

February 1, 2013

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

**Subject:** Comments on the second version of the draft California Communities  
Environmental Health Screening Tool (January 3, 2013)

Dear Mr. Faust,

We would like to thank the OEHHA staff for the thoughtful consideration of our concerns with the first draft of the California Communities Environmental Health Screening Tool (hereafter: Tool). Many of our concerns were addressed in the second version. We also thank OEHHA for agreeing to hold additional valuable workshops and meetings at the request of various stakeholders, including the California State Association of Counties and the California Air Pollution Control Officers Association. OEHHA's charge to reduce environmental justice disparities is an important one that we certainly support, and the Tool represents an enormous effort that will provide Cal/EPA and its boards, departments and offices with useful data to help carry out this charge. Below please find our comments on the second version which we hope will further improve the Tool.

- We thank OEHHA for adding the Diesel Particulate Matter indicator; however, care should be taken to ensure that 'double counting' between similar indicators (PM 2.5, Traffic Density, etc.) is minimized to the greatest extent possible.
- We thank OEHHA for clarifying the document by strengthening and repeating the caveat that the Tool should not be used in the CEQA process (paraphrased). The caveat should be further strengthened by specifically stating that *the information and maps generated by the Tool are not suitable for use in CEQA*. Similar language was proposed by several participants of the CSAC meeting (1/23/2013), which we support.

- We strongly recommend that OEHHA extend the same caveat language, with our recommended modifications, to actions under the air permitting process.
- We would like to reiterate our strong recommendation that Cal/EPA test the Tool within its own boards, departments, and offices, and refine where necessary, before releasing it publicly.
- As OEHHA staff has stated, the Tool will evolve as new scientific data is developed. We would like the opportunity to partner with OEHHA during this iterative process.

We again thank OEHHA for its efforts in identifying communities that are disproportionately impacted by multiple sources of pollution with the ultimate goal of reducing environmental justice disparities. We appreciate the opportunity to provide additional comments, and we look forward to a continued dialog.

Sincerely,



Larry F. Greene  
 Executive Director  
 Sacramento Metropolitan Air Quality Management District

C: Larry Robinson	SMAQMD
Brigette Tollstrup	SMAQMD
Charles Anderson	SMAQMD
Dave Grose	SMAQMD
Jorge DeGuzman	SMAQMD
Tim Taylor	SMAQMD
Rachel Dubose	SMAQMD
Brian Krebs	SMAQMD
Kathy Pittard	SMAQMD
Ken Koyama	CAPCOA

Attachments:

Comment letter dated 10/16/2012  
 Comment letter dated 12/20/2012

October 16, 2012

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

Subject: CalEnviroScreen (Draft California Communities Environmental Health Screening Tool)

Dear Mr. Faust,

SMAQMD appreciates OEHHA's hard work and commitment in developing the draft California Communities Environmental Health Screening Tool to identify communities that are disproportionately impacted by multiple pollution sources with the goal of reducing environmental justice disparities across the state. OEHHA's goal is laudable and the information the Tool will provide could be very important and useful to local agencies, business/industry, non-governmental organizations, and others.

However, SMAQMD is concerned that the draft Tool in its current form could lead to serious unintended consequences in the land use development planning and CEQA review process, as well as the air district permitting process. Most of our CEQA-related concerns were conveyed by my staff at the October 2 workshop in Sacramento. We are also concerned about the use of TRI and several additional air quality data sets and indicators, as well as the specific methodology used to calculate the cumulative impacts score. Many of our concerns are shared by other interested parties who have already submitted comments to OEHHA.

Unfortunately, the comment period and notification afforded by OEHHA was not sufficient to allow for a detailed comment letter at this time. SMAQMD looks forward to providing our concerns in more detail within the next several days, and then working with OEHHA in the upcoming months to improve the tool.

Draft California Communities  
Environmental Health Screening  
Tool

SMAQMD Comments

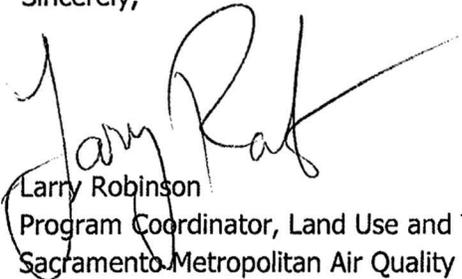
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Again, we appreciate OEHHA's goal of alleviating environmental justice disparities and we recognize the hard work put into this effort thus far. Thank you for your time and consideration. Please do not hesitate to contact me if you have any questions about this letter.

Sincerely,



Larry Robinson  
Program Coordinator, Land Use and Transportation Programs  
Sacramento Metropolitan Air Quality Management District

C: Brigette Tollstrup, Sacramento Metropolitan Air Quality Management District  
Dave Gross, Sacramento Metropolitan Air Quality Management District  
Jorge DeGuzman, Sacramento Metropolitan Air Quality Management District  
Tim Taylor, Sacramento Metropolitan Air Quality Management District  
Larry Greene, Sacramento Metropolitan Air Quality Management District

December 20, 2012

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

Subject: SMAQMD's Detailed Comments on the Draft California Communities  
Environmental Health Screening Tool

Dear Mr. Faust,

As you know, SMAQMD has already provided preliminary comments on the Draft California Communities Environmental Health Screening Tool (Tool) verbally at the October 2, 2012 workshop for local governments and in writing on October 16, 2012. In our letter, we indicated the review and comment period did not allow enough time to develop a detailed description of our concerns, and we committed to provide more detailed remarks in the future. This letter fulfills that commitment.

Although the official comment period has closed, we feel it is necessary to add our written comments to the record because the Tool could lead to serious unintended consequences impacting air quality. We request that OEHHA consider the following concerns as the Tool is being revised.

**ZIP Code Level of Analysis:** SMAQMD recognizes the difficulty OEHHA staff has experienced in identifying a geographic level of analysis that is appropriate for achieving its goal of presenting a "broad picture of the burdens and vulnerabilities different areas face from environmental pollutants". While every analysis level considered has its pros and cons, we'd like to point out that OEHHA's choice of a basic ZIP code level of analysis would not appropriately account for cross boundary transport of localized air pollution impacts. For example, prevailing winds can carry a point source's emissions well beyond the ZIP code in which they originated (ZIP "A"), impacting residents only in an adjacent ZIP code (ZIP "B"). However, as currently designed, the

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Tool

SMAQMD Additional Comments

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Tool would show 100% of the impact occurring in ZIP "A". (As discussed later in this letter, the Tool's propensity for producing results showing amplified or diluted cumulative emissions on California's communities could have serious consequences for air permitting and CEQA efforts.) As a potential solution, SMAQMD recommends that OEHHA consider the census tract level of analysis and a weighting method that recognizes cross-boundary effects such as that contained in Cal/EPA's Environmental Justice Screening Tool.

**Scoring and Weighting Methodology:** The rationale for the scoring and weighting of indicators is insufficient and therefore difficult to understand. Please elaborate and provide examples.

**Toxics Releases from Facilities Indicator:** The "Toxic Releases from Facilities" relies on information from the Toxic Releases Inventory (TRI) database, which we found to contain a multitude of errors during our review of US EPA'S 2005 NATA Data. The errors affected amount and type of toxic releases as well as the location of facilities. We would like an opportunity to work with OEHHA to ensure that the data reflects the correct location, size, and type of releases.

**Traffic Density Indicator:** Due to the adverse health effects associated with diesel particulate matter exposure, we suggest that the Traffic Density also recognize heavy duty truck traffic.

**Air District Permitting and Hot Spots Programs:** We are concerned with how the information in the Tool may be interpreted by the general public. Certain permitting actions are subject to public noticing and review, where CARB, US EPA and the public have an opportunity to review the proposed permit as well as SMAQMD's evaluation. The information obtained from the Tool may be used, intentionally or unintentionally, to determine whether to oppose or support a permitting action. This may undermine the true intent of the public noticing process, which is to allow the public an opportunity to review the proposed project, the proposed permit, and the District's permit evaluation to make sure all applicable requirements are being addressed properly. The Tool may give the public an artificial sense of comfort (in areas showing a low cumulative impact) and discourage public participation, or it may unnecessarily complicate the permitting process in areas showing a high cumulative impact due to factors unrelated to the permitting process.

**CEQA:** SMAQMD coordinates with Sacramento County, its cities, and other relevant jurisdictions during the planning and CEQA review processes for proposed land use developments with the goal of reducing air emissions during the construction and operational phases. Based on past experience with statewide guidance developed with little direct input from local agencies, we believe that the Tool could be used to abuse, misinform, or otherwise unnecessarily complicate the CEQA process.

OEHHA provides conflicting guidance on how this Tool should be used in the CEQA process. The Proposed Methods and Indicators document, released on July 30, 2012, states that this tool is

not to be used as the equivalent of a CEQA analysis for cumulative impacts, however, in a memo to its working group also released on July 30, OEHHA states the exact opposite:

And, when reviewing potential development projects, the tool could be used by decision makers carrying out their existing obligations under the California Environmental Quality Act. For instance, the information provided in the 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. (See, for example, the Attorney General's advice letter on *Environmental Justice at the Local and Regional Level*, available at [http://oag.ca.gov/sites/all/files/pdfs/environment/ei\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/pdfs/environment/ei_fact_sheet.pdf).)

We urge OEHHA to adopt the position that that the Tool *not* be used in CEQA analyses. This strong recommendation is based on our experience with ARB's Land Use Handbook, guidance that was developed without adequate input from the audience for which it was intended- local government. The Handbook provided insufficient guidance on how it should interface with CEQA, leading to unintended consequences discouraging infill and smart growth. As a result, local government such as SMAQMD had to devote significant unbudgeted resources in providing guidance on how to incorporate the Handbook's suggestions without conflicting with other air quality-friendly efforts.

**Timing of the Release:** SMAQMD strongly urges Cal/EPA to test the Tool within its own departments so it can be fine-tuned before releasing it to the public.

We again thank OEHHA for its efforts in identifying communities that are disproportionately impacted by multiple sources of pollution with the ultimate goal of reducing environmental justice disparities. We appreciate the opportunity to send these additional comments, and we look forward to a continued dialog.

Sincerely,



Larry F. Greene

Executive Director

Sacramento Metropolitan Air Quality Management District

C:

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Charles Anderson SMAQMD  
Dave Grose SMAQMD  
Jorge DeGuzman SMAQMD

Attachment:

SMAQMD's preliminary comment letter dated 10/16/12

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