



Association of Bay Area Governments
Bay Area Air Quality Management District
Bay Conservation and Development Commission
Metropolitan Transportation Commission

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JOINT POLICY COMMITTEE

May 30, 2014

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

Re: Draft California Communities Environmental Health Screening Tool (CalEnviroScreen)
Version 2.0

Dear Dr. Faust:

We are writing on behalf of the Bay Area's four regional agencies to provide comments on the Draft CalEnviroScreen Version 2.0 (CESv2) tool and associated report, which were released for public review by CalEPA and OEHHA on April 21, 2014.

The focus of our comments is our concern over the use of CESv2 for allocating SB 535 cap-and-trade auction proceeds. The April 2014 draft guidance and screening tool document indicates that among various potential uses, CalEnviroScreen will inform CalEPA's identification of impacted and disadvantaged communities pursuant to Senate Bill 535. SB 535 requires that the investment plan developed for available cap-and-trade auction proceeds direct resources to the state's most impacted and disadvantaged communities to provide economic and health benefits to these communities.

We believe that the use of CESv2 on a statewide basis would omit many health-impacted communities that are in need of the benefits that SB 535 envisioned, and therefore we oppose the use of CESv2 in this manner. Many census tracts in the Bay Area that we consider to be disadvantaged from an exposure to poor air quality standpoint, as well as a low-income and access to transportation standpoint, do not fall within the top 20% of CESv2 scores on a statewide basis. This is true, for example, for asthma and low birth weight (LBW) infants, which are the two health indicators used in CESv2. On the basis of these health indicators, 19% percent of Bay Area census tracts would qualify as "impacted" (299 tracts out of 1562 would be in the top 20% in a statewide comparison). On the basis of statewide CESv2 scores, however, only 3% (46 tracts) qualify.

The Bay Area Air Quality Management District (BAAQMD) has provided more detailed technical comments regarding the current draft version of the CalEnviroScreen Health Screening Tool in a separate letter, which we have attached. We would like to highlight two of their main points, which we believe raise concerns as to the use of CESv2 for the purpose of comparing the Bay Area with other parts of the State and distributing cap-and-trade funding:

- The income thresholds used in the poverty indicator in CESv2 are uniform throughout the state even though large regional differences in the cost of living exist in California. We recommend use of different income thresholds for establishing the presence of poverty across regions based on cost-of-living considerations (comment #3 on page 5 in BAAQMD letter).

- The transition from ZIP codes to census tracts in the application of pollution burden and population characteristics, while providing a finer spatial scale of analysis, also has a perverse effect of under-representing health impacts in more densely urbanized areas. As stated in BAAQMD’s letter “the use of census tracts introduces a bias where more spatially-resolved data are available for use in heavily populated urban areas relative to less populated areas” (comment #1 on page 3 in BAAQMD letter).

The underrepresentation of the Bay Area’s health impacted communities and communities of concern by the use of CESv2 is of significant concern to our agencies as we take seriously our collective responsibility to help improve the quality of life for all Bay Area residents by providing high quality mobility options, housing affordable to people of diverse incomes, clean air and a healthy San Francisco Bay.

Because a long-term solution to addressing our concerns with the CESv2 may be technically difficult and time-consuming, we believe that the following two-tier approach for allocating cap-and-trade auction proceeds under SB 535 may be a practical alternative:

(1) For funds administered by a statewide agency:

- Allocate SB 535 funds to regions in proportion to the region’s population.
- Within each region, distribute funds to impacted and disadvantaged communities based on a localized method. CalEPA could review the localized method to ensure the methodology is sound and there is reasonable consistency statewide. If an established method is not yet available, consider applying the CalEnviroScreen tool on a regional basis, using the top 20% of CES scores for the region.

(2) For funds administered by a regional or local agency, such as sustainable communities funds or transit funds:

- Allow a localized method to be used to identify disadvantaged communities and ensure compliance with SB 535. As stated above, CalEPA could review the localized method with the appropriate regional agency to ensure reasonable consistency across the state.

With respect to the Bay Area, we believe the BAAQMD’s Community Air Risk Evaluation (CARE) and the Metropolitan Transportation Commission’s (MTC’s) Communities of Concern methodologies for defining Bay Area disadvantaged communities would be well suited to serve as our localized method.

MTC’s “communities of concern” comprise 20% of the region’s population and are defined as census tracts having either 1) significant concentrations of both low - income and minority residents, or 2) significant concentrations of any four or more of the following: minority persons, low-income persons below 200% of the federal poverty level, persons with limited English proficiency, zero-vehicle households, seniors aged 75 and over, persons with a disability, single-parent families, and housing units occupied by renters paying more than 50% of household income on rent.

The BAAQMD’s CARE program methodology is used to identify Bay Area communities most impacted by air pollution. This methodology, updated in 2014, considers health impacts from fine PM, ozone, and cancer risk from Toxic Air Contaminants (TAC). The method uses existing health

records including death rates, hospital admissions and emergency room visits, rather than socioeconomic measures (such as income and age), as indicators of population vulnerabilities.

We urge CalEPA to adopt the alternate approach outlined in this letter for identifying disadvantaged communities and ensuring that such communities receive a minimum level of investment (10%) and benefit (25%) from the revenue the state will receive from the cap-and-trade program. A significant portion of the Bay Area's population struggles to make ends meet, is exposed to poor air quality, has high asthma rates and low-birth weight, among other key characteristics commonly understood to characterize disadvantaged communities. We believe the intent of SB 535 was to ensure these communities receive a minimum level of funding. Unfortunately, CESv2 does not meet that test and as such, would do a tremendous disservice to over one million Bay Area residents.

Thank you for the opportunity to comment on CESv2, for further information, please contact Allison Brooks, the Executive Director of the Joint Policy Committee, who has helped coordinate these joint comments on behalf of our four regional agencies. She can be reached by email at: abrooks@mtc.ca.gov, or by phone at (510) 464-7942.

Sincerely,

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cc Bay Area State Legislative Delegation