



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT



METROPOLITAN
TRANSPORTATION
COMMISSION

May 14, 2021

Honorable Jared Blumenfeld, Secretary
California Environmental Protection Agency (CalEPA)
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

Dr. Lauren Zeise, Director
Office of Environmental Health Hazard Assessment (OEHHA)
P.O. Box 4010
Sacramento, California 95812-4010

Dear Secretary Blumenfeld and Director Zeise,

On behalf of the Association of Bay Area Governments, the Metropolitan Transportation Commission and the Bay Area Air Quality Management District, below are our joint comments on the proposed Version 4.0 update of the California EnviroScreen (CES) tool developed by the Office of Environmental Health Hazard Assessment to help the California Environmental Protection Agency (CalEPA) identify communities disproportionately burdened by multiple sources of pollution and population characteristics (socio-economic factors and factors indicative of sensitive populations) that compound their risks associated with pollution.

From a technical standpoint, we appreciate that Version 4.0 provides numerous updates to the data underlying CES and the addition of a new variable—childhood exposure to lead paint—which is proven to have adverse long-term health impacts. Overall, we recognize that CES is a useful resource for policy makers and researchers alike interested in analyzing how different communities across the state measure up against the individual 21 factors included in the tool, and in particular, identify which communities have the highest concentration of pollution and population-based risk factors when combined through the CES mathematical model. However, we continue to remain very concerned that the use of the final CES composite score by CalEPA to identify whether or not a community qualifies as a “disadvantaged community” (DAC) overlooks too many Bay Area communities that are clearly disadvantaged from a socio-economic/population characteristics standpoint.

Many census tracts that CES 4.0 identifies as disadvantaged based on the population characteristics would not be considered disadvantaged under CES 4.0 if CalEPA continues to define DACs based on those with a combined score in the 75th percentile. Specifically, 34 census tracts in the Bay Area (number of census tracts by county listed below), fall into the 75th percentile for population characteristics, including poverty, unemployment, housing burdened, low birth weight, etc., but fall below the 75th percentile composite CES score:

- Alameda – 12, including eight census tracts in Hayward, two in Oakland and two in San Leandro
- Contra Costa – 5 census tracts in Contra Costa, located in the cities of Antioch, Concord, Pittsburg, Richmond, and San Pablo
- San Francisco – 3 census tracts
- Santa Clara – 8 census tracts, all of which are in San Jose
- Solano County – 5, 4 in Vallejo, one in Fairfield
- Sonoma County – one in Santa Rosa

Underscoring the flaws of relying on this single composite measure to identify DACs, these final composite scores omit seven Bay Area census tracts in the top 90th percentile for population characteristics, including census tracts in the cities of Antioch, Fairfield, Pittsburg, San Jose, San Leandro, San Pablo and Vallejo. Notably, the same is not true of census tracts scoring in the 90th percentile for pollution factors, i.e., all tracts scoring in the top 90th percentile for pollution factors also fall within the 75th percentile for the composite CES score and would therefore be considered DACs under that definition.

Recommendation

Accordingly, we believe that subsequent to the adoption of the revised CES 4.0, CalEPA should also update its DAC designation so as to capture more socio-economically disadvantaged communities that have less exposure to pollution but are clearly disadvantaged based on population characteristics. Indeed, California Health and Safety Code Section 39711, established by SB 535 (DeLeon, 2011) gave CalEPA discretion in this regard when it directed the agency to identify “disadvantaged communities for investment opportunities related to this chapter” as follows:

*These communities shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, **either** [emphasis added] of the following: (a) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation. (b) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.”*

This provision clearly gives CalEPA discretion to incorporate census tracts into its DAC designation even if they do not score particularly high on pollution factors. Indeed, in 2017, CalEPA opted to use this discretion with regard to census tracts that scored in the top 5th percentile for pollution factors even if they fell short of the 75th percentile overall noting that they “warrant consideration for designation as disadvantaged communities because they are burdened by significant environmental concerns.” The same rationale should apply to census tracts burdened by population characteristics.

MTC and BAAQMD are committed to improving access to opportunity in the Bay Area through increased affordable housing near public transit and transit service improvements as well as

reducing exposure to pollution, particularly in communities with high concentrations of poverty and other population characteristics incorporated into CES. We ask that CalEPA provide notice soon as to the public process for updating its designation of DACs. With hundreds of millions of dollars annually in Cap and Trade funds reserved for DACs or for projects that benefit the residents of DACs, this is critical policy question that warrants robust engagement with key stakeholders. We look forward to engaging with you on this important subject and offer several concepts for consideration:

- Similar to what was done in 2017 with respect to pollution factors, include census tracts that are in the top scores for *population factors* even if their combined CES score falls below the threshold for designating DACs (currently 75th percentile). For example, at a minimum, we recommend including all census tracts that score in the top 90th percentile for population characteristics regardless of their combined CES score. Nine census tracts fall into this category statewide, including seven in the Bay Area as noted on page 2.
- Consider providing flexibility for census tracts that have fallen out of the 75th percentile in Version 4.0 by a small percentage (such as 2%) if they remain in the top 75th percentile for either the composite score of population characteristics or pollution factors. Currently, 16 census tracts would be captured by this approach statewide, eight of which are in the Bay Area (two in Alameda County, two in Contra Costa County, one in Solano County, two in San Francisco and one in Santa Clara County).
- Adjacency should also be considered – if a census tract falls below the cut-off threshold and is adjacent to a census tract that is a DAC, it should be evaluated for remaining a DAC if it remains at a high threshold for population or pollution factors.

Thank you for the opportunity to provide comments on the latest update to CalEnviroScreen. If you have any questions regarding our comments, please contact Rebecca Long, Manager of Government Relations at MTC/ABAG at rlong@bayareametro.gov or Judith Cutino, BAAQMD Health Officer at jcutino@baaqmd.gov.

Sincerely,



Jack P. Broadbent
Chief Executive Officer, BAAQMD



Therese W. Mcmillan
Executive Director, MTC/ABAG

cc: Ms. Kate Gordon, Chair, Strategic Growth Council
The Honorable David Kim, California State Transportation Agency Secretary
Ms. Christine Hironaka, Deputy Cabinet Secretary, Office of Governor Newsom
Ms. Liane Randolph, Chair, Air Resources Board