

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2021-0050**

**CONDEMNING RACISM, XENOPHOBIA, BIGOTRY, AND RACIAL INJUSTICE
AND STRENGTHENING COMMITMENT TO RACIAL EQUITY, DIVERSITY,
INCLUSION, ACCESS, AND ANTI-RACISM**

WHEREAS:

1. As part of the California Environmental Protection Agency (CalEPA), the shared mission of the State Water Resources Control Board (State Water Board) and nine Regional Water Quality Control Boards (Regional Water Boards), collectively Water Boards, is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use for the benefit of present and future generations. In relation to this mission, the Water Boards accept responsibility for confronting structural and institutional racism and advancing racial equity.
2. The Water Boards are a member of the Government Alliance on Race and Equity (GARE) and have adopted its definition of racial equity: racial equity occurs when race can no longer be used to predict life outcomes, and outcomes for all groups are improved. Because race intersects with many, if not all, other marginalized identities, prioritizing and addressing racial inequities improves outcomes for other marginalized communities.

Race as a Determinant of Environmental and Racial Inequities

3. Historically, decision-makers representing government agencies used race to establish structures and systems that continue to deliver disparate outcomes, including wealth, health, educational, and environmental inequities.
4. CalEPA's 2021 Pollution and Prejudice Story map demonstrates that historically redlined neighborhoods are "generally associated with worse environmental conditions and greater population vulnerability to the effects of pollution today." In addition, Black, Indigenous, and people of color are overrepresented in the neighborhoods that are the most environmentally degraded and are still experiencing severe racial wealth gaps caused by redlining and other land-use practices designed to oppress them. Many of these communities lack access to parks, open spaces, greenways, and green infrastructure to provide, for example, natural flood protection, water treatment, and groundwater recharge and replenishment.

5. The Office of Environmental Health Hazard Assessment's (OEHHA's) CalEnviroScreen mapping tool identifies communities that are disproportionately impacted by a combination of environmental stressors and socioeconomic disadvantages. The tool's 2021 update reveals that the top 10% of least-polluted neighborhoods are 67% white, and the top 10% of most-polluted neighborhoods are 90% Black, Indigenous, and people of color. Contaminated drinking water sources disproportionately burden low-income and Black, Indigenous, and people of color communities throughout California, further exacerbating persistent inequities, which can be seen in data collected by the Human Right to Water Framework and Data Tool 1.0 (released January 2021).
6. In 2021, the State Water Board released the 2021 Drinking Water Needs Assessment, which (1) identifies California small water systems and domestic wells that are failing, or at risk of failing, to provide access to safe drinking water; (2) estimates the cost of interim and long-term solutions for these systems; and (3) determines the statewide funding gap and affordability challenges that may be barriers to implementing these solutions. There are approximately 345 systems that fail to meet the goals of the human right to water. In addition, the needs assessment identified 617 at-risk public water systems, 611 at-risk state small water systems, and 80,000 at-risk domestic wells. It also identified 13 federally regulated tribal water systems that failed to meet the goals of the human right to water and 22 at-risk tribal water systems.

Acknowledging Racism and Racial Inequities

7. Historically, the Water Boards' programs were established over a structural framework that perpetuated inequities based on race. These inequities persist, and prior to this resolution, the Water Boards had not explicitly acknowledged the role racism has played in creating inequities in affordability and access to clean and safe water and in the allocation and protection of water resources. Toward reconciliation, the State Water Board now acknowledges:
 - a. White supremacy is a systemically and institutionally perpetuated system of exploitation and oppression of nations and people of color by white people for the purpose of maintaining and defending a system of wealth, power, and privilege. In the United States, white supremacy led to the genocide and forced relocation of Native American people to facilitate white resettlement and the enslavement of Native American and Black people for white economic gain. White supremacy has been served by many other government policies targeting people of color, including, for example, race-focused immigration restrictions, the internment of Japanese Americans, exclusionary housing and labor policies, and lack of investment in

Black, Indigenous, and people of color communities. The impacts of federal, state, and local decision-making and policies made decades ago continue to impose challenges for Black, Indigenous, and people of color communities, which still grapple with the lasting effects of historical racial inequities stemming from those governmental decisions and policies.

- b. The colonization, displacement, and genocide of Native American people in the United States have contributed to the loss of water resource and watershed management practices that supported Native American people's traditional food sources and ways of life. Watersheds are now primarily managed through large-scale diversion of water for municipal, industrial, agricultural, and commercial beneficial uses to the detriment of traditional, local, and cultural uses and without compensation, recognition, or replacement. Historical land seizures, broken promises related to federal treaty rights, and failures to recognize and protect federal reserved rights have resulted in the loss of associated water rights and other natural resources of value, as well as cultural, spiritual, and subsistence traditions that Native American people have practiced since time immemorial.
- c. As a result, California Native American Tribes continue to face barriers to defining, quantifying, accessing, protecting, and controlling their ancestral lands, water rights, instream flows, cultural resources, and beneficial uses. Redistribution of water has reduced or eliminated access to healthy traditional food sources such as smelt, salmon, freshwater mussels, and freshwater plants. Disconnection from traditional ancestral land and water and the unavailability of traditional foods have been linked to serious and pervasive health issues. In addition, low or non-existent instream flows, and associated water quality problems, impair or prevent water-related cultural, spiritual, and subsistence practices. These injustices are exacerbated by climate change and complex water resource and watershed management processes.
- d. The historical seizures of land from people of color have had, and continue to have, long-standing, oppressive impacts that extend beyond the loss of the land itself. These impacts include the loss of the associated water rights and other natural resources of value, lack of access to affordable and reliable governmental services, and forced relocation to areas with fewer or lower quality natural resources.

- e. In California, race predicts a person's access to governmental services and the quality and affordability of the services they receive. This includes the availability of safe drinking water and the collection, treatment, and reuse of wastewater. In fact, race is the strongest predictor of water and sanitation access.

Advancing Racial Equity and Environmental Justice

8. The evidence of past and persisting racism and racial inequity is compelling. On a community scale, race is strongly correlated with more severe pollution burdens. However, until recently, few of the Water Boards' policies, programs, or plans expressly considered or addressed racial inequities. As a government agency, the State Water Board recognizes the need to acknowledge racial inequity and to take action to address racial inequity within the agency and as part of the programs the Water Boards' carry out for the communities we serve.
9. Over the last decade, the Water Boards have increasingly emphasized actions to address environmental injustices, including: (1) creating the Safe and Affordable Funding for Equity and Resilience (SAFER) Program, a comprehensive approach to implementing the state's commitment to the Human Right to Water by ensuring the estimated 1 million Californians being served contaminated water have solutions for safe, affordable drinking water; (2) improving engagement with California Native American Tribes and recognizing and protecting tribal beneficial uses; (3) developing a comprehensive response to climate change, including addressing disproportionate impacts on vulnerable communities; and (4) administering funding for projects that remediate the harm—or threat of harm—to human health, safety, and the environment caused by existing or threatened surface water and groundwater contamination. Much of this funding is set aside or targeted for projects in disadvantaged and severely disadvantaged communities. The Water Boards recognize the need to further address environmental injustice and racial inequity.
10. Since 2018, the Water Boards have been participating in GARE, an international network of governmental organizations working to achieve racial equity and advance opportunities for all. The GARE network utilizes a racial equity model of change comprising iterative stages of normalizing, organizing, and operationalizing.
11. Since 2018, the Water Boards' staff have been actively engaged in CalEPA's racial equity team, which is implementing CalEPA's "Plan to Achieve Racial Equity" to: (1) improve access to data and information on racial equity; (2) improve communication with communities and partners; (3) improve language access; (4) advance racial equity trainings for the CalEPA workforce; and (5) improve workforce hiring, retention, and

promotion practices to advance racial equity within the environmental protection role that each board, department, and office shares with CalEPA.

12. The Water Boards' workforce does not reflect the racial composition of the state. United States Census Bureau data collected via the 2019 American Community Survey (ACS) show that 37% of California's population is white, yet the Water Boards' workforce census data from 2020 show that 57% of the Water Boards' workforce and 69% of the Water Boards' management is white. Similarly, the 2019 ACS data show that 63% of California's population comprises Black, Indigenous, and people of color, compared to only 43% of the Water Boards' workforce and 31% of the Water Boards' management. In 2019, the Water Boards released the document, "Immediate Hiring Practices Action Plan for Advancing Workforce Diversity at the Water Boards," which aligns with CalEPA's "Practices to Advance Racial Equity in Workforce Planning." Both documents were developed to articulate the benefits of a diverse workforce and to identify practices to advance racial equity. The Water Boards' plan directs hiring managers and supervisors to take specific short-term actions to improve workforce diversity while a more holistic plan is being developed.
13. In April and May 2020, CalEPA collaborated with GARE to survey staff of all CalEPA boards, departments, and offices, including the Water Boards, to establish baseline progress toward efforts to advance racial equity. Responses reveal that the Water Boards are beginning to normalize workplace conversations about racial equity by establishing a shared language, set of facts, and approaches. In addition, the summary report of the Water Boards' staff responses indicates that more work is needed to further normalize racial equity, and it includes a specific recommendation for the Water Boards to center racial equity work on the perspectives and experiences of Black staff. Overall, the survey responses strongly support the need for additional training and tools for advancing racial equity and for stronger communication with staff.
14. Although the Water Boards' racial equity and environmental justice work began prior to 2020, the national and worldwide backlash against racism toward Black people and related Black Lives Matter protests of 2020 accelerated and informed the State Water Board's decision to address racial inequities within the Water Boards and through the Water Boards' work.

15. During its August 18, 2020 meeting, the State Water Board directed staff to advance racial equity. Executive Director Eileen Sobeck established the Racial Equity Steering Committee and Working Group. The Racial Equity Steering Committee's charge is to ensure leadership remains committed to furthering racial equity and to direct the Working Group's progress on implementing the following priorities: (1) establish a foundation of internal and external engagement that values listening and collaboration to drive action; (2) draft a resolution on racial equity to be considered for adoption by the State Water Board and also leveraged by the Regional Water Boards to adopt their own resolutions; and (3) develop racial equity strategies and action plans to drive the Water Boards' efforts to institutionalize racial equity.
16. In November and December 2020, the Racial Equity Steering Committee and Working Group hosted four public listening sessions to solicit input on the challenges that Black, Indigenous, and people of color are facing and how the Water Boards can better facilitate equitable participation from these communities in their decision-making and policy development processes. Feedback from participants included several common themes, such as: a general distrust of government; feeling excluded from decision-making processes that ultimately affect them; not feeling heard when presenting issues to the Water Boards or that participation results in a change; a desire for more evidence that state government is committed to providing safe drinking water to disadvantaged communities; and concern that the Water Boards' decision-makers and staff do not reflect the diversity of the communities they serve.
17. In March 2021, the Racial Equity Steering Committee and Working Group hosted employee listening sessions to learn how the Water Boards can foster a workplace where all staff feel they belong and can contribute, and where the impacts of institutional racism are being recognized and addressed. To encourage honest, open discussion, each session was facilitated by professional racial equity consultants. Several common themes emerged during the sessions, such as: a general lack of opportunities to increase diversity and promote inclusion within the workforce; a need for mandatory training for all Water Boards staff in the areas of racial equity, racism, implicit bias, and cultural competence; the importance of allocating resources to support racial equity efforts; and the need to bring a racial equity lens to the Water Boards' decision-making processes, including more meaningful opportunities for community involvement.

18. To better represent and serve California's communities, the Water Boards must address the connection between protecting and managing water resources and systemic and institutional racism while fostering greater workforce diversity, equity, and inclusion within the agency.

THEREFORE, BE IT RESOLVED THAT:

The State Water Resources Control Board:

1. Condemns acts of racism, xenophobia, bigotry, white supremacy, and institutional and systemic racism; adopts racial equity, diversity, and inclusion as core values; and acknowledges the role of government agencies—including the Water Boards—in redressing racial inequities and dismantling institutional and systemic racism.
2. Commits to making racial equity, diversity, inclusion, and environmental justice central to our work as we implement our mission so that the access the State Water Board creates, and outcomes we influence, are not determined by a person's race and the benefits are shared equitably by all people.
3. Commits to centering our work and decision-making on Black, Indigenous, and people of color who are disproportionately represented in the most vulnerable communities and in unsheltered populations, while ensuring the full benefits of the Water Boards' programs for all people.
4. Reaffirms our commitment to upholding California's human right to water law, upholding the State Water Board's human right to water resolution, and demonstrating that every human being in California—including people from Black, Indigenous, and people of color communities—deserves safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.
5. Reaffirms our commitment to the protection of public health and beneficial uses of waterbodies in all communities, and particularly Black, Indigenous, and people of color communities disproportionately burdened by environmental pollution through: cleanup of contaminated soil, soil vapor and groundwater; control of wastes discharged to land and surface water; restoration of impaired surface waters and degraded aquifers; and promotion of multi-benefit water quality projects to increase access to parks, open spaces, greenways, and other green infrastructure.

6. Commits to expanding implementation of the State Water Board's Climate Change Resolution to address the disproportionate effects of extreme hydrologic conditions and sea-level rise on Black, Indigenous, and people of color communities, prioritizing: the right to safe, clean, affordable, and accessible drinking water and sanitation; sustainable management and protection of local groundwater resources; healthy watersheds; and access to surface waters that support subsistence fishing.
7. Reaffirms our commitment to improving communication, working relationships, and co-management practices with all California Native American Tribes, including seeking input and consultation on the Water Boards' rules, regulations, policies, and programs to advance decisions and policies that better protect California's water resources. The State Water Board recognizes our parallel relationship to the people we serve and values tribes' traditional ecological knowledge and historic experience with managing California's water resources since time immemorial.
8. Directs staff to create a proposal by January 2022 to establish an Office of Equity, Diversity, and Inclusion to achieve a workplace, workforce, and work outcomes that reflect racial equity.
9. Directs staff to normalize conversations about racial equity and foster a workforce that competently integrates racial equity into the State Water Board's work by: (1) developing and implementing training curricula for racial equity, diversity, inclusion, and environmental justice; (2) incorporating racial equity concepts into existing mandatory Water Boards training courses; (3) educating staff about Equal Employment Opportunity (EEO) laws and the Water Boards' EEO Office's process for preventing and responding to complaints of discrimination, harassment, bullying, or retaliation; (4) developing policies that will lead to a racially equitable and diverse workforce by ensuring the Water Boards' Immediate Hiring Practices Action Plan addresses recruitment, hiring, retention, promotion, succession planning, mentorship, STEM outreach to schools, and leadership development; and (5) partnering with other organizations to expand opportunities for community capacity building.
10. Directs staff to develop strategies for effectively reaching and meaningfully engaging with Black, Indigenous, and people of color communities; involving and partnering with tribes, stakeholders, and other interested parties in our decision-making processes; providing accessible, open and transparent opportunities for people to participate in our public meetings, hearings, and workshops; meeting people in their communities and spaces to seek out their perspectives; supporting communities with building capacity to advance racial equity and environmental justice; improving our communications by providing more plain-language materials; and addressing barriers to public participation, including language, digital, and time-of-day access.

11. Directs the Executive Office to develop and implement a Racial Equity Action Plan that articulates a vision for racial equity and outlines specific actions the State Water Board will take to address Water Boards systems that perpetuate racial inequities while establishing new, resilient systems.
 - a. The plan shall incorporate all State Water Board divisions, offices, and programs, and it shall address all aspects of our work, including, those detailed above in this resolution, as well as water quality control plans, policies, permits, enforcement, compliance assurance, contracting, funding, procurement, site remediation, monitoring, and water rights administration.
 - b. The plan shall include goals, objectives, actions, timelines, and metrics.
 - c. Staff shall advance a framework of transparency, accountability, and continuous improvement for our racial equity work by establishing metrics and using quantitative and qualitative data collection methods to measure and evaluate the Water Boards' progress toward: implementing those metrics; equitizing our systems, practices, and policies; and diversifying the Water Boards' workforce.
 - d. Staff shall seek out and consider input from stakeholders to inform development of the action plan.
 - e. Staff shall include a framework for analyzing the impact of State Water Board decisions and staff recommendations to the Board through a racial equity lens; asking impacted Black, Indigenous, and people of color communities how the actions we are considering may affect them; and incorporating this feedback into our decision-making processes.
 - f. Staff shall include a recommendation for incorporating language that addresses racist, xenophobic, or bigoted workplace behaviors into existing Water Boards' policies.
 - g. Staff shall provide updates on developing and implementing the plan at least quarterly, including updates on actions taken by the Regional Water Boards and State Water Board divisions, offices, and programs as appropriate.
 - h. Staff shall present the action plan to the Board no later than one year after adopting this resolution and report on implementation progress annually thereafter.


- 12. Encourages the nine Regional Water Boards to adopt this resolution, or a similar resolution that condemns racism, xenophobia, bigotry, and racial injustice; affirms a commitment to racial equity, diversity, inclusion, access, and anti-racism; and otherwise prioritizes this important work.

CERTIFICATION

The undersigned Clerk to the State Water Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 16, 2021.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None
ABSENT: None
ABSTAIN: None



Jeanine Townsend
Clerk to the Board