



September 11, 2003

Romel Pascual  
Assistant Secretary for Environmental Justice  
California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95812

Dear Mr. Pascual:

**RE: COMMENTS REGARDING THE DRAFT RECOMMENDATIONS OF THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CAL/EPA) ADVISORY COMMITTEE ON ENVIRONMENTAL JUSTICE TO THE CAL/EPA INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE**

The California Conference of Directors of Environmental Health (CCDEH) is an association comprised of Environmental Directors from 62 jurisdictions, including both counties and cities. We have a significant role in the protection of public health and the environment. We would like to offer the following comments regarding the Draft Recommendations of the California Environmental Protection Agency Advisory on Environmental Justice to the Cal/EPA Interagency Working Group on Environmental Justice:

Requiring a cumulative impact analysis for new land use and zoning applications will significantly impact the decision making of local regulatory agencies. Currently there are insufficient scientific or public health guidelines to make adequate decisions regarding cumulative impacts. We would recommend that the language on page 23 regarding cumulative impacts be changed to "Cal/EPA to evaluate and publish a report on the available scientific and public health standards that can be used to establish a guideline for addressing cumulative impacts". Then direct Cal/EPA to establish the guideline.

CCDEH is extremely committed to the concept of pollution prevention. However, requiring a pollution prevention analysis as part of the permit application for new and modified businesses without clear and distinct guidance will result in arbitrary and capricious decision making at the local level. In addition it will require local agencies to make decisions regarding multiple types of production and process design standards or manufacturing standards that many local agencies will lack expertise in doing. CCDEH would recommend that the bullets on page 24 be revised to educating industry applying for new or modified permits on the benefits of pollution prevention.

CCDEH does not disagree with having one office within Cal/EPA to be responsible for risk assessment analysis as outlined on page 27, as long as they have sufficient staff in the various science and public health disciplines.

However, CCDEH questions whether resources should be re-directed from assessing sites that need environmental cleanup to sites that have already been cleaned up unless there is specific evidence to the contrary.

CCDEH questions the need for Cal/EPA to be the agency to make the determination on whether land use should be available for mixed-use and/or low cost housing. Cal/EPA certainly should be consulted regarding the potential environmental contamination of sites and should maintain a database regarding contaminated sites. However, having Cal/EPA establish a statewide database to include potential development options as described on page 28 is outside of their normal mission and responsibilities.

CCDEH feels that the bullet on page 28 regarding the need for local agencies to have "appropriate technical expertise, including access to toxicologists and public participation specialists" is out of place and is not an item that is unique to environmental justice. The level of technical expertise needed at the local level for cleanup is an item that is best addressed between the local agencies performing the cleanup and the state agency overseeing the cleanup.

With regard to the section titled Program Enforcement on page 29, the CCDEH recommends that a bullet be included to say, "Cal/EPA shall coordinate with the CUPA Forum Board prior to requesting or requiring additional data on enforcement or inspection activities".

In order for many of the goals outlined in the report to be adequately acted upon, a more clear definition or guideline defining what an environmental justice area will be needed. CCDEH highly recommends that Cal/EPA further define or publish a list of environmental justice areas.

In conclusion, CCDEH is overall in support of the draft recommendations but want to emphasize the statement made on page 23 of the report "Cal/EPA should not place an unfounded mandate on local government and/or local programs".

Thank you for the opportunity to comment.

Sincerely,



Mel Knight, President  
California Conference of Directors of Environmental Health

c: CCDEH Membership  
Don Johnson, Cal/EPA