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January 31, 2013

John Faust
Chief, Community Assessment & Research section
Office of Environmental Health Hazard Assessment
1515 Clay St, Suite 1600
Oakland, CA 94612

Re: Comments on the Office of Environmental Health Hazard Assessment's Second Public Review Draft California Communities Environmental Health Screening Tool

Dear Mr. Faust:

FuturePorts appreciates the opportunity to comment on the Office of Environmental Health Hazard Assessment's (OEHHA) *Second Public Review Draft California Communities Environmental Health Screening Tool* ("CalEnviroScreen").

FuturePorts' members represent a broad range of goods movement industry businesses that operate throughout the Southern California region. Members range from small to large companies in the goods movement supply chain sector, from engineering and construction companies and their suppliers, to labor, and transportation providers. FuturePorts' members have a vested interest in an economically viable and sustainable supply chain from the waterfront throughout the entire distribution network.

FuturePorts embraces the philosophy that the supply chain companies that serve the Ports must grow, and must grow cleanly. These concepts are not mutually exclusive and must be adopted simultaneously in order to sustain the long-term economic vitality and health of the region.

FuturePorts appreciates OEHHA and Cal/EPA's efforts to develop a scientifically robust and objective approach to assessing the relative environmental impacts on California Communities. However, we remain concerned that CalEnviroScreen has potential to do more harm than good for the California communities and businesses for which it was designed with the purpose of protecting. CalEnviroScreen adds more confusion than clarity on how to address the problems it purports to highlight because it identifies potential for greater health issues, but lacks nexus required to identify responsible parties and solutions.

FuturePorts agrees with many of the concerns raised by other business groups such as the California Chamber of Commerce and California Council for Economic and Environmental Balance (CCEEB). Primary issues we have with CalEnviroScreen are as follows:

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Valley Industry & Commerce Association
Wilmington Chamber of Commerce

The screening tool:

- Lacks the scientific rigor for regulatory decisions; Cal/EPA must clarify that results shouldn't be used for regulations or permits. Many of the indicators used to assess "pollution burden" presume events of human exposure. For example, the existence of solid waste sites or cleanup sites does not dictate that the sites are currently putting people in direct contact with pollutants. Regulations and enforcement ensure those sites are appropriately contained.
- OEHHA provides no scientific grounds for their multiplicative methodology. By multiplying the population characteristics with the potential pollution burden, CalEnviroScreen muddies the distinction between health outcomes driven by socio-economic status and those caused by chemical pollution exposure.
- By purporting to be scientifically based, CalEnviroScreen could result in the unintended consequence of discouraging investment in low socio-economic status communities. It has potential to increase a projects exposure to spurious litigation. If applied to CEQA, would likely require any project in a high-ranked community to undergo a full EIR.
- The tool models data at the zip code level. ZIP codes are much bigger than communities. A ZIP code can include a wide variety of neighborhoods, with enormously different burdens and socio-economic factors.
- The use of percentile scores for indicators, rather than normalized actual values, contributes to the perverse outcomes of the tool, and warps the relative importance of certain indicators.
- OEHHA is triple counting the potential effects of particulate matter and diesel particulate matter by including PM2.5, traffic counts, and DPM indicators in their data.

Recommendations:

- OEHHA should revise their draft guidance letter on the screening tool to more clearly specify appropriate and inappropriate uses of the tool. Specifically, OEHHA should be clear that the tool cannot apply to CEQA or permitting regulations including local regulations that do not trigger CEQA. OEHHA must commit to retain responsibility for ensuring the effective and appropriate use of the tool.
- OEHHA should limit the use of the tool to targeting incentive funding such as SB535.
- Remove the multiplicative methodology approach. Instead develop a simpler categorization that keeps "population characteristics" separate from "pollution burden". This allows for greater transparency for issue diagnosis. Population characteristics do not have the same root cause as pollution exposures. Multiplying the two issues confuses what will be the most appropriate and efficient solution for each problem.



- OEHHA should remove the DPM indicator because it is duplicative with other indicators and is generated from an incomplete and out of date database.

FuturePorts appreciates the opportunity to comment on CalEnviroScreen and to express our views. If you have any questions or concerns, please call me at (310) 922-6227.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Warren".

Elizabeth Warren
Executive Director
FuturePorts

cc: Nancy McFadden, Executive Secretary Governors Office
Matthew Rodriguez, Agency Secretary, CalEPA
Mataka Arsenio, Assistant Secretary, CalEPA