



July 5, 2018

David Edwards, Branch Chief
CC: John Swanson, Manager; Patrick Gaffney, Lead Staff
Air Quality Planning & Science Division
California Air Resources Board,

Dear Dr. Edwards,

We are pleased to submit comments on the California Air Resources Board (CARB) proposed Regulation for Criteria Pollutant and Toxic Air Contaminant Emissions Reporting. These comments are on behalf of the undersigned groups, which are working to protect the public from cancer-causing chemicals and other toxic chemicals in the environment.

Breast Cancer Prevention Partners (BCPP) -formerly the Breast Cancer Fund - is a national organization that works to prevent breast cancer by eliminating our exposure to toxic chemicals and radiation linked to the disease. We translate the growing body of scientific evidence showing the link between breast cancer risk and chemical exposures from the environment and consumer products into public education and advocacy campaigns that protect our health and reduce breast cancer risk.

Environmental Defense Fund's mission is to preserve the natural systems on which all life depends. Guided by science and economics, we find practical and lasting solutions to the most serious environmental problems. We work to solve the most critical environmental problems facing the planet, and our solutions take a multidisciplinary approach. We work in concert with other organizations — as well as with business, government and communities — and avoid duplicating work already being done effectively by others.

Toxic air contaminants are of great concern to us and our members and supporters. Many of these chemicals, such as benzene, 1,3-butadiene, formaldehyde, hexavalent chromium, diesel exhaust particulate, and others, are carcinogens that can significantly increase health risk in California communities. Toxic air contaminants are projected to be responsible for thousands of preventable cancers across California over our lifetimes. Toxic air contaminants (TACs) can also produce other health effects: Many of these chemicals are neurotoxins, endocrine disruptors, reproductive toxicants, and respiratory toxicants. Some toxic air contaminants, such as mercury, settle onto the soil and water, where they contaminate entire ecosystems and threaten our aquatic resources.

We are therefore enthusiastic about the potential for CARB to address these contaminants through the new authorities in AB 617, and urge the Board to proceed as quickly as possible to achieve real reductions of TACs in communities throughout California. The first and most critical step is to lay a solid foundation for action. For this reason, CARB must address the serious deficiencies in its emissions reporting data and must ensure that the data are comprehensive, current and accurate.

We support most elements of CARB's proposed regulation for emissions reporting. We especially support CARB's stated goal to "Dramatically improve access to data in user-friendly forms, such as maps and graphs [Workshop Powerpoint presentation by CARB, slide 4]. The public has a right to know what is being emitted into the air in California communities, so access to the data on a user-friendly platform will be critical. There are other mapping tools maintained by other California agencies, and we urge that the CARB map be integrated with those other tools in such a way that it is easy for the public to seamlessly learn about air, water, soil, and waste impacts from individual facilities without the need to separately navigate multiple cumbersome websites.

Air emissions data have historically suffered from a long time lag. Delay making the data public will make it impossible for communities to participate effectively in decision making and would frustrate the intent of AB 617. Current data management tools should allow consistent reporting and rapid processing of the data for posting. We urge CARB to design a system that has a publishing delay measured in weeks or months, not in years.

We endorse the CARB goal to ensure “complete and consistent” air pollution data, as stated in your recent workshops. However, we are concerned that your proposal, as described at those workshops, will fail to achieve your goals and will instead be neither complete nor consistent. Our specific concerns with the current CARB proposal include the following:

1. Need to Update the list of TACs

The list of TACs in California has unfortunately not been updated in over a decade, and emerging chemicals are therefore literally not “on the radar”. For example, even the U.S. EPA under Administrator Pruitt has identified the perfluoroalkyl and polyfluoroalkyl substances (PFAS) as a priority for action. Some of these chemicals, especially the perfluoroethers, are volatile and are likely to meet the definition of TACs. CARB should consult with OEHHA and the Scientific Review Panel and should bring emerging chemicals such as these to the Panel for potential listing.

2. Lack of Third-Party Verification

The statute provides CARB with the explicit authority to require third-party independent verification of emissions reports. To our dismay, CARB’s proposal appears to be abandoning this important tool and direction from the Legislature, and instead relying on the polluters and local air districts to report emissions without oversight or independent verification. Currently, there is very little consistency or quality control, and the CARB proposal appears to simply carry this quality control problem forward into the indefinite future. We strongly urge CARB to require third-party verification, at least of a randomly-selected subset of facilities each year. Such a requirement could be phased-in and increased over time. Failure to require independent verification will lead to a lack of public trust in the data, and will undermine many other aspects of AB 617 implementation.

3. No Clear Plan to Account for Clustered Emissions Sources

Pollution sources are not distributed evenly across communities. Instead, some communities are disproportionately impacted with numerous emission sources, including small sources that may be concentrated among homes and near schools, parks, and community centers. Only ten such communities will be selected initially for the intensive monitoring provided for under AB 617, so hundreds of impacted communities in California may need to wait years before they get attention under this law. The CARB presentation indicated the commendable intent to attempt to address this issue, which is fundamental to AB 617. Unfortunately, no clear plan was presented. We urge CARB to define all California communities identified for potential future monitoring as priority communities for full emissions reporting. In these communities, reporting should comprehensively include both large and small sources, and analysis should be done of clustered sources to further inform decision making and prioritization under AB 617.

4. Unclear Definition of “Elevated” Pollution Sources

The current CARB plan appears to leave the definition of which pollution sources are “elevated” to the local air districts. This is inadvisable. For example, the San Joaquin Valley Air Quality Management District currently does not classify any toxic emissions sources in their region as “high”, which strains credibility given the serious air pollution problem, and the existence of refineries, cement kilns, power plants, and chrome platers in that region of the state. This is in part because that district tolerates cancer risks of one per 10,000 residents as “acceptable”. Such cancer risks are far from acceptable. Leaving classification solely to the districts will frustrate the public’s ability to identify sources of similar magnitude across the state. It is also creates an unfair playing field for businesses, where those located in some regions will need to report,



while in other regions they may be exempt even if their pollution is equal or greater. CARB needs to exhibit leadership by defining the reporting parameters and requiring that the term “elevated” have a consistent definition across the state.

Thank you for considering our comments.

Sincerely,

Nancy Buermeyer,
Senior Policy Strategist, Breast Cancer Prevention Partners

Irene Burga Márquez
Manager, California Climate & Energy, Environmental Defense Fund