



June 28, 2018

Mary Nichols
Chair, California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Proposed Regulation for Criteria Pollutant and Toxic Air Contaminant Emissions Reporting

Dear Chair Nichols,

The California Air Resources Board has launched a number of programs to protect public health through the reduction of air pollution and greenhouse gases, which are the primary driver of climate change. Essential to these efforts is a consistent, comprehensive and timely process to identify stationary and community emission sources.

Residents of low-income and disadvantage communities suffer disproportionately from the cumulative, adverse health impacts of dirty air. Their mounting frustration resulted in the passage of AB 617 (2017) and AB 197 (2016). Improved, annual reporting of criteria and toxic emissions is essential to the implementation of these two measures and to the health of millions of Californians.

Modern Data Reporting is a Must

A major impediment to a comprehensive criteria and toxic emissions reporting process is the lack of uniformity among the 35 air districts. Most districts are still using hard-copy reporting methods and manual input. A state-administered data base implemented as soon as possible will provide a much needed measure of consistency throughout the air districts.

Toxic Air Contaminants List Woefully Out of Date

What is reported is equally if not more important than how it is reported. In the case of toxic air contaminants, the official list maintained by the state hasn't been updated since 2007 when tobacco smoke was added. Other than that, no changes have been made since the 1990s. The toxic air contaminants list needs to be updated at regular intervals to ensure all substances of concern are included.

Adopt Zero-Release Strategies for Persistent, Toxic Pollutants

There are some emissions that should never be allowed to occur. Coalition for Clean Air supports the development of zero-release strategies for persistent bioaccumulative toxic pollutants (PBT) such as lead, mercury, chromium and metals in general. Halogenated compounds such as chlorinated, brominated and fluorinated compounds can also be highly persistent.

Once released into the air, these toxins will fall to the ground, leach into our water sources and remain in our environment for decades – perhaps centuries – to come. The best way to prevent this is by adopting and employing zero-release strategies as soon as possible.

Inventory of Reporting Facilities is Far From Complete

In addition to a woefully out-of-date toxics contaminants list, the inventory of reporting facilities is far from complete. Districts should examine business licenses and permits issued by local governments to find scofflaw emitters who should have permits but are skirting the law.

Also, the facilities inventory should include those without significant emissions so the public knows these facilities have been identified and reassessment can occur if warranted. Even if one facility's emissions appear low on its own, the cumulative impacts of emission from multiple local sources might cause significant health risks. Lastly, each facility should be branded with a unique identifier so emissions and enforcement information can be tracked across state and local databases and media platforms.

Close the Time Gap from When the Emissions are Released and When They're Reported

The responsibility of protecting public health is seriously compromised by a process that reports emissions literally years after their release into our air. When emissions data is four to 10 years old when released it does the public little good and only serves to

reveal an unresponsive bureaucracy. It is ironic that CARB distributes hundreds of millions of dollars every year to spur technology advances in near-zero and zero-emission vehicles, yet has failed to update technologies to allow for timely electronic emissions reporting and the release of that data.

Immediate action is required to reduce this lag time and lessen it to no more than a year. For polluters that pose the greatest risk to public health, real-time monitoring should be considered.

No Jargon, Please

When emissions are made public, they should be made in a clear and accessible manner so a doctorate degree is not necessary to understand the information. Air districts should consider town hall meetings or other public-awareness campaigns to explain the emissions, their associated health impacts, and what is being done to reduce those pollutants.

Now is the time to address these issues. Without a timely, robust and transparent emissions reporting process, Californians – especially those in low-income and disadvantaged communities living closest to stationary polluters – will remain in the dark about the dangers to their health in the air they breathe.

Thank you for your consideration.

Sincerely,

Rocky Rushing
Senior Policy Advocate

Cc Dave Edwards, Branch Chief

