

# ***Legal Briefs***

## ***News You Can Use from the City of Oakland Office of the City Attorney***

*Legal Briefs is a series of essays by City Attorney John Russo to update the community on key projects, major initiatives and important legal developments in the Office of the City Attorney.*

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### **RED STAR YEAST SHUTTERS ITS DOORS AFTER 100 YEARS Neighborhood Law Corps Helps West Oakland Community Win a Long-Fought Environmental Victory**

It hardly bears repeating, but sometimes government is not as responsive to residents' needs as it should be. One fine example is the Red Star Yeast factory, nestled in the mainly residential Prescott neighborhood in West Oakland.

For years, West Oakland residents complained of the factory's acrid smell, which, because of the factory's fermentation process, resulted in numerous odor episodes. Not only did this smell annoy, some neighbors claimed it lead to asthma and other health conditions. In 2002, the Pacific Institute produced a report\* that the factory was one of the Bay Area's worst polluters, and that one of its emissions, acetaldehyde, was a likely cancer-causing agent.

Soon after, West Oakland residents let their voices be heard. And we heard them loud and clear. For too long, the City and the Bay Area Air Quality Management District (BAAQMD) ignored the community's complaints about odor and pollution from Red Star Yeast.

At a public hearing in July 2002, I urged the Bay Area Air Quality Management District (BAAQMD) to assert itself, and, as the Bay Area's primary regulator of air pollution, to stop Red Star Yeast from emitting this smell-causing and possibly cancer-causing pollution. I also advocated for Red Star Yeast to be a good neighbor.

Immediately following that hearing, I tasked the Neighborhood Law Corps with investigating whether the Red Star Yeast factory constituted a public nuisance. Neighborhood Law Corps attorney Liam Garland tackled the project head on by working with a coalition of West Oakland community leaders and organizations to advocate changes in the BAAQMD's permit and regulatory process. As a result, BAAQMD changed the way it took odor complaints, deemed the factory a chronic violator, and eliminated an exemption that enabled the plant to emit more than allowed by law.

On April 1, 2003, LeSaffre Inc, the multinational corporation which owns Red Star Yeast, announced its decision to close the factory for good. It cited "a combination of

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\* For a copy of the report, contact the Pacific Institute or see: [http://www.pacinst.org/reports/environmental\\_indicators.htm](http://www.pacinst.org/reports/environmental_indicators.htm)

market economics and challenging California environmental conditions” for the closure. Indeed, the factory was facing new permit conditions imposed by the BAAQMD that would have required it to reduce emissions by 90%.

But the unspoken reason for the closure is the reality that after 100 years of operation, it is no longer reasonable for a yeast manufacturing plant to operate in a residential community, exposing vulnerable populations such as children and seniors to air pollution, exacerbating the already high levels of respiratory illness and impeding the City’s efforts to attract clean businesses to West Oakland.

I applaud the West Oakland community for their sheer dogged determination to stand up for their right to breathe clean air and for demanding that the BAAQMD respond to their legitimate concerns.

I am proud of the Neighborhood Law Corps and its West Oakland attorney Liam Garland, who embody the spirit of government working on behalf of its residents for this effort.

And kudos to Councilmember Nancy Nadel and her staff, who are unwavering advocates for the environmental and economic health of West Oakland.