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## In This Edition

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## IN THIS EDITION

*BENJAMIN MARTIN\** & *MICHAEL J. MINKUS\*\**

This *Pacific Region Edition* is the second issue of the Golden Gate University School of Law's *Environmental Law Journal (ELJ)*. Now and in the future, the *Pacific Region Edition* will feature legal scholarship addressing environmental issues related to the geographic area from the Rocky Mountains to the West Coast to the Pacific Ocean and around the entire Pacific Rim, which we characterize as the *Pacific Region*. Below is a summary of the four contributions in this edition.

In the first article, *Strategies for Implementing the Environmental Justice Vision*, Clifford Rechtschaffen notes that the environmental justice movement has achieved much in the last twenty-five years, but that “to a large extent the transformative changes in environmental policy and decisionmaking envisioned by the movement have not yet occurred.”<sup>1</sup> Looking forward, Rechtschaffen notes that race still matters and argues that advocates should use the tools available to them to directly confront race in order to “provide remedies for broader societal discrimination not addressed by other statutes,” and to “empower communities by identifying the problem of environmental injustice for what it is—a civil rights violation.”<sup>2</sup> Further, Rechtschaffen argues for the reform of existing laws—pollution controls, land-use controls, and environmental review—to “explicitly authorize and require consideration of cumulative impacts.”<sup>3</sup> In moving forward, Rechtschaffen argues for a precautionary approach that prevents harmful activities whenever possible and searches for a safer alternatives. Finally, *Strategies* advocates for greater focus on “remediating disparities in environmental

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<sup>1</sup> Clifford Rechtschaffen, *Strategies for Implementing the Environmental Justice Vision*, 1 GOLDEN GATE U. ENVTL. L.J. 321-22 (2007).

<sup>2</sup> *Id.* at 324.

<sup>3</sup> *Id.* at 325.

benefits, not just the burdens.”<sup>4</sup> Clifford Rechtschaffen is a Professor at Golden Gate University School of Law, where he is on leave, and is now a Special Assistant Attorney General at the California Department of Justice.

Next, Paul Stanton Kibel’s *The People Down the Hill: Parks Equity in San Francisco’s East Bay* traces the roots of the East Bay Regional Park District’s expansive hillside holdings. *People* observes that the East Bay Regional Parks are nestled among the most valuable homes in Oakland and Berkeley, and are often inaccessible by public transit. In the lowlands, low-income, minority residents have limited access to parks and open space. Noting this disparity, Kibel comments: “Therein lies the quandary—for the East Bay Regional Park District to hold too closely to a self-conception as an agency whose dominant mission is preservation of large-acreage wildlands may be, on a practical level, to perpetuate the current lack of equitable access to parkland in the East Bay.”<sup>5</sup> Paul Stanton Kibel is an adjunct professor at Golden Gate University School of Law, director of GGU School of Law’s City Parks Project, and of counsel to the environmental/land use practice group at Fitzgerald Abbott & Beardsley. *People* was adapted from and contains materials previously published in the GGU City Parks Project’s 2007 report *Access to Parkland: Environmental Justice at East Bay Parks*.

The third article, *Highway to Health: Exploring Legal Avenues to Connecting General Plans and Public Health Standards in California*, by E. Jacob Lubarsky, follows naturally from *The People Down the Hill*. Lubarsky notes that “[l]ow-income urban centers in the United States are some of the unhealthiest places to live. Childhood and adult asthma, obesity, heart disease, and diabetes rates are rapidly rising while at the same time access to healthy foods and greenspace to recreate is dwindling.”<sup>6</sup> *Highway to Health* identifies the general plan as the most comprehensive planning document required by California law and discusses how general plans could be broadly interpreted to include public health standards. Lubarsky argues that small legislative and local government successes with incorporating public health into planning processes, such as simple public health criteria like open space requirements, bike lines, and sidewalks, need to be augmented by “sweeping legal victories that force paradigmatic shifts in legislation and planning processes” in order “to force city planners and public health

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<sup>4</sup> *Id.* at 328.

<sup>5</sup> Paul Stanton Kibel, *The People Down the Hill: Parks Equity in San Francisco’s East Bay*, 1 GOLDEN GATE U. ENVTL. L.J. 331, 403 (2007).

<sup>6</sup> E. Jacob Lubarsky, *Highway to Health: Exploring Legal Avenues to Connecting General Plans and Public Health Standards in California*, 1 GOLDEN GATE U. ENVTL. L.J. 405, 405 (2007).

advocates to communicate and collaborate on changing behavior and encouraging growth that facilitates more healthy lifestyles and built environments.”<sup>7</sup> E. Jacob Lubarsky is a graduate of Golden Gate University School of Law and an associate at Wilson Elser Moskowitz Edelman & Dicker LLP in San Francisco.

This edition closes with *The Evolution of San Francisco’s Plastic Bag Ban*, a student Comment by Jennie Reilly Romer, which discusses the San Francisco ordinance calling “for a total ban on all traditional plastic carryout bags in San Francisco.”<sup>8</sup> Passed in March 2007 and effective since November 20th, 2007, “The Plastic Bag Reduction Ordinance” was the option available to San Francisco lawmakers after fee-based proposals were preempted by a 2006 California law.<sup>9</sup> Outlining the policy rationale behind bag legislation and San Francisco’s path to the Bag Ban, and placing San Francisco’s approach in the context of plastic bag regulation efforts by other cities and nations, *Evolution* serves as a guide—and a warning—to localities interested in passing similar measures.

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<sup>7</sup> *Id.* at 406.

<sup>8</sup> Jennie Reilly Romer, *The Evolution of San Francisco’s Plastic-Bag Ban*, 1 GOLDEN GATE U. ENVTL. L.J. 439, 458 (citing S.F. ENV’T CODE § 1703 (2007)).

<sup>9</sup> A.B. 2449, 2005-2006 Gen. Assem., Reg. Sess. (Cal. 2006), available at [http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab\\_2401-2450/ab\\_2449\\_bill\\_20060930\\_chaptered.html](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_2401-2450/ab_2449_bill_20060930_chaptered.html).

