



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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MEMORANDUM

TO: Cumulative Impacts and Precautionary Approaches Work Group

FROM: Arsenio Y. Mataka *AYM*
Assistant Secretary for Environmental Justice and Tribal Affairs
California Environmental Protection Agency

George Alexeeff, Director *George Alexeeff*
Office of Environmental Health Hazard Assessment

DATE: January 03, 2013

SUBJECT: SECOND PUBLIC REVIEW DRAFT CALIFORNIA COMMUNITIES
ENVIRONMENTAL HEALTH SCREENING TOOL (CalEnviroScreen) & DRAFT
GUIDANCE

INTRODUCTION

California law requires the California Environmental Protection Agency (Cal/EPA or the Agency) to conduct its programs, policies and activities, and to enforce all its existing statutes and regulations, in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state. In addition, in the last legislative session Cal/EPA was directed to assist in implementing the California Global Warming Solutions Act of 2006 by identifying disadvantaged communities using specific geographic, socioeconomic, public health and environmental criteria. (SB 535 (de León), Chapter 830, Statutes of 2012.)

To carry out these directions, Cal/EPA and the Office of Environmental Health Hazard Assessment (OEHHA) developed the California Communities Environmental Health Screening Tool (CalEnviroScreen). CalEnviroScreen uses existing environmental, health and socioeconomic data to consider the extent to which communities across the state are burdened by and vulnerable to pollution. 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. Indeed, in some instances factors or influences arising from outside area boundaries may contribute to the results.

Cal/EPA released a first draft of CalEnviroScreen for public review and comment in July 2012. This draft built upon a 2010 report that described the science behind identifying communities that face multiple pollution burdens. The first draft further developed and explained the methodology described in the 2010 report. After release of the first draft, Cal/EPA and OEHHA conducted 12 public workshops in seven regions throughout the state. At these workshops, the methodology

and our conclusions were discussed with the public and a wide range of stakeholders, including community, business, industry, academic and governmental groups. These regional workshops yielded over 1000 oral and written comments and questions.

Over the next several months, Cal/EPA and OEHHA will continue to discuss the methodology and conclusions with the public and a wide range of stakeholders to ensure that the final report will be of help to state agencies and departments in their future planning and budgeting decisions.

SECOND WORKING DRAFT

The second working draft of CalEnviroScreen presents the next step toward identifying areas in California that are disproportionately impacted by pollution and adverse socioeconomic conditions. It is important to stress that this is a draft document. It is not intended as the final document and Cal/EPA and OEHHA are hoping that by seeing the tool in operation, readers will be able to provide informed feedback on the overall methodology and suggest refinements.

Similar to the first draft, this draft of CalEnviroScreen uses existing environmental, health and socioeconomic data to create a score for communities across the state. An area with a high score would be expected to experience a higher degree of impacts, as compared to areas with low scores. The tool presents a broad picture of the burdens different areas experience from environmental pollutants and their vulnerability or ability to respond to these burdens.

This draft of CalEnviroScreen incorporates changes to the methodology and indicators received from various participants in public workshops held throughout the state. A few examples include:

- The public health effect component was removed. Two proposed health indicators from this group, asthma emergency department visits and rate of low birth weight infants, were incorporated into the sensitive population component;
- Indicators from the exposure and environmental effects components are now evaluated together as Pollution Burden, while population sensitivity and socioeconomic factors are evaluated together as Population Characteristics;
- A diesel particulate matter concentration indicator and a linguistic isolation indicator were added;
- The pesticide use indicator was modified by removing data that were only available at the county level;
- Solid waste facilities and hazardous waste facilities were updated to reflect changes to the tool's weighting scheme.

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.

GUIDANCE FOR POTENTIAL USES OF RESULTS

CalEnviroScreen does not propose any new programs or regulatory requirements. Instead, the tool provides information that will enable state decision makers to focus their time, resources and programs on those portions of the state that are in greater need of assistance because they have higher environmental burdens and greater vulnerability to, or reduced ability to withstand, these burdens as compared to other areas. For example, CalEnviroScreen will inform Cal/EPA's implementation of the mandate to identify disadvantaged communities contained in SB 535. The bill requires Cal/EPA to identify disadvantaged communities based on geographic, socioeconomic, public health, and environmental hazard criteria. It also requires that the investment plan developed and submitted to the Legislature pursuant to AB 1532 (John A. Pérez), Chapter 807, Statutes of 2012, allocate 25 percent of available proceeds from the carbon auctions under California's Global Warming Solutions Act of 2006 to projects that will benefit disadvantaged communities, and at least 10 percent of the available moneys directly in such communities. Since CalEnviroScreen has been developed by OEHHA under the guidance of Cal/EPA to identify areas that are disproportionately affected by pollution and those areas whose populations are socioeconomically disadvantaged, it is well suited for the purposes described by SB 535.

CalEnviroScreen will also be useful in the administration of the Agency's Environmental Justice Small Grant Program, and may guide other grant programs as well as environmental educational and community programs throughout the state. It will also help to inform Agency boards or departments when they are budgeting scarce resources for cleanup and abatement projects. CalEnviroScreen will also help to guide boards or departments in the Agency when planning their community engagement and outreach efforts. Further, knowing which areas of the state have higher relative environmental burdens will not only help with efforts to increase compliance with environmental laws in disproportionately impacted areas but also will provide Cal/EPA and its boards, departments, and office (BDOs) with additional insights on the potential implications of their activities and decisions.

CalEnviroScreen was developed for Cal/EPA and its BDOs. However, local and regional governments, including regional air districts, water districts, and planning and transit agencies, may also find uses for this tool. Cal/EPA will continue to work with local and regional governments to further explore the applicability of CalEnviroScreen for other uses including the possibility of helping to identify and plan for opportunities for sustainable development in heavily impacted neighborhoods. These areas could also be targeted for cleaning up blight and promoting development to bring in jobs and increase stability. As an example, the tool could assist efforts to develop planning and financial incentives to retain jobs and create new, sustainable business enterprises in disproportionately impacted communities. Of course, it will be important to work with organizations such as economic development corporations, workforce investment boards, local chambers of commerce, and others to develop strategies to help businesses in the identified areas

thrive and to attract new businesses and services into the identified areas. CalEnviroScreen may also assist local districts and governments with meeting their obligation under certain state funding programs. For instance, data from the tool could assist local air districts in complying with the Carl Moyer program's criteria for disproportionate air impacts.

Finally, CalEnviroScreen provides a broad environmental snapshot of a given region. While the data gathered in developing the tool could be useful for decision makers when assessing existing pollution sources in an area, more precise data are often available to local governments and would be more relevant in conducting such an examination.

OPPORTUNITIES FOR PUBLIC INPUT

Transparency and public input into government decision making and policy development are the cornerstones of environmental justice. The information being presented here is not intended to be final or definitive. Cal/EPA and OEHHA request participation from all stakeholders in order to better inform the development of CalEnviroScreen.

The attached second draft is being presented to the Cumulative Impacts and Precautionary Approaches (CIPA) Work Group at a public meeting on January 11, 2013 for review and feedback. Opportunities to participate via webcast will be available. We are asking for comments and suggestions from stakeholder groups and the general public by January 25, 2013.

After considering all the comments and suggestions received, Cal/EPA and OEHHA will make changes to the tool as appropriate. The first version of CalEnviroScreen will be released on March 01, 2013.

CONCLUSION

Cal/EPA is committed to an open and public process for the development of CalEnviroScreen and the related guidance to further our state's environmental justice goals. Input from California communities, businesses and other stakeholders are critical to the success of this project. We appreciate the willingness of the CIPA Work Group to assist Cal/EPA and OEHHA with this project and look forward to a productive dialogue with you and all interested parties.

CONTACT INFORMATION

To provide public comment on this document and the development of the draft California Communities Health Screening Tool, please contact:

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