

From: [Allan Davis](#)
To: Faust.John@OEHHA
Subject: CalScreen Workshop comments
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Importance: High

John:

I attended the San Bernardino workshop and gave comments there (I was personally attacked for my viewpoint by others in attendance). I feel the deck is stacked against the private sector real estate development community with this ill conceived idea. If your goal is to truly ensure fair treatment of all Californians, this CalScreen will not do that. It appears to me that it is skewed to unjustly enrich certain minority and low income populations in violation of the law (you call "statutory mandates").

As a shopping center developer and capital investment decision maker, the fact that this tool may someday be used in the CEQA process and may raise the requirement of a full prohibitively costly EIR (the last EIR I completed cost me \$1.2 million!) (and additionally increase our exposure to the lawyers who chase CEQA challenges locally just to extort money from us private developers) will likely cause me to review the tool in the due diligence process and in fact use the reverse of its intended purpose and lead me to exclude any high scoring communities (census tracts or zip codes) from further consideration and avoid investing private capital in any such high scoring communities (which I will deem as "high risk" to investment capital), which by the way is my God given right.

As usual the Cal/EPA and Sacramento have it backwards! California should be de-regulating not dreaming up more ways to get in our way of creating jobs and generating sales taxes for local communities. Having Ozone and PM2.5 and traffic density as overweighted components (2X the weight in the formula) based upon bad science shows me that this tool is Agenda driven and anti development! By this chart suggesting that these three components (you call Exposure Indicators) are directly linked to the "Public Health Effect Indicators" of low birth weight, asthma and heart disease is total baloney with no facts to back it up! Measuring asthma by looking at ER admissions is not scientific, simply a reflection of where certain communities without insurance go for their normal health care, surrounding communities with the identical air quality (ozone, pm2.5 and traffic) but where residents carry health insurance do not go to the ER but to normal private doctors, your number is biased and skewed (so this choice is an attempt at distorting the cause effect relationship and to gear certain communities for a higher number for whatever your Agenda is). The last thing we need is this added layer and more Cal/EPA involvement in our already complex and costly process of developing retail shopping centers, commercial real estate, apartments and creating much needed jobs. If this concocted CalScreen is ever tied to CEQA, it will be impossible to mitigate an increase in the number. Particularly think about how one may mitigate an increase in this ill conceived number if apartments were proposed (especially as affordable housing), by their nature they will lower the education level, income level, increase the non-white resident level, and how would you propose these be mitigated under an EIR? This concocted number is arbitrary, ill conceived, appears to be agenda driven, anti development, anti private sector capital and seems to me to be based upon bad science, if any science at all! It certainly does not measure "cumulative impacts of pollution on communities" as you state in your PREFACE. It appears to me that this is an Agenda driven tool attempting to skew the conduct of Cal/EPA's efforts to certain communities rather than fair treatment of all Californians by its design. This is a flawed look at these environmental issues!

Because Environmental Justice refuses to state the intended use of this tool and refuses to explicitly exclude it from CEQA, I cannot support its finalization. It is ill conceived, biased, arbitrarily skewed to certain communities by its design and a bad regulation which will have the opposite effect of its bleeding heart intent.

This may be the nail in the coffin and signal that it is time to get out of California, sad to say for a 6th generation native Californian!

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