



CALIFORNIA FARM BUREAU FEDERATION

GOVERNMENTAL AFFAIRS DIVISION

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Dr. Faust,

Thank you for the opportunity to comment on this first draft of the CalEnviroScreen. We have three main concerns about the tool that we wish to submit that were presented verbally on 10/8/12 at the OEHHA workshop.

CLARIFICATION THAT THE TOOL NOT BE USED IN ANY REGULATORY DECISION

We request that it be clarified that this screening tool is only to be used to advance the use of incentive programs for job creation and economic investment. We ask that this be clearly delineated in the tool so there is no ambiguity about the purpose and use of the tool. Leveraging a tool to target and utilize incentive funding will provide significant benefit to disadvantaged communities by getting resources where they are needed most.

We request that it be stated upfront, as part of the screening tool, that it is not be used for any type of regulatory permitting, mitigation, evaluation or siting decisions. You say in your July 30th memo that the *statutory definition of "cumulative impacts" contained in the California Environmental Quality Act (CEQA), is substantially different than the definition of "cumulative impacts" adopted by Cal/EPA and used to guide the development of this tool. Therefore, the data and ranking generated by this tool cannot be used as a substitute for an analysis of the cumulative impact of any specific project for which an environmental review is required by CEQA.* However, later in the same memo you write *the tool could be used by decision makers carrying out their existing obligations under the California Environmental Quality Act.* This is a very mixed message that will lead to contradictory conclusions and result in confusion and potential litigation if you are not clear about how this tool is to be used.

REPLACE PESTICIDE USE REPORTING WITH AIR MONITORING NETWORK

CalEnviroScreen leads a person to conclude that the public health, sensitive population and socioeconomic indicators in a community are a direct result of the exposure and environmental effects. While you suggest that the data does not support these conclusions, anyone using your tool will believe their cancer or asthma is a direct result of traffic density, solid waste storage, pesticide use, etc.

It is stated in your memo and throughout the tool that it *does not directly correlate the potential impacts of exposure from different types of pollutants, such as particulate exposures from vehicle emissions and exposures from pesticides or hazardous materials.* You say in the tool that you do not have data that show that pesticides, toxic releases from facilities and traffic density are linked to exposure (three of your five exposure indicators), but that this is the most robust information you have. You are verifying these data are being used for a purpose that was not intended.

This is a serious misuse of data, especially the pesticide use reporting database (PUR). The tool portrays that whenever these 66 pesticides are used there is 100% exposure. These 66 pesticides have the strictest application and use regulations (buffer zones, worker safety clothing requirements, restricted entry intervals, etc.) of any pesticide

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applications nationwide. A number of these chemicals are required to be used as dictated by local, state and international laws. These mandated uses range from fumigation of agricultural commodities prior to shipment or export to local ordinances that require flying termite extermination prior to resale of housing facilities in many southern CA communities. These are very controlled, contained applications, but your maps make it appear that there are no application restrictions and the public is being directly exposed to the treatment of these containers or housing facilities.

We ask that you instead use the Department of Pesticide Regulation Air Monitoring Network (AMN) data [http://www.cdpr.ca.gov/docs/emon/airin it/amn_draft_vol1.pdf](http://www.cdpr.ca.gov/docs/emon/airin%20it/amn_draft_vol1.pdf) that were developed specifically when Cal/EPA directed each department, as part of the 2004 Environmental Justice Action Plan, to take steps that would inform evaluation of regulatory actions and policies that would better protect disadvantaged communities. After numerous community stakeholder meetings and pilot projects in the San Joaquin Valley, the air monitoring network was developed to provide data that assist in assessing potential health risks, develop measures to mitigate risks, and measure the effectiveness of regulatory requirements. It is the first of its kind in the nation and was established to expand DPR's knowledge of the potential health risks of long-term exposure to pesticides and it is not being used for the express purpose that it was developed. Instead, you are using a database that reports pesticide use when applied under mandatory restrictions to prevent any human exposure.

The need for more precise pesticide exposure data was recognized and developed as part of the Cal/EPA EJ Action Plan because it was known that the PUR data does not provide information on exposure. Over time, this institutional linkage has been lost due to changes in the Administration. In the short term quest for statewide data to meet cumulative impact needs, OEHHA is not using the AMN which is recent in comparison to the PUR. More importantly, the AMN data would reflect pesticide exceedance which is not the case with PUR data. It is a great disservice to the public and not reflective of sound science to portray the PUR as an exposure indicator.

PUBLIC PROCESS IMPROVEMENTS

I was appointed to the CIPA Workgroup in spring of 2008 to represent the California Farm Bureau Federation. I went to the numerous meetings where we had wide-ranging conversations over a span of 27 months. Having served on many advisory committees and workshops in my 23 years at the Farm Bureau, this was the first time to be asked to make this kind of commitment and not be given the opportunity to review or comment on a report before it was released to the public; after being asked to provide input and feedback. The first *Cumulative Impacts: Building a Scientific Foundation* report was released in August 2010. We were given 20 working days to comment on this 83 page technical report, a large part of that being the last weeks of the 2010 legislative session. We were given a comment period extension of five extra working days after we requested more time.

Pesticides were not listed as an exposure indicator in the August 2010 draft on which I had the same opportunity as the general public to comment. Pesticides, using the PUR as an environmental indicator, appeared in the final December 2010 *Cumulative Impacts: Building a Scientific Foundation* report. We were not aware pesticides were being considered or being included in the final report.

A group of business representatives met early in 2011 with the new Brown Administration and made them aware of a number of concerns including the CIPA report and requested during the meeting that the input process be re-evaluated and that more technical academics be added to the workgroup. The response letter to and from the Administration is attached.

Unfortunately, the recent CalEnviroScreen tool had no prior workgroup review. It was released on July 30th which gave us 37 working days to respond, 20 of those working days overlapping with the last days of the 2011-12 legislative session. After requesting an extension, you have given us an additional 20 working days which is appreciated.

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We also appreciate the workshops held statewide on the screening tool. The information about the location and time of the workshops was released on August 14th, the first one being August 21st. That gave us four working days between the announcement and the first workshop followed by two consecutive days of workshops in other parts of the state. I worked hard to make my members aware of the workshops, but four days is not nearly adequate to get the word out and onto people's busy calendars.

I relate this background because the communities, businesses, homeowners and local governments that will be impacted by this tool need enough time to review it and provide their feedback. OEHHA needs to allow more outreach time to insure people are aware of CalEnviroScreen.

We were very appreciative to hear Arsenio Mataka, Assistant Secretary for Environmental Justice, affirm in the 10/8/12 workshop that the CIPA workgroup followed by the public will have another opportunity to review and submit comments once you have made changes from the first round of workshops and make the tool interactive. This will be an important step in the process to improve the tool.

The effort for Cal/EPA to better address disadvantaged communities was greatly expanded when SB 89 was signed by Governor Davis in 2000. There have been many stages to this long-term effort because it is extremely complex and does not fit the current regulatory framework. While everyone wants Cal/EPA to think outside of the box and do multi-media analysis, the system is not set up to do that. It will take significant political leadership to make the federal and state statutory changes to allow development of a cross-media or cumulative impacts type regulatory structure. It will take many years for these changes to materialize, just like it took many years to develop our current siloed regulatory framework.

It is important that we step back and assess what our current environmental information databases can provide us. We cannot get there by trying to fit square pegs into round holes. We cannot take our current information systems and put them into a framework that they were not intended for. It is a disservice to the public and it does nothing to provide environmental protection.

The California Farm Bureau Federation is committed to working with Cal/EPA and OEHHA on the CalEnviroScreen to make it a tool that enhances communities statewide and does not instead become an impediment to the state's economic growth and environmental improvement.

Please contact me if I can provide further information. I appreciate your time and interest in our comments.

Sincerely,



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