



June 4, 2024

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

Subject: Request State of Emergency and Intervention from the Centers for Disease Control for Pollution Crisis in the Tijuana River

Dear Governor Newsom,

As Mayors in San Diego County, the fifth largest county in the nation, we are once again compelled to address the urgent and escalating public health emergency related to the Tijuana River, which is severely impacting the communities and coastal waters of south San Diego County. Over one billion gallons of untreated wastewater pour into this region each month, resulting in the closure of Imperial Beach's shoreline for more than 900 consecutive days. Additionally, Coronado beaches have been closed more than 50% of the time over the past two years. The resulting pollution is also impacting the air quality of the communities of Imperial Beach, Nestor, San Ysidro, Tijuana River Valley, Egger Highlands, South Chula Vista, and Otay Mesa West. This environmental disaster is causing profound social, economic, public health, and ecological damage. The magnitude of this crisis continues to escalate and demands the full mobilization of state resources to bring greater accountability and expedited solutions to this ongoing disaster. We are reaching out once again to request State intervention by requesting the Centers for Disease Control intervene and assist in the health monitoring and assessment of the residents in these communities. Furthermore, we renew our request for a declaration of an emergency from the State of California for the pollution crisis in the Tijuana River, or at minimum request the Biden Administration declare one.

The coastal communities of south San Diego County are grappling with an unprecedented public health crisis along the border as documented in a recent San Diego State University White Paper.¹ The community is rightfully concerned about long-term exposure to pollution from the Tijuana River and the ever-present odors that are a daily reminder of the hazards of living and working in the area. The contamination in and around the Tijuana River and Estuary include high levels of metals, pesticides, herbicides, volatile organic carbons, and semi-volatile organic compounds. Local researchers and government agencies have identified 392 organic chemical and inorganic elements, many of which are known to be persistent, bio-accumulative, carcinogenic, toxic, and can be resuspended in water and air during weather events both in the wet and dry seasons, exposing nearby communities. This past month, the California Congressional delegation sent a letter to the Centers for Disease Control and Prevention (CDC) to investigate the public health impacts of wastewater contamination in the Tijuana River. We strongly urge your office to provide a similar request to the

¹ https://www.sdsu.edu/_files/tijuana-sewage-contamination-public-health-crisis-white-paper-021424.pdf

CDC and to direct existing State resources under the California Environmental Protection Agency (CalEPA) to provide expert guidance and response to the public health concerns of the community. Specifically, the State Water Resources Control Board, Department of Toxic Substances Control, State Department of Public Health, and the California-Mexico Border Relations Council are strategically positioned to help address and respond to the public health concerns being raised in the community.

Solving the Tijuana River pollution crisis requires working on multiple fronts with binational projects on both sides of the border. The Environmental Protection Agency's comprehensive solution identifies essential projects such as modernizing the wastewater treatment system for the Tijuana border region, constructing a U.S. side river diversion to capture and treat contaminated dry weather flows, implementing water recycling projects, installing trash control measures, and managing sediment for flood control. These projects require sustained federal support, binational policy development through the IBWC treaty minute process, funding for construction and long-term maintenance, and the political will to foster sustainable economic development along the border. The State of California has the responsibility to accelerate and prioritize these major infrastructure solutions along the border and finally end the continuous inundation of cross-border pollution into south San Diego County, by prioritizing this crisis. Furthermore, the State can now financially contribute to these infrastructure projects per the FY'24 congressional minibus adopted this year by congress (see [Sec. 7074](#) on page 1001) which states that: "amounts may be accepted from Federal or non-Federal entities and deposited in any account under the heading "International Boundary and Water Commission, United States and Mexico" to study, design, construct, operate, and maintain treatment and flood control works and related structures, consistent with the functions of the United States Section."²

To complement those efforts, we renew our request for the Governor to declare a state of emergency. The reprehensible conditions in the Tijuana River Valley fall squarely within the definition of a "state of emergency" under the Emergency Services Act: "conditions of disaster or of extreme peril to the safety of persons and property within the state . . . which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat." Gov. Code § 8558(b).

We are aware of the Governor's position on an emergency declaration as set forth in an October 10, 2023, letter to the Coastal Commission declaring that conditions in the River Valley are a "crisis," but not worthy of an emergency declaration. But, as discussed in that letter, suspension of state law is not the only justification for declaring an emergency. A declaration would provide the Governor with additional, critical tools that could provide a significant measure of relief to the residents of San Diego County and the State's property and resources. For instance, the Governor could "use and employ [the State's] property, services and resources" to mitigate the effects of the Tijuana River crisis, including by deploying medical staff to serve the impacted communities and cleaning up polluted state property in the Tijuana River Valley and Border Fields State Park; or he could "ascertain the requirements" of our communities to avoid preventable disease and property damage stemming from this pollution. *Id.* §§ 8570(a), (c).

² <https://docs.house.gov/billsthisweek/20240318/WDI39597.PDF>

In parallel with declaring its own emergency, we ask the Governor to demand a federal emergency declaration. As the Governor's office acknowledged in the October 10th letter, the main drivers of conditions in the Tijuana River Valley are federal facilities and transboundary waters under federal jurisdiction. We ask the Governor to champion Southern California's dire need for a federal emergency declaration to free up additional funding sources and flexibility within President Biden's administration to accelerate its response.

It is also important to underscore the legal and moral obligation of the State to act in this matter. Governor Newsom and Attorney General Bonta are avowed champions of environmental justice: "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." Gov. Code, § 65040.12(e). The state of California has a duty to protect the health and well-being of its residents—especially in the disadvantaged communities most impacted by the Tijuana River pollution—and to preserve its natural resources. The pollution crisis in the Tijuana River violates both state and federal environmental laws, and it is incumbent upon the State to implement and enforce these laws vigorously.

As elected officials in San Diego County, we call upon the state to fully engage its enforcement authority and political influence to accelerate the actions of U.S. and Mexican agencies to implementing a comprehensive solution to this crisis. The State must strategically fund projects, mobilize and deploy resources under CalEPA, respond to the unprecedented public health crisis along the border, and support our requests for a State and Federal declaration of emergency.

Respectfully,



Mayor of Carlsbad



Mayor of Del Mar



Mayor of Escondido



Mayor of Lemon Grove



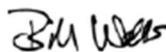
Mayor of Poway



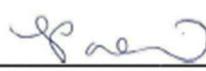
Mayor of Santee



Mayor of Chula Vista



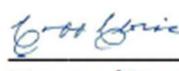
Mayor of El Cajon



Mayor of Imperial Beach



Mayor of National City



Mayor of San Diego



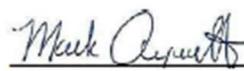
Mayor of Solana Beach



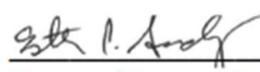
Mayor of Coronado



Mayor of Encinitas



Mayor of La Mesa



Mayor of Oceanside



Mayor of San Marcos



Mayor of Vista

CC:

California Coastal Commission

California Department of Public Health

California Environmental Protection Agency

California State Water Board

Air Resources Control Board

Office of State Public Health Officer

Department of Toxic Substances Control

World Health Organization