

1 [Urging the Bay Area Air Quality Management District to provide translation services.]
2

3 **Resolution urging the Bay Area Air Quality Management District ("BAAQMD") to make**
4 **communications accessible to affected community members with limited English**
5 **proficiency to ensure that all members of the affected community can participate in the**
6 **decision-making process; and urging members of the Board of Supervisors who also**
7 **sit on the BAAQMD Board of Directors to promote and support the adoption of rules,**
8 **policies and practices that mandate language assistance.**
9

10 WHEREAS, 37% of San Francisco residents are foreign born and 46% of the
11 residents speak a language other than English at home; and

12 WHEREAS, Environmental Justice policies mandate the fair treatment and meaningful
13 involvement of all people regardless of race, national origin or income with respect to
14 development, implementation and enforcement of environmental laws, regulations and
15 policies; this includes ensuring equal access to public notices and opportunity to comment to
16 persons with limited-English proficiency to encourage and allow them to participate effectively
17 in the decisions affecting their health; and
18

19 WHEREAS, BAAQMD, which has the authority to develop and enforce regulations for
20 the control of air pollution in San Francisco and the other Bay Area counties, including the
21 authority to issue permits for emissions of air pollutants, is required by law to ensure provision
22 of information and services in the language of non-English speaking people when it finds that
23 it provides services to a substantial number of non-English speaking people; and

24 WHEREAS, In August 2002, BAAQMD issued a public notice in English only for a
25 permit application to expand the Shell Oil/Equilon station at 4298 Mission Street in the

1 Excelsior District (District 11) and consequently increase emissions of toxic air contaminants
2 known to cause cancer from that gas station; and

3 WHEREAS, BAAQMD is required by law to provide public notice and a 30-day
4 comment period for the permit application to parents of children enrolled in schools within
5 one-quarter mile and to residents who live within 1,000 feet of the facility explaining the
6 proposed project and increased emissions; and,

7 WHEREAS, There are three elementary schools located within one-quarter mile of the
8 facility— San Francisco Community School, Corpus Christie Elementary, and Monroe
9 Elementary; and,

10 WHEREAS, A majority of children attending these elementary schools live in homes
11 with non-or limited-English-speaking parents or guardians; and,

12 WHEREAS, More foreign-born immigrants reside in District 11 than in any other San
13 Francisco district and such residents form a majority of the population in that district; and

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

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

20 WHEREAS, During the public comment period the community requested translation
21 services; and

22 WHEREAS, On November 1, 2002, BAAQMD issued the permit without providing
23 translation services, thereby effectively denying the directly affected residents and parents of
24 school children of their right to know about the risks posed to their health and of their rightful
25 opportunity to provide public comment on the permit application; now, therefore, be it

1 RESOLVED, That the Board of Supervisors and the Mayor urge the BAAQMD to make
2 all communications, including notices about permitting which could result in an increase of air
3 pollution and toxic air contaminants, accessible to affected community members with limited
4 English proficiency and provide translation services when necessary to ensure that all
5 members of the affected community can fully and meaningfully participate in the decision-
6 making process; and be it further

7 FURTHER RESOLVED, That members of the San Francisco Board of Supervisors
8 who also sit on the BAAQMD Board of Directors will promote policies to enhance BAAQMD's
9 public outreach efforts and the adoption of rules, policies and practices that mandate
10 language assistance.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 021953

Date Passed:

Resolution urging the Bay Area Air Quality Management District ("BAAQMD") to make communications accessible to affected community members with limited English proficiency to ensure that all members of the affected community can participate in the decision-making process; and urging members of the Board of Supervisors who also sit on the BAAQMD Board of Directors to promote and support the adoption of rules, policies and practices that mandate language assistance.

December 9, 2002 Board of Supervisors — ADOPTED

Ayes: 8 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval


Absent: 1 - Ammiano

File No. 021953

I hereby certify that the foregoing Resolution was ADOPTED on December 9, 2002 by the Board of Supervisors of the City and County of San Francisco.

DEC 20 2002

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.