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Pollution Isn't Color Blind in Oakland
Racial Discrimination Alleged in City Hall Land-Use Planning

OAKLAND, CA - Deprived of their right to speak, or even know about the impacts from a mega-crematorium, community residents demand immediate action in the two-year fight to halt a massive crematorium in East Oakland. On behalf of residents, Communities for a Better Environment filed suit against the City of Oakland and the Oakland Planning Department alleging racial discrimination. CBE alleges that the City permits crematoriums in neighborhoods where mostly people of color reside without giving the community notice, and without analyzing or putting conditions on crematoriums. Meanwhile, wealthier and whiter communities would have notice and protections from crematorium impacts, as they have historically been protected from toxic emissions.

"I am confused when city officials say Oakland is a green city," said Nehanda Imara, East Oakland resident and Community Organizer for Communities for a Better Environment (CBE). "Is Oakland green and sustainable for some residents and not for others?"

The lawsuit was announced on Tuesday, May 6th at a rally in front of Oakland City Hall. Dozens condemned the Planning Department's decision allowing crematoriums without public notice as an act of environmental racism. Crematorium owner Stewart Enterprises, also named in the lawsuit, was also taken to task.

Ironically, the City of Oakland requires conditional use permits for organizations wanting to grow local food at public parks in parts of East and West Oakland, but fails to require them for crematoriums of any size, even the "Walmart-scale" crematorium proposed by Stewart Enterprises in East Oakland.

Controversy ignited after residents discovered that the Planning Department green-lighted Stewart's project without notifying the public. An investigation by CBE revealed the Planning Department had contravened its own regulations with its zoning decision. "I did not get any notice of a crematorium, and I would have wanted to know," said neighboring business owner Eleanor Huang-Wilson. "My business is light manufacturing. Cremating human bodies is very different. We are trying to build this part of town, and a crematorium will have the opposite effect."

The issue turns, in part, on how the Planning Commission categorizes new building applications. The classification granted to crematoriums, "General Manufacturing," sends

new polluting and industrial projects to East and West Oakland. No one heard about the Stewart Enterprises proposed crematorium until it was too late, because "General Manufacturing" allows building approval applications to bypass public and environmental review. By contrast, other death services must have environmental review and conditional use permits to operate.

The demographics of East and West Oakland are primarily African-American and Latino. A large cluster of polluters, poverty, and high crime rates combine to put East Oakland residents at a fifteen-year disadvantage in life expectancy compared to Oakland Hills residents, according to the Alameda Public Health Department. Air pollutants such as hexavalent chromium, hydrogen fluoride, mercury, and other toxics are known typical emissions from crematoriums.

"This year was the 20th anniversary of President Clinton signing Executive Order 12898, a landmark for the environmental justice movement," said Reverend Daniel Buford, Allen Temple Prophetic Justice Ministry. "We need immediate action to effectively implement real environmental laws in Oakland, that can improve the quality of life, reduce pollution, prevent more toxic projects being built and can expand economic opportunity in low-income communities of color overburdened by pollution like in East Oakland."

Nationally, African-Americans, Hispanics, Asians and Native Americans are exposed to greater air toxic concentrations than Whites in every metropolitan city in the United States. With community pressure and the city leadership Oakland can address this injustice, just as we enacted and extended, a temporary law requiring conditional use permits for crematoriums. The crematorium debate is only the tip of the iceberg -- the community is working toward broader solutions. Meanwhile, the Stewart Enterprise permit is on hold pending litigation.

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