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Brownfields Neighborhood Revitalization

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**Brownfields Neighborhoods Revitalization
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Brownfields Neighborhoods Revitalization

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Abstract

Brownfields issues are significant points of advocacy and activism for creating substantial social change in low-income communities. The authors identify key environmental justice issues present in the brownfields debate; provide an overview of existing laws, regulations, and policies that are currently in place to address brownfields contamination and revitalization; discuss the effectiveness of these current strategies; discuss emerging and potential innovative strategies for brownfields revitalization, and provide a set of “best practices” and resources that are being developed nationally to address brownfields in low-income communities and communities of color.

Introduction

Over the past two decades, the environmental justice movement has provided a framework for identifying and exposing the links between racist development practices, disproportionate siting of toxic facilities, economic depression, and a diminished quality of life in low-income communities and communities of color. The environmental justice agenda has always been rooted in economic, racial, and social justice. By replacing the concept of the environment as a place that is “out there” with one that encompasses all of the places where we live, work, and play, struggles for environmental justice address cumulative, synergistic, and multiple impacts that affect the quality of life in our communities. Brownfields and the issues surrounding brownfields redevelopment are crucial points of advocacy and activism for creating substantial social change in low-income communities and communities of color.

The Environmental Protection Agency (EPA) defines brownfields as “abandoned, idled, or underused industrial and commercial facilities or properties where expansion or redevelopment is complicated by real or perceived contamination”¹. Several factors contribute to the creation of brownfields and the negative economic, social, and cultural impacts that accompany them in poor communities and communities of color. Many of these factors can be traced to historical land use and economic development decisions. Brownfields are marked not only by contamination but by very real, pervasive, and continuing discrimination around both their clean-up and efforts for revitalization.

This policy paper will 1) identify key environmental justice issues present in the brownfields debate; 2) provide an overview of existing laws, regulations, and policies that are currently in place to address brownfields contamination and revitalization; 3) discuss the effectiveness of these current strategies 4) discuss emerging and potential innovative strategies for brownfields revitalization, and 5) provide a set of “best practices” and resources that are being developed nationally to address brownfields in low-income communities and communities of color.

Environmental Justice and Brownfields

A recent survey of municipal officials in 99 U.S. cities with populations over 100,000 showed disinvestment, suburbanization, deindustrialization, and contamination of land to be the most frequently cited causes of increases in vacant urban land over the past decade². These factors are interlinked in prevailing explanations for the emergence of brownfields in inner cities. Key umbrella factors that have created brownfields and continue to stall clean-up of, investment in, and revitalization of these parcels of land are 1) land-use decisions, 2) racial and economic discrimination, 3) suburban sprawl, and 4) global capitalism.

Land-Use Decisions

Land-use decisions, specifically zoning decisions, regulate the use of land, including the density and location of different industries. Zoning is a powerful regulatory tool that enables local governments to carry out planning goals, including some that are discriminatory.³ Because land-use decisions are frequently made by powerful, local elected officials, zoning serves as an effective tool to protect the land values of wealthy neighborhoods.

Strongly influenced by traditional private property rights and capitalism, most zoning has historically supported uses of land that generated profit for landowners, taxes for governments, and the land values of the more affluent. As a result many zoning decisions allowed for the siting of industries that used or produced toxic chemicals as a lucrative means of making profit. In addition, the lack of environmental standards meant that polluting activities at these sites threatened the public health and the environment of adjacent communities. In many cases, toxic chemical use and disposal went unmonitored for many years, allowing toxins to be released into the environment via the air, water, and soil.

Although environmental regulations do now exist to address the environmental, health, and social impacts of undesirable land uses, these regulations are difficult to enforce because many of these sites have been toxic-ridden for many years and investigation and cleanup of these sites can be expensive. Further, due to pervasive discrimination, contaminated sites in low-income communities and communities of color receive much lower levels of clean up and much slower clean up than those located in wealthier communities⁴. A lack of resources at the local level further impedes enforcement of zoning restrictions and environmental laws at these numerous sites.

Racial and Economic Discrimination

Discriminatory decisions surrounding land-use and lending practices have a long history in urban communities of color. The absence of a community voice in land use decision-making has affected many communities. New polluting sources, such as new highways or sewage treatment facilities, are often placed in these communities as a result of zoning. Further, there has been discrimination through the deliberate funneling of low-income people and people of color into neighborhoods with polluting industrial facilities or other public nuisances. Redlining, an institutional and government lending practice that denied loans or restricted their number for certain areas of a community, ensured that property values and homes of poor people and people of color were of lower value than those of whites. It also gave banks legal grounds for refusing loans to these communities, thereby disenfranchising these communities for generations into the future.

Suburban Sprawl

Suburban sprawl” describes a pattern of development supporting larger, low-density residential and commercial settlements located in new growth areas on the urban fringe. Encouraged by federal and state highway construction to support automobile-dependent transportation, suburban sprawl has been the predominant growth pattern for most metropolitan areas in the United States for the past fifty years. The profitability of sprawling development became the inseparable flip side of the coin of the diminishing market interest in redeveloping former industrial and commercial properties in the inner city⁵. As a result of declining demand, the inner city landscape came to be pockmarked with abandoned and underutilized properties that were suspected or known to be contaminated due to the nature of previous polluting land uses.⁶

Developers, industry, and other businesses have fled the inner city seeking cheaper land, lower taxes and development costs, lucrative subsidies, and less stringent environmental requirements. As development resources, housing, and jobs have flowed to the suburbs, more affluent and mobile people, investment capital, and the tax base from the urban core have followed this exodus to the fringe. Suburbs enjoy low-density residential lifestyles without many of the problems associated with inner city poverty. Suburban residents have relatively easy access to open space and recreation, better schools, and stronger influence over local government and land use. In comparison, the built environment of the urban core is being abandoned and neglected, leaving behind vacant, tax-delinquent, and sometimes contaminated parcels or brownfields. Locally unwanted land uses (LULUs), such as industrial or residential waste processing facilities that serve the entire region, become concentrated in urban communities that benefit neither from the jobs created nor from the blight that becomes associated with their neighborhoods.

Further, communities located near these contaminated sites suffer disproportionately from the health burdens associated with exposure to contaminants left on these pieces of land. For example, in the San Francisco community of Bayview/Hunters Point, a low-income community of color, there are numerous abandoned industrial facilities, two Superfund sites, a closed military facility, and two power plants. The San Francisco Department of Public Health has documented the incidence of breast and cervical cancer in this community as being double that in other parts of the city.⁷

New suburbs benefit at the expense of older suburbs and cities. In fact, it has become more profitable to develop undeveloped areas on the urban fringe (greenfields) because these are cheaper, cleaner, and generally less troublesome to develop. However, the appearance that greenfields are more cost-effective to develop is misleading because prices fail to reflect the hidden and indirect costs of infrastructure expansion, foregone agriculture land and open space, and other negative externalities associated with their development. Greenfield development essentially redirects public funding, public services, and new businesses out of the inner cities and older suburbs and into new suburbs. With the assistance of federal subsidies for highways and homes, this uncontrolled pattern of development has deeply affected most large U.S. cities.⁸

Suburbanization destroys the environment and heightens inequities between the rich and poor. It creates automobile-dependent communities and fosters long commute patterns and more automobile trips, both of which contribute to air pollution. It also fosters zoning practices that prevent the building of affordable housing and allows local suburban officials to decline social services that are viewed as expensive to the local tax base. Residents of new suburban areas become increasingly wealthy while residents of lower-income areas, such as flatland communities or older suburbs, struggle to maintain the quality of their public school systems and other local public services. This trend is creating regions of haves and have-nots that continue to grow apart with time.

Global Capitalism

Globalization has also contributed to the creation of brownfields. Since the late 1940's developed countries and a growing number of international corporations have negotiated the rules by which products are bought and sold. These negotiations have provided corporations access to the natural resources, labor, and markets of less developed countries. As they move abroad, these practices are leading to the creation of brownfields in these countries. The General Agreement on Trade and Tariffs (GATT) and other trade agreements have given international corporations a global arena in which to choose where they can conduct their business and trade in the most profitable manner. Typically, international corporations have shifted their production to areas of the world where they can access cheaper raw materials and labor with the least amount of regulation. Consequently, corporations make tremendous profits without paying for the environmental, health, and social costs of production. Many US cities have been devastated by the disinvestments resulting from industries moving abroad. As industry moves out, huge factories, warehouses, and empty lots are left behind. Problems then arise from the fact that these sites are often contaminated with a variety of chemicals which act as barriers to their redevelopment. Overseas, the creation of brownfields is underway in countries targeted by polluting industries that previously operated in the United States.

Existing Laws, Regulations, and Policies

On February 11th, 1994, Former President Bill Clinton issued Executive Order 12898 that stating:
To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marian islands.

The regulation of brownfields falls under Superfund laws, which have been implemented at the federal and state levels. Superfund laws regulate the cleanup of contaminated property. These laws determine who is responsible for cleanup and establish strict and severe liability for the clean up of contaminated properties.⁹ The EPA is the administering body of the Superfund that falls under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). CERCLA was enacted in 1980 and created a regulatory mechanism for investigation, clean up, and recovery costs of polluted sites.

On January 25, 1995, EPA Administrator Carol Browner announced a brownfields-specific plan titled the Brownfields Action Agenda, which outlines EPA's activities and future plans to help states and localities implement and realize the benefits of the Brownfields Initiative. The Brownfields Initiative was designed to empower states, localities, and other agents of economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The Action Agenda would establish a brownfields pilot

program, clarify liability and cleanup issues, create unique partnerships and outreach, and provide for job development and training.

Implementation of the Brownfields Action Agenda has helped reverse the spiral of unaddressed contamination, declining property values, and increased unemployment often found in inner city industrial areas, while it maintains deterrents to future contamination and emphasizes EPA's focus on assessing and cleaning up "worst sites first."¹⁰

Other agencies followed suit by funding or adding to their planning processes a consideration of brownfields. Most notably, the U.S. Department of Housing and Urban Development instituted a program where grants and revolving loans were given for redevelopment of brownfields sites. The U.S. Department of Transportation added the use of brownfields to its range of planning activities for regional transportation planning agencies. In addition, the Community Reinvestment Act (CRA) was amended to require banks to engage in brownfields redevelopment in order to receive housing credits. CRA is intended to encourage depository institutions to help meet the credit needs of the communities in which they operate, including low- and moderate-income neighborhoods, consistent with safe and sound banking operations.

Currently, there are federal laws that govern brownfields cleanup, and every state has its own guidelines regarding brownfields laws, regulations and policies. In addition, many local and regional entities have separate measures in place to deal with brownfields. California, for example, has both federal and state policies, as well as a few local and regional efforts.

In the State of California, brownfields redevelopment has been addressed by a variety of legislative efforts that are spearheaded by the State Voluntary Cleanup Program (VCP). The California Department of Toxic Substances Control (DTSC) has jurisdiction over the majority of these programs. The VCP, established in 1993, allows DTSC to provide oversight to motivated parties to assess and/or cleanup lower priority sites. The State has also initiated the Expedited Remedial Action Program, a 30-site pilot program that provides incentives to responsible parties to accelerate environmental cleanup work.

Other programs initiated by the state include the Prospective Purchaser Policy, Private Site Management Program, local cleanup agreements, and various pieces of legislation that deal with liability relief and responsibility. In particular, legislation was passed that grants local redevelopment agencies qualified immunity from state or local laws if cleanup is conducted in accordance with a remedial action plan approved by DTSC, the Regional Water Quality Control Board or a local agency. In these cases, liability extends to property successors and lenders.¹¹

Regional approaches to the redevelopment of brownfields have been promoted and should continue through smart growth and other regional planning in metropolitan areas. This is particularly effective when implemented through associations of area governments, and metropolitan transportation planning agencies. Brownfields redevelopment is widely proposed as a component of comprehensive smart growth strategies that mitigate sprawl by reducing the need to develop on greenfields, while promoting inner city revitalization.

The most prominent example of a regional approach is Portland, Oregon. The Portland area has promoted strategies such as land value taxation and urban growth boundaries, which redirect development towards vacant land in the inner city. Community groups in Portland have been organizing to include equity safeguards including anti-displacement measures that mitigate the effect of rising land values for inner city properties.

At the local level, policies to address brownfields have included the imposition of financial penalties such as foreclosures, abandonment taxes, registration fees, and the creation of special programs to encourage the reuse of vacant land or structures. Most incorporate state and federal regulatory relief and streamlining provisions. Recent policy trends have attempted to devolve authority over brownfields redevelopment to local jurisdictions, enabling local redevelopment agencies to take leadership in cleanups. This allows the use of creative public financing strategies for brownfields such as tax increment financing without having to contend with many of the regulatory hurdles associated with state agencies.

On January 11th, 2002, Congress passed and President Bush subsequently signed into law brownfields legislation (Public Law 107-118) that had been stalled for years, which provided additional funding and regulatory relief towards the potential redevelopment of brownfields. Specifically, the legislation provides legislative authority for

the brownfields program to include grants for assessment and cleanup. It also provides the following relief for small business owners:

- Exempts certain small volume contributors from Superfund liability;
- Exempts certain contributors of municipal solid waste from Superfund liability; and,
- Shifts court costs and attorneys fees to a private party if a private party loses a Superfund contribution action against *de micromis* or municipal solid waste exempt party.¹²

The legislation also expands current brownfields programs by increasing funding authority up to \$200 million per year including up to \$50 million per year to assess and cleanup brownfields with petroleum contamination. The legislation also expands the eligibility for assessment and cleanup grants, which includes new provision for direct cleanup grants of up to \$200,000 per site. The legislation goes on to streamline current requirements for the brownfields cleanup revolving loan fund and makes funding available to non-profits. The legislation also exempts certain contiguous property owners and certain prospective purchasers from Superfund liability. Finally, it clarifies the innocent landowner defense to Superfund liability.

Assessment of the effectiveness of current environmental protections in addressing brownfields

The current environmental protection apparatus tends to focus on removing barriers to environmental liability as feared by developers, rather than on environmental justice issues in communities affected by brownfields' existence and redevelopment. Most critical in the redevelopment of brownfields is the onset of gentrification due to rising property values, home prices, and rents, which invariably leads to the displacement of low-income residents and people of color. Current policies do not address the minimization of displacement in the redevelopment of brownfields or put mechanisms in legislation that safeguard against the negative impact on low-income residents of increased development pressures.

The typical policy direction taken by state and federal entities in encouraging brownfields redevelopment is driven by the desire to increase market demand through regulatory streamlining and liability relief.^{13,14} Regulatory streamlining focuses on reducing red tape and its associated costs for developers navigating through the remediation process. This is done by developing uniform cleanup standards and instituting interagency coordination in expediting the approval of remedial plans. Liability relief usually goes hand in hand with regulatory streamlining, in the sense that property owners or developers participating in voluntary cleanup programs are then assured that they will not be responsible for any future cleanup activities.

Regulatory streamlining and liability relief have been characterized as reinforcing old business practices that emphasize benefits for the private sector at the expense of social equity considerations for brownfields-impacted communities. The push for universal cleanup standards that is part and parcel of regulatory streamlining initiatives has led to the proliferation of "risk-based corrective action" (RBCA). RBCA bases cleanups on the proposed end use and on minimizing pathways of exposure through institutional or engineering controls, effectively supplanting the previous emphasis on the highest standard (residential use) involving physical removal or breaking down of contaminants into less harmful substances.

RBCA may result in the continued exposure of low-income communities of color to unequal environmental protection, as inner city brownfields are subjected to less stringent cleanup and development standards than greenfields in affluent, predominantly white suburbs. Limits to liability may also shift the burden of financial responsibility for cleanup onto the public sector, rather than holding corporations and private parties accountable for the actions that resulted in the contamination of brownfields.¹⁵

Another problem associated with brownfields is that they can be considered LULUs, as they contribute to blight and may represent an environmental hazard, just like the polluting industrial and commercial facilities that preceded them. A broad survey of the economic impacts of 5 types of LULUs (highways, nuclear power plants, prisons, dams, and casinos) concludes that every LULU resulted in some economic growth for its host county, although with the caveat that additional measurable outcomes such as crime, pollution levels, income inequality, and neighborhood-scale disparities would have provided a more complete picture.¹⁶

Property devaluation of inner city brownfields poses a considerable problem in the redevelopment of these properties. Lower appraisals of properties with an industrial history or that are otherwise suspected of harboring

contamination may be compounded by the fact that these properties are disproportionately located in neighborhoods impacted by other forms of racial discriminations in real estate transactions. Ignoring this history and current practices obscures the origins of the urban brownfields crisis, therefore leading to inadequate policy remedies based on an incomplete picture of why brownfields exist and persist in America's inner cities.

The Need for Community Involvement

Finding and accessing funding for revitalization has been identified as one of the biggest challenges to community-driven brownfields redevelopment. Of particular concern is the ability to learn about the funding sources available for the various parts of the process and how to leverage this money. Community involvement entails cultivating the leadership of residents in setting brownfields redevelopment priorities at every stage of the process. Community leaders need to be trained to understand how they can influence the decisions made on these properties in their neighborhoods. This includes community members gaining political access and clout to play a powerful role in the processes of revitalizing a site and a community.¹⁷ In addition, the community needs to be involved in the selection of sites and in developing the evaluation criteria of projects in order to maximize community benefits.

The involvement of community leaders and residents is not currently an enforceable part of federal and state brownfields policies. Though President Clinton's Executive Order on Environmental Justice was designed to eliminate many of these problems, the enforcement of this order is not openly apparent under the current administration. In fact, there is an absence of any new initiatives or practices to encourage the implementation of the Executive Order. Not only is there a need for federal and state agencies to more strictly enforce environmental justice in the application of programs, but there must also be enforceable requirements for community involvement to be prioritized and supported at the highest and most active level possible. For example, the insertion in the brownfields program of an enforceable community review process would lead towards the resolution of the impacts, remediation, and redevelopment of brownfields with the voice of the communities at the forefront.

Recommended policies, regulations, and laws to address brownfields

Removing health risks must be the main priority of all brownfields action plans. Environmental health hazards are disproportionately concentrated in low-income communities of color. Policy requirements and enforcement mechanisms to safeguard environmental health should be strengthened for all brownfields projects located in these communities. If sites are potentially endangering the health of the community, all efforts should be made for site remediation to be carried out to the highest cleanup standards possible towards the removal of this risk. The assurance of the health of the community should take precedence over any other benefits, economic or otherwise, expected to result from brownfields redevelopment.

Another key component to brownfields redevelopment is mandatory community and resident participation requirements. Meaningful enforcement of community input must apply to decision-making processes in federal, state, regional and municipal laws. Mechanisms to ensure that they are properly implemented and monitored must also be in place. The federal government has a current community participation element that is not uniformly consistent and California is the only state to require community participation in the early stages of the process through its Voluntary Cleanup Program.

Following are specific policy and regulatory recommendations for brownfields cleanup and revitalization.

- Establish clear community-based goals. These goals must outline the economic, environmental and social benefits expected to accrue to neighborhood residents.
- Require the development of reports. These reports should demonstrate coordination with other existing revitalizing programs such as empowerment zones and enterprise communities and actively link to community education, participation, and outreach efforts.¹⁸
- Foster an awareness of social impacts. There must be a mechanism to address potential impacts on the historical identity of the neighborhood, including cultural and demographic considerations.
- Enforce compliance with Environmental Justice Executive Order. There must be action by the federal government to institute penalties to federal agencies that do not comply with the environmental justice executive order, and/or to institute a new policy that will require the implementation of environmental justice guidelines in all federal programs and agency directives. This will likely require an act of Congress.

These penalties would directly apply to all organizations that receive federal grants or other funding and organizations that subcontract with the federal government and its agencies.

- Create and maintain cross-sector partnerships. Funding for brownfields pilots from EPA and other federal programs should continue to be made more accessible by community-based non-profits. Unique partnerships must be encouraged to allow these groups to jointly partner with local governments in use of federal and state funds. Such policies should work with an eye towards fostering not only private development and ownership, but also community building and development through partnerships with public and private entities. Such relationships can encourage greater community participation and ownership in the redevelopment of brownfields. Present regulations that exempt certain for-profit brownfields redevelopment ventures from liability risk should be expanded to absolve non-profits undertaking these partnerships from any liability risk.
- Institute anti-displacement provisions. These requirements should be incorporated into all federal, state and local brownfields laws. Since displacement cannot be completely avoided, compensation and assistance in relocation should be provided to individuals and families adversely affected by brownfields redevelopment, including in the case of a greater environmental hazard being discovered during the assessment and remediation processes.
- Prevent emerging brownfields. An expansion and emphasis of resources should be allocated to brownfields prevention efforts that eliminate industrial pollution at its source and relocate incompatible land uses. Rather than subsidizing profit-driven brownfields projects, public funding should promote the reuse of brownfields sites with low- to no-market value, but which could be redeveloped to meet other non-market oriented community needs such as open space, affordable housing, community food security initiatives (urban gardens, etc.), and affordable commercial space for small businesses, etc.
- Support innovative redevelopment strategies. Local governments could serve as the catalyst by establishing land bank authorities that assemble and clean up brownfields and then sell them at below-market rates to non-profits, community groups, and others that can demonstrate how the proposed redevelopment project will result in substantive benefits to impacted residents.
- Ensure that brownfield revitalization is on the regional agenda. Regional strategies for brownfields redevelopment, such as land value taxation and urban growth boundaries, have been proven to be very effective in redirecting development towards vacant land in the inner city. However, these promising strategies must be implemented with equity safeguards including anti-displacement measures that mitigate the effect of increased development pressures and rising land values for inner city properties. In order for brownfields redevelopment efforts to be effective in benefiting the residents of brownfields-impacted communities, redevelopment processes and policies must move from a site-specific, market-oriented focus to one that looks at brownfields from a regional, equity-based perspective. The disproportionate clustering of brownfields in certain inner city neighborhoods can be explained further through a regional analysis of economic dynamics that reveals how certain locations and populations have been disadvantaged by historic patterns of white flight, suburban sprawl, and deindustrialization. This concentration of brownfields in turn generates negative externalities on surrounding properties that further serve to deter redevelopment activities in these areas.
- Maintain a focus on job development. One of the greatest promises that brownfields hold for communities is the potential creation of jobs for local residents on redeveloped sites. Government-funded brownfields workforce development programs are by and large linked to cleanup, despite the fact that the environmental remediation sector has limited career advancement opportunities. Moreover, many environmental justice advocates contend that it is undesirable to track low-income people of color into jobs where they become doubly exposed to brownfields' environmental hazards as both residents and workers. Brownfields-related workforce development initiatives should be linked to the future end uses of the brownfields sites to ensure quality job creation for local residents. Redevelopment strategies involving partnerships with expanding or emerging businesses will be more successful at generating a diversity of jobs aligned with the realities of local labor markets.
- Support the remediation and reuse of currently utilized industrial properties. Brownfields revitalization programs should be broadened to support the remediation and reuse of currently utilized industrial properties, whether they are privately or publicly owned. This will prevent future creation of new brownfields and reduce the public health risk posed by industrial facilities.¹⁹

Recommended future brownfields action plan.

Process

- Develop a clear policy and advocacy agenda by the environmental justice movement that can be implemented on the federal, state, regional, and local levels. This plan should include continued advocacy for legislative and regulatory changes that would reduce the barriers to the redevelopment of brownfields and explicitly prioritize community involvement.
- Disseminate public information that demonstrates the broad effects of brownfields on low-income communities and communities of color, stressing the public health risks and the importance of community involvement.
- Target resources towards capacity building that strengthens the network of environmental justice groups taking action for just, sustainable brownfields policies and projects in communities across the country.
- Support efforts to expand opportunities for community groups to purchase and redevelop properties in their neighborhoods, and in partnership with state and private entities through existing brownfields redevelopment programs. This should include the provision by government agencies at all levels (but in particular at the local and regional levels) of tax benefits and subsidies typically given to private institutions. .
- Encourage unique partnerships between government and financial institutions to help community groups develop community-driven brownfields projects. These efforts should coordinate federal and state funding sources with those from private financial institutions.
- Identify and develop relationships with foundations and other non-governmental resources to provide funding for brownfields-related projects.

Structure

- Innovative institutional models can be used to foster the creation of affordable housing and other community-oriented uses on former brownfields sites, while creating a buffer mechanism for rising property values. For example, the establishment of Community Land Trusts (CLTs) could allow communities to purchase or obtain brownfields from local governments at below-market rates, and then redevelop them for a variety of community needs including limited-equity housing. CLTs are community-governed nonprofits, with development priorities that are determined by local residents. As such the land under their purview is under the control of an accountable body of local residents.
- Environmental justice organizations should become involved in redevelopment processes in their neighborhoods in order to integrate brownfields priorities into long-range neighborhood redevelopment plans. This will allow for the use of Tax Increment Finance (TIF) funds accrued by the redevelopment process to fund the cleanup and redevelopment of brownfields sites for community-determined uses.
- Advocate for linkage and/or impact fees for polluting industrial and commercial uses that will go into a regional and/or municipal fund to finance brownfields redevelopment activities that demonstrate clear community benefits. Proposed projects should be required to develop Community Benefits Plans that are monitored by community organizations and residents.
- Encourage environmental justice movement leaders to develop environmental justice criteria for Community Benefits Plans (modeled after those employed successfully in union organizing) in order to assess the desirability of any given brownfields redevelopment project proposed for a community.
- Environmental justice groups must actively advocate against the “brownlining” practices of financial institutions, which limit their investment in redevelopment projects in neighborhoods with an industrial past (e usually low-income inner city communities of color). As long as the financial capital markets are effectively shutting out communities of color through lending practices that are discriminatory, the majority of brownfields will remain contaminated and underutilized.

Conclusion

This policy paper has attempted to provide a landscape of best policies and practices needed to make substantial and effective change in brownfields revitalization. It has addressed the existing policies and regulations that have attempted to encourage brownfields redevelopment and assess the effectiveness of these policies. Environmental justice must be a focus of brownfields revitalization strategies rather than current market driven approaches.

Towards this end, community involvement strategies and best practices must be collected, demonstrated, and advocated for on a national basis in order for significant changes to occur in brownfields clean up and revitalization.

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Endnotes

- ¹ U.S. Environmental Protection Agency, *Brownfields Action Agenda*, January 25, 1995.
- ² Ann Bowman and Michael Pagano, 2000. "Transforming America's neighborhoods: Policies and conditions of vacant land"; *Urban Affairs Review*; v35, n4; pp. 559-581.
- ³ William Fulton, *Guide to California Planning*, Solano Press Books, 1991, pp. 48-52.
- ⁴ Robert Bullard, *Dumping in Dixi: Race, Class, and Environmental Quality* West View Press, 2000.
- ⁵ Carl Anthony, "Suburbs are making us sick: Health implications of suburban sprawl and inner city abandonment on communities of color"; U.S. EPA Brownfields 1997 Conference Proceedings (Community Involvement Track); Washington DC; 1997.
- ⁶ Urban Habitat, *Building Upon Our Strengths: A Community Guide to Brownfields Redevelopment in the San Francisco Bay Area*. San Francisco, CA; 1999.
- ⁷ San Francisco Department of Public Health, Bureau of Epidemiology, *Comparison of Incidence of Cancer in Selected Sites between Bayview-Hunters Point, San Francisco, and the Bay Area*; 1995.
- ⁸ *What If We Shared*, Urban Habitat; May 1998. San Francisco.
- ⁹ New York Lawyers for the Public Interest, Inc., "Brownfields Basics: A Guide to Rebuilding Our Communities," NYPLI. New York, NY. 2000. pp. 43-44.
- ¹⁰ EPA, *The Brownfields Action Agenda*, <http://www.epa.gov/brownfields/html-doc/action.htm>. 1995.
- ¹¹ California E.P.A. "Fact Sheet: CAL EPA Brownfields Initiatives." 1998 (Revised 5/2001).
- ¹² P.L. 107-118.
- ¹³ Urban Institute. *The Effects of Environmental Hazards and Regulation on Urban Development*. HUD Policy Development & Research Office: Washington D.C. 1997.
- ¹⁴ Stephen Johnson, "Economics vs. equity: Do market-based environmental reforms exacerbate environmental injustice?" *Washington & Lee Review* v56: 111-166.
- ¹⁵ Samara Swanston, "Brownfields cleanup standards: Consistency with the principles of environmental justice can result in clean cleanups and economic development too." *Fordham Environmental Law Journal*. Vol. 11: 857-872.
- ¹⁶ Rephann, Terance. "The economic impacts of LULUs." *Environment and Planning C: Government and Policy*. V. 18: 393-407.
- ¹⁷ UHP. *Race, Poverty, and Environment*. Pp. 5 and 39.
- ¹⁸ UHP. *Race, Poverty and Environment*. Pg. 7.
- ¹⁹ UHP. *Race, Poverty, and Environment*. Pg. 34.