SCAP
SOUTHERN CALIFORNIA ALLIANCE OF PUBLICLY OWNED TREATMENT WORKS

June 2, 2014

Dr. John Faust, Chief
CalEnviroScreen
Community Assessment & Research Section
Office of Environmental Health Hazard Assessment
1515 Clay St., Suite 1600
Oakland, California 94612

Re: Comments on the Draft California Communities Environmental Health Screening Tool Version 2.0 (CalEnviroScreen)

Dear Dr. Faust:

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) represents 81 public agencies that provide essential water and wastewater treatment to nearly nineteen million people in Los Angeles, Orange, San Diego, Santa Barbara, Riverside, San Bernardino and Ventura counties. We provide environmentally sound, cost-effective management of more than two billion gallons of wastewater each day and, in the process, convert wastes into resources such as recycled water and renewable energy. Our member agencies have also consistently supported the environmental justice communities within our respective service areas.

Although we did not initially object to the model being used to support identifying communities for SB 565 monies and other EJ grants we can no longer withhold our objection to its use. We remain concerned that the numerous and fundamental flaws we identified in the original model were not corrected in this revision[1]. Thus, at this time, we feel that the model is inappropriate for any purpose suggested in the model's guidance.

Most importantly, we feel that OEHHA's apparent reluctance to correct the many misconceptions concerning this model further undercuts the model's effectiveness and is counterproductive to assuring environmental justice for all Californians. The model guidance alone is insufficient to communicate to decision makers the model's limitations. We urge OEHHA to either address the growing misconceptions generated by the tool, or replace this unscientific and inappropriate tool with one that correctly applies solid scientific principles.

[1] SCAP Comment Letter to OEHHA, February 1, 2013.

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THE MODEL PERPETUATES COMMON MISCONCEPTIONS

We are concerned that OEHHA has not countered the misconceptions reflected in the press reports of the model's results. Numerous reports speak to the model's ability to "pinpoint" the areas of greatest concern,[2, 3, 4, 5, 6, 7, 8] a use that is clearly inconsistent with a "screening" tool. While others ignored population metrics in reporting that certain areas are the "most polluted." [4, 5, 6, 7, 8, 9, 10] These conclusions disregard the model guidance which explains that the screening results are not indicative of health risks or cumulative impacts.

The model guidance claims that an important target audience for the model is "CalEPA, its boards, departments and office." The goal is to assist in "prioritizing resources and help promote greater compliance with environmental laws." So we find it particularly disturbing that these inaccurate, misleading and inflammatory media reports are accessible through the Air Resources Board "What's New" updates.[2, 3, 4, 7, 8, 9, 10] OEHHA should express concern about such practices and work with regulatory agencies and other stakeholders to correct these misconceptions.

The reports referenced above confirm that the model guidance is insufficient in educating the public and decision makers on the model's appropriate usefulness and meanings. To minimize the potential for future misuse of the tool, OEHHA should reconsider its method of dissemination this "screening" information. We recommend that CalEnviroScreen be clearly and definitively recast as a screening tool with limited distribution to its originally intended audience under Cal/EPA. Restoring the tool as a metric to identify communities for further investigation is the most reasonable approach.

POTENTIAL USES FOR THIS MODEL SHOULD BE LIMITED

The model's guidance suggests potential applications that are inappropriate for the model's use. The uses suggested in the guidance require a specificity and rigor that the model lacks.

Perhaps the most important potential use suggested for the model is to identify worthy communities for environmental justice grants and cap and trade funds under SB 535. It seems

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[2] "Online Environmental Tool Places Stanislaus and Merced Counties among the Worst Areas in California." Modesto Bee, May 2, 2014. Also linked through ARB list serve, May 5, 2014.
[3] "New Maps Pinpoint Neighborhood Health Risks." Sacramento Bee, April 27, 2014. Also linked through ARB list serve, April 28, 2014.
[4] "Editorial: Central Valley's Dire Dirty Air Distinction." Sacramento Bee, May 1, 2014. Also linked through ARB list serve, May 2, 2014.
[5] "Boyle Heights Ranks No. 9 on California Pollution List." Boyle Heights Beat, April 29, 2014.
[6] "Toxic Contaminant Releases in Barrio Logan Confirmed." San Diego Free Press, April 23, 2014.
[7] "New Map Could Refocus State's Pollution Battles." Los Angeles Times, April 22, 2014. Also linked through ARB list serve, April 24, 2014 and April 23, 2014.
[8] "Our View: Central Valley Has the Greatest Need for Using 'Cap and Trade' Billions." Merced Sun Star, May 1, 2014. Also linked through ARB list serve, May 2, 2014.
[9] "Fresno Ranks No. 1 on California Pollution List." Los Angeles Times, April 23, 2014. Also linked through ARB list serve, April 24, 2014.
[10] "Pollution's Victims: 92,903 S.J. Residents Face Higher Risk Than 95 Percent of Rest of State." Recordnet.com, April 30, 2014. Also linked through ARB list serve, April 30, 2014

logical that the funding should be proportional to the need. And yet, the model cannot measure the extent of this need. OEHHA admits that the model can merely "present a broad picture of the burdens and vulnerabilities different areas confront from environmental pollutants." Later in the guidance, OEHHA admits that "Use of broad groups of areas, such as those scoring in the highest 15 and 20 percent, is expected to be *the most suitable application of the CalEnviroScreen results*." Finally, OEHHA admits its scoring system "cannot describe the magnitude of the difference between two or more areas." Distribution of monies demands more precision and better justification than this model offers, in its current form this tool is ill-suited for those purposes.

OEHHA also suggests that the model can be used to "promote greater compliance with environmental laws." Presumably, the model has already been used to assist "efforts to increase compliance with environmental laws" yet the OEHHA guidance provides no examples where this has occurred. The guidance adds that "The CalEnviroScreen score is not an expression of health risk," and further, "the tool is not intended to be used as a health or ecological risk assessment for a specific area or site." With no nexus between a facility's actions and the risks imposed on a community, we fail to see how this tool can justify enhanced enforcement. Any enhanced enforcement should be guided by the true risks imposed on the community – risks that OEHHA admits the model cannot determine. OEHHA should not suggest this tool could be used for that purpose until it can better explain why one facility should receive increased scrutiny over another.

Additionally, the model's reliance on a final aggregate score limits its usefulness by other agencies as a tool to achieve their environmental mandates. The capability to select unique combinations of key metrics would make this tool more useful for those agencies looking to draw from their expertise while benefitting from OEHHA's extensive data mining efforts.

For OEHHA to suggest that "Other entities and interested parties may identify additional uses for this tool" is troubling in light of the obvious and widespread misinterpretation of the model's results. As shown above, many potential users are viewing the screening results as "absolutes" and drawing conclusions about impacts on their communities. An open-ended invitation for additional uses without better guidance or limits will result in measures to address perceived conditions rather than directing limited resources where they are needed most. Additionally, for OEHHA to state that local governments "are free to decide whether the tool's output ... provides an understanding of the environmental burdens and vulnerabilities in their localities" implies that the OEHHA is unsure of its own model's conclusions. Local governments are not as equipped to understand the results and draw conclusions as is OEHHA. OEHHA should not encourage acts that could result in unscientific or irresponsible uses for the model.

The most, and perhaps only, appropriate use for this *screening* tool is to identify regions for <u>further study</u>. Quoting from one of OEHHA's references, "The finding of effect modification by socioeconomic status should trigger <u>further research</u> [emphasis added] to better understand the intervening factors."[11] The tool is insufficient on its own to serve as the final word on whether or how a vulnerable community is truly impacted by cumulative environmental burdens.

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[11] Samet JM, White RH (2004) Urban air pollution, health and equity. J Epidemiol Community Health, **58**:3-5.

We appreciate your consideration of our comments on CalEnviroScreen, and look forward to working with you to revise this screening tool. If you have any questions regarding these comments, please do not hesitate to contact me at (760) 479-4880.

Very truly yours,

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