February 1, 2013

Secretary Matthew Rodriguez
Secretary for Environmental Protection, Cal/EPA
Sacramento, CA 95814

Subject: Comments on January 2013 Draft Cal/EPA California Communities Environmental Health Screening Tool (CalEnviroScreen)

Dear Secretary Rodriquez,

The undersigned organizations respectfully submit the following comments on the January 2013 Cal/EPA and OEHHA draft California Communities Environmental Health Screening Tool (CalEnviroScreen). Many of the undersigned organizations have participated with Cal/EPA and OEHHA over the years as CalEnviroScreen has been developed. Additionally they have participated in workshops and meetings on the tool and also submitted comments in September 2010 and again in October 2012. Throughout the process, these business and industry organizations have expressed concern with the lack of scientific rigor of CalEnviroScreen -- the scientific indication that the final value derived for each community would clearly distinguish levels of cumulative impact. We find that the 2013 draft continues to have that lack of scientific rigor and in a number of ways may muddle the outcome even more than prior versions would have.

Although the tool now has a modified scoring methodology to rank communities relative to each other, we believe that instead of bringing clarity to the cumulative impact analysis, the methodology used to evaluate cumulative impact to communities instead muddies the distinction between health outcomes driven by socio-economic status and those caused by chemical pollution exposure. We continue to have concerns with the following:

- The multiplicative methodology that multiplies the population characteristics with the potential pollution burden dilutes and confuses the impact of pollution versus socio-economic status of communities.
- Modeling of data at the ZIP code level – Zip codes vary significantly in area size, in geographic condition (desert, mountain, coastal), in population (some are as small as a few hundred people and others are very big, in the hundreds of thousands), can include a wide variety of neighborhoods, with enormously different burdens and socio-economic factors that all will have a different health impact for the same exposure or ranking. Further, neighboring communities in different Zip codes may have the same environmental exposure, but for various reasons may be ranked differently further confusing the outcomes.
- Using percentile scores for indicators, rather than normalized actual values, leads to the perverse outcomes of the tool, and warps the relative importance of certain indicators.
- Up to triple counting of indicators – for example particulate matter and diesel particulate matter is also included by the use of PM2.5, traffic counts, and DPM in the indicator data. We also believe that there is double or triple counting in the population socio-economic indicator data– low birth weight, asthma emergency room visits, linguistic isolation, and educational attainment are all directly tied to poverty, yet each is its own factor. This triple counting is further exacerbated by the multiplicative methodology described above.

The above concerns, individually and collectively highlight the lack of scientific rigor still present in the tool. It is therefore imperative that CalEnviroScreen not be used for CEQA, permitting, regulatory decisions or land use planning. CEQA, permitting and regulatory actions must necessarily be site specific actions that CalEnviroScreen as a screening tool is not equipped to address. In addition, as Cal/EPA has acknowledged, the CEQA definition of "cumulative impact" and the definition used in developing CalEnviroScreen are very different. Yet Cal/EPA's guidance remains ambiguous and confusing on the potential applications of the tool. For these and other reasons, Cal/EPA must clearly explain that the CalEviroScreen cannot be used for any part of the CEQA, permitting, regulatory processes, or land use at the state, regional or local level. Otherwise, Cal/EPA will create the perverse incentive to essentially “redline” communities – discouraging investment in the low socio-economic status communities that the tool is intended to help.

Further we encourage Cal/EPA to delete the multiplicative approach and simplify the methodology to keep the pollution burden separate from the socio-economic factors. Such an approach will better describe the impacts in a community and also give a better picture of what policies will help a community the most.

Although we have many concerns with CalEviroScreen, it may be appropriate for state incentive programs such as for the SB 535 program.

Thank you for considering our comments.

Sincerely,

American Chemistry Council
American Council of Engineering Companies
American Forest & Paper Association
Antelope Valley Board of Trade
Bakersfield Chamber of Commerce
BIA of Fresno/Madera
California Building Industry Association
California Business Properties Association
California Chamber of Commerce
California Construction and Industrial Materials Association
California Cotton Ginners Association
California Cotton Growers Association
California Farm Bureau Federation
California Grape & Fruit Tree League
California League of Food Processors
California Manufacturers and Technology Association

California Metals Coalition
California Trucking Association
Chambers of Commerce Alliance Ventura and Santa Barbara Counties
Chemical Industry Council of California
Consumer Specialty Products Association
Goleta Valley Chamber of Commerce
Inland Empire Economic Partnership
Kern County Taxpayers Association
Long Beach Area Chamber of Commerce
Los Angeles Area Chamber of Commerce
Los Angeles County Business Federation (BizFed)
Manufacturers Council of the Central Valley
NAIOP, Commercial Real Estate Development Association, SoCal Chapter
National Federation of Independent Businesses
Orange County Business Council
Oxnard Chamber of Commerce
Stanislaus County Farm
Thomas Properties Group
Torrance Area Chamber of Commerce
Trade, Transportation, and Infrastructure Coalition
Tulare County Farm Bureau
Ventura Chamber of Commerce
West Los Angeles Chamber
Western Agricultural Processors Association
Western Growers
Western Plant Health Association
Western States Petroleum Association
Western United Dairymen
Wilmington Chamber of Commerce