

February 18, 2011

School Siting Guideline Comments (MC 1107T)  
1200 Pennsylvania Avenue, NW  
Washington DC 20460

The Poverty and Race Research Action Council submits the following comments on the Environment Protection Agency's School Siting Guidelines.<sup>1</sup>

We are pleased that the EPA has taken significant steps to solicit input from stakeholders in reference to the proposed School Siting guidelines. As the agency has stated, one of its overarching goals for the guidelines is to “encourage broad and inclusive community and planning involvement to address the many issues of school siting to ensure community understanding, input and acceptance of school site selection.”

One important step in collecting stakeholder recommendations was the formation of the Children's Health Protection Advisory Committee (CHPAC).<sup>2</sup> A smaller working group formed under the CHPAC played a large role in the drafting process and contributed many comments to the EPA that were included in the draft guidelines. One of the group's strongest recommendations directed the EPA to include “exclusionary zones” (areas within which school facilities should not generally be sited) in the draft guidelines.

The CHPAC working group recommended a total of 19 exclusion zones based on specific land uses or environmental features found on or near potential school sites. Examples include railyards and rail lines, highways, large industrial facilities, hazardous waste sites and large agricultural growing areas. The purpose of these exclusion zones was to protect children's health.

The agency refused to incorporate any exclusion zones into the draft guidelines. In rejecting the recommendation, the agency stated:

The draft guidelines do not include distance-based buffer or exclusion zones. The distance between a school site and a source is only one of many complex factors that influence whether that source poses a risk, how big a risk, and to what degree the risk can be reduced or eliminated. These factors can only be effectively evaluated on a case- and site-specific basis. As attractive as distance criteria may appear as a means of trying to simplify a complex evaluation and decision-making process, EPA believes that establishing national distance criteria is likely to result in a variety of negative unintended consequences. **For example, selecting sites that are further away from the children they serve can increase transportation risks, reduce opportunities for walking and biking, and increase air pollution.**<sup>3</sup> (Emphasis Added)

<sup>1</sup> Available at at <http://www.epa.gov/schools/siting/index.html>.

<sup>2</sup> The CHPAC's report is available at [http://yosemite.epa.gov/ochp/ochpweb.nsf/content/CHPAC\\_SSTG\\_Report2.htm/\\$File/CHPAC\\_SSTG\\_Report2.pdf](http://yosemite.epa.gov/ochp/ochpweb.nsf/content/CHPAC_SSTG_Report2.htm/$File/CHPAC_SSTG_Report2.pdf)

<sup>3</sup> This excerpt from the FAQ section of EPA's School Siting website is available at [http://www.epa.gov/schools/siting/fqs.html#Does\\_EPA\\_recommend\\_buffer\\_or\\_exclusion\\_zones\\_to\\_make\\_sure\\_schools\\_arent\\_built\\_close\\_to\\_major\\_sources\\_of\\_pollution](http://www.epa.gov/schools/siting/fqs.html#Does_EPA_recommend_buffer_or_exclusion_zones_to_make_sure_schools_arent_built_close_to_major_sources_of_pollution)

The EPA's emphasis on "smart growth" principles in the proposed guidelines also includes the following recommendations:

- Avoiding building schools in remote locations that are not accessible by walking, biking, and public transportation.<sup>4</sup>
- Avoiding sites that will require new infrastructure such as roads, water/sewer or utilities.
- Giving preference to sites near existing populations and close to facilities and infrastructure that support school programs in order to minimize transportation and infrastructure costs and their related environmental, economic and sustainability impacts.<sup>5</sup>

EPA's failure to include exclusion zones in the draft guidelines, and its insistence on prioritizing smart growth principles over child health, will make it much more likely that schools will be located in unhealthy locations. Of particular concern is that school sites will be selected along major roadways with high levels of air pollution, or in already developed areas on sites containing contamination caused by past industrial/commercial uses or near industrial facilities that pollute the air. Instead of placing these locations off limits, EPA's proposed guidelines would call for a "balancing" child health and smart growth goals.

EPA acknowledges the unintended consequences that might flow from the blind application of smart growth principles to school siting decisions:

When applying smart growth principles, schools may be located more proximal to pollution sources than for greenfield development; thus, the assessment may need to balance the impacts of locating closer to sources with the benefits of smart growth development.<sup>6</sup>

However, EPA offers no guidance as to how school districts should strike a balance between harmful environmental impacts to users of the school and the "benefits" of smart growth development. School districts do not have the same level of expertise and knowledge of environmental impact and smart growth principles as the EPA and without guidance on this issue, could commit to building in areas harmful to the health of students.

For these reasons, we recommend that the EPA reinstate the principle of "exclusionary zones" in the draft guidelines as suggested by the CHPAC. We also urge the agency to add the following to the list of Smart Growth policies to be considered: "Avoid sites that may increase the risk of environmentally related illnesses for students and staff." The inclusion of such language will ensure districts avoid building in potentially dangerous sites while promoting smart growth in school expansion.

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<sup>4</sup> This factor does not make sense in some high density urban settings, where walking and biking to school is not necessarily safe. See Michelle Ernst and Lilly Shoup: "Dangerous by Design: Solving the Epidemic of Preventable Pedestrian Deaths (and Making Great Neighborhoods)" available at <http://t4america.org/resources/dangerousbydesign/>. For this reason, the guidelines should be amended to add "...or where walking or biking to school is unsafe."

<sup>5</sup> Low income students are more likely to travel to school by school bus than in the family automobile, which at least in the urban context obviates smart growth concerns about driving children to "remote locations."

<sup>6</sup> See, discussion at [http://www.epa.gov/schools/siting/criteria.html#Desirable\\_Attributes\\_of\\_the\\_Ideal\\_School\\_Site](http://www.epa.gov/schools/siting/criteria.html#Desirable_Attributes_of_the_Ideal_School_Site)

In addition to public health concerns, the siting of schools in already developed areas “near existing populations” may exacerbate racial segregation within school districts, where housing segregation already contributes to segregated schools. In the guidelines EPA recognizes that racial segregation is a required factor to be considered in the siting of schools, but failed to incorporate that factor into the siting guidelines:

It is beyond the scope of these guidelines to discuss the requirements of Federal civil rights laws that apply to public school districts and may be relevant to school siting decisions, including the process of making such decisions, addressed in these guidelines.<sup>7</sup>

It is remarkable for the EPA to state that school segregation is “beyond the scope of these guidelines,” when the guidelines as written, without any directive to consider patterns of racial segregation when selecting school sites, may perpetuate or worsen existing racial segregation in our schools. The majority of low income Black and Latino students already attend racially isolated schools, and consistent with U.S. Department of Education policy, these EPA guidelines should implore districts to avoid building *additional* segregated schools, not encourage their proliferation. School siting is an essential tool for state and local governments to encourage racial and economic integration – and this often means placing schools outside of high poverty, densely developed and unhealthy neighborhoods. Therefore, we encourage the EPA to add the following language to the Smart Growth policies: “Avoid sites that will exacerbate or perpetuate racial segregation and isolation in school populations.”

Thank you for the opportunity to comment on the agency’s draft School Siting guidelines. We would be happy to discuss our suggestions further or answer any questions you may have.

Sincerely,

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<sup>7</sup> See discussion at [http://www.epa.gov/schools/siting/about.html#Limitations\\_of\\_the\\_Guidelines](http://www.epa.gov/schools/siting/about.html#Limitations_of_the_Guidelines)