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Invisible Industries: The Politics and Struggles of Port Development Coalitions in Southern  
California

A dissertation submitted in partial satisfaction of the requirements for the degree Doctor of  
Philosophy in Sociology

by

Emily Helen An-Mei Yen

2019

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## ABSTRACT OF THE DISSERTATION

Invisible Industries: The Politics and Struggles of Port Development Coalitions in Southern California

by

Emily Helen An-Mei Yen

Doctor of Philosophy in Sociology

University of California, Los Angeles, 2019

Professor Marcus A. Hunter, Co-Chair

Professor Christopher C. Tilly, Co-Chair

This dissertation focuses on the political economy of Southern California and the power of collective action in reshaping an urban regime and introduces the concept of Port-Community Benefits Agreements. It examines how low- and moderate-income residents in Southern California who were negatively impacted by air pollution came together, reframed a collective problem, formed partnerships with a variety of stakeholders, and pressured a pair of public institutions to adopt significant policy changes. It examines the development of stakeholders' symbiotic relationships and ongoing contestation for power. It identifies opportunities for marginalized populations to expand their political capacity and capture a larger share of distributional benefits of urban regimes, as well as clarify the mechanisms that allow them to leverage collective power.

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## Acronym List

AQMP	Air Quality Management Plan
BOHC	Board of Harbor Commissioners
CAA	Clean Air Act
CAAP	Clean Air Action Plan
CARB	California Air Resources Board
CBE	Communities for a Better Environment
CCA	California Clean Air Act
CEQA	California Environmental Quality Act
COSCO	China Ocean Shipping Company
DPM	Diesel Particulate Matter
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
EYCEJ	East Yard Communities for Environmental Justice
ILWU	International Longshore and Warehouse Union
IMAC	Impact Mitigation Advisory Committee
LAANE	Los Angeles Alliance for a New Economy
LASH	Lighter Aboard Ship
LBACA	Long Beach Alliance for Children with Asthma
LCSC	Labor/Community Strategy Center
MELA	Mothers of East Los Angeles
NEPA	National Environmental Policy Act
NO <sub>x</sub>	Nitrogen Oxides
NRDC	Natural Resources Defense Council
PCAC	Port Community Advisory Committee
PLA	Project Labor Agreement
PMA	Pacific Maritime Association
PMSA	Pacific Shipping Merchant Association
POLA	Port of Los Angeles
POLB	Port of Long Beach
SEIR	Supplemental Environmental Impact Report
SEIS	Supplemental Environmental Impact Statement
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SFAC	Sustainable Freight Advisory Committee
SMO	Social Movement Organization
SO <sub>x</sub>	Sulfur Oxides
TEU	Twenty-Foot Equivalent Unit

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## Chapter 1: Introduction

This dissertation focuses on the political economy of Southern California and the power of collective action in reshaping an urban regime. It examines how low- and moderate-income residents in Southern California who were negatively impacted air pollution came together, reframed a collective problem, formed partnerships with a variety of stakeholders, and pressured a pair of public institutions to adopt significant policy changes. Rather than solely examining a single victory, I examine the development of stakeholders' symbiotic relationships and ongoing contestation for power. This dissertation aims to identify opportunities for marginalized populations to expand their political capacity and capture a larger share of distributional benefits of urban regimes, as well as clarify the mechanisms that allow them to leverage collective power.

Empirically, this dissertation conceptualizes Southern California's goods movement industry<sup>1</sup> as an urban regime and examines how low- and moderate-income residents of port-adjacent communities in Southern California formed a coalition with non-profit and state agencies and compelled the Port of Los Angeles (POLA) and the Port of Long Beach (POLB) to take their environmental pollution concerns seriously and voluntarily implement and incentivize practices that reduce toxic emissions on port and port-adjacent property. This initial legal victory in the 2001 China Shipping Lawsuit (Natural Resources Defense Council, Inc. v. City of Los Angeles, 2002 Cal. App.) was achieved through a combination of coalition building, legal mobilization, and strategic reputational challenges. Most of the plaintiffs had not closely collaborated so the successful use of legal mobilization further aided coalition building. The legal victory created an enduring set of institutional relationships and a set a pattern of

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<sup>1</sup> Goods movement refers to the system of industries that work together to transport domestic and international products among suppliers and to consumers. While the supply chain is long and frequently encompasses a large number of industries in geographically disparate locations, my analysis will focus on the transshipment of containers at ports from an international origin.

negotiations that stakeholders have replicated and consistently used to challenge major infrastructure projects at the POLA and POLB.

The legal victory led to a major shift in power relations that influenced the port authorities, the central organizations in the goods movement regime, to alter their organizational structures and practices. This meant committing a significant amount of institutional resources to reducing environmental pollution, improving community relationships, and disseminating positive narratives about the institution. While the institutional shift stemming from the China Shipping Lawsuit effectively reduced harbor area residents' level of exposure to air pollution and increased their access to collective benefits associated with global trade at the twin ports, the contestation between coalition of plaintiffs and the pro-growth stakeholders is ongoing. This dissertation explores the adaptation of the ports as urban regimes to maximize the efficiency of goods movement under these new structural conditions, as well as the opportunities and constraints stakeholders face in this ongoing contestation.

### **Research Questions**

- 1) How did low- and moderate-income residents of port-adjacent communities in Los Angeles and Long Beach utilize legal mobilization and other organizing strategies to disrupt the Southern California goods movement regime, and persuade the Port of Los Angeles and Port of Long Beach to change their environmental mitigation and community outreach efforts?
- 2) What are the opportunities and constraints low- and moderate-income residents of port-adjacent communities face in their ongoing effort to reduce their exposure to air pollution and increase their access to collective benefits associated with global trade?

### **Conceptual Framework of Study**

My dissertation follows a rich tradition of urban community studies (Du Bois 1899; Whyte 1943; Gans 1967; Small 2004; Wherry 2011) and draws from the literature on urban politics (Katznelson 1981; Logan and Molotch 1987; Weir 1993; Mossberger and Stoker 2001; Altshuler and Luberoff 2004) as well as collective action (Becker 1974; Piven and Cloward 1977; McAdam 1988; Tarrow 1989; Klinenberg 2003). Ganz's (2009) study on the unionization of farmworkers and Stone's

(1989) study on the politics of Atlanta's pro-growth coalition are particularly illuminating in this exploration of the structural conditions and mechanisms that enabled marginalized groups reshape the urban regimes.

The study is rooted in Southern California and draws from a rich set of studies on the region's political economy (Fogelson 1967; Davis 1992; Scott and Soja 1996; Milkman 2006; Storper et al. 2015). Within Southern California, the majority of the trade infrastructure is in Los Angeles County (Los Angeles Economic Development Corporation, "International Trade Outlook," 2012), thus making Los Angeles central to the analysis of Southern California's goods movement regime. Long Beach, a port city in Los Angeles County with nearly a half million residents will be the secondary focal point of my analysis. Los Angeles and Long Beach are located in Los Angeles County and both fall within the jurisdictional boundaries of the South Coast Air Quality District (SCAQMD) and Southern California Association of Governments (SCAG). These overlapping political boundaries allow me to analyze Southern California as a cohesive region while simultaneously consider the political structure of each municipality.

The logistics industry provides a superb lens into the Southern California political economy given that the structure of the supply chain creates linkages that cross established municipal boundaries. Los Angeles is known to be the film and television capital; however, the metropolitan area is also the epicenter of international trade in the United States. The San Pedro Bay Port Complex, comprising of the Port of Los Angeles (POLA) and the Port of Long Beach (POLB), is the dominant gateway for international trade in the United States. While they are two separate administrative entities, the two ports physically border each other in the San Pedro Bay and co-generate economic activity in the region. Approximately 37% of the entire county's manufactured goods flow through the twin ports (Kitroff 2016). The two ports combined handle 71.2% of the containerized cargo on the West Coast (Pacific Maritime Association, 2018, 56).

Independently, POLA and POLB are the two largest container ports in the country in terms of container volume. In 2017, the Port of Los Angeles had a throughput of 9.3 million Twenty-Foot Equivalent Units (TEUs) and the Port of Long Beach had a throughput of 7.5 million TEUs. The total value of the cargo handled at POLA in 2017 was valued at \$274 billion (Port of Los Angeles 2018) and the total value of POLB's cargo in 2017 was \$194 billion (Port of Long Beach 2018). While the port complex generates economic activity, this activity is not without environmental consequences. These ships along with the 15,500 drayage trucks servicing the port complex (Port of Los Angeles 2018), and the gantry cranes and mechanical equipment collectively emit enormous amounts of air pollutants and greenhouse gases that negatively impact air quality and affect the global climate.

The air pollution in Los Angeles County is particularly severe. The American Lung Association gave Los Angeles County an "F" grade for its high levels of ozone<sup>2</sup> and ranked it #1 in the United States for high ozone exposure (American Lung Association 2017). Ozone, colloquially known as smog, is a gas that forms from chemical reactions in the presence of sunlight between nitrogen oxides (NOx) and hydrocarbons, also known as volatile organic compounds, which are emitted from vehicle exhaust, industrial facilities, power plants, and chemical solvents. Researchers have found that exposure to ozone increases one's risk for developing asthma, respiratory infections, and pulmonary inflammation.

The air in Los Angeles also contains high concentrations of diesel particulate matter (DPM). DPM is a component of diesel exhaust that includes soot particles made up mostly of carbon, ash, metallic abrasion particles, sulfates, and silicates (United States Department of Labor 2018). Heavy duty diesel trucks and container yard equipment are generators of DPM. Exposure to DMP is hazardous; short term exposure to high concentrations of diesel emissions and DPM can cause headache, dizziness, and irritation of the eye, nose, and throat (ibid). Prolonged exposure to DPM elevates the risk of

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<sup>2</sup> The National Ambient Air Quality Standard for ground-level ozone is an outdoor air regulation established by the Environmental Protection Agency under the Clean Air Act. The threshold is set at 70 parts per billion (Environmental Protection Agency 2015).

cardiovascular, cardiopulmonary and respiratory disease and lung cancer (ibid).

Sulfur Oxides (SO<sub>x</sub>) are primarily generated from the burning of fossil fuels by power plants and other industrial facilities. Ships have heavy-duty equipment that burn fuel with a high sulfur content. SO<sub>x</sub> can have complex reactions with other compounds in the atmosphere from small particles. These small particles may penetrate deeply into the lungs and can increase likelihood of developing respiratory illnesses, congestive heart failure, cancer, and strokes (Agency for Toxic Substances & Disease Registry 1998).

While Los Angeles County has high levels of air pollution overall, the sources of emissions are not spread evenly throughout the county and those residing near the ports have disproportionately high levels of exposure to air pollution. Even though the ports provide vast economic benefits for the entire region, low- and moderate-income residents in harbor communities bear the brunt of the air pollution, noise pollution, light pollution, and increased traffic (Bailey et al. 2004). Increased air pollution has led to myriad health problems for harbor community residents. Asthma and cardiovascular disease incidence are dramatically higher in these communities compared to demographically similar neighborhoods outside of the region (Pulido 2000). POLA's cargo facilities are primarily concentrated in San Pedro, a neighborhood in the southern tip of Los Angeles. Some of POLA's facilities are in the Los Angeles neighborhood of Wilmington. POLB's facilities are adjacent on the same body of water next to downtown Long Beach, and the low-income Westside neighborhoods immediately to the north.

There is limited research about the political agency of port stakeholders. Political agency is a useful lens to examine stakeholders' shifts in power and evolving relationships. My analysis of political agency will incorporate Hunter's framework in *Black Citymakers* (2013) and focus on the aspects of framing, coalition building, target selection, and mobilization as well as components of political process theory (Eisner 1973) that include, political pluralism, elite disunity, insurgent consciousness. When

examining political agency, I utilize Nicole Marwell's (2007) approach and primarily focus on the role of organizations in coalition building.

There has also been a limited amount of research on the contours of the political economy of Southern California's ports. Edna Bonacich and Jake Wilson's (2008) study sheds light onto the structure of the industry and the economic constraints that impact the working conditions in various segments of the logistics industry in Southern California; however, it provides limited insight into the political and social structure of the port authorities and the harbor communities. Wilson's subsequent examination (2016) of racial dynamics of the International Longshore and Warehouse Union (ILWU) highlights some of the cultural elements of these harbor communities; however, most of the focus was on the ILWU and the work did not delve into the internal operations of the port authorities or the external groups exerting political pressure to reshape them.

Erie's (2004) study of the politics of Los Angeles' transportation infrastructure provides significant insight into the internal structure of the Port of Los Angeles and the Port of Long Beach and their fit into the region's development. Erie's political analysis focuses on a regional scale and provides limited analysis of the specific stakeholders within San Pedro and Wilmington. The cursory examination of these stakeholders leaves the question of how community groups in these neighborhoods operate as stakeholders and claims-makers in the urban regime unexplored. Giuliano and Linder's (2013) analysis of the Port of Los Angeles and Port of Long Beach's voluntary adoption of the Clean Air Action Plan (CAAP) provides some insight into the interests of these stakeholders and the interests of the stakeholders shaping regulatory environment at the time of the China Shipping Lawsuit; however, their work does not closely examine the dynamic process by which stakeholders attempt to build and exercise power. Cummings' studies (2014 and 2018) of the adoption of Clean Truck Program explores coalition building around air quality regulation at the twin ports but does not focus on how the coalition maintains an ongoing relationship with the ports. To address these gaps in the literature, this

dissertation explores how marginalized stakeholders can engage in collective action, reshape the urban regime, and receive a more equitable share of the industry's distributional benefits.

### **Methodological Approach and Entrée into the Field**

This mixed-method study utilizes a combination of interviews, participant observation, and analysis of historic documents. During my fieldwork I engaged with an array of Southern California port stakeholders in a variety of settings from 2013-2018. This included attending Board of Harbor Commissioners (BOHC) meetings in Los Angeles and Long Beach, neighborhood council meetings, community workshops, port-sponsored recreational events, environmental advocacy events, and ILWU meetings. From June 2016-June 2017, I worked at the Port of Los Angeles as their Port Fellow and helped develop a community engagement strategy and developed relationships with port staff by writing a community engagement manual and help troubleshoot public relations issues. My role as a Port Fellow provided me the opportunity to observe stakeholder interactions at other at Sustainable Freight Committee meetings, Neighborhood Council Presidents' Meetings, and ILWU legislative strategy meetings.

I pieced together the twin ports' institutional history and historic relationship with community stakeholders by analyzing a variety of materials and triangulating retrospective interview accounts with this material. Both the POLA and POLB videotape their BOHC meetings and post them to their website. POLA's and POLB's online video archive dates back to 2006 and 2005, respectively. The POLB also catalogues and posts video recordings of other POLB-sponsored events such as grant workshops, recreational events, and CAAP update workshops. These video recordings captured the BOHC discussing and voting on proposals, they also captured the ports' staff and stakeholders making proposals, and individuals making public comments. These video recordings gave me significant clues about stakeholder relationships since they allowed me analyze tone of voice, facial expressions, and other body language of the speakers. While in-person attendance of BOHC meetings gave me a richer



understanding of the dynamics since I could observe audience response, the video recordings allowed me to observe a limited amount of side interactions that the camera captured. The meeting minutes provided valuable context for the video recorded interactions since the time and location of the meetings were included in the meeting minutes.

POLA and POLB have also posted press releases on their websites. The POLA's collection dates back to 2001 and POLB's starts in 1999. These press releases were written in-house by port staff and provide evidence of the institutional image that the staff were attempting to project. Other content on the website provides evidence of how the twin ports construct and project their organizational images.

Newspaper articles provide valuable clues to the region's political economy and the strategies stakeholders utilized when vying for power. In addition to providing a chronology of events, they provide a portal to examine the ways that stakeholders both discussed and engaged with the ports, as well as with each other. Newspapers are also a medium through which individuals can strategically project a claim. Most of the articles I analyzed were published by regional and local outlets that focus on Southern California. The majority of articles were featured in the Los Angeles Times, Long Beach Press-Telegram, and South Bay Daily Breeze since these three publications cover the twin ports and their adjacent communities extensively.

My project centers stakeholders' contestations and gamesmanship around the China Shipping Terminal project at POLA since I will argue that this contestation was catalytic to reshaping the goods movement regime in Southern California. I also analyze the contestations around the development of Pier 400 at POLA, Pier J at POLB, and TraPac at POLA since they are inter-connected to the mobilization around the China Shipping Terminal. I use variety of legal documents, financial records, environmental reviews, and meeting minutes to shed light on the stakeholder interactions at those moments of contestation and the broader political context in which they occurred. The majority of these

documents are accessible online; however, some archival material is housed at the California State Archive, California State University Long Beach's University Library, and Long Beach Historical Society. Other materials were obtained through the California Public Records Act. While most of analysis on the cases is based on this material, I consulted variety of secondary sources when providing a descriptive background on the twin ports' history in Chapter 2 and in the historiography of the political struggles behind the Southern California environmental movement in Chapter 3.

Between 2013 and 2018, I attended 128 port related meetings and events, conducted interviews with an array of 55 stakeholders, and spent one year at the Port of Los Angeles's office as their inaugural Port Fellow. The events ranged from Harbor Commission Board Meetings at the two ports, environmental hearings, boat tours, port-sponsored community festivals, neighborhood council meetings, labor events, and local environmental advocacy events. My interviewees included port staff, commissioners, elected city officials, leaders of environmental organizations, executives from shipping lines, business owners, longshore workers, environmental consultants, and community activists in Southern California.

I used what Glaser and Strauss (1967) call a "grounded" approach to ethnography. This approach emphasizes an inductive relationship between data and theory, and consistent with Jerolmack and Kahn's (2014) ethos that interviews are best combined with ethnography since it allows the researcher to observe what people do instead of simply what they say they do. The extensive time in the field allowed me to triangulate the information garnered from interviews and written documents, as well as provide a window into the unspoken aspects of institutional cultures and power dynamics.

My arrival to my specific topic involved a significant amount of meandering. In 2012, I became very interested in the impacts stemming from the expansion of the Panama Canal after reading several newspaper articles on the topic. Port authorities across the country had recently proposed several large-scale infrastructure projects including raising of the Verrazzano-Narrows Bridge in New York and

planning of the Southern California International Gateway railyard. When reading about these proposed projects, I wondered if port officials were using the threat of global competition to get approval for infrastructure projects. Without having a full understanding of the institutional ecology or power structures, I dove into my fieldwork and attended a bi-weekly Harbor Commission Board Meeting at the Port of Long Beach on December 17, 2013.<sup>3</sup>

I was unfamiliar with the format of the meeting and didn't know anyone in the room. I started fieldwork at the Port of Long Beach out of practical considerations. I initially planned to start fieldwork at both ports simultaneously, however, I did not own a car and had to rely on public transportation. Due to the inadequacies of the local public transportation system, it would have taken me approximately 3.5 hours in each direction to travel from my apartment on the Westside of Los Angeles to the Port of Los Angeles' administrative building in San Pedro. The meeting times conflicted with my class teaching schedule, so I opted to start my fieldwork in Long Beach, which was marginally more accessible by public transportation. After I acquired a vehicle in the fall of 2014 the scope of my fieldwork dramatically broadened and regularly attend BOHC at the Port of Los Angeles and other community meetings and events in the port-adjacent communities.

My institutional affiliation seemed to provide me with a certain kind of legitimacy when making initial contact with potential participants since I am not from the South Bay or California. A large number of port officials, both male and female, were educated at UCLA or had some sort of other connection to the school. If they didn't have a connection to UCLA, they often had a connection to the University of Southern California and would mention the rivalry. As a result of these frequent comments, I made sure that I highlighted my institutional affiliation in initial emails to stakeholders. My

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<sup>3</sup> The Ralph M. Brown Act of 1953, California Government Code 54950, guarantees the public's right to attend and participate in meetings of local legislative bodies. This act effectively guarantees that POLA and POLB's board meetings are open to the public.

status as a student at UCLA and my relative youth<sup>4</sup> afforded me, what Katz (1997) calls, an “ethnographic warrant.”

I established contact with prospective participants both in-person and via email. I gradually become familiar with stakeholders as I spent more time in the field. Although there was a strategy in my method of contact, each successful interaction required a certain amount of serendipity. There was no guarantee that a particular person would show up at a meeting or be willing to talk to me. Over time, it became easier to make contacts since I was more familiar with the institutional culture and could draw new contacts from a wider network. My access to the field site was significantly expanded when I was selected as an inaugural Port of Los Angeles Fellow and worked directly under the Deputy Executive Director in the External Affairs Bureau<sup>5</sup> from July 2016-July 2017. During my fellowship, I was concerned with how I would be perceived by environmental leaders who had been in conflict with the port. In these instances, I would emphasize my UCLA student status at the first point of contact. During this period, I met with a range of stakeholders and wrote a community engagement manual for POLA. Participant observation at the ports provided insight into institutional practices and structure. My access to formal spaces at POLA was significantly greater than at POLB since I did not have a formal role at POLB. While less access to formal spaces at POLB was a methodological limitation, it also became apparent that the POLA was more central to the local conflict around environmental mitigation. As a result, I made POLA the primary focal institution in my analysis.

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<sup>4</sup> I was between the ages of 25-31 at the duration of the study. I would frequently get mistaken for an undergraduate student for the entire duration of the study.

<sup>5</sup> The External Affairs Bureau was renamed the Stakeholder Engagement Bureau in April 2018. The former Director of Governmental Affairs became the first Deputy Executive Director heading this bureau.

## **Organization of Study**

My dissertation is organized into four thematic chapters. Chapter 2, “A Tale of Two Ports” is both a historical analysis of the political economy and an institutional analysis of the twin ports, the focal institutions in this dissertation. This chapter provides a historical overview of the development of Southern California’s goods movement industry and the urban regime that supported and continues to support its prominence. The port authorities are central actors in this regime. My historiography focuses on the development of these institutions and their imbrication into the region’s political and economic institutions. My historiography is intended to be a broad overview of the urban regime so it is neither in-depth analysis of specific influential stakeholders nor a comprehensive analysis of the region’s history. My analysis of major turning points in the ports’ histories is primarily reliant on secondary literature but also incorporates historical documents and ethnographic observations of the ports’ institutional landscape and power structures. These elements together illustrate the micro and macro-level factors shaping the structure of the regime and the mechanisms reinforcing its structure. These structures significantly impact the agency of those challenging the ports’ practices as well the ports’ ability to adapt.

Chapter 3, “Southern California Political Opportunities” examines how both the regulation of air quality and the transformation of environmental movement created conditions that allowed marginalized populations in Southern California to build power and have their interests better represented in urban politics using a political process framework. I use a combination of environmental impact reports, port board meeting minutes, newspaper articles, retrospective interviews, and secondary literature on the environmental justice movement to examine the re-framing of the environmental movement and the inclusion of the environmental justice framework on a national level and the development of an environmental justice coalition in Los Angeles. Particular attention is given to the contestation for better air quality. I argue that this pluralism within the environmental movement led to some significant environmental victories, but did not significantly alter the structure of the urban regime.

I argue that Los Angeles' heavily contested election in 2001 was an important condition that allowed San Pedro and Wilmington residents to gain political capital through forming an alliance with James Hahn, who was elected Mayor of Los Angeles. I construct this argument by analyzing election data from the Los Angeles 2001 mayoral primary and run-off. This alliance along with the insurgent consciousness generated during the Harbor VOTE secession campaign and growth political pluralism significantly tilted the odds of their victory.

Chapter 4, "Legal Mobilization and CEQA Enforcement Strategies" examines how a group of San Pedro homeowners concerned about the development of POLA's China Shipping Terminal engaged in a legal mobilization around CEQA enforcement and prevailed in an unlikely victory. The passage of the National Environmental Policy Act (NEPA) on January 1, 1970 was a major milestone since it required the lead agency of a proposed infrastructure project receiving federal funding or permitting from a federal agency to prepare environmental assessment of the projected impacts. Shortly after NEPA's passage, the California legislature passed a gubernatorial corollary statute called the California Environmental Quality Act (CEQA), which required state and local public agencies to analyze and disclose environmental impacts of new infrastructure projects and required the lead agency to adopt "all feasible measures" to mitigate anticipated harms. This chapter will also argue that these victories provided stakeholders additional tools that could be used in what Tilly (1986) refers to as repertoire of tactics.

While I argue that CEQA provides California residents a powerful tool to challenge infrastructure development, the legal framework and technicalities make it difficult to effectively wield as individuals. While there was a certain degree of serendipity in how San Pedro residents accessed legal resources, coalition building was an essential component to this victory as well as to systemic change within the urban regime. I use a variety of materials including legal documents, environmental reports, meeting minutes, and newspaper articles provide evidence on how this coalition was constructed and how they

engaged in legal mobilization and reputational challenges of political leaders. I analyze the contestation of POLB's Pier J to show the durability of the coalition.

Chapter 5 "The Second Welfare State" examines stakeholder relationships after the China Shipping Lawsuit and the twin ports' adoption of the Triple Bottom Line Framework. Through my analysis of interview and ethnographic data, records from city council and port meeting minutes, environmental reports, and newspaper articles, I build the argument that the reframing of the port's mission and changes in stakeholder relationships empowered many residents of port-adjacent communities. Challengers continue to leverage CEQA enforcement as a means of accessing a variety of collective goods. Analyzing the adoption of the Clean Air Action Plan (CAAP), creation of the Harbor Community Benefits Foundation (HCBF), dismantling of the Port Community Advisory Committee (PCAC), and creation of the Sustainable Freight Advisory Committee (SFAC) illuminate the expanded and constrained levels of political opportunity for various stakeholders.

Chapter 6 "Conclusion" evaluates the legal case and discusses ongoing political challenges. It explores how the twin ports' commitment to environmentalism has spurred economic development. I reflect on the fragility of this arrangement since automation and gentrification threaten these quality of life gains for those who live adjacent to the harbor. This chapter concludes with a discussion on how other port-adjacent communities may learn from this case and negotiate for a greater amount of benefits associated with global trade.

## Chapter 2: A Tale of Two Ports

### Introduction

On a theoretical level, this chapter applies urban regime theory and examines the structure of Southern California's goods movement industry. It explores the configuration of organizational structures within a set of complex institutions and the formation of connections to political and economic actors. An institutional analysis reveals the underlying power structures of the organizations and aims to identify the specific mechanisms that both reinforce and destabilize these structures. The political structure of ports and their internal organization shape the political opportunity structure to enact change.

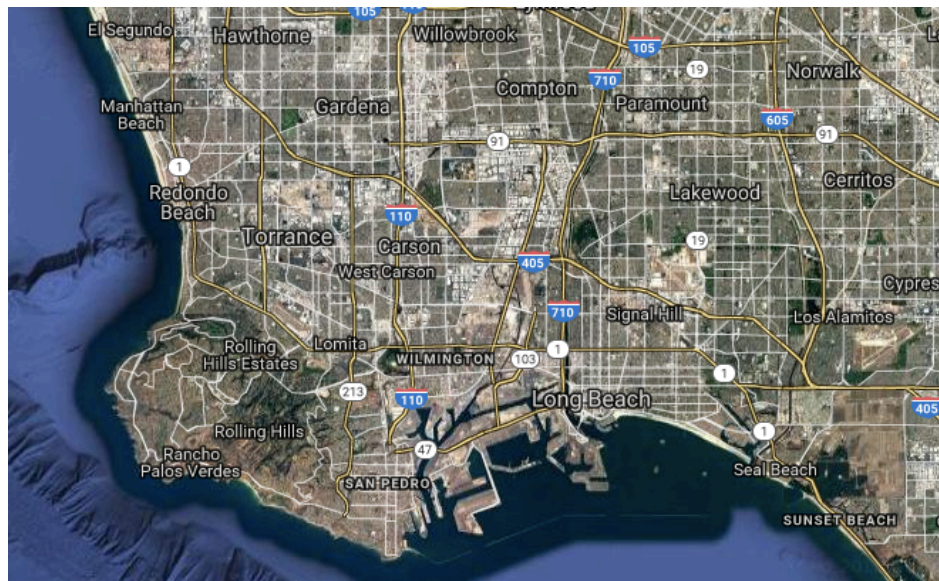
Urban regime theory explores the conditions and mechanisms that enable different types of governing coalitions to emerge and transform (Lauria 1997). Urban regime theory is rooted in the notion that the process of governance in complex industrial capitalist societies involve myriad stakeholders with a diverse set of interests that don't always align. Stakeholders can include business leaders, labor union officials, civic leaders, professionals (Stone 1989) or any stakeholder that has a local dependency (Cox 1995). Stone (1989) defines urban regime as "an informal yet relatively stable group with access to institutional resources that enable it to have a sustained role in making governing decisions" (4). According to Elkin (1987), regime theory attempts to explain the agency of the challengers of growth, as well as the enablers of urban growth.

While he originally envisioned that the concept of an urban regime would be applied to governance structures within a city, this concept can be applied to groups that span jurisdictional boundaries. Painter (1997) conceptualizes an urban regime as "a coalition of interests at the urban scale, including, but not limited to, elected local government officials, that coordinates resources and thus generates governing capacity" (129). Within this framework, governing capacity, which can be conceptualized as the power to act, is produced through coalition building with stakeholders.



The Port of Los Angeles and Port of Long Beach are key nodes in a supply chain and political apparatus that spans the globe (Erie 2004; Rodrigue and Notteboom 2009; Hall and Jacobs 2010). This chapter examines the structure of the twin ports and their formation of economic, political, and social ties to stakeholders in Southern California. This historical analysis provides insight into the ways that various stakeholders were able to exert political and economic pressure and shape organizational practices, as well as identify specific mechanisms that expand and restrict opportunities for organizational change. Both of the ports are operated by departments of their respective host cities. While specific institutional actors shaped the structural configuration of these institutions, these configurations shape the agency of subsequent stakeholders. Before examining the institutional actors, I provide a brief snapshot of container shipping in Southern California in order to establish the significance of the industry.

Figure 1, Aerial View of San Pedro Bay Harbor



Source: Google Maps, 2018

The decision to analyze the actors that move goods across the world by ship may seem antiquated at first blush; however, maritime shipping still retains importance. The majority of imports to the United States, as well as many other countries around the world are still transferred by ship rather than by

airplane or rail (Doig, Erie, and Mackenzie 2013). Levinson (2008) explains that the majority of sea cargo travels by container since containerization is an efficient process for transporting between continents. Container shipping is different from conventional break-bulk shipping because it uses an array of standard-sized containers, including those with the length of 20 feet, 40 feet, 45 feet, 48 feet, and 53 feet. The standardization of size allows goods to be transferred across modes of transportation efficiently. For example, a longshore worker<sup>6</sup> can move an intact container ship-to-dock using a gantry crane, like one seen in Figure 2, in under two minutes<sup>7</sup> without having to load and reload the contents. This efficiency dramatically which dramatically reduces the time and transportation costs of moving goods. Modern shipping containers are typically either 20-foot or 40-foot in length. These containers are 20 feet in length, 8 feet in width, and 8.5 feet in height, referred to as a Twenty-foot Equivalent Unit (TEU) became the industry standard metric after the International Organization for Standardization adopted it in 1961 (International Organization for Standardization 2018).

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<sup>6</sup> The assertion stems from an interview with an ILWU 13 officer on October 28, 2016. I conducted the interview in Los Angeles California.

<sup>7</sup> The speed of moving a container, also known as a 'box,' is calculating by averaging the number of lifts per hour by a rubber tire gantry crane.

Figure 2, Gantry Cranes at the Port of Los Angeles



Photo Credit: Ryan Cheong, 2017

Container ships are so massive in physical size that they can be difficult to imagine on a human-scale. Some of the largest ones are as long as the Empire State Building is tall, and as wide as a 10-lane highway (Watt 2015). The CMA CGA Benjamin Franklin, seen in Figure 3, which made its inaugural North American port call at the Port of Long Beach on December 26, 2015, has a 18,000 TEU capacity (Port of Long Beach 2016).

Beyond their impressive size, container ships, which are a type of ocean-going vessels, emit enormous amounts of air pollution. The POLA Inventory of Air Emissions 2017 and the POLB Inventory of Air Emissions 2017 show that ocean-going vessels are the largest source of air pollution within the ports. At POLA, ocean-going vessels emitted 3,061 tons of NO<sub>x</sub>, and 113 tons of Sox, which accounted for 46.8% of Nox emissions and 93.3% of Sox emissions at POLA. At POLB, ocean-going vessels emitted 4,255 tons of Nox and 218 tons of Sox pollution. These emissions accounted for 61.2% of the Nox emissions and 97.3% of the Sox emissions at POLB.

Figure 3, CMA CGM Benjamin Franklin docked in the Port of Long Beach



Source: Port of Long Beach, Press Release, 2016

### **The Port of Los Angeles and Port of Long Beach as Central Stakeholders**

Before dissecting the structure of the ports and analyzing how they operate and impact various groups, it is important to establish the boundaries of ‘the port.’ Establishing boundaries is especially important given the complex structure and sometimes opaque practices within the goods movement industry. ‘The port’ is a shorthand way of referring to the port authority or harbor commission, which are bounded organizational entities. The City of Los Angeles’ City Charter Article VI Section 601 entitled “Departmental Purposes” states its mission to be “In connection with, or for the promotion and accommodation of maritime commerce, navigation, and fishery.” The POLB has a similar objective as POLA; Long Beach City Charter Article XII, Section 1200, entitled “Establishment of the Harbor Department,” states its mission to be “To promote and develop the Port of Long Beach, there is hereby created a Harbor Department.”

Many port authorities in the United States, including California, function as quasi-governmental semi-autonomous agencies that are not directly reliant on tax revenue (Zimmerman 1970 and Doig 2010). The POLA and POLB are both classified as proprietary departments in their respective city charters and thereby do not receive municipal tax revenue. The POLA and POLB are most closely tied to the political fabric of their respective host cities since municipally elected leaders are responsible for making key financial and personnel decisions. These harbor departments are also embedded into federal and state political structures since federal and state agencies set many of the regulations, especially in the areas of trade, security, and the environment. On the financial side, the POLA and POLB are connected to federal and state agencies since they receive grant money from these agencies for a number of purposes including technology development and port security.<sup>8</sup>

Analyzing the evolution of the institutional structures of the ports is necessary for understanding the current internal structure and institutional relationships. While I did not measure levels of awareness or pervasiveness of misconceptions in a systematic way, it is notable that the significant majority of the cross-section<sup>9</sup> of Los Angeles County adult residents who I encountered in a social or professional context were either unaware of the Los Angeles County ports, or had at least one substantial misunderstanding about the institutional boundaries and governance structures of the ports. Two common misunderstandings included the belief that the ports directly employed longshore workers and that POLA and POLB were governed by a single entity. These misconceptions were pervasive regardless of residents' age, socioeconomic status, length of residence and geographic residence within Los Angeles County.

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<sup>8</sup> Examples of funding agencies include the California Air Resource Board and the Department of Homeland Security.

<sup>9</sup> The non-random sample includes undergraduate and graduate UCLA students, UCLA Faculty, members of the LA Leggers Running Club, SoCal Coyotes Running Club, Palos Verdes residents, members of Los Angeles neighborhood councils, UAW 2865 members, Smith College alumnae, and members of the Los Angeles County Federation of Labor.

Using Braudel's (1962) general approach to examining an event in the context of a long timescale, or "longue durée," to assess the changes in the political economy of the ports, I examine their political and economic significance, infrastructure development of the ports, their changing nature of relationships with other institutional actors, and their adaptation to earlier economic and political pressures from the late 19th Century onward. While the twin ports have always been reliant to some degree on public funding, political and economic pressures in the region facilitated their transition from a privately controlled venture to an extension of city government when the amount of capital needed to maintain the facilities ballooned in the early 20<sup>th</sup> Century. The ports have remained public institutions and have developed increasingly complex relationships with stakeholders as they have expanded in size and diversity of functions while they transitioned into major gateways of international commerce.

### **Evolution of Southern California's Ports**

The ports' current governance structure is in part a legacy of the prevailing power structures that existed in Southern California's early development in the late 19<sup>th</sup> and early 20<sup>th</sup> century. Robert Fogelson (1967) explains that Los Angeles' fragmented political structure stems from investors' rapid and largely uncoordinated development of real estate in the latter part of the 19<sup>th</sup> Century. Wealthy investors financed the development and were in competition with each other to market their land, and their interests were only coordinated insofar as sharing they shared a quest to expand the local economy and accumulate wealth. These locales were competing with nearby locales for residents in the rapidly growing but then largely undeveloped Los Angeles region. Individuals financed transportation and utilities to their landholdings to increase the land's desirability to prospective homeowners in order to make a profit by selling subdivided parcels.

Erie's (1992) historical account explains that the amount of capital needed to operate streetcars, buses, and utilities increased significantly as the region's population expanded and matured. The rise of

progressive era politics that prioritized efficiency and technocratic skills led to bureaucratization of local governments and effectively increased the state's role in development. By the 1890s, middle-class residents advocated for the public ownership of utilities in order to achieve economies of scale and access better municipal services at lower costs. Annexation of outlying land was a strategy for municipalities to achieve economies of scale and for these residents to access utilities (Miller 1983). Los Angeles became the dominant public entity in Los Angeles County. By 1900, 60.2% of Los Angeles County's 170, 298 residents resided in the City of Los Angeles (Los Angeles Almanac 2018).

Los Angeles' scramble to gain municipal ownership of the port located in the then independent city of San Pedro reflected the ascension of progressive era politics. Morris (2015) describes the political tussle over the development of this municipally owned port as a larger struggle to break Collis Huntington's monopolistic power. In 1906, the City of Los Angeles annexed a narrow contiguous strip of land known as 'Harbor Gateway,' or the 'shoestring,' which connected the City of Los Angeles to San Pedro as seen in Figure 4. Erie (1992) explains that the City of Los Angeles needed to formally annex Wilmington and San Pedro in 1909 through a statewide consolidation bill in order for Los Angeles' elected leaders to gain control of the port. Immediately after the bill's passage, Los Angeles created an official Harbor Commission. The division of power between the city and state was clarified when the California State Legislature adopted the Tidelands Trust Act on May 1, 1911, by which the State of California made the City of Los Angeles and the City of Long Beach Trustees for the tidelands of their respective harbor areas under the Tidelands Trust Doctrine.<sup>10</sup> This transference<sup>11</sup> put the land under the

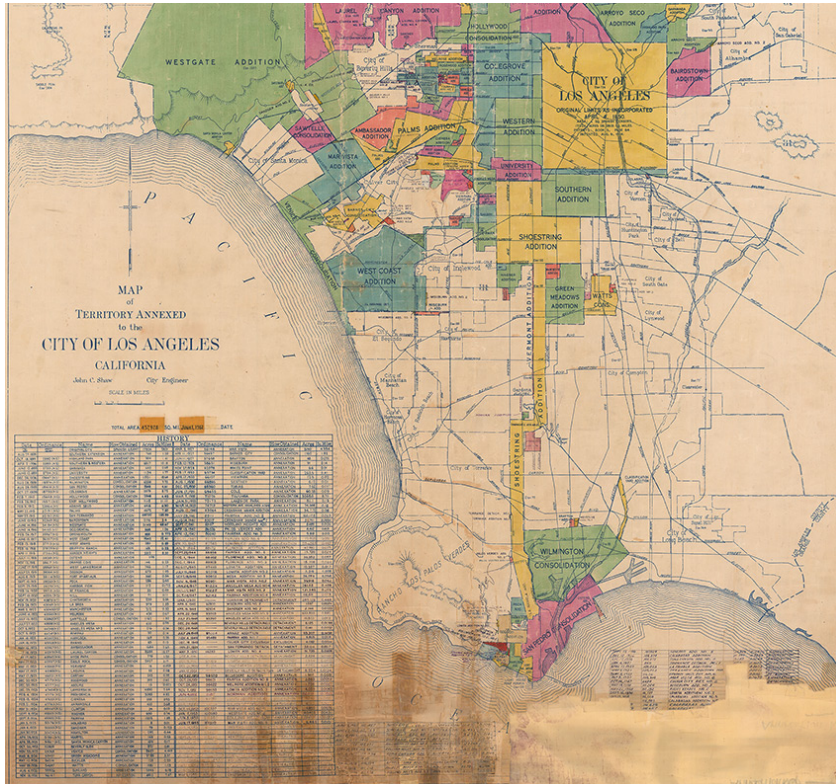
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<sup>10</sup>The passage of the Tidelands Trust Act was a response to the federal Harbor Line Board that discovered the 1848 State Admission Act that stipulated that "all navigable waters: within California remain "forever free." This made private ownership of land along the channel illegal.

<sup>11</sup> The State Lands Commission has the formal power to enforce the Tidelands Trust Act. California Chapter 656 grants the City of Los Angeles those tide lands and submerged lands of the State of California within the boundaries of the said city. California Chapter 676 grants the City of Long Beach the same rights.

official purview of Los Angeles and Long Beach allowing the cities to develop these semi-autonomous proprietary departments that we see today.

Figure 4, Map of Los Angeles' Annexed Territory



Source: Los Angeles Magazine, James Shaw, 1961

Cunningham and Cunningham (2015) explain that the transition from private to municipal ownership and control in Long Beach was much lengthier compared to Los Angeles since the privately-owned Los Angeles Dock and Terminal Company (LADT) had a keen interest in controlling the operation of the port, and not just the connecting railroads. Public support for port expansion was hampered by local residents' reluctance to subsidize LADT, and the companies' declining ability to finance capital-intensive projects. Erie (2004) recounts Long Beach's history and notes that the City's successful bid for \$300,000 from the Federal government in order to dredge the Slough of Cerritos was



a major turning point in the development. This public investment spurred private investment and LADT subsequently invested approximately \$2 million (over \$52 million in \$2019) in harbor improvements in 1905. The State of California granted the tidelands areas to the City of Long Beach for port operations in 1911. The City of Long Beach developed a dual strategy for public ownership through charter amendments<sup>12</sup> and bond measures. Long Beach created and empowered a board of harbor commissioners on June 29, 1917. The Port of Long Beach became entirely public in 1922 when City Manager Windham secured \$5 million (\$73 million in \$2019) in bonds to purchase LADT, which had nearly gone bankrupt. Annexations allowed Los Angeles to become the On February 17, 1931, Long Beach voters amended the city's charter to include Article XII of the Long Beach City Charter, which made Long Beach's Harbor Department a semi-autonomous proprietary municipal department, effectively modeling the financial and governance structure of Los Angeles' Harbor Department. Long Beach City Charter's Article XII Section 1209 entitled "Finance" stipulates that:

All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or water craft, owned, controlled, or operated by the City in or upon or pertaining to the lands and waters under control and management of the Harbor Department; all tolls, charges and rentals collected by the Harbor Department, and all compensations or fees required to be paid for services, franchises or licenses, or otherwise by law or ordinance or order, to the City for the operation of any public service utility upon lands and waters under the control and management of the Harbor Department, shall be deposited in the City Treasury to the credit of the Harbor Revenue Fund, which fund has been heretofore created and established and is hereby continued, and shall be kept separate and apart from other monies of the City. Said fund shall be a continuing fund not subject to transfer at the close of the fiscal year.

Both port authorities pursued a pro-growth agenda to increase the number of jobs in their respective city and expand their sphere of influence. While the resources to pursue the harbor expansion fluctuated in the subsequent decades, the regimes' objective did not waiver. The volume of containerized trade at

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<sup>12</sup> The 1907 Charter changed Long Beach general-law municipality to a home-rule charter city and gave the city the right to control and improve the waterfront and wharves. The 1913 charter amendment gave the city the right to own the waterfront rather than merely control, as well as the ability to issue bonds.

POLA and POLB many years later was likely in part a reflection of municipal leaders' efficacy. Cox and Mair (1991) argue that civic pride and a desire to be associated with prestigious projects may also bolster the growth agenda.

Jacobs (2007) argues that during POLB's lengthy transition into a facility on par with POLA, political leaders in Los Angeles attempted to take over the floundering POLB by lobbying the California legislature to adopt the Port District Enabling Act in 1963. The bill created a mechanism that would combine the ports and allow them to be controlled by a joint power if the voters in the cities approved. Voters in Los Angeles supported the takeover; however, political leaders and residents of Long Beach firmly resisted this takeover and voted in opposition.

As Ames (1987, 31) notes, the discovery of oil on Signal Hill in central Long Beach led the development of Long Beach Field when Shell Oil Company drilled its first well in October 1921. The discovery of oil on land protected by the California Tideland Trust changed the fortunes for the Port of Long Beach in 1936 (City of Long Beach Development Services Office of Historic Preservation 2009). Erie (2004) notes that the oil revenues generated from drilling in the harbor subsidized the new infrastructure development until 1965 and allowed POLB to compete with POLA by offering lower dockage rates. This subsidy had an enormous impact on Long Beach's growth in cargo volume. In 1930, POLA handled six times more cargo than POLB, but the ports established near parity in cargo volume by 1971.

Trans-pacific container trade has become the lifeblood of Ports of San Pedro Bay after the container was introduced in 1958 (Cudahy 2006). West Coast ports engaged in fierce competition with one another to capture market share. Geographic advantages and early investment in port infrastructure led to the twin ports' status as the premiere trade gateway of not just the West Coast but of the United States. As Doig (2010) notes, POLA used \$51 million in revenue bonds to build container facilities in the early 1960s. By the 1970s, the two San Pedro Bay ports' terminals were diverting a substantial

amount of Asian shipping that had formerly traveled via the Panama Canal to the Port Authority of New York and New Jersey (PANYNJ). The dramatic growth in global trade with Asia in the 1980s and 1990s fueled the twin ports' growth (Storper et al. 2015). As shipping technology advanced and vessel size increased, the twin ports' deep-water harbor and its superior transcontinental rail infrastructure provided additional competitive advantages in capturing trade (Levinson 2006).

The goods movement industry has become increasingly vital sector in Los Angeles' regional economy. This was especially the case after the post-Cold War recession that led to the compression of the aerospace industry. Southern California, the epicenter of the aerospace industry, lost more than 200,000 aerospace jobs between 1990 and 1993 (Los Angeles Economic Development Corporation 2012). The civil unrest<sup>13</sup> in 1992 and the Northridge Earthquake<sup>14</sup> in 1994 significantly hurt the regional economy and slowed the post-recession recovery. But increased maritime trade with Asia was a bright spot in the economy. The twin ports eclipsed PANYNJ in container volume and became the dominant trade gateway in 1984 (Kristoff 1986). A decade later, POLB's cargo volume exceeded that of PANYNJ, and held the number one spot until the POLA seized it back in 2000.<sup>15</sup> The POLA and POLB have held the top two rankings in North American TEU volume since 1994.

## **The Ports' Present Institutional Arrangements with Stakeholders**

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<sup>13</sup> There was a large-scale protest in Los Angeles between April 29 and May 2<sup>nd</sup> in Los Angeles, after the acquittal of LAPD officers for their brutal beating of Rodney King on March 3, 1991. During the Civil Unrest, 54 people were killed and over 1000 buildings were burned. Johnson, Farrell, and Toji's (1997) study on the economic damages stemming from the 1992 Civil Unrest concluded that there was almost \$1 billion in damage and a job loss of nearly 100,000.

<sup>14</sup> The 6.7 magnitude earthquake, which killed at least 57 people and left approximately 125,000 homeless occurred on January 17, 1994. According to Eguchi et al. (1998), the Northridge Earthquake likely caused \$40 billion in economic damage.

<sup>15</sup> This claim is based on my analysis of POLA and POLB's annual cargo volume figures. POLA lists its cargo volume statistics from 1981-Present on their website on the "Container Statistics" page. POLB lists its cargo volume statistics from 1995-Present on their website on their "Yearly-TEUs" page.

The POLA and POLB operate as ‘landlord ports’ meaning that they lease the land to terminal operators who largely control the operation of the ports. As Brooks (2004) notes, landlord functions and regulatory functions fall to the public sector. While some operator functions may be undertaken under contract by the private sector; control of the conditions of operation firmly rests within the government. POLA and POLB lease terminal space to private terminal operators. These leases include a base rental fee that is paid irrespective of cargo volume up to a negotiated threshold known as a ‘minimum annual guaranteed (MAG). In 2016, approximately 75% of the revenue POLA received came from the MAG rate<sup>16</sup>. Therefore, the financial well-being of the port is tethered to cargo volume but to a lesser degree compared to terminal operators who are acutely impacted by these fluctuations. The port authorities work in conjunction with terminal operators and shippers to attract cargo. One key strategy for attracting tenants is improving the ports’ infrastructure.

While the governance structures of the two cities vary significantly, with Los Angeles having a strong mayor–council form of government and Long Beach with a Council-Manager form of government, the governance structures of the ports are similar. The ports operate as proprietary departments of their respective cities. In both cases the mayors serve as the *de facto* heads of the ports. While the City Manager of Long Beach plays the executive role in most of the city departments, Article III Section 300 of the City of Long Beach’s Charter stating that:

The City Manager shall be responsible for the administration of all departments except the City Attorney, City Auditor, City Prosecutor, Civil Service Department, Legislative Department, Harbor Department and Water Department.

Thus the administration of the Long Beach Harbor Department falls under the mayor’s purview rather than the City Manager. The mayors of each city have oversight powers and are responsible for selecting the port commissioners who are confirmed by a City Council vote.

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<sup>16</sup> The information about POLA’s MAG rate came from an interview on (Interview on October 4, 2016).

The citizen commission system is one key feature of the City Los Angeles' and later the City of Long Beach's government. These commissions are comprised of residents appointed by the mayor (and confirmed by city council) who govern the Harbor Department, Department of Water and Power, Department of Public Works Commissioners, and similar major municipal departments. The commissioners are appointed for fixed terms, giving them a degree of policy independence from elected officials. Proprietary revenue funds are earmarked for agency projects and operation thereby making it difficult for elected officials to divert funds for other city purposes.

The five-member Board of Harbor Commissioners have similar responsibilities; however, Article VI Section 650 of the Los Angeles City Charter sets the length of Los Angeles Harbor Department's commissioner terms to five years and states,

The Board of Harbor Commissioners shall consist of five members appointed and removed as provided in Section 502. The board shall include at least one member who resides within the area surrounding the Harbor District, as that area is defined by ordinance.

Similarly, Article V Section 508 of the Long Beach City Charter entitled, "Terms of Commission Members," sets the length of Long Beach Harbor Department's commissioners' terms to six years. The statute states:

The Board of Harbor Commissioners shall consist of five members appointed and removed as provided in Section 502. The board shall include at least one member who resides within the area surrounding the Harbor District, as that area is defined by ordinance.

At both ports, the Board of Harbor Commissioners is responsible for appointing the Executive Director of the Harbor Department. Article VII Section 1203 gives the Long Beach harbor commissioners power to make this appointment outright, while the Los Angeles nominees are contingent on City Council and Mayoral approval per Article VI Section 604.

One can argue that Long Beach's harbor commissioners have more autonomy since they can select the department's Executive Director without City Council or Mayoral approval. Major decisions passed by the boards require City Council approval in both cities; however, Los Angeles is further

encumbered by an intermediate commission that votes to advance items to the full city council after the vote of the Board of Harbor Commissioners. The mayors of both cities wield a significant amount of informal and influence in the Harbor Departments and are seen as the *de facto* head of their port. The mayor's name is often listed on major port initiatives such as the Sustainable Freight Advisory Committee's Report, which can be seen in Figure 19.

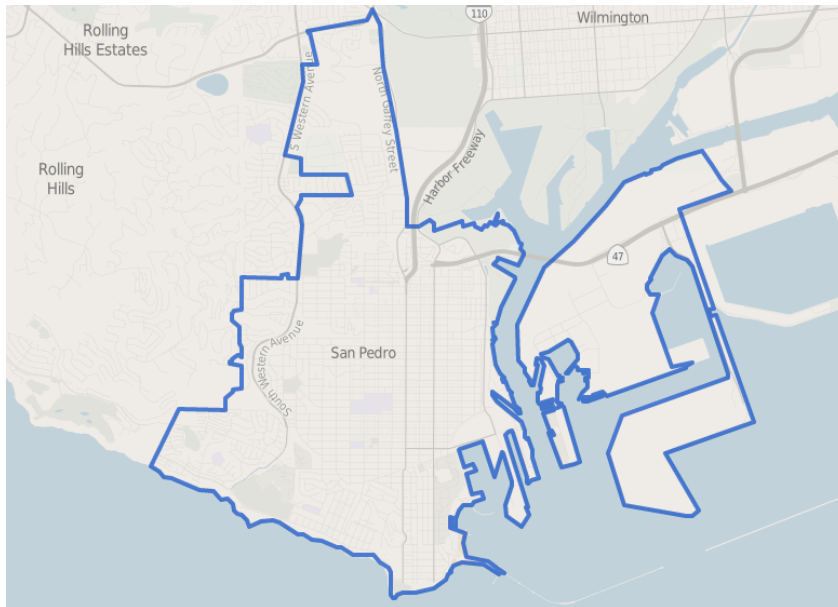
### **Other Stakeholders in the Urban Regime**

The next section describes the primary stakeholders in the urban regime and their relationship with other stakeholders. These stakeholders include the Port of Los Angeles and the Port of Long Beach, harbor area residents, the terminal operators, workers at the port, environmental non-profit organizations and civic organizations. It is important to establish that these categories are not mutually exclusive and frequently overlap. Many individuals simultaneously occupy multiple roles.

### **Residents**

People are the lifeblood of any community. People, like businesses, can 'vote with their feet' (Tiebout 1956) and search for the most favorable package of amenities within a metropolitan area. Very poor and undocumented individuals have limited agency in choosing their community. San Pedro has a population of approximately 86,000 (American Community Survey 2016) and, along with neighboring Wilmington, is geographically isolated from much of the city. San Pedro is a blue-collar neighborhood located on the southeastern side of the Palos Verdes Peninsula, just west of Long Beach and adjacent to the POLA. The spatial separation can make San Pedro feel like a separate city. It has a long history as a fishing village and attracted large numbers of eastern European and southern European immigrants in the early 20<sup>th</sup> Century, with a particularly large concentration from Croatia (Albin and Alexander 2012).

Figure 5, San Pedro Neighborhood Boundaries, Los Angeles, California



Source: Los Angeles Times, Mapping LA, 2018

San Pedro has a slight White plurality with 44.2% of the population; Latinos are at 40.8%, African Americans at 6.1%, Asian at 4.8% and others at 4.1%. A sizeable proportion of residents, 24.5%, were born abroad. A modest proportion of residents who are 25 and older, 22.8%, have a bachelor's degree. The median income is \$61,507 (American Community Survey 2016).

While San Pedro may seem to have a relatively high median income, the high cost of living in Metropolitan Los Angeles reduces the purchasing power of San Pedro residents. They are also comparatively less affluent than their neighbors in tony Rancho Palos Verdes. Rancho Palos Verdes' residents have a median household income of \$120,668 (American Community 2016), which is nearly double the rate of San Pedro and triple that of Wilmington. San Pedro has a distinct culture tied to its proximity to the port and its relatively isolated location. It can feel more like an insular community in a small town than a neighborhood in the nation's second largest city. During public hearings, San Pedro residents often invoke their longstanding, sometimes inter-generational, ties to the community and preface their comments with statements such as: "I'm from San Pedro, born and raised. Lived here all

my life,<sup>17</sup>” and “My grandfather came to San Pedro as a Croatian fisherman. Family’s been here ever since.<sup>18</sup>” This residential longevity can invoke civic pride, but some outsiders find it suffocating. As one senior-level POLA employee residing in Long Beach explained,<sup>19</sup> “You can live in San Pedro for 20 years and still be a newcomer. Nobody wants to hear what you’ve got to say.” An employee of a non-profit organization that works closely with POLA stated,<sup>20</sup> “I love that there’s so many people dedicated to the community and come out and have an opinion to share, but I don’t want to have these conversations every day in the grocery store.”

Wilmington is a section of Los Angeles that also borders the Port of Los Angeles. It has a population of 57,963 and its residents are significantly poorer than their San Pedro counterparts. The median household income is \$41,569 (American Community Survey 2016). In Wilmington, only 7% of the residents who are 25 and older attained a bachelor’s degree. A super-majority of the population, 90%, is Latino. Of the remaining residents, 4.4% are White, 2.2% Asian, 1.9% African American, and 1.5% belong to another racial category.

Figure 6, Wilmington Neighborhood Boundaries, Los Angeles, California

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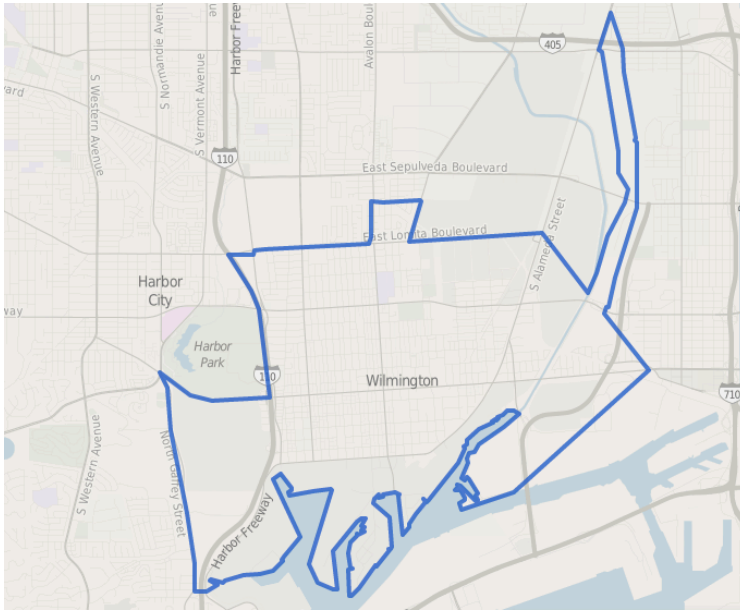
<sup>17</sup> This direct quotation came out of my field notes on January 27, 2015

<sup>18</sup> This direct quotation came out of my field notes on March 16, 2015

<sup>19</sup> This direct quotation came of my field notes on February 28, 2017.

<sup>20</sup> This direct quotation came out of my field notes on August 5, 2016.





Source: Los Angeles Times, Mapping LA, 2018

There is a high level of relative deprivation in these two Los Angeles communities. Sixty-five percent of nearby Rancho Palos Verdes’ adults age 25 and over hold a bachelor’s degree, which is almost triple the proportion of San Pedro and more than nine times the share in Wilmington. In addition, Rancho Palos Verdes’ residents are predominately White (54.2%) and Asian (27.5%); 2.6% of mixed race residents are both White and Asian. Unlike San Pedro and Wilmington, Latinos and Blacks make up a relatively small proportion of the RPV population, only 10% and 3.8%, respectively.

Long Beach is the second largest city in Los Angeles County. As a city of almost of 470,852 (American Community Survey 2016), it is not a suburb of Los Angeles. Lang’s (2006) term “satellite city” describes the city’s simultaneous independence from and interdependence with Los Angeles. While the Los Angeles County Metropolitan Authority’s 22-mile light rail line connects the two downtowns, the City of Long Beach operates its own bus system. Among other municipal services, the

City of Long Beach operates its own convention center, airport, and school district.<sup>21</sup> Long Beach also has its own distinct cultural institutions and hosts a symphony and opera.<sup>22</sup>

Figure 7, Map of Long Beach, California



Source: Google Maps, 2018

The city’s residents were almost entirely White in 1950, when it was known as “Little Iowa.” After a few decades of radical demographic changes, 29.4% of the population in Long Beach today is White; 40.8% are Latinos; 13.5% are African Americans; 12.9% are Asians. Pacific Islanders make up 1.1% of the population. A modest proportion of Long Beach’s residents age 25 and older (slightly higher than San Pedro), 29%, have a four-year degree. The median income household income is

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<sup>21</sup> The Los Angeles County Unified District serves the City of Los Angeles as well as several other cities and unincorporated areas of Los Angeles County. Residents of Long Beach as well as Signal Hill, Lakewood, and Avalon are served by the Long Beach Unified School District.

<sup>22</sup> The Long Beach Symphony was founded in 1935 and the Long Beach Opera was founded in 1979.

\$52,944 (American Community Survey 2015). Long Beach also has a reputation for having a large LGBTQ population.<sup>23</sup>

## **Workers**

The creation of jobs and low cost of goods are arguably the most significant distributional benefit of global trade. Los Angeles Economic Development Corporation estimated that the goods movement sector, which encompasses a broad array of industries at different points of the supply chain, is the largest sector in terms of employment in the 5-County Los Angeles CMSA (Los Angeles Economic Development Corporation 2012). Ports thus provide political leaders with a tremendous tool to gain economic, political, and symbolic power. This power rests on the promise of creation of broad economic benefits. Political leaders often support port expansion since projects have the potential to create additional jobs that can increase their municipality's tax base and enhance their reputation for being an effective business developer. In order to understand the political implications of port development, it's important to analyze who works at the port and how workers are connected to other institutions. The ports' unusual employment structure has significant political implications.

The mammoth port complex is a significant generator of jobs, although the degree to which it creates jobs is contested. The harbor departments are the direct employer for approximately 1,000 workers in Los Angeles (Port of Los Angeles 2018) and 475 in Long Beach (Port of Long Beach 2018) administrative workers. Other jobs are created from the operation of the terminals, as well as the construction of new port capacity and infrastructure.

As discussed above, and like most of the port authorities in the United States, both ports operate as "landlord ports," meaning that they lease the land to terminal operators who control the operations of the terminals. As landlords, they also have the ability to grant commercial leases on their properties.

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<sup>23</sup> The Human Rights Campaign gave them a perfect score on the Municipal Equality Scorecard in 2017.

Thus, neither of the Harbor Departments is the actual employers of the workers who load and unload ships. Unlike traditional models of employment where a specific firm hires a specific individual to perform a discrete set of tasks for a particular duration, the relationship between the employee and employer involves a complex set of highly regulated relationships between several entities. To disentangle these relationships, it's important to specify the entity doing the hiring and the entity performing this labor, as well as the role of unions.

The number of jobs the ports generate is difficult to determine precisely. A Pacific Maritime Association report from 2017 indicates that 6,930 longshore workers, 1,003 marine clerks, and 371 foremen worked at the twin ports in 2017 (PMA 2017). This figure does not include the casual longshore workers, truck drivers, warehouse workers, and other workers of port businesses. It's estimated that the ports induce 16,000 additional jobs in Los Angeles and 30,000 jobs in Long Beach (Jacobs 2007). When analyzing Los Angeles 5-county Combined Statistical Metropolitan Area (CSMA), the appropriate unit of analysis for examining regional employment (Storper et al. 2015), 954,000 jobs are categorized as being related to activities at the ports. On a national level, the Port of Los Angeles claims that the ports play a critical role in the supply chain that they claim to employ 2.8 million workers<sup>24</sup> (Port of Los Angeles 2017). These ports have a significant role in the regional labor market that much of the public isn't aware of, though the impact is often exaggerated since they include large numbers of workers in retail who are geographically disparate areas and are only tangentially connected to the port.

The availability jobs do not necessarily lead to economic prosperity for workers. This relationship is especially weak given that the majority of United States' workforce lacks collective bargaining rights; this is particularly pronounced in the private sector where only 6.7% of worker are represented by a union (Adler and Tilly 2014). The private sector unionization rate in Los Angeles,

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<sup>24</sup> The Port of Los Angeles' estimate includes retail jobs that they claim are generated by activity at the port.

9.2%, is somewhat higher than the national average but dramatically lower than the national average of 35% in the 1950s. Segments of the goods movement industry are a bright spot in the Southern California economy and are some of the few remaining opportunities for those without a college degree to earn a living wage.

The wages and job protections in goods movement are connected to relatively high levels of union density and location on the supply chain. Workers who have high union density and have the ability to stop the flow of goods tend to have higher wages. Unions representing Southern California workers connected to goods movement from the port include the Brotherhood of Locomotive Engineers and Trainmen Division 214 representing railway workers on the Pacific Harbor Line, the International Brotherhood of Electrical Workers Local 11 representing electricians at the ports, and the Teamsters 848 representing some of the truck drivers at the ports.

The International Longshore and Warehouse Union (ILWU) is the most powerful union representing some of the best compensated workers at the twin ports. ILWU is divided into separate locals by job class. ILWU 13 represents longshore workers, ILWU 56 represents shipscalers (who provide hazardous material and spill prevention services) and painters, ILWU 63 represents marine clerks, ILWU 65 represents security and port police, ILWU 68 represents port pilots, and ILWU 94 represent foremen.

The ILWU is best known for representing longshore workers at all West Coast container ports stretching from Seattle to San Diego. The San Francisco Chronicle described the ILWU members as “the aristocrat of the working class; a top member can earn over well over \$100,000 a year with excellent benefits” (Nolte 2014). Of the six ILWU locals in San Pedro, ILWU 13 is the largest local representing 7,134 longshore workers (Pacific Maritime Association, 2018, 64). These longshore workers work at the terminal docks at POLA and POLB. The average ILWU 13 longshore worker made \$131,608 in 2017 (ibid).

The workers report to an ILWU-controlled dispatch hall, rather than one controlled by the employer. The dispatch hall determines the allocation of work assignments and therefore controls which longshore worker reports to a particular terminal on a given day. This arrangement also encourages contract enforcement and collective action since workers cannot easily be pitted against each other. This arrangement also minimizes wage differentials and undesirable work assignments by the terminal operators. Due likely to both the union-focused work arrangements and comparatively good pay, the port's workers are an integral part of the community fabric of San Pedro and receive substantial local recognition.

The structure of the dispatch hall system allows the union to maintain a closed shop and only offer extra work to its existing members instead of a person of management's choosing. Thus union largely controls the supply of port workers. While it's easy to assume that job creation will automatically benefit the existing residents of the same geographic area through employment, Molotch (1976) found that labor is mobile and newly created jobs may go to new residents instead of the already living nearby. This mechanism along with McGinn's (2007) finding that the greatest concentration of ILWU 13 members resided in San Pedro allows a significant proportion of benefits stemming from the increased demand of longshore worker labor to stay in the immediate harbor community. This in turn strengthens the relationship between job creation at the ports and the economic conditions of San Pedro and Wilmington's existing residents.

The ILWU is embedded into both local politics and state politics. From my own observations at neighborhood council meetings, ILWU members are significantly represented in local politics and are represented on the Coastal San Pedro Neighborhood Council, Northwest San Pedro Neighborhood Council, and the Central San Pedro Neighborhood Council. During the Neighborhood Council meetings, union members would often state their union affiliation. The ILWU Council Office is located in San Pedro but mostly focuses on state and national legislation that affects workplace conditions and

coordinates legislative and political issues for the ILWU in a territory that stretches from Fresno to San Diego.

The ILWU prominence in the South Bay harbor communities partially stems from labor education initiatives. Dave Arian,<sup>25</sup> a San Pedro longshore worker who previously served as President of the ILWU International founded the Harry Bridges Institute in 1993 with the aim of educating younger workers about the labor movement's rich history and community organizing in an effort to keep the traditions alive. The organization is based in the ILWU Local 63 Union Hall in San Pedro and created The Terminal Warehouse Project, an oral history project documenting the workers who came into the Longshore industry during the transitional period between break-bulk cargo and containerization in the 1960s. The project aims to keep the tradition of mutual aid alive through the Hands Open Wide program for "casuals" and class "B" longshore workers in financial need. The Harry Bridges Institute also hosts an annual Working Class Women's Luncheon that honors working women in unionized industries who they have identified as having contributed to the advancement of the working class.

Both the Port of Los Angeles and Port of Long Beach generate considerable construction jobs. Both ports have signed Project Labor Agreements (PLAs) for site-specific projects that have been a boon for organized labor. PLAs are collective bargaining agreements between unions representing the building trades and developers. They generally require the payment of prevailing wages, provision of quality health care benefits and retirements, and workplace safety measures (Cornejo 2009). The POLA and POLB have acted as developers and signed PLAs with the Los Angeles/Orange Counties Building and Construction Trades Council. In 2011, POLA negotiated a 5-year labor agreement with Los Angeles/Orange Counties Building and Construction Trades Council. The PLA aimed to address

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<sup>25</sup> I interviewed Port Commissioner Dave Arian on September 15, 2016. Information about the Harry Bridges Institute came from this interview.

unemployment and underemployment in Los Angeles communities with high levels of concentrated poverty. The agreement set employment stipulations that required that local residents be hired to perform at least 30% of total work hours and disadvantaged workers perform at least 10% of total work hours. Additionally, it set employment regulations around POLA's apprenticeship program. It stipulated that at least at least 20% of the total work hours should be performed by apprentices, and local residents in specific low-socioeconomic area zip codes shall be given the opportunity to perform 50% of these apprenticeship hours (Port of Los Angeles 2012).

### **Terminal Operators: The 'Real' Employers**

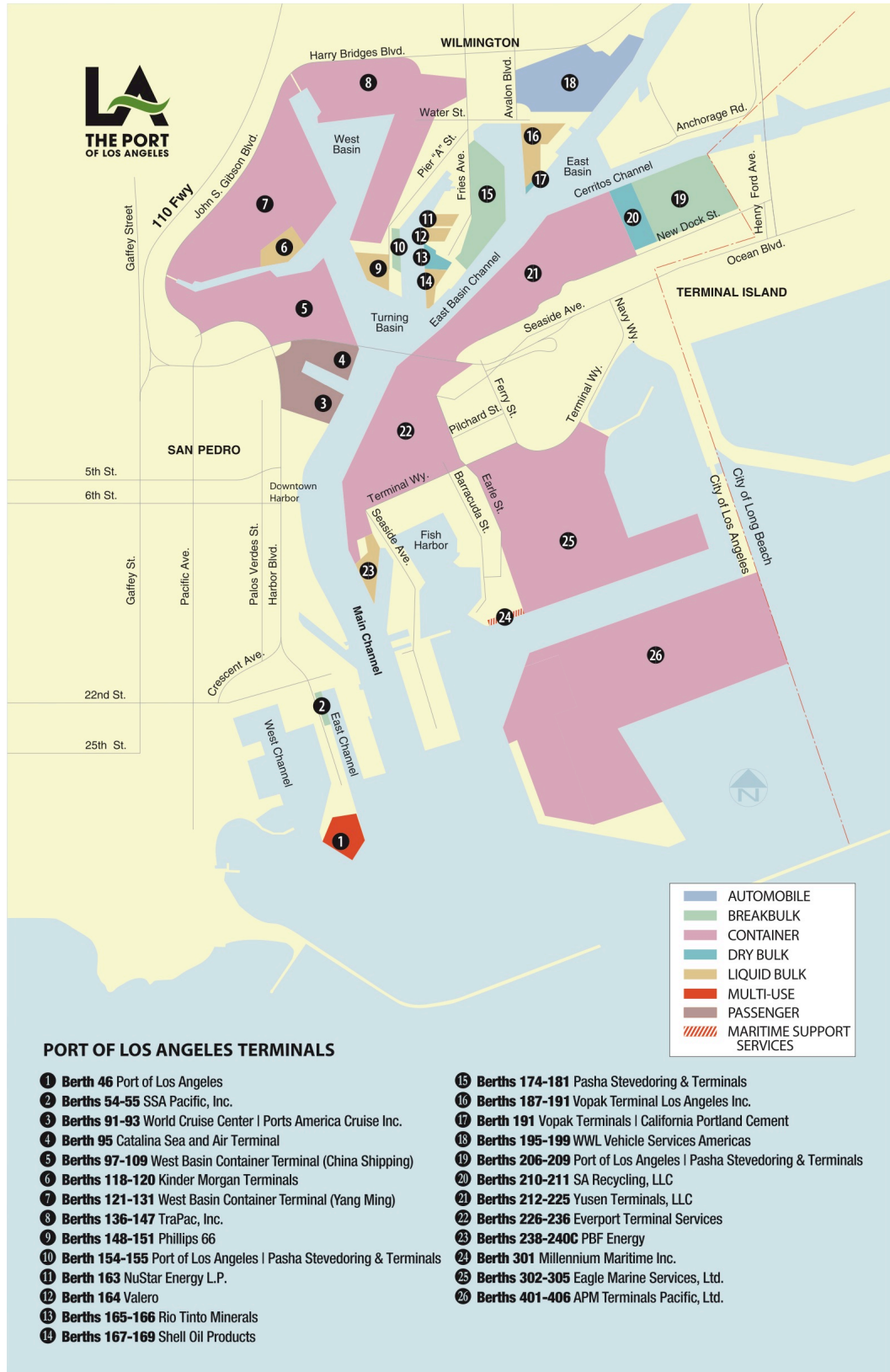
Terminal operators are frequently subsidiaries of shipping lines. They are the tenants of the port and are typically locked into 30-year leases (Erie 2004). Figure 8 and Figure 9 are terminal maps of the Port of Los Angeles and the Port of Long Beach. The terminal operators are responsible for cargo operations and are the direct employers of the dockworkers. Even though the terminal operators are the employers, the traditional relationship between employer and employees<sup>26</sup> does not exist.

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<sup>26</sup> Through a major labor victory in 1934 known as the West Coast Labor Strike, West Coast longshore workers won the right to collectively bargain through the ILWU. Longshore workers are covered by a single contract.



Figure 8, Port of Los Angeles Terminal Map



Source: Port of Los Angeles, Terminal Map, 2017

Figure 9, Port of Long Beach Terminal Map



Source: Port of Long Beach, Terminal Map, 2017

After several mergers after the Great Recession, many terminal operators have entered into trans-national shipping alliances (Rodrigue 2009; Notteboom 2012). These shipping alliances are similar to airline alliances and allow for greater efficiency in goods movement since shipping lines share routes and can reduce operational costs by cutting infrequently used routes that their partner operates. Most of these terminal operators are the based in Europe and Asia, with North American corporate offices in New

Jersey. This is largely because the Port of New York and New Jersey was the largest port in the United States until 1984 (Hayuth 1988; Notteboom and Rodrigue 2005).

Terminal operators<sup>27</sup> collectively formed an industry group called the Pacific Maritime Association (PMA). This group is comprised of 78 companies and represents the collective interests of the shipping lines on the west coast. The PMA is responsible for negotiating and administering labor agreements with the ILWU. Thus, when a terminal operator needs a worker to load or unload cargo, they put in a worker order with PMA and pay them a set industry fee. The PMA then will tell the ILWU dispatchers; the ILWU dispatchers will then give the assignment out to an ILWU union member. During labor disputes, PMA is the representative for the terminal operator. Thus, there are two institutional layers between an individual worker and his or her manager during disputes.

The complex employment arrangements can obfuscate the institutional boundaries and power structures at POLA and POLB. From many discussions with Southern California residents,<sup>28</sup> much of the public appears unaware of the distinction between working “at the port” for a terminal operator and working “for the port” as an employee for the Harbor Department of the City of Los Angeles or the City of Long Beach. This conflation has the potential to accentuate the direct role of the port authorities as employment engines.

### **Non-Profit Environmental Organizations**

This section will provide an overview of some of the environmental organizations that played a significant role in the South Bay environmental justice coalition that advocated for the port to adopt stronger air quality regulations. These organizations are heterogeneous in terms of size, location of

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<sup>27</sup> The information in this paragraph about terminal operators is based on an interview that I conducted with a manager of a terminal operator at the Port of Los Angeles on January 17, 2017.

<sup>28</sup> This assertion is based on my observations I made during the course of my fieldwork. No formal poll was taken; however, I have discussed the topic with a non-random sample of a few hundred Los Angeles County residents in a variety of formal and informal contexts since 2013. While in no way representative of the population, groups were heterogeneous in terms of age, length of residency, age, race, level of education and geographic proximity to the port.

chapters, political orientation of members and staff, and level of financial resources, but all have large memberships<sup>29</sup> and the resources directly provide and/or commission technical reports and legal support. There were several types of organizations committed to environmental goals that vary greatly in many aspects: size, mission, resources, political orientation, and use of tactics.

Several grassroots community organizations sprung up near the twin ports after the passage of NEPA and CEQA in 1970. These organizations are heterogeneous in mission, structure, and tactics but have collectively played a significant protesting port development and requesting environmental mitigation. They can be categorized as Social Movement Organizations (SMOs). McCarthy and Zald (1977, 1218) define a SMO as a “complex, or formal organization which identifies its preferences with a social movement or a counter-movement and attempts to implement those goals.” In their 1979 article, they explain that SMOs have a coordinating role in social movements. They note that SMOs are separate from formal organizations that monitor regulation. While SMOs in Southern California’s environmental movement vary on many dimensions, an organizational typology can be created from two salient aspects of the organization: mission and structure. While there is considerable diversity in organizational mission across groups, their mission can be broadly categorized into relating to ecological conservation or environmental justice.

The Natural Resources Defense Council (NRDC) is a national organization based in New York with regional offices across the United States. The NRDC is well-resourced with approximately 2.4 million members<sup>16</sup> and a regional office in Santa Monica. A group of young lawyers started the group after the first Earth Day.<sup>30</sup> While its mission is rooted in community work, it is not a grassroots

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<sup>29</sup> The NRDC is an environmental advocacy organization that, in 2015, had 2.4 million members in 2015, with online activities nationwide, and a staff of about 500 lawyers, scientists, and other policy experts.

<sup>30</sup> It is notable that the NRDC has low-threshold form of membership whereby members are not required to pay dues to be counted as a part of the membership.

organization. Instead, the NRDC, like the Environmental Defense Fund, has lawyers on staff and partners with grassroots organizations to provide legal representation, expert testimony, and technical advice. As Michell, Mertig, and Dunlap (1991) note, “They have access to sufficient scientific and technological expertise and information so that they can evaluate the scientific basis for environmental policies and, if necessary, dispute the scientific and technical issues within the appropriate policy arenas.” (230).

In his 2010 book, NRDC co-founder John Adams recounts how the organization expanded significantly and opened offices in San Francisco in 1988, which was staffed by a small group of environmental lawyers with Mary Nichols, the current Chair of the California Air Resources Board, leading the legal team. While the NRDC was the first national environmental organization to establish a Southern Californian office dedicated to protecting the region’s public health, they didn’t initially play a significant role in grassroots organizing in Southern California. As Jamie Capuzza notes, the NRDC had a reputation for engaging in “limousine environmentalism” (1992, 11).

The NRDC would assist two San Pedro homeowners’ associations in the China Shipping Lawsuit in 2001. Through this partnership they developed relationships and remained actively engaged with groups in the port-adjacent communities and brought forth or threatened to bring forth lawsuits during every subsequent major infrastructure project at both ports. The Coalition for Clean Air in Sacramento also had a significant role in the environmental movement in Southern California that will be discussed in the Chapter 4.

EarthJustice is another environmental group that would become active in advocating for better air quality regulation in Southern California, although their focus is broader and encompasses several target areas including climate change and wildlife conservation. Its official mission listed on its website states:

Earthjustice is the premier nonprofit public interest environmental law organization. We wield the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change.

The non-profit organization was founded in 1971 as the Sierra Club Legal Defense Fund. While the organization has always been independent of the Sierra Club, it retained its original name until 1997. It is headquartered in San Francisco but maintains a regional office in Downtown Los Angeles.

Communities for a Better Environment (CBE), a California-based environmental organization with a dual focus on professional expertise and grassroots organizing. CBE's focus is on low-income minority communities. The mission of the organization is listed on its website as:

To build people's power in California's communities of color and low-income communities to achieve environmental health and justice by preventing and reducing pollution and building green, healthy and sustainable communities and environments.

While it had its early roots started 1970 in Chicago, CBE opened an office in Northern California in 1978 and expanded to Southern California in 1993. CBE chose Huntington Park, a low-income Latino majority community in Southeast Los Angeles for its Southern California headquarters. Compared to the NRDC, CBE had more success at with partnering with the environmental justice organizations in Southern California. Brodtkin (2009) recounts how CBE gained community trust by helping local residents get a large pile of concrete that had fallen off of a decrepit portion of Interstate Highway 10 to be declared a public nuisance and removed from a lot in Huntington Park. CBE and helped develop a youth program at Huntington High School called CBE Youth-EJ and organized a five-week summer program for 15 high school students in 1997 (56).

CBE's success in cultivating coalitional networks allowed CBE to expand its collaborations. CBE, along with the Liberty Hill Foundation (a local public foundation) and university researchers hailing from a variety of fields, started a public health collaboration. In 1998, this set of partnerships received substantial support from the California Endowment and formed Building a Regional Voice for Environmental Justice Collaborative in Los Angeles. CBE is part of several alliances including California Environmental Justice Alliance, Climate Justice Alliance, Grassroots Global Justice

Alliance, Coalition for Environmental Health and Justice (Communities for a Better Environment 2018).

The Coalition For A Safe Environment is another grassroots environmental group involved with the ports. Jesse Marquez, a lifetime Wilmington resident and former electrician, formed the group that was previously called Wilmington Coalition For A Safe Environment in April 2001. The group originated as a working group opposing POLA's proposal to build a twenty-foot concrete wall separating the Wilmington community and the waterfront (Weikel 2001). The group created a committee to investigate Port of Los Angeles expansion projects with respect to the environmental and public health impacts on Wilmington residents and the local harbor community. The organization expanded their geographic scope and started to examine proposed infrastructure projects at the Port of Long Beach, and subsequently changed their name to the Coalition For A Safe Environment. In 2002, the committee became a more formal non-profit organization and established a governing Board of Directors.

I met Marquez at a POLB Meeting on January 13, 2014 and he shared with me his involvement with environmental justice. He had deep connections to the port, three of his brothers worked as longshoremen. Marquez mentioned that his drive for organizing for better air quality stemmed from growing up across the street from the old Fletcher Oil refinery. In 1969, when he was 16, the refinery blew up, killing two and injuring 154 people (Daily Breeze 1969). The Fletcher Oil plant continued to operate after the 1969 disaster and had a longstanding presence in the community. The refinery briefly closed from November 1991 to April 1992, but then reopened for several years until it was finally shuttered in 1999 (Gnerre 2010).

East Yards Communities for Environmental Justice (EYCEJ) is a grassroots non-profit working towards a safe and healthy environment for communities that are disproportionately suffering the negative impacts of industrial pollution. It was established in 2001 by residents of the Commerce and

East Los Angeles area who were concerned with the increasing environmental health impacts of industrial pollution in their community, as well as several pending infrastructure expansion projects adjacent to homes, schools and parks. The development of the Alameda Corridor and expansion of the 710 Freeway raised concerns about increasing levels of diesel exhaust. Much of the pollution stemmed from goods movement and a second office was opened in Long Beach.

### **The Regulatory Environment: Structure of Air Quality Regulation in Southern California**

Air quality in Southern California is regulated by a complex web of state and regional governmental agencies whose power derives from federal, state, and municipal laws. When an environmental problem arises, the complexity of the regulatory network can make it difficult for those negatively impacted to identify the appropriate responsible government entity. This section will explain the interconnections of the air quality regulatory agencies.

On a federal level, air quality in the United States is governed by the Clean Air Act (CAA) and its subsequent amendments. In addition to being subject to the requirements of the CAA, air quality in California is also governed by an additional set of regulations created by the California Clean Air Act (CCAA). The CAA is administered by the EPA on a federal level, while CCAA is administered by the California Air Resources Board (CARB) at the state level and by the Air Quality Management Districts at the regional level. The South Coast Air Quality Management District (SCAQMD) is the agency most directly responsible for coordinating air quality planning and regulatory efforts throughout Southern California.

In 1976, the California State Legislature passed the Lewis-Presley Air Quality Management Act,<sup>31</sup> creating the South Coast Air Quality Management District (SCAQMD). Together with the

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<sup>31</sup> Chapter 324, HSC 40400-40540



Southern California Association of Governments (SCAG), SCAQMD is required by California state law to produce an Air Quality Management Plan (AQMP) for the South Coast Air Basin that's in compliance with both state and federal regulations.<sup>32</sup> An AQMP consists of a set of proposed regulatory control measures that, if implemented, are projected to attain the air quality standards set by the EPA. An AQMP is submitted to CARB approval before going to the EPA for federal approval.

The CARB is a regulatory organization in Sacramento that directly reports to the governor's office. The CARB governing board is comprised of eleven members, all of whom are appointed by the governor. Five are technical experts in fields such as chemistry, medicine, and law. The other five board members are elected officials who represent regional air pollution control agencies. Based on regional representation policies, one member of SCAQMD is always on the CARB governing board.

As shown in Figure 12, SCAG has jurisdiction over Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial counties, and encompasses more than 180 cities. SCAG has statutory responsibility for mandated transportation functions. The federal Clean Air Act outlines the scope of regulations, including federal and state highways, mass transit, rail transportation, and congestion management. The agency has authority to prepare long-range regional transportation plans and to approve or reject specific projects.

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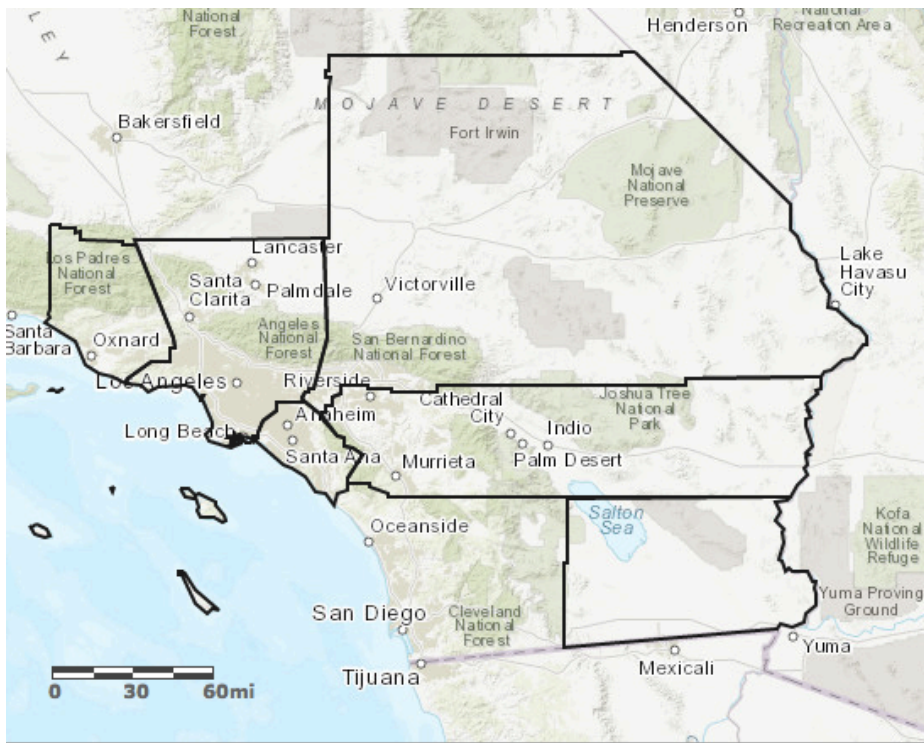
<sup>32</sup> 40 CFR Part 63

Figure 12, South Coast Air Quality Basin Map



Source: Southern Air Quality Management District Website, 2018

Figure 13, Southern California Association of Governments Map



Source: Southern California Association of Governments Website, 2018

SCAG is governed by a 70-member regional council composed of 63 district representatives who are locally elected officials and seven county supervisors. Two of the supervisors are from Los Angeles County and one for each of the other four counties (Southern California Association of Governments 2018). The SCAG is responsible for developing transportation control measures for the AQMP as well as supplying demographic and economic data necessary for SCAQMD analyses. These data are used to carry out future air pollution modeling and prediction of socioeconomic costs of regulation. FitzSimmons and Gottlieb's (1996) analysis of the agency found that SCAG has mostly acted as a consultant and reviewer to SCAQMD since the latter had direct regulatory authority.

The SCAQMD is responsible for regulating air quality for all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, and is governed by a twelve-member board made up of four county supervisors, five city council representatives, and three citizen appointees. It has primary authority for implementing the AQMP, and its regulations have the force of law (SCAQMD 1997). The air district is specifically responsible for controlling emissions from stationary sources of air pollution, although it does implement some transportation-related programs aimed at reducing the number of cars on the road. The SCAQMD receives 73% of its annual revenue a combination of evaluation fees, annual operating fees, emission fees, Hearing Board fees, penalties/settlements, and investments 73% of SCAQMD's revenue. The remaining 27% of its revenue derives from federal grants, CARB subvention funds, and California Clean Air Act Motor Vehicle fees (South Coast Air Quality Management District 2018)

## **Conclusion**

The Port of Los Angeles and the Port of Long Beach are major institutions that are deeply embedded in a complex political landscape in Southern California. Their institutional structures reflect both previous and ongoing contestations for economic and political power. The municipal governments' central role in the operations of the ports have been a constant for the majority of the

institutions' histories. Therefore, the ports, despite being sites of global trade shaped by macro-level economic forces, can be conceived of as local institutions. Specifically, the governance structure gives a great deal of power to the mayor and to city council members.

Throughout the 20<sup>th</sup> Century, most municipal leaders supported the ports' continuous growth, though the distributional benefits and costs of the ports' growth have been uneven. While the activities at the ports brought significant job opportunities to the immediate area, they contributed to high levels of air pollution in the adjacent communities. Residents of communities adjacent to the San Pedro Bay long contended with limited political agency and for the most part accepted the majority negative environmental externalities, while only capturing a fraction of the economic benefits. The allocation of costs imposed on and benefits reaped by port-adjacent communities is a dynamic political process I examine in Chapter 3.

## **Introduction**

On a theoretical level, this chapter analyzes how various stakeholders organized around openings for structural change. These openings are what Peter Eisener (1973) calls “political opportunities.” Several other social scientists (Tarrow 1983; Kitschelt 1986; Jenkins 1995; Meyer and Minkoff 2004) have written about political opportunities and come to the general agreement that they include the following components: political pluralism, insurgent consciousness, and instability among elites. Assessing these elements in this case can provide insight into how power is accessed and wielded.

Through a political opportunity framework, this analysis includes a brief review of this history of the air emissions regulation in the United States and in Southern California. The chapter provides a broad historiography of the changing political landscape in Southern California and examines the evolution of the environmental movement and its incorporation of the environmental justice framework. I argue that the mainstream environmental community’s adoption of the environmental justice framework led to some early wins around environmental regulation in the United States and in California. These victories provided a legal framework for marginalized populations to mobilize around. The mainstream environmental groups provided material resources to grassroots groups that effectively accentuated the group’s political capacity. The benefits to the mainstream groups were just as great, since the partnering allowed them to generate cases and establish a sense of social legitimacy with a broader group of stakeholders. The growth of pluralism within the environmental movement increased the political capacity of environmentalists in Southern California.

When examining the adoption of the environmental justice framework, I explore how individual people created compelling frames around environmental justice, built coalitions through political organizations, identified areas for change, and identified strategic areas of change. Earlier contestations

around air pollution allowed claims to particularly resonate with the public. The establishment of stricter environmental regulations on the federal and state levels, and the twin ports' enhanced commitment to environmental mitigation expanded low and moderate-income port-adjacent residents' political capacity and created enduring organizational change.

This analysis includes a brief review of this history of the air emissions regulation in the United States and in California. The nation's and state's legal frameworks shaped the political landscape in Southern California and created organizing opportunities around environmental justice. The recession started in 1989, and renewed call for secession in Los Angeles in the late 1990s and early 2000s were major events that altered the stability of elites in Southern California thereby shaping the opportunity structure.

I argue that the 2001 Los Angeles mayoral election created a political opportunity for residents of port-adjacent communities to voice their grievances and demand change. These events created political opportunities to reshape relationships with policymakers and thus restructure the Southern California goods movement regime. I build this argument by examining the 2001 Los Angeles mayoral election results published by the Los Angeles City Clerk. I use Social Explorer to examine the racial demographic patterns within the voting districts relevant to my story.

## **Emergence of the Environmental Justice Framework**

Framing is an aspect of political agency. Snow and Benford (1988) refer to “framing” as the process by which a social topic is distilled into a concise political message that individuals can access and disseminate when building alliances. Amenta et al. (2009) illustrate the importance of framing when attempting to utilize the media to disseminate a message. Piven and Cloward (1977) argue that framing is an important tool for exercising their political agency especially for members of marginalized groups. While acknowledging its importance, Ryan and Gamson (2006) explore the limitations of framing. San Pedro residents that were concerned about the construction of the China Shipping Terminal framed their concerns around environmental justice and greatly benefited from the mainstream environmental movement’s adoption of an environmental justice framework and earlier activism by other groups around environmental justice.

In order to understand the utility of that framework, I will contextualize the evolution of the environmental movement and the adoption of the environmental justice framework. The connection between the environmental movement and the Civil Rights movement is significant. As Bullard (1993) and Colopy (1994) note, many of the early leaders of the environmental movement, including Robert Bullard himself, had organized around civil rights issues. This concept of environmental justice is defined by the US EPA on their website as:

The fair treatment and meaningful involvement meant of all people regardless of race, color, national origin, or income concerning the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Environmental justice is a concept closely related to Kasperson’s (1994) notion of environmental equity but differs in that it emphasizes that there is a fundamental obligation to protect individuals from harm, not just distribute the harm in an equitable manner. Environmental justice was not a core tenant of the early mainstream environmental movement and it took a significant amount of political organizing from

marginalized populations to get these groups to take up that objective. Mitchell, Mertig, and Dunlap's (1991) study on the political landscape of environmental organizations highlighted that wildlife conservation was at the core of the mission of the six environmental organizations with the largest memberships in 1969. The National Wildlife Federation, National Audubon Society, Sierra Club, Izaak Walton League, The Wilderness Society, and National Parks & Conservation Association,<sup>33</sup> which were all founded before WWII, either in the Progressive Era or between WWI and WWII, focused on wildlife conservation.

The environmental movement received a significant publicity boost on April 22, 1970 when a large number of groups, including students at hundreds of colleges, organized rallies and protests against the deterioration of the environment across the country. Rome (2010) asserts that this collective demonstration on the first Earth Day allowed unconnected groups that were protesting against seemingly disparate topics such as power plants, oil spills, toxic dumps, pesticides, freeways, and the extinction of wildlife to come together, and this convergence amplified environmentalists' political power and allowed members of disparate groups to develop social and professional ties and a coherent voice. The environmental movement was boosted by Richard Nixon issuing Executive Order 11102 on December 2<sup>nd</sup>, 1970 and creating the United States Environmental Protection Agency (EPA). Congress passed amendments strengthening federal oversight to the Clean Air Act<sup>34</sup> on the same day.

Although pollution patterns correlated with racial segregation have long existed, academic researchers did not begin a serious inquiry of such patterns until the 1970s as highlighted by McCaull

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<sup>33</sup> According to the findings of Mitchell, Mertig, and Dunlap's (1991) study, in 1969 the National Wildlife Federation founded in 1936 had 465,000 members, National Audubon Society founded in 1905 had 120,000 members, Sierra Club founded in 1892 had 83,000 members, Izaak Walton League founded in 1922 had 52,000 members, The Wilderness Society founded in 1935 had 44,000 members, and National Parks & Conservation Association founded in 1919 43,000 members.

<sup>34</sup> The federal Clean Air Act was originally passed by Congress 1963. Congressional amendments approved in 1970 greatly expanded the federal mandate, requiring comprehensive federal and state regulations for stationary sources as well as mobile sources. The amendments also expanded avenues for enforcement with the creation of the EPA in 1970.



(1976) and Berry, et al. (1977). McGurty (1997) found that racial minorities in the 1970s tended to be skeptical of the emerging environmental movement on the basis that the groups were exclusionary and advocated for causes that were disconnected from their everyday lives. Popular media amplified this sentiment by publishing sensational articles like to one featured in Time Magazine's August 3<sup>rd</sup>, 1970 edition entitled "Environment: The Rise of Anti-ecology." The main thrust of the article was that Blacks opposed environmentalism on the basis that government resources should instead go to funding public housing and other forms of social support. One poignant exchange was between a reporter and a person the reporter described as a "black militant:"

Ecology?" scoffs a black militant in Chicago. "I don't give a good goddam about ecology!

The magazine article, like much of the public debate, framed economic survival and toxic exposures as competing problems rather than interconnected ones. The reporter, like much of the general public, seemingly assumed that people of color were fundamentally uninterested in environmental regulation. This notion is consistent with the findings about public perception found in Mohai's (1990) study on Black environmentalists.

The San Francisco-based Sierra Club, one of the legacy environmental organizations focused on ecological conservation, found itself struggling to attract minorities. The Sierra Club's official mission statement is listed on their website as:

To explore, enjoy, and protect the wild places of the earth; To practice and promote the responsible use of the earth's ecosystems and resources; To educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

The Sierra Club's primary focus was preserving millions of acres of wilderness and providing outdoor recreational activities. Typical of mainstream environmental organizations that McGurty (2000) analyzed, the Sierra Club was a politically moderate organization with mostly White staff and membership. McGurty highlights the Sierra Club's disconnect by presenting findings on two studies

that the Sierra Club conducted. In 1972, the Sierra Club surveyed its national membership asked them the following question, “Should the Club concern itself with conservation problems of special groups such as the poor and ethnic minorities?” The majority of the Sierra Club members, 58%, indicated that they were strongly or somewhat opposed to the concern. An earlier survey commissioned by the Sierra Club in 1971 showed that 88% of Black high school seniors polled were in favor of increased federal involvement in controlling pollution. This finding challenged the popular notion of African Americans’ apathy toward the environmental movement. Despite the high level of reported interest, neither minorities nor their environmental concerns were immediately welcomed into the environment movement in a visible way. This lack of incorporation seems to have stemmed from mainstream environmental groups’ hesitance to devote significant institutional resources to ecological issues that did not directly affect the majority of their members as well as the stereotypes that the Time Magazine article perpetuated.

This dynamic was reflected in Los Angeles Councilman Tom Bradley’s 1972 speech at a Sierra Club Education Conference. The councilman, who would serve as mayor of Los Angeles from 1973-1993 and was an early advocate for environmental justice explained, “The people of minority communities want ecological pollution eradicated as much as those of the white communities do. But they want social pollution eliminated at the same time. They will not be satisfied by cleaner air in ghettos if they are still denied access to suburbia” (Bradley 1972, 471). Zuni (1980) recounts that the Sierra Club’s Los Angeles Chapter started offering an Inner City Outings Program in the 1970s when there had not yet been widespread public buy-in for the environmental justice framework.

Several authors (Bullard 1993; Bullard 1996; McGurty 2000; Brodtkin 2009) argue that the 1982 environmental protests in Warren County, North Carolina played a significant role in persuading the mainstream environmental organizations to consider adopting environmental justice principles, as well as the overall incorporation of low-income minority residents in the environmental movement. The

protests in North Carolina were significant since they were the first time that a minority-led environmental protest gained widespread attention from mainstream national media.<sup>35</sup> Burwell and Cole (2007) argue that this event helped shift public perception and laid out the groundwork for multi-racial coalition building around air quality in Southern California.

Air quality in Southern California has been a longstanding problem that had been noticeable since the early 1900s. Several studies (Brienes 1976; Lents and William 1993; Lurmann, Avol, and Gilliland 2015) indicate that air quality significantly worsened in the 1940s with the expansion of wartime industries, since this expansion caused an overall uptick in regional manufacturing. Brienes notes that during WWII, the number of Los Angeles workers employed in the manufacturing sector sharply increased from 152,000 in 1940 to 446,000 in 1943 (518). Smog became an acute public concern after an incident known as the “gas attack” on July 26, 1943 (Los Angeles Times 1943). On that day, in the midst of a heat wave, smoke and fumes spewed out of a Southern California Gas Company plant and enveloped Downtown Los Angeles as seen in Figure 10. The smog dramatically cut visibility and gave residents sore throats and itchy eyes (South Coast Air Quality Management District 1997, 2). According to a 1997 SCAQMD report, air pollution presented a threat to the region’s economy and the population’s wellbeing, becoming what C. Wright Mills (1959) calls a “public issue.”

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<sup>35</sup> Among other news outlets, the New York Times, Washington Post, and Chicago Tribune covered the protests.

Figure 10, Los Angeles Smog 1943



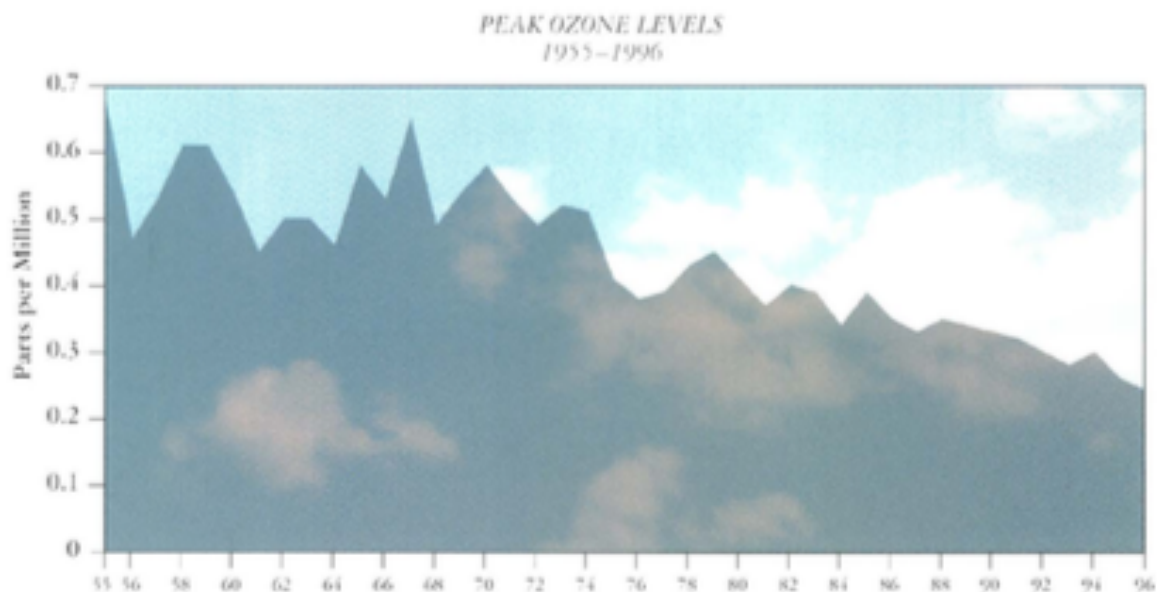
Source: South Coast Air Quality Management District, *The Southland's War on Smog: Fifty Years of Progress Toward Clean Air*, 1997

The 1997 SCAQMD report traces how this smog event spurred the first set of policy regulations in Southern California. The Los Angeles County Board of Supervisors appointed a Smoke and Fumes Commission to study the cause of air pollution. The Los Angeles Times hired pollution expert Raymond Tucker to study air pollution in Los Angeles; he recommended implementing several policies and creating a county-wide regulatory body. On April 15, 1947, the Los Angeles County Board of Supervisors approved draft legislation allowing counties to set up unified air pollution control districts. The League of California Cities also supported the measure, agreeing that air pollution would be more effectively regulated by the county than by individual cities. The California legislature approved, and Governor Earl Warren signed, the measure into law on June 10, 1947. Shortly thereafter, on October 14,

1947, the Los Angeles County Air Pollution Control District became an air quality regulatory body (South Coast Air Quality Management District 1997).

Despite the creation of this regulatory body, ozone levels continued to increase in Los Angeles County through the 1950s, peaking in 1955 as seen in Figure 11. Southern California residents continued to endure high levels of air pollution. While the widely felt problem negatively affected all Los Angeles residents, residents were not harmed to an equal degree due to differential exposure patterns and resources to cope with the smog. As Soja (1989) and Pulido (1996) argue, marginalized populations residing near industrial sites faced the brunt of it and did not have a significant voice in creating policies that would protect their health. Before discussing their organizing efforts, the next section will focus on the context of regulation. It is important to understand the regulatory structure before one can assess the political opportunity structure.

Figure 11, Peak Ozone Levels in Los Angeles County 1955-1996



**Source:** South Coast Air Quality Management District, *The Southland's War on Smog: Fifty Years of Progress Toward Clean Air*, 1997

## **Coalition Building in Southern California**

Feighery and Rogers (1990) explain how community coalitions are a particular type of coalition that contain a group of individuals representing a range of organizations or constituencies within a community who agree to work together to achieve a common goal. Butterfoss and Kegler (2009) discuss how coalition building is particularly powerful since it has the potential to link disparate groups together. These linkages may allow the groups to expand their available resources, which may in turn allow them to wield more influence than they did as single organizations.

Many of the early environmental justice leaders came out of the Civil Rights movement and utilized previously tested tactics such as rallies, marches, sit-ins, and petition signature gathering. Robert Bullard (1990) argued that this case inspired Civil Rights leaders to contend with environmental justice. This utilization is consistent with Meyer and Whittier's (1994) finding that protest tactics spread across linkages between activist networks and social movement organizations. Furthermore, the partnering with religious institutions would be replicated in environmental justice organizing in Southern California.

Cutter (1995) and Holifield (2001) argue that Civil Rights leader Reverend Benjamin Chavis played a significant role in the environmental justice movement in 1980s and would go on to have a large impact in Southern California. As an active member of the Southern Christian Leadership Conference, he drew upon this when mobilizing during moments of contestation. Chavis formed the United Church of Christ's Commission for Racial Justice after the Warren County, North Carolina protest. In 1987, the United Church of Christ's Commission for Racial Justice partnered with Charles Lee and published a report entitled "Toxic Wastes and Race in the United States." Their study on waste sites in several counties across the country, including Los Angeles County, was the first major research study on the topic. It highlighted that race was the single most important factor in determining where toxic waste facilities were located in the United States. The study's findings revealed a strong statistical correlation between race and the location of hazardous wastes sites.

Specifically, in communities with one operating commercial hazardous waste facility, the mean minority percentage of the population was approximately twice the percentage that of communities without facilities (24 vs. 12 percent). In communities with two or more operating commercial hazardous waste facilities or one of the five largest landfills, the mean minority percentage of the population was more than three times that of the communities without facilities (36 vs. 12 percent) (United Church of Christ, 1987, 13).

The study also found that “the percentage of community residents belonging to a racial and ethnic group was a stronger predictor of commercial hazardous waste activity than was household income [or] the value of homes” (ibid). Latinos were found to be disproportionately exposed to toxic waste; 60% of the 425, 323<sup>36</sup> Latinos residing in Los Angeles lived in a zip code with a toxic waste site (United Church of Christ, 1987, 20). The last finding on waste sites was consistent with Romo’s (1983) earlier research finding that these sites were placed in areas that were part of Los Angeles’ longstanding *barrio*.

The United Church of Christ’s report had a catalytic effect on publicizing the environmental injustices low-income minorities faced both nationally and in Los Angeles. The study helped legitimize claims made by individuals and groups who often had a limited amount of political power. As Morello-Frosch, Pastor, and Sadd (2000) argue, the study became an important tool in galvanizing political support for the environmental justice framework in Southern California. They contend that it shed light on the severity of Los Angeles’ environmental problems, especially those in neighborhoods inhabited by minorities. The study spurred academic research on to topic, which was used to further legitimize claims made by low-income residents. The next section will provide a wider historical context of the political response to air pollution in the region, and illustrate how early steps were incremental, and that wide-scale regulation could only be achieved with the reframing of the environmental movement and use of grassroots organizing.

## **The Environmental Movement in Southern California**

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<sup>36</sup> The authors of the United Church of Christ report used zip codes starting with 900 in their analysis of the Los Angeles population.

Subsequent academic research helped propagate the notion of environmental racism and gave Southern California groups evidence. Several academic studies completed between 1987 and 2000 examining the differential levels of pollution exposure by race in Los Angeles County supported the legitimization of the concept of environmental racism. These studies examined environmental hazards, particularly air toxins (Burke 1993; Szasz et al. 1993; Pulido et al. 1996; Boer et al. 1997; Sadd et al. 1999; Pulido 2000). Each of these studies highlighted that minority residents of Los Angeles, particularly working-class Latino residents, were exposed to air pollution at disproportionately high levels compared to their White counterparts. These studies taken together highlight patterns that strongly suggest that most industrial hazards in Southern California are concentrated in clusters that are primarily inhabited by working-class minority residents in South Los Angeles and Central Los Angeles. One of the major air pollution clusters was concentrated in a major transportation corridor that stretched from downtown to the harbor. The increased public recognition of the topic gave grassroots groups with limited resources a powerful organizing tool for establishing legitimacy and getting their voice heard by the public.

Mothers of East LA became a leading force in the environmental justice movement, even though they had initially framed their concerns around children's health and public safety. Their entrée into environmental justice activism occurred prior to the aforementioned studies. As Pardo (1990) explains, a group of mothers from East Los Angeles, a working-class community with 96% of its population Latino in 1980 (US Census 1980), started meeting in a church in 1986 and formed Mothers of East Los Angeles also known as Madres del Este de Los Angeles (MELA).

The grassroots group fiercely opposed the construction 1,700-bed maximum-security prison that the California Department of Corrections was planning to build in their district on 12<sup>th</sup> and Santa Fe Street (Decker 1986). As Pardo (1990) explains, the group engaged in coalition building by door-to-door petition gathering and recruiting supporters at local churches and schools. Building a coalition with a diverse array of stakeholders in opposition to the prison's construction, helped make their rallies



visible (Tobar and Weintraub 1991). This coalition opposing the prison grew to 47 organizations (Quesada-Weiner 2014). As Pardo (1990) notes, the group had political access to the California legislature through California State Assemblywoman Gloria Molina, who represented California's 56<sup>th</sup> District that encompassed East Los Angeles. Molina fiercely supported MELA's efforts and built support for their position within the California Assembly.

Their mobilization efforts proved successful. After five years of organizing, the California State Assembly voted in favor of redirecting the \$130 million originally earmarked for the East Los Angeles prison to another prison project in Madera, California (Sahagan 1992). During this long fight over the prison plan, MELA successfully blocked the construction of an incinerator in Vernon (Harris 1990). This was their entrée into the environmental justice movement. They continued to build alliances both within their community and with other organizations. The San Francisco-based Goldman Environmental Foundation awarded Aurora Castillo, one of the founders of MELA, with the \$75,000 Goldman Environmental Prize for her role in leading the campaign in 1995 (Quintanilla 1995). This prestigious award signified institutional legitimacy and bolstered the group's national reputation (Platt 1997). This award seemed to elevate the group's status and allow the group to build its organizational network by creating horizontal linkages with others in the community and with outside groups. As Yamamoto (1994) and Marquez (1998) note, MELA continued to support Gloria Molina who became a Los Angeles County supervisor which created a significant political access. Their political access seemed to grow after Martha Molina-Aviles, one of MELA's early activists, served as her director of field operations. Schlosberg (2004) argues that the necessity of opening up new pathways into political participation in Los Angeles after the 1992 civil unrest helped MELA gain resources for its political activities.

MELA's work in Southern California complemented a national movement for the adoption of the environmental justice framework. As Johnson (2009) explains, The Agency for Toxic Substances

and Disease Registry, the National Institute for Environmental Health Sciences, the EPA, the National Institute of Occupational Safety and Health, the National Institutes of Health, the Department of Energy, and the Centers for Disease Control and Prevention sponsored a national health symposium, “Health and Research Needs to Ensure Environmental Justice” in February 1994. The aim of the symposium was to bring a diverse set of stakeholders and those most affected the decision-making table together in Washington D.C. The invitees included grassroots organization leaders, residents of affected communities, and federal agency representatives. Participants of the conference developed five recommendations for promoting environmental justice. They included:

- 1) Conduct meaningful health research in support of people of color and low-income communities.
- 2) Promote disease prevention and pollution prevention strategies.
- 3) Promote interagency coordination to ensure environmental justice.
- 4) Provide effective outreach, education, and communications.
- 5) Design legislative and legal remedies.

As Bullard (1999) notes, President Clinton issued Executive Order 12898, “Federal actions to address environmental justice in minority populations and low-income populations” on the second day of the conference. The Executive Order strengthened NEPA and called for improved methodologies for assessing and mitigating impacts and health effects from multiple and cumulative exposures, and the collection of data on low-income and minority populations who likely would be disproportionately at risk with the development of an infrastructure project.

The regional approach to air pollution is practical given that emissions impact a wide geographic area, but is somewhat unusual given that California has a weak system of county and regional governance. The California legislature passed the Air Toxics Information Act (AB 2588) in 1987, giving affected communities the formal right<sup>37</sup> to know the air pollution levels and the known health risks

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<sup>37</sup> Under AB 2588 known as the Under the Air Toxics “Hot Spots” Information and Assessment Act, the operator of a facility must provide notice to all exposed persons if, in the judgment of the SCAQMD, the facility’s health risks assessment indicates there is a significant health risk associated with air toxic emissions from the facility. The SCAQMD public notification thresholds are as follows: Cancer risk  $\geq 10$  in one million, or Acute hazard index (HI)

associated with exposure. This was a major legal victory for environmental leaders and communities in Southern California. While the SCAQMD was mandated to write letters to residents in plain language, disclosing emissions and their risks, the statute was not widely enforced. Eric Mann, and labor, community, and environmental organizer, used a variety of tactics ranging from direct action to building relationships with academics to draw national attention to the impact of Los Angeles' air on minority residents. He brought the spotlight on the issue in 1991 through his publication of "LA's Lethal Air." MELA, Labor/Community Strategy Center (LCSC), and other groups' grassroots organizing gave momentum for the 1989 AQMP Report. Popper (1993) notes that the regulatory framework of the 1989 AQMP was seen by many environmental leaders as being a particularly comprehensive regional plan with a framework that set the reduction of air pollution as the top priority.

### **The Recession's Role in the Reshaping of Political Commitments**

The post-Cold War economic recession in Southern California had a significant impact on the region Los Angeles and Long Beach's economies that were deeply hurt by the contraction of the aerospace industry. On June 15, 1990, the LA Times reported that McDonnell Douglas, the nation's largest defense contractor, laid off about 7,000 people at its Long Beach plant including the founder's son and grandson (Vartabedian 1990.) The recession had ripple effects in the Southern California economy and the depressed residential and commercial real estate markets led to mass layoffs. On April 2, 1992, The LA Times reported that 208,400 workers in Los Angeles County including 23,800 construction workers lost their jobs the previous year (Peterson and Lee 1992). Long Beach's naval base closure in 1997 prolonged the regional recession (Collins 2008).

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$\geq 1.0$ , or Chronic HI  $\geq 1.0$ . The notice is made in accordance with procedures specified by the SCAQMD, which are as follows: Identify the impact area, that is, the area above the notification thresholds; Distribute public notice materials to all addresses and to parents of children attending school in the area of impact; Conduct a public meeting; and Distribute copies of the facility's approved HRA to the public library closest to the facility and all school libraries in the area of impact.

Browne and Keil's (2000) study on Southern California's regulatory environment shows that the recession divided the public on air regulation. They recount that corporate leaders, making up the California Council for Environmental and Economic Balance<sup>38</sup> balked at the potential expense in implementing the 1989 AQMP. Their report, "Toward Better Air Quality," pegged the implementation cost at \$12.8 billion, and pursued advocating for a less financially costly market-based incentives approach to regulation. The Regulatory Flexibility Group founded in 1990 and made up of members from aerospace industries, refineries, and utility companies lobbied the EPA and SCAQMD for the implementation of an emissions trading market in the South Coast Air Basin. The Coalition for Clean Air and NRDC supported this market-based approach (South Coast Air Quality Management District 1993). These approaches were a significant deviation from a traditional command and control approach that prioritized clean air above the economy.

In March 2000, SCAQMD published the Multiple Air Toxics Exposure Study (MATES-II). The study concluded that residents of the entire air basin were being exposed to high levels of diesel emissions, and consequently faced an increased cancer risk. The cancer risk ranged from about 1,100 in a million to 1,750 in a million, with an average regional risk of about 1,400 in a million. This was more than ten times the normal risk. The risk level was highest in the urban core areas in the South Central section of Los Angeles County, in Wilmington adjacent to the twin ports, and in proximity to the freeways (South Coast Air Quality Management District 2000, 7-9). Furthermore, the researchers attributed 71% of the carcinogenic risk to exposure to DPM.

### **Secession as an Opportunity for Coalition Building**

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<sup>38</sup> Gonzalez (2002) identifies based in San Francisco Pacific Gas & Electric Company, Southern California Edison, Pacific Telesis, Irvine Company (a Southern California real estate company, Bank of America as members of the California Council for Environmental and Economic Balance. That year, the California Council for Environmental and Economic Balance conducted an economic analysis of the proposed regulations listed in the 1989 AQMP.

San Pedro residents, like MELA, were not originally organizing around environmental issues. Their grievances were primarily focused around the degradation of downtown San Pedro and the sense that the City of Los Angeles were ignoring their issues. Much of their ire was focused around the lack of redevelopment in San Pedro. Many San Pedro residents blamed POLA since it owned much of the choice waterfront property. They believed that the lack of waterfront development starved the downtown of customers and there were few people were visiting the waterfront.

As Wilton (2000) noted, the complex in Downtown San Pedro had been in significant decline since the 1980s, and the previous development plan to create facilities and commercial development was only partially realized with the construction of a Sheraton Hotel adjacent to the cruise terminal in 1985 (Waters 1985). The recession caused POLA to cancel further redevelopment plans and the shopping complex languished. Annual revenue declined from \$25.5 million in 1989 to \$8.2 million in 1998. At the same time, vacancy rates soared from 8% to 50% (Los Angeles Times 1999). The hotel itself languished and was sold twice between 1990 and 2000; the first owner lost \$16 million (Weikel 2000).

Some residents argued that San Pedro seceding from Los Angeles would remedy the problem. The proposed municipality would have control over the port and the area protected by the Tidelands Trust. Leaders of the new area municipality would have the agency to spend the port-generated revenue on waterfront redevelopment. In that case, residents of San Pedro would have significantly more political agency since they would not be beholden to decisions made by the Los Angeles Mayor and City Council who represented constituents all over the city.

The secession movement centered in San Pedro, which in the late 1990s and early 2000s was known as Harbor Vote. As Hogen-Esch and Saiz (2003) note, the group was modeled after the pro-secession group, Valley Voters Organized Toward Empowerment (Valley VOTE)<sup>39</sup>, which was

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<sup>39</sup> There was an earlier unsuccessful secession attempt by Committee Investigating Valley Independent City (CIVICC).

primarily comprised of White middle-class San Fernando Valley residents. Purcell (2001) argues that the Valley VOTE lobbied elected officials and ran a public relations campaign advocating for municipal independence and gained momentum in the summer of 1997 when the group recruited Republican California State Assemblyman Tom McClintock and Democratic Assemblyman Robert Hertzberg. According to Connor (2014), both two state legislators, who represented districts in the San Fernando Valley, agreed to sponsor a secession bill, AB 6231 which would remove Los Angeles's veto power over a secession vote. They successfully ushered the bill through the California legislature and persuaded Republican Governor Pete Wilson to sign the bill into law in October 1997. The bill's passage significantly reduced the barriers for community secession and became a plausible threat.

Boudreau and Keil (2001) argue that messaging around San Pedro's secession movement was centered around greater equity of city services and having greater access to political leaders. Harbor VOTE launched their cityhood study petition initiative in November 1998 and successfully collected the required signatures by April 1999. San Pedro retired teacher Roxanne Lawrence explained her concerns around political to the Los Angeles Times, and stated "L.A. is just too big. "It's like the federal government...You just can't get a good response from it." (Bernstein 2002). Robert Torres, a longshore worker who grew up in San Pedro told the LA Times "We've never gotten our fair share," (Sauerwein 2002). Andy Mardesich, a lifelong San Pedro resident and as serviceman in the Army Reserves, spearheaded this movement and was the head of the Harbor Study Foundation. The organization put several homeowners' associations in contact with each other and allowed them to form ties that would later be consequential when advocating for better air quality. The mounting threat of secession forced Los Angeles City officials to take San Pedro residents' concerns seriously since Los Angeles would lose control over the port if the secession proposal prevailed (McGreevy 2001).

While both of the secession proposals failed, the movement allowed San Pedro residents to gain greater political representation and access to City Hall. In response to the mounting political tension, Los

Angeles passed a city charter reform in 1999. Article IX, Section 909 of the new Los Angeles Charter created allowed for the creation of neighborhood councils, which are the smallest officially recognized political units under City Council. The Coastal San Pedro Neighborhood Council formed in 2001 and the Central San Pedro Neighborhood Council and the Northwest San Pedro Neighborhood Council formed in February 2002. Section IX of the 1999 Los Angeles City Charter created the provision of neighborhood councils that would be under the purview of the Department of Neighborhood Empowerment.

Neighborhood Councils are organized into clusters by geographic area. The Harbor Alliance of Neighborhood Councils (HANC) is composed of Coastal San Pedro, Central San Pedro, Northwest San Pedro, Wilmington, Harbor City, Harbor Gateway South, and Harbor Gateway North. Each of these neighborhood council receives \$37,000 in public money annually (Los Angeles Department of Neighborhood Empowerment 2017) and gained political recognition under the purview of the Los Angeles Department of Neighborhood Empowerment.

The secession movement seemed to have given San Pedro and Wilmington residents political leverage in negotiating longstanding grievances with the POLA. In January 2001, Los Angeles Mayor Riordan agreed to allow the residents in port-adjacent communities to have a greater say in the redevelopment plan for the Ports O' Call Village (Weikel 2001). Even though secession failed, the secession movement in the late movement in the late 1990s and early 2000s was a significant factor that shaped Los Angeles's politics and provided political opportunities for the residents' harbor area residents and equipped them with a tool to attract the attention of Los Angeles political leaders and persuade them to grant them more political agency.

### **The 2001 Los Angeles Mayoral Campaign**

When considering the dimensions of political opportunities, San Pedro had a significant level of formal political access. This access was significantly augmented with the adoption of Los Angeles' City Charter amendments in 1999. The Harbor VOTE Campaign, while never gaining the same level of

popularity and organization as the Valley VOTE Campaign, presented significant economic threat to the City of Los Angeles and destabilized political alignments. This effectively gave San Pedro and Wilmington residents a significant amount of political leverage and put pressure on Los Angeles politicians to take the residents grievances against the port more seriously.

Residents were able to make some progress with Mayor Riordan toward the end of his term; however, they were able to leverage their collective power more effectively during the 2001 Mayoral election. The Los Angeles mayoral election was up for grabs since Riordan reached his term limit and there was no clear frontrunner in the race. Democratic candidates Antonio Villaraigosa and James Hahn advanced as the top two candidates from the primary election held on April 10, 2001. Villaraigosa won a plurality, 30.4%, of the vote in the primary election while candidate James Hahn finished second with 25.1% and advanced to the general election (Los Angeles Office of the City Clerk 2001)

Despite being a resident of San Pedro and having significant ties to neighborhoods to the area, Hahn lost several San Pedro and Wilmington precincts in the primary election. Villaraigosa was popular in precincts with significant concentrations of Latino residents. The competitive nature of the race and the uncertain political allegiance of South Bay voters created a significant opening for political change. Between the primary election and general election on June 5, 2001, Hahn attempted to sure up political support in his home turf. The San Pedro and Peninsula Homeowners' Coalition took advantage of this political contestation and pitched their proposal for the creation of the Port of Los Angeles Impact Mitigation Advisory Committee (IMAC) to Hahn on April 24, 2001 (San Pedro and Peninsula Homeowners' Coalition to James Hahn, Personal Communication, 2001). The proposal called for the creation of a committee that would be comprised of residents and provide a forum for stakeholders to discuss the impact of port projects and appropriate mitigation measures before they are carried out.

POLA's former Assistant General Manager, Vern Hall, and San Pedro resident Noel Park had previously collaborated on this proposal, which they pitched to Mayor Riordan on November 7, 2000



(San Pedro and Peninsula Homeowners' Coalition to Richard Riordan, Personal Communication, 2000).

Mayor Riordan and the BOHC rejected this request (Rosenberg 2018). POLA Commissioner

Wentworth also denied the request and implied that the homeowner groups were not legitimate. In his

February 28, 2001 letter to the San Pedro and Peninsula Homeowners' Association, he writes:

As we have learned several times recently, the wider community view is often at variance with the picture painted by smaller groups of the community. Until we have community leaders who have demonstrated a consistent record of accurately representing the views of wider constituencies, we prefer to deal directly with the community whose interests we are committed to serve.

Unlike Riordan, who also rebuffed the proposal, candidate Hahn quickly responded and embraced the proposal on May 7, 2001 (James Hahn to San Pedro and Peninsula Homeowners' Coalition, Personal Communication, 2001). His quick adoption seems consistent with Jonas, Gibbs, and While (2011) assertion that politicians understand that they have an opportunity to gain political capital from being seen as leaders on environmental governance.

Hahn's strategy of addressing harbor area residents' grievances with the port seemed to have boosted his popularity<sup>40</sup> in San Pedro and Wilmington. Hahn ultimately won 53.5% of the votes in the general election held on June 5, 2001 (Los Angeles Office of the City Clerk 2001). Within San Pedro and Wilmington, Hahn won all of the precincts he previously carried in the primary and picked up all seven precincts carried by Republican candidate Steve Soboroff. Notably, Hahn flipped ten precincts that were located in these harbor communities that Villaraigosa won in the primary election. Despite his growing level of popularity in some port-adjacent neighborhoods, support for Hahn was tenuous. This was especially the case in Latino-majority neighborhoods since Villaraigosa won the support of the majority of Latino co-ethnics in the runoff election. According to a LA Times exit poll, Villaraigosa

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<sup>40</sup> Ben Welsh and Thomas Lauder's interactive digital map, "L.A. Mayoral Election Results," embeds precinct-level voting data for the primary and runoff for Los Angeles' mayoral races between 2001 and 2013. I used this tool in my analysis and incorporate the raw data from the Los Angeles City Clerk in Social Explorer to do a more in-depth spatial analysis.

captured 82% of the Latino vote (Los Angeles Times 2001). Villaraigosa captured a full 87.3% of the votes in a Latino majority precinct<sup>41</sup> in the northeastern corner of Wilmington.

Austin and Middleton's (2004) analysis of Los Angeles' 2001 mayoral election reveals Latinos marginal support for Hahn. Based on 2000 census data, Latinos constituted a plurality, 46.5%, of the Los Angeles population, but only 11% of registered voters. Similarly, in City Council District 15, an area that encompasses San Pedro, Wilmington, Harbor City, and Harbor Gateway, 56.6% of the population was Latino but only 17.7% of registered voters were Latino. This extreme disparity was in part due to the age distribution of the Latino population; the proportionally large numbers of children and teens poised Latinos to become a growing share of the electorate. The election results allow one to infer that Hahn had made some progress, but had much ahead of him in building ties with Latino community.

When Mayor Hahn stepped into office in 2001, he also became the *de facto* head of the port. He promptly made good on his campaign promise to implement a port advisory committee that would become known as the Port Community Advisory Committee (PCAC). He wrote a letter to Board of Harbor Commissioners on August 9, 2001 requesting that they approve the development of the committee known as the Port of Los Angeles Community Advisory Committee (PCAC). His proposal requested permission to:

Establish a Community Advisory Committee to assess the impact of Port Development on the harbor area communities. This committee will work closely with the soon-to-be-formed neighborhood councils and existing community groups to enhance communication and improve our neighborhoods.

In conjunction with the Community Advisory Committee, review all past, present, and future environmental documents in an open, public process to ensure that all laws-particularly those related to environmental protection- have been obeyed, all City procedures followed, and all adverse impacts upon the communities mitigated.

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<sup>41</sup> Precinct 9800.14

In conjunction with the Community Advisory Committee, take a leadership role in created balanced communities in Wilmington, Harbor City, and San Pedro so that the quality of life is maintained and enhanced by the presence of the Port.” (James Hahn to Los Angeles Board of Harbor Commissioners, Personal Communication, 2001).

Los Angeles’ BOHC approved the formation of PCAC by passing Resolution 6039 on September 26, 2001 (Fawcett 2006, 8). The BOHC developed a nomination and selection process for PCAC members at the board meeting on October 10, 2001 (ibid), and then later approved the structure of the organization on October 24, 2001 (Fawcett 2006, 10). PCAC’s 35 stakeholders were tasked with assessing the impacts of Port developments on Harbor area communities and develop suitable mitigation measures for such impacts. The committee and sub-committees would meet monthly and forward their recommendations to the Los Angeles Board of Harbor Commissioners.

### **Conclusion**

The reframing of the environmental movement was contingent on mainstream environmental organizations expanding their focus from conservation to broader environmental issues that affect minorities in urban environments. This initial lack of willingness led to a slow embrace of the movement from minorities. While some environmental leaders likely erroneously believed that minorities were apathetic toward the environment, there likely was a lack of reflection about whether the lack of participation stemmed from active rejection or exclusion. While the results from the Sierra Club survey and Tom Bradley’s early support of the movement suggests exclusion, writers from Time Magazine and other mainstream news outlets assumed and ran with a narrative of apathy. The widespread dissemination of this unflattering narrative likely led to further alienation for many. These stories may have motivated some environmental groups to invest more institutional resources for minority membership outreach; however, this outreach could have been done earlier and without the negative portrayal of minorities.

The New York Times and other mainstream media outlets' coverage of the Warren County, North Carolina protests legitimized marginalized minority residents' concerns about the placement of hazardous landfills in a poor predominately African American community, as well as expanded the types of audiences who would hear them. While the coverage facilitated linkages with other minority as well as inter-racial groups, some with significant financial and institutional resources, the protests were led by people of color. The extensive media coverage seemingly had the unintentional effect of debunking the myth of minority apathy, which created additional opportunities for coalition building.

The increase in research on disparities in air quality and exposure to toxins gave credibility to the framework of environmental justice, and in addition provided concrete metrics that made every day struggles legible. Mainstream environmental groups' embrace of this framework offered further credibility and provided avenues for advocacy on federal and state regulations since these groups possessed extensive ties to political actors. The adoption of these regulations provided legal stock for legal challenges. Specifically, the legal victories in 1970, 1987, and 1994 provided significant legal stock to challenge development on public health grounds.

These groups at times also provided technical expertise and material resources to grassroots groups of marginalized residents looking to organize around environmental justice. The NRDC's interest to expand its presence in Southern California and lack of initial success in forming partnerships with grassroots groups due to its controversial approach to air quality regulations effectively increased the opportunity for grassroots groups to receive free legal advice from the NRDC.

The new research on childhood asthma in harbor communities made the Port of Los Angeles and Port of Long Beach vulnerable targets while the increasing economic importance of goods movement in Southern California heightened the importance for stakeholders in the urban regime. The regional recession in 1989, civil unrest in 1992, and the Northridge Earthquake in 1994 reshaped political leaders' engagement with marginalized populations; however, these events did not significantly alter the

operations of the goods movement regime. The economic aftermath of these events elevated the importance of international trade in Southern California's economy for the region's political leaders.

The San Pedro secession campaigns and the 2001 mayoral election illustrate how access to political leaders and electoral instability have the potential to create openings. The key breakthrough came in 2001. Hahn's personal ties to the South Bay, the uncertainty of the 2001 Los Angeles mayoral election, and Hahn's relative unpopularity among Latino voters created political opportunities for residents of port-adjacent communities. The stakeholders concerned about port-generated environmental pollution were particularly well positioned to make demands from candidate and then Mayor Hahn. The factors also made this moment in 2001 a ripe political opportunity; however, the barriers to launching a CEQA challenge were formidable for the China Shipping Lawsuit that will be discussed in the next chapter.

## **Chapter 4: Legal Mobilization and CEQA Enforcement Strategies**

### **Introduction**

This chapter examines how San Pedro residents used strategic legal action to compel the twin ports to commit and adopt to stricter air quality targets in 2001. The ports' eventual adoption represents a significant alteration of this logistics-focused pro-growth urban regime. This chapter will examine the stakeholders' interests, and the tools they utilized to achieve their objectives.

In this chapter, I examine the history of environmental reviews in California, and analyze a 1973 EIR of an infrastructure project at the Port of Los Angeles. My analysis illustrates that environmental regulations alone do not necessarily lead to enforcement. I examine how political factors in Southern California influenced the development of the China Shipping Terminal and how the political opportunity structure created favorable conditions for protest.

I argue that aggrieved San Pedro residents had significant access to political leaders during the contested 2001 mayoral campaign and were able to obtain valuable legal support from the NRDC and CCA. This support enabled the residents to sue the Port of Los Angeles over a CEQA violation in 2001. The lawsuit itself became an organizing opportunity and a device to generate media attention around their grievances. This negative media attention inflicted a significant amount of reputational harm on the ports. I analyze how the legal victory helped solidify stakeholder ties. It also created a template that residents and community groups in port-adjacent communities have replicated for every subsequent major proposed infrastructure project at the Port of Los Angeles and Port of Long Beach.

Methodologically, this chapter is primarily reliant on legal documents and newspaper articles that were written at the time of the events. The legal documents were obtained through the California State Archive, California State University Long Beach's Library, and on the Port of Los Angeles and

Port of Long Beach websites. I also incorporate interview data into my analysis and triangulate the interview data with information obtained from these other data sources.

## **Review of Literature on Legal Mobilization**

Strategic legal action is an umbrella term that encompasses a number of tactics that involve utilizing the judicial system in order to make institutional changes. Several authors (Bird 2008; Smith 2009; Fine 2015) illustrate that litigation is a political tool that has the potential for making structural changes to institutions that perpetuate inequality. Litigation does not happen in a vacuum. Epp (1998) notes that access to specialized legal advice and to lawyers is sometimes necessary for invoking one's rights.

The term Legal Mobilization is a social movement tactic first described by Frances Zemans (1982) as a process by which individuals can invoke their legal rights and use litigation to develop or expand these rights. Lisa Vanhala (2011) explains that "in its narrowest applications, the term refers to high-profile litigation efforts for (or, arguably, against) social change. More broadly, it has been used to describe any type of process by which individual or collective actors invoke legal norms, discourse, or symbols to influence policy or behavior."

There are several barriers to accessing this promising strategy that make it difficult for aggrieved individuals to utilize. First, there must be a relevant law in place for a legitimate legal challenge to be made. Second, individuals and organizations must possess enough legal knowledge to be aware of the legal rights and obligations that are guaranteed under this law and understand when their rights are being abridged. And third, when they come to the realization that their rights are being violated, individuals must be able to access legal resources to effectively mount a claim. Access to legal resources is heavily shaped by social capital and financial capital. Individuals must first be able to identify the appropriate

legal resource for addressing their issue and then be able to either possess the financial resources to pay for the consultation or persuade the organization to provide a free consultation.

Scheingold (1974) and Rosenberg (1991) argue that strategic legal action is only effective when it is paired with political organizing. Scheingold (1974, 85) notes that it is of “crucial importance of thinking about legal tactics in combination with other modes of political action.” Rosenberg (1991, 338) also notes that, “U.S. courts can almost never be effective producers of significant social reform. At best, they can second the social reform acts of the other branches of government. Problems that are unsolvable in the political context can rarely be solved by the courts.”

Michael McCann’s 1994 study on pay equity reveals that legal mobilization when used in conjunction with political organizing could be a particularly effective tool in transforming this concern into a legible and actionable issue that policymakers would have to take a stance on. Even before an issue is tested in courts, activists can pressure resistant organizations to change their stance on that issue to avoid litigation. Regardless of a potential outcome in court, litigation can be financially costly to an organization being sued and can bring negative publicity as well.

### **Limited Efficacy of Air Quality Regulation Mechanisms**

While there is often a great deal of fanfare when an environmental regulation gets implemented, these policies are sometimes beset with poor compliance mechanisms. As King (1975) notes, governments are often overloaded and can fail to detect, let alone enforce, all forms of non-compliance with regulations. Maxwell (1996) argues that compliance with a new regulation can be costly and inconvenient, thus adherence to the new regulations is often in tension with profitmaking. Becker (1968) and Stigler (1970) assert that firms tend to comply with a given regulation when executives conclude that the benefits of compliance exceed the costs of compliance. The findings from Gray and Scholz’s (1993) study on OSHA compliance suggests that perceived risk of detection outweighed the cost of the fine.

While other research (Schwartz and Orleans 1966; Winter and May 2001; May 2005) suggests that some



firms will comply with regulations out of a sense of duty, compliance is not automatic. Dobbin and Sutton's (1998) study on the enforcement of federal regulations set by OSHA and the EEOC showed that firms frequently failed to comply with new regulations if managers interpreted them to be ambiguous or complex.

The California Environmental Quality Act (CEQA) is a complex law. While the passage of CEQA provided a legal basis for claim-making, what Andersen (2006) calls "legal stock," making a claim is far from straightforward. California's implementation of CEQA limited the enforcement mechanisms, since California's State Clearinghouse and the Office of Planning and Research, as Cerny and Sheate (1992) explain, provide information on CEQA but do not provide supervision. In addition, these agencies have not designated an ombudsman agency to oversee the quality of EIRs under CEQA. These conditions make likely that EIRs with inaccurate information, even when they are wildly inaccurate, will likely go under the radar unless there is someone vigilantly monitoring the project, who notices inaccuracies (or inadequacies), and launches a challenge. Furthermore, prior to 1989,<sup>42</sup> CEQA had not required follow-through on EIR recommendations for mitigating project impacts. As Johnston and McCartney (1991) note, many local governments had weak monitoring procedures further compounding the difficulty of enforcement. In their large-scale study of municipal compliance with CEQA, they found that only 4% of municipalities always successfully implemented mitigation measures and only 1% of municipalities always monitored their mitigation projects (60).

A hypothetical individual or group concerned about the environmental impact of a proposed project would have a very difficult time blocking the project or ensuring that appropriate mitigation measures would be successfully implemented. In practical terms, this level of CEQA monitoring is extremely difficult to achieve since CEQA is an incredibly complex law that even many urban planning professionals do not fully understand. Binger and McBride's (1991) study of 138 Bay Area private

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<sup>42</sup> The regulation requiring mitigation, (Cal. Pub. Res. Code sec. 21100 c) was approved in 1988 and implemented in 1989.

planning practitioners found that at least 65% of the survey respondents were unsure or wanted greater clarity on each of the following aspects: cumulative impacts, alternative analysis, significance thresholds, and substantive evidence standards. The reviews themselves are often hundreds of pages long and include a great deal of technical information.

Challenging a claim generally requires one to have a significant amount of technical expertise, or the ability to hire an environmental consultant. It would be difficult for a challenger to make a persuasive challenge without knowing CEQA's substantive and procedural rules. Even if a person did have this knowledge, they would only have 30 days<sup>43</sup> from the release of the draft final EIR to notify the lead agency about their objection. Challengers are ineligible to sue if more than 30 days has elapsed after the release of the draft final EIR. Challengers are further limited by the rule that limits their claim to the information presented in response to the draft EIR.

With the aforementioned regulatory structure, litigation is the only practical way to challenge an EIR under CEQA. As Barbour and Teitz (2005) note, the expense of the litigation presents another formidable barrier to accessing this avenue. Olshansky (1996, 18) studied the prevalence of CEQA challenges by analyzing legal challenges to EIRs, Notice of Preparations, and Negative Declarations filed between 1987 and 1993. He found that only 1 out of 354 documents were legally challenged. Interestingly, the challenge prevalence rate did not immediately change after the addition of the mitigation requirement. These barriers made CEQA compliance a difficult to access strategy for many port-adjacent residents, despite its enormous potential for claims-making.

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<sup>43</sup> The lead agency is permitted to extend the comment period.

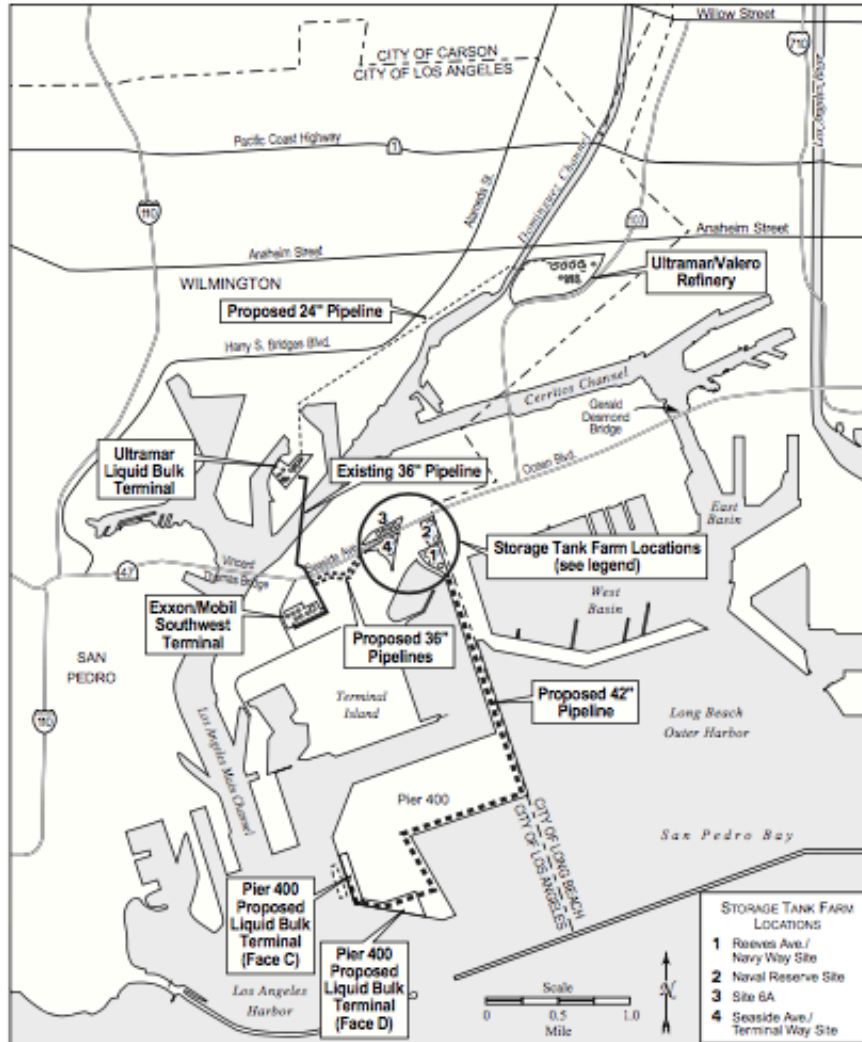
## **San Pedro Residents' Growing Distrust of the Port of Los Angeles**

Mayor Riordan appointed Larry Keller, a former Maersk executive, as the Executive Director of POLA in 1997 (Los Angeles Business Journal 1997). Due to the Los Angeles City Charter rules in Chapter 2, newly elected Mayor Hahn was stuck with Keller when he assumed office in 2001. The construction of Pier 400 generated controversy among some San Pedro residents. The new pier obstructed the ocean view for some San Pedro residents living along the southern coast. While this objection around the blocked views were a claim typical of NIMBYism (Dear 1992; Schively 2007), area homeowners were also concerned about nearby waste storage, as seen in Figure 14. Many expressed<sup>44</sup> anger around the unfulfilled agreement in POLA's 1980 Master Plan to move the waste to a safer location.

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<sup>44</sup> I am making this assertion based on the comments made about Pier 400 at the January 27, 2015 meeting as well as in other settings including Coastal San Pedro Neighborhood Council Meetings and POLA monthly drop-in office hours.

Figure 14, Map of Pier 400, Port of Los Angeles



Source: Port of Los Angeles, Notice of Preparation, Pacific Energy Crude Oil Martine Terminal and Pipelines Project, Appendix A, 2004

Janet Gunter, a San Pedro homeowner and member of San Pedro Homeowners United who would later become a litigant in the China Shipping Lawsuit, was one of the San Pedro homeowners who seemed particularly upset by the obstructed view and broken promise about the waste storage sites. She indicated her ongoing displeasure with the storage facility at Pier 400 at a port-sponsored community

meeting on the proposed Public Access Investment Funding Policy on the evening of January 27, 2015.

The meeting was held Warner Grand Theater, a 1,500-seat art deco theater in Downtown San Pedro.

Gunter is the 21<sup>st</sup> person making a public comment at the meeting. She introduces herself as one of the litigants of China Shipping, and states that she has been a “pain in the port’s ass for the past 20 years.” She then laments that the port breaks its promises and has still not removed the hazardous cargo from Pier 400 and then holds up a gigantic poster with a picture of Pier 400 site, which is difficult to see from across the theater. She then explains that the chemicals are so hazardous that an explosion would be like dropping “50 atomic bombs on Gaffey Street!” She states that the port should not cause any negative environmental impacts. She concludes her public comment by saying, “God bless everyone, let’s get this done!”

Rancho Palos Verdes relator Stanley Mosler became outraged when he learned about the development plans for Pier 400 in March 2001. Despite not being a Los Angeles city resident, he voiced his dissent and decided to sue the port. His lawsuit (U.S. ex rel Ling et al v City of Los Angeles et al, U.S. District Court, Central District of California, No. 11-00974) alleged that POLA misappropriated \$108 million in public funds by building a container terminal instead of a fuel storage facility. He also filed a lawsuit against POLA Executive Director Larry Keller. The case dragged out and at various points Mosler acted as his own attorney despite not having any formal legal training. This was a thorn in the port’s side but also cost POLA \$3.1 million in legal fees (Zahniser 2007). He appealed to the 9<sup>th</sup> Circuit Court and the case (The United States of America v. City of Los Angeles, 09-56040 (9th Cir. 2010) wasn’t dismissed until November 5, 2010.

After the publication of the MATES-II Study, many residents of port-adjacent communities referred to their neighborhoods as “Diesel Death Zones.” The partial alliteration caught on and several media outlets helped popularize that term. The findings from this study help bolster the legitimacy of their claims since it was conducted by academic researchers at well-regarded credentials. The publication seemed to have facilitated the formation of a mutually beneficial tie between the Coalition For A Safe Environment and academic researchers at University of Southern California. While the formation of the tie occurred independently of the NRDC’s tie with the San Pedro residents, it had an

analogous function. Jesse Marquez, along with other grassroots activists, attended an environmental conference at USC in 2001. As Gottlieb (2015, 3-4) recounts:

Toward the end of the conference, Jesse Marquez, a resident of the low-income community of Wilmington adjacent to the Port of Los Angeles, rattled off a series of anecdotes about people in his neighborhood facing serious health problems in his neighborhood facing serious health problems. “The ships at the port are not even regulated for their impacts, yet we face the consequences every day,” Marquez told the assembled scientists. “Of course it’s regulated,” the scientists replied, less knowledgeable about how the goods- movement system operated. The scientists soon discovered that Marquez was right, suggesting that community experiences and knowledge were also critical in helping frame the research.

### **China Shipping Terminal Background**

The development and ensuing controversy around the China Shipping Terminal partially stem from POLB’s missed opportunity to build a terminal for China Ocean Shipping Company (COSCO) in the mid-1990s. At the time COSCO had been operating at POLB and subleasing space from Pacific Container Terminal since 1981 (Leeds 1997c). The Long Beach Harbor Commission approved the creation of a new \$200 million terminal on the site of the former naval station that closed in 1991. Arch-conservative Republican Congressman Duncan Hunter from San Diego County opposed the deal, ostensibly out of security concerns stemming from his belief that the deal would facilitate increased illegal smuggling of contraband and Chinese intelligence collection (Leeds 1997a). Hunter led a coalition of strange bedfellows, consisting of environmentalists and historic preservationists, to oppose the plan. The Historical Society of Long Beach, Audubon Society, and cities of Vernon and Compton sued after the Long Beach Harbor Commissioners approved what the plaintiffs believed to be an insufficient EIR on September 3, 1996 (Leeds 1997b). A lengthy legal battle among the parties ensued; however, the issue was ultimately settled when Congress passed the Defense Authorization Act for fiscal

year 1998-1999 containing Representative Hunter's amendment<sup>45</sup> that prohibited the Long Beach Naval Shipyard from being leased to a foreign entity.

Hunter's xenophobia that seemingly drove the amendment severely hampered POLB's ability to be an effective international trade partner. Officials at POLB estimated that that would be forgoing \$14.5 million in annual lease revenue (Leeds 1997b). Long Beach Mayor Long Beach Mayor Beverly O'Neill expressed her dismay to the *Los Angeles Times*, stating "This is an affront to the nation's seaport system...Their efforts set a dangerous precedent by denying the ability of a local community to reuse closed defense property to its highest and best use" (Weikel 1998).

The POLB's failure to build a terminal that would accommodate COSCO presented POLA the opportunity to capture a larger share of Chinese trade, and indeed POLA would eclipse POLB's containerized cargo volume in 2000. Following the COSCO amendment, Los Angeles' political and port leaders eyed San Pedro's Knoll Hill as a promising site for terminal expansion. The initial plan for this 24-acre property can be traced to a 1978 EIR;<sup>46</sup> however, acquisition and development could not be implemented until the Todd Shipyard closed in 1989 (Stolberg 1989). The POLA purchased the property after the shipyard closed (Dillow 1993).

The Los Angeles harbor commission approved a lease with China Shipping Holding Company (or simply China Shipping) on March 28, 2001 (Louis Sahagun. "Lawsuit Seeks to Halt Shipping Terminal Plan." *Los Angeles Times*, June 15, 2001). The lease stipulated that China Shipping would occupy a 174-acre newly built terminal that would support entry of up to 300 vessels carrying approximately 1.5 million containers annually (Louis Sahagun. "Judge Halts Work on New Port of L.A. Terminal," *Los Angeles Times*, July 24, 2001).

## **Legal Mobilization**

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<sup>45</sup> Found in Section 2822 of Defense Authorization Act for FY 1999.

<sup>46</sup> The 1978 EIR gave approval for flattening of Knoll Hill and encouraged the Harbor Department to buy property with the aim of leveling the hill for several infrastructure projects.

The China Shipping Lawsuit was triggered in 2001 when port officials requested that the Los Angeles City Council exempt the China Shipping Terminal project from a full environmental review. The members of the San Pedro and Peninsula Homeowners' Coalition were not initially aware the legal underpinnings of the 1997 West Basin Transportation Improvements Program EIR (Los Angeles Harbor Department 1997). Several San Pedro residents had existing grievances with proposed waterfront development in San Pedro and around Pier 400. Homeowners' group leaders report being unaware of the plans China Shipping lease and initially attempted to change the development plans of Pier 400. Noel Park, on behalf of the San Pedro and Peninsula Homeowners' Association, wrote a letter to POLA's BOHC requesting a halting of construction of Pier 400 on November 29, 2000. The basis of his claims was rooted in the expected increase in nearby diesel emissions from the project. The letter (Noel Park to Los Angeles Board of Harbor Commissioners, Personal Communication, 2000) did not directly reference the Mates-II study but stated,

We fear that the tremendous level of diesel emissions emanating from the Port, and directly related transportation operations, are adversely affecting the health of thousands of citizens in San Pedro, Wilmington, and other surrounding communities. We have reason to believe that these emissions may, indeed, contribute directly to the deaths of substantial numbers of people.

After obtaining the Mates-II results from Barry Wallerstein at SCAQMD, Park sent a follow-up letter (Barry Wallerstein to Noel Park, Personal Communication, 2001) to the BOHC on February 21, 2001 with the study results. Larry Keller responded on March 2, 2001 explaining that the newly implemented CARB rules on diesel trucks were projected to reduce particulate matter pollution and offered to meet with the San Pedro and Peninsula Homeowners' Association to discuss the matter. But despite engaging with the port around other matters, members of San Pedro Homeowners United and the San Pedro and Peninsula Homeowner's association did not learn about the China Shipping lease until March 23, 2001. One March 26, 2001, Dave Rivera, Vice President of the San Pedro Homeowners



United, wrote a letter to Noel Park requesting a motion to vote on the proposed terminal project at their homeowners' association meeting scheduled later that day. His letter, laced with some anti-Chinese sentiment states:

Now, tonight, the Harbor Department wants to make a presentation regarding a proposed twenty-five year lease to a Chinese Government owned enterprise would literally be in our backyard. Given that China is a known polluter and human rights violator what kind of a consideration can our neighborhood expect? Therefore, as a delegate organization directly impacted and not having been provided adequate notice or information, I move that the lease agreement not go forward until the community has had a "genuine" opportunity to participate.

During the meeting, members of the San Pedro and Peninsula Homeowners' Association voted unanimously to oppose the signing of an agreement with China Shipping for the construction of the proposed container terminal. This appears due at least in part to collective frustration that POLA hadn't notified them earlier. Noel Park then submitted a letter to be read at the March 28, 2001 BOHC meeting. In the letter, he stated the collective frustration around the lack of noticing:

Despite our repeated request for meaningful community participation in the development of West Basin projects, we first heard about this proposed contract signing on Friday, March 23, 2001. While we appreciate the effort of Port officials to appear at our meeting of March 26, this appearance, two days before the proposed finalization of the contract, does not constitute adequate public outreach."

The BOHC approved the lease at the meeting and it was then sent to a City Council vote at the May 8, 2001 meeting. Noel Park, Janet Gunter, and Stanley Mosler submitted speaker cards at the Los Angeles City Council meeting on May 8, 2001. Tom Politeo, a volunteer from the Sierra Club, and Kavita Paul, a recent college graduate working for the Coalition for Clean Air, submitted speaker cards in opposition as well. Five individuals submitted speaker cards in support of the proposal. They included members of: the Southwest Regional Council of Carpenters, Carpenters Local 630, Los Angeles Chamber of Commerce, and two members of the Pile Drivers Union Local 2375. The Los Angeles City Council unanimously approved the agreement with China Shipping Company for the long-term use of port property in the West Basin area of the Los Angeles Harbor District (Schoch 2003).

Janet Gunter who was a member of the coalition and knew Park from earlier organizing decided to file a lawsuit to halt construction when she learned that POLA failed to perform a full Environmental Impact Report review for the project. But neither she nor the other members of San Pedro and Peninsula Homeowner's Coalition had legal expertise or significant financial resources to hire attorneys themselves, so they sought out pro-bono resources. Gunter, who was new to this type of advocacy, was not very familiar to the legal landscape. After calling nine lawyers who declined to provide *pro bono* services, she finally reached out to the NRDC. Gail Ruderman Feuer, a senior attorney who had a reputation for being particularly passionate about protecting air quality (Sallady 1997) was willing to take her case *pro bono*. Feuer's professional and personal connections were useful in mobilizing resources for this lawsuit. Todd Campbell, the Science and Policy Director for the Coalition for Clean Air, who Feuer had previously worked with at NRDC, joined the case. Jan Chatten-Brown, who represented the Long Beach Heritage in their earlier case against POLB, also joined the case along with private environmental attorney Roger Beers. Feuer was connected to the case since her husband, Michael Feuer<sup>47</sup> served on city council when they voted to approve the West Basin Transportation Improvements Program EIR in 1997 and the Army Corps of Engineers Channel Deepening EIR in 2000.

The NRDC and other plaintiffs attempted to halt Phase 1 of the China Shipping terminal construction by filing a lawsuit alleging that the City of Los Angeles had failed to comply with CEQA. They argued that an EIR specifically for the China Shipping project that examined the environmental impacts and mitigation strategies had not been conducted. They petitioned the California Second Superior Court for a writ of mandate on June 14, 2002 in order to nullify the approval of the coastal

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<sup>47</sup> Michael Feuer served on the Los Angeles City Council from 1994 to 2001 and represented the 5<sup>th</sup> District of Los Angeles.

development permit for Phase I of the China Shipping project and compel POLA to conduct and obtain approval for a new project-specific EIR.

The basis of their argument rested on a challenge to the legality of POLA's maneuver to exempt the China Shipping project from CEQA review. The China Shipping project encompassed the construction of a terminal, wharf, and backland space that was to be used by China Shipping to be built in three phases along the right to use berths 100 and 102. Phase I included the construction of the container terminal and first wharf at Berth 100 by November 2002. Phase II involved the extension of the first wharf and the completion of the second wharf at Berth 102 by March 2005. Phase III encompassed the construction of backland space to support the terminal. The plaintiffs argued that the twenty-five-year lease committed the port to all three phases of the development, and that the 1997 and 2000 EIRs did even address the potential impacts of Phase I let alone all three phases. The plaintiffs argued that POLA did not adequately examine the impact of the larger incoming ships, increased truck activity, and tugboat activity associated with the project.

The POLA had previously argued that its approval for the China Shipping project was covered by the 1997 West Basin Transportation Improvements Program EIR and the 2000 Environmental Impact Statement/Impact Review (EIS/EIR) conducted by the U.S. Army Corp of Engineers. Both EIRs examined projects that aimed to improve port infrastructure so that POLA could accommodate larger vessels that could carry more containerized cargo. The first EIR examined the impacts of a proposal that would create a new on-dock railway linked to the Alameda Corridor as well as build a new wharf at berths 98 through 100 to accommodate the largest (at the time) container vessels to evaluate the impacts of a harbor dredging operation. The second EIR evaluated the impacts of a harbor dredging proposal that would use dredged material to create a landfill to be used for container storage and docking.

The initial ruling on May 30, 2002 did not yield a positive outcome for the plaintiffs. In the Superior Court Judgment, Judge Dzintra Janav of the California Second Superior Court agreed with respondents that Phase I of the project was covered by the 1997 program EIR and denied the relief requested. The section of the Judgment entitled “Operation of Phase One of China Shipping/Berth 97-109 Project Pending Completion of a New EIR” summarizes this denial:

Phase One Operation may proceed in consideration of the additional mitigation and other terms of this Judgment, the Port may complete construction and commence or allow operation of Phase I of the China Shipping Project, as described in the Lease, immediately upon the effective date of this Judgment. The Port may also continue to operate or allow the operation of Phase I of the China Shipping EIR is being prepared, and while any legal disputes are being resolved.

Judge Dzintra Janav concluded that the project was within the scope of the plan described in the 1997 EIR, but acknowledged that additional environmental evaluation would be required for Phases II and III. The court decision noted in Section V, Item A, "As respondent acknowledges that an EIR is required for Phases II and III of the China Shipping Project, the Petition for Writ of Mandate as regards said phases is moot and/or premature. The Petition for Writ of Mandate is denied."

On June 7, 2002, the NRDC and other plaintiffs filed an appeal along with the writ of supersedeas that sought to halt construction and operation of the China Shipping project during the appeal process, in the 2<sup>nd</sup> District Court of Appeals (Stipulated Judgment, Modification of Stay, and Order Thereon, NRDC v. City of Los Angeles, BS070017, 2002). Their appeal asserted that the trial court lacked substantial evidence to conclude there were grounds for a CEQA exemption. The port asserted their previous argument that the environmental impacts had already been accounted for. The defendants asserted that the 1997 EIR contemplated the Berth 100 wharf and the 2000 EIS/EIR clearly proposed using dredged material to expand the China Shipping site “to provide more backlands and allow construction of an additional container wharf” (Respondents’ Brief, NRDC, 39–40, 2002). The defendants denied the claim about a lack of opportunity for public comments and asserted that the selection of the West Basin

site for China Shipping was actually the result of exactly that. The port asserted that they were honoring the requests of earlier residents, who had indicated that any growth in container handling should be conducted there.

Bill Lockyer, Attorney General of California and avid environmentalist,<sup>48</sup> submitted an amicus brief (Amicus Brief of the State of California, Attorney General Bill Lockyer in Support of Appellants, NRDC, 4, 2002) on behalf of petitioners that argued that the defendants had improperly segmented the project since the lease committed POLA to build three phases of the development while only purporting to approve Phase I. Lockyer argued that this impropriety was CEQA violation, effectively reducing it “to a process whose result will be largely to generate paper, to produce an EIR that describes a journey whose destination is already predetermined and contractually committed to before the public has any chance to see either the road map or the full price tag.” On August 2, 2002, the appellate court conducted a hearing on the requested stay of construction and denied the request. The court denied the appeal on August 5, 2002 (Order Denying Petition for Writ of Supersedeas and Setting Expedited Briefing Schedule and Oral Argument for Appeal, NRDC, 2002) but granted an expedited hearing set for October 18, 2002.

Feuer attempted to obtain an injunction by filing another lawsuit in federal court since the project also fell under the purview of NEPA. In a hearing that approximately fifty residents attended, she argued that the POLA-approved Army Corps of Engineers’ 2000 EIR/EIS had insufficiently addressed the environmental impacts of the China Shipping project. District Court Judge Margaret Morrow issued a temporary restraining order on July 24, 2002 (Sahagun 2002). The restraining order was only temporary. On July 27, 2001, Judge Morrow ruled against converting the temporary restraining order into a preliminary injunction on the basis that the plaintiffs had failed to provide adequate evidence of harm in letting the project proceed (Sahagun 2002).

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<sup>48</sup> Lockyer introduced Senate Bill 100 in 1987 which created the Bay Trail.

In between this ruling and the hearing on October 18, 2002, the contract between the ILWU and PMA expired on July 1, 2002. After almost three months of unproductive bargaining sessions, PMA locked out the union on September 27, 2002 (Olney 2003). The lockout lasted 10 days and disrupted shipments on the entire west coast. Each day caused an estimated \$2 billion in economic losses and as cargo was diverted to east coast ports (Martin Associates 2003). The lockout harmed the business reputation of the Port of Los Angeles and other west coast ports, and elevated POLA risk of losing market share to East and Gulf Coasts. This event effectively raised the stakes of the lawsuit since POLA officials and city leaders did not want to lose future business with China Shipping.

Tensions between POLA and the San Pedro residents in summer of 2002 ran high since Maersk, a Danish conglomerate and world's largest container shipping company, had just moved across the bay and into a twenty-five-year lease with the Port of Los Angeles starting in 2002 at the newly built Pier 400 (Esparaza 2002). Maersk's tenancy at POLA was a boon for the port, which enabled it to handle over 1 million more TEUs in 2003 than it did in 2002 (Port of Los Angeles 2018).

In a significant victory for the plaintiffs, a three-judge panel in the Court of Appeals reversed the initial judgment from the Superior Court on October 18, 2002. The three-judge panel rejected the contention that the China Shipping project was encompassed under the previous EIRs and ruled that POLA's reuse of environmental reviews was inadequate for assessing the environmental impacts of the China Shipping project. The court ruling mandated POLA to prepare a new EIR in connection with all three phases of the China Shipping project and comply with the injunction. The injunction issued on October 23, 2002 encompassed the extension of the wharf at Berth 100 beyond 1,000 feet; the erection and operation of the cranes at Berth 100; the operation of Phase I of the China Shipping Project; and the construction and operation of Phases II and III of the China Shipping Project (Malnic 2002). The ruling stuck and would not get overturned despite two attempts by the defendants in higher courts. The California Court of Appeals rejected the city's request for re-hearing on November 14, 2002 (Order

Denying Application for Stay and Petition for Review, NRDC v. City of Los Angeles, No. S111953, 2002) and the California Supreme Court denied the review of the petition on December 18, 2002 (Order Denying Application for Stay and Petition for Review, NRDC v. City of Los Angeles, No. S111953, 2002).

The ruling effectively halted construction of the pier that was approximately 90% built. The judgment left POLA in a difficult position since the moratorium on construction exposed POLA to significant legal and financial liability. POLA would not meet the construction deadlines set out in "Nonexclusive Berth Assignment Agreement No. 77-81" of the lease agreement. Waiting for the completion of a full environmental review would further delay the project possibly by years. To avoid further financial losses, POLA reached a settlement with the plaintiffs on March 6, 2003 that would allow them to finish construction (Stipulated Judgment, Modification of Stay, and Order Thereon, NRDC v. City of Los Angeles, 2003).

The settlement required POLA to adopt several specific environmental measures as well as give a lump sum of money for PCAC to use for the development of other mitigation measures. The most substantial component of the settlement was the \$50 million mitigation funds under the purview of PCAC. The settlement included \$10 million in incentives for independently owned trucks serving the port, \$20 million in incentives to reduce air pollution from port operations over the next four years, and \$20 million to offset aesthetic impacts in Wilmington and San Pedro.

The settlement also required POLA to allocate up to \$5 million for retrofitting China Shipping's cargo ships so they could plug into electric power sources at berth. POLA also agreed to develop a traffic plan for the terminal and other parts of the port and to reduce visual impacts by replacing four existing 16-story cranes with lower-profile cranes. Finally, POLA would develop an EIR of the wharf and develop a policy for reducing diesel emissions at the China Shipping terminal by banning diesel trucks in

the terminal yard. The size and scope of the settlement made this case a major environmental victory. Feuer went so far to say, “Today is Day 1 in the greening of the Port of Los Angeles” (Schoch 2003).

The terms of the settlement could not be immediately implemented since POLA officials had failed to secure China Shipping’s consent for the terms of this settlement. The stipulation requiring all docked ships to utilize shore power was particularly problematic since China Shipping would not commit to retrofitting their 100-vessel fleet. Each retrofit would cost and approximately \$300,000, which would dramatically exceed the \$5 million POLA allocated for retrofitting in the settlement (Schoch 2003). POLA CEO Larry Keller attempted to salvage the deal by flying to Shanghai and meeting with China Shipping representatives in May 2003, but could not get them to agree to the terms of the China Shipping settlement (ibid). Since China Shipping would not agree the adoption of 100% shore power, POLA had to amend the settlement in a manner that would be agreeable to the NRDC and other petitioners.

An amended plan moved forward when plaintiffs agreed to a revised proposal that reduced China Shipping’s obligation to the utilization of shore power to 70% of their ships at berth. The plaintiffs were steadfast in their instance that POLA preserve the language in the EIR recognizing the project’s aesthetic impacts on the neighboring communities (Schoch 2004). This was unsurprising given that some of members of the San Pedro homeowners’ associations were personally impacted by the construction of Pier 400. In the amended settlement, POLA relented and agreed to clarify that the original \$20 million community fund was “created in part to allow for the mitigation of the aesthetic impacts of the China Shipping terminal off of port lands” (Schoch 2004). This clarification was significant since it allowed PCAC to use the \$20 million to fund community projects that were tangential to air quality. This negotiation would be finalized in the Amended Stipulated Judgment filed on June 21, 2004 (Amended Stipulated Judgment, Modification of Stay, NRDC v. City of Los Angeles, No. BS070017, 2002).



The Amended Stipulated Judgement set the parameters for which the money could be used and the timeframe by which it needed to be used. Section VIII 5.5 of the Amended Stipulated Judgement and Order, Modification of Stay and Order Thereon notes that funds must be used “for programs to mitigate future or existing impacts of Port operations on the surrounding communities; (b) consistent with the State Tidelands Trust and the public trust doctrine; (c) consistent with the Los Angeles City Charter; (d) consistent with die California Coastal Act; and (e) consistent with any other applicable laws and regulations.” Any expenditure PCAC voted on required a majority vote from POLA’s Board of Harbor Commissioners for implementation. This stipulation circumscribed PCAC’s power; however, PCAC won the right to appeal the denied request with an arbitrator. Furthermore, the Board of Harbor Commissioners would be obligated to provide written findings specifically justifying their denial. The Aesthetic Mitigation funds had to be equally split between San Pedro and Wilmington and needed to be used by June 14, 2009. Any unused funds would be rolled over into POLA’s general air quality mitigation fund, and thus would no longer be under the purview of PCAC.

### **Additional Financial Impacts of China Shipping**

In addition to the approximately \$60 million cost of implementing the Amended Stipulated Judgement, the delays in the construction of the China Shipping Terminal caused POLA significant financial harm. China Shipping sued POLA for a breach of contract since the port reneged on the construction deadlines set in "Nonexclusive Berth Assignment Agreement No. 77-81." China Shipping Company and the Port of Los Angeles eventually reached a settlement on May 25, 2005 that involved amending Permit No. 999 and providing China Shipping with \$12,224,583.33 in credits for the cost of damages. POLA’s Board of Harbor Commissioners approved Order 6825 that added the amendment to section on 3(e) stipulating that:

Credit against MAG. and TEU Charges for Costs and Damages, including but not limited to delays in providing the Premises at Berths 100-102 and Environmental Mitigation Impact to

Tenant related to Amended Stipulated Judgment. It is recognized by and between the parties to the First Amendment to this Permit, that certain measures required under this Amendment have resulted in significant costs to the Tenant and its affiliates due to implementation of environmental mitigation measures and impacts on shipping and terminal operations, including delays in provision of terminal facilities, gate modifications, and problems associated with delivery of the four existing cranes at Berth 100. In consideration of these costs and anticipated impacts on operations of Tenant and its affiliates, there shall be a Credit of USD \$12,224,583.33 given by the City to Tenant to be applied as directed by Tenant against accumulated TEU charges or the MAG payable by Tenant pursuant to this Section 2. The Credit shall be available to the Tenant commencing July 1, 2005, and thereafter until fully applied against accumulated TEU charges or MAG. In the event this First Amendment is not effective on or before July 1, 2005, the credit will be made available to Tenant on the effective date but may be applied by the Tenant retroactively to July 1, 2005.

The Amended stipulated lawsuit also compelled POLA to reimburse petitioners \$1,426,000 in attorney's fees for the preparation of the China Shipping Case (Section XII A). In addition to the direct costs of the lawsuit, POLA would have to expend significant financial resources to avoid a repeat lawsuit on the grounds of not abiding by the Amended Stipulated Judgement. The threat of another lawsuit related to the China Shipping would be costly to the port since Section XII B stipulated that Petitioners were entitled to reasonable attorneys' fees and costs incurred in the enforcement of this Judgment, including but not limited to the fees and costs incurred by Petitioners for arbitration when the petitioners are the prevailing party. This guarantee increased the enforceability of the judgement since non-compliance could bring an expensive lawsuit.

## **Conclusion**

The China Shipping Lawsuit was a major legal victory for residents and environmental groups and marked a major shift in the power dynamics of the urban regime. As City Council Member Janice Hahn<sup>49</sup> stated, "The China Shipping Settlement sets a precedent of how we do things at the Port today and into the future" (Environmental News Service 2004). When analyzing the harbor area residents'

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<sup>49</sup> Janice Hahn is the sister of LA Mayor James Hahn. She represented the 15<sup>th</sup> City Council District of Los Angeles that includes San Pedro, Wilmington, Harbor Gateway, and Harbor City between 2001 and 2005.

tactics, it's important to note that their initial public commentary strategy was not effective in halting construction or receiving mitigation. Unlike MELA, which made their concerns visible by turning out hundreds of members in marches in public spaces, the members of the homeowners' association primarily relied on letter writing and public comments, which occurred privately or in formal settings. This contrast is consistent with numerous studies demonstrating that groups using disruptive tactics are generally more successful than those that opt for quieter institutional options (Piven and Cloward 1979; Steedly and Foley 1979; Mirowsky and Ross 1981). The residents' initial tactics were ineffective at convincing harbor commissioners and city council members that their concerns about the terminal were deeply and widely felt enough to present a political threat. The tactics and setting limited the residents' ability to generate attention and use the action itself as a recruiting opportunity for new members.

When considering the actors raising these challenges, Tarrow (1994) holds the position that power disparities between challengers and established authorities is often so great that even a substantial increase in the number of resources controlled by a challenging group may be inadequate to outweigh the power differential. Buechler (2013) finds that the power dynamics of the status quo shape the timing of challenges, making them more likely to occur when individuals or groups sense that the risks associated with taking collective action are reduced or that established order is vulnerable to the actions of contenders. Changes in the structure of political opportunity can reduce the power disparity between challengers and established authorities and therefore be catalytic to inciting collective action (Koopmans 2004).

San Pedro residents' linkage with the NRDC allowed them to effectively mount a credible legal challenge to the port that would have significant financial consequences. Although the legal strategy faced some of the limitations of collective actions in formal setting, the lawsuit did garner a substantial amount of media attention especially from the Los Angeles Times. The media attention allowed a wider array of stakeholders to become aware of the pollution at the port and allowed the San Pedro

homeowners to further build a coalition. The media thus increased the potential reputational harm stakeholders faced.

Ultimately, legal mobilization and CEQA enforcement were the tools that San Pedro residents were able to exert to force the POLA to alter the China Shipping Company's terminal expansion plans. The financial settlement showed the twin ports that they would face significant financial consequences if they were to try to skirt around CEQA. PCAC's control over the \$50 million mitigation funds augmented PCAC's power. Winning the right to use the \$20 million Community Fund for aesthetic mitigation gave residents significant agency on what they could do and provided them with the opportunity to use the funding as a tool to build their base. While PCAC did not have full control of the funds since the implementation of their recommendations was contingent on the Board of Harbor Commissioners, the litigants' right to arbitration and the POLA's agreement to pay for said arbitration should they lose, augmented PCAC's power.

Furthermore, POLA's agreement to both reimburse the litigants for the attorney's fees and future costs associated with upholding the Amended Stipulated Judgement further increased the enforceability of the judgement since non-compliance could bring an expensive lawsuit. The stipulation incentivized POLA to expend a significant amount of resources and effort to avoid further litigation, and effectively gave the petitioners leverage to negotiate for other concessions whenever POLA needed to modify any sections.

The legal victory was significant in that it allowed San Pedro homeowners, grassroots environmental groups, and other port-adjacent stakeholders to see that legal mobilization around CEQA compliance as an effective legal strategy for reducing port generated air pollution. This form of claims making was added to what Tilly (1986) describes as tactical repertoire. This concept, related to his earlier concept of a repertoire of contention (1978), refers to a set of strategic performances a person can utilize during episodes of contention. Other scholars (Noakes and Johnston 2005 and McAdam 2013)

have combined Swidler's (1986) "cultural tool kit" concept and envisioned the repertoire as a tactical tool kit containing a specific set of protest strategies used by collective actors to express their interests and make claims against elites, institutions, or authorities. The addition of this tactic can be considered to be what scholars (McAdam 1983; McCammon 2003; Taylor and Van Dyke 2004) refer to as tactical innovation since none of San Pedro leaders involved in the action reported having any experience with legal mobilization prior to the China Shipping Lawsuit.

Relatedly, the legal victory enhanced NRDC's reputation in Southern California. The settlement was a major turning point for organizations in the region. The linkages formed through the legal mobilization allowed groups to become aware of the viability of the tactic and NRDC's willingness to provide free legal services. After the legal victory, the NRDC became harbor area residents' and community groups' go-to organization when challenging the merit of an environmental review of an infrastructure project at the port.

My analysis of records<sup>50</sup> of the Pier J EIR/EIS suggest that the NRDC gained institutional legitimacy among grassroots groups and was able to form additional partnerships across the San Pedro Bay in Long Beach. After POLB's earlier failure to develop the Long Beach Naval Shipyard, it looked to expand the Pier J Terminal by 115-acres and released a Notice of Preparation (NoP) for the Pier J South Terminal Expansion Project EIR on June 23, 2000. The POLB and the Army Corps of Engineers had a joint EIR/EIS scoping meeting on February 7, 2001, released the EIR/EIS on June 11, 2001, and had a public hearing on July 16, 2001. Looking to avoid the problems that were unfolding with the China Shipping Terminal, they re-released the draft EIR/EIS on December 16, 2002. POLB staff tried

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<sup>50</sup> Records of this case are in the City of Long Beach City Clerk. The documents are from File # 04-1820 entitled "Appeal pursuant to Public Resources Code Section 21151(c) by California Earth Corps, Natural Resources Defense Council and Coalition for Clean Air of the certification by the Board of Harbor Commissioners of the Final Environmental Impact Report for Pier." The history leading up to this hearing is based on the contents in this file. Item 1 is a letter from POLB Executive Director Richard Steinke to the Long Beach City Council on September 14, 2004 establishing this chronology. The referenced NRDC letter corresponds to Item 2 and Marquez's letter corresponds to Item 4 in the file.

to avoid POLA's missteps with China Shipping Terminal project and re-released the EIR/EIS with an added Air Toxic Health Risk Assessment concerns on January 27, 2003. Due to concerns raised at the public hearings on February 3, 2003 and February 27, 2004, the draft EIR/EIS was again revised and resubmitted on August 18, 2003. POLB and the Army Corps of Engineers hosted public hearings on September 23, 2003. The public comment period ended on October 3, 2003 and the FEIR was noticed on July 21, 2004. On July 30, 2004, the NRDC and SCAQMD faxed letters to POLB's BOHC commenting on how the FEIR's pollution projection models were inaccurate and significantly underestimated the health risks posed to local residents. Jesse Marquez faxed a letter before the hearing on August 2, 2004 listing many concerns and requested that POLB and the Pier J tenant conduct a \$2 million two-year community health survey with the University of Southern California, California State University, Long Beach, and his own organization, the Coalition For A Safe Environment. Despite these stated concerns, Long Beach BOHC's approved the FEIR on August 2, 2003 in Resolution HD-2207.

The NRDC, the Coalition For A Safe Environment and the California Earth Corps banded together and presented an appeal of the EIR at the September 14, 2004 Long Beach City Council Meeting. The Coalition for a Safe Environment collected letters<sup>51</sup> of support and showed a great deal of strength and solidarity by bringing 373 signed letters from residents in Long Beach, Wilmington, San Pedro, Harbor City Carson, and even communities in Orange County requesting that the Long Beach City Council to reject the FEIR and conduct another EIR using the 2001 baseline. Many letter writers requested additional mitigation measures not included in the original EIR, such as the establishment of "an annual \$25 million Public Health Care Trust Fund" and "an annual \$25 million Clean Up Trust

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<sup>51</sup> I obtained records of the September 14, 2004 from the City of Long Beach City Clerk. The documents are from File # 04-1820 entitled "Appeal pursuant to Public Resources Code Section 21151(c) by California Earth Corps, Natural Resources Defense Council and Coalition for Clean Air of the certification by the Board of Harbor Commissioners of the Final Environmental Impact Report for Pier." I obtained the speakers and their position from the meeting minutes that are listed under "Action Items." The referenced letters correspond to Item 13 and Item 14.

Fund”. Ten people spoke against the appeal during the public comment period while fourteen people spoke for it. Janet Gunter, Noel Park, and Jesse Marquez. were among the supporters of the appeal.

Long Beach City Council members voted to delay the vote for 45 days (*LBReport.com* 2004). The Long Beach BOHC rescinded their approval on September 29, 2004 and ultimately cancelled the project. The abandonment of the Pier J expansion was a major turning point for POLB. As one POLB staff member stated, “This is when we really woke up and realized we had to work with the community.”<sup>52</sup> The legal challenge to COSCO’s Pier J expansion at POLB illustrates the durability of these partnerships and tactics. The Pier J case, along with the earlier China Shipping case, signaled to grassroots groups that the NRDC was a reliable ally. The NRDC continued to aid Long Beach-based residents and groups contesting POLB projects. Through this legal mobilization, community groups asserted themselves and gained a significant role in port development. This next chapter will analyze this amplification of their voices and the ports’ changed approach to community outreach, as well as illuminate the ways that the twin ports attempt to both acquiesce to and resist the aims of community stakeholders through the adoption of a Triple Bottom Line framework.

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<sup>52</sup> I conducted the interview with Port of Long Beach staff member on January 29, 2015.

## Chapter 5: The Second Welfare State

### Introduction

While air quality has improved significantly for Southern California residents, those residing near the port still endure among the poorest quality air in the region and a disproportionately large amount of other negative environmental externalities of global trade. Legal mobilization around CEQA compliance has been a remarkably successful tactic for reducing negative port-generated environmental externalities and capturing a greater share of the benefits. Stakeholders in port-adjacent communities have replicated this tactic many times. While they have used a great deal of consistency over time in the deployment of this tactic, POLA and POLB have adapted organizationally to limit the impact of the reputational challenges. The negotiations between the ports and adjacent community groups have adopted a familiar pattern that is analogous to the establishment of patterns in labor-management bargaining. While there is a great deal of consistency to the POLA's dismantling of the PCAC, the provision of expanded set of collective goods to port-adjacent communities and shift in institutional culture has subtly reshaped the opportunity structure for stakeholders. This chapter's first section will examine the evolving opportunity structure.

I examine this dynamic through a combination of ethnographic fieldwork, interviews with stakeholders, and analysis of newspaper articles. I engaged with an array of port stakeholders in a variety of settings from 2013-2018. This included attending BOHCs meeting in Los Angeles and Long Beach, neighborhood council meetings, community workshops, port-sponsored recreational events, environmental advocacy events, ILWU meetings. From June 2016-June 2017, I worked at the Port of Los Angeles as their Port Fellow and helped develop a community engagement strategy. In total, I conducted 55 interviews with port stakeholders and attended 128 stakeholder meetings and events.

While I did not reside in the South Bay during my fieldwork, I became familiar with the nuances of the local culture and history of institutional relationships. Through repeated interaction, I developed



relationships with several of the stakeholders. My institutional affiliation with UCLA helped facilitate the development of these relationships since they were eager to help me on my “project.” In 2016, I attended port commissioner Dave Arian’s 80<sup>th</sup> birthday party.

Assessing shifts in the ports’ institutional culture required me to closely analyze events preceding my fieldwork, which presented a significant methodological challenge. I pieced together this history by analyzing a variety of materials and triangulating retrospective accounts from interviews stakeholders. Both POLA and POLB videotape their BOHC meetings and post them to their website. POLA posted video recordings and meeting minutes of almost all of their BOHC meetings since 2006. POLB’s collection dates back to 2005 and include video recordings of other POLB-sponsored events such as grant workshops, recreational events, and CAAP update workshops. These video recordings captured the BOHC discussing and voting on proposals, they also captured the ports’ staff and stakeholders making proposals, and individuals making public comments. These video recordings gave me significant clues about stakeholder relationships since they allowed me analyze tone of voice, facial expressions, and other body language of the speaker. While in-person attendance of BOHC meetings gave me a richer understanding of the dynamics since I could observe audience response, the video recordings allowed me to observe a limited amount of side interactions that the camera captured. The meeting minutes provided valuable context for the video recorded interactions since the time and location of the meetings were included in the meeting minutes.

POLA and POLB have also posted press releases on their website. POLA’s collection dates back to 2001 and POLB’s starts in 1999. These press releases were written in-house by port staff and provide evidence of the institutional image that the staff were attempting to project. Other content on the websites provide evidence of how the twin ports construct and project their organizational image.

Newspaper articles provide valuable clues on stakeholder dynamics. In addition to providing a chronology of events, they provide a portal into the ways in which the public has responded to the ports.

Newspapers are also a medium where stakeholders can launch strategic reputational challenges. My media analysis primarily consists of articles published by regional and local outlets that focus on Southern California. The majority of articles were featured in the Los Angeles Times, Long Beach Press-Telegram, South Bay Daily Breeze, LBNews, and the Random Length News.

In this chapter, I also evaluate how the replacement of the PCAC both created and constrained political opportunities for harbor residents. After the China Shipping Lawsuit, both ports have invested an immense amount of resources in community outreach. I examine how the ports have provided significant amount of recreational, educational, and financial opportunities to stakeholders in the community and the effect of these opportunities on those communities. While I discuss both ports, my primary analysis will focus on the Port of Los Angeles since I had greater access to high level institutional actors there.

### **Literature Review on Organizational Image, Identity, and Reputation**

Organizations are collective entities made up of individual people, whether they are volunteers or paid employees, who perform a set of actions on behalf of an organization. Ashforth and Mael (1989) found that formal organizations possess unique identities. Scholars have not uniformly agreed on the parameters and components of this identity. Albert and Whetten (1985) posit organizational identity as an internal assessment of the central, distinctive, and lasting characteristics of an organization. In other words, organizational identity is typically the insider's perspective of the organization.

Dutton and Dukerich (1991) clarify the differences and connections between internal and external appraisals. Dutton, Dukerich, and Harquail (1994) argue that an organizational image is rooted in the way that an organization's members believe outsiders view their organization. In their study of management of higher education institutions, Gioia and Thomas (1996) describe organizational image as an internal assessment of external appraisals. Weigelt and Camerer (1988) note that organizational

image differs from organizational identity and reputation since the latter terms refer to the actual attributes outsiders ascribe to the organization.

Scott and Lane (2000) argue that organizational identity stems from stakeholders' and managers' joint construction of one. Chatman, Bell, and Staw (1986) found that, unsurprisingly, an individual's identity and an organization's identity overlap since an employee engages the organization both as an individual with agency as well as representative of the organization. A reputation is can be thought of as a cumulative evaluation made by stakeholders on how well an organization is meeting stakeholder expectations based on its past behaviors (Wartick 1992).

Dutton and Dukerich (1991) note that employees frequently monitor the organization's actions on social issues since the organization's actions are in part a reflection of their individual identity, and thus impact individual careers. Tedeschi (1981) and Chatman, Bell, and Staw (1986) found that managers were particularly attuned to their organization's reputation and this close relationship between their individual images of themselves and organizational image motivated managers to frequently seek to influence how others view and evaluate their organization. Sutton and Callahan (1987) note that managers are particularly inclined to engage in impression management since they frequently have keen interest in preventing a spoiled image to transfer to members or more junior employees who'd likely lose morale. Scott and Lane (2000) argue that organizational identity stems from stakeholders' and managers' joint construction.

An organization's identity can be contested and negotiated through the interactions of managers and stakeholders. Hoffman (1999) found that managers considered the identity of the stakeholder as well as the urgency and legitimacy of their claims when responding to them. These managers tended be more attentive to stakeholders whom they perceived to be powerful since a negative assessment of the organization would potentially have a more significant impact on the organizational image compared to a negative assessment from a weak stakeholder.

## **Organizational Adaption**

The China Shipping Lawsuit harmed POLA's organizational reputation. The POLA continued to get negative media coverage about its environmental impact in ensuing years (Schoch 2005). As Cheney (1983) notes, publicly raising a social issue can galvanize public interest and direct attention onto an organization. On top of the negative coverage about the port's environmental pollution, a former POLA commissioner, Leland Wong, was arrested for allegedly accepting bribes totaling \$100,000 between 2002 and 2004 from Evergreen Marine Corporation (Zahniser 2008). As Zahniser notes, Wong was subsequently indicted, convicted, and ultimately sentenced to five years in prison for bribery and embezzlement in 2008. The publicity surrounding these events further tarnished the port's reputation.

Mayor Hahn also aimed to cap emissions and mitigate projects completed prior to 2001. Hahn promised to pursue a policy that would prevent a net-increase of emissions at the State of the Harbor address on December 6, 2002 (Sahagun2002). The 2001 baseline was controversial and POLB was not interested in jointly adopting it with the POLA.

Democratic Assemblyman Alan Lowenthal, whose district included the ports, attempted to address the baseline issue on a statewide basis by introducing AB 2042 (LBReport.com 2004). Governor Arnold Schwarzenegger vetoed the bill on September 29, 2004. POLB Planning Director Robert Kanter opposed the provisions in AB 2042 and stated, "There are some radical ideas, pie-in-the-sky ideas, that I don't think are likely to take place in the near term" (Schoch 2005). Despite Kanter's opposition, the City of Long Beach agreed to abide by Assemblyman Leventhal's zero net increase proposal (LBReport.com 2004). Mayor Hahn appointed a 28-member No Net Increase (NNI) Task Force, which began meeting in October 2004 and included PCAC members, along with representatives from industry, labor unions, and other community and environmental groups. Keller was staunchly opposed to this approach to environmental mitigation and resigned on September 18, 2004 (McGreevey and Schoch 2004).

Cheney (1983) notes that after negative media coverage, organizational leaders usually attempt to intervene when an issue that can damage the organization's image is publicly raised. One can interpret Hahn's early support for the PCAC and development of the NNI Taskforce as damage control, and the failure of AB 2042 limited the benefit of these actions. Furthermore, increased cargo volume in 2005 increased the air pollution generated by the twin ports, further hampering POLA's efforts. In 2005, POLA generated 25% of all SOx emissions in the South Coast Air Basin (Port of Los Angeles 2007, 9) and POLB generated 28% of all SOx emissions in the South Coast Air Basin (Port of Long Beach 2007, 9). Together the twin ports generated the majority, 53%, of SOx emissions in the entire South Coast Air Basin.

Antonio Villaraigosa unseated Hahn and became the mayor of Los Angeles in 2005. As the *de facto* head of POLA, he attempted to make immediate internal changes to the port and shift its organizational identity by eliminating NNI Taskforce but affirming its institutional commitment to environmentalism. While the San Pedro homeowner groups still had Councilwoman Hahn's support, their ability to influence port policies was reduced after with Villaraigosa's ascension.

Mayor Villaraigosa selected environmental pioneer S. David Freeman to lead the Los Angeles Harbor Commission on September 9, 2005 (Los Angeles Times 2005). Freeman previously served as Chairman of the Tennessee Valley Authority in 1977, and he later led the Los Angeles Department of Water and Power. Freeman led efforts to cut the Tennessee Valley Authority's SOx emissions by half, stop the construction of eight nuclear power plants, and launch a massive energy conservation program (Renewables 100 Policy Institute 2018). He promoted a "green-green" approach to port growth sustainability, paring environmentalism with economic growth (Schoch 2005). Freeman promoted the idea that organizations like ports and energy providers should accept environmental mitigation projects as a necessary part of the cost of doing business. A senior POLA staff member I interviewed who had

been employed at the port since the mid-1980s stated that the Port Commissioner S. David Freeman was an important leader in POLA's cultural shift on the BOHC.

Villaraigosa also appointed Geraldine Knatz to the position of POLA Executive Director on December 7, 2005. At the appointment ceremony, he affirmed both his commitment to environmentalism as well as to POLA's economic mission by stating "She understands my vision that making the Port of Los Angeles greener is not only right for surrounding communities, but also good for business for Los Angeles" (Mongelluzzo 2005). Knatz, had previously served as Managing Director at the Port of Long Beach. During her tenure in this role, Knatz spearheaded the development of the Port of Long Beach's signature Green Port Policy. The Long Beach BOHC approved the Green Port Policy in January 2005 and subsequently approved \$33 million for Green Port projects. The POLB set aside an additional \$100 million for the Green Port Fund. The Green Port policy<sup>53</sup> identified six areas where the port would commit to reducing the negative impacts of port operations: wildlife protection, air emissions, water quality, soil contamination, community engagement, and sustainability practices. The adoption of this policy expanded the institutional mission of the port to include environmental sustainability, and POLB received much applause for this non-legally binding environmental policy.

Both POLA and POLB had much to gain from improving their organizational images. The twin ports jointly developed a Clean Air Action Plan (CAAP). The POLB's Green Port Policy and POLA's NNI Taskforce served as a partial template for the collaboration. The CAAP was a voluntary policy, and its adoption can be described as what Salzman et al. (2005) calls "strategic legitimacy." Gains in social legitimacy can help the organization gain a "social license to operate" (Gunningham et al. 2004). In this case, the development and adoption of CAAP can be viewed as a strategy for the ports to prevent expensive delays in infrastructure development as seen in the China Shipping case and the cancellation of Pier J. This was especially critical since POLA was looking to expand the TraPac Terminal and

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<sup>53</sup> The original policy is laid out in a POLB White paper in 2005

POLB was expanding Middle Harbor and the risk of an expensive delay was very plausible given the sentiments of many stakeholders in the port-adjacent communities. POLA BOHC Chair S. David Freeman emphasized the necessity of plan by stating, "The people of San Pedro and Wilmington have been subsidizing the port industry for years with their lungs. We absolutely have to get this done to justify the expansion of the port" (Marroquin 2007)

Knatz played an instrumental role in the development of CAAP (Newton 2006), which was a relatively closed process. The POLA and POLB worked with CARB, AQMD, and EPA on a draft policy aimed at reducing emissions from port-related operations. The twin ports jointly released the plan to the public for comment on June 26, 2006 for a 30-day comment period. In addition to submitting comments in writing, POLA and POLB held public meetings where individuals could make verbal comments that would be officially entered in the public record. The NRDC, LBACA, and Coalition for Clean Air complained about the length of the comment period and the port extended to be a 60-day comment period instead. The POLA's BOHC and POLB's BOHC held a joint public meeting on November 20, 2006 in Long Beach. At the meeting, the two boards adopted the Clean Air Action Plan (Port of Los Angeles 2006).

Like POLB's Green Port Policy, CAAP was not legally binding regulation. Instead, it was a comprehensive strategy for reducing port-related air pollution and related health risks, while simultaneously setting out a plan for responsible port development. The CAAP sets emission reduction targets for NO<sub>x</sub>, DPM, and SO<sub>x</sub>. While ocean going vessels account for the largest share of the ports' emissions – 36% of NO<sub>x</sub>, 59% of DPM, and 90% SO<sub>x</sub> emissions (POLA and POLB, 2006) – the ports do not have the authority to regulate these sources, so much of the plan was aimed at reducing emissions from trucks. Heavy duty trucks account for 10% of DPM, 26% of NO<sub>x</sub>, and 1% of SO<sub>x</sub> as compared to other port sources (POLA and POLB 2006).

From the CCAP framework POLA and POLB jointly developed a Clean Truck Program that restricted the entry of drayage trucks entering terminals to deliver or pick-up cargo containers based on the model year of the truck engines. While this was a joint program, some provisions differed between the ports, but they both provided grant funding to help truckers upgrade their vehicles. When the program began in 2006, all trucks with engines that were built prior 1989 were banned from entry. In 2012, all truck engine model years entering the port terminals were required be 2007 or newer. The ports charged the vehicle owners a non-compliance fee per container for each truck that did not meet the standards set in the program. This program led to rapid turnover of the trucking fleet serving southern California: over 12,000 trucks are now registered in the Port Drayage Truck Registry with 2007 or newer engines or are powered by alternative fuels (Port of Los Angeles, “Executive Director’s Report,” 2013).

Mayor Villaraigosa’s appointment of Freeman and Knatz and the twin ports’ adoption of the Clean Air Action Plan can also be seen as a strategy for improving organizational reputation and identity. As Alvesson (1990) notes, the mode of response is consequential in developing patterns of actions that over time can create patterns of organizational action that in turn modify an organization's environment. The outcome and aftermath of the China Shipping lawsuit and Pier J lawsuit facilitated the twin ports’ adoption of the framework known as the Triple Bottom Line (TBL). The elements of the TBL include economic prosperity, environmental quality, and social justice (Elkington 1987 and Elkington 1994). This framework differs from a traditional business model where profitability is the primary metric of success. The Triple Bottom Line means that every project is assessed by its contributions to the economy, the environment, and the community at large; all of these elements must make a positive contribution in order for it to be deemed successful.

The Triple Bottom Line framework stems from the concept of corporate social responsibility (Davis 1960 and [Carroll 1999](#)) and corporate sustainability (Van Marrewijk 2003; Baumgartner and



Ebner 2010; Searcy 2012). Barbier (1987) illustrates that business goals and environmental preservation goals are not inherently in tension with one another. While a firm's commitment to sustainability can be substantial, Dobers and Springett (2010) find firms are primarily focused on branding, and less about the commitment to changing their operations beyond the status quo once they have adopted the lowest hanging cost-saving and efficiency measures.

There have been several studies that have examined the ports' adoption of this framework (Haezendonck, Coeck, and Verbeke 2000; Haezendonck, Dooms, and Coeck 2006; Verhoeven 2010). Lam and Van de Voorde found that ports benefited from appearing environmentally aware and sustainable. Acciaro (2015) found that adopting a green port designation was a valuable strategy to counteract perceptions of the negative effects of pollution from vessel and cargo handling operations. Acciaro goes on to (2015, 295) offer the following description: "Green ports can be defined as those ports engaging in the proactive development, implementation and monitoring of practices aiming at reducing the environmental impacts of the port at local, regional, and global levels beyond regulatory compliance. They engage in innovation and research with the objective of balancing environmental challenges with economic performance. Green ports are concerned, among other issues, with resource preservation, pollution reduction and control, limitation on the impacts on the fauna and flora, as well as climate change mitigation and adaptation." The social responsibility aspect has caught on too; for example, the U.S. EPA drafted an "Environmental Justice Primer for Ports" in 2016.

Both of the ports redesigned their logos in 2007. One can interpret the redesigning of the port logo as a strategy in improving their organizational image and appearing 'greener.' Figure 15 shows the images of the logos prior to the China Shipping Lawsuit. Between 2005 and the implementation of these new logo designs, both of these ports would intermittently use a version of the logo that replaced the black background to a green one. Both of the ports devoted substantial resources to develop their new logo. The POLB hired the New York City-based branding firm Siegal+Gale to redesign the logo and

spent between \$400,000 and \$500,000 on the redesign (*American Shipper* 2007). The POLB’s newly designed logo includes a partially green globe. According to a grant application prepared by POLA, the new design reflects the new mission, while each logos includes green: a green swoosh (POLA) and a green globe (POLB). The POLA retained their contract advertising agency and spent \$71,000<sup>54</sup> on the logo redesign. The POLA staff adopted the new green swoosh logo in February 2008. As Theresa Lopez-Adams, POLA’s Director of Community Relations, stated in a submission for a communications award, “the distinctive green of the wave in the “LA” further defines the ports’ ‘green growth’ policies.”

Figure 15, Former Logos of The Port of Los Angeles and Port of Long Beach



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<sup>54</sup> My analysis of POLA’s redesign comes from the information on a 2010 Communications Design Awards Program submission form. Theresa Adams-Lopez submitted POLA’s entry titled “New Logo.”

Figure 16, Port of Los Angeles and Port of Long Beach New Logos



Source: Port of Los Angeles and Port of Long Beach

The logo is not the only visual medium by which the ports have attempted to transmit their newfound commitment to environmental sustainability. Both of the ports' official websites incorporate many green lettering and images. Both of the ports have promoted their green brand extensively. For example, a POLB staff member gifted me a bright green tote bag stamped with the POLB logo on January 29, 2015. The tote bag contained a green pen with the POLB logo, a green and white notepad with the POLB logo, and a Chapstick with the POLB logo.

The successive adoption of the new logos likely stems from what DiMaggio and Powell (1983) describe as a mimetic process. Like other competing institutions, they tend to imitate each other. Zucker (1987, 446) refers to this imitation as a "contagion of legitimacy." As Vogel (1978) notes, public performance comparisons can generate intense peer pressure for a firm to adopt a similar policy to their peers. The pressure is particularly acute at the POLA and POLB since they are in close geographic proximity to one another and interact with a heavily overlapping set of stakeholders.

From my observations, this competition is primarily driven by senior-level port staff. This finding is consistent with other research on manager-stakeholder relationships (Oliver 1991; Elsbach and Kramer 1996; Scott and Lane 2000). While the annual container cargo volume is the most salient

figure they compete on, this fierce inter-port competitiveness extends to the other two bottom lines. The annual air emissions inventories, that POLB began publishing in 2002 and POLA in 2005, are a salient form of public performance comparisons. Kuo and Chen's (2013) research on Japanese industrial firms would suggest that the public disclosure of environmental reports could improve institutional legitimacy. Environmental disclosures can be categorized as what McDonnell and King (2013) call prosocial claims.

The sense of competition can be extended to community programming as well. Both ports have adopted a similar community benefits grants that do not exclusively fund air quality mitigation. On July 25, 2016 the POLB announced that they were going to voluntarily donate \$46.5 million to community mitigation grants (Uranga 2016b). At our weekly meeting on that day, senior POLA staff expressed displeasure about the media coverage POLB was getting for this donation and referred to it as a "gimmick" since the \$46.4 million would be disbursed over 12-15 years. POLA's Environmental Manager and Community Relations Manager assigned me the task of calculating the total amount of money POLA and POLB voluntarily disbursed for environmental mitigation and community grants over the previous 10 years, as they were considering writing a press release on their voluntary donations or changing the funding structure of their Community Investment Grant program and announcing a multi-year grant totaling \$47 million. While neither idea came to fruition this incident highlights the intensity of competition and the mimetic process. The ports' attempts to 'out green' each other has led to a race to the top and provides an opportunity for local residents and stakeholders to capture a greater share of distributional benefits.

## Other Collective Goods

The social sustainability is the third element to the Triple Bottom Line framework. The ports have invested resources into educational programs. Both ports provide paid internship opportunities for high school and college students, and both ports offer scholarships to college students. POLB has partnerships with California State University, Long Beach and Long Beach City College. The POLA signed an MOU and created a partnership with Cal State Dominguez Hills and Los Angeles Harbor College on August 10, 2016 (Port of Los Angeles 2016). The MOU designated up to ten CSU Dominguez Hill students and five Los Angeles Harbor College students annually to receive paid internships at the POLA. At the event Gene Seroka, the POLA Executive Director, acknowledged the relationship between the local residents and the port and stated, “To effectively compete in a global maritime industry, we’ll need to continue building a highly trained workforce, matching relevant skills with the evolving needs of the maritime industry...Tapping into the expertise and knowledge of our local institutions of higher learning makes perfect sense for helping us build that capacity.” (Port of Los Angeles 2016). Through this partnership, POLA was able to frame itself as a good community steward and publicly assert its commitment to promoting educational and economic well-being for the local community.

This commitment is reflected in other programs at the twin ports. Both ports hold at least two job fairs each year and have a stated commitment to hiring from communities near the port. The POLA has a Small Business Enterprise Program applicable to POLA’s construction and professional services contract awards and set an overall goal of 25% for small business<sup>55</sup> participation in port contracts, including 5% for Very Small Business Enterprise<sup>56</sup> participation (Port of Los Angeles, “How to Do Business With the Port,” 2018). These small businesses do not have a geographic requirement so only

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<sup>55</sup> POLA defines a small business as an independently owned and operated business that is not dominant in its field and meets criteria set forth by the Small Business Administration in Title 13, Code of Federal Regulations, Part 121.

<sup>56</sup> The POLA defines a Very Small Business Enterprise based on the State of California’s micro-business definition, which is: A small business that has average annual gross receipts of \$5,000,000 or less within the previous three years, or a small business manufacturer with 25 or fewer employees.

some of contracts are awarded to small businesses in port-adjacent communities. The POLA has a separate Local Business Preference Program for the procurement of goods and services greater than \$150,000 where local business enterprises receive an 8% reduction in their bid fee. Like with POLA's small business initiatives, these beneficiaries<sup>57</sup> are also geographically dispersed since they can be located anywhere in the 5-County CMSA (Port of Los Angeles 2018).

The Port of Long Beach has a similar Small Business Enterprise program. The program, approved by the Board of Harbor Commissioners in October 2004, applies to port construction, consulting, and procurement contracts managed by the four port bureaus: Engineering, Environmental Affairs & Planning, Trade Relations & Port Operations, and Finance & Administration. The program is designed to promote the participation of SBEs and VSBEs on all POLB contracts and procurements (Port of Long Beach 2018). The POLB aims to contract directly with SBEs and VSBEs for materials and supplies and meeting POLB's annual combined SBE/VSBE goal of 27% (ibid). Like POLA's business programs, the beneficiaries of POLB's business program are geographically disparate.

Both ports operate as grant-makers and administer grants to local non-profit organizations whose proposed activity is compliant with the Tidelands Public Trust. Since "water-related recreation" and "visitor-serving waterfront activities" count as nexus, these grants can be used for a wide range of recreational activities. The POLA allocates \$1 million annually to non-profit organizations that have a nexus with port operations through their Community Investment Grant Program. While the non-profit organization does not need to be located within the Los Angeles city limits, "proposed events must take place within, or directly benefit, the Harbor District or its immediate surrounding communities of Wilmington, Terminal Island, San Pedro or Harbor City/Harbor Gateway" (Port of Los Angeles 2018).

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<sup>57</sup> The Harbor Department defines an LBE as:

(a) A business headquartered within Los Angeles, Orange, Riverside, San Bernardino, or Ventura Counties. Headquartered shall mean that the business physically conducts and manages all of its operations from a location in the above-named counties; or (b) A business that has at least 50 full-time employees, or 25 full-time employees for specialty marine contracting firms, working in Los Angeles, Orange, Riverside, San Bernardino, or Ventura Counties.

Port staff in the Community Relations Department hold two community workshops each year, one in San Pedro and the other in Wilmington, to assist applicants. POLA staff make the funding decisions for these grants.<sup>58</sup> I attended the San Pedro workshop in 2017 and observed staff helping applicants with their nexus statements. Examples of grant recipients include the Los Angeles Maritime Institute for its TopSail Youth Program, a submarine exhibit at the Maritime Museum in San Pedro, and community events at the Cabrillo Marine Aquarium (Port of Los Angeles 2016).

The POLB administers a similar Community Grants Program that places greater restrictions on the geographic location of the applicant and the scope of the project. While the grants must be compliant with the Tidelands Trust Doctrine, they are targeted toward Community Health, Facility Improvements, and Community Infrastructure. Despite these restrictions, the POLB also made a \$389, 447 grant to the Aquarium of the Pacific in downtown Long Beach for a boiler replacement on August 27, 2014. The grant was aimed toward reducing greenhouse gas emissions. Like POLA, POLB provides the funding for these grants. However, instead of the port staff reviewing grants, decisions are made by an advisory committee that consists of an industry representative, a regulatory agency representative, and two or three community representatives (Port of Long Beach 2016).

### **Waterfront Access as a Collective Good**

One of the collective goods that both POLA and POLB provide is access to the waterfront for recreational activities. The significant majority of POLA's recreational facilities are located on the San Pedro waterfront. The Los Angeles Maritime Museum, 22<sup>nd</sup> Street Park, and Gateway Plaza with the Fanfare Fountains are at the waterfront. In addition to these facilities owned by the Los Angeles Harbor

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<sup>58</sup> This assertion is based on my interview with the Director of Community Relations on January 16, 2015.

Department, the Pacific Battleship Center has a lease agreement with the City of Los Angeles to dock the USS Iowa in the San Pedro Waterfront.

The Wilmington Waterfront has noticeably fewer facilities. While Los Angeles Board of Harbor Commissioners approved the nautically themed design of the Banning's Landing Community Center in 1995 and shown in Figure 17, residents did not have much outdoor recreational access until the construction of the Wilmington Waterfront Park in 2011.

Figure 17, Banning's Landing, Port of Los Angeles



Source: Emily Yen, 2016

Both ports offer free harbor boat tours to the general public. The POLB offers boat tours on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday of each month and Thursday evening sunset tours on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday each month out of nearby Shoreline Village. A person must register for the lottery the month before in order to obtain a ticket. It is unclear how competitive the lottery is since I was selected the three times I requested tickets between 2015-2018 (Port of Long Beach 2018).



The POLA offers free boat tours to the general public, but primarily targets their outreach to students. They offer free tours to school groups in Los Angeles and serve 12,000 students a year (Port of Los Angeles 2018). The groups include K-12 students as well as local university students. On May 19, 2017, POLA sponsored a private boat tour for my class of 20 of undergraduate UCLA students. We all sat on the upper deck while the captain narrated a history of the harbor and the different terminals. On the tour, the captain spoke about the harbor's restoration efforts and how the presence of sea lions was an indicator of the greening of the port.

Figure 18, UCLA Students at Port of Los Angeles Harbor Tour, San Pedro Waterfront



Source: Emily Yen, 2017

POLA also offers free boat tours to the general public at their annual “Wheels ‘N’ Waves” event that takes place each May. At this event, they provide 60-minute narrated boat tours out of both

Wilmington Waterfront and the San Pedro Waterfront. On May 16, 2015, I attended the event at the Wilmington Waterfront. Below is a description of the event:

I'm at Banning's Landing for the boat tour. Lots of cars in afternoon the parking lot, but easy to find parking. It's a little after 1pm and there's a bunch of people still out. Mostly Latino families with kids. Lots of little kids running around. I walk over to the giant green POLA tent by the dock and a POLA staff member, a young Latina woman seemingly in her 20s, that I hadn't met before, smiles at me and hands me a paper handout of the upcoming port events and a POLA customized glossy mariner's guide booklet that lists the times of high-tide and low-tide. I immediately wonder why they're giving these out. It doesn't seem like most of the people likely sail. Even if they did, it'd be easier to look up all this information online.

I introduce myself and tell her that I'm a student at UCLA and ask for her card. I do this at every port event. She hands it to me and tells me that, "there's a lot going on at the port." I thank her and walk down the boardwalk for the boat ride which are departing every half hour. The next one isn't leaving for a while, so I walk further down the boardwalk and grab a free hamburger and bottle of water before returning to dock to wait in line" (Field note, May 16, 2015).

One can interpret the port's provision of free food and recreational activities as a pre-emptive measure for cultivating goodwill. These recreational activities have the potential for reaching a wide swath of the population and build a positive association with the ports. While this strategy has the most obvious potential for improving its institutional reputation, it can also improve the ports' organizational image and organizational identity since port staff at the event or viewing photographs of the event will see many smiling individuals enjoying the waterfront amenities. This has the potential to counteract the port staff's perception of the ports as big environmental polluters.

### **PCAC: A Conduit for Coalition Building and Mobilization**

The PCAC had the potential to increase local political capacity by building ties across the community. While it attempted to engage a wide variety of stakeholders in the affected communities, the size and composition of the committee limited its ability effectively advocate for this broad group. By many accounts, the 35-person committee became unwieldy and achieving quorum proved challenging to reach. The committee was also plagued with difficult interpersonal dynamics. These challenges were documented in interviews with port staff, PCAC members, and repeatedly highlighted 2004, 2006, and

2011 external reviews of PCAC that the Port of Los Angeles commissioned, as well as in the videotaped testimony from the Board of Harbor Meeting on May 2, 2013.

Tensions between PCAC committee members and POLA staff surfaced early on in PCAC's existence. In 2003, the NorthStar Consulting Group and blueCONSULTING, INC. (NorthStar/Blue) conducted an organizational analysis of the Port of Los Angeles. Their report, "Industrial, Economic, and Administrative Survey of the Los Angeles Harbor Department," published on November 18, 2004 highlights the tensions between PCAC and POLA. They found that "the adversarial nature of the PCAC-Department relationship undermines effective communication" (NorthStar/Blue 2004, II-2). The report found that there were no "clear guidelines regarding scope of topics to be considered by PCAC, the budget of PCAC activities, or the use of Department staff and other Department resources to support PCAC activities" (NorthStar/Blue 2004, II-4). The report found that PCAC inserted itself into a variety of port affairs which hampered POLA staff's ability to effectively make decisions and run the day-to-day operations of the port, as well as used an inordinate amount of staff resources. Specifically, 24 POLA employees attended PCAC subcommittee meetings in 2002. The number of employees increased to 87 in 2003 and maintained a high level of 84 in 2004 (NorthStar/Blue 2004, VI-22). The POLA also paid several consultants to work on PCAC issues. Like the staff involvement, the number of paid consultants ballooned over time. While 13 paid consultants attended one or more PCAC sub-committee meetings in 2002, this number increased to 33 in 2003 and 46 in 2004 (ibid).

The report critiqued the composition of PCAC members since a wide range of stakeholders in port-adjacent communities were supposed to be represented, but the board ended up being dominated by members of the homeowners' associations. In fact, 42% of PCAC's members were from homeowners' associations (NorthStar/Blue 2004, VI-25). The report highlighted some challenging internal dynamics:

some PCAC members expressed the view that members of the San Pedro Homeowners Coalition tended to dominate PCAC, and that other members reported being “bullied” and “otherwise coerced into agreeing or not challenging the ideas of the core group” (NorthStar/Blue 2004, VI-26). One PCAC member stated that the representatives of Neighborhood Councils and other groups were pressured to vote on issues without getting input from their constituents (ibid).

These issues continued to persist so POLA CEO Geraldine Knatz commissioned Professor James Fawcett, Director of the Sea Grant Program at the University of Southern California, to conduct a program evaluation of PCAC. His report, “Survey and Evaluation of the Port Community Advisory Committee Port of Los Angeles, California” published in September 2006, echoed the 2004 report. It highlighted the concerns around the scope of PCAC’s work, committee composition, and the interpersonal dynamics. White homeowners from San Pedro continued to dominate the committee. The study found that renters, youth, faith-based representatives, and the Hispanic community were all members of the community who were under-represented on PCAC and in some cases excluded all together (Fawcett 2006, 26). A member of PCAC described a clique of PCAC members, comprised of San Pedro homeowners, with outsized influence as, “social and political friends who wield the results of the China Shipping lawsuit like a hammer. They act like bullies, environmental bullies” (Fawcett 2006, 14). Some members stated that the clique engaged in “’grandstanding’ by personally insulting members in the PCAC because there’s an audience present. [Included are] snide remarks about Port staff – in any meeting but especially [plenary] PCAC meetings. Four or five people routinely do this but there are 15-20 people who agree with them. Some of these people are bullies.” (Fawcett 2006, 24).

The recommendations in the 2006 report were not adopted by the port and the issues largely remained unaddressed. The Civil Grand Jury of Los Angeles County issued a report on June 30, 2011 where, among other issues, they provided analysis of PCAC. The body found that “the community input process of the Port of Los Angeles communities has degraded and does not have the organizational

strength to be effective” (Civil Grand Jury of Los Angeles County 2011, 171). Attendance at these meetings declined, which further limited the utility of the committee since quorum was often not met. The 2001 report found that, beginning in late 2008, attendance began to decline at the monthly PCAC meetings. In late 2009, attendance declined to the point that a quorum was not present at three consecutive meetings. Meetings that did have quorums were razor thin. The last time a PCAC meeting had twenty or more members attend was in June 2009. (Civil Grand Jury of Los Angeles County 2011, 161). The Grand Jury made several recommendations to improve PCAC efficiency, including reducing the size of PCAC by 40% and having the board meet quarterly instead of monthly. These recommendations were not implemented and these problems continued to persist.

### **TraPac Expansion: An Example of POLA’s Adaptation**

The TraPac expansion project at the Port of Los Angeles was the first major infrastructure project after the adoption of the Clean Air Action Plan, and the first one at the Port of Los Angeles after the China Shipping Lawsuit. The TraPac Terminal Operator sought to expand and build automated terminal.<sup>59</sup> Although the project was projected to reduce emissions from what they would otherwise have been in the long term, these gains would take eight years to realize (Sahagun 2007). Harbor area residents and environmental groups, many of whom were involved in the China Shipping Lawsuit, mobilized in a similar way. The coalition included one of the original litigants from the China Shipping Lawsuit as well as three other individuals who are affiliated with organizations that were litigants in the

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<sup>59</sup> The full list of appellants include: David Pettit of the NRDC; Colleen Callahan, Manager of Air Quality Policy and Advocacy at the American Lung Association; Greg Tarpinian, Executive Director of Change to Win; Jesse Marquez, Executive Director of Communities For A Safe Environment; Martin Schlageter, Campaign and Advocacy Director for the Coalition of Clean Air; Shana Lazerow, Attorney for CBE; Rupa Patel, Director of Communities for Clean Ports; Jim Stewart, Earth Day LA; Lillian Light, President of the Environmental Priorities Network; Frank O’Brien, Executive Director of the Harbor Watts Development Corporation; Chuck Mack, International Vice President and Port Division Director of the International Brotherhood of Teamsters; Patricia Castellanos, Ports Campaign Co-Director LAANE; Katherine Atter, Health and Environment Program Coordinator of Physicians for Social Responsibility; Andy Mardesich, President of the San Pedro Homeowners’ Coalition; Tom Politeo, Co-Chair of the Sierra Club Vision Task Force; Kathleen Woodfield; Chuck Hart, San Pedro resident. .

China Shipping Lawsuit. Some of the other of the litigants were either active or were representing organizations that were active in mobilization efforts around the lawsuit. Cummings (2018) notes, this negotiation came at the time of the debate over the implementation of the Clean Truck Program. He describes this labor-environmental alliance as a “cross-movement coalition” (223).

The Los Angeles BOHC had a special meeting on December 6, 2007 at Banning’s Landing Community Center in Wilmington. The BOHC unanimously approved the TraPac EIR at the meeting. The opponents moved to block the EIR on the City Council level on the basis that it failed to adequately address the short-term air pollution impact. Before the City Council meeting, Los Angeles City Council Member Janice Hahn, who sat on the committee handling port matters, stopped the EIR from moving ahead to the full City Council for a vote. With the EIR blocked, the parties negotiated a mitigation settlement that would allow the project to move forward.

On April 4, 2008, the parties reached a settlement that allowed for EIR to go forward unchallenged and signed an MOU, the Harbor Department Agreement 09-2764: Memorandum of Understanding. Legal peace was given in exchange for several environmental mitigation measures as well as a POLA agreement to create a Mitigation Trust Fund with an immediate \$12 million contribution toward community improvements in San Pedro and Wilmington. These improvements included health care clinics, job training centers, and an air filtration system for local schools. The Mitigation Trust Fund would be administered by the Harbor Community Benefit Foundation (HCBF), a newly created independent non-profit organization. The \$12 million in seed funding would be supplemented<sup>60</sup> if there were an expansion in container cargo or cruise passengers. In total, the cost of the EIR settlement was \$39 million over five years (Mongelluzzo 2008).

When analyzing this negotiation, the challengers appear to replicate their tactics employed in the China Shipping Terminal dispute. San Pedro residents were again able to access their established

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<sup>60</sup> HCBF would receive \$1.50 per cruise passenger and \$2.00 per cargo container above the threshold set in the MOU.

network and mobilize around CEQA compliance. While there was eventually a mutual agreement to allow the TraPac Terminal to go forward, stakeholders were able to leverage the threat of a lawsuit to reach a mutually agreeable settlement. The formation of strategic political alliances, specifically the support from Los Angeles City Council Member Janice Hahn, gave the coalition the ability to delay the project and negotiate a settlement outside of a courtroom.

The POLA's willingness to offer a settlement upfront minimized delay of the project. Oliver (1991) categorizes this type of strategic response as a compromise. The structure and financing of HCBF reduces the likelihood of future delays and the problems associated with the allocation of funds from the China Shipping Lawsuit. The tethering of future funding to future growth reduces the likelihood of a lawsuit since there would be a mutually aligned interest for growth. Creating a separate grant-making non-profit entity would significantly reduce the amount POLA staff time needed to oversee this process. The significantly reduced POLA staff involvement had the added benefit of reducing the number of opportunities for adversaries could potentially inflict reputational harm on the staff in-person. Finally, HCBF's non-profit status would allow POLA to frame the \$12 million as voluntary donation and appear as a proactive environmental leader committed to greening its operations.

### **The Dismantling of PCAC**

The changes described above were not implemented immediately and PCAC continued to maintain its status quo and operate with the same persistent problems from 2011-2013. Cynthia Ruiz, the Deputy Director of External Relations gave a presentation a presentation at the POLA Board of Harbor Commissioners Meeting on April 4, 2013 requesting that board make a plan for the future of PCAC. While Ruiz presented several options, she requested that the commissioners consider the following points:

- Port Today is a Much Different Place than 2001

- Neighborhood Councils have Evolved and the Community has Another Way to Provide Input

-The Port's Public Process Has Evolved and the Community has Become More Sophisticated About Providing Input to the Port

-Establishment of the Harbor Benefits Community Fund to Oversee Mitigation Money

-Best Use of Resources-Evaluation of Port Staff and Time”

(Port of Los Angeles 2013).

In her presentation, Ruiz did not discuss any of the interpersonal problems of the committee and stated that there were issues with quorum. Ruiz used the euphemism, “find that PCAC has completed its Mission” for the option of dissolving the committee.

The POLA External Relations Bureau issued a follow-up report to the POLA Board of Harbor Commissioners on April 25, 2013. They also used Ruiz's euphemism and requested that the board “consider that the Port Community Advisory Committee (PCAC) has successfully completed its mission and consequently to recognize that PCAC is no longer a standing committee.” The report carefully skirted around negative interpersonal dynamics and focused on the problems with quorum noting that “PCAC only held quorum for 30 minutes of the most recent four meetings of 2013 – the other three meetings had no quorum” (Port of Los Angeles 2013). The report noted that disbanding the committee would save POLA \$85,000 annually on a consultant supporting PCAC activities (Port of Los Angeles 2013). In addition, POLA staff collectively spent a minimum of 660 hours in the previous year supporting PCAC activities. The report also highlighted PCAC's accomplishments including bringing over 100 motions to the board (Port of Los Angeles 2013).

The Los Angeles BOHC unanimously voted to disband PCAC on May 2, 2013. Prior to the vote, 13 individuals gave public testimony. Ten out of the 13 were San Pedro residents, most of whom opposed the disbandment. Some questioned the motivation behind the disbandment. During the public comment period, one member of PCAC angrily asked, “What is the central question? Is the question the comfort of the port staff because they don't want to deal with the troublemakers in the community?” Many expressed the view that the disbandment would harm community relationships at the port.



While the proponents of PCAC acknowledged that there were problems with quorum they generally blamed the harbor commission for not implementing their recommendations. Moreover, they argued that the committee could be salvaged. One San Pedro homeowner serving on PCAC stated:

My comments have an obvious correlation with the issue. It may not have been an issue if the board would have acted expeditiously on this issue when it was originally brought forward by the still pending PCAC recommendation 71 dated 2-20-07. Six years ago! And again in PCAC Recommendation 83 and 84 dated 5-20-08 5 years ago! As well as recommendation 103 3-16-10 more than 3 years ago! If the port kept up its maintenance, we wouldn't be here today."

At the hearing, another San Pedro homeowner and PCAC member stated, San Pedro homeowner stated, "You are declaring war on the neighborhood councils." Another San Pedro homeowner expressed that the disbandment was a poor attempt at solving the structural problems with PCAC and stated, "I'd give you a D-. I don't think this would reflect well on you."

Several PCAC members expressed the view that the disbandment as an overtly political move. Peter Warren a San Pedro Homeowner and member of PCAC said, "the port administration slowly withdrew financing and support for PCAC and then engaged with the Office of the Mayor to eliminate PCAC entirely. It is likely that this willful, stealthy dismantling of PCAC went hand-in-hand with port decisions to fast-track development at the new terminal while discarding required mitigation measures."

The disbandment was particularly controversial since the neighborhood councils were not given an opportunity to provide input on disbandment proposal prior to the presentation prior to the April 4, 2013 meeting. Bob Gelfand of the Coastal San Pedro Neighborhood Council stated that "One right we have is to be notified in advance. None of us were informed" (Rosenberg 2003). This "right" is guaranteed in Section 907 of the Los Angeles City Charter titled, "Early Warning System" which stipulates:

The Regulations shall establish procedures for receiving input from neighborhood councils prior to decisions by the City Council, City Council Committees and boards and commissions. The procedures shall include, but need not be limited to, notice to neighborhood councils as soon as practical, and a reasonable opportunity to provide input before decisions are made. Notices to be

provided include matters to be considered by the City Council, City Council Committees, and City boards or commissions.

Even though the dissolution process was seemingly improper, PCAC was never resurrected due to a lack of political will. A couple PCAC members themselves expressed that the committee was ineffective. At the public hearing right before the POLA BOHC vote on May 2, 2013, one member of PCAC described the contentious nature of the committee. He stated, “When it wasn’t contentious, it was highly contentious.” Another member who is the President of the Harbor Association of Industry and Commerce and sits on the Commission of workforce Development in Los Angeles stated, “The port staff do a yeoman’s job at taking direct abuse which is generally the tone of a PCAC Meeting... Port staff should be thanked and given raises for having to put up with really, really aggressive behavior which is the general tone of PCAC.” The only influential leader who publicly opposed its disbandment was Janice Hahn, who was serving as a Congresswoman of the 44<sup>th</sup> District of California by this time. She wrote a letter to Mayor Eric Garcetti (Janice Hahn to Eric Garcetti, Personal Communication, 2013), requesting that he “urge the Los Angeles Harbor Commissioners to reinstate PCAC in order to ensure a fair process with residents of the Harbor Area.”

The disbandment seemed to have a positive impact on morale of POLA staff. While I never observed PCAC in operation since I had started my fieldwork approximately seven months after the PCAC was dismantled, staff and other stakeholders at both ports frequently discussed the problems with PCAC. On January 13, 2014, a regulatory agency executive told me at a POLB Meeting, “PCAC was such a mess, so dysfunctional. It gave us all a headache, so I’m glad it no longer exists.” The POLA staff that I interacted with during my field work expressed similar sentiments about how dysfunctional of a committee it was.

### **The Re-negotiation of Stakeholder Relationships**

While it may have been more pleasant for port staff to not have to regularly communicate with community residents, the change also created a legal and reputational liability. The POLA got into hot water when 11 of the 52 measures to cut pollution agreed to in the 2003 China Shipping settlement were not met by the stipulated deadlines. Moreover, POLA failed to produce an annual report from the Mitigation Monitoring and Reporting Program from 2012-2015. The failure to implement the standards was publicized in an LA Times article on October 14, 2015 (Barboza 2015) and the next day by the Daily Breeze (Daily Breeze 2015). At the Board of Harbor Commissioners' Meeting, Executive Director of Gene Seroka attempted to neutralize the situation by mentioning that the measures were not violations of the Amended Stipulated Judgement.

At the BOHC meeting, Chris Cannon, POLA's Director of Environmental Management, made a presentation on POLA's air quality but neglected to address the POLA's failure to comply with the eleven mitigation requirements. He only discussed POLA's successful emissions reductions in the presentation. Nobody challenged him at the meeting. Aside from a question about the percentage of trucks that were currently compliant with the stipulations in the Clean Truck Program, the harbor commissioners did not ask any questions about his presentation or about the Notice of Preparation for the SEIR. There was no further public discussion about these topics at the meeting.

Leaders<sup>61</sup> of environmental and community groups directed much of their ire toward Chris Cannon, especially since the deadline to submit comments to the Notice of Preparation was on October 19, 2015, just four days after the BOHC meeting. Jesse Marquez and other leaders penned a letter to Mayor Garcetti on October 19, 2015 requesting the suspension of Christopher Cannon, Director of Environmental Management, as well as all staff and consultant contractors working on the China Shipping

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<sup>61</sup> This letter was co-signed by Jesse Marquez, Executive Director of the Coalition For Clean Air; Drew Wood, Executive Director of California Kids AIQ; Ricardo Pulido, Executive Director of Community Dreams; Alfred Carrillo, Pastor of the Apostolic Faith Center; Rabina Suwol, Executive Director of California Safe Schools; Mitzi Shpak, Executive Director of Action Now; Cynthia Babich, Founder and Director of Del Amo Action Committee and Coordinator of the Los Angeles Environmental Justice Network; Shabaka Heru, Executive Director of the Society For Positive Action; and John Miller, President of San Pedro & Peninsula Homeowners Coalition.

Terminal Project EIR. On the same day, David Pettit a senior attorney from the NRDC co-signed a letter with fourteen individuals<sup>62</sup> from environmental non-profit organizations and San Pedro Homeowners' associations expressing their dissatisfaction around the port's non-compliance, requesting an extension of the public comment period, and requesting several environmental mitigation measures.

Three San Pedro residents, June Smith, Peter Warren and Jack Brisley submitted individual letters to POLA on October 18<sup>th</sup> and October 19<sup>th</sup>. Peter Warren's letter to Chris Cannon expressed his strong objection "to the timing, content and deadline for public comment to the Notice of Preparation for the Draft SEIR for the berths 97-109 China Shipping project" and requested the withdrawal of the Notice of Preparation. He asserted that POLA willfully ignored the previous EIR/EIS "for years and likely fraudulently completed, or at the very least was agreed to by the harbor commission though senior port staff was engaging with its customers to bypass mitigation requirements." He closed the letter by stating that the non-compliance, withholding of information, and violation of the court- approved settlement was so egregious that [he] would urge the plaintiffs in the China Shipping lawsuit to seek appointment of an overseer or some form of receivership for the port and its harbor commissioners with regard to compliance with environmental laws and court-approved settlements, but certainly with regard to next steps for the China Shipping Terminal.

Jack Brisley's email sent to POLA's Environmental Manager, Lisa Oschner, expressed extreme displeasure with POLA. The 20-year resident of San Pedro described himself as once being a longtime supporter of the Port and its activities whose support was rooted in the "premise the Port is a respectable enterprise with the wellbeing of the area residents in mind, to a practical extent, while conducting the

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<sup>62</sup> The NRDC letter was co-signed by John Miller, President of San Pedro & Peninsula Homeowners Coalition; Kathleen Woodfield, Vice President of San Pedro and Peninsula Homeowners Coalition; Janet Schaaf-Gunter, Member of San Pedro and Peninsula Homeowners United; Check Hart, President of San Pedro Peninsula Homeowners United; Gisele Fong, Executive Director of End Oil/Communities for Clean Ports; Joe Lyou, Coalition for Clean Air; mark! Lopez, Executive Director of EYCEJ; Jesse Marquez, Executive Director of the Coalition For Clean Air; Drew Wood, Executive Director of California Kids AIQ; Ricardo Pulido, Executive Director of Community Dreams; Alfred Carrillo, Pastor of the Apostolic Faith Center; Gladys Limon, Staff Attorney for CBE, June Smith, San Pedro resident and Joe Galliani, Organizer for South Bay 350 Climate Action Group.

required activities of this very important hub of commerce.” He stated that he had recently lost trust in POLA and its “last minute deadline to respond, which seems part and parcel of the sleazy behavior of the Port regarding the entire process of agreeing to environmental mitigation, traffic mitigation and many other details agreed to by the Port regarding the China Shipping Terminal Project.” He closed the letter by stating that, “I may be a nobody to the Port but I do intend to become an anti-Port activist if this is the nature of the entity that I have to live with and for a time, trusted and believed to be a respectable enterprise as far engagement with the community goes.”

Many of the signatories turned out for POLA BOHC’s special meeting held at POLA’s administrative building in San Pedro at 8:30am on November 10, 2015. The two signatories from the San Pedro Homeowners’ Coalition made public comments rebuking the port. During the public comment period, San Pedro resident John Miller stated:

It’s very disturbing. A public agency or big corporation can’t just make all these promises to the public to get their project done, and then later say oh by the way we haven’t done it and we haven’t told you what we really said what we were going to do, and we can’t do it and we aren’t going to do it, so we’re going to change everything. This really defeats the whole CEQA/ NEPA process if agencies can just get away with making promises to get the project done and then changing the game. It’s now obvious that the Port of Los Angeles has cynically devised a long-term plan that ultimately now constitutes a massive betrayal of the public’s trust in the port. The revelation that the port has not completed many of the measures to the degree comes as a disheartening shock. Many of us began to feel we could trust the port to keep its promises. Obviously this is not the case. What we have here is another example of promises made to the public by the Port of Los Angeles that were broken and ignored. We the public were misled to believe that China Shipping is a much cleaner project than it really is. It appears that the mitigation promise wasn’t happening, and the port knew all along. This makes the Clean Air Action Plan and the emission inventories fraudulently based documents. The assumptions in these reports are based on the mitigation measures that have not been carried out. The port has been trumpeting these documents far and wide and now we learn that they are based on Green smoke, green mirrors, green hot air, and green BS. Anyway, this could have been prevented if PCAC was allowed to continue in its existence. If it hadn’t been taken away by the previous port director with the support of that board of harbor commissioners. If we had an effective port community advisory committee we would have known about these problems much sooner, and we probably would be sitting down in a room talking to one another to work this out, to figure out what do. Now it looks like we have a problem that will involve the courts again, unfortunately.

Ambassador Vilma Martinez, President of the Los Angeles Harbor Commission, responded by saying, “This commission listens very carefully to all of your comments. This is a relatively new commission, which is looking into this thing, and this is why we are where we are.” This response appears to be a strategy to deflect blame. At the meeting, Gene Seroka again emphasized that the eleven measures were not set by the Amended Stipulated Judgement. While his statement is technically true, it’s the case that the Amended Stipulated Judgement required POLA to write an EIR for the China Shipping. The stipulations were set in the China Shipping 2008 EIR so in actuality, the Amended Stipulated Judgement was the antecedent for the measures.

In the midst of this controversy, Congresswoman Hahn Janice Hahn renewed her request to resurrect PCAC (Littlejohn 2016). With the threat of a lawsuit for not meeting these mitigation requirements, POLA staff attempted to create an outlet for community voice without reverting to PCAC. POLA hired a Santa Monica-based environmental consulting group to help navigate this process. Every week from July 2016-2017, I participated in weekly phone meetings with POLA staff and consultants where they developed strategies to reduce pushback from the community activists that port staff would frequently refer to as “port haters” and “enviros” at staff meetings.

In 2016, POLA developed three separate initiatives that partially replaced the functions of PCAC. This included monthly drop-in office hours, quarterly open houses, and the Sustainable Freight Advisory Committee (SFAC). The Director of Environmental Management organized monthly drop-in office hours and quarterly open houses to answer environmental questions. POLA had weekly meetings with the consulting group to phase in these meetings and have them run effectively. Despite the efforts to reduce tension at these meetings, I observed a significant amount of tension between the POLA staff and environmental leaders during the monthly drop-in hours in 2016-2017.

The creation of the Sustainable Freight Advisory Committee was the last piece the PCAC replacement. Unlike Hahn’s democratically elected committee, this committee only included invited

members and port staff. Mayor Eric Garcetti sent invitations to a selection of experts on May 31, 2016. These members made up the ten-member committee that included stakeholders from a cross-section of business, environmental, community, labor, and regulatory sectors. The members included: Louis Dominguez, Chair of Coastal San Pedro Neighborhood Council's Port and Environmental Committee; Michele Grubbs, Vice President of the Pacific Merchant Shipping Association; James Jack, Executive Director of the Coalition for Responsible Transportation; Joe Lyou, President and CEO of the Coalition for Clean Air and SCAQMD Board Member; Adrian Martinez, Staff Attorney for Earthjustice; Cynthia Marvin, Transportation and Toxics Division Chief of CARB; Matt Miyasato, Deputy Executive Officer of SCAQMD; Peter Peyton, Former President of ILWU 63; Jonathan Rosenthal, Portfolio Manager of Saybrook Capital; and Elizabeth Warren, Executive Director of Futureports. While two members were San Pedro residents, the committee was primarily comprised of individuals who resided outside of the port-adjacent communities. The SFAC member from CARB flew in from Sacramento each month.

The objective of the committee was to make concrete recommendations to Port of Los Angeles Executive Director Gene Seroka and to Eric Garcetti on strategies that what would utilize zero emissions technology and continual progress in moving cargo more efficiently. Starting in June 2016, the committee met on a monthly basis at the Port of Los Angeles' board room along with a senior POLA staff and sustainability officer from the City of Los Angeles' Mayor's Office.

The committee members, senior port staff, and consultants sat at the table, while more junior port staff sat in chairs that line the perimeter of the room. With a planned agenda, the committee identified viable strategies and technologies for zero and near-zero emissions goods movement operations, potential partners, as well as public and private financial resources. The committee discussed and identified the initial vital priorities at the first meeting. These areas included: zero emission truck deployment projects; zero emission top handler technology development and deployment; and broad system improvements to increase on-dock and short-haul rail.

Unlike PCAC, which failed to implement term-limits, the committee was designed to convene for a year and was tasked with the specific goal of making recommendations to the Los Angeles Mayor's Office for implementing a sustainable freight plan. The SFAC had a narrow goal, a specific timeframe for achieving that goal, and individuals with relevant technical expertise who could meaningfully contribute. The Port's use of a Santa Monica-based consulting firm moderated the discussions and kept a very tight schedule at the monthly meetings.

By the fall of 2016, the Committee approved the first two recommendations; the first urged POLA to issue a Request for Proposal for the demonstration of zero emission heavy duty equipment for moving containers off and on ships, and the second recommends a strategy for the POLA to evaluate and demonstrate a meaningful number of zero emission trucks that move containers from the port to warehouse. Later in fall, the joint San Pedro Bay Ports released the 2017 CAAP. The overview document outlined new concepts the ports were considering for the third iteration of the plan. The committee made a series of recommendations and presented the report at Los Angeles City Hall on June 9, 2017, which was met with much celebration from local political and business leaders.<sup>63</sup>

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<sup>63</sup> This was the last SFAC event that I attended. While the committee no longer was scheduled to regularly meet they agreed in the May meeting to be willing to collaborate on an as-needed basis to craft policy proposals.



Figure 19, SFAC Annual Report



Source: Port of Los Angeles Press Release, 2017

The senior-level port staff seemed pleased that this group of professionals was able to provide concrete technical recommendations to the port and thus fulfill one of the functions of PCAC. In contrast to the retrospective accounts and minutes from PCAC meetings that portrayed a contentious atmosphere, these meetings maintained a professional civility. The senior port staff seemed to significantly prefer this model since they could control the composition of the committee and did not have to endure an atmosphere that challenged their institutional identity. From my observations, the senior port staff seemed to value professional expertise of SFAC. While this model has its benefits, it remains to be seen how much power the harbor residents will be able to retain with this new arrangement.

**Conclusion:**

After the China Shipping Terminal conflict, both ports adopted a Triple Bottom Line Framework, and have invested a significant amount of material resources in cultivating community goodwill. One can see this investment as a strategy to reduce lawsuits and ensure smooth operations. Before describing some of these measures it's noteworthy that while there is a lot of rhetoric around reaching out to "the community," port officials have not clearly identified the parameters of "the community." This is particularly murky for the Port of Los Angeles, located in a city comprised of four million residents. As a department of the City of Los Angeles, POLA is accountable to the entire city; however, the majority of their outreach and messaging is directed toward the residents of San Pedro, Wilmington, Harbor City, and Harbor Gateway.

The POLA and POLB made significant personnel changes after the China Shipping Lawsuit to implement this new mission. Both ports restructured their organization and created community relations departments that have significantly expanded their outreach efforts. After the China Shipping Case, POLA hired two Community Relations Specialists who regularly attend the neighborhood council meetings.<sup>64</sup> Many of the neighborhood councils have active port sub-committees that serve as liaisons to the port. In some ways, this was one of the original intentions of PCAC. The POLA also invites the presidents of each of the neighborhood councils in HANC to the port headquarters for a Neighborhood Council President's Meeting in the evening on the first Thursday of the month. The presidents of the San Pedro Chamber of Commerce and the Wilmington Chamber of Commerce are invited.

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<sup>64</sup> I learned this from an interview with a POLA staff member on January 10, 2015. I would observe staff members at these meetings from 2015-2018.

While San Pedro homeowners, who were predominately White, dominated PCAC, the work of PCAC and its subcommittees ended up creating lasting ties between environmental organizations that would allow them to form a community coalition. As Butterfloss and Kegler (2009) note, coalitions have the potential to act as vehicles that bring people together, expand available resources, and wield more influence than single organizations. While the partnership between San Pedro homeowners and NRDC didn't represent particularly diverse array factions or constituencies within the port-adjacent communities, they were able to bring together a diverse set of stakeholders together as seen at the Pier J EIR appeal hearing. PCAC served as a nexus for resource sharing since it drew in residents from Wilmington and other minority-majority harbor communities not directly involved in the China Shipping case. Serving on a committee together allowed residents from San Pedro, Wilmington, and Harbor Gateway to understand that their environmental fates were yoked since this advisory committee was the official channel to make port recommendations to the Los Angeles Harbor Commission. Despite their socioeconomic differences, they shared a common stated goal of "having the port reduce emissions" (Port of Los Angeles External Affairs 2013).

While it is unquestionable that POLA took unilateral action to end PCAC, there is debate about whether the implosion was caused by external factors or internal factors. One hand, there is evidence such as Rosenberg's article "PCAC Killed With Swift, Secretive Action" that strongly suggests that Knatz did not see PCAC members at legitimate and sought to connect with them through neighborhood councils and other channels. On the other, there is evidence from the three external reviews of PCAC and public comments that the internal dynamics were oppressive. One can plausibly argue that these internal dynamics reduced community participation to levels below the threshold for meeting quorum, thereby making it an ineffective body. Regardless of which position one takes, it is important to consider what was lost and gained through the replacement of PCAC.

After the dismantlement of PCAC, port staff were no longer obligated to meet with community members. While many port staff engaged with former PCAC members at BOHC meetings, staff were not obligated to attend these meetings. POLA's adoption of a more managed form of engagement significantly reduced the opportunities for claim-makers to engage in face-to-face reputational challenges. This diminished opportunity corresponds with a diminished level of power. On the other hand, a less tense atmosphere could potentially draw more stakeholders, especially those from marginalized backgrounds to engage with the port. Bringing a group of technical experts in a room together increases the likelihood of creating an implementable policy that would reduce air pollution, and reducing air pollution was the primary goal for PCAC. So far, however, the ongoing competition with POLB appears to be a sufficient mechanism for long-term adoption of the Triple Bottom Line Framework.

## **Chapter 6: Conclusion**

This chapter briefly evaluates port-community conflicts and discusses ongoing political challenges. It explores how the twin ports' commitment to environmentalism has spurred economic opportunities. I reflect on the fragility of this arrangement, since the expansion of automation at the port terminals cast doubt on these quality of life gains for port-adjacent residents. This chapter concludes with a discussion of how other port-adjacent communities may learn from this case and negotiate a greater amount of benefits associated with global trade

The China Shipping Lawsuit was a watershed moment for the twin ports and the catalyst for a dramatic reshaping of the urban regime since the ports needed a community license to operate. The twin port adoption of the Triple Bottom Line Framework has yielded significant benefits for residents in communities adjacent to the ports. As I argue throughout the dissertation, the adoption of this framework was contingent on the reframing of the environmental movement. Pluralism within the environmental movement was an important condition that allowed for the development and mobilization of diverse coalitions, where members came from a variety socio-economic and racial backgrounds. The 2001 Los Angeles mayoral election and the secession movement generated an insurgent consciousness and disunity among the elites, creating favorable conditions for challengers.

In Southern California, mainstream environmental groups and grassroots community groups that focus on air quality generally have a symbiotic relationship that has been mutually beneficial to the organizations and which significantly expanded the collective voice of the residents of harbor communities. The altered power dynamic created a new set of organizational priorities and relationships between the twin ports and surrounding communities. While White San Pedro homeowners may seem like the greatest beneficiaries of the China Shipping Lawsuit, poorer and more vulnerable residents benefited from the partnerships and precedents stemming from this lawsuit.

The contestation for clean air is ongoing. While there are many benefits the harbor community residents gained from their collective action, cleaner air is the most fundamental gain. While there is significant debate around the accuracy of measurement and the appropriate metrics to use, there has been a significant reduction in emissions of NO<sub>x</sub>, SO<sub>x</sub>, and DPM after the adoption of the Clean Air Action Plan and implementation of other environmental regulations drastically reduced air pollution from mobile sources. In 2017, there was an 87% reduction for DPM emissions, 57% reduction for NO<sub>x</sub> emissions and 98% reduction for SO<sub>x</sub> emissions from the 2005 baselines (Clean Air Action Plan, 2017). While these emission reductions are significant, the port is still a major source of air pollution, and the harbor residents continue to bear the negative environmental externalities of global trade. Achieving further emissions reductions is becoming increasingly challenging since cargo volumes have been increasing and much of the remaining pollution derives from ocean going vessels that are difficult to regulate. It will become increasingly expensive to further reduce emissions since much of and the low-hanging fruit has already been picked.

Progress in reducing air pollution has not been linear. Los Angeles County remains #1 in having the largest number of days of ozone violations. Recent increases in smog over the last few years have bucked a long-term trend of improving air quality in the South Coast Region. In 2017, the Los Angeles County logged 145 ozone violations days, up from 132 in 2016 and 113 in 2015 (Barboza 2017).

The Triple Bottom Line Framework has generated opportunities for the development of green technology. The twin ports' large market share of west coast cargo provides companies the opportunity to showcase their products to potential customers and engage in port-sponsored pilot programs. The twin ports jointly created the Port Technology Advancement Program in 2007. The program has sponsored the testing of new emission reduction technologies for zero and near-zero emissions cargo-handling equipment, harbor craft technologies, ship technologies, and locomotive technologies. Grants to private businesses have included the development and testing of catenary systems, liquefied natural gas, electric-

powered terminal equipment and heavy-duty trucks, vessel stack scrubber technologies, and a hybrid tug boat.

The development of the PortTechLA is another example of the synergistic economic growth. PortTechLA is a public/private non-profit technology center and business incubator with the mission of attracting and mentoring companies with technologies that will enable the twin ports, and ports worldwide, to meet their immediate and future environmental, energy, security and logistics goals. The PortTechLA incubator provides a conduit for the development of green technology being able to get to market as quickly as possible.

There is a tension between the development of green technology and automation. The expansion of the 2008 ILWU/PMA Pacific Coast Longshore and Clerks' Agreement gives individual employers "explicit authority" to implement unmanned cargo-handling equipment, such as automated stacking cranes and guided vehicles. In fact, language in the contract even stipulates the union "will not interfere with implementation." In exchange, the ILWU secured enhanced benefits, including a top pension benefit of more than \$95,000 per year upon retirement. Under the current contract, employers have eliminated hundreds of longshore jobs through automation on marine terminals such as the fully automated Long Beach Container Terminal and the semi-automated TraPac freight-forwarding facility in the Port of Los Angeles. "Those robots represent hundreds of (lost) jobs," said Bobby Olvera Jr., president of International Longshore and Warehouse Union Local 13. "It means hundreds of people that aren't shopping. They aren't paying taxes and they aren't buying homes." (Uranga 2017). The widespread adoption of automation has the potential to dramatically reduce jobs. Dramatic reductions in jobs would alter the relationship between the port and port-adjacent communities and threaten their ability to maintain community goodwill since they would no longer be supplying a chief good.

## **Port-Community Benefit Agreements**

Residents of other port communities in the United States can use the lessons drawn in this study to develop strategies for obtaining a more equitable share of the distributional benefits from the port in their respective city. While no other city in the United States has a port as large or powerful as the ones in Los Angeles and Long Beach, the twin ports' adoption of the Triple Bottom Line framework changed norms within the maritime industry. Most major US ports have now adopted some version of a "green port" program. Many of the programs focus on recycling, water quality, and energy efficiency. One can borrow the framework for a community benefits agreement when developing a port-community benefits agreement.

Los Angeles has been the epicenter of innovation in business-community relationships. The Los Angeles Alliance for a New Economy (LAANE) invented the concept of Community Benefits Agreements (CBAs) in 1998 (Drier 2011). These legally binding contracts with the city and developers ensure that large development projects bring tangible benefits to nearby communities. Since the first CBA in 1998, dozens of similar agreements have been brokered in cities across the country. CBAs generally include provisions for affordable housing, living-wage jobs, local hiring, and subsidies for displaced residents (Janis 2007). Saito (2012) argues that CBAs represent a new model of civic engagement for low-income residents and highlight a fundamental change in urban politics. LeRoy and Purinton (2005) explain that such agreements reflect increasing political influence of low-income residents.

The collective benefits derived from the port settlements are cousins of community benefit agreements in which private developers provide collective benefits to a coalition before developing a parcel of land. This arrangement differs in that the port authorities are public entities and the benefits are not all pre-determined. Some of the benefits were negotiated in settlements, while others were given prospectively on an ad hoc basis. During my fieldwork, staff or leaders at neither of the ports ever



referred to these arrangements as community benefit agreements. This was especially curious given the extremely frequent usage of the word “community.” The project-based benefits were referred to as deriving from a “settlement,” such as the “China Shipping Settlement” and the “TraPac Settlement.” Nevertheless, I categorize the Amended Stipulated Judgement from the China Shipping Lawsuit and the TraPac MOU as community benefit agreements.

When developing and attempting to implement a port-community benefits agreement, communities outside of California should consider mobilizing around NEPA enforcement. When engaging in legal mobilization they could frame their campaign around environmental justice and organize with a diverse coalition. Political disunity was a major factor for the success of the mobilization around China Shipping, so making a public challenge during an election year or during a contentious political period may increase the likelihood of success. It is my hope that this study can provide guidance to these challengers.

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