

February 22, 2021

California Air Resources Board
1001 I St.
Sacramento, CA 95814

Re: AB 617 Year 3 Selection and Recommendations for Statewide Program Improvement

Dear CARB Chair Randolph, board members, and staff,

We respectfully submit these comments requesting CARB's support of the Arvin/Lamont/Fuller Acres community and the La Vina community for AB 617 Year 3 selection and greater toxic emissions reduction measures.

Additionally, we'd also like to take this opportunity to share our recommendations for the ongoing Blueprint update process, recommendations for substantive improvement of the Blueprint, and context for the incomplete programmatic improvements that Year 3 communities will be entering into.¹

Arvin/Lamont/Fuller Acres Community

We are pleased to see that the Arvin/Lamont community has been nominated for a Community Emissions Reduction Plan and Community Air Monitoring Plan, and request that the community of Fuller Acres be included in the selection. For years, the Fuller Acres community has advocated for the right to basic community infrastructure, clean water and the ability to breathe clean air. Fuller Acres residents have engaged with local leaders, such as their local supervisor, the water mutual company, and the Kern Oil Refinery with the hope of addressing their needs to live in a healthy and safe environment. Unfortunately, Fuller Acres continues to be a neglected and forgotten community with limited opportunities for solutions. Though the barriers are many and the needs are great, the Fuller Acres community perseveres and continues to work creatively and inclusively to reduce pollution in their area.

Fuller Acres residents have engaged in meetings and sent letters to CARB staff urging them to include Fuller Acres in the selection with Arvin/Lamont. Due to their close proximity, shared emission sources, and their advocacy to be included in the Year 3 selection, we are advocating alongside community members that Fuller Acres be included in the initial boundary along with Arvin and Lamont.

Additionally, AB 617 has already set precedent for community leadership identifying and establishing their final boundary after CARB selection. Fuller Acres leadership in the region has been outstanding thus far, and we request that Fuller Acres residents also be included in these deliberations. Moreover, residents from Arvin and Lamont, and partner community based organizations, support the inclusion of Fuller Acres in the initial boundary selection.

¹ Our most recent set of letters requesting specific support in 617 communities was sent to CARB staff on December 11, 2020 and document the persisting challenges in the Coachella and Fresno 617 communities. We also provided comments in response to the 4th Draft of the People's Blueprint on December 30, 2020. We are happy to resend both of these letters to current and incoming CARB board members and staff upon request.

Because these communities are impacted by emissions from the same oil refinery, pesticides, and heavy truck emissions, among other sources, we support the selection of the Arvin/Lamont/Fuller Acres area and believe it is in the best interest of these communities and the 617 program to begin implementation with an inclusive and united approach. We also ask that the integrity of the community-led process be upheld and that the community's authority to establish the final boundaries of the Arvin/Lamont/Fuller Acres area is supported.

La Vina Community

La Vina community residents have been engaging with the San Joaquin Valley Air Pollution Control District and Madera County for years to pursue pollution-reduction policies in their community. Prior to the COVID-19 pandemic, the community regularly met with their elected officials and staff at Madera County and repeatedly brought up the issues of pesticide drift, dust, and other local emissions sources. The community has also submitted two self-nominations for the AB617 program and convened a meeting one year ago in La Vina with representatives from Madera County (including the Agricultural Commissioner and Planning Department Staff), SJVAPCD, the Department of Pesticide Regulation, and CARB.

Asthma, cancer, and developmental delays in children are all common health conditions in the community, where upwards of 21,000 pounds of the carcinogen 1,3 Dichloropropene were applied near residents' homes in 2017, where Chlorpyrifos was frequently used prior to its recent ban, and where (in the community and surrounding areas) an approximate average of about 1 million pounds of pesticides are applied annually.²

The community is demanding AB 617 selection for this year because this is an unacceptable reality. While AB 617 provides a vehicle for the community to work with relevant government agencies who have allowed this pollution in their communities, residents are committed to demanding cleaner air and are willing to collaborate with government agencies wherever possible. La Vina has begun the difficult work of developing measures that will actually reduce emissions from some of the highest priority sources (listed below), for which La Vina community leaders would like to collaborate with SJVAPCD and CARB:

- Toxic pesticides emissions that frequently blanket residences in the area
- Lingering dust clouds from agricultural harvests during many months of the year
- Agricultural burning
- Industrial emissions from a local winery's processing plant
- Lack of monitoring of sources and levels of pollution in the area

Statewide 617 Program Improvements

Importance of a Responsive, Updated Blueprint

Effective implementation of AB 617 requires a Blueprint that is evaluated and updated to resolve issues identified along the way, and modified guidelines based on lessons learned in current AB 617

² Tracking California, Public Health Institute. Agricultural Pesticide Mapping Tool. Accessed September 2019 from www.trackingcalifornia.org/pesticides/pesticide-mapping-tool.

communities. Thus, updating the 617 Blueprint in a collaborative and timely manner is critical to the spirit of AB 617. We would like to survey some concerns related to the process and timeline of the Blueprint update.

At the beginning of 2020, CARB assured the AB 617 Consultation Group that the Blueprint would be updated. Understandably, COVID-19 impacted CARB's approach and timeline, and we were then told that there would be two phases of Blueprint updates--the first of which the public was to see in July 2020. In August, with no word from CARB on the coming updates, it became clear that the first phase of updates was delayed. We understand that updating the Blueprint is not a simple task, and that it has been affected by internal staffing changes at CARB and the public health emergency that we are all adjusting to.

However, what we must grapple with now is an unclear timeline and understanding of what the path forward is to ensure the updated Blueprint crosses the finish line. At the end of last year, we were alarmed to discover that the first dedicated public review of the draft People's Blueprint was opened and announced on December 18th (the Friday before many advocates and families were off for holiday for the remainder of the year) and closed shortly after the new year. We strongly insist that the Blueprint update process going forwards is more proactive, thoughtful of 617 communities' abilities to engage, and communicated with much more time in advance of public review periods. To state simply, CARB is about to enter the third round of AB 617 funding with as inadequate a Blueprint as in the first round. In order for updated guidance be provided as soon as possible to Year 3 communities, we ask that CARB propose a process and timeline for completion of the Blueprint update, including: 1) a target end date to release a fully updated Blueprint no later than June 2021, and 2) built-in periods for public reviews and consolidation and incorporation of feedback. We understand that some stakeholders do not want a rushed process, and neither do we. Rather, we simply ask that CARB propose a clear and comprehensive update process, inclusive of the above requests.

Substantive Recommendations for Program Improvement

In May of last year, we provided substantive comments with other 617 partners on CARB's proposed framework and topics for updating the AB 617 Blueprint, as many advocates and communities have done during the past year and a half. We urge CARB to rely upon and incorporate the robust feedback already provided by environmental justice communities and community-based organizations over the past year. As part of our current recommendations for 617 program improvement, we ask that the following be made clear in the Blueprint:

- **Budget transparency:** CARB and air districts shall make public all records of enacted budgets and expensed funds for the 617 program, and publish an analysis of funds disbursed.
- **Mobile Source Strategy in CERPs:** CARB will actively engage in each Community Emissions Reduction Plan (CERP) to develop a mobile source emissions reduction strategy specific to each community where mobile source emissions are a priority.
- **Oversight of CERPs:** CARB will exercise its procedural authority to intervene and correct CERPs and development processes that are inadequate.
- **Baseline CERP requirements:** CARB will require that CERPs are responsive to and include the following:

- Quantifiable emissions reductions and a timed plan to measure emissions
- Customized and enforceable regulatory strategies that ensure additional emission reductions beyond existing regulatory requirements
- Demonstrated and verifiable support from CSCs of submitted CERPs (and each measure within the CERP) and CAMPs
- Inclusion of area wide sources and pesticides
- Identification of major emission sources impacting 617 community and measures adopted to significantly emissions from these sources
- **Accessibility:** CARB and air districts shall deliver translated, technically accessible, and timely materials for consultation well in advance of meetings.
- **Funding resident participation:** Air districts will disburse stipends to resident members of CSCs for all meeting time.
- **Conflicts of interest:** CARB and air districts will implement measures to prevent conflicts of interest for Steering Committee members.
- **Collaboration guidance and community-led governance:** In partnership with 617 communities, CARB shall develop baseline guidance for collaboration and coworking between agencies and CSCs that ensures community-led processes of CSC governance, allows CSCs to set formal decision making processes, and ensures agency respect and recognition for CSCs' leadership and governance.
- **Updated Guidance for Year 3 communities:** CARB will provide Year 3 communities with as updated a Blueprint as feasible at the outset of Year 3 implementation, and host a participatory workshop with CSC members from all rounds of 617 funding at the outset of Year 3 implementation to share best practices from previous cycles of 617.
- **Sharing CERP learnings and measures across 617 communities:** CARB will develop and make accessible a public resource documenting key regulatory and incentive-based measures from all communities' CERPs, and release the document before Year 3 communities commence CERP development.

Advancing Environmental Justice in Communities Beyond AB 617

CARB's response to environmental justice concerns has improved over the past several years, but still remains limited to a handful of programs. Through AB 617, we've been reminded that building sustained relationships with communities is not functionally separate from CARB's efforts to achieve greater equity. However, this learning cannot now solely be applied within the AB 617 program. Environmental justice principles and practices must become the lifeblood motivating all of CARB's work. However, despite the program's critically limited and competitive nature, we continue to see urgent air quality concerns raised by community members directed to the AB 617 program as the most responsive or "go-to" environmental justice program.

It is a primary obligation of CARB to reduce air pollution burden in California, with or without the AB 617 program, and especially outside of the program since AB 617 does not meet the extreme need for air pollution reduction in hundreds of communities in the state. Too often, residents have listened to talk of budget constraints, stubborn economic "impossibilities," and political roadblocks, and dead ends, and have not seen enough building of political will, creativity, and innovative collaboration. This experience

has led to many residents feeling and witnessing that there is little support to defend their families and lives against polluting, bad faith actors in their communities. We ask that CARB commit to working creatively and collaboratively with agencies and residents on air pollution reduction measures outside of the 617 program to meet the extensive need for air pollution reduction in the state.

We sincerely thank all those involved in AB 617 for their work and dedication to implementing and improving this important community-led program thus far. We look forward to collaborating with CARB, district staff, and community members to ensure AB 617 is implemented diligently and honors community residents' capacities, local expertise, and urgent health burdens.

Sincerely,

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Policy Advocate, Madera County

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