



October 16, 2012

Mr. Arsenio Mataka  
Deputy Secretary, Cal/EPA  
1001 I Street  
Sacramento, CA 95814

Dr. George Alexeeff  
Director, OEHHA  
1001 I Street  
Sacramento, CA 95814

**RE: Comments on Draft California Communities Environmental Health Screening Tool (CalEnviroScreen)**

Dear Mr. Mataka and Dr. Alexeeff,

The undersigned organizations appreciate the opportunity to participate in the Cumulative Impacts and Precautionary Approaches process and to provide comments on the draft Communities Environmental Health Screening Tool (“CalEnviroScreen”).

We respectfully submit the comments below and the attached comments and presentations by Dr. Lynn Haber and Dr. Richard Belzer. In 2010, during the public comment period for the initial draft of the screening tool, many of the same organizations submitted comments (also attached) which to our dismay are still valid in 2012.

We appreciate Cal/EPA and OEHHA scheduling the additional public workshops that were recently held in October, 2012. However, we would like to reiterate to both Cal/EPA and

OEHHA that we remain very concerned about the quality of the screening tool and that it will be used to mandate further regulatory requirements and controls including adding to more reviews under CEQA, that go above and beyond current Federal, State and local environmental and regulatory requirements, as well as the stringent CEQA program requirements currently in place today.

Therefore, we recommend that Cal/EPA clearly state that any screening tool that is developed or used by Cal/EPA and its boards, departments and offices is not to be used for regulatory or CEQA permitting program requirements.

Many of the undersigned commented during the public workshop process, and noted that the draft tool still lacks scientific rigor as outlined in this letter as well as in our 2010 comments. In particular, the tool does not distinguish between health effects due to socioeconomic factors or other social stressors and those due to chemical/pollution exposure. By their very nature, screening tools are not sufficiently robust for regulatory decisions but can be helpful for prioritizing state resources, including grants, or incentivizing private investment.

The improper use of the screening tool will make the already difficult permitting process even more so, thereby discouraging economic investment in the identified communities and creating negative, unintended consequences on the very communities it is intended to help. Therefore, we strongly urge Cal/EPA to incorporate and make the necessary revisions to the CalEnviroScreen tool as noted both in our comments and the attached comments from Drs. Haber and Belzer.

#### **Recommended Next Steps**

While we agree with Cal/EPA in its July 30, 2012 Memorandum, that the tool is meant to help prioritize resources and is not intended to be a substitute for focused risk assessment and the tool cannot “precisely predict or quantify specific health risks or effects associated with cumulative exposures identified for a given community or individual,” we are concerned with Cal/EPA’s suggestion under “Potential Uses of Results”, that it can be used to supplement CEQA analysis including potential “mitigation measures.” As we have stated previously, allowing the tool to be used as an additional layer of regulatory permit requirements, including for CEQA review processes on projects, would result in effectively redlining communities and provide a disincentive to business and job creation and economic expansion in the very communities that could benefit from such economic growth. In that regard, we recommend that Cal/EPA develop policy guidance and implementation criteria that clearly state the screening tool is not to be used for regulatory permitting or CEQA requirements.

#### **Recommended Revisions to CalEnviroScreen Methodology**

Based on the discussions at the September 7, 2012 Academic Workshop, we expect that the tool will be significantly changed. Because of all the comments and concerns voiced both by the public and the Academic Panelists, we would request that Cal/EPA and OEHHA provide an opportunity to offer comments on the revised screening tool before it is finalized. Additionally, in the spirit of ensuring transparency of the public comment process, we would request that OEHHA make the meeting recordings and notes, the academic panel summary, and the results of future sensitivity analysis public to help explain changes made. We also encourage Cal/EPA to make the model and intermediate calculations available to the public to allow the stakeholders to better understand how it works.

As noted above, comments from Drs. Haber and Belzer were consistent with many of the Academic Panelists comments on all aspects of the draft tool. Below is a summary of the major concerns that we believe must be addressed to make the tool more scientifically valid and useful for screening purposes.

### **Screening Tool Methodology**

Both Dr. Haber and Belzer, highlight many concerns with the current scoring and methods employed in the tool, most significantly:

- It is not justified to use higher weighting for chemical exposure based on higher confidence in score,
- The model does not distinguish between the impact of chemicals exposure vs. other factors,
- The sensitivity analysis should evaluate multiple approaches based on the weight of the indicators, and:
- Correlation is not causation.

In summary, we agree with the similar comments and recommendations from the Academic Panelists and other stakeholder comments that the design of the screening tool. The tool should be better designed to fits tis use and should be subjected to a rigorous sensitivity analysis.

### **Public Health Effects**

We agree with the recommendation made by the Academic Panelists to move the public health indicators from the burden side of the formula to the population characteristics side. We believe the data are more relevant to characterizing a community's vulnerability to health disparities, based on Social Economic Status (SES) factors.

Again, Dr. Haber and Belzer's comments in the attached documents highlight many concerns with the current public health indicators, for example:

- There is a potential for double counting because all of the endpoints have multiple contributing factors – diet, health care, genetics, environment, lifestyle, occupational exposure, etc.
- The exposure indicators imply that mass or presence is equivalent to exposure. This is clearly not true. For example the public is protected from most commercial pesticide applications and traffic is site specific and applying it to a zip code is too coarse and will result in misclassifications.

### **Socioeconomic Status Indicators**

The intention of the socioeconomic indicators should be to identify those communities most burdened by pollution “[taking] into account sensitive populations and socioeconomic factors, where applicable and to the extent data are available.” The current approach and weighting inappropriately identifies communities with low SES rather than communities with the highest burden of pollution.

Drs. Haber and Belzer highlight many concerns with the current socioeconomic indicators, but the major concerns are listed below:

- Educational attainment is highly correlated with income. We would instead suggest assessing school quality by using school test scores.
- The income indicator is not adjusted for cost of living (e.g. \$50k/year in Redondo Beach is not equivalent to \$50k/year in Redding).
- The poverty indicator is highly correlated with income.
- Race/ethnicity is an inappropriate measure. It implies that race is a SES measure but it is unclear exactly what it is measuring. We would note a similar comment was also made during the Academic panel discussion on September 7, 2012.

Thank you for allowing us the opportunity to comment. In closing, we hope that all parties understand the beneficial role that businesses and the economic opportunities they create contribute to the overall well-being of communities, and that our participation can help support the common goal of improving environmental, economic, and public health outcomes for all Californians.

Sincerely,

American Chemistry Council  
California Building Industry Association  
California Business Properties Association  
California Chamber of Commerce  
California Construction and Industrial Materials Association  
California Farm Bureau Federation  
California Manufacturers and Technology Association  
California Metals Coalition  
California League of Food Processors  
Consumer Specialty Products Association  
Western Growers Association