



February 23, 2021

Honorable Toni Atkins
President, Pro Tem of the California Senate
State Capitol, Room 205
Sacramento, CA 95814

Honorable Anthony Rendon
Speaker of the California Assembly
State Capitol, Room 219
Sacramento, CA 95814

Re: Accountability for the California District Attorneys Association's misuse of public funds

Dear President Pro Tempore Atkins and Speaker Rendon:

As organizations dedicated to environmental justice and protecting California's land, water, and climate, we are writing to request that you investigate, hold accountable, and provide oversight of the California District Attorneys Association for their egregious misuse of state funds earmarked for the enforcement of California's environmental laws.

In 2002, aware of the inability of certain localities to successfully prosecute violations of California's environmental laws, the California legislature enacted the Environmental Enforcement and Training Act. The law's purpose is to "discourage environmental law violations, with a fair, uniform, and effective statewide prevention, enforcement, and prosecution program, and to better integrate environmental prosecution into the criminal justice system."

Pursuant to that legislation, the California District Attorneys Association ("CDAA") would partner with the California Environmental Protection Agency to ensure that capable and well-trained prosecutors could pursue environmental crimes throughout the State. While the law permitted CalEPA to distribute some funding in the form of grants, additional monies were directed, by law, to CDAA for its "Environmental Circuit Prosecutor Project." CDAA would "provide[] environmental prosecutors to counties that lack the expertise and resources to prosecute environmental crimes."

Last month, the San Francisco Chronicle [reported](#) that an audit revealed CDAA's Environmental Circuit Prosecutor Project is bankrupt because of its own malfeasance, leaving CDAA with no resources to enforce California's environmental laws. CDAA cannot support environmental prosecutions, as it is required by law to do, because it has regularly leached money for over a decade from environmental programs, as well as its workplace safety training and enforcement programs, to cover its own operating expenses. These earmarked funds have paid, among other things, the salaries of lobbyists who oppose a broad range of criminal justice reforms. Through these practices, CDAA has misappropriated nearly 2.9 million dollars of money specifically earmarked for environmental and workplace safety training and enforcement efforts.

As representatives of organizations dedicated to the protection of our environment, we are devastated by this dereliction of CDAA's public duties. We call on our government to not only demand redress for what is, for all intents and purposes, a theft of funds from the people of California, but to take all necessary steps to terminate the partnership between CDAA, CalEPA, and the legislature.

First, CDAA must repay, at the first available opportunity, every cent of the 1.8 million dollars it redirected away from its environmental programs to the California EPA's Environmental Enforcement and Training Account. Preserving the long-term financial viability of the organization should not be a concern. The CDAA has been siphoning funds from its environmental and workplace safety initiatives for over a decade. It is evident the CDAA cannot maintain its existing operations without misappropriating these funds. The State should recoup what it can, as quickly as possible, and break ties with the CDAA. Once repaid, CalEPA can utilize the money to award grants directly to District Attorney offices and organizations committed to the enforcement of California's environmental laws, or otherwise distribute it to a dedicated environmental enforcement fund subject to independent oversight.

Second, the Attorney General has committed to reviewing the audit, and we urge them to fully investigate CDAA's misuse of restricted funds. The Legislature, too, has a critical role to play in conducting oversight of CDAA's malfeasance, including holding oversight hearings, requesting a state audit, and requesting a report by the Legislative Analyst's Office. It is apparent that the CDAA has violated the public's trust and failed to abide by the mission assigned to it under California law.

Third, the legislature must amend Title 13 of the California Penal Code, which places responsibility for statewide environmental training and enforcement efforts on CDAA and assures it a funding stream as a result. The legislature simply cannot permit CDAA to continue to benefit from public funds and court judgments when it has shown it is willing to neglect the duties placed upon it by the law of California. Instead, the legislature must permit CalEPA to award grants to other organizations who demonstrate both the capacity and willingness to perform this critical work.

Fourth, CalEPA must either terminate or decline to renew any grants it has provided to CDAA for environmental training and enforcement efforts. In addition to the money specifically earmarked for CDAA in Title 13, CalEPA also awards CDAA substantial grants each year for its Environmental Circuit Prosecutor Project and its Environmental Training Project. Now that CDAA's failure to faithfully pursue its mandate to safeguard our environment is clear, CalEPA

can no longer be complicit in CDAA's misappropriation of public funds for its own purposes. Rather than pass these funds through CDAA, these critical resources should be disbursed directly to county District Attorney offices and other grantees by CalEPA, or by another state entity designated by the Governor.

We cannot overstate the importance of quick and decisive action to respond to CDAA's malfeasance. By gutting these projects, CDAA has sent a message to polluters that they can destroy our land, water and air, as long as they do it in rural or less populated areas that do not have the resources or expertise to prosecute their wrongdoing. Further, the theft of these funds has a disproportionate impact on communities of color given that environmental pollution disproportionately impacts communities of color. The Legislature and Administration must respond quickly to prevent the devastating damage that will inevitably result.

Sincerely,

Sean Bothwell, Executive Director
California Coastkeeper Alliance

Melissa Romero, Legislative Affairs Manager
California League of Conservation Voters

Nick Lapis, Director of Advocacy
Californians Against Waste

Jennifer Clary, California Director
Clean Water Action

Bill Magavern, Policy Director
Coalition for Clean Air

Jonathan Nelson, Policy Director
Community Water Center

Bill Allayaud, CA Director of Government Affairs
Environmental Working Group

Phoebe Seaton, Co-Director
Leadership Counsel for Justice and Accountability

Arnold Sowell Jr., Executive Director
NextGen California

Kathryn Phillips, Director
Sierra Club California

Cc:

Members of the Assembly and Senate Committees on Public Safety

Members of the Assembly and Senate Budget Sub Committees 5

Members of the Assembly Committee on Environmental Safety and Toxic Materials

Members of the Assembly Committee on Natural Resources

Members of the Assembly Budget Sub Committee 3

Members of the Senate Natural Resources and Water Committee

Members of the Senate Environmental Quality Committee

Members of the Senate Budget Sub Committee 2