

January 31, 2013

By Email

CalEnviroScreen

c/o John Faust, Chief

Community Assessment & Research Section

Office of Environmental Health Hazard Assessment

1515 Clay St., Suite 1600

Oakland, CA 94612

Email: [CalEnviroScreen@oehha.ca.gov](mailto:CalEnviroScreen@oehha.ca.gov)

**Re: Comments on the Second Public Review Draft of the CalEnviroScreen:  
CalEnviroScreen and CEQA**

Dear Dr. Faust,

We appreciate this opportunity to submit these comments on the Second Public Review Draft of the California Communities Environmental Health Screening Tool (CalEnviroScreen). The groups and their members on whose behalf these comments are being submitted are: Greenaction for Health and Environmental Justice; El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water of Kettleman City; the Huntersview Mothers and Fathers Committee for Health and Environmental Justice; the West County Toxics Coalition; and the Bay Area Environmental Health Collaborative.

Our comments are limited to one issue: we strongly urge California Environmental Protection Agency (CalEPA) not to issue any memoranda or other statements that may restrict how CalEnviroScreen should be used, including in the context of the California Environmental Quality Act (CEQA), Pub. Resource Code §§ 21000 *et seq.* Information used in CalEnviroScreen already exists. Using a tool that packages already existing information in a way that is publicly accessible for assessing the environmental impacts of a project under CEQA is wholly consistent with the informational goals of CEQA, and thus CalEPA should encourage the uses of CalEnviroScreen, even while it continues to improve it.

Mailing Address:  
536 Mission Street  
San Francisco, CA  
94105-2968

Offices:  
40 Jessie Street  
Suite 530  
San Francisco, CA  
tel: (415) 442-6647  
fax: (415) 896-2450  
[www.ggu.edu/law/eljc](http://www.ggu.edu/law/eljc)

## **CalEnviroScreen Is an Important Tool that Could Assist California in Reaching Its Longstanding Goal of Achieving Environmental Justice**

The groups we represent commend the efforts of the Office of Environmental Health Hazard Assessment (OEHHA) and CalEPA for their work in developing CalEnviroScreen. It represents an important step forward in addressing the need for information on cumulative impacts of pollution on vulnerable communities.

We believe that CalEnviroScreen could be a useful tool for the organizations represented here and their members, even though the tool has not yet incorporated all of the comments of the environmental justice groups that have been involved in its development. The tool, which generates graphic information, is particularly useful for community advocacy environmental justice groups, which generally lack the resources to perform their own GIS mapping and data analysis for every project that matters to them.

### **CalEnviroScreen Provides a Way to Present Information that Can Assist Decision Makers, Business and Industry Leaders, and the Public in the CEQA Process**

CEQA's purpose is to "inform public agency decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to a project."<sup>1</sup> To realize this purpose, CEQA requires consideration of a project's cumulative impacts, including public health, social and economic factors as they relate to the physical environment.<sup>2</sup> CEQA also requires that documents generated in the CEQA process be presented in "a manner that will be meaningful and useful to decision makers and to the public."<sup>3</sup> CEQA Guidelines further require that environmental impact reports "may use appropriate graphics so that decision makers and the public can rapidly understand the documents."<sup>4</sup>

Thus, elements of environmental justice, including information about cumulative pollution burdens, are properly considered under CEQA.<sup>5</sup> And, CEQA encourages use of tools like CalEnviroScreen that enable information to be easily understood.

Since CalEnviroScreen marshals existing information on cumulative pollution burdens and socioeconomic vulnerabilities to enable such information to be more easily

---

1 CEQA Guidelines, § 15121, subd. (a).

2 *Id.*, §§ 15064, subd. (e), 15131, subd. (a).

3 Pub. Resources Code § 71110(a).

4 CEQA Guidelines, § 15140.

5 See Ramo, *Environmental Justice as an Essential Tool in Environmental Review Statutes: A New Look at Federal Policies and Civil Rights Protections and California's Recent Initiatives* (2013) 19 HASTINGS W.-N.W.J. ENV. L. & POL'Y 41, 7; California Attorney General, *Environmental Justice at the Local and Regional Level: Legal Background* (July 10, 2012) pp. 3-4 <[http://oag.ca.gov/sites/all/files/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet.pdf)> (as of Jan. 31, 2013).

presented and understood, and CEQA requires environmental justice considerations to be taken into account, there should be nothing novel about using CalEnviroScreen, as appropriate, in the CEQA process. Currently, CalEnviroScreen is the first widely available tool of its kind and, even in its preliminary form, could provide information on disproportionate environmental impacts faced by California's most vulnerable communities to foster more informed decision making and public participation.

**CalEPA Should Make No Statements that Could Be Misinterpreted to Mean that Readily Available Information Be Excluded from Consideration Under CEQA**

The California Chamber of Commerce, the California Council for Environmental and Economic Balance, and other commenters on CalEnviroScreen have expressed concern that it would mandate additional regulatory requirements and seek to have CalEPA expressly opine that the tool should not be used in the CEQA process. Some of these comments express the wrongheaded conclusion that CalEnviroScreen would somehow increase regulatory burden.

Those assertions, however, assume that the use of the tool for CEQA purposes would add considerations (analysis of cumulative pollution and other environmental justice considerations) not already required to be analyzed under CEQA. Since CEQA already requires disclosure and analysis of such information, CalEnviroScreen does not add any burdens that do not already exist. Moreover, CalEPA indicates that CalEnviroScreen would be a free, accessible tool that decision makers and the public could use to further understanding of a proposed project. The information that CalEnviroScreen would provide to regulated industry would enhance CEQA review with little costs and effort to business and industry.

Furthermore, in its First Draft CalEnviroScreen memo, CalEPA had indeed acknowledged the tool's potential to support decision makers to comply with CEQA, stating that "the information provided by this tool would be available to: assist in establishing the environmental setting for a proposed project, identifying cumulative impacts requiring environmental review, and might be useful in analyzing and formulating appropriate alternatives and mitigation measures."<sup>6</sup> CalEnviroScreen, even in its developing form, should be used in those manners because its use would effectuate CEQA's purposes and further California's commitment to environmental justice.

Unnecessarily placing a limit on the use of CalEnviroScreen in the CEQA context would arbitrarily restrict disclosure and consideration of information already in the public domain, including from government sources. For example, the data that CalEnviroScreen uses for its "Ozone"<sup>7</sup> and "PM2.5"<sup>8</sup> indicators comes from the California Air Resources

---

<sup>6</sup> CalEPA, Memorandum to Cumulative Impacts and Precautionary Approaches Work Group, July 30, 2012, p. 4.

<sup>7</sup> CalEPA, Draft California Communities Environmental Health Screening Tool (Jan. 3, 2013) Individual Indicators: Description and Analysis, p. 16.

<sup>8</sup> *Id.* at p. 20.

Board’s Air Monitoring Network; the list of “Impaired Water Bodies,”<sup>9</sup> from the State Water Resources Control Board; and information about “Asthma,”<sup>10</sup> from the Office from Statewide Health Planning and Development. CalEnviroScreen would collect and analyzes this information to provide a relative measure of the current environmental impacts on a community. Therefore, we can see no reason why such an important tool that analyzes such critical information should have limits placed on its use. (We do, however, wholeheartedly agree that the tool’s results are not a substitute for analysis required under CEQA.)

Thank you for your consideration. We look forward to developments in CalEnviroScreen in furtherance of our state’s commitment to achieving environmental justice.

Sincerely,

/s/

Adrian Kamada\*

Coby Graham\*

Helen Kang

---

Bay Area Environmental Health Collaborative is a broad partnership among six coalitions and numerous organizations working to protect public health in communities heavily impacted by pollution.

El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water of Kettleman City is a community organization in Kettleman City in the San Joaquin Valley, a low-income, Spanish-speaking Latino community affected by many pollution sources.

Greenaction for Health and Environmental Justice fights for the rights of low-income and working class urban, rural, and indigenous communities.

The Huntersview Mothers and Fathers Committee for Health and Environmental Justice is a community group in Bayview Hunters Point, San Francisco, whose residents are affected by cumulative impacts of pollution.

The West County Toxics Coalition is a Richmond-based community group working on environmental and climate justice issues to protect the health of the low-income and people of color residents affected by pollution.

---

<sup>9</sup> *Id.* at p. 49.

<sup>10</sup> *Id.* at p. 62.

\* Adrian Kamada and Coby Graham are students certified under the Practical Training of Law Student rules of the State Bar and supervised by Professor Helen Kang.