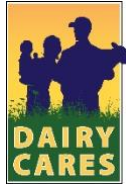


AFRICAN-AMERICAN FARMERS of CALIFORNIA



"Promoting Jobs in a Competitive Business Climate"



**Comments on final draft – AB 617 Blueprint  
(September 24, 2018)**

We are California statewide and regional business groups interested in effective implementation of Assembly Bill (AB) 617. We support AB 617's goals to reduce exposure in communities most impacted by air pollution. On July 23, 2018, our coalition submitted comments on the draft Blueprint. Now we offer these additional comments on the proposed Blueprint to be considered by the Board on September 27.

As reflected in these and prior comments, **we urge the California Air Resources Board (ARB) to adopt a program that is consistent with and complementary to existing air quality regulatory programs in the state.** AB 617 implementation must rely on quality data and input from actual residents and businesses located in the affected communities and technical experts to build effective monitoring and emission reduction programs. The AB 617 implementation process must also provide maximum opportunity for learning and program adjustments along the way.

**On behalf of the 69 organizations listed on this letter, we thank you for considering our comments.**

African American Farmers of California	California Manufacturers & Technology Association
American Association of Pistachio Growers	California Metals Coalition
Associated Builders and Contractors, Inc.	California Natural Gas Producers Association
Central California Chapter	California Small Business Alliance
Auto Care Association	Carson Dominguez Employers Alliance
Bay Planning Coalition	Chemical Industry Council of California
BizFed Central Valley	Climate Change Policy Coalition
BizFed Los Angeles	Construction Industry Air Quality Coalition
Building Owners and Managers Association	Coastal Energy Alliance
Business Resources Group	Council of Industries in Richmond
California Auto Body Association	Dairy Cares
California Automotive Wholesalers' Association	East Bay Leadership Council
California Business Properties Association	Fontana Chamber of Commerce
California Chamber of Commerce	Foreign Trade Association
California Citrus Mutual	Future Ports
California Cotton Ginners and Growers Association	Garden Grove Chamber of Commerce
California Cut Flower Commission	Greater Ontario Business Council
California Farm Bureau Federation	Harbor Trucking Association
California Fresh Fruit Association	The Industrial Association of Contra Costa County
California Fuels & Convenience Alliance	Industrial Environmental Association
California Furniture Manufacturers Association	Inland Empire Economic Partnership
California Independent Petroleum Association	The Institute of Scrap Recycling Industries
California League of Food Producers	International Council of Shopping Centers
	International Warehouse Logistics Association

Kern Citizens for Energy  
Kern County Homebuilders Association  
Kern County Taxpayers Association  
Los Angeles Area Chamber of Commerce  
Long Beach Chamber of Commerce  
Metal Finishing Association of Southern California  
Milk Producers Council  
National Association for Industrial and Office Parks  
Nisei Farmers League  
Pacific Merchant Shipping Association  
Printing Industry Association of Southern California

Orange County Business Council  
Regional Hispanic Chamber of Commerce  
San Gabriel Valley Economic Partnership  
San Pedro Chamber of Commerce  
Sentinel Peak Resources  
South Bay Association of Chambers of Commerce  
Valley Industry & Commerce Association  
Wager Association of Kern County  
Western Agricultural Processors Association  
Western Independent Refiners Association  
Western States Petroleum Association  
Wilmington Chamber of Commerce

Thank you for considering these recommendations for the proposed Blueprint:

- 1. Community selection criteria** – CARB appears to be relying on high level screening criteria developed for identifying *candidate* communities (e.g., use of CalEnviroScreen, presence of organized community groups, etc.) to make specific community monitoring and emissions reduction program recommendations for year one. In particular, CARB has not presented any information or preliminary analysis demonstrating that the seven communities it is recommending for emissions reduction programs are “sufficiently well-characterized” to support such programs (e.g., no identification of sources, no indication of relative source contribution and no clear indication that information exists to support such analyses).

*RECOMMENDATION: The community selection process must be more transparent and data-driven.*

- 2. Community boundaries** – The Blueprint and CARB’s 2018 Community Recommendations staff report suggest that final geographic boundaries for selected communities will be defined by Community Steering Committees (CSCs). Deferring this decision to the CSCs without further guidance is a recipe for greater confusion, conflict and delays in the AB 617 implementation process. Community boundaries should be clearly defined *before* any work begins on a community emissions reduction program, and those boundaries should include *all* sources that are likely to be subject to an emissions reduction program pursuant to Health and Safety Code § 44391.2 (b)(1) through (b)(4). This approach would have the dual benefit of ensuring that all sources potentially impacted by the emissions reduction program have an opportunity to participate in program development and eliminating the need to extend program requirements to sources “directly surrounding” the community. If the community boundaries cannot be clearly defined at the front end of this process, then the community is not sufficiently well-characterized to support an emissions reduction program and should begin with a monitoring program to fill identified data gaps.

RECOMMENDATIONS: CARB should add language requiring designation of final community boundaries before any work begins on a community emissions reduction program, and remove all language proposing application of program requirements to sources “directly surrounding” selected communities. CARB should also clarify that the air districts are responsible for designating community boundaries, in consultation with the CSCs.

- 3. Community monitoring campaigns** – The Blueprint and Appendices provide helpful additional language emphasizing the importance of defining the duration of monitoring programs and educating Community Steering Committee members and the public on “what air monitoring will achieve, potential limitations, what tools will be utilized to collect, review and interpret data, and how data will be used” (new language at E-7). The monitoring procedures and criteria established in Appendix E should also extend to any grants issued for community monitoring outside of formal AB 617 monitoring program communities to ensure that all monitoring data is properly generated, validated, communicated to the public and used in a manner consistent with its intended purpose and limitations.

RECOMMENDATION: CARB should incorporate Appendix E requirements as conditions for any grants that may be used to support community monitoring.

- 4. Emissions reduction programs** – We understand that the purpose of five-year deadlines for achieving emissions reduction targets is to ensure that limited AB 617 resources can be deployed in other communities that satisfy the statutory selection criteria. CARB should explicitly state this intent so that all stakeholders have a common understanding of program design limitations and duration.

RECOMMENDATION: The Blueprint documents should state that emissions reduction programs must be designed for completion in five years, taking into account what is technologically feasible, commercially available, achieved in practice, cost-effective and the result of source attribution analysis to ensure the program targets the sources that contribute to the cumulative exposure burden.

- 5. Source attribution** – We appreciate the expanded discussion of tasks required for community technical assessments including source attribution tasks in Appendix C (page C-14) and we look forward to additional information on how source attribution methodologies should be implemented in CARB’s online Resource Center. However, we object to CARB’s position that some communities can proceed directly to emissions reduction programs even where available data is not sufficient to support source attribution analysis. The statute requires an assessment of the need for source-specific mitigation measures to achieve emissions reductions commensurate with the source’s relative contribution (Health and Safety Code § 44391.2(b)(3)).

It is impossible to design an effective emissions reduction program that satisfies the requirements of this code section without first understanding which sources are contributing to air quality impacts in the selected community, the materiality of their contributions (i.e., are they significant or de minimis for one or more localized pollutants of concern) and how their contributions compare to those of other sources impacting the community. In cases where this information is not available, the first step should be to implement a monitoring program that is designed to fill the data gaps that preclude accurate and reproducible source attribution.

*RECOMMENDATION: CARB should direct air districts to fill source data gaps before moving into emissions reduction programs.*

- 6. Exceeding health-based standards** – While we appreciate that CARB has made some changes to prior language in the draft Blueprint documents, we remain concerned that the revised language in proposed Appendix C will still be interpreted to encourage air districts to set emissions reduction targets below applicable state and local health-based standards. ARB provides no clear justification for taking this step. National and California Ambient Air Quality Standards are developed through a rigorous standard-setting process designed to ensure a strong scientific consensus that the promulgated standards will protect public health.

Any direction to reduce emissions below these levels ignores this process and will lead to misallocation of AB 617 resources. “Reducing cumulative emissions burden” is an abstract concept that must be defined in emissions reduction programs. We agree with ARB that those programs should be focused on solving localized air quality problems within the scope of the statute (e.g., levels of PM 2.5 that contribute to localized exceedances of California’s Ambient Air Quality Standard and toxic air contaminant emissions that exceed local district significance thresholds).

Moreover, since AB 617 does not suspend or supersede existing air quality laws and regulations, community emissions reduction programs cannot include measures that seek to reduce emissions below applicable criteria pollutant standards or risk-based standards for toxic air contaminants.

*RECOMMENDATION: CARB should state that the purpose of setting emissions reduction targets is to help achieve applicable state and local health-based air quality standards in selected communities.*

- 7. Exceeding AB 617 statutory authority** – We are particularly concerned that Appendix C (language changes in bullet #5 on page 4) now requires that community emission reduction

plans must contain “regulatory, enforcement, incentive and permitting strategies” and the “most stringent approaches for reducing emissions.” These proposed requirements go well beyond the statutory requirements and set an impossible standard for community emission reduction programs, leaving them vulnerable to endless criticism about what strategies or measures qualify as “the most stringent approaches.” This language is not moderated by what is technically feasible or cost-effective – only by what is “applicable” – and therefore is highly subjective. CARB should not promote this unbounded approach in any community because it will inevitably deny AB 617 resources to other communities facing high cumulative exposure burdens.

RECOMMENDATION: CARB should remove all references proposing use of “the most stringent approaches” and explicitly state that the identified program elements are options that may be selected by the air district to the extent they are technically feasible, commercially available, achieved in practice, cost-effective and necessary to achieve emissions reduction targets in the prescribed timeframe.

8. **Cost-effectiveness and technical feasibility** – We appreciate new language in Appendix C requiring cost-effectiveness analysis for any measure considered in an emissions reduction program, and language in Appendices D and F indicating AB 617 “incentive actions” will be contingent on evaluation of several balancing factors including “technical feasibility” and “economic competitiveness.” This approach will be necessary to ensure that AB 617 resources are invested for maximum benefit in selected communities and that resources will be available to develop AB 617 programs in additional communities in future years. All statements expressing a preference for control technologies that provide “the greatest emissions reduction potential” or zero emissions technologies should be explicitly tied to these requirements.

RECOMMENDATION: At a minimum, all references to potential control technologies or emissions reduction measures should include the statutory requirement for evaluation of cost-effectiveness.

9. **Land use measures** – While we appreciate additional clarification in the Blueprint on the separation of powers between local land use agencies and air quality agencies, the Blueprint still advocates for land use measures that would apply retroactively to existing land uses, including but not limited to termination of incompatible land uses. The City of Paramount has recently demonstrated that municipal zoning codes can be updated to accommodate existing land uses while simultaneously reducing air quality impacts in surrounding neighborhoods and preventing or substantially mitigating potential impacts associated with new or modified land uses. CARB should encourage a similar approach in the Blueprint.

RECOMMENDATION: CARB's land use measures discussion should clarify that proximity restrictions are only appropriate in the context of updated zoning codes for proposed new land uses or modifications to existing land uses.

**10. Changes to facility design and activity limits** - The Blueprint encourages air districts to consider retroactive changes in facility design and limits on facility activity levels. Such unprecedented retroactive measures would violate long-standing statutory and regulatory protections allowing stationary sources to continue to operate provided they meet applicable, cost-effective criteria pollutant and local risk-based standards for new, modified and existing sources. AB 617 does not alter, suspend or supersede these existing requirements. Therefore, when considering the feasibility of **any** potential emissions reduction measures in a given community, the air districts must also consider whether those measures would satisfy existing statutory and regulatory requirements.

RECOMMENDATION: The Blueprint should clarify that any potential emissions reduction measures must be consistent with existing statutory and regulatory requirements.

**11. Community Steering Committee makeup** - We appreciate new references to inclusion of facility managers/workers in Community Steering Committees (CSC) but are concerned about the emerging pattern of delegating decisions to the CSCs that the statute assigns to ARB and the air districts (see "Community boundaries" above). The statute clearly stipulates a consultation (advisory) role for the CSCs (Health and Safety Code § 44391.2(b) and (c)(1)).

Moreover, as noted above, ARB's proposed approach would greatly complicate the CSC process by raising questions about which stakeholders should be included and their role in the decision-making process. These added complications would inevitably delay implementation of monitoring and emissions reduction programs and achievement of emissions reduction targets. To address this concern, ARB and the air districts must maintain their independent judgement and decision-making authority in the CSC process.

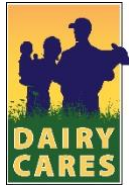
RECOMMENDATION: CARB should stipulate that the air districts are the final decision-making authority in the CSC process, not the CSCs.

**12. Program adjustments** – We appreciate that ARB has recognized the need for ongoing program adjustments by placing several elements in its online Resource Center. It is our understanding that this action means information on monitoring protocols and technologies, source attribution methodologies, the Technology Clearinghouse, land use guidance and other important features can be updated as necessary without the need for formal Board approval. This administrative flexibility should include regular opportunities for stakeholder engagement and input.

*RECOMMENDATION: All future AB 617 program updates should be subject to stakeholder review and comment.*

Attachment: Initial Coalition Letter – Updated August 17, 2018 with 58 Coalition Members.





California Construction and Industrial Materials Association



"Promoting Jobs in a Competitive Business Climate"



## Comments on AB

### 617 Blueprint

*August 17, 2018 – Updated Coalition*

We are regional groups in California interested in effective implementation of Assembly Bill (AB) 617. We support the goals of AB 617 to reduce exposure in communities most impacted by air pollution.

However, we believe the draft Blueprint and Appendices falls short in areas that are critical to providing the necessary guidance, criteria and successful implementation of AB 617. We urge the California Air Resources Board (ARB) to adopt a program that is consistent with and complementary to existing air quality regulatory programs in the state. AB 617 implementation must rely on quality data and input from actual residents and businesses located in the affected communities and technical experts to build effective monitoring and emission reduction programs. The AB 617 implementation process must also provide maximum opportunity for learning and program adjustments along the way.

Therefore, we make comments and recommendations on the following features of the Blueprint and associated Appendices:

1. AB 617 community monitoring and emissions reduction programs must be limited to criteria pollutants and toxic air contaminants.
2. The community selection process should be standardized and data-driven.
3. Community monitoring campaigns should employ validated sampling protocols and use properly calibrated technologies.
4. Community monitoring campaigns and emissions reduction programs should be goal-oriented and time limited.
5. ARB should include additional detail on how source attribution will be employed in emissions reduction programs and which emissions reduction methods are appropriate under certain circumstances.
6. Community emissions reduction programs should be technology-neutral and performance-based, account for feasibility, engineering capability, cost-effectiveness and include workable project implementation timeframes.
7. Businesses operating in selected communities must be stakeholders in the Community Steering Committee process.
8. A formal mechanism must be created to make periodic adjustments to AB 617 program requirements based on information gathered during the course of AB 617 implementation.

**On behalf of the 58 organizations listed on this letter, we thank you for considering our comments.**

American Pistachio Growers  
Associated Buildings and Contractors, Inc. Coastal  
California Chapter  
Auto Care Association  
Bay Planning Coalition  
BizFed Central Valley  
BizFed Los Angeles  
Building Owners and Managers Association  
California Automotive Wholesalers' Association  
California Business Properties Association  
California Chamber of Commerce  
California Citrus Mutual  
California Construction and Industrial Materials  
Association  
California Cotton Ginners and Growers Association  
California Farm Bureau Federation  
California Fresh Fruit Association

California Fuels & Convenience Alliance  
California Furniture Manufacturers Association  
California Independent Petroleum Association  
California League of Food Producers  
California Manufacturers & Technology Association  
California Metals Coalition  
California Natural Gas Producers Association  
Carson Dominguez Employers Alliance  
Chemical Industry Council of California  
Climate Change Policy Coalition  
Coastal Energy Alliance  
Dairy Cares  
East Bay Leadership Council  
Foreign Trade Association  
Garden Grove Chamber of Commerce  
Harbor Trucking Association  
The Industrial Association of Contra Costa County

Industrial Environmental Association  
Inland Empire Economic Partnership  
The Institute of Scrap Recycling Industries  
International Council of Shopping Centers  
International Warehouse Logistics Association  
Los Angeles Area Chamber of Commerce  
Long Beach Chamber of Commerce  
Milk Producers Council  
National Association for Industrial and Office Parks  
National Association of Royalty Owners – CA Chapter  
Printing Industry Association of Southern California  
Orange County Business Council  
Regional Hispanic Chamber of Commerce

San Gabriel Valley Economic Partnership  
San Pedro Chamber of Commerce  
Sentinel Peak Resources  
South Bay Association of Chambers of Commerce  
Valley Industry & Commerce Association (VICA)  
Water Association of Kern County  
West Contra Costa County Council of Industries  
Western Agricultural Processors Association  
Western Independent Refiners Association  
Western Plant Health Association  
Western States Petroleum Association  
Wilmington Chamber of Commerce

**1. AB 617 community monitoring and emissions reduction programs must be limited to criteria pollutants and toxic air contaminants.**

The statute states clearly that the focus of community-level monitoring programs under AB 617 should be to reduce toxic air contaminants and criteria air pollutants (California Health and Safety Code § 42715.5 (b)). Similarly, community emissions reductions programs must be designed to “reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden” (CH&SC § 44391.2 (b)). ARB has appropriately adhered to these explicit statutory constraints by specifying in Appendix C that community emissions reduction programs will focus on localized sources of particulate matter (PM) 2.5 and toxic air contaminants. However, the Blueprint would benefit from more discussion on the importance of differentiating local PM 2.5 sources from contributions that originate outside of the target community.

The statute also requires ARB and the air districts to focus limited program resources on “the highest priority locations around the state ... which shall be communities with high exposure burdens for toxic air contaminants and criteria air pollutants” (CH&SC § 42705.5 (c)). The Blueprint document does not provide sufficient information describing how ARB will ensure that this statutory directive is achieved. To the contrary, it contains proposals that suggest a very coarse screening process and actions in all “nominated” communities, including those *not* selected for AB 617 programs. This approach disregards the statutory directive to prioritize among the most highly burdened communities and will dilute program resources, limiting the air quality benefits that can be achieved in those communities. We request that ARB work with stakeholders to develop more rigorous screening criteria consistent with the statutory requirements.

We have noticed an extensive discussion in public meetings about the appropriate role for health effects indicators such as asthma rates, cancer incidence and hospital admissions in the AB 617 program. Public health professionals have repeatedly attested to the fact that air quality is only one of many factors that can influence public health outcomes in a given community.<sup>1</sup> In that regard, we support ARB’s decisions in Appendix B to limit use of public health indicators only to initial community screening and in Appendix C to focus community emissions reduction programs on reducing individual criteria air pollutant and/or toxic air contaminants that drive air pollution burden in the selected community. We also support ARB’s statement on page C-4 that “Meeting State and federal PM2.5 and ozone standards is ... the current focus of California’s criteria air pollutant programs.”

However, we do not believe it is appropriate for ARB to encourage districts to go below State or Federal air quality standards to “reduce the cumulative exposure burden” (page C-13) as this position contradicts ARB’s statement at C-

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<sup>1</sup> For example, the Alameda County Public Health Officer identified multiple factors that influence community health in a presentation to ARB’s AB 617 Consultation Group on March 26, 2018, entitled *Air Pollution Risk and Vulnerability to Health Impacts: A Look at West Oakland* ([https://ww2.arb.ca.gov/sites/default/files/2018-03/capp\\_consultation\\_group\\_march\\_2018\\_alameda\\_county\\_health\\_presentation.pdf](https://ww2.arb.ca.gov/sites/default/files/2018-03/capp_consultation_group_march_2018_alameda_county_health_presentation.pdf); slide 16).

4 and may only shift air quality burdens from one community to another. We trust this is not ARB's intent, and therefore urge ARB to clarify that the focus of the 617 program is to achieve the established health-based federal and state air quality standards.

*Recommendation: We request ARB work with stakeholders to develop more rigorous community screening criteria and further clarify that the goal of the AB 617 program is to achieve PM 2.5 and air district toxic air contaminant standards. ARB should remove any references that would allow districts to implement reduction targets below the current air quality standards.*

## **2. The community selection process should be standardized and data-driven.**

AB 617 is intended to benefit those communities most heavily burdened by exposure to toxic air contaminants and criteria pollutants. It is not a blanket mandate for every region throughout California to have equal ambient criteria and toxic emissions. ARB should further define those specific areas in a given region where validated emissions data shows a documented emissions burden that is disproportionately higher than other areas within the region. This approach will ensure the selection process is not co-opted by local political interests who may demand AB 617 prioritization regardless of what the data show.

The criteria specified for community self-nominations are lacking in comparison to the criteria required for air district nominations. Varying levels of rigor in the information provided to support community nominations is inappropriate and may lead to community selection for reasons other than disproportionate air quality burden. While we appreciate ARB's stated intent to complete technical assessments for all nominated communities, this is likely to be a highly resource-intensive exercise that will delay the community screening process and implementation of emissions reduction programs in the most highly burdened communities.

The Blueprint offers examples of screening tools that may be used by air districts and ARB in the community selection process, including ARB's Environmental Justice Screening Method, CalEnviroScreen 3.0, the California Healthy Places Index and ARB's Pollution Mapping tool. With the exception of CalEnviroScreen, which ARB previously acknowledged is not designed to identify communities with disproportionate **air quality** burdens, it is unclear whether the identified tools are appropriate for community selection because, to the best of our knowledge, they have not been subject to external peer review or public review and comment.

*Recommendation: ARB should revise its proposed community selection criteria to ensure that community nominations are based on disproportionate air quality impact and that only the most heavily burdened communities are selected in a given geographic region.*

## **3. Community monitoring campaigns should employ validated sampling protocols and use properly calibrated technologies in accordance with accepted regulatory standards specifying minimum requirements for quality assurance and quality control.**

The Blueprint speaks in general terms about the need for validation and verification of community monitoring data but does not provide any specifics about how this will occur or what standards must be met. Regulatory agencies cannot formulate effective air quality policy without ensuring the validity and reliability of emissions data being considered. For this reason, ARB and the local air districts, along with the US Environmental Protection Agency (EPA), have established rigorous regulatory standards for the proper collection of emissions data, including requirements for calibration and maintenance of monitoring equipment, use of approved methodologies and adherence to defined collection procedures. We appreciate that ARB has provided guidance in Appendix E that seems to anticipate a similar approach, but it is **critical** that ARB define a much more specific process for the quality

and validation of data developed during the implementation of AB 617 and take steps to ensure that process is applied consistently across all air districts.

ARB's focus on increasing community-based monitoring, including new grant programs to provide monitoring equipment and training to community groups, raises potential issues of transparency in terms of the methodologies and collection techniques, much of which may occur beyond the public eye. Without adequate agency guidance and oversight, it will be difficult, if not impossible for agencies to evaluate inaccuracies or biases in the collection and reporting of data. The problem is likely to be compounded if such questionable data is then made widely available and relied or insisted upon by community residents, political action groups and other oversight agencies to justify regulatory decisions affecting those communities. Propagation of potentially inaccurate or unreliable data will be in no one's best interest and ARB and the air districts will be in the untenable position of having to mediate disputes between stakeholders concerning the proper interpretation and use of the data.

Before relying on community-generated data, CARB and the air districts must carefully review the validity and verifiability of that data and determine whether that data is corroborated by independent data from one or more sources of agency-approved monitors. CARB and the districts should further specify that community generated data not corroborated in this way cannot be the only basis for justifying enforceable emissions control strategies, whether under AB 617 or otherwise. In the interest of transparency, all sampling and analytical methods, all data produced from AB 617 community monitoring programs and agency QA/QC analyses should be made available for public review.

*Recommendations: We strongly recommend that ARB add a new section to Appendix E of the Blueprint that specifically describes a clear technical evaluation and educational process for collecting, analyzing and communicating community monitoring data to the public. This program section must clearly outline how data will be determined to be accurate, and how the data can and cannot be used. This information is critical to ensure that all stakeholders have a full understanding of what the data means, especially in the context of community emissions reduction programs, and most importantly to avoid future disagreements between community groups, air districts and ARB as the agencies implement AB 617.*

#### **4. Community monitoring campaigns and emissions reduction programs should be goal-oriented and time limited.**

Community monitoring campaigns should be sufficiently detailed in design and their duration should be explicitly outlined to accurately assess air quality impacts in the selected community, support decisions about the need for an emissions reduction program, and in cases where such programs are developed, to track progress toward achieving defined program goals. Community monitoring should not continue in perpetuity or be extended solely on the basis of community demands or changes in monitoring technology.

Similarly, community emissions reduction plans should sunset once the emissions reduction goals or actions specified in ARB-approved community emissions reductions programs have been achieved. Setting vague or open-ended goals for these communities could lead to excessive resource commitments, not only to eliminate a disproportionality, but also to engage in a potentially endless process of requiring air quality goals above and beyond other non-program communities. Program goals must also be based on actual and verifiable emissions data. A reduction in the number of notices of violation and other enforcement actions, in contrast, is a poor metric because it will not directly measure whether the community's particular emissions burden has been reduced in relation to other communities.

These concerns speak to the long-term sustainability of a program that is intended to expand into additional communities over time. As ARB is aware, the Legislature did not identify a permanent source of revenue for AB 617 implementation. The Blueprint must address how ARB and the air districts will conclude AB 617 work in some communities to create sufficient capacity for new programs in other communities.

*Recommendation: We urge ARB to include specific language in Appendix E that will ensure monitoring programs have sufficiently defined goals and program end dates to adequately assess air quality impacts in a community and provide accurate information in support of emissions reduction programs.*

**5. ARB should include additional detail on how source attribution will be employed in emissions reduction programs and which methods are appropriate under certain circumstances.**

AB 617 requires identification and assessment of sources contributing to elevated exposure to air pollution in impacted communities and an estimate of their relative contribution (CH&SC § 44391.2(b)(2)). Selection of additional measures in community emissions reduction programs should be based on rigorous source apportionment which accounts for transport of pollutants and precursors from outside the monitoring area and without bias for source type (point, mobile, area) or sector (industrial, agricultural, residential, commercial). The Blueprint documents acknowledge the statutory requirement to identify sources contributing to the disproportionate emissions burden and to determine the relative contribution of each source (ARB uses the term “source attribution”) but are silent on how the districts should approach this analysis or what methods they should use in a given set of circumstances. These issues are deferred to ARB’s online “Resource Center” for further development, which will limit transparency and opportunities for public review and comment. Source apportionment methods should be made available to the public, including all background assumptions and appropriate references to support those assumptions, along with guidance on proper method application and interpretation.

The Blueprint documents also suggests that in some cases assessment of data gaps may occur *after* a community has been selected for an emissions reduction program. It would be inappropriate to select a community for an emissions reduction program until any significant data gaps are filled and this process may require community monitoring as a first step in determining community eligibility. For example, additional monitoring may be necessary to accurately characterize contributions from major transportation corridors adjacent to stationary sources, to ensure that emissions reduction program measures target the actual emissions sources. In any case, a more rigorous approach to source attribution is necessary to ensure that AB 617 programs actually result in meaningful improvements in community air quality.

Community emissions reduction program measures should also be structured around existing state and federal air quality standards and regulatory thresholds. Community emissions reduction programs should not include requirements that reach beyond ARB and air district regulatory jurisdiction. The Blueprint includes an extensive discussion of the impact of local land use decisions and offers examples of extreme measures for consideration in AB 617 emissions reduction programs, such as minimum setback distances and revocation of existing land use authority. Under California law, CARB and the local air districts are prohibited from infringing on cities, counties and regional planning agencies’ jurisdiction to plan and control land use. (CH&S Code 40414, 40468, 40716(b), 40717.5(c), 40717.6(c), 41015, 43018(c)(3)). AB 617 programs will be developed by air districts and approved by ARB, yet none of these agencies has the statutory authority to regulate local land use decisions. The Blueprint should not suggest that AB 617 would somehow compel certain local land use planning decisions, but that those oversight agencies will be assisted by the information, resources and collaboration of ARB, the districts and the communities at issue. Accordingly, local land use measures do not belong in an air district emissions reduction program.

We appreciate ARB’s enumeration of existing and planned emission reduction regulations and incentives and we support statements in the Blueprint that these programs should be taken into account in AB 617 community emission reduction plans.

*Recommendations: ARB should include additional detail on how source attribution will be employed in emissions reduction programs and which methods are appropriate under certain circumstances. Community emissions reduction programs should not include requirements such as land use restrictions that reach beyond ARB and air district regulatory jurisdiction.*

**6. Regulatory actions should be technology-neutral, account for feasibility, engineering capability, and cost-effectiveness and include workable project implementation timeframes.**

The Blueprint minimizes the role of cost-effectiveness in evaluating emissions reduction program measures, despite clear statutory direction to air districts to select cost-effective measures (CH&SC § 44391.2(c)). Other important considerations that will impact overall program success, such as technical and engineering feasibility and reasonable implementation periods are also given inadequate treatment in the Blueprint documents. A greater focus on these issues will be necessary to maximize emissions reductions and program benefits for selected communities in a cost-effective manner. Failure to address these issues in the implementation process will only lead to misdirection of program resources and results that do not achieve program objectives.

The Blueprint continues to elevate zero emissions strategies over alternative measures, despite the fact that AB 617 does not mandate or even suggest this approach. Rather, the statute requires consideration of multiple emissions control options that may accomplish the emission reduction objective(s) (CH&S § 40926.6(a), § 44391.2). Before selecting a measure or measures for inclusion in a community emissions reduction program, a district must assess which control measures are available, achievable and cost-effective. The bias in the draft Blueprint toward zero emissions strategies diminishes the potential for deployment of more cost-effective and immediately feasible near-zero emissions technologies, even if those technologies would match or outperform zero emissions strategies in the affected communities.

*Recommendation: ARB should include more descriptive and balanced language in the Blueprint that ensures the districts and ARB evaluate technical and engineering feasibility and cost-effectiveness for any proposed control measures as required under AB 617 and all applicable air quality laws and regulations.*

**7. Businesses operating in selected communities should be stakeholders in the Community Steering Committee process.**

The Blueprint's guidance on formation of Community Steering Committees recommends that the committee include members "who live, work or own businesses within the community" (Appendix C, p. 7), but does not specifically require or recommend including on the committee the actual regulated business stakeholders who will be asked to directly implement the emissions reductions. Participation of the regulated industry stakeholders on the Community Steering Committees is critical to ensuring that air quality objectives and proposed reduction plan elements are achievable and likely to be effective in practice. Accurately understanding the concerns and practical realities of the regulated businesses is indispensable to the Committee's effective function. Business involvement is also necessary to ensure that baseline technical assessments of emissions inventories and sources are done correctly and completely.

While the air districts should lead the Community Steering Committee process, ARB also needs to play an active role to oversee development of monitoring and emissions reduction programs, to ensure proper treatment of mobile sources over which it has exclusive jurisdiction and to provide additional data and analysis to support science-based program decisions.

*Recommendation: ARB should specify inclusion of regulated business stakeholders, small and large, in the Community Steering Committee since these stakeholders are most likely to be subject to emissions reduction requirements and whose input is critical to the success of the programs.*

**8. ARB should create a formal mechanism to make periodic adjustments to AB 617 program requirements based on information gathered during initial implementation.**

AB 617 prescribes novel, untested requirements. The technical complexity of measuring localized emissions with the level of precision necessary to inform effective emissions reduction programs, ongoing program expansion and the unprecedented cooperation envisioned in ARB's Blueprint means that the need for program-wide course-corrections is inevitable. Lessons learned from the first round of community monitoring and emissions reduction programs will inform the need for changes in state and local air district implementation strategies and this iterative process will be critical to the success and sustainability of the overall program. The Blueprint should anticipate this eventuality by including a formal mechanism for updating the statewide monitoring plan and emissions reduction strategy. The process should be transparent, with opportunities for public review, comment and approval by local district and ARB governing boards. It should also include recommendations to the Legislature for any statutory changes that may be necessary to address circumstances not known at the time the enabling legislation was approved.

*Recommendation: ARB should include a provision in the Blueprint that will allow a time-based review of the program, including, but not limited to, the statewide monitoring plan and emissions reduction strategy.*