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# California Rural Legal Assistance Foundation

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February 1, 2013

John B. Faust, PhD  
Office of Environmental Health Hazard Assessment  
1515 Clay St., Suite 1600  
Oakland, CA 94612

RE: Comments on Cal-Enviro-Screen

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Dear Dr. Faust:

These comments are submitted by California Rural Legal Assistance Foundation and California Rural Legal Assistance, Inc. California Rural Legal Assistance Foundation is a statewide organization which provides community outreach and education, public policy advocacy, litigation support, and technical and legal assistance for California's rural poor. We target our work in the areas of agricultural workers' health, civil rights, education, labor & employment, immigration & citizenship, pesticides & worker safety, rural housing and sustainable communities. California Rural Legal Assistance, Inc. is a statewide organization, representing low income individuals, families, and communities throughout rural California. Specifically, CRLA's Community Equity Initiative seeks to address and eliminate infrastructure and service disparities and deficiencies in disadvantaged, low income communities and, accordingly, address and eliminate barriers to necessary funding and financing for basic infrastructure and services.

We appreciate all the hard work which OEHHA has put in to developing this Cumulative Impacts Screening Tool. As you have heard directly from members of impacted communities during workshops and other meetings, there is an urgent need for fair and complete evaluation of cumulative impacts and vulnerabilities in California communities. Any tool or tools developed need to be used to get assistance to the most heavily impacted communities to reduce existing impacts and prevent additional ones.

We appreciate the modifications made to the tool since August and the development of the Google Earth map tool, spreadsheets and regional maps which show scoring details for each zip code. We support the tool as currently designed but urge you to continue to make modifications in future versions to improve assessment of both pollution burden and vulnerable population characteristics in more remote rural areas.

To provide a better level of resolution, particularly in rural areas, the next version of the CalEnviroScreen tool should be at the census tract level rather than zip code level and we ask that OEHHA and Cal-EPA set and commit to a timeline for completing a census tract based version.

We also urge you add a drinking water metric as soon as it can be developed and adequately reviewed. We submitted recommendations for development of the drinking water tool in our previous comments submitted last October. As a supplement, we specifically recommend utilization of well monitoring data from the Department of Pesticide Regulation in addition to Department of Public Health and state and local water boards because the Department of Pesticide Regulation monitors some private wells.

To more equitably assess the impacts, vulnerabilities and needs of rural areas, a version of the tool with regional ranking capacity needs to be developed and utilized. Some indicators are more robust in urban areas than rural areas and ranking within regions can help ensure equitable distribution of resources.

#### **Comments on Population Characteristics Indicators**

In the area of Population Characteristics, we strongly support addition of linguistic isolation. We support elimination of median income from the tool but urge OEHHA to use both the percent of population with income below twice the poverty rate and below the poverty rate in measuring socio-economic levels to give greater weight to areas of extreme poverty.

We recognize that both children and the elderly are vulnerable populations but feel that heavier weighting should be given to prevalence of children because of the life-long health effects which can be attributed to pollution burden in childhood. One way to accomplish this would be including children through age 17 as a vulnerable population. This is supported by a growing body of evidence showing that exposure to pollutants through adolescence continues to have a detrimental effect on maturation of the brain and endocrine system

We strongly support inclusion of an indicator for asthma and recognize that emergency room visits are probably the best source of statewide data. However, we are concerned that this indicator is much less robust in remote rural areas where residents must travel a great distance to reach emergency rooms which take MediCal and might therefore be less likely to visit an emergency room for episodes that do not appear to be life-threatening. Regional ranking and other future refinements should try to address this disparity.

#### **Comments on Pollution Burden Indicators**

We appreciate and support inclusion of a diesel particulate matter indicator and buffer zones for all pollution burden indicators.

#### **Air Pollution Levels**

We remain very concerned that air pollution levels in areas which are more than 50 km from the nearest monitor are not assessed by the tool and this gap in data disproportionately impacts rural areas. The state urgently needs to place more monitors in rural areas and regional rankings would help address this deficiency in the meantime.

At the August CIPA meeting, we expressed concern that excluding air monitoring data for monitors which reported less than 75% of expected observations might create a bias, for example if rural monitors tend to be older and break down more frequently, or if monitors in the most polluted areas become clogged. OEHHA committed to checking whether excluding data from these monitors created any bias. Results of that analysis should be disclosed along with any additional information available on reasons monitors reported less than 75% of expected observations.

#### **Clean-up site status**

We are concerned to note that clean up sites which are not undergoing active remediation and oversight by DTSC are given lower weight. While remediation may sometimes increase off-site movement of toxics, neglect of a site may also increase off-site movement. Some sites of languished, neglected for years because they are in predominantly low income areas with little political leverage. We also don't understand the basis for excluding school investigations and border zone/hazardous waste evaluations.

#### **Groundwater Threats**

This indicator is currently comprised of point source groundwater threats only. Non-point sources including agricultural fertilizer and pesticide use and failing septic systems also contribute to groundwater pollution as do natural sources of radon and arsenic and are the predominant sources of groundwater pollution in rural areas.

#### **Water bodies indicator**

We are concerned that water bodies indicator fails to capture the water contamination burden in the

central valley due to ground water contamination. An analysis should be conducted to examine whether use of this indicator results in underweighting of pollution burden in more arid parts of the state.

**Accounting for pollution burden on Tribal Lands**

Disposal facilities, clean-up sites and groundwater threats on Tribal land aren't reflected in state databases because they're outside of the jurisdiction of state regulatory agencies and this leads to an underrepresentation of pollution burdens in some rural areas. It is our understanding that OEHHA will work with USEPA and the Tribes to try to map and incorporate these sites into the indicators.

**Pesticide Indicator is incomplete**

As we have previously commented, while the list of pesticides in the tool appropriately includes those pesticides which are both highly toxic and higher volatility, this list does not adequately account for exposure to highly toxic but low volatility pesticides which adhere to soil particles resulting in exposure through dust. At minimum all pesticides listed under Proposition 65 as known carcinogens or reproductive toxins or associated with elevated rates of Parkinson's disease in peer reviewed, published epidemiology studies (including paraquat and maneb) should be added to the analysis. When drinking water quality is added to the tool, use of those currently used pesticides which are known to contaminate drinking water should be integrated into the tool if possible.

**Add a housing quality indicator**

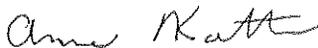
It is broadly recognized that substandard housing is implicated in many health conditions, including asthma and exposure to vector-borne infectious diseases. In future versions, we urge OEHHA to include an indicator reflecting the impact of housing quality on residents' health. Given that many thousands of rural Californians live in owner-occupied mobile homes, which age faster than conventional housing structures and are often served by inadequate infrastructure over which the mobile home owner has no control, we urge OEHHA not to rely on homeownership rates or age of housing stock as a complete proxy for housing quality.

**Concluding Comments**

With respect to the CalEPA Guidance for use of this tool, we think it would be detrimental and inappropriate to limit potential uses of CalEnviroScreen. At this stage, when the tool is still undergoing revision and use is about to start the Agency should keep an open mind to all potential uses which can reduce environmental impacts and health disparities in heavily impacted communities throughout the state.

We appreciate the opportunities we have had to discuss development of the tool with you and your staff and it has been an honor to serve on the CIPA workgroup.

Sincerely,



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