June 2, 2014

CalEnviroScreen
c/o John Faust, Chief, Community Assessment & Research Section
Office of Environmental Health Hazard Assessment
1515 Clay Street, Suite 1600
Oakland, CA 94612

VIA ELECTRONIC MAIL TO: CalEnviroScreen@oehha.ca.gov

Re: draft Communities Environmental Health Screening Tool: CalEnviroScreen
Version 2.0

Dear Dr. Faust:

We are writing to you in response to a request for public comment regarding the draft Communities Environmental Health Screening Tool (CalEnviroScreen 2.0) released on April 21, 2014 and to an invitation to comment received from Assistant Secretary Arsenio Mataka on May 19, 2014. We appreciate your office’s commitment to developing a rigorous tool that will fairly and accurately identify communities impacted by environmental burdens and population vulnerabilities. We offer the following comments in support of that goal.

Recommendations regarding potential uses of CalEnviroScreen

California agencies already are relying on CalEnviroScreen scores to determine eligibility for certain grant set-asides and other preferential treatment in grant programs (e.g., waiver of matching funds requirements). The draft CalEnviroScreen 2.0 (p. ii and p. 1) states that it is possible that the tool will be increasingly used by California agencies and by other entities to determine access to a variety of benefits intended to address disparities in cumulative environmental impacts throughout the state. It is therefore crucial therefore that highly burdened communities not be unfairly excluded from consideration as “environmental justice communities” or “disadvantaged communities” due to error, uncertainty, data gaps, and/or unique local environmental burdens or population characteristics, or other characteristics that have a disproportionate impact on marginalized communities due to factors such as under-monitoring and under-enforcement by state and local agencies. Our concerns regarding data gaps in a number of CalEnviroScreen indicators are set forth in greater detail below. In addition, some environmental burdens that have a disproportionate impact on low-income communities – e.g., inadequate infrastructure and severely substandard housing – are not systematically monitored by any state agencies, making it almost impossible for CalEnviroScreen to incorporate these very real environmental threats.

The Guidance from the Secretary should incorporate a recommendation that agencies not rely solely on CalEnviroScreen ranking in determining a community’s eligibility for preferences, set-asides, or other benefits. Agencies instead should establish two alternative paths to
qualification: (1) CalEnviroScreen ranking alone, or (2) CalEnviroScreen ranking (e.g., top 30% instead of top 10%) plus demonstration that the community is subject to well-documented environmental hazards that are not captured by CalEnviroScreen. Alternatively, the Secretary could suggest that agencies use the criteria established by the California Transportation Commission in its 2014 Active Transportation Program Guidelines, available at http://www.catc.ca.gov/programs/ATP/2014_ATP_Guidelines_adopted_032014.pdf, under which a community may qualify for consideration as a disadvantaged community if any of the following three conditions are met: (1) ACS data show that the community’s median household income is less than 80% of statewide median household income; (2) the community is in the most disadvantaged 10% on CalEnviroScreen; OR (3) at least 75% of students in the community are eligible for free or reduced-price meals under the National School Lunch Program and the project benefits school students or this measure is representative of the larger community.

Addressing data gaps

Various indicators in the draft CalEnviroScreen 2.0 suffer from data gaps that compromise their reliability and evidence a need for improved monitoring of environmental and health conditions in many California communities. Disadvantaged communities are likely to suffer from such data gaps due to historically lower levels of environmental monitoring and enforcement. We recommend that OEHHA explore statistical methods to address these data gaps in the tool. OEHHA could consider the possibility of assigning geographically based data reliability scores for indicators in which significant data gaps exist, then combining these data reliability scores to form a single new indicator entitled “Data Gaps.”

Improvements to accessibility and useability

OEHHA has incorporated location information into the CalEnviroScreen 2.0 Excel spreadsheet, making it much easier for interested parties to determine which CalEnviroScreen data correspond to specific geographic areas. We recommend that OEHHA also make publicly available the indicator-specific maps set forth in the CalEnviroScreen 2.0 (e.g., the map of ozone distribution on page 20 of the current draft) in a format that is zoomable and is searchable by ZIP code and/or by Census tract.

Groundwater Threats indicator

The existing Groundwater Threats indicator captures only point sources of pollution, failing to address such non-point sources as failing septic systems or application of agricultural chemicals. Non-point pollutants may actually pose a greater risk to human health because they cannot be feasibly “cleaned up” and because dependence on largely unregulated and unmonitored domestic wells is widespread in many rural areas. We appreciate OEHHA’s attempt to capture the impacts of poor water quality on this vulnerable population by referencing past domestic well sampling studies and incorporating that into the Drinking Water indicator. Academia, water regulatory agencies, and stakeholders, however, have consistently agreed that existing studies fall short of capturing the true impacts. The 2012 UC Davis Nitrate Report, Governor’s
Drinking Water Stakeholder Group, and State Water Board all agree that increased monitoring and assessment are needed to understand water quality impacts to small water systems and domestic wells. OEHHA should incorporate what information is widely available on non-point source pollutants (e.g. GAMA GeoTracker, which includes data on the quality of raw, untreated water; data from the California Department of Housing and Community Development and from the Department of Pesticide Regulation; data from local environmental health and code enforcement departments regarding failing septic systems; etc.) into the Groundwater Threats indicator. Such action also would improve consistency with and/or supplement data included within the Drinking Water indicator. For example, the census area inclusive of Greenfield in the Central Coast has a Drinking Water percentile of 88, but a Groundwater percentile of 0, which makes little sense in terms of identifying the source of poor water quality.

The indicator currently does not distinguish between communities that have access to imported water, such as the city of Los Angeles, and communities that rely solely on groundwater to meet their drinking water needs. We recommend that this indicator be weighted to indicate which communities depend on threatened groundwater for their drinking water needs.

Furthermore, the Groundwater Threats indicator should incorporate data on existing dairies and Concentrated Animal Feeding Operations (CAFOs). Proximity to dairies and CAFOs poses multiple threats to many low-income communities and communities of color, including such impacts as soil contaminant leachate, high levels of nitrate threatening groundwater, and odor nuisance of chemically treated manure slurries. The Groundwater Threats indicator relies on the State Water Resources Control Board’s GeoTracker database, which includes almost no data on dairies and CAFOs. For example, GeoTracker shows only two dairy facilities in the Fresno area that were reported LUST cleanup sites\(^1\), despite the fact that Fresno County is one of the top dairy-producing counties in the state\(^2\).

In compliance with the Dairy General Order of 2007 and in accordance with SWRCB’s State Anti-Degradation Policy, the Central Valley Water Board (CVWB) has ordered a Monitoring and Reporting Program R5-2013-0122 (MRP), which requires groundwater monitoring of dairies. CVWB has ordered Annual and Summary Representative Monitoring Reports from all dairies to determine compliance with the groundwater limitations of the Order.\(^3\) Additionally, the CVWB has ordered documentation of many discharges of waste from existing milk cow dairies to surface water and has taken some appropriate actions in such cases. Inclusion of these data in the Groundwater Threats indicator would yield a far more comprehensive picture of environmental risk in areas with significant numbers of dairies.

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\(^1\) Geotracker Database, http://geotracker.waterboards.ca.gov/map.
Use of Census Bureau data

A number of indicators in draft CalEnviroScreen 2.0 are based in whole or in part on data from the decennial Census or from the American Communities Survey. These data sources are known to differentially undercount migrant and seasonal farmworkers, racial and ethnic minorities (particularly members of indigenous groups), low-income people, renters, children, large households, people with disabilities, linguistically and culturally isolated groups and communities, lesbian/gay/bisexual/transgendered people, and other hard-to-count special populations who tend to reside in communities that suffer concentrated poverty and lack of infrastructure, decent housing, and related services. Census data on housing conditions are not captured in sufficient detail to make them reliable as a sole source, and ACS data on unemployment fail to capture seasonal unemployment, such as that experienced regularly by a significant portion of California farmworkers. Finally, census figures consistently skew data on poverty levels in rural areas due to the large size of census tracts; inclusion of the Supplemental Poverty Measure and use of other available data sources (e.g., local government data) could be used to supplement the Census Bureau data utilized in the current draft of CalEnviroScreen 2.0. Additional recommendations for addressing these and other hard-to-fill data gaps is detailed above, in the section entitled “Recommendations regarding potential uses of CalEnviroScreen.”

Air quality indicators: Ozone and PM2.5

The ozone and PM2.5 indicators in the draft CalEnviroScreen 2.0 rely on a methodological assumption that existing air quality monitors are reliable up to a radius of 50 kilometers; however, not all air quality monitors in the network maintained by the California Air Resources Board (CARB) are designed to monitor air quality effectively on this large spatial scale. For example, the closest air monitor to the Eastern Coachella Valley is located in the city of Indio (approximately 48 km from the southeastern-most parts of the Eastern Coachella Valley) and is rated as a neighborhood spatial scale, described by the United States Environmental Protection Agency (USEPA) as capable of measuring air quality in several neighborhoods within a single city; in contrast, an air quality monitor with a spatial scale delineated as “urban” (rather than “neighborhood”) by USEPA is considered capable of monitoring air quality effectively at a radius of 4 to 50 kilometers. See 40 CFR Part 8, appendix D. We recommend that CalEnviroScreen review the spatial scale for which each CARB air quality monitor is rated and reduce the radius of presumed accuracy based on these ratings.

Low birth weight indicator

The draft CalEnviroScreen 2.0 states that “births with no known residential address (including P.O. boxes) were . . . excluded” from the analysis. This will result in exclusion of some of the marginalized rural areas since a significant proportion of residents rely on post office boxes due to factors such as housing instability and housing that lacks secure, private mailboxes. This is particularly true in mobilehome parks and agricultural labor camps. Exclusion of P.O. Box data will disproportionately exclude data on farmworkers and other disadvantaged rural
populations. We therefore urge OEHHA to include data linked to P.O. boxes or, at the very least, review the effects of excluding these data in order to determine whether certain communities suffer a disproportionate impact as a result of this methodological choice and, if so, review and report on the distribution of these communities.

Asthma indicator

The use of asthma-related emergency department visits as a proxy for asthma incidence/severity creates a statistical bias in favor of urban areas and other populations with ready access to medical facilities. Medically underserved rural areas, such as the Eastern Coachella Valley, do not have readily accessible facilities; residents may need to travel twenty miles or more in order to reach an emergency department. Anecdotal evidence indicates that many residents of such areas are unlikely to utilize an emergency department unless an asthma attack appears to be truly life-threatening. We recommend that CalEnviroScreen weight the available data (asthma-related emergency department visits) by proximity to nearest emergency department from the center of each census tract.

Environmental burdens on tribal lands

We very much appreciate OEHHA’s efforts to incorporate environmental burdens on tribal lands into draft CalEnviroScreen 2.0. These burdens are not reflected in databases maintained by California state regulatory agencies but do pose potential threats to persons living on or near tribal lands, including both tribal members and non-tribal members. We understand that OEHHA has consulted two databases maintained by the United States Environmental Protection Agency (USEPA) in order to incorporate data on tribal lands into the Solid Wastes Sites and Facilities indicator. We believe that several sites on tribal land in the Eastern Coachella Valley also should be considered for inclusion in other indicators. In all instances, we recommend that OEHHA consult with staff from relevant regulatory agencies (Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and USEPA) to ensure that all available data are being considered and correctly analogized to existing state regulatory databases.

- Western Environmental, LLC: This facility is not permitted by DTSC to receive non-RCRA hazardous waste but received approximately 227 tons of such waste between 2005 and 2011; a significant portion of this waste remains on-site. The facility should be included in the Cleanup Sites, Groundwater Threats, and Hazardous Waste Facilities and Generators indicators. DTSC has performed a detailed evaluation of the site; based on this evaluation, staff from DTSC and SWRCB may be able to assist OEHHA staff in understanding whether/how Western Environmental should be scored on each of these indicators.

- Consolidated Tire Recyclers (on the same parcel as Western Environmental, LLC): A tire recycling facility that has been cited by USEPA for fire hazards and other violations. We recommend that OEHHA consult with USEPA and with state regulatory agencies that maintain relevant databases (EnviroStor and GeoTracker) to determine whether this site should be included in the Cleanup Sites or Groundwater Threats indicators.
• Lawson Dump: A large, illegal, uncovered landfill that consists largely of construction debris from the 1994 Northridge Earthquake and periodically emits large clouds of smoke, causing respiratory distress in residents of nearby communities. We recommend that OEHHA consult with USEPA and state regulatory agencies that maintain relevant databases (EnviroStor and GeoTracker) to determine whether this site should be included in the Cleanup Sites or Groundwater Threats indicators.

• Desert Mobilehome Park, a.k.a. Duroville: A now-closed mobilehome park that operated between approximately 1999 and 2013, housing up to 5,000 people in addition to various illegal businesses. Due to known significant septic system deficiencies at the site, we recommend that OEHHA consult with federal receiver Tom Flynn and SWRCB to determine whether this site should be included in the Groundwater Threats indicator.

• Oasis Mobilehome Park, a.k.a. Las Chicanitas: A large mobilehome park with approximately 250 mobilehome units and a gas station. Due to the amount of wastewater generated by the mobilehome park and the presence of underground storage tanks, we recommend that OEHHA consult with USEPA and SWRCB to determine whether this site should be included in the Groundwater Threats indicator.

• Mount San Diego: A now-closed but unremediated landfill consisting of biosolids received from the city of San Diego. We recommend that OEHHA consult with USEPA and state regulatory agencies that maintain relevant databases (EnviroStor and GeoTracker) to determine whether this site should be included in the Cleanup Sites or Groundwater Threats indicators.

In addition, data related to drinking water quality, groundwater threat, and other water-related data derived from state datasets may not satisfactorily account for waters under Native jurisdiction.

Finally, we recommend that the final CalEnviroScreen 2.0 provide more clarity and specificity about the ways in which data from tribal lands are incorporated into the methodology.

Pollution burdens not currently considered in CalEnviroScreen

Many low-income communities and communities of color experience environmental burdens and population characteristics that are not included in the draft CalEnviroScreen 2.0 calculations. A long-standing history of inadequate monitoring of infrastructure deficiencies means that some of these conditions are not captured by existing data sets. However, existing data can be used to address some of these circumstances, as in the following examples:

• Lack of access to safe walking or biking infrastructure (possible proxy measure: traffic-related pedestrian and bicycle fatalities; consultation with local governments regarding data used in Active Transportation Plans)

• Exposure to untreated wastewater due to failing septic systems (possible data sets: households not served by municipal sewer lines, particularly where multiple households reside on a single parcel, as in mobilehome parks or agricultural worker camps)

• Lack of access to medical care (possible data sets: medically underserved areas and/or medically underserved populations)
• Lack of access to public transit (possible proxy measure: number of public transit lines that pass through the census tract and/or number of transit stops within the census tract)
• Lack of walkable proximity to services, employment centers, retail, full-service grocery stores, and other amenities (possible data sets: Walkscore metrics).

Given the very real health impacts of the factors named above, OEHHA should review existing data sources and incorporate these considerations into CalEnviroScreen 2.0. In addition, a process for incorporation of data from local or regional entities (e.g. Councils of Government, Metropolitan Planning Organizations, Local Agency Formation Commissions, local governments code enforcement and public health departments, and local governments engaged in formulating general plans, housing elements, and other planning documents) could address some of the data gaps within CalEnviroScreen, as could a process for incorporating local knowledge regarding under-monitored environmental health threats in marginalized communities.

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Thank you very much for the detailed and thoughtful work that you and your staff have invested in identifying and quantifying cumulative impacts affecting California communities. CalEnviroScreen represents a long-overdue approach to identifying disparities in cumulative environmental burdens and vulnerabilities; we hope that our comments may be useful in furthering this goal.

Very truly yours,

Laura Massie
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