



June 2, 2014

CalEnviroScreen
c/o John Faust, Chief, Community Assessment & Research Section
Office of Environmental Health Hazard Assessment
1515 Clay Street, Suite 1600
Oakland, CA 94612

RE: Comments In Response to CalEnviroScreen 2.0

Dear Mr. Faust,

The Office of Environmental Health Hazard Assessment (OEHHA) and the California Environmental Protection Agency (CalEPA, EPA or Agency), through the California Communities Environmental Health Screening Tool: CalEnviroScreen 2.0 (CalEnviroScreen 2.0, CalEnviroScreen or Screening Tool)), continue to set the standard for data analysis, open process and commitment to creating a healthier and stronger California. OEHHA has strengthened what was already a strong, albeit imperfect, tool by, among other changes, switching target geographies from ZTCAs to Census Tracts, including an unemployment indicator and including a drinking water indicator.

Avoiding the Risk of Excluding Disadvantaged Communities from State Programs and Protecting the Tool from Meeting the Same Fate as the Goose that Laid the Golden Eggs

CalEnviroScreen, already a boon to California and stronger with each iteration, risks being undermined if it is held out as the exclusive determinant of critical statewide and local investment programs and environmental protection efforts.

CalEPA initially developed the Screening tool to assist the Agency in carrying out its environmental justice mission by analyzing the impacts of multiple pollution sources in California communities. The CalEnviroScreen – both this version and the versions that follow - will continue to improve upon OEHHA's work to date to provide unmatched and invaluable insights and data for the purposes of identifying communities cumulatively burdened by pollution, communities burdened by certain categories or types of pollutants, and data gaps that need remedying.

Thanks in part to its remarkable analyses, in part to SB 535's vesting of the Agency with the responsibility to identify disadvantaged communities for the purpose of cap and trade investments and in part to legislation that relies on CalEnviroScreen to prioritize environmental protection activities, the Screening Tool appears to represent a veritable cash cow – or cash goose – that embodies the hope of many communities for a wide array of investments on one hand, and the absence of hope for many communities and cities that fall beyond the cut-off point of the 20% most vulnerable communities as determined by CalEnviroScreen.

The Screening Tool must play a central role in guiding the state's planning and investment efforts yet it must not play an exclusive roll, or else it risks cutting very, very needy communities from investment opportunities and highly contaminated regions from local and statewide environmental protection efforts. Many severely economically disadvantaged communities remain outside of CalEnviroScreen's critical top 20% and broadly recognized data gaps render findings incomplete and rankings inaccurate.

Additionally and understandably, to the extent CalEnviroScreen is the exclusive determinant of disadvantage for critical state and local programs, it risks attracting efforts to manipulate it and undermine its purpose and benefits by those worthy advocates, local governments and stakeholders fighting to maintain or obtain the riches that the Screening Tool promises.

We understand that OEHHA and CalEPA are responsible for developing this tool, and to a large extent other state actors are responsible for determining its use. We feel, though, that CalEPA and OEHHA as the tool's authors and those in the best position to understand its limitations and imperfections, can and should caution against reliance on the tool as the exclusive indicator of disadvantage for Cap and Trade funds, for other investment programs, and for environmental protection efforts to ensure that communities most in need are not excluded from critical programs. California and its constituent communities will thus benefit for generations from the data and analyses generated by the iterative Screening Tool rather than risk that its value be weakened by those concerned (the authors of this correspondence included) that the only gold to be found - for environmental protection efforts, for housing, for infrastructure investment, for investments in renewable energy in disadvantaged communities - lies in the bowels of the already vital but still growing and developing CalEnviroScreen.

Comments on Individual Indicators

The following comments are designed to inform further development of this and subsequent Screening Tools, highlight potential uses for the data beyond CalEnviroScreen itself and better understand some of the indicators.

Air Quality (Ozone, PM 2.5, Diesel Particulate Matter)

Air quality data is only as good as the monitors that generate it. Insufficient and inadequate air quality monitors – especially in rural parts of the state such as the East Coachella Valley – generate inaccurate assessments for large swaths of rural regions, thus underestimating the relative and absolute vulnerability of certain neighborhoods and regions. CalEnviroScreen should be amended to better assess air quality in regions that lack sufficient air quality monitors or, if necessary, exclude inaccurate data.

One indispensable use of the Screening Tool is to identify where data gaps undermine accurate assessments. The State must prioritize air quality data gathering in areas with insufficient or inadequate air quality monitors.

Drinking Water Quality

OEHHA has developed the most comprehensive assessment of drinking water data that we have seen to date. The information generated is not only critical to assessing cumulative vulnerability from environmental impacts, but will be instrumental in helping the state, local governments, residents and advocates better understand drinking water quality at the local and statewide level, and, in turn, guide policies and resources to improve drinking water quality throughout the state.

We strongly support OEHHA's use of the Public Health Goal as the metric against which drinking water quality is measured, as the tool, is in fact an environmental health tool. We do not understand the distinction between carcinogenic and non-carcinogenic contaminants and wonder if there would be value, instead or in addition, to assessing acute and non-acute contaminants.

In addition, though, to using the tool and the underlying data to assess drinking water quality as defined by the Public Health Goal, OEHHA should also make data available that illustrates drinking water quality as it relates to Maximum Contaminant Levels to support compliance efforts and target priorities.

We understand that severe data gaps in terms of drinking water quality pose an obstacle for an accurate and comprehensive drinking water assessment and again, laud OEHHA for its efforts toward eliminating those gaps through development of this indicator. We have noted that some data, though, may have inadvertently been excluded if communities reside within a district's boundaries yet are not connected to the district's water service provision and, instead, rely on water from untreated or inadequately treated wells. This, we believe, is the situation in the Coachella Valley where many several mobile home parks and residents live within the Coachella Valley Water District's political boundaries but do not receive drinking water from CVWD. If CalEnviroScreen 2.0 did not assess the drinking water of those communities within but not served by CVWD (and communities in similar situations) it both failed to assess drinking water quality in those areas and underestimates the vulnerability of many residents by failing to include an estimation of their drinking water quality in the Drinking Water Indicator.

We are also concerned that the population weighted scoring ironically perpetuates the invisibility of disadvantaged communities relying on small community water systems and domestic wells. A small community of 300 with very high levels of contaminants in its drinking water will not show up as vulnerable in the Screening Tool if they share a census tract with 4000 people connected to high quality water system.

As a final note, 1,2,3—TCP is not included as a contaminant and it should be. There is an established Public Health Goal, an MCL is in development and it is a serious health risk.

Toxic Release from Facilities

The Toxic Release indicator relies on the Toxic Release Inventory. The inventory only captures those facilities with ten or more employees, that operate within a set of specified industrial sectors and

manufacture or use more than a specified amount of chemicals. We are curious to understand the extent to which these qualifications limit the Screening Tool's comprehensive assessment of Toxic Releases and if said limitation impacts certain census tracts or regions more than others. We are also curious to understand if and how land area weighted averages impact the indicator's scoring in larger, generally rural census tracts.

Groundwater Threats

The Groundwater threats indicator assess only a handful of threats to groundwater and could be more robust if it considered other threats, such as non-point sources, failing septic systems, dairies and agricultural discharges. We are also concerned that the Screening Tool does not take into account groundwater threats from facilities and waste sites on tribal land.

Impaired Water Bodies

The Screening Tool includes in its rationale for assessing Impaired Water Bodies that communities of color, low income communities and tribes generally depend on the fish, aquatic plants, and wildlife provided by nearby surface waters to a greater extent than the general population. If impaired water bodies pose a threat to communities reliant on them for their resources, the Screening Tool should include a larger buffer than 1K or 2k from the subject water body as that minimal buffer will not likely capture all – or most – of those most impacted by the impairment.

Low Birth Weight and Asthma Indicators

We are concerned that the asthma Indicator severely undercounts the incidence of asthma in more geographically isolated communities. By relying on hospital emergency department data for this indicator, the Screening Tool undercounts those communities less likely to use an emergency department due to distance or other factors. CalEnviroScreen 2.0 should adjust for this deficiency by increasing data sets to determine asthma rates, by controlling for distances from hospital emergency departments, or by some other means.

We are also concerned that the Low Birth Weight (LBW) indicator provides inaccurately low rates and percentiles for rural communities. While some residents in rural areas may give birth at home, we believe that a far greater driver of the inaccuracy is the exclusion of mothers from the data set who provide P.O. boxes for their mailing address. In many rural communities P.O. boxes are the only option for mail delivery and many residents of mobile home parks depend on P.O. boxes for reliable mail service. We recommend that OEHHA corrects for this deficiency or eliminate the indicator until a more reliable data set is available.

Unemployment Data

We applaud the inclusion of unemployment as an indicator and believe that data from the ACS, notwithstanding its deficiencies especially in small communities, better accounts for unemployment trends than data from the Employment Development Department. If there is data adequate to do so the Screening Tool should account for seasonal employment as a component of this indicator.

Seasonal employment, at least in the context of agriculturally based communities, adds substantial vulnerability due to irregular income and unreliable employment.

Ensure adequate Assessment of Environmental Hazards on Tribal Lands

We are concerned that data sets that inform the CalEnviroScreen do not sufficiently assess the impact of environmental hazards located on or generated by uses on tribal land. Exclusion of some or all of the impacts from tribal land and / or different methodology to assess environmental impacts and effects likely impact the following indicators in for census tracts that include or neighbor tribal lands:

- Groundwater Threats
- Toxic Release
- Hazardous Waste

We recommend that CalEPA and/or OEHHA comprehensively assess and include data from land uses on tribal land to ensure that full inclusion of environmental impacts in CalEnviroScreen.

Additional Indicators to Consider

We understand that there are many factors and indicators that impact individual and community health. With that in mind, though, we offer the following suggestions of indicators that impact health in the communities we serve and, quite possibly, communities throughout the state:

Substandard Infrastructure and Inadequate Basic Services such as unsafe pedestrian facilities, inadequate wastewater / sanitation services and inadequate public transit.

Substandard infrastructure and inadequate services leads directly to environmental degradation especially in the case of failing septic and wastewater management systems and can undermine community health by impeding development of walkable communities with access to basic goods, services and employment.

Inadequate Supply of Affordable, Quality Housing

Housing stability and quality have been linked to health outcomes. OEHHA should consider including a housing indicator or indicators in further iterations of the Screening Tool.

Economic Well-being

Economic well-being is tied to health outcomes as well. The poverty indicator is an important indicator of social vulnerability but OEHHA should consider other indicators such as those that demonstrate deep poverty (e.g. 100% as compared to 200% of the federal poverty line) as well as a wealth / asset indicator to the extent that adequate data exists.

Dairies

Dairies are a significant source of air and groundwater contamination. OEHHA should consider including dairies as a component of, or as a stand-alone indicator.

Reliance on ACS data likely impacts the accuracy of results in rural communities.

Census and especially American Community Survey Data often lacks accuracy in rural and agricultural regions. We have seen margins of error as high as 100% for certain income and economic data in rural communities. While we are not aware of better data sets that exist, OEHHA should identify any mechanisms available to correct for data deficiencies in rural areas and at the very least acknowledge that data deficiencies in rural regions serve as a limitation with respect to some indicators.

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We again thank OEHHA and CalEPA for the tremendous work that has contributed to the Screening Tool and for consideration of our comments. We look forward to working with you on this, and future iterations of the CalEnviroScreen, as well as other efforts to improve environmental health and increase access to opportunity for all California and all Californians.

Sincerely,



Phoebe Seaton,
Co-director and Attorney at Law,
Leadership Counsel for
Justice & Accountability



Laurel Firestone, Co-Executive Director and
Attorney at Law
Community Water Center