CRPE

CENTER ON RACE, POVERTY & THE ENVIRONMENT

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October 16, 2012

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

Dear Mr. Faust:

The Center on Race, Poverty & the Environment submits these comments on the Draft California Communities Environmental Health Screening Tool ("OEHHA Tool"). The Center on Race, Poverty & the Environment ("CRPE") is a grassroots, community-based organization based in Delano, California. We provide legal advocacy for and organize in Central Valley communities most impacted by environmental pollution—low-income communities and communities of color—and push for statewide policies that protect public health and the human environment.

CRPE appreciates the work that OEHHA has done to develop the tool and for recognizing the importance of screening for cumulative impacts, especially in low-income communities and communities of color who so often bear the brunt of multiple pollution sources and risk factors. Given CRPE's experience with other screening tools, including both the Environmental Justice Screening Methodology ("EJSM") and the Cumulative Environmental Vulnerability Assessment ("CEVA"), we offer the following comments on the Office of Environmental Health Hazard Assessment Draft Screening Tool, concentrating on the accuracy with which the tool identifies impacts and impacted communities in the rural Central Valley.

I. Zip Code Level Analysis Is Too Broad to Realistically Capture Cumulative Impact Risks, Especially in Rural Areas in California.

The OEHHA tool identifies areas down to the zip code level. The use of zip codes to screen for cumulative impacts will dilute neighborhood level environmental impacts. Since zip codes are based on population size, they tend to be quite large in rural areas. Residents within the same zip code will face very different pollution exposures depending on their proximity to pollution sources. This problem is easily identified on the draft maps where small unincorporated communities—with extremely high socioeconomic risk factors—are not differentiated from larger cities in the same zip code with fewer socioeconomic risk factors. This will lead to over-identification of communities that are less impacted and under-represent communities that are most at risk.

We recommend using a census level track to better identify and focus attention on rural areas most disproportionately impacted by cumulative impacts.

II. Existing State Data Does Not Represent On the Ground Conditions in the Central Valley.

A primary rationale for using a zip code level analysis is OEHHA's assertion that the geographic scale of the tool should not be "so small that it suggests a level of local impact greater than can be determined from current statewide data." Draft at 4. However, current statewide data is often incomplete, inaccurate or non-comprehensive in identifying local health hazards. The data does not account for smaller pollution sources which, taken together, may cause a cumulatively significant impact. Additionally, the data is not updated with sufficient frequency to reflect changing land uses, environmental hazards, or sensitive receptors. The OEHHA tool should not be limited to existing state data.

As part of CRPE's work on the EJSM and CEVA, we worked with community residents to ground-truth available data. In our experience, official state data often does not accurately reflect on the ground conditions. For example, in the small unincorporated community of Plainview in Tulare County, the State's data failed to include any of the three mechanics shops or the two childcare centers.

The air monitoring network, which comprises a large percentage of the statewide data available on air quality and local emissions, is incomplete. Many areas simply do not have an air monitor nearby. Even for those that do, the data can be misleading. In the Central Valley, for example, the local air district has removed an air monitor that captured the Valley's worst readings in Arvin, CA and replaced it in an area with better air quality. Advocates in Frazier Park and Lebec, adjacent to Interstate 5, have been unsuccessful in their attempt to persuade the local air district to install official air monitors in their community. When residents collected their own air quality data for the past year, the data demonstrated that residents and children at the local middle school are exposed to dangerously high diesel emissions. This unofficial, yet scientifically valid, data could not be considered in the OEHHA tool.

The OEHHA tool should rely on data from a variety of sources and not be limited to official state data. Any data that is used should be available for ground-truthing by local residents. The OEHHA tool should be designed with sufficient flexibility to allow for local residents to fill in gaps in and correct data used for their communities. The EJSM and CEVA tools have already been ground-truthed by residents in many areas. This is one of several reason why CRPE encourages OEHHA to use the EJSM and CEVA as screening tools.

III. The Pollution Burden Indicators Should Not Be Limited to Actionable Issues.

The Draft Report states that "Pollution burden indicators should relate to issues that may be potentially actionable by Cal/EPA boards and departments." Draft at 5. However, any cumulative impact screening tool should account for all risks and risk factors in a community without regard to whether they are actionable by Cal/EPA. According to OEHHA, the tool will be used not only for enforcement but also for monitoring, outreach, and financial assistance. Given the multiple uses of the screening tool, there simply is no justification for limiting the indicators that are actionable by

Cal/EPA. Rather the indicators should cover all pollution burdens regardless of jurisdiction or enforceability.

IV. The OEHHA Tool Is Missing Key Components to Identifying Cumulative Impacts.

1. Diesel Emissions

While the OEHHA tool includes traffic density as an indicator, it does not include specific exposure to diesel emissions. Many environmental justice communities sit adjacent to freeways, distribution centers, and other areas with high concentrations of diesel trucks. Diesel emissions are particularly toxic and cause both significant short term and long term health effects to those who are exposed. In fact, according to the California Air Resources Board, particulate matter from diesel causes about seventy percent of cancer risk from ambient air in California.

The maps measuring traffic density do not capture the high amount of diesel exposure for communities adjacent Interstate 5 and Highway 99 through the Central Valley. Rural areas in California score much lower than urban areas on traffic densities levels even though many rural areas suffer from higher than average concentrations of diesel emissions due to land use activities that generate diesel truck traffic such as distribution centers, agriculture, and waste disposal. The screening tool should include a separate indicator that measures a community's specific exposure to diesel exhaust in addition to its exposure due to high traffic density.

2. Transportation hubs

One well-documented source of diesel emissions and other air pollutants are transportation hubs such as ports, railyards, airports, and shipyards. This information is readily available and would capture an important pollution source that impacts nearby communities.

3. Workplace

The OEHHA tool measures exposures where people live, but does not account for where people work and their concomitant risk of exposure. In the Central Valley, many residents work in agricultural fields where they are exposed to pesticides on a daily basis. This compounds the risks these residents already face living in communities surrounded by polluting land uses and unhealthy air and drinking water. The tool should acknowledge and account for work-place exposures and the cumulative impact this may have on residents' health.

4. Proximity to hazardous land uses

The OEHHA tool does not include proximity to hazards, such as freeways or toxic sites. In areas with better air quality, such as the San Francisco Bay Area, the maps are unable to identify areas where there may be localized pollution due to their proximity to polluting land uses. In the Central Valley, residents face many localized sources of pollution such as close proximity to dairies, concentrated animal feeding operations, refineries, waste disposal sites, and energy plants. The OEHHA tool should account for proximity to hazardous land uses, recognizing that communities that are closer to the hazard experience far greater risks than communities that are further away, even if they are within the same zip code.

The tool would completely discount any hazardous land use that is close to a community yet on the other side of a zip code border.

5. Birth defects

The OEHHA tool identifies public health indicators, including low-birth rate, but does not consider the incidence of birth defects. Birth defects can be caused by parent's exposure to pollution or other environmental factors. Children who are afflicted with birth defects may be more sensitive to pollution due to suppressed immune systems. In the Central Valley, several communities have reported birth defect clusters, such as Kettleman City and Buttonwillow. Many residents believe that these clusters resulted from pollution from hazardous waste landfills located in each community, or from the cumulative effects of the landfills and other sources of pollution. The OEHHA tool should add an indicator for birth defect rates.

6. Cancer

While the OEHHA tool does include a public health indicator on cancer, the measurements are not sufficiently refined to reflect local risks. Cancer rates are provided at the county level. This is simply too broad an analysis to provide useful information on any community's cumulative impact risk. Any cancer cluster occurring within an individual town or city that is caused by environmental exposures would be diluted by a county level analysis. This is especially true for the very small and isolated communities in the Central Valley.

The OEEHA tool should also separately include an indicator on childhood cancer rates since childhood cancers may be a better indicator of cancers caused by environmental exposures. Several communities in the Central Valley are concerned about elevated childhood cancer rates such as around Avenal and Kettleman City, where childhood leukemia rates are significantly higher than expected.

7. Linguistic isolation

Many communities in the Central Valley are monolingual Spanish speakers. This linguistic isolation makes it difficult for residents to engage in agency decisions that may negatively affect their communities and their health, especially if the agencies make little effort to outreach to these residents in a language they understand. It also makes it more difficult for residents to receive information on environmental hazards and emergencies. Linguistic isolation increases a community's vulnerability to environmental harms and should be included as another social vulnerability indicator.

V. The OEHHA Tool Should Include Relative and Statewide Rankings.

The OEHHA Tool ranks zip codes throughout the state. Depending on the tool's use this may be appropriate because some regions are plagued with higher pollution rates or socioeconomic disadvantage than other regions. For example, the entire Central Valley has dangerously high levels of air pollution and pesticide usage. Also, the Central Valley generally has higher numbers of residents of color and low-income residents than other regions. The OEHHA tool should have a method of identifying entire regions that are at higher risk than others. OEHHA should take care so

that all communities in California with a high cumulative impact risk are identified even if those risks are similar to other communities in the region.

However, OEHHA should also ensure that the tool can measure relative rankings for each region. This type of measurement is important since it is difficult and misleading to directly compare urban and rural areas of the state. Rural and urban areas are plagued by different types of environmental hazards and a direct comparison can be misleading. Relative rankings will also assist regional efforts at identifying priority communities in developing policy and expending resources.

VI. OEHHA Should Conduct Better Outreach to Rural Communities.

Very few outreach sessions on the OEHHA tool were held in rural communities. Even among the handful of rural sessions, several were held in more affluent communities such as Palm Desert and Ventura. The sessions were not held in locations that enabled the participation of farmworkers. CRPE would be happy to work with OEHHA to help with outreach to rural communities in the Central Valley and to farmworkers.

OEHHA should also work to increase the representation of environmental justice groups on the Cumulative Impact/Precautionary Approach Work Group. The Work Group has seven representatives for industry but only two for environmental justice organizations. This inequity should be addressed.

VII. OEHHA Should Adopt the EJSM for Use in Statewide Policy and the Regional Tool CEVA for the Central Valley.

CRPE supports the California Environmental Justice Alliance's recommendation that Cal/EPA adopt the EJSM for use in statewide policy, with flexibility to use regionally appropriate screening tools such as the CEVA where needed, such as in Central Valley specific contexts. We believe these two tools represent the best available and peer-reviewed science on cumulative impacts. Overburdened communities' engagement to develop and test the tools builds buy-in and legitimacy for these tools. It also increases the tools accuracy as local residents understand the particular risks facing their communities better than anyone. The tools are well-suited to identify local and neighborhood impacts since they screen at the census track level. The tools have been field-tested and are ready to implement. For these reasons, CRPE encourages OEHHA to consider adopting these tools for use in its screening methodology.

Thank you for the opportunity to comment on the Draft OEHHA tool. Please keep CPRE informed about new developments as you progress through this process.

Sincerely,

/s_____
Ingrid Brostrom