Western States Petroleum Association

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Director, California Regulatory Affairs

May 15, 2026

Dr. David Edwards
Chief Deputy Director
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento CA 95630

Subject: CalEnviroScreen Version 5.0

Dear Dr. Edwards:

The Western States Petroleum Association (WSPA) appreciates your time and the information provided by the Office of Environmental Health Hazard Assessment (OEHHA) during our discussion last week on OEHHA's proposed revisions to CalEnviroScreen (Draft CES 5.0). WSPA is a non-profit trade association that represents companies that safely explore for, produce, refine, transport, and market petroleum, petroleum products, natural gas, and other energy supplies in California, Washington, Oregon, Nevada, and Arizona. We also appreciate OEHHA's willingness to consider additional comments and recommendations outside of the posted comment period and before OEHHA releases the final CES 5.0.

Leading into our conversation, WSPA was seeking additional clarification regarding how OEHHA approached the process for development of this update, and responses to several questions related to the proposed new indicator for small air toxics sites (SmATS), which based on currently available data, is dominated by oil and gas wells. We have reviewed OEHHA's draft report entitled "Mapping Local Knowledge and Experiences: Co-designing Proposed Updates to CalEnviroScreen with California Communities" ("Co-Design Report") and the draft CalEnviroScreen 5.0 Public Review Technical Report ("Draft Technical Report") and, following further reflection on OEHHA's initial responses to our questions, we offer the following comments and recommendations.

Co-Design Approach

OEHHA's decision to partner with community-based environmental justice organizations (CBOs) to develop Draft CES 5.0 is a major departure from OEHHA's past public engagement practice, and we remain concerned that it favors one group of stakeholders over all others. OEHHA describes the process for developing this draft as a "co-design" process, in which CBO's worked with OEHHA "as equal partners, not just as advisors." The Co-Design Report also references the International Association for Public Participation's Spectrum of Public Participation, and Figure 1 on page 5 indicates a focus not just

on collaboration but on empowerment, which is defined as placing final decision making "in the hands of the public" and the agency implementing what "the public" (in this case, the CBOs) decides.

These themes suggest that OEHHA was much more focused on delivering the outcomes requested by CBOs than in making independent decisions *informed* by science, new data sources, and input from CBOs and various other stakeholders. This interpretation is reinforced in multiple aspects of the Co-Design Report. For example, Table 2 on page 8 indicates that adding an oil and gas well indicator was a CBO priority, not an "OEHHA suggestion." The discussion on page 11 indicates that OEHHA proposed combining oil and gas well data with new information on small sources of air pollution as a work-around to the requirement in Appendix B (Criteria for CalEnviroScreen Indicator Selection) that indicators must represent statewide, not just regional concerns. In fact, the section in Appendix C (Scientific Explanations for Proposed Indicators) summarizing the scientific basis for the proposed SmATS indicator includes a direct reference to "Oil and Gas Wells" in the section heading ["Small Air Toxics Sites (Oil and Gas Wells)]," explicitly acknowledging its intended purpose. OEHHA confirmed that the proposed SmATS indicator was developed by CBOs in an "Oil and Gas subgroup," and OEHHA did not mention any other small air toxics sites in the scientific explanation for the new SmATS indicator. It is clearly a surrogate indicator intended to address CBO concerns about oil and gas wells, despite OEHHA's position against including indicators on issues of regional concern only.

While we do not object to the premise of greater engagement with CBOs relative to OEHHA's historical practices, such engagement should not come at the expense of OEHHA's duty to consider input from oil and gas operators, given that OEHHA is developing a new indicator of oil and gas wells, as well as from other sources, and exercise independent judgment regarding how best to address input from all sources in draft proposals and final agency decisions. **We request that OEHHA include language in the Technical Report describing how it considered other sources of information and input relative to recommendations from CBOs in making final decisions on the updates in CES 5.0.**

CES 5.0 Statement of Purpose

It is also concerning that, among the CBO perspectives regarding the need to add an oil and gas well indicator to CES 5.0, one intended purpose is to make oil and gas well data more readily available so CBOs can use it for advocacy purposes (Co-Design Report, page 11). CES has historically been used by regulatory agencies as a tool for allocating public resources to disadvantaged communities and for prioritizing further investigation of potential public health and environmental impacts. It has never been represented by OEHHA or by Cal-EPA as an "advocacy tool" for CBOs seeking to further restrict or eliminate specific sources of air pollution, and it is not inappropriate for OEHHA to sanction the use of CES 5.0 for such purposes. As the California Environmental Protection Agency (CalEPA) recognized with the release of CES 1.0, CES is a screening tool, not a regulatory or advocacy tool, and it is critical to provide context to all stakeholders regarding the intended uses and limitations of the tool.

> *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 specific project…. [T]he tool's output should not be used as a*

> *focused risk assessment of a given community or site. It cannot predict or quantify specific health risks or effects associated with cumulative exposures identified for a given community or individual.*[1]

We request that OEHHA include similar language in the final Technical Report.

Indicator Selection Criteria

It is unclear how OEHHA applied its Criteria for CalEnviroScreen Indicator Selection, presented in Appendix B of the Co-Design Report, in determining whether to develop a new indicator for oil and gas wells. Only one of the seven criteria is data driven ("Data available for the entire state at the census tract level or is translatable to the census tract level"). The rest are highly qualitative. Moreover, three of the seven appear to argue against including oil and gas wells in a new indicator. As OEHHA acknowledges in Appendix C on page 28 of the Co-Design Report, "just 10 census tracts contain 82% of active wells and 72% of idle wells," which affirms that these sources represent a regional concern, not a statewide concern (criterion 4). OEHHA states in the Executive Summary on page 2 that "oil and gas wells are not widespread enough across California-an important criterion for CalEnviroScreen indicator selection-to be included as its own indicator." It is also unclear, but seems unlikely, that oil and gas wells would satisfy criterion 3, which requires "availability of data for the entire state at the census tract level," or criterion 5, which requires "variation across the state." **We request that OEHHA include additional language in the Technical Report that describes how each of the seven criteria is interpreted and weighted in evaluating candidate indicators, and how that scheme was specifically applied to each of the proposed indicators.**

Lack of Transparency Regarding Existing Regulatory Requirements

It is unclear whether and to what extent OEHHA considers existing regulatory requirements designed to mitigate human health and environmental impacts from sources that are the focus of a candidate indicator. Considering the breadth and overlap of the existing indicators in CES 4.0, it seems logical to focus new indicators on circumstances where potential regulatory gaps may contribute to community-level impacts. With respect to the proposed oil and gas well indicator, we are concerned that there is a lack of transparency in Draft CES 5.0 regarding the extensive existing regulatory requirements governing development, operation, maintenance, and closure of oil and gas wells. This lack of transparency encourages the perception that oil and gas wells are not adequately regulated and that inclusion of a new indicator for these sources in CES 5.0 presents an opportunity to fill a regulatory gap.

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[1] California Communities Environmental Health Screening Tool, Version 1 (CalEnviroScreen Version 1.0) (April 2013), pages iii-iv.

As OEHHA is aware, new regulatory requirements have been enacted over the past several years that impose a mandatory minimum setback distance on new oil and gas wells and additional permit conditions on existing wells within that setback, including enhanced leak detection and repair requirements (LDAR). The Legislature intended these new requirements to address perceived regulatory gaps, and they were added on top of a very complex and comprehensive system of existing regulatory requirements. It is unclear why OEHHA has not included a discussion of these requirements in the Draft Technical Report.

OEHHA does include a limited discussion in Appendix D of the Co-Design Report (Exploring Priorities Beyond CalEnviroScreen 5.0) regarding recently enacted laws and regulations that will further reduce emissions from warehouses (it specifically cites Assembly Bill 98, South Coast AQMD Rule 2305, and the Advanced Clean Truck Rule (ACT 2032) on page 36). This is an example of the kind of context that should be provided in any discussion of a potential new indicator. A new warehouse indicator was one of the CBO ideas determined to be "outside the timeline for the 5.0 update or lower priority." While the warehouse discussion in Appendix D does not explicitly state that warehouses are a lower priority for CES 5.0 because of new requirements that will further mitigate emissions from warehouses, that conclusion is strongly implied.

Given the extensive legislative and regulatory focus on oil and gas wells over the past decade, and the many new requirements imposed on these sources in that timeframe, **we request that OEHHA include information on existing regulatory requirements for oil and gas wells that mitigate emissions and health and environmental impacts both in Appendix C of the Co-Design Report (pages 29-30), and in its discussion of the rationale for the SmATS indicator in the Draft Technical Report (starting at page 147).**

Weighting Scheme for Oil and Gas Wells

Unlike dry cleaners, autobody shops, and gas stations, many oil and gas wells are located in sparsely populated areas where the distance between the well and the nearest receptor eliminates any potential impact to the receptor. We recognize that proximity-based indicators receive a 0.5 weighting in the CES composite score relative to exposure and health-based indicators. We also appreciate OEHHA's effort to create a proximity-based weighting scheme for oil and gas wells (1 for sites less than 250 meters, 0.5 for sites 250-500 meters, 0.25 for sites 500-750 meters, and 0.1 for sites 750-1000 meters from the nearest populated census blocks) that eliminates wells located more than 1000 meters from any populated census block. However, this approach does not accommodate situations where the distance between the well and an actual receptor within a sparsely populated census block exceeds 1000 meters.

According to the US Census Bureau, census blocks in rural areas can encompass hundreds of square miles. While we appreciate that CES is a screening tool and not a risk assessment tool, its value as a screening tool could be enhanced by screening out additional sources that are unlikely to contribute to community-level impacts. Geographic Information System (GIS) data is readily available from multiple sources that could be used in a more refined weighting scheme to screen out oil and gas wells that are more than 1000 meters from the nearest sensitive receptor. **We request that OEHHA consider this**

refinement as it finalizes CES 5.0, or at a minimum, add this approach to a list of topics it will consider for CES 6.0.

We further request that OEHHA include additional language in the Technical Report describing how it correlated the proposed proximity-based weighting scheme to existing data indicating that the proposed increments reasonably approximate the relative risk of adverse health effects.

Assertions Based on Statistical Associations

The Draft Technical Report includes a statement on pages 147 and 148 that *"the California Oil and Gas Public Health Rulemaking Scientific Advisory Panel concluded with a high level of certainty that living near active ONG wells is causally associated with adverse perinatal and respiratory outcomes."* As we discussed, the source for this statement (Shonkoff et al., 2021) is not a peer reviewed scientific study, but OEHHA cites it as if it is an established scientific fact. OEHHA's decision to cite this statement is a departure from its typical practice of relying only on peer reviewed literature as the basis for its analyses and findings. It is also important to note that the findings issued by this Panel are based heavily on research conducted by some of the panelists, which raises questions about potential bias in their analysis and conclusions.

More importantly, it appears that OEHHA has not independently evaluated and verified the data, methodology, and analyses in Shonkoff et al., 2021 to determine whether the authors' conclusions are based on current scientific practices and methods, and published literature that actually indicates a causal relationship between living near oil and gas wells and specific adverse health outcomes. During our discussion, OEHHA staff stated that good studies are available that inform the health risk of proximity to oil and gas wells, and the Draft Technical Report does cite several studies, but we see no indication of any independent evaluation of these studies by OEHHA. **OEHHA should conduct this analysis and include its findings in the final Technical Report. At a minimum, we recommend that OEHHA disclose the limitations of the findings in Shonkoff et al., 2021.**

Additional Concerns, Information Requests, and Recommendations

In addition to the above comments and recommendations, we request that OEHHA provide a more detailed explanation of the scientific basis for the following features in the proposed SmATS indicator.

1. Please explain OEHHA's scientific basis for combining fundamentally different types of sources (e.g., oil and gas wells and drycleaners) with fundamentally different constituents of concern, emissions profiles, geographic distribution (e.g., many oil and gas wells are located in sparsely populated rural areas, whereas drycleaners and other CEIDARS sites are nearly always located in heavily populated areas), and potential health impacts into a single indicator.

2. Please explain how OEHHA accounts for SmATS that are being investigated for future remediation or are already being remediated. To the extent these sites are already included in the existing "cleanup sites" indicator, including them again in the SmATS indicator could

artificially inflate their contribution to composite CES scores in a given census tract. OEHHA indicated that it has not done a "deep dive" on this issue, other than removing diesel sources and TRI sources from SmATS, and acknowledged that there may be some level of overlap. **We request that OEHHA disclose the potential for overlapping indicators to inflate CES scores in the final Technical Report and identify resolution of this issue as a priority for CES 6.0.**

3. The proposed SmATS indicator assigns the same weight (1) to both "active" and "idle" oil and gas wells based on the premise that idle wells "can leak unpredictably and may impact nearby residents." The Draft Technical Report also states that idle wells "pose poorly understood but potentially significant health hazards" (page 148). These statements are speculative and disregard extensive regulatory requirements that mitigate potential health hazards from both active and idle wells. **OEHHA should either present reliable evidence supporting these statements (not just citations to speculative statements made by third party researchers), or remove them from the Technical Report and present a scientifically defensible rationale for its proposed weighting.**

4. We agree with OEHHA's determination that oil and gas wells that are permanently sealed and "closed to standards" do not present significant health or environmental threats and should be excluded from the SmATS indicator.

WSPA again appreciates OEHHA's willingness to consider these comments and to make additional changes to the Technical Report prior to posting a final Version 5.0 on its website. If you have any questions, please do not hesitate to contact me at christine@wspa.org or (661) 205-2885.

Sincerely,

Christine Luther Zimmerman

Christine Luther Zimmerman
Director, California Regulatory Affairs
Western States Petroleum Association