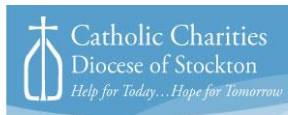




California Rural
Legal Assistance
Foundation



September 15, 2014

Matthew Rodriguez, Secretary
California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

RE: Support for Methodology 1 with a 25% Cut Off Point

Dear Secretary Rodriguez,

On behalf of the undersigned organizations, we commend the California Environmental Protection Agency (CalEPA) for its leadership in developing the most advanced assessment of cumulative vulnerability that we have seen, and furthering the intent of California's commitment to invest in disadvantaged communities through the landmark cap and trade program.

We appreciate CAIEPA's efforts to illustrate and share different methodologies for determining and defining disadvantaged communities for the purposes of Cal and Trade investments. After a thorough review of all methodologies, we found that methodology 1 provided the strongest means of identifying cumulative disadvantage and, as such, is most in line with the intentions of

SB 535 as means of directing strategic investments. We understand that the Bay Area Air Quality Management District suggested a sixth alternative methodology that calculates cumulative disadvantage differently than methodology 1 and is designed to highlight and include those communities that exhibit extreme disadvantage with respect to a few indicators. While we are interested in exploring this methodology in the future, it is not appropriate to incorporate the alternative at this point as it has not been subject to public review as the other methodologies

have. Furthermore, in our analysis of methodology 6 we noted that the population numbers for census tracts in the Eastern Coachella Valley did not match population numbers on CalEPA's CalEnviroScreen 2.0. This seems to be a discrepancy worth investigating.

We further suggest a cut-off point of 25% such that the 25% most disadvantaged census tracts according to CalEnviroScreen 2.0 qualify as DACs for the purposes of SB 535. It is important to include this generous cut-off given the known and demonstrated gaps that still exist with respect to data relied on by CalEnviroScreen 2.0 that impact census tract vulnerability scores. For example, we have highlighted several indicators that exhibit inaccuracies in the Eastern Coachella Valley through various comment letters and oral presentations. There now seems to be broad understanding that the lack of air monitors likely impacts air quality scores, inaccurate and missing data related to drinking water quality underestimates contaminated drinking water sources, the inaccessibility of emergency rooms impacts asthma scores, and the high percentage of residents living in mobile home parks likely impacts low birth weight results. Should CalEPA choose a more narrow cut-off point than 25%, it should consider allowing census tracts with these demonstrated data gaps to qualify as DACs by demonstrating that but for the inaccurate data, the census tract would likely qualify as disadvantaged.

* * * *

We thank you again for your leadership and commitment to this work. Please direct any questions that you may have to Phoebe Seaton, Co-director, Leadership Counsel for Justice and Accountability (pseaton@leadershipcounsel.org).

Sincerely,



Phoebe Seaton
Co-Director/Attorney at Law, Leadership Counsel for Justice and Accountability