



September 12, 2003

Cal/EPA EJ Program
1001 I Street, 25th Floor
Sacramento, CA 95814

Re: Comment on Draft Recommendations of Cal/EPA Advisory Committee on Environmental Justice

Dear Committee Members:

Clean Water Fund is pleased to have the opportunity to comment on your draft recommendations to the Cal/EPA Interagency Working Group on Environmental Justice. We are a national non-profit organization that focuses on improving public health and drinking water quality. In California, we serve on the steering committee of the Environmental Justice Coalition for Water and are an active participant in the Bay Area Working Group on the Precautionary Principle.

We heartily endorse the recommendations of the Committee. The four goals reflect our experiences working with low income and minority communities. We particularly approve of the application of the principle of precaution throughout the document, and feel that it is most important in accomplishing Goal #2, Integrating environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

A promising avenue for quickly incorporating the recommendations of the Committee would seem to be through the CEQA process for land use and zoning, and we strongly endorse the measures listed on Page 23 of the draft. CEQA is, of course, already a precautionary process, but requiring a more complete analysis of alternatives, particularly the environmentally superior alternative, could strengthen it by giving communities more information on viable and safer alternatives. We also recommend that the state review its guidelines for the siting of pollution monitoring equipment used to create the baseline values in CEQA documents. Too often the siting of equipment produces misleading statistics and underestimates the pollution burden on impacted communities.

Cumulative Impacts are also an issue of great concern to Clean Water Fund and we feel that this concept is one of the most important recommendations

in the document. This issue has been in the forefront of our work on the CalFed Drinking Water Subcommittee. While the state has information on the impacts of individual contaminants, and has developed public health goals accordingly, little research has been done and almost no information is available on the interaction of multiple contaminants. To address this scientific uncertainty, the CalFed Drinking Water Subcommittee has adopted and is developing a value called "Equivalent Level of Public Health Protection", that is will represent the *total* allowable contaminant concentration for drinking water. Assigning a similar value that takes into account both water, air, soil, and indoor pollution will be extremely challenging, but creating such a value will provide an umbrella of protection to all California communities.

The application of statewide environmental justice guidelines can protect local communities from local decision-making that tries to balance the public health needs of the community with the promise of jobs. For that reason, the final 2 bullets on page 24 under the facility siting and permitting section are of major importance. Tailoring permit action thresholds and control requirements that take into account a specific community's pollution burden will provide guidance for local governments that are trying to attract new jobs and industry. And creating site specific pollution prevention analyses could give otherwise unwelcome industries the opportunity to adjust their operations to benefit themselves and their community.

The reuse of brownfields is an extremely difficult issue. We trust that the development of guidelines for clean-up of brownfields would go through a public process as rigorous as this one, and that the guidelines themselves would specify a community planning process before any cleanup or zoning decision could be made. While it seems appropriate to allow cleanup based on the intended use of the site, too often the intended use is dictated by the cost of the cleanup, not by the will or needs of the community.

Thank you for allowing us the opportunity to comment on this document.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Clary". The signature is fluid and cursive, with the first name being more prominent.

Jennifer Clary
Program Associate

