



Chrome Plating - Precision Grinding - Non-Destructive Testing

6 March 2023

Steven Cliff, PhD
Executive Director
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Dr. Cliff,

CARB staff have misled the public and the CARB board about the proposed Hex Chrome ATCM. The "Appendix B – Emissions Inventory" presents incorrect data about facility permit levels and emissions. The January 27 staff presentation to the CARB board overstated the cancer risk from chrome plating as 213 chances per million. CARB staff has repeatedly advertised the toxicity of hex chrome emissions to the public as "500 times more toxic than DPM" but has undercut its own rhetoric by not taking equivalent action on the 98.7% of hex chrome emissions in the state not associated with chrome platers. The same toxic emissions are apparently not as toxic when emitted from refineries, cement plants, and powerplants.

A reasonable person who reads the "Appendix B - emissions inventory" would conclude that California chrome platers commonly violate their permitted emission levels. The published emissions inventory shows that more than 20% of chrome platers exceeded their permit level in many cases by very large margins. This is false and it has led the public to believe chrome platers are irresponsible violators. Three months ago, CARB notified the Metal Finishers Association that a member of the public had notified CARB that the published Emissions Inventory was incorrect. CARB agreed and cited a "spreadsheet error" as the cause. Despite this notification to the victim of the misinformation, CARB did not inform the public of this error, nor the media, nor has it provided a corrected emissions inventory to this day. The public has been deprived of the opportunity to make educated comment during a 60 day public comment period. The CARB board has been deceived. It is reasonable to conclude that public perception about chrome platers compliance with permit levels is now set. It will be difficult to change the public perception. It is astounding to me that incorrect data purporting to be an "emissions inventory" has been allowed to persist uncorrected in the public record during a rulemaking about those emissions, ...while the central advocacy of the Metal Finishers Association was for an emissions-based rule. If truth is part of the CARB mission, you should direct staff to correct the data immediately. Lacking that, please take down the incorrect data and provide notice to the public that they have been viewing incorrect data since November 29, 2022. Isn't the most pertinent data in an emissions rulemaking the emissions data?

A reasonable person hearing CARBs repeated assertions that "Hex Chrome is 500 times more toxic than Diesel Particulate Matter" will interpret this as a statement of risk and not of potency. They perceive that Hex Chrome must be killing them as they are already very familiar with the abundance of DPM in their

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communities. The hex chrome toxicity statement is used to provoke fear and divert attention. The establishment of fear disguises other inaccuracies and mis-directions in the materials supporting this ATCM which I will not take the time to name here. This messaging by CARB is clearly intentional but CARB knows that cancer risk is the combination of toxicity and dose. It is misleading to the layman to be presented with only toxicity information in the context of a more overarching health concern about cancer risk. If CARB believes a comparison to DPM is most helpful for understanding, CARB should also report the difference in prevalence between DPM and Hex Chrome. The AQMD MATES V study is useful here. See MATES V Appendix IX 88. It informs us that DPM has produced a cancer risk of 306.3 in a million while hexavalent chrome has a cancer risk of 7.13 in a million across the geographic area encompassed by MATES V. Backing through the math, this means that DPM is 4,520 times more prevalent (dose) than Hex Chrome. CARB staff has access to this information but is consciously choosing to mislead public perception about hex chrome cancer risk. So, it is not a surprise that CARB behavior doesn't match the rhetoric. In fact, according to CARB, 98.7 % of statewide hex chrome emissions don't come from chrome platers, yet CARB pursues the smallest source (platers) anyway. A true concern about toxicity would drive a different behavior than we see from CARB. Despite effective HEPA controls which have been in place within the chrome plating community for more than 20 years, CARB seeks to ban chrome platers but has not proposed any ban of hex chrome emissions from refineries, cement plants, or other types of major hex chrome emitters.

In the January 27 presentation to the board, CARB staff showed a chart stating that emissions from chrome platers have an upper bound cancer risk of "213 in a million". Individuals who spoke to the CARB that day were asked to take an oath prior to speaking. The "213 in a million" statistic is not correct. The LA Times editorial board has subsequently picked up that "213 in a million" probability and stated it as fact to support an editorial argument in favor of CARB's proposed ATCM. Specifically, they stated "large chrome-plating facilities have an estimated cancer risk of about 213 additional cases per 1 million people." A quick reference to Appendix F.14(b) on page F-28 and Appendix B reveals there is absolutely no factual basis for CARB's 213 in a million number. Why? Because there are exactly zero facilities that operate at or above 120,000,000 amp/hours per year in California. If such a large facility did exist, it would need to be operating without HEPA systems which would be in violation of most air district rules. Additionally, it would need to be operating within 16 feet of a receptor. There is no such facility in California! This is an entirely theoretical construction of a set of numbers, that in fact, do not represent any facility but are used strategically as the baseline from which this entire effort is being justified! It is plainly wrong. Yet CARB staff have spread it to the CARB board, to the public, and now to the media who have amplified it and used it to construct and recommend support for your proposal. CARB must immediately move to correct the public record and refute this number which has fooled even an experienced LA Times environmental editorialist.

My business, Aviation Repair Solutions, Inc. is damaged. By virtue of operating at more than 1,000,000 amp/hours annually, we have been portrayed by CARB and the LA Times as a "large chrome plater". The informed public by virtue of referring to CARB's presentation and by reading the LA Times could easily

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perceive us as creating a "213 in a million" cancer risk. Yet the same F.14(b) chart reveals that based only upon our size and distance from receptors, our risk is only 1 in a million and this doesn't even account for the efficiency of our HEPA system which operates 65 times more efficiently than the emission rate CARB used to construct this chart! This is an egregious assault on our reputation. I recommend you contact the LA Times to demand a retraction of their editorial.

The public deserves clean air. We are in complete support of applying AQMD Rule 1469 to the entire state. Why wouldn't we want our competitors to follow the same rules as us? We do not understand why CARB has not done that after four years of work. We do not understand CARB's apparent decision to elevate advocacy above truth. What is the mission of CARB? Is it advocacy? Or is it truth? The amount of misdirection, error, distortion, fear-mongering, and politics in this process would sicken a California Condor. Yet CARB was established to protect public health. Does CARB realize that departure from truth undermines credibility? If you lack credibility on this issue, how will it impact your work on others? Why does CARB find it necessary to misinform on this issue?

Let me remind you that we protect lives by repairing flight critical aircraft parts with hexavalent chromium plating. We are located in a non-residential area more than 1,000 feet from any receptor. We operate with a HEPA system which was most recently source tested at 0.000023 mg/amp hour. The system has push pull headers and fugitives are minimized. We have never used PFAS/PFOS. We welcome a rule which will allow us to continue operating in a non-residential area, with HEPA controls, without PFAS/PFOS. CARB should be proud that the cleanest chrome platers in the world operate in California. Don't eliminate us.

Please correct the deficiencies I have identified and send your response to me at jmeyer@aviation-repair.com. I look forward to it.

Sincerely,



Jim Meyer
President
Aviation Repair Solutions, Inc.

.cc Edie Chang