SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

MATTHEW D. ZINN
Partner
Zinn@smwlaw.com

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Via Electronic Mail Only

City of Santa Ana Planning Commission
20 Civic Center Plaza
Santa Ana, CA 92702
c/o Commission Secretary Sarah Bernal
SBernal@santa-ana.org

Re: City of Santa Ana Draft General Plan Update

Dear Chair McLoughlin and Honorable Members of the Commission:

On behalf of Orange County Environmental Justice ("OCEJ"), I write to provide comments on the City of Santa Ana's proposed environmental justice policies for its General Plan Update. As required by Senate Bill 1000 ("SB 1000"), Santa Ana has integrated a number of environmental justice policies throughout its General Plan elements. However, OCEJ is concerned that these proposed policies are insufficient and will not reduce the unique and compounded health risks to environmental justice communities. OCEJ urges the City to bolster its existing General Plan Update policies regarding lead contamination and include specific actions and plans to remediate lead toxicity. The City should also avoid rushing to approve the General Plan Update before the City can engage with all disadvantaged communities.

I. General Plan Update policies concerning lead contamination are inadequate.

Lead contamination has caused and continues to cause severe harm to Santa Ana's low-income communities and communities of color.[1] According to a recent study conducted by the University of California Irvine and OCEJ, City census tracts with a median household income below $50,000 have over *five times* higher soil lead

[1] "Low-income and predominately Latino neighborhoods in Santa Ana affected by toxic lead, report says," *L.A. Times* (September 10, 2020), https://www.latimes.com/socal/daily-pilot/entertainment/story/2020-09-10/low-income-and-predominately-latino-neighborhoods-in-santa-ana-affected-by-toxic-lead-report-says;

concentrations than higher income census tracts.[2] Higher lead concentrations are also statistically correlated with census tracts in which Latina/o/x/Hispanic residents and immigrant residents constitute a majority. The study also found that more than half of residential samples had lead concentrations in excess of the 80 parts per million ("ppm") limit recommended by the California Environmental Protection Agency, and 11 census tracts were characterized as high risk of health impacts to residents due to the level of soil lead contamination. These statistics are especially troubling given the ongoing COVID-19 pandemic, which is forcing Santa Ana's disadvantaged communities to shelter in places that may have high levels of lead toxicity.

Children are at especially high risk given their higher absorption of lead. Researchers found that Santa Ana neighborhoods housing more than 28,000 children had lead concentrations exceeding 80 ppm, and 12,000 of those children were in neighborhoods with lead concentrations above 400 ppm, the Environmental Protection Agency's recommended maximum for play areas.[3] To maintain children's blood lead levels below the Center for Disease Control and Prevention's ("CDC") threshold of 50 parts per billion ("ppb"), experts recommend a maximum of 40 ppm of soil lead toxicity.[4] However, as the CDC concedes, there is no identified threshold or safe level of lead in blood.[5] Evidence continues to accrue that commonly encountered blood lead

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[2] S. Masri et al., *Social and spatial distribution of soil lead concentrations in the City of Santa Ana, California: Implications for health inequities*, 743 Sci. of the Total Env't (2020), available at https://doi.org/10.1016/j.scitotenv.2020.140764.

[3] *Id.*; Agency for Toxic Substances & Disease Registry, Center for Disease Control and Prevention, "Lead Toxicity: What are U.S. Standards for Lead Levels?" accessed October, 28, 2020, https://www.atsdr.cdc.gov/csem/csem.asp?csem=34&po=8#:~:text=EPA%20has%20established%20400%20ppm,areas%20for%20federally%20funded%20projects.

[4] National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, Meeting of the Lead Poisoning Prevention Subcommittee of the NCEH/ATSDR Board of Scientific Counselors, Record of the Proceedings (Sept. 19, 2016), available at https://www.atsdr.cdc.gov/science/lpp/docs/lead_subcommittee_minutes_9_19_2016_508.pdf.

[5] *Id.*; American Academy of Pediatrics, *Prevention of Childhood Lead Toxicity*, 138 Pediatrics (2016), available at https://www.greenandhealthyhomes.org/wp-content/uploads/AAP-Report.pdf.

concentrations, even those below 50 ppb, impair cognition and cardiovascular function.[6] Because of higher average lead concentrations in low-income census tracts and census tracts with large populations of Latina/o/x/Hispanic residents, children of color in the City's low-income households are most at risk for lead toxicity.[7]

This significant and disproportionate burden on Santa Ana's disadvantaged communities underscores the importance of including comprehensive General Plan policies and initiatives to remediate soil lead contamination and protect public health. In a July 2020 letter to City officials, OCEJ sought to provide community-based recommendations to ameliorate soil lead toxicity for the City's disadvantaged communities. OCEJ's policy recommendations included, among other things, blood testing for communities exposed to soil lead levels greater than 80 ppm, free on-going health care access for communities poisoned by lead, comprehensive lead testing of residential soils, and remediation of homes with soil lead levels above 80 ppm. OCEJ has also consistently emphasized the need for community collaboration and input. Unfortunately, the City has not integrated these suggestions into any of its proposed environmental justice policies.

Although the City has included a few implementation actions aimed at addressing lead contamination in its most recent draft General Plan Update, those vague actions lack the necessary specificity to ensure results. For example, Action 2.4 in the Safety Element states that the City will "[w]ork with local and regional partners . . . to understand the prevalence, sources, and implications of lead contamination of soil across Santa Ana," and "[c]ollaborate with environmental justice stakeholders in proposing solutions to remove hazardous lead soils in the city. . . with benchmarks to measure and track effectiveness." Similarly, Action 3.26 in the Land Use Element states that the City will "identify baseline conditions for lead contamination in Santa Ana, monitor indicators of lead contamination, and measure positive outcomes."

These measures fail to provide specific direction about how community organizations and stakeholders will be identified, the timeline for implementation of these programs, and commitment to specific benchmarks to ensure implementation. Additionally, and most importantly, the proposed policies do not mention community leadership or ownership. As the California Department of Justice ("DOJ") noted in its own comment letter earlier this month, the City's policies do not match the severity of the lead contamination burdens and unique needs of the disadvantaged communities in its

[6] *Id.*

[7] S. Masri et al. at 2.

jurisdiction as SB 1000 requires. Gov. Code § 65302(h)(1)(c). DOJ also agrees that the City must do more to incorporate community input. The City's newly proposed policies and implementation actions do not solve the deficiencies DOJ identified.

The City should amend its current General Plan Update policies to incorporate additional measures focused on addressing lead contamination specifically. OCEJ recommends the following:

A. Identify collaborators.

First, the City should strengthen existing policies by not just explicitly identifying collaborators such as, OCEJ, Orange County Health Care Agency ("OCHCA"), University of California Irvine Public Health ("UCI Public Health"), but also establishing a method to identify other regional organizations and community stakeholders. Lead poisoning arises from several sources: historic use of leaded gasoline, lead-based paint, pesticides, and disruption of leaded soil during construction.[8] Accordingly, General Plan policies should emphasize that remediation will require collaborative efforts from agencies, community groups, and community members.

Sample Policies and Actions:

- Work with OCEJ, OCHCA, UCI Public Health, and other community organizations to understand the prevalence, sources, and implications of lead contamination across Santa Ana's soil. At the first cohort meeting with the listed organizations, engage in consultation to identify additional agencies, groups, or community members that can provide different community perspectives.

B. Establish a Public Health Action Plan.

To allow the City to better understand the prevalence, sources, and implications of lead contamination throughout the City, the General Plan Update should call for the development of a Public Health Action Plan by December 31, 2022. The Public Health Action Plan must be rooted in equity and community knowledge. It must be developed in a process characterized by community *ownership* rather than mere community engagement. In developing the Public Health Action Plan, the City should provide stipends, translation/interpretation services, childcare for community leaders to engage residents, and other funded accessibility measures to ensure the opportunity for democratic participation by residents in developing the Plan. If the City issues any

[8] *See* S. Masri et al. at 2.

request for proposals related to the development of the Plan, the City should prioritize consideration of Santa Ana community-based and grassroots-affiliated consultants and/or consultants with demonstrated experience in facilitating community ownership of public-participatory processes. It is essential that the affected community is directly involved in decisions about the Plan's policies and implementation strategies.

Although the content of the Plan must be dictated by community stakeholders, OCEJ believes that, at a minimum, it should include specific policies, as well as specific implementation actions that cover all of the following:

(1) Education and outreach – raising knowledge about lead toxicity, health effects, and effective strategies;

(2) Support and coordination – describing current and potential partnerships to implement the strategy;

(3) Incentives and funding – listing funding and incentive opportunities for the strategy; and

(4) Planning and regulations – policy actions and regulatory changes that could be put in place to support the recommendation.

The goal of the Public Health Action Plan should be to lay out a long-term vision for community health and health equity. For this reason, the City must prioritize development of the Plan over any other lead remediation initiative. The Plan must be designed to guarantee community input is integral to the process of identifying solutions to Santa Ana's lead toxicity crisis. Merely engaging community members is insufficient; the City must ensure that community members are leading and equally participating in crafting solutions and identifying viable implementation strategies.

Sample Public Health Action Plan Policies:

- Develop performance standards and cultural competency guidelines for public health agencies and partners to use when treating patients with lead toxicity. Cultural competency guidelines will allow providers and organizations to effectively deliver health care services that meet the social, cultural, and linguistic needs of patients most affected by lead toxicity.

- Expand and standardize population-wide data sources. Alongside experts and community stakeholders, assess the adequacy of current systems on the basis of these characteristics and the need for dynamic, interactive data access and use.

- Use data to plan health programs and to communicate consistent messages about the urgency of preventing lead toxicity.

- Develop and support detailed research agendas that specifically address community health and health equity, including prevention of lead toxicity in children.

C. Mandate blood lead tests.

OCEJ maintains that the General Plan Update should commit the City to work with OCEJ, UCI Public Health, OCHCA, and other community stakeholders to provide free blood lead testing for all Santa Ana residents. Through this General Plan policy, the City should provide funded comprehensive support services for residents affected by lead exposures to help with care, with these supports delivered by trusted community institutions. Support services include, but are not limited to: trusted community members communicating and following up on blood lead test results, blood testing as a preventative measure, and early childhood lead toxicity intervention.

Sample Policies and Actions:

- Work with OCEJ, UCI Public Health, OCHCA, and other community stakeholders to provide free blood lead testing for all Santa Ana residents.

- Provide direct blood test outreach to residents in homes with soil lead levels 80 ppm or higher.

- Launch advertisement campaigns promoting testing for residents in communities with low blood testing rates. Advertisement campaigns will include educational material discussing the importance of testing and lead toxicity remediation. Resources and testing advertisements will be printed in all languages spoken by 3% or more of Santa Ana residents.

- Follow-up with all residents that test for any amount of lead toxicity. Provide free health services for lead-related health problems.

- Provide a dedicated nurse to any child with a blood lead level above 50 ppb to coordinate care.

D. Conduct comprehensive soil testing.

Similarly, the General Plan Update should establish a comprehensive scheme for soil testing on lands designated for residential or recreational use. With the assistance of the appropriate agencies and community stakeholders, Santa Ana should prepare or support the preparation of soil lead contamination studies and establish a testing schedule for all city-owned parks.

The City of Arvin adopted several policies to address water contamination in their Conservation and Open Space Element that could serve as a model for Santa Ana.[9] Arvin's Policy CO-4.1 requires the City to monitor water quality regularly in all wells in the Arvin Community Services District, and under Action 5.2, the City must prepare or support the preparation of water quality and water management studies to ensure the continued provision of good quality water to residents.

Sample Policies and Actions:

- Work with OCEJ, UCI Public Health, OCHCA, California Department of Toxic Substance Control, City Parks, Recreation and Community Services Agency, and other community stakeholders to monitor soil quality for lead contamination regularly. Prepare or support the preparation of soil quality and lead toxicity studies to ensure soil is safe in all residential and recreational areas.

- Test all municipal parks for soil lead contamination by December 31, 2022, as part of the comprehensive study. Re-test every two years.

- Provide free soil lead testing to all Santa Ana residents and conduct targeted outreach for soil testing to any residence in a census tract in which at least one other residence has soil lead contamination exceeding 80 ppm.

[9] City of Arvin General Plan Update, adopted by Arvin City Council on August 21, 2012, http://www.arvin.org/wp-content/uploads/2015/08/ADOPTED_ARVIN_GP_UPDATE_Aug-21-121.pdf.

- Publish all soil lead tests performed in the jurisdiction in a publicly available database. Circulate reports to health care providers and require health care providers to follow-up with residents for blood testing.

E. Remediate contaminated sites prior to issuing development permits.

Finally, the City should prohibit the issuance of permits for new construction until a proposed development site is tested for soil lead toxicity and any identified contamination is remediated. One of the City's recently proposed implementation actions, Action 3.23 in the Land Use Element, merely requires developers to identify potential contamination. Action 3.23 does not require soil testing nor does it provide a plan for ensuring remediation.

The City of Richmond adopted a series stronger policies in their Community Health and Wellness Element that the City should follow instead. Richmond's Policy HW-9 requires the City to ensure that contaminated sites are adequately remediated before allowing new development and to implement a response plan to address existing contaminated sites in the City.[10] This policy also requires the City to develop guidelines for convening an oversight committee with community representation to advise and oversee toxic site cleanup and remediation. Further, Action HW9.K requires the City to adopt standards for the safe management of hazardous substances, including standards that require soil testing at development sites where contamination is suspected.

Sample Policies and Actions:

- Implement standards for the safe management of hazardous substances in close coordination with the City Planning Department, California Department of Toxic Substance Control, and other appropriate agencies. The standards should require soil testing at development sites where contamination is suspected based on specified criteria. Use of the latest technologies available should be considered when conducting remediation to expedite the process and do the least harm to the environment and human health.

[10] City of Richmond, General Plan, Health and Wellness Element, adopted by Richmond City Council on April 25, 2012, http://www.ci.richmond.ca.us/DocumentCenter/View/8579/Health-and-Wellness-Element?bidId=#:~:text=Purpose%20of%20the%20Element,well%2Dbeing%20of%20Richmond%20residents.

- Require property owners to test proposed development sites for soil lead toxicity and comply with state and federal requirements for site remediation as a condition for approving redevelopment on contaminated sites. Seek state and federal funds to implement the necessary level of clean-up.

* * *

OCEJ urges Santa Ana to follow SB 1000's mandate to "prioritize improvements and programs that address the needs of disadvantaged communities" by creating General Plan policies and actions that will lead to remediation of lead pollution and amelioration of its serious health consequences. Gov. Code § 65302(h)(1)(b)-(c). Santa Ana's proposed policy goals and actions do not go far enough to meet the burden of lead toxicity that the City's disadvantaged communities are forced to endure.

II. Santa Ana's expedited General Plan Update timeline is concerning.

Santa Ana released a Draft Environmental Impact Report and draft General Plan Update in August 2020. Subsequently, the City released a second draft of the General Plan Update on September 28, 2020. City staff anticipates the hearing process for the General Plan and the Final Environmental Impact Report to begin in early November 2020, with adoption set to occur only weeks later. This estimated timeline is unrealistic. Community engagement is the backbone of SB 1000, and an accelerated timeline cannot fully allow for the meaningful community engagement with environmental justice communities that the law requires. *See* Gov. Code § 65302(h)(1)(b).

Moreover, the speed with which the City is attempting to respond to General Plan Update comments raises concerns about the thoroughness and adequacy of the review process. An agency's review and response to public comments is a time-consuming endeavor, and rushing the process runs the risk of failing to incorporate valid community input. OCEJ urges the City not to push forward with a General Plan Update before the City can meaningfully engage with its disadvantaged communities and adequately respond to community comments.

III. Conclusion

Santa Ana's proposed environmental justice policies do not sufficiently identify, address, and remedy existing lead contamination affecting low-income communities of color in Santa Ana. The City should amend its draft General Plan Update to include the policies discussed above to ensure that the City implements a successful plan to ameliorate lead toxicity.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Matthew D. Zinn
Katrina A. Tomas

cc: Verny Carvajal, Principal Planner
Enrique Valencia, OCEJ
Rica Garcia, California Department of Justice
Shahir Masri, UCI Public Health
Michael Logue, UCI Public Health
Jun Wu, UCI Public Health
Alana LeBrón, Department of Chicano/Latino Studies, University of California Irvine
Abigail Reyes, Community Resilience, University of California Irvine
Lisa Rudloff, Santa Ana Parks, Recreation and Community Services

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