

July 31, 2008

Mary Nichols, Chairperson
California Air Resources Board
1001 I St. P.O. Box 2815
Sacramento, CA 95812

Re: AB 32 Scoping Plan and Community Impacts Measures

Dear Chairperson Nichols:

On May 30, several environmental and health groups submitted a letter to you regarding the urgent need for the Air Resources Board to conduct public health and local impacts assessments on the mix of policies being considered by staff for the scoping plan.

We were pleased that the draft scoping plan commits to analyze all of the measures in the plan for impacts they will have on air pollution and public health (ES-2, 4, p.10). We look forward to seeing the results of those analyses and any subsequent revisions made to the plan based on the results.

Before the scoping plan is finalized, we encourage CARB to do the following:

- Assess, as accurately as possible, the co-pollutant increases or decreases associated with the five scenarios that have thus far been the subject of economic modeling. Based on these assessments, estimate the statewide and, to the extent feasible, local health impacts that may occur as a result for each of the five scenarios. We concur with the EJ Advisory Committee recommendation that outside health experts should be consulted to assist with the assessment of health impacts.
- Determine, as accurately as possible, the co-pollutants changes and resulting health impacts associated with each policy under consideration for the scoping plan (as would be required for determining cost-effectiveness). Use this information to determine how impacts would differ amongst mixes of policy choices.
- State in the Scoping Plan how CARB plans to accomplish the more detailed screenings that are required for each proposed regulation and market mechanism before it is implemented. (These screenings are spelled out in Health and Safety Code 38562 (b) (1-9) and 38570 (b) (1-3) and include not disproportionately impacting low-income communities, not interfering with achieving air quality standards, maximizing total benefits to California, etc.).
- State in the Scoping Plan that analytical tools and data sets needed will be updated periodically in consultation with outside experts and the EJ Advisory Committee.
- Clearly state in the scoping plan that no regulation or market mechanism included in the scoping plan will be implemented unless it has undergone the aforementioned screenings and meets the requirements established in 38562 (b) (1-9) and 38570 (b) (1-3).

Cumulative Impacts Screenings

CARB should conduct a cumulative impacts assessment to identify geographic areas that *currently* bear a higher pollution burden using the best available data and tools, including the Cumulative Impacts Screening Tool being developed by a team of university researchers in conjunction with CARB. This will give CARB a snapshot of communities that will need to be protected from potential increases in pollution due to future implementation of climate policies. Such a screening is only a first step in the design of state climate policies. CARB should use currently available information to identify communities with a higher pollution burden prior to the completion of the scoping plan.

Additional cumulative impacts screenings for the areas identified in an initial screening as disproportionately burdened communities--using a new tool or an adaptation of an existing tool that can extrapolate the future impacts of a *proposed* policy or set of policies-- will need to be conducted before any regulations are implemented. These screenings should inform decisions about which climate policies are implemented and how such policies are designed to assure that already-burdened communities will not be impacted by increases in pollution.

We thank you for all of your hard work and your willingness to work with stakeholders through this complex process of developing a world-class scoping plan that can become a model for the nation and the world.

Sincerely,

American Lung Association
California Wind Energy Association
Center for Biological Diversity
Coalition for Clean Air
Environment California
Environmental Defense Fund
Natural Resources Defense Council
Planning and Conservation League
Sierra Club
Union of Concerned Scientists