Minutes
NAP Stakeholders Meeting

Thursday, October 11, 2001
9:30 a.m. to 12:30 p.m.

Cal/EPA Headquarters Building, 1001 I Street, Sacramento, California
Sierra Hearing Room, Second Floor

Attended by:

1.	Anderson, Craig (IEA)	21.	Pasek, Randy (ARB)
2.	Barham, Robert (ARB)	22.	Pascual, Romel (Cal/EPA)
3.	Bode, Richard (ARB)	23.	Prasad, Shankar (ARB)
4.	Carmichael, Tim (CCA)	24.	Ramirez, Ricardo (?)
5.	Coleman, Curt (CMA)	25.	Scheible, Mike (ARB)
6.	Cook, Jeff (ARB)	26.	Shaw, Mike (CoC)
7.	Costantino, John (ARB)	27.	Shimp, Dale (ARB)
8.	Fazeli. Bahram (CBE)	28.	Sommerville, Rich (SDCAPCD)
9.	Fletcher, Bob (ARB)	29.	Suer, Carolyn (ARB)
10.	Forbis, Paula (EHC)	30.	Takemoto, Brent (ARB)
11.	Holmes-Gen, Bonnie (ALA)	31.	Terry, Lynn (ARB)
12.	Hughan, Roberta (ARB)	32.	Thompson, Valorie (NASSCO)
13.	Hui, Steve (ARB)	33.	Venturini, Peter (ARB)
14.	Kenny, Mike (ARB)	34.	Wallerstein, Barry (SCAQMD)
15.	Kyle, Amy (UCB)	35.	Walsh, Kathleen (ARB)
16.	Lee, Barbara (CAPCOA)	36.	Wang, Mike (WSPA)
17.	Lyou, Joe (CLCVEF)	37.	Waugh, Mike (ARB)
18.	Martin, Jerry (ARB)	38.	Weisser, Vic (CCEEB)
19.	Murchison, Linda (ARB)	39.	Weller, Barbara (ARB)
20.	Oglesby, Rob (ARB)		

Opening Remarks & Introductions

The meeting convened at 9:40 a.m. In opening remarks, Shankar Prasad noted that a decision had been made to develop an EJ policy document instead of the guidelines that were shared with the group previously. This does not imply a change in commitment -- EJ is still a priority for Dr. Lloyd. While this effort has been a humbling experience, progress is being made, but there is still a lot to do. After attendee introductions, Lynn Terry made a few remarks about the status of policy document. At this time, there is no new document from what was shared with the group in April. The earlier version laid out concepts but didn't contain enough insofar as specific action items. ARB staff is working to develop a revision that will explain what will be done to reduce risks and ARB's vision for the future.

Environmental Justice Guidelines – Status of ARB Activities

Linda Murchison gave a presentation on the proposed EJ policies. While the guiding principles have remained the same, after numerous community meetings, ARB staff feel that they now have a better understanding of what communities are concerned about. Ultimately, a new document will be developed that incorporates what's been learned through the outreach process, and in consideration of comments received during today's meeting.

Discussion of Policy I: It shall be the Board's policy to integrate environmental justice into all our programs, policies, regulations, and actions.

Beginning with the first policy, the overall aim was to educate staff about EJ and to make consideration of EJ a part of their day-to-day work activities. While our air quality focus will continue to be on a regional-scale, we must also consider what, if any, impacts our actions could have at the community-level. For example, truck emissions are an important issue at the community-level, and our ability to understand what air pollution problems are of greatest concern will improve as outreach efforts are expanded and gaps in our knowledge of EJ issues are identified.

In the field, considerable effort has been devoted to monitoring air quality in communities selected under SB 25 to assess the adequacy of our monitoring network and to collect data on potential effects on children. We have also been active in developing new and reviewing previously adopted ATCMs, and conducting roadside vehicle inspections in SB 25 communities where truck traffic is high. Relative to staff training, ARB staff needs a basic understanding of EJ issues, and efforts are underway, in cooperation with OPR and Cal/EPA, to establish a comprehensive training program.

Before moving on to the second policy, there was discussion about why the language used by ARB was not consistent with that of SB 115 (Solis, 1999). It was noted that the language of SB 115 laid a statutory framework for state agencies, and should be the basis for agency-specific actions. In response, it was noted that an effort would be made to make the language in the revised policy document consistent with the intent of SB 115. The group was urged not to focus on wording issues, but rather to express specific concerns they had in terms of potential action items.

Discussion of Policy II: It shall be the Board's policy to strengthen outreach and education efforts in low-income and minority communities so community members can fully participate in our public processes and share in the air quality benefits of our programs.

To begin the discussion of the second policy, Linda Murchison mentioned that ARB staff has been doing a lot of outreach on the EJ policies. In conducting the outreach effort, they have found that workshops may not be the best approach for getting community input. ARB staff has had greater success, in terms of getting input from communities by asking to participate in scheduled community meetings. The best way to do outreach varies by community, so there needs to be a commitment to define a process that can be used in the years ahead.

Concern was raised with regard to whether outreach and education efforts would be conducted in all communities or just "low-income and minority communities." Would "special treatment" be afforded to low-income and minority communities? In response, it was stated that ARB's EJ efforts are a part of its overall air quality program for all communities, but within that framework, there would also be a focused effort in low-income and minority communities. Some stakeholders felt that without specific mention of low-income and minority communities, efforts to address existing problems would not be directed to where it is needed most. As such, it is important that the policy contain specific mention of low-income and minority communities. A stakeholder mentioned that the SCAQMD Board has allocated $1.5-million for District outreach efforts, and adequate funding is critical to ensure the future of ARB's outreach efforts.

Concern was also raised about the phrase "share in the benefits," which to some stakeholders meant that low-income and minority communities had not received benefits to date. In response, it was noted that ARB needs to better characterize what kinds of benefits low-income and minority communities have received and how benefits have been distributed across all communities.

Some stakeholders mentioned that developing EJ policies is an essential step to getting EJ recognized as an issue that state agencies need to address. After reviewing the definition of EJ in SB 115, it was argued that the exact wording of the EJ policies is critical to developing a consensus among the stakeholders. Careful crafting of the language of the policy is part of the process, such as it was for SB 115, and therefore the language of the policies must be exact for everyone to be comfortable. Industry support for this effort will depend upon the language of the policies. Some stakeholders felt that the group should move on from wording issues and focus on what course of action to take. Some expressed concern that by moving ahead with an EJ program in this way would hinder the development of a systematic approach and involve taking action in a piecemeal fashion.

Before moving on to the third policy, the point was made that because future actions will be formulated based on the wording of the policies, their wording cannot be ambiguous or subject to broad interpretation. Additional effort needs to be made in re-writing the policy statements – there is no certainty or comfort until something is in print. In the explanation of the policy statement, it is

important to show how it relates to the language in SB 115. Comments about whether the phrase ”fully participate” should be used, or if “enhanced participation” more accurately conveys the intent of the policies aimed at community participation.

Discussion of Policy III: It shall be the Board’s policy to promote pollution prevention and adopt measures to reduce emissions of, and exposure to, air pollutants in affected low-income and minority communities.

Discussion of the third policy started with a brief overview of activities conducted to date. While everyone has benefited from regional improvements in air quality, impacts at the local-level have not been equally distributed. In terms of diesel, reducing emissions from garbage trucks would be an action that could have an immediate local effect in low-income and minority neighborhoods. Staff is reviewing some ATCMs in the context of including siting criteria with respect to homes and schools. The event held in conjunction with Pacoima Beautiful was mentioned, in which local citizens were able to benefit from the BAR’s low-income assistance program. This program provides up to $500 to fix cars that are unable to pass Smog Check, and many low-income and minority communities were not aware that these programs exist.

The need to focus on low-income and minority communities is a concern for air districts – shouldn’t the focus be on neighborhoods where help is needed most? In response, it was noted that the purpose of this effort was to develop an EJ policy document, which implies a need to focus on problems in low-income and minority communities. This does not mean that the policy is intended “only” for low-income and minority communities, but rather that efforts will be focused in those locations within the framework of ARB’s overall air quality program. It was argued that there needs to be a scientific basis for taking action and to begin with communities where action is needed most.

In discussing the wording of the policy statement, ARB staff noted that toxic risks need to be reduced in all communities in California. This will require that micro-scale analyses consider the distribution of all sources in a community, large and small, and assess how much the local sources impact next-door neighbors and nearby sensitive receptors. There is a need to redress existing problems in disproportionately impacted low-income and minority communities and a need to prevent similar situations from occurring in the future. Recognizing that not all low-income and minority communities experience disproportionate impacts, there is overwhelming evidence of problems in those communities and the need to clean up the problems where they exist. This does not constitute “special treatment.”

To wrap up the discussion on the third policy, the group agreed that an introductory section was needed to clearly describe how the EJ policies would be

implemented in the context of ARB's overall air quality program. This section would address the question of whether EJ is an issue for all communities or just low-income and minority communities. Some stakeholders felt that the policy must mention low-income and minority communities to establish a focus for EJ efforts and to sustain community support. Alternatively, the introductory section could state that low-income and minority communities would be the focus of ARB's efforts rather than specifically mentioning them in the policy statements.

Discussion of Policy IV: It shall be the policy of the Board to strengthen enforcement activities at the community level across the state.

In the discussion of the fourth policy, some stakeholders remarked that to achieve equal protection at the community-level, cooperation with the local district is an important first-step. In response, it was noted that fostering a strong partnership with the local districts was essential in forming a close working relationship. However, jurisdictional issues need to be clarified so that the roles of each agency are well defined.

Discussion of Policy V: It shall be the Board's policy to assess, consider, and reduce cumulative emissions, exposures, and health risks when developing and implementing our programs.

Introductory remarks on the fifth policy noted that emissions from all sources would be looked at. Historically, the tools for doing this kind of analysis have not been good, and initial efforts by ARB staff have produced ASPEN maps that provide a perspective on relative risk levels. Efforts to develop better tools for this kind of work is underway, and there is still a lot of technical work to do. Progress has been made at Barrio Logan and studies are just beginning at Wilmington. Working groups have been formed to evaluate model assumptions and performance.

Some stakeholders voiced their support for the development of technical tools for neighborhood assessment, but questioned the need to reduce emissions and exposures if there was no evidence of health risks. In this regard, reducing health risk is not aligned with tool development – if the tools aren't reliable/accurate, then they should not be used until they are. In response, ARB staff indicated that the analyses shown previously are examples of what we can do today, and we shouldn't wait until the "perfect tools" are developed. In some cases, we need to take action with the best tools we have, and continue to work on improving them over time. Part of reducing cumulative risk is doing things that make sense right now.

Some stakeholders remained concerned that action would be taken to reduce emissions without reliable tools to assess neighborhood-scale impacts,

and asked if evidence of health risk and cost of implementation would still be considered with respect to EJ complaints. As a state agency, ARB must comply with all existing requirements that apply to implementing its overall air program, so health risk and cost must always be considered.

The discussion turned to the need to consider emissions, exposures, and health risks, in neighborhood assessments. As assessing cumulative risk is clearly a step beyond the single-pollutant, source-by-source assessments we have conducted to date, we can't continue with business as usual. At present, to demonstrate the existence of an adverse impact, communities must prove that a disproportionate burden exists. By including emissions and exposures in the cumulative risk process, we can also examine the root causes of local health problems. At this point, because of uncertainties in all three parameters, there are a lot of things that we don't know, and developing rigid methods at this time could result in leaving things out that may turn out to be truly important. All three components need to be looked at as we proceed, and consideration will be given to other health endpoints, besides cancer. Without question, the current risk assessment process is too limiting, especially since it doesn't allow for examining pollutant interactions.

In closing this discussion, one stakeholder remarked that the policy, as written, includes the essential elements of what needs to be considered.

Discussion of Policy VI: It shall be the Board's policy to encourage local land-use decision-makers and air districts to take into account cumulative emissions, exposure, and health risks in permitting and planning, and when making other land-use decisions.

In opening comments on the sixth policy, it was noted that ARB staff have learned a lot about air pollution-related land use issues, and that they need to do a better job of sharing the information about what risks can result from making poor decisions. Information needs to be shared with air districts and other local agencies to help people make informed decisions about where to site sources so that they don't cause major health problems. More time will be spent with local planning agencies, as they and OPR have let ARB staff know that they still have a lot to learn with respect to knowing what kind of information they need/want.

Stakeholders were supportive of efforts to work with local land-use planners on air pollution-related issues. However, some expressed concern over having to consider cumulative impacts in permitting decisions – there are a number details that are not well defined such as what sources to consider, which receptors to consider, etc. What factors do you need to consider in the course of conducting a cumulative risk assessment? Clear guidance is needed on what risks are acceptable and what aren't, and it is of little help to simply inform planners that risks may potentially exist. Encouragement is not enough, and

providing a model that calculates risk only creates greater uncertainty as to what must be done. In essence, ARB needs to provide a tool that will allow decision-makers to make clear choices when it comes to addressing EJ issues.

At present, there is no framework for making clear-cut decisions on cumulative risk at the local level. The definition of "significant risk" in CEQA is poorly defined, but does allow for cumulative risk to be considered in land-use and permit decisions. The tool that ARB has developed gives users a sense of where pollutant levels are highest, but the tool doesn't calculate risk thresholds and leaves it up to the decision-maker to decide level of risk is significant. Could NSR thresholds be used initially? It was mentioned that environmental groups have been asking air districts to develop frameworks for cumulative risk assessment for a number of years. While some districts have looked into developing protocols for cumulative risk assessment, none are currently in use.

To introduce the idea of cumulative risk assessment in evaluating local siting decisions, providing planners with a model would not be helpful, as they would not use it unless it provided yes or no answers to their siting decisions. In this regard, it may be worthwhile to provide them with list of poor land use decisions that should not be repeated (most are single-source examples such as not siting a chrome-plater next to a school). If a user-friendly tool is not available to help them make a decision that has EJ implications, most will choose to develop a "statement of overriding consideration" rather than examine alternatives. As the prevailing view is that poor land use decisions are the main source of present EJ problems, should general plans, rather than CEQA, be targeted for modification? Do we then need to also set health risk thresholds? Fear of gridlock on permitting decisions is a major concern, so it is important to set priorities as to which source categories or specific types of permit applications need to be decided first.

At present, most districts don't consider cumulative risk to any extent in the permit process, so a policy of this kind would raise awareness and allow for making inroads on obvious issues of concern. By taking action to increase awareness of the need to consider cumulative risk, we establish a starting point for its use and for striving to make better decisions in the future. Providing information is only a start – we need to also look at how cumulative risk can be used in both the general plan process and in making project-level decisions. Educating planners about cumulative risk is critical as land-use decisions influence transportation planning and other aspects of local environmental quality.

In wrapping up the discussion of this policy, it was noted that the use of cumulative risk assessment is the goal, and now is the time to begin getting information out on what this means. Unquestionably, implementing a cumulative risk analysis process will be resource-intensive. Providing planners with a list of poor land use decisions may be helpful to get things started, but may be a

detriment to establishing an overall policy on cumulative risk. More work is needed to determine which approach (i.e., project-by-project or via the general plan) will be the most effective, as well as deciding what to provide to air districts to help them in the permit process. Some stakeholders were encouraged that ARB staff is working with OPR on these issues, and that OPR is looking into putting EJ in as an optional factor in general plan development.
ARB staff announced that the land use guidance would not be completed by the December hearing and that the risk maps would not be detailed enough to identify risks at the neighborhood-scale. Several stakeholders voiced concern that the information in the maps would be misused.

Discussion of Policy VII: It shall be the policy of the Board to support research and data collection needed to reduce cumulative air quality impacts in low-income and minority communities.

It was mentioned that research to identify gaps in knowledge would include studies of cancer and non-cancer effects.

Wrap-up

To close the meeting, the stakeholders were thanked for their participation and helpful discussion. Stakeholders were encouraged to send in any additional comments, as it is important to identify what policies we agree on and what needs more work. For the upcoming revision, the introductory section needs to highlight the key issues discussed today, and that a another face-to-face meeting is needed to ensure that people's comments have been heard. A meeting would be arranged in the next two or three weeks.

The meeting was adjourned at 12:40 p.m.