January 25, 2013

Mr. John Faust
Chief, Community Assessment & Research Section
Office of Environmental Health Hazard Assessment
1515 Clay Street, Suite 1600
Oakland, CA 94612

Dear Mr. Faust,

The Orange County Transportation Authority (OCTA) appreciates the opportunity to comment on the draft California Communities Heath Screening Tool (CalEnviroScreen). While OCTA recognizes the importance of identifying disadvantaged communities to meet statutory requirements, there are still concerns that should be addressed in the final version of CalEnviroScreen, to be released in March.

OCTA continues to be concerned about the impacts CalEnviroScreen could have on various funding sources. The most recent draft guidance states that CalEnviroScreen is most suited for identifying “disadvantaged communities,” pursuant to SB 535 (Chapter 830, Statutes of 2012). In addition, references were also made to the use of CalEnviroScreen for other funding sources, such as environmental justice grants and Carl Moyer funding. Yet, it is still unclear whether the listing of a community as disadvantaged under the CalEnviroScreen tool will be the only factor considered in labeling communities “disadvantaged” for funding purposes.

As the Memorandum released with the most recent draft of CalEnviroScreen acknowledges, various inequities within disadvantaged communities may be the result of outside factors. It is thus important to acknowledge that while CalEnviroScreen can be a tool to help identification of disproportionately impacted communities, it should not be the only factor considered when making funding decisions under SB 535 or other funding sources. Projects and funding decisions should also be made with consideration of other factors, such as cost effectiveness, emission reduction impacts, impacts to the economy, and overall mobility. For projects and funding aimed at reducing greenhouse gas emissions, factors associated with the primary contributors of statewide greenhouse gas emissions should weigh more heavily when allocating funding, such as traffic density. Overall, it should be noted concretely in the final draft tool that CalEnviroScreen should not be the sole determining factor in the
labeling of an area as "disadvantaged," nor should it be the sole factor in the final decision as to whether to allocate resources to a project.

Further discussion is also needed on the metric used to define communities. CalEnviroScreen currently uses zip codes due to their familiarity. However, this may not be the most appropriate method of defining a community because of their arbitrary nature, which may not be representative of a specific community. OCTA is supportive of indications by CalEPA to revise its metric in upcoming drafts of CalEnviroScreen, and encourages future drafts to include more discussion and justification as to why a specific metric is used to define communities.

OCTA appreciates the effort in the most recent guidance to more explicitly state that CalEnviroScreen is not meant to act as a replacement for a cumulative impacts analysis under the California Environmental Quality Act (CEQA), nor is it meant to replace a health impacts analysis. While this helps clarify that it is not meant to substitute such analysis, there is still concern that the tool could be used to influence baseline or alternatives analysis under CEQA. This becomes a larger issue since it is unclear how the California Environmental Protection Agency (CalEPA) will ensure the accuracy of the data used by CalEnviroScreen in the future. Therefore, a proposed schedule for regular updates and a commitment to consult and collaborate with local stakeholders throughout the State should be included. OCTA recognizes the monumental challenge CalEPA had to meet when gathering and mapping the data. It is our hope that consistent data examination and scrutiny will help ensure an accurate product in future years.

Finally, OCTA shares in CalEPA's commitment to transparency and public input. In the spirit of this shared commitment, OCTA requests that if additional factors are to be added to CalEnviroScreen in its March 2013 iteration, those modifications should be subject to public review and comment. Such review and comment opportunities help ensure the tool is accurately measuring available data, especially in light of the proposed use of CalEnviroScreen in making funding decisions under SB 535.
OCTA looks forward to continuing to collaborate with CalEPA, as well as other state agencies involved in the development of future versions of the CalEnviroScreen. If you have any questions please contact Kristin Essner, Senior Government Relations Representative, at (714) 560-5754.

Sincerely,

[Signature]

Will Kempton
Chief Executive Officer

WK:bb

c: Sloat Higgins Jensen & Associates