



We Help Bring California's Goodness to the World

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FR: John Larrea, Director Government Affairs
California League of Food Producers

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RE: Comments on the May 30th Workshop on the Proposed Regulation for Criteria Pollutant and Toxic Air Contaminant Emissions Reporting

The California League of Food Producers (CLFP) appreciates the opportunity to provide comments on response to the Proposed Regulation for Criteria Pollutant and Toxic Air Contaminant Emissions Reporting.

CLFP represents 47 industrial food processors in California. Food and beverage processing in California accounts directly for \$25.2 billion in value added and 198,000 direct full- and part-time jobs. Food processing reverberates through local and regional economies throughout California. On average for every \$1 of value added in food and beverage generated results in \$3.25 dollars in additional economic activity. Each job in food and beverage processing generates 3.84 jobs in total.

AB 617, adopted last year as a companion bill to the re-authorization of California's greenhouse gas cap-and-trade program, established the Community Air Protection Program ("CAPP") to address areas in the state with the highest cumulative exposures to criteria and toxic air pollutants.

Comments

CARB intends to establish a statewide emissions inventory reporting system. Food processors are already subject to several intensive reporting requirements through a wide variety of programs, both federal and state, designed to collect and monitor a variety of emissions. CLFP

urges CARB to avoid duplication of reporting requirements in order to avoid increasing the reporting burden on facilities.

Because many facilities are already located in areas that are intensely monitored through a variety of programs administered through the federal government or a state/local entity working with the local Air District to further improve or streamline existing guidelines may be an option. Where possible, CARB should utilize existing programs if the data collection mechanisms provide sufficient, relevant, data and avoid duplication of reporting requirements. Local air district programs are excellent examples of existing programs that already gather the type and quality of data that CAPP contemplates.

CLFP agrees with CARB's staff concept of a two-phase approach in the development and implementation of a statewide reporting regulation. CLFP also supports a Phase 1 goal of "business as usual" on reporting requirements and the utilization of "best available" reporting methods already employed by Air Districts. CLFP will continue to work with CARB staff in determining the need for additional reporting requirements beyond the requirements of MRR or other relevant local programs.

Reporting schedules should take into account the business cycles and emissions profiles of the facilities to be monitored. Rural facilities, many of which are subject to seasonal dynamics, should not be lumped in with urban sources or local neighborhood communities when considering reporting deadlines. The timing and complexity of reporting schedules, unrelated to business cycles, may unnecessarily strain a business's resources. For instance, many food processors are medium-sized, family-owned businesses or small operations lacking personnel assigned to exclusively deal with compliance issues. If seasonal, meeting a mid-season reporting requirement can be difficult and increase the potential for mistakes and exposing the company to penalties for noncompliance.

At present, CARB staff has indicated that it will not require facilities subject to the reporting requirement to provide third-party verification. CLFP supports this position and suggests that no verification be required for facilities subject to MRR in the future. Third-party verification is expensive and only adds to the costs of compliance without providing any additional benefits in emissions reductions. For smaller companies or facilities, it could become a secondary burden should it be necessary to employ help to meet future compliance reporting obligations.

AB 617 allows for the collection of "other relevant data" as part of the reporting requirement. What constitutes other relevant data remains to be determined. CLFP is concerned that such open-ended goals could subject facilities to additional onerous reporting requirements. CLFP

would like to see the definition of “other relevant data” settled early in this regulation development process.

CARB staff has indicated that data to be reported will be at the “device and process level” and that the data collected will be “consistent with current district criteria and toxics reporting standards.” CLFP supports this position. However, because the data may include process data, confidentiality continues to be a concern for food processors. Under any reporting scheme facilities should be given the opportunity to identify, prior to any submission, confidential data associated with a process or device that will be eligible for protections afforded by the state.

CONCLUSION

CLFP appreciates this informal process whereby issues and ideas can be discussed and shared prior to engagement in the formal rulemaking process. The decisions made by CARB on these future regulatory amendments will directly affect the CLFP members who have invested substantial amounts of capital in compliance costs and new technologies in an effort to comply with the state’s ambitious environmental goals.

CLFP looks forward to working with CARB staff in the development of the regulation language as a part of the continuing stakeholder process.