

September 23, 2010

Ms. Jocelyn Suero
Office of Environmental Health Hazard Assessment
1515 Clay Street, Suite 1600
Oakland, California 94612

Re: Comments on *Cumulative Impacts: Building a Scientific Foundation* – Public Review Draft (August 19, 2010)

Dear Ms. Suero:

As a member of the Cumulative Impacts and Precautionary Approaches Workgroup, I am pleased to have the opportunity to comment on the California Environmental Protection Agency's (Cal/EPA's) draft document, *Cumulative Impacts: Building a Scientific Foundation*. I appreciate the efforts of Cal/EPA, the Cal/EPA Office of Environmental Health Hazard Assessment (OEHHA), U.C. Berkeley and all of the individuals who have worked diligently for several years to produce this report. This report represents a serious contribution by Cal/EPA and OEHHA in their efforts to address the problem of cumulative impacts, one of the most important issues today in government efforts to protect public health and the environment.

My comment is directed to a single issue. On page vii, the Report states that "A framework for the development of guidance for precautionary approaches will be addressed in a separate document." What this means is that the Report is directed only to the issue of developing guidance on the assessment of cumulative impacts. It does not intend to consider the problem of what to actually do about cumulative impacts, that is, how to make decisions to protect public health and the environment when confronted by a cumulative impacts disparity. This all-important problem, the "Precautionary Approaches" portion of the work of the "Cumulative Impacts and Precautionary Approaches Workgroup," is being left to another day.

It may not be unreasonable to develop guidance for precautionary approaches as an independent document. But I do not believe it is appropriate to defer the work on preparation of that document indefinitely, including past the upcoming election in California.

The CIPA Workgroup had substantial discussion of this issue, materials were developed and presented on this issue to the Workgroup by Cal/EPA and OEHHA staff and UC Berkeley personnel, and guest speakers addressed the issue before the Workgroup. There was substantial effort by OEHHA to begin to address the legal authorities within the state to use cumulative impacts in their decision-making.

In view of all the work done on this issue over the last few years of the Workgroup's existence, I believe it is important to make it very clear that completion of the Cumulative Impacts Report does not complete the efforts of Cal/EPA or the CIPA Workgroup. It would be reasonable for OEHHA to develop now an outline of a report on Precautionary Approaches. Such an outline need not identify any specific substantive conclusions. Further work by OEHHA and the Workgroup may be required to complete the report. But such an outline would begin to document the work that has been done at this important juncture, at substantial taxpayer expense, and represent a commitment by Cal/EPA to actually complete this important process.

Accordingly, I suggest that OEHHA commit to completion of the development of guidance on both Cumulative Impacts and Precautionary Approaches by completing a draft outline of a report on Precautionary Approaches contemporaneously with completion of the report on Cumulative Impacts. This would make best use of the work that has been done and represent both a placeholder and a commitment by Cal/EPA to the environmental justice community and all the people of California that it will in fact seriously address the Precautionary Approaches problem.

Thank you for this opportunity to provide comments. I will be pleased to answer any questions.

Very truly yours,

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