



November 18, 2015

Honorable Members, Los Angeles City Council
Planning and Land Use Management Committee
City Hall
200 North Spring Street
Los Angeles, CA 90012

RE: CF#15-1026

Dear Honorable Members:

Thank you again for the hearing held on October 27, 2015 regarding the proposed Clean Up Green Up Policy and its related ordinances and other implementing mechanisms. We appreciate the support shown by the Committee and look forward to its approval at your upcoming meeting of November 24, 2015, and its subsequent consideration by the full City Council.

We wanted to take this opportunity to clarify some points that were raised in public testimony and in some of the follow-up discussion on the item. We do appreciate the participation of the business community, including the comments by the Los Angeles Chamber of Commerce and its affiliates, as well as those of the Los Angeles Business Council and those individual business owners and operators that also attended the hearing, many of whom spoke in support of the proposed Policy.

We concur with our business colleagues that there is a critical need to address living conditions in many communities in Los Angeles, including those in the three pilot communities of Boyle Heights, Pacoima/Sun Valley and Wilmington that are subject of what is currently under consideration by the Committee. However, we disagree with the assertion that the goals expressed currently differ from those set forth in response to City Council's initiating motion of January 2011, or those that have been a part of the numerous meetings, work-sessions and hearings that have taken place since, including workshops for the business community added at the request of the business sector.

Ombudsperson

We concur that the office of the Ombudsperson is important and believe that the proposed role for this position was well described in the Department of City Planning's report to their Commission on Clean Up Green Up. The role of, as well as the importance of, the Ombudsperson are further highlighted by the program's inclusion in

both the Health and Wellness Chapter to the General Plan and the Mayor's Sustainability Plan, both recently adopted by the City. Currently the position, which we are advised is an authorized and funded position in the Bureau of Sanitation, is proposed to be housed in the Office of the Mayor. While this decision is one that the City will ultimately make, we believe there is merit to the proposal for the Ombudsperson to—at least initially—be housed there. One role of the Ombudsperson is to coordinate the efforts of a variety of City and other departments that are involved in inspecting, interpreting and enforcing rules and regulations that affect businesses proposed to be covered by the Clean Up Green Up Policy. Another is to work with these departments to identify streamlining, simplifying and more effectively implementing both existing and new standards affected by the Policy. Given the inter-departmental coordination inferred by these roles, as well as those of identifying and extending business outreach opportunities and programs, we feel that a strong case can be made for the position to start in the Office of the Mayor—and to start as quickly as possible. While in the future it may make sense to house the function in an operating department, that consideration ought to occur as the position's role is further defined and experienced once the Policy is being implemented. In the interim, we see no reason either to delay adoption of the Clean Up Green Up Policy or to postpone filling the Ombudsperson position.

A question was raised about the long term sustainability of the Ombudsperson, noting that only one position has been funded and the assertion that the funding is only for the current fiscal year. That level of staffing is in keeping with the normal pace of starting up a program or function. It also does not acknowledge that there are staff in other areas of the City (such as the Economic and Work Force Development Department, Department of Building and Safety and the Bureau of Sanitation, to name only a few), whose efforts already embrace some of the inspection, enforcement and outreach functions to be expanded and coordinated by the Ombudsperson. We note, as stated above, that the position uses an authorized and funded position in the Bureau of Sanitation. We fully expect that, once the Ombudsperson position is filled and functioning, it will participate in discussions about roles, assignments and longer term staffing, which should be considered as the roles and responsibilities of the office are defined through operating experience. We also await the requested report from the offices of the Chief Legislative Analyst and City Administrator Officer at the October 27 hearing that should further examine this issue.

Resource Availability

There was testimony that the City lacks resources to provide assistance to local businesses in these communities. As has been pointed out on a number of occasions, there are documented over fifty programs and sources of both funds and technical support available from City, regional, State and Federal sources that can be targeted to these communities. These programs are compiled in the Guide to Green, a document assembled by the Liberty Hill Foundation and made available both to local businesses and business entities, and to the various source agencies themselves, which have lauded their ability (as a result of the compilation of programs) to become aware of one another's resources. Many of you have also sponsored and participated in Guide to

Green workshops in the targeted communities, well attended by many of the funding departments, and there was testimony from business operators of how they were able to identify and obtain funds to clean up and green up their businesses through these workshops.

Metrics

There were also comments made about the current lack of metrics to determine the effectiveness of the Clean Up Green Up Program. While some metrics are easy to suggest—numbers of outreach efforts initiated, numbers of Guide to Green workshops held, numbers of businesses contacted, numbers of businesses participating, numbers and types of business assistance programs accessed, numbers of businesses that have cleaned up and greened up their operations and in what ways are some early ones—it is also important that the Ombudsperson participate in the formulation of appropriate metrics—a task that rightly will occur once the position is filled and operating, and another reason to proceed quickly to fill the position.

Health Impact Assessment

Finally, comments were raised about the proposal to employ a Health Impact Assessment process, which comments included claims that the Health Impact Assessment is not widely used in the United States, and that there is no proven model to follow in the use and evaluation of the Health Impact Assessment tool. A further question dealt with Health Impact Assessments in relation to the narrower Health Risk Assessment.

Since the Clean Up Green Up Policy is built on a cumulative impacts analysis, the Health Impact Assessment tool is very much in keeping with this approach, rather than the more focused Health Risk Assessment. A Health Impact Assessment looks at impacts not necessarily covered by a Health Risk Assessment, and is thus more comprehensive, including indirect and cumulative impacts and more deeply involving impacted communities in the analysis.

A Health Risk Assessment seeks to arrive at a *probability* estimate—asking for example the question "how many people will get sick as a result of an activity" (i.e. be stricken with cancer, etc). In California, CEQA has accepted the Health Risk Assessment, although it is not named as such in federal laws such as NEPA. Health Risk Assessments address the health and safety problems from biophysical changes caused by a proposed project.

In comparison, Health Impact Assessments arise out of participatory processes globally such as consensus conferences. They are recognized by the World Health Organization, the federal Center for Disease Control, and other major institutional entities as a more holistic process whereby *impacts* are considered to guide policy through a collection of a broader range of data and community health needs.

Human Impact Partners, a national non-profit based in Oakland, CA, submitted a letter to

the record regarding the Health Impact Analysis. In that letter and the materials they submitted along with that correspondence they noted that over 300 Health Impact Analyses have been completed or are in process around the country, many conducted by government agencies including health departments, planning departments, and Metropolitan Planning Organizations. They noted that there exists considerable diversity in the practice and products of Health Impact Analyses due to the variety of policies, plans, programs, and projects assessed and the diverse settings in which decisions take place; and the evolution of the field. We also provided examples of a few Health Impact Assessments to staff to assist in their response to the Committee's inquiries about the roles and purposes of both types of analyses.

Fundamentally, the purpose of Health Impact Analysis is to assess the health impacts (as opposed to projected illness results) of proposed projects and plans—including cumulative health impacts in communities experiencing disproportionate health hazards—and identify ways to mitigate any potential harms identified. In addition, engagement of community members throughout a Health Impact Analysis is a core part of the Health Impact Analysis process.

As written in the proposed Clean Up Green Up ordinance, the Health Impact Analysis requirement is in line with this purpose and is properly targeted to the type of projects that may benefit from Health Impact Analysis-type review. There are a number of available guidance documents for Health Impact Analysis that potential project sponsors who would be required to conduct a Health Impact Analysis can use. The *Minimum Elements and Practice Standards for Health Impact Assessment* (attached to the Health Impact Partners submittal, and attached here again for your review) provides guidance on what is required for a study to be considered a Health Impact Analysis and lists benchmarks for effective practice. Health Impact Partners was one of the primary authors of this document. In addition, the National Academy of Sciences published *Improving Health in the United States: The Role of Health Impact Assessment*, which describes the background of Health Impact Analysis, steps in the process, and offers guidance to officials in the public and private sectors on conducting Health Impact Analyses. UCLA is another local leader, and has developed manuals and check lists that are in use by entities conducting Health Impact Analyses.

A recently completed legal review of Health Impact Analyses concerning the use of Health Impact Analyses found that, *“Even in the absence of explicit legal authority to conduct Health Impact Analyses [such as in NEPA], government agencies and officials increasingly conduct Health Impact Analyses or consider the results of Health Impact Analyses conducted by other organizations to inform their decisions. This has been the most common method of Health Impact Analysis practice in the United States.”*

Requirements for Health Impact Analyses can be found in Washington for several types of energy and environment proposals and Massachusetts for several types of transportation proposals. Several have been done in California, including both San Francisco and Los Angeles. In addition, numerous laws across the country *facilitate* the conduct of Health Impact Analyses by authorizing or requiring the functional equivalent

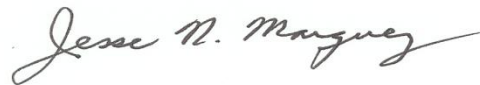
of a Health Impact Analysis to inform programmatic, policy, or administrative decisions. Given this context, the requirement to conduct a Health Impact Analysis (limited in the proposed Ordinance to the Conditional Use process) is appropriate and would contribute to an expansion of the field.

Our thanks again to you for helping to move this very important policy and program forward for the people of Los Angeles.

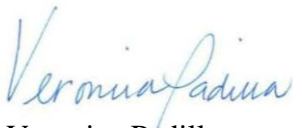
Very truly yours,



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