

Agricultural Council
of California

Submitted online at <https://oehha.ca.gov/calenviroscreen/comments/comment-submissions-draft-calenviroscreen-40>

May 14, 2021

Re: Office of Environmental Health Hazard Assessment (OEHHA), proposed revisions to CalEnviroScreen, Version 4.0

Dear OEHHA:

Dairy Cares appreciates the opportunity to comment on the above-referenced matter. Formed in 2001, Dairy Cares (www.dairycares.com) is a coalition of California's leading dairy producer and processor organizations, including trade associations representing dairy farmers, milk-processing companies and cooperatives, and others with a stake in the long-term environmental and economic sustainability of California dairies.

We have reviewed OEHHA's proposed revisions to CalEnviroScreen and offer these comments.

1. Mapping should not identify specific family residence locations/addresses.

We understand that the proposed revisions to CalEnviroScreen will result in dairies being displayed on the interactive map as point features. To the degree OEHHA decides to include dairies in CalEnviroScreen (notwithstanding our further comments below), we request that dairies not be represented by a point location, but rather under the umbrella of the Census Tract (polygon) for which the Groundwater Threat and other scoring values are presented. This approach still allows the information (number of dairies, number of confined animals, and groundwater threat score attributed to Dairies/Feedlots) that goes into the CalEnviroScreen score to be transparent, while respecting the privacy of the people that actually live at those dairy sites. Unlike almost all other regulated facility sites, dairy farms also serve as residences for families; their residential privacy, safety and security should be respected and protected.

2. Inclusion of dairies in CalEnviroScreen 4.0 is premature and based on incomplete data and risk assessment.

OEHHA's rationale for including dairies in CalEnviroScreen Version 4.0 is purportedly to provide communities and policymakers a more accurate picture of groundwater threats posed to communities. Specifically, OEHHA states that the proposed action "is a response to concerns

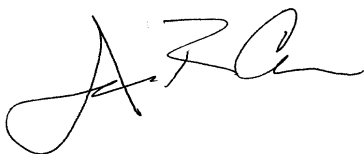
about potential impacts to groundwater and soil from nitrogen and other waste products from animal operations.” However, including dairies as currently proposed and in absence of other important sources of nitrogen will actually provide a less accurate, skewed picture of the threats posed to communities, because this methodology relies on multiple inaccurate assumptions.

The proposed methodology ranks threat posed by dairies solely on the size of dairies in terms of animals housed at the facilities, and their distance to populations of residents. This is not an accurate way to assess risk to groundwater threats posed by animal facilities, as it does not assess more material aspects, such as how fully the dairy complies with water quality regulations, data from the dairy’s own domestic and supply wells, hydrogeological conditions in the specific area in question, and management practices at the dairy. Hypothetically, a poorly managed facility with a smaller herd in a setting with shallow groundwater and sandy soils could potentially pose a larger risk than a facility with a larger herd that is properly managed and situated in less vulnerable or more protective hydrogeological conditions. The simplistic approach proposed by OEHHA will not provide useful or accurate risk assessment to policymakers or the public. This methodology also apparently provides dairies no opportunity to change their risk score, no matter how well they are managed. This raises the question of whether OEHHA would consider including in its methodology an opportunity to revise a dairy’s risk score; however, it would be unfair to put the burden on regulated dairies to correct risk assumptions that have been made about their facilities based on incomplete facts and a flawed analysis.

Similarly, the proposed methodology ignores other important sources of nitrates that might threaten groundwater resources. Inclusion of dairies in the CalEnviroScreen tool, by definition, *elevates* their relative threat score compared to sources that are ignored by CalEnviroScreen. Conversely, failure to include other nitrate sources, such as rural septic systems – many of which are located near vulnerable small public water systems and domestic wells – essentially ignores any threat these sources might pose, and paints a skewed, inaccurate picture of the overall threats posed to community drinking water sources. Including dairies alone, prior to a more thorough assessment of other sources of nitrogen, overstates the threat of dairies, while understating the relative contribution and potential threats posed by other sources.

For the above reasons, we respectfully suggest that dairies not be included in CalEnviroScreen Version 4.0 until and unless the above issues are adequately addressed.

We appreciate your consideration of these comments. Sincerely,



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Dairy Cares



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