

PUBLIC COMMENT

CalEnviroScreen 5.0 and the Accompanying SB 535 Disadvantaged Communities Designation

To Office of Environmental Health Hazard Assessment (OEHHA); California Environmental Protection Agency (CalEPA)

From Lead Signer, Author and Primary Contacts
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Re Systematic invisibility of rural disadvantaged communities in San Luis Obispo County — census tracts 122.01 and 122.02 (Oceano), 100.16 (San Miguel), 103.01 and 103.03 (Shandon), 124.03–124.06 (Nipomo town and attendance area), and 123.06 (Nipomo Mesa)

THE PROBLEM

CalEnviroScreen 5.0 reports several rural, agricultural communities in San Luis Obispo County as unremarkable — yet alternative local data sources of high integrity show socioeconomic disadvantage three to more than six times higher than the tool records, alongside top-decile drinking-water burden the tool cannot fully see.

OUR REQUEST

OEHHA → Revise the tool: add a reliability screen for socioeconomic inputs, score large rural tracts at block-group level, and publish reliability information.

CalEPA → Act on the evidence directly: adopt a categorical SB 535 designation pathway for tracts with demonstrated socioeconomic data failure plus documented environmental burden — whether or not the tool changes.



Figure 1. The communities addressed in this comment. All lie in the agricultural interior and south coast of San Luis Obispo County.

Introduction and Summary

This letter documents how CalEnviroScreen 5.0 fails to identify a set of genuinely disadvantaged communities in San Luis Obispo County, and what OEHHA and CalEPA can do about it. The failure is systematic rather than incidental, and it operates on both sides of the tool’s multiplicative formula: the socioeconomic indicators rest on American Community Survey estimates that are statistically unreliable and systematically biased downward for the resident population (Section 1), even as the improved drinking-water indicator confirms top-decile water burden in these same communities (Section 2). Section 3 asks CalEPA to extend its existing unreliable-data designation pathway to communities in exactly this position, using criteria administrable statewide from existing public data.

The letter’s requests run on two tracks throughout, addressed to two decision-makers. The first track asks **OEHHA** to revise the tool — indicator additions, data-source changes, and geographic fixes that would change tract scores. The second track asks **CalEPA** to act on the evidence directly through its SB 535 designation authority, whether or not the tool changes.

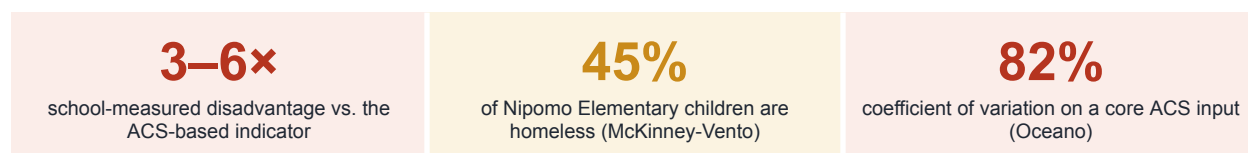
Every figure in this letter traces to a government or government-sponsored source: OEHHA’s published CES 5.0 results, the Census Bureau’s published estimates and margins of error, California School Accountability Report Cards, the Central Coast Water Board’s sampling and TMDL records, and the County Public Health-sponsored SLOMICS community study. The quantified school-to-ACS reconciliation underlying Section 1 is provided in full in **Attachment A (Technical Appendix)**.

Section 1 Systematic Undercount and Unreliability of the ACS-Based Socioeconomic Indicators

1.1 Our key observation: CES uses data that is statistically unreliable and systematically biased downward

CalEnviroScreen 5.0's socioeconomic indicators are drawn from 2020–2024 American Community Survey (ACS) estimates. In San Luis Obispo County's rural, agricultural census tracts, those estimates fail in two compounding ways: they are **statistically unreliable**, with the Census Bureau's own published margins of error yielding coefficients of variation of 35–82% on the core inputs; and they are **systematically biased downward** for the very populations CalEnviroScreen exists to identify. The ACS Post-Enumeration Survey documents a 4.99% national net undercount of Hispanic/Latino residents [8], local research finds up to one in four farmworkers went uncounted [9], and the county's estimated 3,430–8,000 Indigenous Mexican residents are nearly invisible to English/Spanish-only survey instruments [9].

The published margin of error captures only sampling error. ACS census coverage failures bias critical metrics downward — omission from the Master Address File, the current-residence rule that excludes seasonal workers, language exclusion, and enforcement-driven nonresponse. All of these coverage failures are **non-sampling errors that no margin of error reflects** [1]. CalEnviroScreen nonetheless treats the ACS point estimates as ground truth.



This comment demonstrates the failure directly, testing OEHHA's published CES 5.0 results [13] against **universe-count administrative data** — California School Accountability Report Cards, which enumerate every enrolled child under state law. Where households hide from federal surveys, their children still attend the neighborhood school, and the divergence is not marginal: complete counts of resident children show socioeconomic disadvantage **three to more than six times higher** than the ACS-based indicators, gaps that survive full accounting for the definitional and population differences between the two systems (quantified community by community in **Attachment A**). In the starkest case, the tract containing a school where 45% of enrolled children are homeless receives the lowest Population Characteristics score of any tract in this comment.

1.2 The core evidence: major discrepancies between CES 5.0 indicator vs. universe-count local data from schools

The figure below shows, the gap between what CalEnviroScreen roughly estimates (the light dots) and what a legally state mandated complete count of children established from School Accountability Report Cards (SARC) (the dark dots).

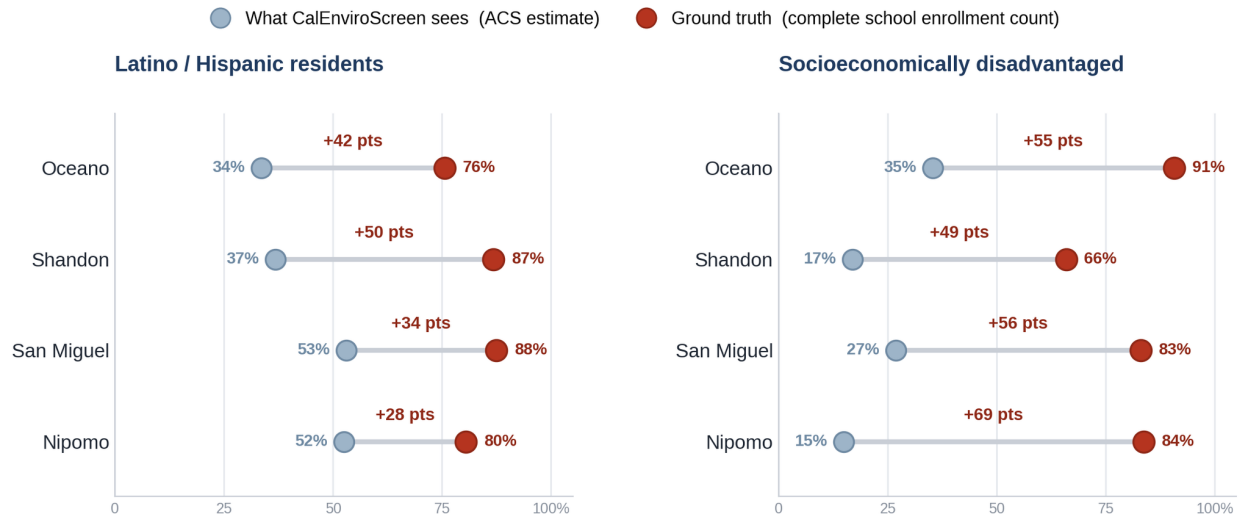


Figure 2. What the tool sees vs. who actually lives there. Left: Latino/Hispanic share. Right: socioeconomic disadvantage. Sources: CES 5.0 results file [13]; complete-enrollment SARCs [2–5].

The table below summarizes the same discrepancy at the community level. Socioeconomically disadvantaged (SED) determinations are made using the Federal Poverty Level (FPL), abbreviated in the table below. **Attachment A** shows that definitional and methodological differences between the ACS and SARC do not account for the difference — the biases are more deeply systemic.

Community (school / tracts)	CES 5.0 / ACS tract picture	Universe-count school data (SARC)	Unexplained residual after full adjustment [Att. A]
Oceano — Oceano Elementary / 122.01, 122.02 (overall CES 34th–45th pctl)	33.5% Latino; 35.3% below 2× FPL; linguistic isolation 3rd pctl (122.02) to 27th (122.01) [13]	75.6% Latino; 90.7% disadvantaged ; 33.2% homeless; 35.5% English learners [2]	Latino +7.9 to +28.8 pts; SED +35.7 to +42.4 pts
Shandon — Shandon Elementary / 103.01, 103.03 (overall CES 29th, 50th)	36.7% Latino; 16.9% below 2× FPL; ling. isolation 10th–17th pctl [13]	86.8% Latino; 65.9% SED ; 34.1% homeless; 43.1% EL [5]	Latino +16.1 to +36.5 pts; SED +38.4 to +42.2 pts
San Miguel — Lillian Larsen Elementary / 100.16 (overall CES 51st; labeled “Paso Robles” in the CES file)	53.0% Latino; 26.8% below 2× FPL; ling. isolation 33rd pctl [13]	87.5% Latino; 83.0% SED ; 52.0% EL; 19.2% homeless [4]	Latino +5.1 to +21.2 pts; SED +40.5 to +46.0 pts
Nipomo — Nipomo Elementary / 124.03–124.06 (overall CES 12th–29th; Pop. Char. as low as 17th)	52.5% Latino; 14.9% below 2× FPL; ling. isolation 0.5th pctl (124.04) to 45th (124.03) [13]	80.5% Latino; 83.7% SED ; 45.0% homeless; 33.0% EL [3]	Latino +0 to +14.6 pts; SED +59.3 to +62.7 pts

All CES figures are from the CalEnviroScreen 5.0 results file (July 2026) [13]; school figures are complete enrollment counts from the most recent published SARCs [2–5].

Read any row across: the two left columns are CalEnviroScreen’s rough estimates for these communities; the two right columns are what a legally mandated complete count of their children establishes, after **Attachment A** credits every defensible age-structure, private-school, and definitional adjustment. None of those adjustments, singly or stacked, closes gaps that remain as large as roughly 37 points on ethnicity and 63 points on socioeconomic disadvantage (**Attachment A**, §§ 3–4). The starkest case is Nipomo: the tract physically containing Nipomo Elementary — where 83.7% of children are disadvantaged and 45% are homeless — scores at the **21st percentile for**

poverty and the 17th percentile for Population Characteristics, the lowest of any tract in this comment. And the ACS’s own internals show why the tract estimates cannot bear the weight CES places on them: **in Tract 122.01 the ACS estimates 40 ±54 children aged 1–4 — a 90% confidence interval that includes zero children** — in a community whose elementary school enrolls hundreds and reports one in three of them homeless [2, 14]. Bad data is worse than no data.

1.3 Evidence of systematic undercount - the observed discrepancies are not definitional

We take seriously the methodological response that school and ACS figures measure different populations under different definitions. Three differences are real — *age composition* (CES covers all persons, and children are both scarcer and poorer than the tract average), *definition breadth* (CALPADS’ SARC socioeconomic disadvantage reaches meal eligibility, parental education, and categorical statuses including homelessness), and *private-school selection*. **Attachment A quantifies each as a bounded range, from a conservative to a most-generous estimate, and applies them cumulatively for every community.**

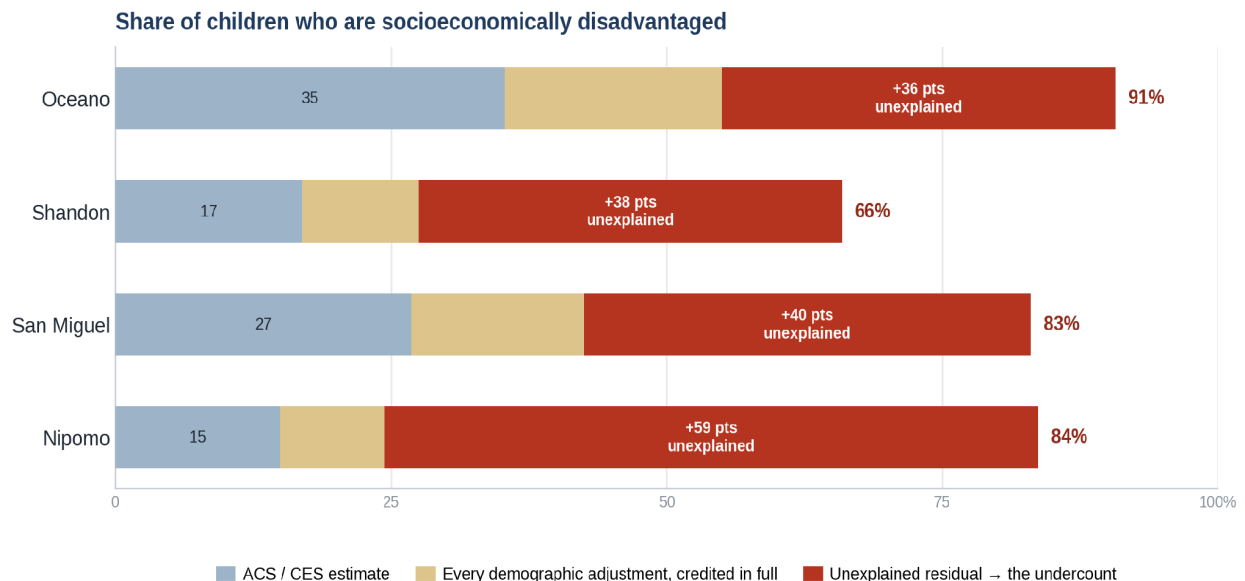


Figure 3. Even crediting every demographic adjustment at its most generous value, a large unexplained residual remains in every community — largest at Nipomo (+59 pts). The residual is the undercount. Source: Attachment A, §§ 3–4.

The result is proof: crediting all three mechanisms at the most generous end of every range, no community’s socioeconomic residual falls below roughly 35 points, and Nipomo’s exceeds 59 (Attachment A, § 6). Stacked and applied as generously as the arithmetic allows, these effects can move Oceano’s expected school-disadvantage rate into the 50s or low 60s; they cannot produce the measured 90.7% with a third of children homeless. **The unexplained residual is a strong indication of a systematic undercount.**

1.5 Additional evidence of a systematic undercount - a local Public Health sponsored survey

The 2025 San Luis Obispo County Immigrant Study documents a 3.54% census undercount of California’s Latine population, an estimated 12% undercount of first- and second-generation Latines, and estimates that **up to one in four farmworkers was left out of the 2020 Census entirely** [9]. The 2024 SLOMICS study — a 325-respondent survey conducted in Mixteco and Spanish by

trained Indigenous interviewers, sponsored by the County Public Health Department — quantifies the gap directly: the ACS reports 6,767 agricultural workers county-wide, while the SLOMICS expert-adjusted estimate is **9,000–15,000** [16]. On the ACS’s own agricultural-employment measure, between a quarter and more than half of this county’s farmworkers do not exist. SLOMICS estimates the county’s Mexican Indigenous community at **3,430–8,000 residents** — and locates it: 23% in San Miguel, 13% in Nipomo, 2% in Shandon [16]. With up to one in four of these residents missing from ACS data, the resultant CES 5.0 figures are skewed downward.

1.6 Beyond systematic undercounting: ACS unreliability — extreme margins of error

Coefficient of variation (CV = standard error ÷ estimate) is the standard federal reliability measure; estimates with CVs above roughly 30% are widely treated as unreliable for decision-making in federal and state statistical practice. The published margins of error on the exact inputs underlying these tracts’ CES socioeconomic scores are extraordinary [14]:

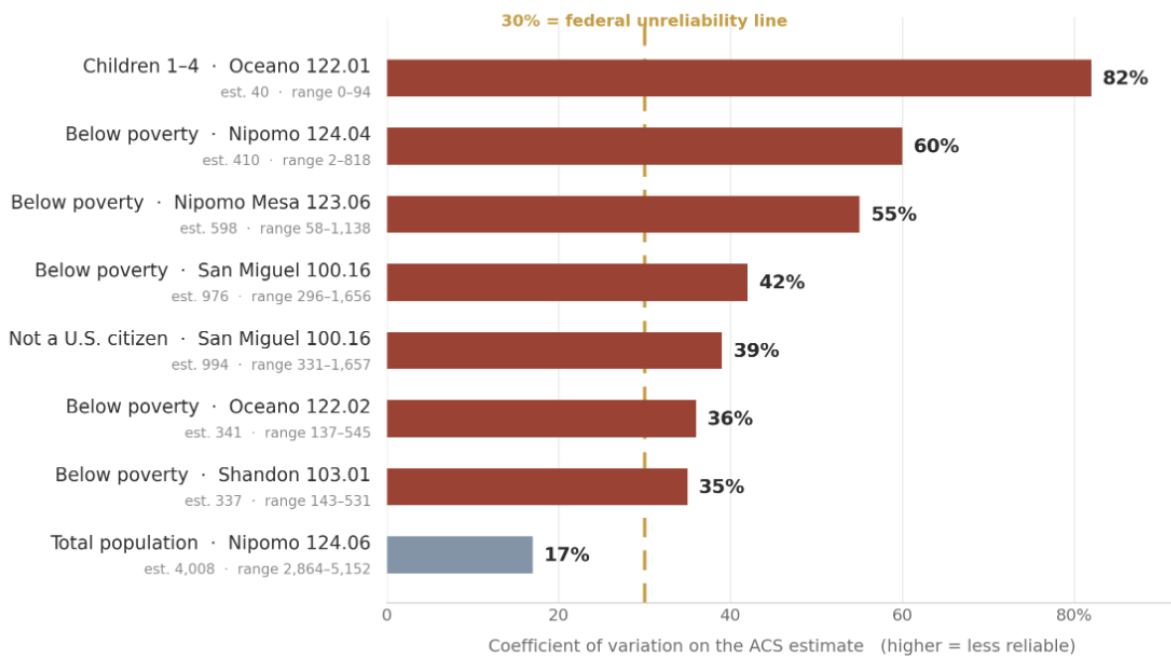


Figure 4. Coefficient of variation on the ACS inputs feeding these tracts’ scores. Bars above the 30% line are, by federal convention, unreliable for decision-making. The Oceano children-1–4 interval (0–94) includes zero. Source: ACS 2020–2024 Table S0701 [14].

Tract	ACS measure (CES indicator it feeds)	Estimate ±MOE (90%)	90% confidence interval	CV
122.01 Oceano	Children aged 1–4 (sensitive population)	40 ±54	0 – 94 children	82%
124.04 Nipomo	Below 100% poverty (Poverty indicator)	410 ±408	2 – 818 persons	60%
123.06 Nipomo Mesa	Below 100% poverty	598 ±540	58 – 1,138	55%
100.16 San Miguel	Below 100% poverty	976 ±680	296 – 1,656	42%
100.16 San Miguel	Not a U.S. citizen	994 ±643	351 – 1,637	39%
122.02 Oceano	Below 100% poverty	341 ±204	137 – 545	36%
103.01 Shandon	Below 100% poverty	337 ±194	143 – 531	35%

Tract	ACS measure (CES indicator it feeds)	Estimate ±MOE (90%)	90% confidence interval	CV
124.06 Nipomo	Total tract population	4,008 ±1,144	2,864 – 5,152	17%

These are the Census Bureau’s own published uncertainty bounds — before accounting for any of the non-sampling coverage failures described below, which the MOE does not measure and which push all of these estimates in one direction: down. Attachment A (§ 5) adds further examples across the full tract set.

1.7 How the ACS underestimates SLO County’s rural agricultural populations

1. **Missing housing units are missing forever.** Research shows that unpermitted and low-visibility housing is often omitted from the Master Address File—a major source of Latino immigrant undercount. In California farmworker communities, omitted households accounted for roughly half, and in some communities nearly two-thirds, of the total undercount [10]. Because the ACS samples from this file, these households remain permanently outside the sampling frame, and no margin of error captures them. SLOMICS documents an average household size of seven people (up to 15), with as many as eleven people sharing a single bedroom [16]. Additionally, 82% of SLOMICS families earn under \$2,500 per month [16]—well below 200% of the federal poverty level for households this large—meaning nearly all belong in the CES Poverty indicator but are absent from it. County planning documents reinforce this pattern: more than one-third of very low-income renters in Oceano and San Miguel live in overcrowded housing [11, 12].
2. **Language exclusion runs deeper than Spanish.** The American Community Survey is administered only in English and Spanish [1], and the Census Bureau’s supplemental language-assistance materials for the decennial count do not extend to the Indigenous Mesoamerican languages spoken across the Central Coast farm workforce [25]. The Mexican Indigenous community documented above speaks Mixteco, Zapoteco, and other Indigenous languages [9, 16]; for these households a mailed or online English/Spanish form is not merely difficult but unusable. The SLOMICS study demonstrates the barrier by the very fact of having had to overcome it — reaching this population at all required a verbal questionnaire fielded in Mixteco by trained Indigenous interviewers [16]. Language-driven non-response is not random: it falls on the lowest-income, most linguistically isolated residents the socioeconomic indicators exist to identify, and it compounds the enforcement-related distrust described below. A household the survey cannot address in a language it speaks does not appear as *linguistically isolated* in the CES data — it does not appear at all.
3. **Homelessness is structurally underrepresented in the ACS.** Because the survey samples housing units, many students experiencing homelessness under the federal McKinney-Vento definition [2–5]—including those living doubled up, in garages, vehicles, or motels—are missed or inadequately represented, biasing tract-level estimates of poverty, housing burden, and linguistic isolation downward.
4. **The Census Bureau’s own coverage audit underscores the problem.** The 2020 Post-Enumeration Survey found statistically significant net undercounts of the Hispanic/Latino population (–4.99%, more than triple 2010’s –1.54%), as well as renters and young children [8]. Because these characteristics are disproportionately concentrated in our rural agricultural communities, the national estimates likely understate the risk of census

undercoverage in these tracts, although the Census Bureau does not publish tract-level undercount estimates.

5. **The current-residence rule erases the seasonal workforce.** The ACS counts a person only at an address occupied at least two consecutive months. The North County vineyard cycle and South County row-crop cycle bring large seasonal workforces into these tracts; surveys conducted outside peak windows structurally exclude them, cyclically and predictably [1].
6. **Data recency bias.** Sixty percent of SLOMICS respondents arrived within the previous four years [16] — recency the ACS 5-year average is structurally slow to reflect even for households it can reach.
7. **The count is politically contingent, and the politics run one direction.** The attempt to add a citizenship question to the 2020 Census — struck down in *Department of Commerce v. New York* (2019) — was projected by the Census Bureau’s own researchers to reduce self-response among households containing a noncitizen by roughly **5.8 percentage points**, concentrated among Hispanic and immigrant households [22]. Although the question was excluded, the surrounding litigation and the broader enforcement climate produced a documented chilling effect on participation among immigrant and mixed-status households [22, 9]. Because ACS population controls are anchored to the decennial count, this effect propagates into the estimates CalEnviroScreen consumes — a coverage failure that is neither random, nor stable across estimate vintages, nor reflected in any published margin of error. A screening tool that treats the ACS point estimate as ground truth treats a politically depressed count as if it were a neutral one.

1.8 Why SARC data is the most credible supplemental source

The universe-count alternative is the state’s own audited enrollment system. School Accountability Report Cards (SARCs) are mandated by the California Constitution (Proposition 98) and Education Code section 33126; every public school must publish one annually, drawing on CALPADS, the state’s longitudinal pupil-level database. Four properties make this data categorically stronger than a household survey for exactly the populations at issue:

- *It is a census, not a sample.* Education is compulsory (Ed. Code § 48200) and enrollment may not be conditioned on immigration status (*Plyler v. Doe*). The families documented above still enroll their children — the closest thing that exists to a true census of children in these communities, and children are precisely the sensitive population the Population Characteristics component is designed to protect.
- *Its poverty measure is verified, not self-reported.* Socioeconomic disadvantage is keyed to free/reduced-price meal eligibility ($\approx 185\%$ FPL) and substantially established by **direct certification** — automated matching against CalFresh, CalWORKs, and Medi-Cal. A household that never answers a survey is still counted the moment it uses a benefit program.
- *Its language measure is an administered assessment, not a checkbox.* English-learner status is determined by the ELPAC, a standardized test given to every pupil whose home-language survey indicates another language.
- *The state already stakes billions on this data.* Local Control Funding Formula supplemental and concentration grants are allocated annually on these same audited counts. Data the Legislature deems reliable enough to distribute school funding statewide is reliable enough to inform a screening tool’s socioeconomic score.

SARC data is also *current* — published annually, against the ACS’s five-year rolling average. We do not ask OEHHA to replace the ACS; we ask it to stop treating an unverified sample as more authoritative than a verified census whenever the two diverge by multiples. And on geography, the exposure logic cuts in our favor: even where a child’s residence falls in an adjacent tract, that child spends roughly **180 school days per year physically within the school’s community** — the very geographic zone whose environmental burden CalEnviroScreen exists to characterize.

1.9 Requested actions — socioeconomic indicators and designation

- 1-A (OEHHA)** Adopt a reliability screen: where the CV on a tract’s ACS socioeconomic input exceeds a defined threshold (e.g., 30%), flag the indicator as unreliable and permit substitution or augmentation with universe-count administrative data already collected statewide under law — CALPADS/SARC disadvantage and English-learner enrollment, McKinney-Vento homeless counts, and Medi-Cal enrollment. OEHHA already applies exactly this principle to its health indicators (ZIP codes with <12 cases and tracts with <50 births are excluded as unreliable) [20]. The socioeconomic indicators are the only component of the model whose inputs face no reliability screen at all.
- 1-B (OEHHA)** Score socioeconomic indicators at block-group level in geographically large rural tracts, where ACS block-group data exists, so village cores are not averaged into surrounding ranchland. Where the tract-level CV already runs 35–82%, a block-group estimate of the village core trades away no meaningful precision.
- 1-C (OEHHA)** Publish reliability information (MOE or CV) alongside every tract’s Population Characteristics percentile, so downstream users can see which percentiles rest on estimates the underlying data cannot support.
- 1-D (CalEPA)** In the SB 535 designation accompanying CES 5.0, extend CalEPA’s existing unreliable-data pathway to tracts where (a) ACS socioeconomic inputs exceed defined unreliability thresholds or diverge beyond a defined margin from universe-count administrative data, and (b) documented environmental burden exists. The criteria are administrable statewide with existing public data.

Section 2 Drinking Water: OEHHA’s Improved 5.0 Indicator Confirms Top-Decile Burden — Which the Designation Pathway Should Recognize

2.1 The improved 5.0 methodology validates these communities’ burden

We begin by acknowledging a significant improvement. The CES 5.0 Technical Report (pp. 78–85) documents that the Drinking Water Contaminants indicator now characterizes areas **outside** public and state small water system boundaries using ambient groundwater data from eight GAMA projects — expressly including **GAMA–Domestic Wells**, the project to which the Central Coast Water Board’s San Luis Obispo County pilot uploaded its results — calculated at one-square-mile PLSS sections, with a depth filter adapted from the State Water Board’s Aquifer Risk Map [20]. This addresses a long-standing structural gap that rural well-reliant communities have raised for years, and OEHHA deserves credit for it.

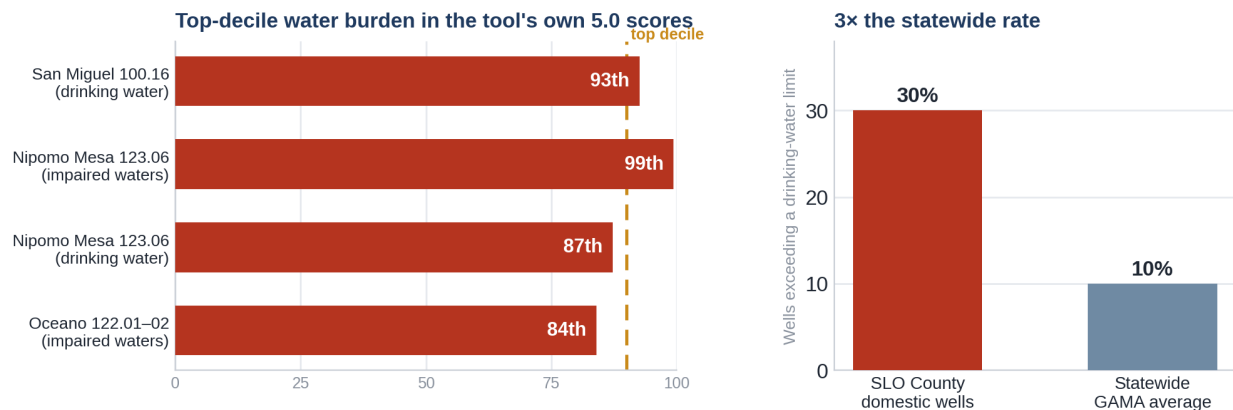


Figure 5. Left: CES 5.0's own drinking-water and impaired-waters percentiles for these tracts, mostly in the top decile. Right: measured domestic-well contamination runs 3× the statewide GAMA rate. Sources: CES 5.0 [13]; Central Coast Water Board pilot [17]; statewide GAMA / AB 222 [18].

That improvement gives the indicator's output real evidentiary weight — and its output for these communities is unambiguous. The 5.0 indicator scores San Miguel's Tract 100.16 at the **92.6th percentile statewide**, the Nipomo Mesa tract at the 87th, and the Nipomo core tracts at the 70th–72nd [13].

2.2 The convergent record

Independent lines of evidence corroborate what the improved indicator reports. The Central Coast Water Board's own San Luis Obispo County Domestic Well Sampling Pilot — 190 wells sampled in 2017–18 — found **approximately 30% exceeded a maximum contaminant level: 22% for arsenic and 9% for nitrate** [17]; the statewide GAMA domestic-well program finds roughly 10% exceed a standard [18], making this county's measured exceedance rate **three times the statewide experience**. The contamination pathway is documented and ongoing: Oso Flaco Creek is 303(d)-listed for nitrate, with monitored concentrations routinely at 30–60+ mg/L against a 10 mg/L human-health objective and irrigated crop production identified by the Regional Board as the primary source [19]. CalEnviroScreen's Impaired Waters indicator scores the Oceano tracts at the 83rd–85th percentile and the Mesa tract at the **99th** [13]. Regulator-sampled wells, a standing TMDL, and two of OEHHHA's own indicators now all point the same direction.

The exposed population is precisely the one documented in Section 1. SLOMICS reports by census tract that **39% of respondents in San Miguel's Tract 10016 and 42% in adjacent Tract 10303 experience problems with their domestic water**, and that **73% of the full sample purchases bottled water for daily use** [16] — a private remediation cost borne by households of seven averaging under \$2,500 per month.

2.3 Requested action — route the water record to the designation pathway

2-A (CalEPA) Treat this water record — a **92.6th-percentile score on OEHHHA's own improved drinking-water indicator**, a 99th-percentile Impaired Waters score, domestic-well MCL exceedance rates three times the statewide experience, a standing nitrate TMDL, and a documented low-income, well-reliant population — as satisfying the environmental-burden criterion (Section 3.3(b)). For San Miguel's Tract 100.16 in particular, this record is the environmental-burden showing

that pairs with the socioeconomic data failure in Section 1: San Miguel’s designation case under the two-part test rests on water — a case the 5.0 indicator itself now makes.

Section 3 Request to CalEPA: Extend the Existing Unreliable-Data Designation Pathway

3.1 The precedent CalEPA has already set

In its 2022 SB 535 designation, CalEPA recognized that CalEnviroScreen’s formula output should not control where the underlying data fails: it designated census tracts in the highest 5% of Pollution Burden that lacked an overall CES score because socioeconomic data was missing or unreliable, and it maintained DAC status for all tracts designated in 2017 “regardless of whether their CalEnviroScreen scores changed” [21]. Those decisions established the operative principle — **where the socioeconomic inputs cannot be trusted, or where score mechanics rather than ground conditions would strip recognition, documented burden may carry the designation.** The same Response to Comments confirms that CalEPA’s “separate public process for DAC designation... will begin shortly after the release of CalEnviroScreen 5.0” [21]. This section is addressed to that proceeding.

3.2 Why the formula cannot reach these communities even when corrected

We have modeled possible changes in the CES 5.0 tool. Using OEHHA’s published CES 5.0 results, a corrected Population Characteristics score consistent with the universe-count data in Section 1 moves the town-core tracts substantially higher. Our estimates place San Miguel at approximately the 75th percentile — and Nipomo’s, Oceano’s, and Shandon’s core tracts in roughly the 58th–70th range: materially higher, demonstrably burdened, and still below the line. The corrections this letter requests are necessary on their own terms, but for most of these communities the formula, even repaired, will not reach them this cycle. That is not an argument against the repairs; it is the demonstration of why the Legislature left designation authority with CalEPA rather than with a formula.

3.3 The requested category

We ask CalEPA, in the designation accompanying CalEnviroScreen 5.0, to adopt a categorical pathway for census tracts meeting **both** of the following administrable criteria:

- (a) **Demonstrated socioeconomic data failure** — ACS inputs to the Population Characteristics score exceeding a defined unreliability threshold (e.g., CV above 30% on core inputs), *or* divergence beyond a defined margin between ACS-derived indicators and universe-count administrative data (CALPADS/SARC disadvantage, English-learner, and McKinney-Vento counts); **and**
- (b) **Documented environmental burden** — state-standard nonattainment for a pollutant without a CES indicator, a top-decile CES score on one or more pollution indicators, or an equivalent regulator-recognized exposure record.

Every element is computable statewide from existing public data: Census Bureau published MOEs, CDE enrollment files, CARB area designations, and OEHHA's own results. The tracts documented in this letter are presented as the evidentiary record for the category, not as a request for individualized exceptions: Section 1 and Attachment A establish criterion (a) for each community with the Census Bureau's own numbers and the state's own enrollment counts; Section 2 establishes criterion (b) with the Regional Board's and OEHHA's.

3.4 What is at stake

These are communities where nine in ten schoolchildren are socioeconomically disadvantaged, where one child in three is homeless under federal definitions, and where three in ten tested wells exceed drinking-water limits — and where CalEnviroScreen 5.0 currently reports every tract as unremarkable. The tool is not wrong because its authors erred; it is wrong because its inputs cannot see these residents and its geometry dilutes what it does see. The Legislature anticipated exactly this circumstance when it lodged designation authority with CalEPA. We ask the agency to use it.

Consolidated Requested Actions

- ☐ **1** Adopt an ACS reliability screen (CV threshold) permitting substitution or augmentation with universe-count administrative data (CALPADS/SARC, McKinney-Vento, Medi-Cal). **(OEHHA)**
- ☐ **2** Score socioeconomic indicators at block-group level in geographically large rural tracts, so village cores are not averaged into surrounding ranchland. **(OEHHA)**
- ☐ **3** Publish MOE/CV reliability information alongside every tract's Population Characteristics percentile. **(OEHHA)**
- ☐ **4** Treat the top-decile CES 5.0 drinking-water record and convergent regulator evidence as satisfying the environmental-burden criterion for SB 535 designation. **(CalEPA)**
- ☐ **5** In the SB 535 designation accompanying CES 5.0, adopt the two-criteria categorical pathway set out in Section 3.3. **(CalEPA)**

Respectfully submitted,

LEAD SIGNATORY

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August 12th, 2026

CO-SIGNATORIES

Organization	Authorized signer — name & title
San Luis Obispo County Air Pollution Control District	Karl Tupper, Air Pollution Control Officer
Fourth District, San Luis Obispo County	Jimmy Paulding, Fourth District Supervisor
San Luis Obispo Climate Coalition	Eric Veium, Board Chair
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San Luis Obispo Beaver Brigade	Audrey Taub, Executive Director
Cal Poly Initiative for Climate Leadership and Resilience	Erin Pearse, Director
Oceano Community Services District	Board of Directors

Consolidated Sources

- [1] U.S. Census Bureau. (2024). *American Community Survey and Puerto Rico Community Survey Design and Methodology* (Version 4.0). MOE = SE × 1.645; Successive Difference Replication captures sampling variance only; current-residence rule.
- [2] Oceano Elementary School, *2024–25 School Accountability Report Card*, Lucia Mar Unified School District.
- [3] Nipomo Elementary School, *2024–25 School Accountability Report Card*, Lucia Mar Unified School District.
- [4] Lillian Larsen Elementary School, *2024–25 School Accountability Report Card*, San Miguel Joint Union School District.
- [5] Shandon Elementary, *2024–25 School Accountability Report Card*, Shandon Joint Unified School District.
- [6] County of San Luis Obispo, *2024 Point-in-Time Count Community Report*: 1,175 persons experiencing homelessness; 800 unsheltered.
- [7] Community Foundation SLO County, *San Luis Obispo County Immigrant Study* (Jan. 13, 2025), at 31 (PIT Count limitations).
- [8] U.S. Census Bureau, Jensen & Kennel, *Who Was Undercounted, Overcounted in the 2020 Census?* (Mar. 10, 2022), Table 2 (Hispanic/Latino net undercount –4.99% vs. –1.54% in 2010).
- [9] Community Foundation SLO County, *San Luis Obispo County Immigrant Study* (Jan. 13, 2025), at 43 (3.54% CA Latine undercount; up to 1 in 4 farmworkers uncounted; 3,430–8,000 indigenous Mexican residents).
- [10] Telles, E., & Espinosa, K. (2017). Differential undercount of Mexican immigrant families in the United States. *Statistical Journal of the IAOS*, 33(3), 779–786.
- [11] County of San Luis Obispo, *2020–2028 Housing Element* (overcrowding in unincorporated communities; farmworker housing).
- [12] Urban County of San Luis Obispo, *2020–2024 Consolidated Plan* (HUD): over one-third of very low-income renters in Oceano and San Miguel overcrowded.
- [13] OEHHA, *CalEnviroScreen 5.0 Results* (July 2026 release): all CES scores, indicator raw values, and percentiles cited herein.
- [14] U.S. Census Bureau, *American Community Survey 2020–2024 5-Year Estimates*, Table S0701, census tracts 100.16, 103.01, 122.01, 122.02, 123.06, 124.03–124.06 (accessed July 17, 2026).
- [15] OEHHA, *CalEnviroScreen 5.0 Results Data Dictionary and Information on Zeros and Missing Values* (July 2026).
- [16] Espinoza-Kulick, M.A.V., et al., *San Luis Obispo County Mexican Indigenous Community Study: Report of Findings* (SLOMICS) (April 2024) (325 respondents interviewed in Mixteco and Spanish; sponsored by County Public Health, Cuesta College, MICOP, First 5 SLO).
- [17] Central Coast Regional Water Quality Control Board, *San Luis Obispo County Domestic Well Sampling Pilot Project — Project Summary* (Oct. 2018): 190 wells sampled; ~30% exceeded an MCL (22% arsenic, 9% nitrate).
- [18] State Water Resources Control Board, *AB 222 Report — Communities That Rely on a Contaminated Groundwater Source for Drinking Water* (~10% of 1,067 sampled domestic wells statewide exceeded a standard).
- [19] Central Coast Water Board, *Water Quality Report Card: Nitrate in Oso Flaco Creek* (Oct. 2024): 303(d) listing; Santa Maria Watershed Nutrients TMDL (2013); nitrate routinely 30–60+ mg/L against the 10 mg/L objective.
- [20] OEHHA, *CalEnviroScreen 5.0 Technical Report* (July 2026): pp. 78–85 (drinking-water/GAMA methodology); p. 15 (tract-geography rationale); pp. 180, 187, 196 (health-indicator unreliability screens); pp. 219–220, 213–214 (Poverty and Linguistic Isolation methods).
- [21] OEHHA, *Responses to Major Comments on the CalEnviroScreen 5.0 Draft* (July 2026): pp. 5–6 (ACS limitations); p. 8 (DAC designation process; 2022 designation maintained 2017 status); pp. 15–16 (new-indicator criteria); p. 19 (CARB satellite-augmented air layers).
- [22] *Department of Commerce v. New York*, 588 U.S. 752 (2019); J. Brown et al., U.S. Census Bureau, *Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census* (2018) (self-response decline of ~5.8 pts among households with a noncitizen).

ATTACHMENT A

Technical Appendix: Reconciling School Enrollment Demographics with ACS and CalEnviroScreen 5.0 Estimates for Rural San Luis Obispo County Census Tracts

Attachment to the Comment Letter on CalEnviroScreen 5.0 and the accompanying SB 535 Disadvantaged Communities Designation; provides the quantified reconciliation referenced in Section 1.2 of the letter. Source numbers in brackets refer to the letter's Consolidated Sources.

A-1 Purpose and Summary of Findings

CalEnviroScreen 5.0 relies on American Community Survey (ACS) estimates for its socioeconomic indicators. In the rural, agricultural census tracts examined here, another official state dataset — the School Accountability Report Cards (SARCs) published by the California Department of Education for the public elementary schools serving these same communities — describes populations that are dramatically more Latino and more socioeconomically disadvantaged than the ACS-derived tract estimates suggest.

A skeptical reader could attribute this divergence to three well-known mechanical differences between school enrollment and tract population data: (1) larger household sizes and younger age structure among Latino families; (2) selective opt-out of higher-income and non-Hispanic White families into private schools, homeschooling, and interdistrict transfers; and (3) differences in how the two systems classify race/ethnicity and socioeconomic status. This appendix quantifies each mechanism as a bounded range, from a conservative to a most-generous estimate, using local data wherever possible, and shows that even at the most generous end of every range the mechanisms explain only part of the observed gaps. **Residual gaps of up to roughly 38 percentage points remain for the Latino population share, and residuals of roughly 36 to 63 percentage points remain for socioeconomic disadvantage, across the four communities examined.**

These residuals are consistent with the Census Bureau's own Post-Enumeration Survey finding [8] that the 2020 Census undercounted Hispanic/Latino residents nationally by 4.99 percent — the largest such undercount on record — and with the very large ACS margins of error in these low-population tracts documented in Section A-5. They indicate that the socioeconomic indicators feeding these tracts' CalEnviroScreen 5.0 scores systematically understate the disadvantage of the resident population, particularly its farmworker component.

Summary of results

Ranges span the conservative to most-generous parameter sets defined in Section A-3.

Community (school / tract)	Hispanic gap (SARC – tract)	Hispanic gap explained	SED gap (SARC – CES)	Residual gaps (Hispanic / SED)
Oceano (Oceano ES / 122.01–122.02)	+42.1 pts	13.3–34.2 pts	+55.4 pts	7.9–28.8 / 35.7–42.4
Shandon (Shandon ES / 103.01 + 103.03)	+50.1 pts	13.6–34.0 pts	+49.0 pts	16.1–36.5 / 38.4–42.2
San Miguel (Lillian Larsen ES / 100.16)	+34.5 pts	13.3–29.4 pts	+56.2 pts	5.1–21.2 / 40.5–46.0

Community (school / tract)	Hispanic gap (SARC – tract)	Hispanic gap explained	SED gap (SARC – CES)	Residual gaps (Hispanic / SED)
Nipomo (Nipomo ES / 124.03–124.06)	+28.0 pts	13.4–28.0 pts	+68.8 pts	0–14.6 / 59.3–62.7

A-2 Data Sources

School data are drawn from the most recent published SARCs: Oceano Elementary (2024–25, Lucia Mar USD) [2], Nipomo Elementary (2024–25, Lucia Mar USD) [3], Shandon Elementary (2024–25, Shandon Joint USD) [5], and Lillian Larsen Elementary (2024–25, San Miguel Joint USD) [4]. Tract data are drawn from the CalEnviroScreen 5.0 results file (July 2026) [13], whose demographic and socioeconomic fields are ACS-derived, and from ACS 2020–2024 five-year estimates (Table S0701) [14]. (Tract 103.03 is drawn from the CES 5.0 file only.)

Throughout, the CalEnviroScreen “poverty” indicator refers to the share of residents living below 200 percent of the federal poverty level (FPL). The SARC category “Socioeconomically Disadvantaged” (SED) captures students eligible for free or reduced-price meals (household income at or below 185 percent of FPL, or categorical eligibility through direct certification, homelessness, foster status, or migrant status) or whose parents lack a high school diploma. The two definitions are close enough in income threshold (185 vs. 200 percent of FPL) that they are directly comparable, a point developed in Section A-3.

A-3 Method: Quantifying the Three Mechanisms

A-3.1 Household size and age structure

Public-school enrollment reflects only school-age children, whereas CalEnviroScreen describes the entire tract population. In San Luis Obispo County, children comprise a relatively small share of residents (9.1 percent under age 10, population-weighted across the CES 5.0 file), and roughly three-quarters of households contain no children under 18. The overall scarcity of children does not itself shift the Latino share of children, but it means tract-wide averages describe many households that schools never see.

We bound this difference using two approaches. A **conservative lower bound** comes from statewide ACS individual-level data: Latinos represent approximately 40 percent of California’s population and 52 percent of its under-18 population, implying a Latino relative child prevalence (odds ratio) of $(0.52/0.40) \div (0.48/0.60) \approx 1.6$. A **more generous upper bound** comes from a population-weighted regression across the 69 SLO County tracts with populations ≥ 500 in the CES 5.0 file, implying $r \approx 3.6$ — an ecological estimate that likely overstates the true individual-level relationship because it absorbs geographic differences (coastal retirement communities have few children; inland agricultural communities have many). Given tract Latino share A , the implied Latino share of school-age children is $A \cdot r \div [A \cdot r + (1 - A)]$. Across the four communities, this adjustment increases the expected Latino share of children by approximately 11 points ($r = 1.6$) to 31 points ($r = 3.6$) — the largest of the three mechanisms.

A similar adjustment applies to income. Children are disproportionately in lower-income households. Using California ACS estimates of the population and child shares below 200 percent

FPL, we apply a child low-income multiplier of approximately **1.30 to 1.45** to each tract’s CES low-income estimate, a 4–16 percentage-point effect.

A-3.2 Private school, homeschool, and transfer opt-out

If higher-income and non-Hispanic White families are more likely to enroll children in private school, homeschool, or transfer, public-school enrollment may overstate the Latino and low-income shares relative to the underlying resident child population. Statewide, approximately 9–10% of non-Hispanic White children attend private school versus approximately 4% of Latino children; private-school options are generally more limited in these rural communities. We model this as a sensitivity range: a lower-bound scenario of 12% (non-Hispanic White/non-low-income) versus 4% (Latino/low-income), and an upper-bound scenario of 16% versus 2%. Applied after the age-structure adjustment, this increases the estimated Latino and low-income shares by only approximately **2–4 percentage points**.

A-3.3 Classification and definitional differences

For **race/ethnicity**, this mechanism contributes approximately zero: both systems treat “Hispanic or Latino” as an ethnicity of any race and assign it as a mutually exclusive category, so the definitions align by construction.

For **socioeconomic status**, the measures differ in three ways. *Population base*: the ACS/CES estimate describes the entire tract population, whereas SARC describes only enrolled children — quantified separately as the age-structure adjustment in A-3.1. *Income threshold*: the CES 200%-FPL line is actually broader than the schools’ 185% line, so this factor, viewed alone, would *widen* the gap; we do not credit it toward explaining the higher SARC percentages. *Categorical criteria*: SARC SED also includes students qualifying through homelessness, foster, migrant status, direct certification, or parental education.

The categorical effect can be bounded. The largest possible contribution would occur if every student identified through a non-income pathway qualified solely on that basis:

School (SARC year)	Homeless	Migrant	Foster	Total categorical
Oceano (2024–25)	33.2	2.4	1.9	37.5
Nipomo (2024–25)	45.0	7.3	1.4	53.7
Shandon (2024–25)	34.1	—	0.6	34.7
San Miguel — Lillian Larsen (2024–25)	19.2	1.8	0.7	21.7

All figures are percent of total enrollment. Shandon reports no migrant enrollment and negligible (0.6%) foster enrollment, so homelessness is effectively its only categorical pathway.

Even under this extreme case, an unexplained residual remains at every site: Oceano 0–4.9 points, Nipomo 5.6–9.0, Shandon 3.7–7.5, San Miguel 18.8–24.3. In reality the effect is much smaller: these categories overlap heavily with income eligibility (doubled-up homeless, migrant, and foster households almost all live in economically disadvantaged homes) and overlap with one another (a student may be both homeless and migrant), so the simple sum double-counts. Any increase from the categorical factor is simultaneously counteracted by the narrower SARC income band (185% vs. 200% FPL). For this reason, this factor is not credited toward the difference.

A-4 Community-by-Community Decomposition

Each table begins with the ACS/CES tract estimate and applies the three adjustments cumulatively, reporting every quantity as a range from the conservative parameter set ($r = 1.6$; opt-out 12 vs. 4 percent; child low-income factor 1.30) to the most-generous set ($r = 3.6$; opt-out 16 vs. 2 percent; factor 1.45). The residual is the portion of the gap that none of the three mechanisms can explain.

A-4.1 Oceano — Oceano Elementary vs. Tracts 122.01 and 122.02

Oceano Elementary’s attendance area corresponds closely to the Oceano community itself, making this the cleanest comparison in the set. SARC (2024–25): 75.6% Hispanic/Latino, 90.7% socioeconomically disadvantaged, 35.5% English learners, 33.2% homeless, 2.4% migrant. Tract values are population-weighted across 122.01 and 122.02.

	Hispanic / Latino share	Socioec. disadvantaged / low-income share
Tract population estimate (ACS / CES 5.0)	33.5%	35.3% below 2× FPL
+ Household size / age structure	44.7–64.3% (+11.1 to +30.7)	45.9–51.2% (+10.6 to +15.9)
+ Private school and opt-out adjustment	(+2.2 to +3.5)	(+2.4 to +3.8)
+ Classification differences	≈0	see A-3.3
Expected public-school value (all credited)	46.8–67.7%	48.3–55.0%
Actually reported by school (SARC)	75.6%	90.7%
Residual gap — unexplained	7.9–28.8 points	35.7–42.4 points

A-4.2 Shandon — Shandon Elementary vs. Tracts 103.01 and 103.03

Shandon Joint USD’s attendance area spans eastern San Luis Obispo County and corresponds to tracts 103.01 (the town) and 103.03 (the rural eastern remainder). SARC (2024–25): 86.8% Hispanic/Latino, 65.9% socioeconomically disadvantaged, 43.1% English learners, 34.1% homeless.

	Hispanic / Latino share	Socioec. disadvantaged / low-income share
Tract population estimate (ACS / CES 5.0)	36.7%	16.9% below 2× FPL
+ Household size / age structure	48.1–67.4% (+11.4 to +30.7)	22.0–24.5% (+5.1 to +7.6)
+ Private school and opt-out adjustment	(+2.2 to +3.3)	(+1.7 to +3.0)
+ Classification differences	≈0	see A-3.3
Expected public-school value (all credited)	50.3–70.7%	23.7–27.5%
Actually reported by school (SARC)	86.8%	65.9%
Residual gap — unexplained	16.1–36.5 points	38.4–42.2 points

A-4.3 San Miguel — Lillian Larsen Elementary vs. Tract 100.16

SARC (2024–25): 87.5% Hispanic/Latino, 83.0% socioeconomically disadvantaged, 52.0% English learners, 19.2% homeless, 1.8% migrant. Tract 100.16 is labeled “Paso Robles” in the CES 5.0 file

after its nearest incorporated city, but covers the unincorporated community of San Miguel served by Lillian Larsen Elementary.

	Hispanic / Latino share	Socioec. disadvantaged / low-income share
Tract population estimate (ACS / CES 5.0)	53.0%	26.8% below 2× FPL
+ Household size / age structure	64.3–80.1% (+11.3 to +27.1)	34.8–38.8% (+8.0 to +12.0)
+ Private school and opt-out adjustment	(+2.0 to +2.3)	(+2.2 to +3.7)
+ Classification differences	≈0	see A-3.3
Expected public-school value (all credited)	66.3–82.4%	37.0–42.5%
Actually reported by school (SARC)	87.5%	83.0%
Residual gap — unexplained	5.1–21.2 points	40.5–46.0 points

A-4.4 Nipomo — Nipomo Elementary vs. Tracts 124.03–124.06

Nipomo is served by more than one elementary school, and Nipomo Elementary draws primarily from the older core of the community rather than from the newer subdivisions — so some of the residual reflects within-tract attendance-area composition, itself a form of the dilution problem this comment describes. SARC (2024–25): 80.5% Hispanic/Latino, 83.7% socioeconomically disadvantaged, 33.0% English learners, 45.0% homeless, 7.3% migrant. Tract values are population-weighted across 124.03–124.06. (Adjacent tract 123.06 — the Nipomo Mesa/Woodlands area — is excluded as largely outside the attendance area; its inclusion would widen every gap shown.)

	Hispanic / Latino share	Socioec. disadvantaged / low-income share
Tract population estimate (ACS / CES 5.0)	52.5%	14.9% below 2× FPL
+ Household size / age structure	63.9–79.8% (+11.4 to +27.2)	19.4–21.6% (+4.5 to +6.7)
+ Private school and opt-out adjustment	(+2.0 to +2.4)	(+1.6 to +2.8)
+ Classification differences	≈0	see A-3.3
Expected public-school value (all credited)	65.9–82.1%	21.0–24.4%
Actually reported by school (SARC)	80.5%	83.7%
Residual gap — unexplained	0–14.6 points	59.3–62.7 points

The socioeconomic residual at Nipomo Elementary is the largest in the set: a school reporting 83.7 percent socioeconomic disadvantage and 45.0 percent homelessness sits inside tracts whose ACS-derived low-income share is under 15 percent. No combination of household-size, opt-out, and definitional adjustments approaches that distance.

A-5 ACS Instability in These Tracts

The residuals above should also be read against the statistical fragility of the underlying ACS estimates. In these low-population tracts the 2020–2024 five-year margins of error are

extraordinary: the Hispanic/Latino population of tract 100.16 is estimated at $2,876 \pm 820$ (± 29 percent); tract 122.01 at $1,132 \pm 425$ (± 38 percent); tract 124.06 at $2,486 \pm 1,072$ (± 43 percent). The below-poverty population of tract 100.16 is estimated at 976 ± 680 (± 70 percent) and of tract 124.04 at 410 ± 408 (**± 100 percent — statistically indistinguishable from double its value**). The school-age (5–17) population of tract 123.06 is estimated at 156 ± 135 . Indicators built on estimates of this quality cannot reliably distinguish a disadvantaged community from a non-disadvantaged one, whereas SARC figures are administrative counts of every enrolled child, verified annually.

A-6 Conclusion

Household size, private-school opt-out, and classification differences are real phenomena, and this appendix credits them across the full range of defensible values — the household-size mechanism alone with as much as 27 to 31 percentage points at its ecological ceiling. What remains is a consistent, unexplained residual: on ethnicity, 7.9 to 28.8 points in Oceano, 16.1 to 36.5 in Shandon, 5.1 to 21.2 in San Miguel, and up to 14.6 in Nipomo; on socioeconomic disadvantage, 35.7 to 42.4 points in Oceano, 38.4 to 42.2 in Shandon, 40.5 to 46.0 in San Miguel, and 59.3 to 62.7 in Nipomo. **The socioeconomic finding is robust to any parameterization: even granting the ecological household-size ceiling that Section A-3.1 shows to be an overstatement, no community’s socioeconomic residual falls below 35 points.**

OEHHA and CalEPA should treat the socioeconomic indicators for these tracts as lower bounds, consider administrative school data as corroborating evidence of community characteristics in low-population agricultural tracts, and weigh this systematic understatement when determining whether these communities qualify for SB 535 Disadvantaged Community designation.

A-7 Appendix: Parameters and Formulas

- **Child-share adjustment:** if A is the tract Latino population share and r the relative number of school-age children per capita, the Latino share of children is $A \cdot r \div [A \cdot r + (1 - A)]$. Bounding estimates: statewide individual-level ACS ratio $r = 1.6$ (conservative); population-weighted ecological regression across the 69 SLO County tracts with population ≥ 500 (under-10 share = $5.57\% + 14.29\% \times \text{Latino share}$), implying $r = 3.56$ (generous, biased upward by geographic aggregation).
- **Opt-out adjustment:** with opt-out rates p_1 for Latino/low-income children and p_2 for others (conservative 4% and 12%; generous 2% and 16%), the public-school share is $C(1 - p_1) \div [C(1 - p_1) + (1 - C)(1 - p_2)]$, where C is the child share.
- **Child low-income factor:** conservative 1.30, generous 1.45, applied to the CES below-200%-FPL share.
- **County age-structure context:** 9.1 percent of county residents are under age 10 (population-weighted, CES 5.0 file); approximately three-quarters of county households contain no children under 18 (ACS county household data).
- **Provenance:** SARC values as published by CDE for the years cited; tract values from the CES 5.0 data file and ACS 2020–2024 Table S0701; population weights for multi-tract aggregates use CES 5.0 ACS 2024 populations.

AI Use Disclosure

This comment letter and its technical appendix were prepared with the assistance of artificial-intelligence tools. All data, sources, calculations, and analysis were reviewed by the signatories for accuracy, and the signatories take full responsibility for the content and conclusions of this submission.