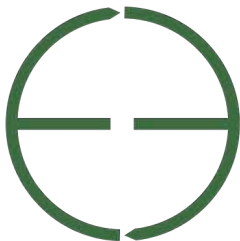


US EPA ARCHIVE DOCUMENT



## California Council for Environmental and Economic Balance

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October 1, 2010

Thomas Kelly  
U.S. EPA Region 9  
Environmental Review Office (CED-2)  
75 Hawthorne Street  
San Francisco, CA 94105

### **RE: EPA's *Los Angeles and Long Beach Maritime Port HIA Scope: Working Draft***

Dear Mr. Kelly

The California Council for Environmental and Economic Balance (CCEEB) is a nonpartisan, non-profit coalition of business, labor, and public leaders that advances balanced policies for a strong economy and a healthy environment. Several of our members operate businesses in Southern California that depend on the San Pedro Bay ports. Additionally, CCEEB participates in stakeholder working groups on cumulative impacts at Cal/EPA and at the South Coast Air Quality Management District. We appreciate the opportunity to comment on the *Los Angeles and Long Beach Maritime Port HIA Scope: Working Draft* (the Draft Scope) released by EPA, Region 9 on August 17, 2010, and offer the following perspectives.

**Guidance on how and when to conduct a Health Impact Assessment (HIA) needs to be developed in order to provide consistency and clarity, as well as to ensure fair and appropriate use.** The underlying scientific approaches on which an HIA would be based are still under evaluation by other branches of the federal government. For example, the National Research Council under the National Academy of Sciences is working to develop guidance for conducting HIAs in order:

“...to develop a framework, terminology, and guidance for conducting health impact assessment (HIA) of proposed policies, programs, and projects (for example, transportation, land use, housing, agriculture) at federal, state, tribal, and local levels, including the private sector....Based on these considerations, the committee will develop a systematic, conceptual framework and approach for improving the assessment of health impacts in the United States.”<sup>1</sup>

CCEEB notes a general lack of consistency and transparency in the application and practice of HIAs. We recommend that Region 9 proceed with caution given that the Draft Scope, as currently proposed, is based on speculative assumptions about associative relationships between risk factors and health outcomes. HIAs purposefully lack the rigor and causal evidence

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<sup>1</sup> Project View page from the National Academies, viewed on 9/9/2010, <http://www8.nationalacademies.org/cp/projectview.aspx?key=49158>.

routine in traditional risk assessments. For example, using an HIA, it is impossible to determine the degree to which an observed or estimated health effect is caused by proximity to port activities as compared to the (independent factor of) socioeconomic status of nearby communities. A finding based on confounding factors could easily be misleading, controversial, and very possibly inaccurate.

If used inappropriately, the results could seriously hamper efforts to develop infrastructure projects that support the economic health of the region and provide critically needed jobs. This is especially the case for projects funded by federal stimulus dollars, which have as primary goals rapid implementation and job creation. We agree that the intent of an HIA, as stated by the International Association for Impact Assessment, is to *manage* unintended health effects<sup>2</sup> – it is not intended to stop or stall projects, nor is it scientifically rigorous enough to justify prohibiting otherwise approvable projects.

**HIAs are not required nor suggested under existing environmental review law.** Neither the National Environmental Policy Act (“NEPA”) nor the California Environmental Quality Act (“CEQA”) contemplate, let alone require, the performance of an HIA, nor does the EPA require conducting an HIA under its own NEPA regulations. CCEEB notes that potential health impacts are analyzed on a conservative and cumulative basis under existing CEQA and NEPA processes.

**San Pedro Bay Ports are national leaders in addressing air quality concerns and community impacts.** Similarly, the goods movement industries serving the Ports have invested billions of dollars over the years on local infrastructure, provided hundreds of thousands of jobs, and have generated income to local and state economies and the federal government. Region 9 should act as a partner to the Ports and to port businesses, and support their efforts to implement the Clean Air Action Plan and other port initiatives.

Thank you again for allowing us this opportunity to comment.

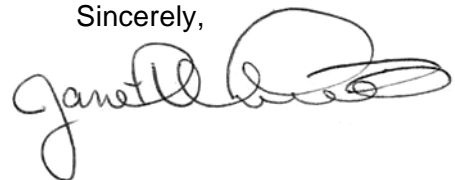
Sincerely,



Bill Quinn

CCEEB Chief Operating Officer

Sincerely,



Janet Whittick

CCEEB Policy Director

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<sup>2</sup> “HIA: A combination of procedures, methods and tools that systematically judges the potential, and sometimes unintended, effects of a policy, plan, program or project on the health of a population and the distribution of those effects within the population. HIA identifies appropriate actions to manage those effects.” - International Association for Impact Assessment, 2006