for the Toxic Free Neighborhoods Campaign, said, “The progress was encouraging but the plan still falls short in terms of goals, full funding, and enforcement. A strictly voluntary truck program will fail to accomplish the goals of cleaning up the Port’s share of air pollution in nearby communities and the region. Barrio Logan and National City residents are paying with their health.”
In January, EHC and the Southwest Chula Vista Civic Association held a rally with over 100 residents protesting the proposed 100 megawatt (MW) replacement power plant known as the Chula Vista Energy Upgrade Project, or the “MMC peaker plant.” The rally at the Otay Recreation Center was followed by a meeting of the California Energy Commission (CEC) to obtain community input on the proposal.

Theresa Acerro, president of the Southwest Chula Vista Civic Association, voiced her opposition, saying “People in our community are very sick. No one asked us if we wanted that thing here.”

MMC Energy, a New York-based publicly traded company, is seeking approval from the CEC to replace and more than double the size of a 44.5 MW plant currently in the same location. While MMC contends this power plant is necessary to meet the region’s energy needs and will be cleaner and better than the existing plant, EHC and the community have grave concerns about the new plant, including:

- the close proximity to homes and schools (350 feet and 1,300 feet, respectively),
- an on-site 12,000 gallon ammonia tank, and
- the plant is not part of a long-term sustainable energy policy.

Chula Vista City Councilmember and southwest Chula Vista resident Rudy Ramirez also opposed the project. “We need to make our voices heard. We are tired of having these polluting plants in our neighborhoods and next to our schools,” said Ramirez.

Another major issue at stake is the right for all communities to be protected by their city’s general plan. In 2005, Chula Vista passed a new general plan policy directing the city to “avoid siting new or re-powered energy facilities and other major toxic emitters within 1,000 feet of a sensitive receptor.” EHC argues the policy should prohibit MMC from building a power plant in that location.

To make certain the community has as much information as possible, EHC applied for and received official intervener status with the CEC. EHC has the right to request information from MMC about the project and legally MMC must respond.

The MMC project illustrates the continuing failure of decision-makers to create a long-term sustainable energy policy that relies more on cleaner forms of energy such as renewable energy and energy efficiency rather than fossil fuel plants in neighborhoods. EHC has been working on getting Chula Vista community residents informed on sustainable energy through the SALTA Verde Training program and as members of the Chula Vista Climate Change Working Group.

The CEC’s preliminary staff report is expected in early April, followed by a final report this summer. The CEC may hold more public meetings before the ultimate decision on the project is made this fall.
Chula Vista Adopts Landmark Climate Change Policies

EHC joined over 50 Chula Vista residents, environmental and labor representatives in witnessing history being made when all seven recommendations of the Climate Change Working Group were adopted at an April 1 Chula Vista City Council hearing. Most notable among the seven recommendations are proposed citywide green building standards, required energy audits for businesses, and a solar panel program to facilitate projects for residents.

Chula Vista has a long-standing involvement in climate change policies which began when Deputy-Mayor Jerry Rindone signed the Kyoto Protocol. The CCWG was created following a carbon emission inventory study indicating Chula Vista will not meet its carbon emission goals for 2010. While emissions from city-controlled operations were down 18%, emissions from the community at large had gone up over 35%.

“By adopting these measures the city will make good on their promise to the community to reduce greenhouse gases in compliance with their Carbon Reduction Plan,” stated EHC’s Policy Advocate Leo Miras, a CCWG member.

A wide range of organizations joined EHC in support of the recommendations, including the American Lung Association, Center for Sustainable Energy, San Diego Apollo Alliance, Sierra Club, San Diego Coastkeeper, Surfrider Foundation - San Diego Chapter, and Southwest Chula Vista Civic Association. Letters of support also came from State Senator Christine Kehoe and State Assemblymember Mary Salas.

“I embrace the opportunity to lead the region by being the first city in the county to adopt mandatory green building policies for the development of our community. We owe nothing less to the children of our city,” stated Councilmember Steve Castañeda.

The City staff will return with an implementation plan in early July.

PUC Uses Precaution in Assessing Powerline Impacts

EHC commends the California Public Utilities Commission (PUC) for using a precautionary approach to analyze the Sunrise Powerlink. The proposed Powerlink is a devastating, multi-billion dollar SDG&E backed project that would stretch 150-miles through protected habitat, increase fire risks, and promote further development of fossil-fueled power plants in Mexico and other states where environmental regulations are more lenient.

In a 7,000 page analysis the PUC staff took a unique and welcome approach to the Powerlink issue. They asked not just what are the impacts from the Sunrise Powerlink, but “how can we meet our region’s energy needs in 2020 and do the least damage to the environment?” They then listed many alternatives which they held as less damaging to the environment, and prioritized them by listing the least environmentally damaging first. While EHC doesn’t agree with everything in the report, we commend the PUC for taking a precautionary approach to a major policy decision.

The good news is there are several alternatives possible to meet our energy needs in the region without the destructive Sunrise Powerlink or the South Bay Power Plant. The public clearly supports alternatives. In three days of hearings throughout the region, over 1,000 people turned out—virtually all opposing the Powerlink. EHC will continue to work with all parties on a solution that meets our energy needs locally with a mix of clean renewable energy, energy efficiency, and appropriately located, efficient fossil-fuel energy.

Please contact Leo Miras at LeoM@environmentalhealth.org if you would like to be involved in our clean energy campaign.
EHC Joins With California Environmental Justice Groups to Oppose ‘Cap and Trade’ Policies

Climate change will impact our poorest neighborhoods the most, and without a strong means of curbing greenhouse gas emissions, our communities will remain vulnerable. Some government and industry entities are promoting a ‘cap and trade’ system which EHC opposes because it has failed in Europe, provides windfall profits to major polluters and doesn’t reduce carbon emissions significantly.

The cap and trade system is made up of two major components - a regulatory cap or limit on greenhouse gas emissions, and the ability to trade credits between polluters to meet the cap. This will not decrease emissions, as cap and trade allows industries to buy themselves out of compliance. In response to industry’s lobbying of the state legislature for such a scheme, EHC collaborated with environmental justice organizations throughout California to oppose carbon trading schemes. Below are excerpts from the declaration.

Whereas, global climate change … jeopardizes the planet’s ability to maintain a livable climate and causes grave health problems in poor communities, communities of color, and indigenous communities around the world; and

Whereas, the international scientific community predicts that climate change will cause great human suffering …; and

Whereas, carbon trading transactions and markets are undemocratic …; and

Whereas, the political power of the major global polluters … has resulted in carbon trading schemes that include inadequate reporting systems, that are impossible for the public and regulatory agencies to monitor, allow gaming of the system by market participants, and lack meaningful penalties for failure to comply; and

Whereas, greenhouse gases will be substantially reduced only through a transition to greater energy efficiency and sustainable energy technologies … that do not rely on fossil fuels; and

Whereas, capturing energy from the wind, sun, ocean, and heat stored within the Earth’s crust builds the health and self-reliance of people and our communities, protects the planet, creates jobs, and expands the global economy;

EJ Movement DECLARES:
we will fight at every turn all efforts to establish a system of carbon trading and offset use in California;

The California Environmental Justice Movement DECLARES that:
… we will fight at every turn all efforts to establish a system of carbon trading and offset use in California; and… our demands for real changes in the way we make and use energy will not be silenced by promises of money or token adjustments to the fundamentally flawed trading and offsets approach; so

BE IT THEREFORE, RESOLVED, that the California Environmental Justice Movement stands with communities around the world in opposition to carbon trading and offset use and the continued over-reliance on fossil fuels; and

that the California Environmental Justice Movement will support conservation, regulation, and other measures to address greenhouse gases only if they directly and significantly reduce emissions, require the shift away from use of fossil fuels and nuclear power, and do not cause or exacerbate the pollution burden of poor communities of color in the United States and developing nations around the world; and

that the California Environmental Justice Movement will oppose efforts by our state government to create a carbon trading and offset program, because such a program will not reduce greenhouse gas emissions at the pace called for by the international scientific community, it will not result in a shift to clean sustainable energy sources, it will support and enrich the state’s worst polluters, it will fail to address the existing and future inequitable burden of pollution, it will deprive communities of the ability to protect and enhance their communities...

Originally signed on February 18, 2008 by EHC and 17 other organizations to affirm our solidarity with the California Environmental Justice Movement, and poor and indigenous people around the world.

To see the full declaration, visit http://www.environmentalhealth.org/carbondeclaration.html
City of National City
HEALTHY HOMES PROGRAM

Is your home safe for your children? Does your child have asthma or allergies? The National City Healthy Home’s Program Offers Free Help

Who qualifies?
• Those with children 0-18 years old with asthma or allergy symptoms
• Low- to moderate-income households residing in National City

Free Services
• Structural Housing Inspection
• Mold Readings
• Carbon Monoxide Testing
• Lead Hazard Testing
• Cockroach Assessment
• One-on-One In-Home Environmental Training (3 visits)

About the program:
Program participants agree to participate in a 6-month program (3 visits) to evaluate potential hazards in their homes that may affect their family’s health and safety.

Free Materials
• Cleaning Bucket filled with Non-Toxic Cleaning Products
• Food Storage Containers
• Mold Resistant Shower Curtain
• $10 Gift Card to Purchase Replacement Cleaning Supplies upon Program Completion

For more information, call EHC at (619) 474-0220, ext. 121 or the City of National City’s Healthy Homes Program at (619)336-4266 to receive an application.

Maquilapolis [city of factories] will take you on a “virtual” tour of Tijuana’s maquiladora industry. Promotoras with EHC affiliate, the Colectivo Chilpancingo Pro Justicia Ambiental, are featured in the hour-long video telling their stories about the struggle for environmental justice in the border region.

“...the filmmakers set out to show life as the workers see it, and they succeed, with often appalling clarity.”

On EHC’s day-long “reality” tours of Tijuana’s largest industrial park and adjacent worker community, groups meet local activists defending labor rights, public health and the environment.

“The contamination ... hit most of us unawares. Shock and disbelief were on everyone’s faces.”
–From a tour participant’s blog

Group size: 20-25
Cost: $35/participant (must be 18 or older)

Contact Amelia Simpson for more information:
(619) 474-0220, ext. 116
AmeliaS@environmentalhealth.org
Empowering Leaders to Take Action

Silvia Leon testifies about the importance to her family of the Children’s Right to Lead-Safe Housing Ordinance.

Silvia Leon atestigua sobre la importancia del Derecho de los Niños a Viviendas Libres de Plomo para su familia.

Colectivo Chilpancingo Pro Justicia Ambiental members meet with Baja California state officials after a meeting of the Metales y Derivados Working Group.

Miembros del Colectivo Chilpancingo Pro Justicia Ambiental se reúnen con funcionarios estatales de Baja California después de una reunión del Grupo de Trabajo de Metales y Derivados.

Youth training at EHC’s Tijuana Colectivo office on the hazards of lead in candy.

Capacitación de jóvenes, en la oficina del Colectivo, sobre los peligros del plomo en los dulces.

EHC leader Irma Tranquilino expresses her support for the Clean Air Plan at the Port of San Diego.

Irma Tranquilino, líder de EHC, apoya el Plan de Aire Limpio y lo expresa en el Puerto de San Diego.
Leaders practice a mock media interview.

Líderes en una entrevista de práctica.

EHC Apprentice Francisca Orellana educates Colectivo youth on air toxics.

Francisca Orellana, aprendiza de EHC, educa los jóvenes del Colectivo sobre la contaminación atmosférica.

Maria de Jesus Martinez, EHC leader, with her son, testifies at the Port of San Diego Clean Air Plan hearing.

Maria de Jesus Martínez, líder de EHC, con su niño, atestigua en la audiencia del Puerto de San Diego para el Plan de Aire Limpio.

Reporter interviews EHC leader Martha Cortez before the hearing of the Children’s Right to Lead-Safe Housing Ordinance.

Martha Cortez, líder de EHC, da una entrevista a una reportera en la audiencia del Derecho de los Niños a Viviendas Libres de Plomo.