

CALIFORNIA SAFE SCHOOLS

ECONOMIC IMPACT SURVEY RELATING TO POTENTIAL CAL/EPA REGULATORY AMENDMENTS

The California Environmental Protection Agency (Cal/EPA) is considering whether to propose amendments to its Environmental Enforcement and Training Grant Program Regulations, in California Code of Regulations, title 27, sections 10011-10018. This survey seeks to understand how such potential amendments might economically impact relevant stakeholders. If your organization could be affected by potential regulatory amendments to Cal/EPA's Environmental Enforcement and Training Grant Program Regulations, please respond to this survey by filling in the below and attaching any additional sheets, as needed, and emailing them to EETAGrants@calepa.ca.gov by 2/16/2022; please mark your response as confidential if it contains any information protected by law.¹ If there is no possibility that your organization could be affected economically in any way by such potential amendments, you do not need to respond.

Please note that if Cal/EPA pursues this rulemaking, it plans to use responses to this survey in aggregated and anonymized form in the economic analysis of the rulemaking. Cal/EPA will keep confidential any information protected by law, including trade secret information, except where required to be produced by law, such as by court order. If Cal/EPA receives no responses to this survey, Cal/EPA will understand that to mean that its potential regulatory amendments have no economic impact on relevant stakeholders.

Background: The California Legislature previously adopted the Environmental Enforcement and Training Act of 2002, which created a Cal/EPA funding program for certain enforcement-related training and activities. Cal/EPA adopted regulations to implement this law. In 2021, the California Legislature amended the Act to prohibit Cal/EPA from funding any programs by CDAA. Through this potential rulemaking, Cal/EPA would be updating its regulations to reflect the 2021 legislative amendments, and would also be cleaning up the regulatory language to clarify the regulation and make it consistent with today's practices and technology. Potential draft regulatory language is attached to help you respond to this survey.²

ECONOMIC SURVEY QUESTIONS

____ Please mark with your initials if this response contains any confidential information protected by law, and indicate below which numbered responses contain such information:

- 1) Name of organization, status (i.e., corporation, limited liability partnership, tax-exempt non-profit, community-based organization), industry, and geographic location of

CALIFORNIA SAFE SCHOOLS (NON-PROFIT)

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organization's work. Please also state whether your organization is considered a small business under California law.

CALIFORNIA SAFE SCHOOLS IS A CHILDREN'S ENVIRONMENTAL HEALTH AND ENVIRONMENTAL JUSTICE COALITION FOUNDED IN 1998

- 2) Contact information for questions about your responses or the confidentiality of your responses, if applicable.

Name and Title ROBINA SUWOL, EXECUTIVE DIRECTOR

Business e-mail: calisafe@earthlink.net

Business phone number: 818-785-5515

- 3) Will the legislative changes to the Act (adopted through SB 157) affect your organization economically? If yes, please describe how and provide supporting documentation and specific dollar figures.

NO, IT APPEARS WE WOULD CONTINUE TO BE ELIGIBLE TO APPLY

- 4) Has your organization ever applied to Cal/EPA for funding under Cal/EPA's Environmental Enforcement and Training Grant Program? If yes, when, how much did you seek, and for what purpose?

YES, CALIFORNIA SAFE SCHOOLS HAS APPLIED TWICE FOR OUR ANNUAL "YOUR LIFE IS NOW" EVENT.

- 5) Has your organization ever received any monies from Cal/EPA's Environmental Enforcement and Training Grant Program?

- a. If yes, how much, when, and for what purpose? Please indicate the date you received funds.

2017-2018 APPLICATION FILES IN STORAGE - APPROXIMATELY \$10,000 -

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- b. Did the funded program benefit any disadvantaged or low-income communities and, if so, which ones and how did it benefit them?

ABSOLUTELY! OUR "YOUR LIFE IS NOW" EVENT BRINGS STUDENTS INTO ONE SCHOOLS - TEACHERS MEMBERS OF THE PUBLIC - ELECTED OFFICIALS REGULATORY AND ENFORCEMENT AGENCIES - SCHOOL DISTRICTS

- c. Is the funded program ongoing? If yes, with Cal/EPA funds or with some other funds?

WITH OTHER FUNDS BUT WE ARE NOT ABLE TO REACH AS MANY DIVERSE INDIVIDUALS. WE APPRECIATE A FUNDING SOURCE THAT FINDS ENVIRONMENTAL ENFORCEMENT TO BE A PRIORITY

- 6) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would your program lose any funding? If yes, would it be possible for your organization to find the funding, in whole or in part, elsewhere? If no to the last question, please explain why not.

THIS IS A UNIQUE FUNDING OPPORTUNITY FOR OUR ANNUAL "YOUR LIFE IS NOW" PROGRAM. IT WAS DISAPPOINTING TO APPLY AND THEN BE ADVISED LATE IN THE PROCESS THERE WAS NO FUNDING.

- 7) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would any of your organization's program(s) be discontinued as a result?

NO, THEY WOULD NOT.

- a) If yes, how many participants would be affected? Would those participants be able to find similar training elsewhere? If no, please explain why not. Please provide supporting documentation.

OUR PROGRAM FALLS WITHIN THE PROPOSED GUIDELINES AND WOULD NOT IMPACT THE DIVERSE PARTICIPANTS WHO ATTEND OUR PROGRAMS.

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- b) If the program(s) would be discontinued, please describe whether the discontinuation would affect any disadvantaged or low-income communities and, if so, which ones?

THE ELIMINATION OF ANY ENVIRONMENTAL ENFORCEMENT PROGRAM THAT PROVIDES EDUCATIONAL OPPORTUNITIES TO EJ COMMUNITIES WOULD IMPACT THEM POTENTIALLY NEGATIVELY -

- 8) Would your organization likely create or eliminate any jobs in California as a result of potential Cal/EPA regulatory amendments similar to the attached? If yes, how many? Please describe the types of jobs or job titles.

N/A

- 9) Would Cal/EPA's potential regulatory amendments lead you to create new programs or subsidiaries/sub-organizations, or to eliminate any programs or subsidiaries/sub-organizations? If so, how many and what kind?

NO

- 10) Would Cal/EPA's potential regulatory amendments affect your organization's ability to compete with other states by making it more costly to produce goods or services in California? If yes, please explain.

N/A

- 11) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, what would be the total annual cost to your organization to comply above the cost to comply with the existing regulation?

N/A

- a. Would those costs change over time at all? If yes, by how much, when, and why?

NO

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- 12) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would this prevent your organization from applying due to increased cost? How much increased cost would this impose on your organization?

NO, THERE DOES NOT APPEAR TO BE ANY LANGUAGE ABOUT INCREASED COST

- 13) If Cal/EPA amends the regulation to add new reporting requirements similar to the attached draft regulatory text, would this prevent your organization from applying or using grant funds due to the increased cost? How much increased cost would this impose on your organization?

NO, IT WOULD NOT

- 14) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would this benefit your organization or any individuals helped by your organization at all? If yes, please describe how.

YES, IT APPEARS TO VERY SPECIFICALLY OUTLINE THE REQUIREMENTS - FOR THE PAST 24 YEARS OUR PROGRAMS PRIORITIZE ENVIRONMENTAL ENFORCEMENT AND ENCOURAGES COLLABORATION AND HOW CRITICAL ENFORCEMENT IS TO COMMUNITY HEALTH & ENVIRONMENT

- 15) Please describe any alternatives that would lessen the burden on your organization or on small businesses while still meeting the objectives of the regulatory amendments, described above, and their potential costs to your organization.

APPLYING FOR FUNDING REQUIRES TIME AND EFFORT AND IS A THOUGHTFUL PROCESS FOR OUR ORGANIZATION AND ONE WE TAKE SERIOUSLY. PLEASE, IF FUNDING IS NOT AVAILABLE PLEASE DO NOT REQUEST PROPOSALS.

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- 16) Please provide any additional information related to the economic impact of the potential amendment of Cal/EPA's Environmental Enforcement and Training Grant Program Regulations.

PLEASE PARDON THE HAND WRITTEN
RESPONSES BUT IN SPITE OF TRYING
COULD NOT CONVERT THE DOCUMENT
WE WOULD VERY MUCH APPRECIATE
AN OPPORTUNITY TO APPLY FOR FUNDING
FOR OUR "YOUR LIFE IS NOW" ENVIRONMENTAL
ENFORCEMENT CONFERENCE

_____ Please mark if you have included an attachment, and indicate the number of pages: _____

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organization's work. Please also state whether your organization is considered a small business under California law.

Del Amo Action Committee, community based non profit working in the Los Angeles County and city areas. Environmental Justice based Environmental Justice Network, Coordinator

- 2) Contact information for questions about your responses or the confidentiality of your responses, if applicable.

Name and Title Cynthia Babich, Director

Business e-mail: delamoactioncommittee@gmail.net

Business phone number: 661 256-7144

- 3) Will the legislative changes to the Act (adopted through SB 157) affect your organization economically? If yes, please describe how and provide supporting documentation and specific dollar figures.

no

- 4) Has your organization ever applied to Cal/EPA for funding under Cal/EPA's Environmental Enforcement and Training Grant Program? If yes, when, how much did you seek, and for what purpose? yes 2017-1,000.00 2018-20,000.00 and in 2019-\$25,000.00

Los Angeles Environmental Justice Network Annual "Enforcement and Environmental Justice Symposium" just completed our 7th year.

- 5) Has your organization ever received any monies from Cal/EPA's Environmental Enforcement and Training Grant Program?

a. If yes, how much, when, and for what purpose? Please indicate the date you received funds.

yes Environmental Enforcement Symposiums
2017 \$1000.00 CalEPA
2018 \$20,000.00

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b. Did the funded program benefit any disadvantaged or low-income communities and, if so, which ones and how did it benefit them?

Yes; EJ communities who attended symposiums as well as groups in LA EJ Network including Del Amo Action Committee, California Safe Schools, Comite Pro yno maywood Coalition for a Safe Environment, Action Now, Philippine Action Group for the environment, Paramount coalition and others in Los Angeles Area

c. Is the funded program ongoing? If yes, with Cal/EPA funds or with some other funds?

yes - we are in our 8th year (this year) we have sponsors we solicitate each year.

6) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would your program lose any funding? If yes, would it be possible for your organization to find the funding, in whole or in part, elsewhere? If no to the last question, please explain why not.

No - because the program needs these clarification One year we applied thought we were awarded funds and did project only to find out no money was available in 2019 - \$25,000.00 not funded because No Funds'

7) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would any of your organization's program(s) be discontinued as a result?

No

a) If yes, how many participants would be affected? Would those participants be able to find similar training elsewhere? If no, please explain why not. Please provide supporting documentation.

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- b) If the program(s) would be discontinued, please describe whether the discontinuation would affect any disadvantaged or low-income communities and, if so, which ones?

N/A

- 8) Would your organization likely create or eliminate any jobs in California as a result of potential Cal/EPA regulatory amendments similar to the attached? If yes, how many? Please describe the types of jobs or job titles.

No

- 9) Would Cal/EPA's potential regulatory amendments lead you to create new programs or subsidiaries/sub-organizations, or to eliminate any programs or subsidiaries/sub-organizations? If so, how many and what kind?

No

- 10) Would Cal/EPA's potential regulatory amendments affect your organization's ability to compete with other states by making it more costly to produce goods or services in California? If yes, please explain.

No

- 11) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, what would be the total annual cost to your organization to comply above the cost to comply with the existing regulation?

None

- a. Would those costs change over time at all? If yes, by how much, when, and why?

No

ECONOMIC IMPACT SURVEY RELATING TO POTENTIAL CAL/EPA REGULATORY AMENDMENTS

12) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would this prevent your organization from applying due to increased cost? How much increased cost would this impose on your organization?

No

13) If Cal/EPA amends the regulation to add new reporting requirements similar to the attached draft regulatory text, would this prevent your organization from applying or using grant funds due to the increased cost? How much increased cost would this impose on your organization?

No

14) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would this benefit your organization or any individuals helped by your organization at all? If yes, please describe how.

Yes - This fund is a perfect fit for our ongoing Enforcement Symposiums and because the funds are inconsistent and have lack of established protocol we stopped applying. We are glad to see these changes. These resources are very helpful to our efforts and well received by attendees.

15) Please describe any alternatives that would lessen the burden on your organization or on small businesses while still meeting the objectives of the regulatory amendments, described above, and their potential costs to your organization.

Do not put out a request for proposals if there are no funds to disperse.

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- 16) Please provide any additional information related to the economic impact of the potential amendment of Cal/EPA's Environmental Enforcement and Training Grant Program Regulations.

This is good - glad this fund
is getting attention. We wish
we could utilize it for our
"Enforcement Symposiums"
Cynthia Bahish Feel free to contact!

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organization's work. Please also state whether your organization is considered a small business under California law.

California District Attorneys Association (CDAA)

2495 Natomas Park Drive, Suite 575

Sacramento, CA 95833

CDAA is a 501 (c) (6) corporation

CDAA is not a small business under California law

- 2) Contact information for questions about your responses or the confidentiality of your responses, if applicable.

Name and Title Amanda Martin

Business e-mail: amartin@cdaa.org

Business phone number: 916-930-3071

- 3) Will the legislative changes to the Act (adopted through SB 157) affect your organization economically? If yes, please describe how and provide supporting documentation and specific dollar figures.

The legislative changes affect CDAA economically because under § 10013 Funding (b) (2) and (3) CDAA will continue to not receive funding for the Environmental Circuit Prosecutor Project (25% of the Environmental Enforcement and Training Account) and for prosecutor training and assistance (25% of the Environmental Enforcement and Training Account) as allowed by Penal Code sections 14306 and 14307.

Under § 10014 (a), CDAA's Environmental Circuit Prosecutor Project and CDAA in accordance with the Act and regulations will receive no monetary awards from the Secretary.

CDAA is a relevant stakeholder though prohibited from receiving funds from Cal/EPA. CDAA has the best access to California prosecutors. Without funding, CDAA cannot organize more trainings that are in demand for environmental prosecutors. The Environmental Circuit Prosecutor Project shut down has particularly hurt the rural county District Attorney Offices that do not have the staff or resources to prosecute cases, and this is where much of these crimes take place. Without environmental enforcement, rural counties are more vulnerable to environmental crimes due to offender lack of accountability.

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- b. Did the funded program benefit any disadvantaged or low-income communities and, if so, which ones and how did it benefit them? **Yes**
- c. Is the funded program ongoing? If yes, with Cal/EPA funds or with some other funds?
No, the Environmental Circuit Prosecutor Project and Statewide Prosecutor Project has shut down.

Yes, CDAA continues to provide training due to increased demand throughout California as environmental crimes increase.
- 6) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would your program lose any funding? If yes, would it be possible for your organization to find the funding, in whole or in part, elsewhere? If no to the last question, please explain why not.
Yes, CDAA is prohibited from funding.

CDAA has been using their own General Fund money or applying for small grants from the Craig Thompson Trust. CDAA also has grant from the Resources Legacy Fund to establish a Marine Protected Area Prosecutor's Task Force. These grants are in the \$2,000 - \$5000 range. This has severely impacted CDAA's ability to provide more trainings and service to prosecutors.
- 7) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would any of your organization's program(s) be discontinued as a result?
Yes, the Environmental Circuit Prosecutors Project.
- a) If yes, how many participants would be affected? Would those participants be able to find similar training elsewhere? If no, please explain why not. Please provide supporting documentation. **Five attorneys and two paralegals left CDAA in 2020-2021.**

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- b) If the program(s) would be discontinued, please describe whether the discontinuation would affect any disadvantaged or low-income communities and, if so, which ones?
Yes, rural county communities
- 8) Would your organization likely create or eliminate any jobs in California as a result of potential Cal/EPA regulatory amendments similar to the attached? If yes, how many? Please describe the types of jobs or job titles. N/A CDAA funding prohibited.
- 9) Would Cal/EPA's potential regulatory amendments lead you to create new programs or subsidiaries/sub-organizations, or to eliminate any programs or subsidiaries/sub-organizations? If so, how many and what kind?
The amendments will permanently eliminate the Environmental Circuit Prosecutor Project and Statewide Prosecutor Project. It significantly decreases environmental training and assistance to prosecutors.
- 10) Would Cal/EPA's potential regulatory amendments affect your organization's ability to compete with other states by making it more costly to produce goods or services in California? If yes, please explain. No
- 11) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, what would be the total annual cost to your organization to comply above the cost to comply with the existing regulation?
N/A CDAA funding prohibited.
- a. Would those costs change over time at all? If yes, by how much, when, and why?
N/A CDAA funding prohibited.

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12) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would this prevent your organization from applying due to increased cost? How much increased cost would this impose on your organization?
[N/A CDAA funding prohibited.](#)

13) If Cal/EPA amends the regulation to add new reporting requirements similar to the attached draft regulatory text, would this prevent your organization from applying or using grant funds due to the increased cost? How much increased cost would this impose on your organization? [N/A CDAA funding prohibited.](#)

14) If Cal/EPA amends the regulation to add application requirements similar to the attached draft regulatory text, would this benefit your organization or any individuals helped by your organization at all? If yes, please describe how.
[N/A CDAA funding prohibited.](#)

15) Please describe any alternatives that would lessen the burden on your organization or on small businesses while still meeting the objectives of the regulatory amendments, described above, and their potential costs to your organization.
[CDAA looks forward to collaborating with Cal/EPA in the future.](#)

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- 16) Please provide any additional information related to the economic impact of the potential amendment of Cal/EPA's Environmental Enforcement and Training Grant Program Regulations.

[Please see attachment.](#)

Please mark if you have included an attachment, and indicate the number of pages: 1
[One attachment, one page letter to Cal/EPA addressed to Ms. Kamel dated 02/28/2022.](#)



CALIFORNIA
DISTRICT
ATTORNEYS
ASSOCIATION

February 28, 2022

Alexandra Kamel, Senior Attorney
California Environmental Protection Agency
Office of the Secretary
1001 I Street, 25th Floor
Sacramento, CA 95814

RE: Response to Cal EPA Economic Impact Survey Letter Attachment

Dear Ms. Kamel,

Thank you for including the California District Attorneys Association (CDAA) in the Cal EPA Economic Impact Survey on Potential Regulatory Amendments and we appreciate you granting an extension for our response.

By way of background, during the Fall 2020, CDAA's Board of Directors commissioned a full and independent forensic audit of internal staff accounting practices involving funds restricted for environmental protection and worker safety. The December 2020 audit report from Hemming Morse LLP, revealed a long-standing past financial practice, beginning in 2004, which resulted in the borrowing of certain restricted funds to support general functions of the Association. While the audit found no evidence of intentional malfeasance, it did identify a pattern that violated best practices and accepted accounting standards for restricted purpose funds. Additionally, with regard to Cal EPA funds, the audit found, "we conclude that CDAA used the § 14300 Funds consistent with donor restrictions." (At p. 33, § 100.)

We are mindful that the proposed regulatory amendments prohibiting CDAA from receiving Cal EPA funds are simply implementing the directives from last year's legislation, SB 129 (Skinner). We understand the Legislature's desire to address CDAA's improper internal borrowing practices, but unfortunately, this legislation negatively impacted Cal EPA/CDAA programs that had been properly administered and proven effective in protecting our environment.

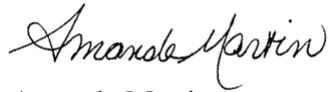
I want to assure you that since discovery of the improper borrowing practices, the Association's board and leadership have worked diligently to put into place practices and policies to ensure good stewardship of all CDAA funds. We are also aggressively restoring our restricted funds.

Additionally, we established an Environmental Funds Oversight Committee of elected prosecutors and environmental experts to manage all receipt and disbursement of such funds.

Despite these challenges, CDAA remains committed to providing top quality training to environmental prosecutors and necessary resources to district attorney's offices engaged in the prosecution of these important cases. We have long treasured our relationship with Cal EPA and remain hopeful that policymakers will come again to trust the important work of the Association and the valuable partnership we have enjoyed with Cal EPA. In fact, we believe restoring this relationship serves the highest interest of our environment.

Again, we thank you for reaching out to us and stand ready to work with Cal EPA in its important environmental mission.

Very truly yours,

A handwritten signature in cursive script that reads "Amanda Martin".

Amanda Martin
Assistant CEO