Proposition 45: A Rubber Stamp for Environmentally Harmful Development with Big Costs for Californians

A dangerous initiative is on California's November ballot, one that would dramatically degrade the state's environmental and land use protections and worsen our affordability crisis.

By Carolee Krieger

Proposition 45 – aka, the Expedited Environmental Review Process for Certain Projects – is touted by the California Chamber of Commerce, which represents America's largest corporations, as a "reform" to the California Environmental Quality Act (CEQA), the seminal legislation that has protected the state's land, water and air quality from ill-conceived development projects for more than 55 years. CEQA requires state and local environmental review of proposed projects, stipulates specific impact mitigations, demands transparency in the review and public comments processes, and enables effective citizen judicial challenges to destructive projects.

Proposition 45 negates much of CEQA's power, particularly for large publicly funded projects – the kind of projects that the landmark environmental legislation was specifically designed to regulate.

This is not mere happenstance. Proposition 45 was drafted by big business with the support of Governor Newsom to expedite projects that cause massive environmental harms and raise rates for water and electricity (alternate link), including data centers, luxury residential and commercial developments that remove coastal access, and large industrial facilities.

Here's what Proposition 45 would do:

- Enforce shortened deadlines for environmental reviews of projects deemed "essential" by the Governor
- Limit the requirement now incumbent on public agencies to consider a range of project alternatives that would reduce environmental impacts
- Change the current court review process for project approvals by setting arbitrary deadlines for lawsuit filing and resolution
- Limit the evidence courts can consider for review
- Limit the relief and remedies courts can impose

In short, Proposition 45 doesn't reform or augment CEQA. It guts CEQA; it replaces the most effective environmental oversight legislation in the country with a toothless review process. Proposition 45 is basically a rubber stamp for any big development project that a sitting administration favors. Further, by attempting to impose arbitrary limits on the courts, it is a blatant and unconstitutional violation of the separation of government powers.

Under the Expedited Review Process, any administration can truncate or run roughshod over any required analysis of any project deemed "essential." And when pushed by corporate growers and

developers who donate heavily to political campaigns, projects that promise rich profits can quickly become "essential" to politicians. Think data centers and massive "new cities" such as California Forever.

Proposition 45 certainly serves a constituency, but it is not the millions of Californians struggling to afford housing, healthcare, food, water, and electricity. It serves the wealthy, the powerful, and the politically connected. Worse, it assures that billions of public dollars won't go to education, infill low-cost housing, reduced health care costs, affordable food and water access, environmental restoration, or the myriad other programs Californians need. Instead, the money will flow to the already bloated bank accounts of the corporate shot callers controlling Sacramento and Washington. Proposition 45 will further kleptocracy, not democracy. Vote no.

Carolee Krieger C-WIN President and Executive Director
Carolee Krieger founded the California Water Impact Network in 2001 with Dorothy Green, Michael Jackson, and Yvon Chouinard. Though a longtime activist, the Monterey Amendments prompted Krieger to formalize her efforts by establishing C-WIN as a 501(c)-3, and broadening her network of public advocates focused on California water equity issues.

The California Water Impact Network is a state-wide organization that advocates for the equitable and sustainable use of California's freshwater resources for all Californians.