



August __, 2017

Dear _____,

We are writing to urge you to join us in demanding that the Bay Area Air Quality Management District (BAAQMD) evaluate the emissions from a mega-crematorium proposed in East Oakland. Stewart Enterprises¹ is preparing to operate the largest crematorium on the West Coast at 9850 Kitty Lane in Oakland, CA. It would sit in one of the state's most impacted communities.² The census tract is 47% African American and 49% Latino, and these people of color are already severely impacted by, and at risk from, environmental pollution. For example, the census tract is in the 99th percentile statewide for asthma, 97th percentile for toxic cleanups, and 92nd percentile for diesel.³ We believe that when BAAQMD more accurately evaluates the crematorium, it will conclude that the significant impacts cannot be mitigated, and will require Stewart to explore alternative locations.

In 2011, BAAQMD looked at the emissions the crematorium might have, but BAAQMD's rules have changed since then. Under today's rules, BAAQMD would have more accurate information about toxic pollutants, like arsenic and mercury, on an hourly and daily basis rather than just how much would be emitted each year. Also, the model BAAQMD used in 2011 was already outdated; US EPA stopped using it in 1998 because a newer model does a better job reflecting city environments and how the wind can affect emissions. Assumptions about how much pollution crematoriums emit have changed, too.

Since 2012, when the community first learned of the proposed crematorium, the local community has strongly objected. A large-scale crematorium runs directly counter to the community's vision for this part of East Oakland. Due to loopholes in the City of Oakland's permitting ordinances⁴ the community was deprived of notice, environmental review, or comment on the land use permits for the crematorium.

¹ This facility has also been proposed by entities entitled the Neptune Society and Stewart Enterprises. It is currently owned by Service Corporation Inc., operating under the name Stewart, or S.E. Combined Services.

² Impacts as determined by the California Environmental Protection Agency's screening tool, CalenviroScreen 3.0. Available at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30> search "9850 Kitty Lane Oakland CA".

³ *Id.*

⁴ The crematorium took advantage of two loopholes: first, it categorized itself as a manufacturing facility, rather than a special use facility, thereby avoiding community notification and review under the California Environmental Quality Act. The City of Oakland has since revised its municipal code to clarify that crematoriums, like other end of life services, may have special impacts that must be considered. The second loophole was the City's vesting ordinance, which provided that the moment the City issued the crematorium a permit, the permit vested and could not be conditioned on additional analysis, despite the City's issuance of an emergency ordinance immediately after issuance.

The proposed crematorium is less than a mile from two elementary schools, and one third of a mile from one of this community's few public parks.⁵ In a community of color that already suffers tremendous cumulative impacts from environmental pollution, public health burdens, and other social stressors, the addition of a new pollution source must be taken very seriously. Before coming to Oakland from Emeryville, the crematorium was headed to Richmond, in another environmental justice community with similar issues to East Oakland, but it was denied after strong opposition, and now is building out in East Oakland, where opportunity for community voice was silenced.⁶ **This is an injustice! We are asking that BAAQMD notifies the community if Stewart seeks a permit to operate, and that BAAQMD staff conducts a new review, not relying on its 2011 work, but instead using the most current, health-protective standards.**

Sincerely,

/s/

⁵ Brookfield Elementary School, Lighthouse Community Charter School, and Columbian Gardens Park.

⁶ <http://www.sfgate.com/bayarea/article/BAY-AREA-Neighbors-fight-crematorium-plan-2532017.php>