



## California Council for Environmental and Economic Balance

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### **Submission via email to [Comment Submissions - CalEnviroScreen 5.0 - OEHHA](#)**

April 1, 2026

Kristina Thayer  
Director  
Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, CA 95814

#### **RE: CalEnviroScreen 5.0 Update**

Dear Director Thayer:

On behalf of the California Council for Environmental & Economic Balance (CCEEB), we appreciate the opportunity to provide comment on the Office of Environmental Health Hazard Assessment's (OEHHA) CalEnviroScreen 5.0 (CES) update.

Notably, CCEEB was a participant in the CalEPA Cumulative Impacts and Precautionary Approaches (CIPA) Work Group from its inception in 2008 until its conclusion in 2013, as well as the CalEPA Environmental Justice Advisory Committee, which first recommended that the Office of Environmental Health Hazard Assessment (OEHHA) develop a cumulative risk analysis framework for the boards, departments, and offices of CalEPA. Throughout this time, we have engaged with OEHHA on the development and evolution of the CES screening tool and offer these comments with that history in mind. We are equally mindful of the technical challenge inherent to any assessment of cumulative impacts and are appreciative of OEHHA's deliberative and transparent work over the years to advance scientific and public understanding of how multiple public health drivers may work in tandem to influence individual and community health and wellbeing.

#### **Outreach to Inform Update Seemingly Exclusive**

While CCEEB has appreciated its engagement with OEHHA over the years on the development of and updates to CES, we were concerned to learn that the updates are a result of exclusive engagement and co-design with one set of stakeholders rather than a broader array of entities inclusive of the regulated community as well. Despite 5.0 being released for review and comment, the exclusive co-design and engagement led to inclusion of new indicators and updates that may be unwarranted. Further, Figure 1 in the co-design report suggests that to empower community-based organizations, OEHHA will implement what they decide without clarity on guardrails and clear science driven data and evidence

to justify such an approach that would incorporate such potentially broad and impactful criteria, indicators, and more.

### **Major Changes in the Indicators Public Input & Transparency are Cause for Concern**

In our comments submitted on CES 4.0, CCEEB strongly recommended that OEHHA and CalEPA engage independent public advisors to help inform future changes to the CES model before it adds or removes individual indicators, changes the calculation and scoring method, or any other significant change that goes beyond merely updating data within an indicator. Discussions between OEHHA and its advisors as well as prioritization of one set of stakeholders' perspectives and feedback that leads to such changes should be made public and noticed in advance, much as was done for versions 1.0 and 2.0 with the convening of the CIPA Work Group. We note that with each additional indicator, the influence of existing indicators on final community scores is diminished. CCEEB believes the tradeoffs involved in such changes are as much policy in nature as technical, and that end users of the model should have a greater voice in deciding what gets measured and how.

As it relates to the addition of small air toxics sites, including oil and gas well locations and small stationary sources of air pollution, CCEEB recommends more detail be provided on the analysis and data associated with its inclusion. For one, although the indicator suggests it is more encompassing than just oil and gas wells, there is little mention of other small air toxic sites. Further, the technical report notes that for air toxic sites OEHHA relied on the US EPA's Risk Screening Environmental Indicators (RSEI) on toxicity-weighted concentrations of modeled chemicals that are released into the air and which were updated to incorporate an average of the emission data from 2020-2022. It is unclear, however, if this data set is even relevant for California and CES. Facilities operating in California operate under much more stringent laws and regulations regarding emissions than those operating in other states. In this regard, such national data sets could skew their impact through CES if it is not also adjusted to account for the current regulatory environment and limitations in place in California as compared to other states.

Notably, oil and gas wells were the particular focus of the inclusion of the new air toxics sites indicator. However, oil and gas wells are not widespread throughout California to be included as its own indicator. OEHHA's own criteria as laid out in Appendix B of the co-design report requires that there must be data available for the entire state at the census tract level or is translatable to the census tract level and represents a statewide, not just a regional, concern. To circumvent this issue, OEHHA is proposing to combine these wells with new information on small facilities that release air pollution into a new indicator. However, Appendix C of the Co-Design Report under "Small Air Toxics Sites (Oil and Gas Wells)" only discusses oil and gas wells, not any other element that relates to a broader consideration of sites contributing to air toxics. CCEEB is concerned about what appears to be manipulation of the data and various sectors to address deficiencies in eligibility to include these wells in the CES tool. This is inappropriate and raises concern about the inclusion of oil and gas wells for a tool that is built on indicators with statewide effect.

Further, the California Air Resources Board (CARB) has conducted monitoring studies over the years in and around oilfield operations (i.e. SNAPS Program), which did not identify significant air pollution issues impacting surrounding communities. It is unclear if OEHHA reviewed and considered the CARB studies as part of their review and focus on “small air toxic sites,” and almost exclusive focus on oil and gas wells. For these reasons, CCEEB urges OEHHA to reconsider and remove the focus on oil and gas wells.

Regarding the buffer expansion associated with large hazardous waste facilities, CCEEB is unclear what constitutes a “large hazardous waste facility” subject to the expanded buffer. Further, the studies OEHHA relied on to justify the buffer increase for these particular facilities seems to infer a causal relationship with health effects from these facilities despite such facilities having to comply with a myriad of laws, regulations and permitting requirements that are the most stringent in the nation. The entire point of CES is to illustrate that there are a host of factors that are at play and any inference of a causal relationship to one sector necessitates further evaluation and targeted risk assessment, which CES does not do. Additionally, some of these facilities have undergone analysis as part of their permitting processes to consider various factors that often led to the regulator deeming the facility as not having an impact on the adjacent community requiring mitigation. To that end, we believe the update and expansion of the buffer zone lacks clear justification when it has been shown in a number of instances by regulating bodies that the facilities likely subject to the impact of this expansion are not having an impact on the adjacent communities. Overarching all of this, the change lacks scientific rationale for the expansion specifically from 1 km to 4 km. Although the reports that OEHHA cited as the basis for such an expansion include larger and smaller buffers, CES appears to be the only tool that weights the score based on how close they are and how serious their impact is on the surrounding community. The scientific explanation of data and evaluation mentions that “other national and state tools have historically used larger buffers than CalEnviroScreen, but rank all facilities the same, regardless of facility size, violations or activity.” It goes on to say that the subgroup wanted to keep the current weighting and expand the buffer zone. Given the differences in CES as compared with other national and state tools; the significant difference in regulation, permitting and environmental controls on such facilities; and the lack of clear scientific basis for expanding the buffer zone from 1 km to 4 km for facilities that are already heavily regulated and whose size, violations and activity are already taken into account, CCEEB urges OEHHA to rescind this change in CES.

### **Inadequate Discussion of the True Nature of Cumulative Health Impacts**

In reference to cumulative health impacts, the inference is that cumulative means only environmental exposures. While this definition is used by the EPA and the Centers for Disease Control, it leads communities and CES users to believe that in assessing the cumulative impacts of community health, they would only need to focus on environmental conditions. This is not only incorrect, it can misinform and mislead the public as to what is needed to improve health outcomes in a community. To this point, CES is missing a clear and comprehensive discussion on how all factors including genetics, nutrition, exercise, and access to healthcare services impact outcomes. There are references to this holistic approach in examining cumulative health impacts, but it is not fully discussed nor brought forward in the document under the Executive Summary nor in any detail in outreach

material to the public. For example, on page 180 of the technical document it mentions this impact but does not expand upon it. It notes for the case of Diabetes Mellitus (DM) that “*While it is typically not possible to pinpoint the exact cause of an individual case of DM, research has shown that **many factors, including exposure to environmental pollutants, poor diet, and physical inactivity, contribute to this condition** (ElSayed et al. 2023). Low-income populations are at higher risk because they face challenges like **limited access to healthy foods, healthcare, and safe places to exercise** (McAlexander et al. 2022)”*

More evidence of this lack of focus can be found in the formation of the design group used for CES 5.0. The group consisted of various environmental justice community representatives and OEHHA, but no participation or involvement from the Medical community nor the California Department of Public Health (CDPH). This lack of broad-based participation and coordination has been highlighted earlier in comments. As a result of a lack of perspective from the medical and public health community, the inference once again is that solving environmental issues will solve all community health concerns. The lack of understanding seems to present itself even in a quote from the co-design document that states, “*Environmental justice communities experience higher burden of exposures to pollution and toxins, including carcinogenic and endocrine-disrupting chemicals. Exposure to these toxins lead to increased risk of cancers and diabetes and other metabolic disorders. Diabetes can also worsen the impacts of extreme weather events.*” (PSR-LA Collaborators,” page 13) While this statement is correct, it fails to note that the exposure is only one part of the risk associated with diabetic and other metabolic disorders.

To this end, CCEEB urges OEHHA to more closely coordinate with CDPH to explain all of the factors that make up a cumulative health risk, and all resources available. This document should be revised along with any public outreach information noting that environmental factors are only one aspect of community health. A standardized, joint statement by OEHHA and CDPH should be developed and distributed to each environmental agency for use in any briefing on this topic. The limitations of CES in assessing community health outcomes, awareness of all the aspects of cumulative health along with supporting resources available should also be shown at the beginning and ending of each public outreach activity and in public documents. Doing so will more robustly assist communities in understanding all of the factors, but also provide the information to address and improve community health outcomes.

### **Guidance on CES Limitations Needed**

As CCEEB has discussed and noted on countless occasions over the years, because CES does not demonstrate causation, its results are not appropriate as the sole basis for regulatory, permitting, or land use decision-making – much less inference of specific facility impact. Past CES reports from OEHHA and guidance from CalEPA included helpful discussion of some of the limitations in use of scoring results; see Appendix A.

CCEEB strongly recommends the discussion be emphasized in the 5.0 report, to ensure that the issues are understood by those interested in applying CES results. In particular, we ask that the report include the discussion of the California Environmental Quality Act

(CEQA) from the prior guidance quoted in Appendix A. As used in CES, the term "cumulative impacts" has a very different definition from that of CEQA (see CEQA Guidelines Section 15355) and includes pre-existing conditions that are treated as part of the environmental baseline under CEQA. To avoid significant confusion for the public and for decision-makers, the report should be transparent about such limitations as well as the appropriate applications of the CES methodology.

More specifically, CCEEB urges CalEPA and OEHHA to add language to the guidance memo and report and provide examples of appropriate and inappropriate uses and clarify that CalEnviroScreen should not be used as the sole basis for CEQA, permitting, or any other regulatory actions, including land use decision making.

Finally, while we appreciate the importance of OEHHA highlighting the benefits and resulting accomplishments associated with CES, we must raise concern with highlighting litigation and associated settlement outcomes associated with the "Make Polluters Pay" campaign in the overview materials. As already noted, CES is a tool that does not drill down so far as to be able to discern the exact impact and contribution from a single source. In order to get to that level of granularity, a focused risk assessment is needed. CES does not provide for that type of assessment and as such we urge OEHHA to focus its highlights on beneficially directed investments and support for communities rather than litigation against regulated entities. Furthermore, we respectfully urge OEHHA to avoid characterizing the regulated community as "polluters" for any reason in deference to the fact that in the manufacture, energy production and general goods movement they may be considered "emitters" but are required to follow all environmental and public health laws to restrict or manage such emissions for compliance purposes.

CCEEB appreciates the opportunity to comment on version 5.0 and we thank OEHHA and its staff for the many years of thoughtful research, analysis, and development of new and innovative approaches that can help improve understanding of cumulative impacts here in California and beyond. Use of CalEnviroScreen has become ubiquitous among environmental policy decision makers and stakeholders, and it is an important model for other jurisdictions grappling with similarly complex interactions among environmental, socioeconomic, and public health inequities.

CCEEB appreciates the opportunity to provide these comments and for OEHHA's consideration. If you have any questions, please contact Dawn Koepke, Project Manager for CCEEB's Water, Chemistry & Waste Project, at [dkoopke@mchughgr.com](mailto:dkoopke@mchughgr.com) or (916) 930-1993. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Tim Carmichael". The signature is written in a cursive, flowing style.

Tim Carmichael  
President

## Appendix A Citations from Past CES Reports and Memos

### [Memo from Assistant Cal/EPA Secretary Arsenio Mataka and OEHHA Director George Alexeef to the CIPA Working Group on Draft CalEnviroScreen, July 30, 2012](#)

“The tool is not intended to be a substitute for focused risk assessment for a given community or site and cannot precisely predict or quantify specific health risks or effects associated with cumulative exposures identified for a given community or individual. The tool also does not directly correlate the potential impacts of exposure from different types of pollutants, such as particulate exposures from vehicle emissions and exposures from pesticides or hazardous materials. Additionally, it should be noted that the statutory definition of ‘cumulative impacts’ contained in the California Environmental Quality Act (CEQA), is substantially different than the definition of ‘cumulative impacts’ adopted by Cal/EPA and used to guide the development of this tool. Therefore, the data and ranking generated by this tool cannot be used as a substitute for an analysis of the cumulative impact of any specific project for which an environmental review is required by CEQA. The screening tool is not intended to create a legal obligation to conduct additional detailed cumulative impacts analyses for individual rulemakings.” [p.2]

“This tool considers information on the use of certain high-hazard/high-volatility pesticides to be an indicator of exposure. We recognize, however, that pesticide use in California is regulated with the goal to eliminate harmful exposures. Use alone does not represent a true measure of exposures to pesticides and does not equate to harmful exposures.... Similarly, we do not want to equate proper disposal and storage of hazardous materials with toxic releases to air and water.” [p.3]

“It is not our intent to use the tool to start a new program; instead, the tool should be seen as an aid to ongoing planning and decision making already underway within Cal/EPA and other state entities.” [p.4]

### [Memo from Assistant Cal/EPA Secretary Arsenio Mataka and OEHHA Director George Alexeef to the CIPA Working Group on Second Draft CalEnviroScreen, January 3, 2013](#)

“The results generated by CalEnviroScreen represent the confluence of a large number environmental, economic, social, and health related factors. They do not and are not intended to assign responsibility for the issues or burdens confronting a particular area.” [p.1]

“It is important to note the limitations of this version of CalEnviroScreen. The tool is not intended to be a substitute for focused risk assessment for a specific area or site. Additionally, the results generated by CalEnviroScreen are not intended to be used for California Environmental Quality Act (CEQA) purposes. As explained in this draft, the

regulatory definition of 'cumulative impacts' contained in CEQA is substantially different than the definition of 'cumulative impacts' adopted by Cal/EPA and used to guide the development of this tool. Also, this tool considers some social, health or economic factors that may not be relevant when doing an analysis under CEQA."

"Therefore, the information provided by this tool cannot be used as a substitute for an analysis of the cumulative impact of any specific project for which an environmental review is required by CEQA. Moreover, CalEnviroScreen assesses environmental factors and effects on a regional or communitywide basis and should not be used in lieu of performing an analysis of the potentially significant impacts of any specific project. Accordingly, a lead agency must determine independently whether a proposed project's impacts may be significant under CEQA based on the evidence before it, using its own discretion and judgment; the tool's results are not a substitute for this required analysis." [pp.2-3]

"CalEnviroScreen does not propose any new programs or regulatory requirements." [p.3]

**[Cal/EPA and OEHHA report, California Communities Environmental Health Screening Tool, Version 1 \(CalEnviroScreen 1.0\), April 2013](#)**

"CalEnviroScreen assesses environmental factors and effects on a regional or community-wide basis and cannot be used in lieu of performing an analysis of the potentially significant impacts of any project." [p. iii]

"It cannot predict or quantify specific health risk or effects associated with cumulative exposures identified for a given community or individual." [p. iv]