



February 12, 2018

Richard Corey
Executive Director
California Air Resources Board
1001 I Street,
Sacramento, CA 95814

Wayne Natri
Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Re: AB 617

Dear Mr. Corey and Mr. Natri,

The express goal of AB 617 is to “reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden.” Health & Safety Code § 44391.2(b). As organizations that work in communities suffering some of the highest cumulative exposure burdens and accompanying health impacts in the State, we know what problems need to be addressed. But bureaucratic energy on AB 617 appears to be spinning around more study and more voluntary efforts rather than adopting the plans and mandates that are necessary to finally address the impacts in these communities. For our communities being harmed by freight activities, we demand that ARB and the District move immediately to adopt direct and indirect regulations on the trucks and equipment responsible for the disproportionate impacts in our communities.

The current agency focus on voluntary incentives is not only inconsistent with the requirements of AB 617, it is wrongheaded from a policy perspective. AB 617 requires community emission reduction programs to include “specific reduction measures, a schedule for the implementation of measures, and an enforcement plan.” Health & Safety Code § 44391.2(c)(3). Merely setting aside a pool of funds that are available for voluntary projects does not assure any of these requirements will be met. A program built on voluntary measures could not assure specific reductions, a schedule for implementation, or enforceability. The statute contemplates that plans be built around enforceable mandates and specifically directs agencies to assess best available control technology mandates for the “measures” to be included in the community programs. *Id.* §§ 44391.2(b)(4) and (c)(2). Indeed, voluntary incentives are not mentioned anywhere in AB 617’s strategy for developing community emission reduction programs. Yet voluntary measures seem to be the primary focus of CARB and the South Coast Air Quality Management District.

Agencies need to change their policy priorities. Our communities need to see widespread electrification of freight vehicles and equipment. Such transformation will only occur if manufacturers receive a clear market signal in the form of regulatory mandates that they need to move away from combustion technologies. Spot incentives for select vehicle and equipment buyers will not send that clear signal and will create only niche markets for clean technologies. Subsidies are insufficient to spur large-scale investment in R&D, leverage economies of scale, and ultimately bring down costs. Indeed, to the extent subsidies are supporting technologies that are nominally “cleaner” but continue to pollute, subsidies under the AB 617 program could actually create the perverse incentive to locate more polluting businesses and supporting activities in disadvantaged communities.

If agencies are serious about finally addressing the historical neglect of environmental protections in disadvantaged communities, they must do their job and regulate polluters. AB617 directs CARB to develop and implement mobile source elements in the community emission reduction programs. Health & Safety Code § 44391.2(c)(4). To address freight impacts, this means direct regulations on trucks, ships, locomotives and cargo handling equipment. Many of these efforts are underway, and CARB should continue to include strong zero-emission mandates in order to drive the transformation necessary to address the impacts in our communities. In addition, CARB should be exploring its authority to regulate the use of dirty vehicles and equipment. While SB1 limited the ability to require retrofits of certain existing trucks, it did not limit CARB’s authority to regulate trucks that exceed their protected lifetimes, and it did not protect the ability of these trucks to operate in all areas at all times. CARB should explore use restrictions that protect our communities. Both CARB and the District should also use their oversight and regulatory authority to push back against projects like the proposed I-710 expansion. We don’t understand how at the same time air quality agencies are supposed to provide relief to communities most impacted by pollution, including those along the 710 corridor, another state agency – the California Department of Transportation (“CALTRANS”) – could be pushing a project to make conditions worse. It is our understanding that AB 617 seeks to make conditions better in communities, and if CARB and the District agree with that assessment, these agencies are required to oppose efforts to make conditions worse in communities like the proposal to add additional dirty diesel trucks lanes along the I-710.

The District must also use the AB 617 planning process to develop mandatory controls to address freight pollution. Specifically, the District must exercise its authority to adopt indirect source rules to regulate the design and operation of freight facilities including warehouses, marine ports, and railyards. These facilities should be required to install infrastructure to support zero-emissions vehicles and equipment, and should be subject to emission caps that drive innovation and adoption of clean technologies and processes.

AB 617 was adopted to finally address pollution in communities that have long been neglected by your agencies. The energy and intentions that led to AB 617 will be wasted if the plans and programs that result have no clear emission reduction requirements, no deadlines for action, and no enforceable mandates. We know the change that is necessary to address the impacts in communities harmed by freight. For AB 617 to succeed it must include action that demands that change.

Sincerely,

Michelle Hasson
Center for Community Action and Environmental Justice

Jane Williams
California Communities Against Toxics

Taylor Thomas
East Yard Communities for Environmental Justice

Erica Martinez
Earthjustice

Cc: Board Members, California Air Resources Board