

January 23, 2013

Office of Environmental Health Hazard Assessment
Attn: Dr. John Faust
Chief, Community Assessment and Research Section
1515 Clay Street, Suite 1600
Oakland, CA 94612

Re: **Business Concerns with California Communities Environmental Health Screening Tool**

Mr. Faust,

On behalf of BizFed, Los Angeles County Business Federation – representing more than 100 business organizations with over 250,000 business owners across our region – we are writing to express our concerns with the current Draft California Communities Environmental Health Screening Tool developed by the Office of Environmental Health Hazard Assessment (OEHHA).

BizFed is a clear and longstanding proponent of the co-equal goals of environmental and economic quality, sustainability and equity, and we commend OEHHA for its efforts to more effectively focus resources and programs in critical environmental justice areas.

But BizFed is strongly concerned with several elements of this current draft tool including some key aspects of its methodology and data inputs; the lack of clarity on how this tool will be used by the public; and the very real potential consequence that the “ranking” mechanism used in this tool could create significant, negative economic impact in communities already suffering disproportionately.

In working toward a solution, BizFed – with its representation of thousands of diverse communities and industries across Southern California – would look forward to engaging directly with OEHHA to work through some of our critical concerns including:

- **Economic Impact on Communities.** This proposed tool will be used to score levels of socio-economic status and “environmental vulnerability” across California, threatening to red line communities that are seen as particularly “vulnerable.” But comparing areas of the state against others creates a relative ranking of the most environmentally and economically depressed regions in the state, and creates a perverse incentive that would essentially “redline” communities – discouraging investment in low socio-economic status communities. If vital community investors view some communities as “environmentally burdened,” it could cause property values to drop and push businesses out of our region – and potentially the State – at a time when economic growth is imperative.
- **Public Use of This Tool.** To date, Cal/EPA and OEHHA have not committed to ensuring the tool is not used inappropriately at the local or project-level for permitting or regulatory decisions. This is particularly alarming as, if this tool is applied to the California Environmental Quality Act, this would likely require any project in a high-ranked community to undergo a full EIR. It also increases a project exposure to spurious litigation. BizFed believes that this and any screening tool – as “screening tools” are simply a first step – must not be used for permitting or regulatory purposes.
- **Methodology and Data Inputs.**
 - The methodology in this tool does not distinguish between health outcomes driven by socio-economic status and those caused by chemical pollution exposure. This is a scientifically unjustified approach that could, among other things, result in under- or over-estimation of human exposure to pollutants.

Chambers of Commerce
Agoura-Oak Park-Conejo Valley-Calabasas
Alhambra
Arcadia
Armenian American
Beverly Hills
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Chinese Chamber LA
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Culver City
El Monte
Filipino American
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Hollywood
Irwindale
Korean American
Los Angeles Area
LAX Coastal Area
La Canada Flintridge
Long Beach Area
Los Angeles Metropolitan Hispanic
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Redondo Beach
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Woodland Hills–Tarzana
Trade Associations and Minority Business Groups
AIA Los Angeles
American Beverage Association
Antelope Valley Board of Trade
Apartment Association, CA Southern Cities
Apartment Association of Greater Los Angeles
Asian American Business Women Association
Asian Business Association
Associated Builders and Contractors - LA/Ventura
Beverly Hills / Greater LA Association of Realtors
British American Business Council
Building Industry Association, LA / Ventura
Building Owners & Managers Association, LA
California Apartment Association, LA
California Contract Cities Association
California Independent Bankers
California Restaurant Association, LA
Carson Dominguez Employers Alliance
Central City Association
Center for International Trade Development
Citrus Valley Association of Realtors
Construction Industry Air Quality Coalition
Construction Industry Coalition for Water Quality
Employers Group
Entrepreneurs' Organization LA
Fixing Angelenos Stuck in Traffic (FAST)
FuturePorts
Gateway to LA
Glendale Association of Realtors
Greater Asian Business Federation
Greater LA New Car Dealers Association
Harbor Association of Industry & Commerce
Harbor Trucking Association
Hospital Association of Southern CA
Hotel Association of Los Angeles
Industry Manufacturers Council
LA SHARES
League of California Cities
Los Angeles County Economic Development Corp.
Los Angeles County Waste Management Association
Motion Picture Association of America
National Association of Realtors
National Association of Women Business Owners, LA
National Latina Business Women Association
New Majority Los Angeles
Overseas Chinese Business Exchange
Pasadena-Foothills Association of Realtors
Recording Industry Association of America
San Gabriel Valley Economic Partnership
So Cal Minority Business Development Council
South Asian Business Alliance Network
South Bay Association of Realtors
South Park Stakeholders Group
Southland Regional Association of Realtors
Tri-Counties Association of Realtors
Valley Economic Alliance
Valley Economic Development Center
Valley Industry Association of Santa Clarita
Valley Industry & Commerce Association
Valley International Trade Association
West San Gabriel Valley Association of Realtors
Western States Petroleum Association

- This tool identifies potential for greater health issues, but lacks nexus needed to identify responsible parties and solutions.
- This tool currently includes multiplicative methodology on relative pollution burdens and population characteristics of a ZIP code that OEHHA has not justified.
- Modeling at the ZIP code level, as this tool does, can create scientifically flawed community-assessment/ranking results as ZIP codes are much bigger than communities. A ZIP code can include a wide variety of neighborhoods, with enormously different burdens and socioeconomic 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.

We thank you for your consideration of our concerns on this important issue and urge your immediate work to further improve, correct, develop and clarify usage of this tool to best address our communities' environmental assessment needs while also protecting them, as well as our businesses and state.

BizFed – and all of our member business associations - stand ready to work with your office.

Sincerely,



LaDonna DiCamillo
BizFed Chair
Long Beach Area Chamber



David Fleming
BizFed Founding Chair
Latham & Watkins LLP



Tracy Rafter
BizFed CEO
IMPOWER, Inc.