



December 5, 2019

VIA ELECTRONIC MAIL

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Board Docket for December 12-13 Board Meeting
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Comments on Second Round Community Selections and First Round Community Emissions Reduction Plans

To the California Air Resources Board:

The undersigned environmental justice organizations respectfully submit these comments regarding the Assembly Bill (“AB”) 617 Community Selection for Second Round Communities and the First Round Community Emissions Reduction Plans.

Our communities are breathing some of the most polluted air in California and the country, and we are bearing the severe health, social, and economic costs associated with that pollution. The core purpose and intent of AB 617 is to produce real, significant emissions reduction and better the air in the most impacted communities throughout California. This bottom-line requirement of the Community Emissions Reduction Plans (“CERPs”), however, has largely not been accomplished in this first round. In order for this program to meet the vision of its statutory mandate, and to reduce the severe burden many communities face, we request that concrete improvements are made in the program moving forward. We further request that steps are made to develop measures that will apply to all impacted communities, not just those few that are selected. An approach that focuses on reducing pollution in specific sectors and reducing overall cumulative emissions burdens will help ensure that impacted communities not selected for CERPs are not left further behind.

As related to the Second Round Community Selection, we were disappointed to see that CARB is only nominating a few communities in this next cycle even though the AB 617 budget remains largely the same. This means that hundreds of deserving communities will again not be chosen for the development of a CERP and the prioritization that relates to that designation. Although we believe that CARB could and should choose additional communities, the limited selection of communities would be understandable *only if* CARB improves the CERP process and improves its community selection process moving forward. We have the following four requests:



- 1) CARB should improve the CERP process to ensure that real reductions occur and that the CERPs are consistent with community priorities;
- 2) CARB should work to improve the transparency in the community selection process by clearly identifying selection criteria as well as other communities to be targeted in future cycles. CARB should seek further opportunities for additional funding;
- 3) CARB should clarify that all monitoring communities and additional communities prioritized by air districts qualify for CERPs; and
- 4) CARB should minimize competition between communities and support capacity building. As part of this, CARB should develop an approach to ensure that the accomplishments from the CERP process can be applied to all impacted communities by developing a sector-based approach.

This comment letter is not organized by priority, or intended to be exhaustive. We recommend specific steps to improve the overall AB 617 process, but these measures should be continued to be informed by the very communities that are and continue to be impacted by high pollution levels. We strongly urge CARB and air districts to work with these communities to develop rules and regulations to reduce emissions.

I. THE AB 617 CERP PROCESS NEEDS TO BE IMPROVED.

At a minimum, CERPs should result in substantial and quantifiable reductions that are above and beyond what is already required under existing law and regulations. CERPs and the measures within them need to be consistent with the priorities identified by community residents through documented outreach and engagement processes. Disappointingly, most of the first round of CERPs largely do not meet these most basic requirements. First, we describe the failures and lessons learned from this initial cycle of CERPs, and then we present a series of recommended improvements for the CERPs to ensure that they result in real improvements to communities.

A. Failures and Difficulties in the First Round of CERPs

1. Unclear Whether CERPs Result in Emissions Reductions Above and Beyond What is Already Required

The biggest failure of the first round CERPs is that most of them do not appear to result in concrete emissions reductions beyond what is already required by existing programs and laws. The CERPs thus do not reflect the thoughtful community-by-community evaluation that many were hoping to see. Rather, the majority of CERPs rely on such items as enforcement,



incentives, and outreach rather than actual concrete regulatory requirements. Potential targeting of incentives, while important, does not provide communities with assurances that emissions in their community will decrease. Many more measures are just as vague and refer only to potential future actions—not real actions that will lead to emissions decreases. These vague measures fail to meet CARB’s requirement to “maximize reductions” of emissions.¹

In addition, many CERPs have identified mobile source concerns, and it is not clear that CARB is meeting the requirement to develop and implement mobile source elements concurrent with the development of CERPs as required under AB 617. CARB appears to be taking some state-wide actions on extended timelines, but it is not clear whether CARB is using the results of the CERP process to speed up regulatory measures or target specific regulatory measures at overburdened communities. Most communities suffer from significant mobile source pollution, and as AB 617 requires, CARB should be developing specific, targeted mobile source elements of the CERPs concurrent with their development.

Community-specific examples of these issues are:

Fresno CERP:

- The Fresno CERP fails to include clear quantifiable emissions reduction targets for several emission sources including heavy duty mobile sources, older/high polluting cars, residential burning, agricultural open burning, industrial sources, land use and urban sources, exposure reduction measures, and health protective targets.
- The Fresno CERP does not review current rules and regulations for potential strengthening, expansion, or adoption of more health protective rules and regulations.

San Bernardino, Muscoy CERP:

- The San Bernardino, Muscoy CERP does not include direct actions or emission reduction requirements for major sources in the community including the concrete batch, asphalt batch, and rock/aggregate plants.
- In the San Bernardino Muscoy CERP, the only potential action that may require regulation beyond what the District is already doing is the indirect source rule and this is not specific to the community. The District had authority to do the other actions described in the CERP, such as increased enforcement and monitoring, even without the CERP process.

Boyle Heights / East Los Angeles / West Commerce Community CERP:

¹ See CARB Blueprint, Appendix C, p. C-17.



- The Boyle Heights / East Los Angeles / West Commerce Community CERP does not include any direct action or emission reduction requirement for major sources identified by the community such as rendering or industrial facilities. For many facilities, it appears that the District is only planning to monitor the emissions, but there is no clear action of whether to conduct regulatory activities if that monitoring shows an issue. Rendering plants in the area have a history of odor complaints, providing sufficient evidence on the need for tightening regulations. There is also a need not only for monitoring but emissions reductions for railyards.
- In the Boyle Heights / East Los Angeles / West Commerce Community CERP, the only potential action that may require regulation beyond what the District is already doing is the indirect source rule and this is not specific to the community. The District had authority to do the other actions described in the CERP, such as increased enforcement and monitoring, even without the CERP process.

Shafter CERP:

- The Shafter CERP does not include any direct action for major sources identified by the community such as industrial sources. Although the CERP proposed to evaluate the feasibility of further reductions, it fails to include any commitment.
- The Shafter CERP does not propose any concrete regulatory action beyond what the District is already doing. Rather, the CERP relies on actions that it could have undertaken without the CERP such as incentives, projects and actions it was already undertaking, inspections, increased enforcement, and education.
- While the Shafter Steering Committee overwhelmingly highlighted pesticides as a top area of concern, there are no actual meaningful reductions of pesticide toxic air contaminants. While we recognize the jurisdictional limitation of pesticides in their “pesticidal use,” CARB and the Air District, has at the very least, concurrent jurisdiction of pesticides that are also toxic air contaminants. CARB and APCDs have primary authority to regulate TAC emissions originating from pesticides once the pesticide TACs have become waste gases and entered the ambient air.

Wilmington / Carson / W. Long Beach CERP:

- While oil refinery CERP measures were greatly improved by SCAQMD due to community input, mobile source measures remain very weak.



2. CERP Process Issues and Concerns

Many CERPs were also developed in a process that was largely air-district driven, not community driven. This resulted in a number of issues and concerns for several of the CERPs, including an unclear conflicts of interest requirements for members of the Steering Committees, difficulties obtaining translated material, an unclear schedule and timeline for decision-making, and a lack of efficient facilitation. Due to the lack of a transparent and inclusionary process, Steering Committee members were not able to participate in the decision-making process to the extent that was envisioned.

a. Conflicts of Interest of Members of Steering Committees

Several members of AB 617 Community Steering Committees raised concerns about conflicts of interest among members of their committees. Specifically, Steering Committee members were concerned that members of their committees had a potential financial interest in issues being discussed by the committee, that those potential conflicts had not been disclosed, and that those members with the conflicts were voting on and discussing items that directly related to their financial interests. Due to this, stakeholders did not know if and when some Committee members had a potential conflict of interest related to an action being discussed. In other cases, stakeholders knew that other members had a clear conflict. This lack of transparency and fair policy resulted in mistrust of the process and decision-making. To help reduce this mistrust, the California Environmental Justice Alliance (“CEJA”) and several CEJA members asked CARB and the air districts to develop disclosure requirements and a recusal process,² similar to what the California Public Utilities Commission and the California Energy Commission require of their Disadvantaged Community Advisory Group.³ CARB and the air districts failed to require a conflict disclosure or develop a recusal process, which meant the mistrust previously identified remained throughout the process.

b. Difficulties with Translation of Materials and Interpretation

Although CERP processes attempted to provide translation of materials, there were significant difficulties throughout the process that can be corrected in future CERPs. Issues with translation of materials arose in several of the CERPs. This included not being provided the materials with enough time to review and not having key documents translated. For example:

² See Feb. 22, 2019 CEJA Letter to CARB.

³ See, e.g.,

<https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/UtilitiesIndustries/Energy/EnergyPrograms/Infrastructure/DC/Discussion%20on%20Conflicts%20of%20Interest%20with%20Disadvantage%20-%20v2.pdf>



For example, while the San Joaquin Valley Air District took steps to ensure an inclusive process in response to community requests that it do so, several issues arose throughout the process including lack of translated materials to facilitate authentic participation at steering committee meetings, highly technical data released without context and without opportunities for meaningful discussion among steering committee and general public. For example, the air district failed to allow non-English speaking residents to fully and intentionally review the final CERP prior to the Governing Board's approval. Several Steering Committee members are monolingual Spanish speakers who requested well in advance that the materials be provided in their primary language. The final CERP was not mailed, or emailed in time sufficiently in advance of the approval meeting to give these members and other members of the public the opportunity to review it in their primary language.

c. Unclear Process and Schedule

Many Community Steering Committees did not have a clear process and schedule to develop emission reductions. Many of the meetings at the beginning were not designed for providing feedback, which resulted in nearly all the potential emission reduction measures only being discussed at the end of the process. Also, agendas were often not provided with sufficient advance notice to provide opportunities for real feedback. In addition, it was unclear to many Community Steering Committee members how their feedback was considered in the process. This unclear process and schedule did not allow for full participation by the Steering Committee or the development of comprehensive emission reduction measures informed by the committee.

d. Not Include Community Facilitation

Although at least one air district partnered with a community group to lead the CERP process, many of the other CERP processes suffered from facilitation issues.

For example, at Fresno's October 23rd Community Steering Committee meeting, a community exercise was facilitated that did *not* allow real time discussion between community members and Air District staff. The activity required committee members to make rushed decisions in prioritizing CERP measures, did not allow adequate time for a thorough review of the measures first before submitting responses, and did not include clear community priorities that had been left out of the CERP. Furthermore, the results of prior exercises were not provided until requested from a Community Steering Committee member. Providing feedback to an air district in this manner is *not* inclusive or seen as valuable consultation to the committee. Rather, providing a facilitated, purposeful, and real time public discussion among committee members and air district staff would have been more productive and provided a platform for the committee and community members to make public statements.



e. Measures Not Consistent with Community Priorities

Because many of the processes were driven by the air districts, not the communities, CERPs do not include measures consistent with the community priorities. For example:

The Fresno does not include regulatory and enforcement strategies necessary to achieve the ultimate goal of improved community air quality. CERP promotes biodiesel and renewable diesel fuels even though community members have requested investment in zero emissions technology and infrastructure.

- The Fresno CERP does not include strategies to reduce emissions from heavy-duty mobile sources or regulate TAC emissions from pesticides that have become waste gases in ambient air, despite continued requests from community residents.⁴
- The San Bernardino, Muscoy CERP does not include real concrete emission reduction measures for pesticides even though it was identified as a top-priority.
- The Boyle Heights / East Los Angeles / West Commerce Community CERP does not include any direct action for rendering facilities even though community members identified rendering as a top concern.

B. Recommended Improvements

1. CARB Should Only Approve CERPs that Have a Continued Commitment to Real Emissions Reductions

As described above, many CERPs do not include measures that will ensure emissions reductions beyond what is already required by existing programs and laws. We request that before CARB approves these and future CERPs, it require a concrete plan to reduce emissions in the CERP community through regulatory requirements. An example of a CERP that does include such actions is the Wilmington, Carson, West Long Beach Community, which sets a target of a 50% reduction in NO_x, SO_x, and VOCs, and other associated toxics from refineries by 2030 to be accomplished through a series of refinery focused rules. This commitment to regulatory actions combined with emissions decreases is the type of action envisioned by AB 617 that will help reduce the significant environmental burden the community faces. CARB must require similar types of actions and commitments in other CERPS. (However, even this CERP has very little in mobile source reductions.)

⁴ See September 20, 2019 Letter from South-Fresno Community Steering Committee Members to CARB and San Joaquin Air Pollution Control District.



CARB has a duty under AB 617 to provide oversight and approval of the CERPs. In particular, AB 617 sets forth clear requirements for CARB approval of the program. Specifically, AB 617 requires that the CERPs are submitted to CARB for review and if a program is not approvable, “the state board shall initiate a public process to discuss options for achievement of an approvable program.”⁵ AB 617 also details that an approvable plan must include “emissions reduction targets, specific reduction measures, a schedule for the implementation of measures, and an enforcement plan.”⁶ As discussed above, many draft CERPs do not include the specific emissions reduction targets envisioned by AB 617 and CARB’s Blueprint.

Given these issues, CARB should only approve the CERPs once the following is required: (1) CARB will develop specific, targeted mobile source elements for all the CERPs to ensure that mobile source emissions are reduced; (2) the air districts will continue to develop real emissions reduction regulatory measures beyond what is currently required and commit to real emissions reductions from stationary, mobile, and other sources; (3) CARB will evaluate the CERPs progress related to at least particulate matter, toxic air contaminant reductions, area sources, rural sources of pollution, and other key pollutants annually; and (4) CARB will require that the CERP will not result in any increases in criteria or toxic air contaminants annually.

Regarding an annual review, CARB should provide written evaluation of whether a CERP is meeting its requirements. If a CERP does not meet its annual metrics, CARB should provide a process that describes actions CARB will take to ensure that the CERP meets the timeline as soon as possible. CARB should evaluate options in a public process, and the options should include CARB stepping in to set regulations that require emission reductions, and amending the CERP to include real emission reductions. CARB should also consider enforcement and penalty options, including withholding relevant funds from an air district that is not meeting its requirements.

These actions are needed to ensure that AB 617 results in meaningful CERPs that actually lowers emissions.

2. CARB Should Develop Clear Metrics to Ensure that CERPs Actually Lead to Emission Reductions

The central, and most important, goal of AB 617 is real emissions reductions. AB 617 clearly states that “[t]he programs shall result in emissions reductions in the community, based on monitoring or other data.” CERPs should at least ensure no increase in criteria or toxic emissions. Emissions reductions attributed to CERPs should also be *above and beyond reductions already required by existing law and regulations*, and should be a bare minimum requirement of AB 617 implementation. These minimum requirements are consistent with AB

⁵ Health & Safety Code § 44391.2(c)(4).

⁶ Health & Safety Code § 44391.2(c)(3).



617 as well as Section 44391.4 of the Health and Safety Code, which requires that funds from the Greenhouse Gas Reduction Fund shall only be allocated to projects that provide “emissions reductions that are in excess of those otherwise required by law or regulation.”

CARB’s Blueprint requires CERPs to “focus and accelerate actions to provide direct emissions reductions within the community to maximize reductions in exposure to applicable toxic air contaminants” and to “[f]ocus and accelerate actions to provide direct emissions reductions within the community to achieve healthful levels of PM2.5 and other air pollutants with localized nonattainment issues, if applicable.”⁷ To ensure that reductions occur, the Blueprint requires CERPs to “identify and describe how progress on achieving emissions reductions for specific categories of sources will be tracked on an annual basis and track emissions for any pollutant that has an identified emissions reduction target.”⁸ To plan for these emissions reductions, AB 617 requires CARB to act concurrently with air districts to establish a mobile source program: “[c]oncurrent with the public process to achieve an approvable program, the state board shall develop and implement the applicable mobile source elements in the draft program to commence achievement of emissions reductions.”⁹

However, as described above, it is unclear whether many CERPs are actually resulting in emissions above and beyond those required by existing law and regulations. It is also unclear whether many CERPs even analyzed some of the largest emissions sources within particular communities. To ensure that real concrete measures are included in CERPs, CARB should clearly state that meeting existing standards and/or maintaining current programs within air districts are not sufficient to meet the mandates of AB 617. Many areas in the state are not in attainment of Clean Air Act standards; AB 617 should provide emissions reductions and improvements in air quality that meet and exceed Clean Air Act standards.

To ensure that CERPs result in significant emissions reductions, we strongly recommend that CARB require the following minimum baseline standards for all CERPs:

- i. Substantial, quantifiable annual emissions reductions above and beyond what is already required by existing law and regulations and no increase in total emissions. These measurements should be made at least for both particulate matter toxic air contaminants, area sources, and rural sources of pollution, as well as other key pollutants impacting communities. The targets should be clear and quantifiable;
- ii. Enforceable regulatory and enforcement strategies to reduce emissions and exposure to harmful contaminants with specific timelines;

⁷ CARB Blueprint, Appendix C, p. C-17.

⁸ CARB Blueprint, Appendix C, p. C-33.

⁹ Health & Safety Code § 44391.2(c)(4).



- iii. The content of CERPs, especially the strategies to reduce emissions and exposure within them, must reflect priorities identified by community residents, as documented through authentic, meaningful outreach and engagement processes;
- iv. The Air Districts must also contribute and support communities by proactively identifying measures to reduce emissions for consideration;
- v. CERPs and the strategies to reduce emissions and exposure within them should assess and address all significant mobile, stationary, indirect and other area emissions sources; and
- vi. In places impacted by rural and area sources of pollution (agricultural activities, pesticide exposure), Air Districts must include quantifiable emission reduction targets for these sources in addition to regulatory, enforcement and incentive strategies in CERPs.

3. *CARB Should Require Air Districts to Establish a Community-Driven Process with Translation of Materials Prioritized, Effective Facilitation, Transparent Timelines, and Conflict-of-Interest Disclosures and a Recusal Process.*

We agree with CARB that: “Most importantly, underpinning AB 617 is the understanding that community residents must be active partners in envisioning, developing, and implementing actions to clean up the air in their communities.”¹⁰ Unfortunately, as described above, many issues in this First Round of CERPs caused the process to be mostly run by the air district, rather than community led. To improve the process going forward, we recommend that community residents should have a genuine decision-making and oversight role over CERPs in their communities rather than being advisory. We further request that translation of material is prioritized, community facilitation is utilized, there are transparent timelines and conflict of interest disclosures. To ensure that CERPs reflect and are consistent with the priorities that communities have identified, community approval, through Community Steering Committees or alternative structures, should be a required step in the CERP development and approval process.

Community Driven Process – A community driven process means ensuring that the CERP meetings: provide translation with sufficient time to review; community members work with the air district to design the timeline and process to ensure meaningful feedback and review; community members are given the tools to develop emission reduction measures for inclusion in the plan; and meetings are effectively facilitated to allow for feedback from community members to be taken into account.

¹⁰ CARB Blueprint, p. 2.



Partnering with a local community organization can help to alleviate some of these process related concerns and ensure that the process is more community led. An example of how this could work is the partnership between BAAQMD and a local community group related to the development of the West Oakland CERP. As that CERP describes:

Meaningful, ongoing engagement with community is a cornerstone of AB 617. The West Oakland Environmental Indicators Project (WOEIP) has a long, successful track record of organizing community members to advocate for action to improve air pollution and health. The Bay Area Air Quality Management District, the regional air pollution agency, partnered with WOEIP and the West Oakland Community Action Plan Steering Committee (Steering Committee) to prepare this plan: *Owning Our Air: The West Oakland Community*

Action Plan. The Plan lays out a series of measures to be implemented over the next five years by state, regional, and local agencies to reduce pollution in the community. This Plan is unique thanks to the West Oakland community and key stakeholders who genuinely participated to shape its content.¹¹

Note that each community is different and needs to identify their own preferred process, but a partnership should occur in the development of all the CERPs. Without this type of partnership, many of the process related issues we identify here are likely to reoccur. It is also worth noting that other communities in the Bay Area are less satisfied with the air district’s willingness to work with the community, due to repeated delays in adopting measures community members have long identified, and believe CARB oversight is needed to ensure that a real partnership occurs in all CERP processes moving forward.

Translation of Materials - To ensure that community and Steering Committee members have time to review, translated materials should be available in sufficient time before comments are due. In addition, translation should be available for all documents that are being reviewed by the Steering Committee to ensure that all community members can participate. While air districts should provide community profiles and technical assessments of pollution sources and potential emissions reduction measures, community members should have the ability to request additional information and analyses and to have the information presented in accessible formats. Assistance should include language translation and interpretation as needed.

Conflict of Interest - To ensure that the 617 Community Steering Committee represent the needs of the community and its residents and are not influenced by bias and conflicts, we request the following:

¹¹ <http://www.baaqmd.gov/~media/files/ab617-community-health/west-oakland/100219-files/final-plan-vol-1-100219-pdf.pdf?la=en>



- Training: All Community Steering Committee members should receive training describing how conflicts are defined for decision-makers and examples of potential conflicts that may arise.
- Disclosure Process: All Community Steering Committee members should be required to fill out a form describing their potential conflicts of interest, similar to the forms required of agency officials. This should be an annual and ongoing requirement.
- Recusal Process: If a Community Steering Committee member identified a potential or actual financial conflict of interest, it should be requested that the member recuse themselves from the particular matter. Consistent with the Public Reform Act, we request that the member identify the financial interest that gives rise to the conflict, recuse themselves from the discussion and voting on the matter, and leave the room until after the discussion, vote, and any other disposition of the matter is considered.

These minimum requirements are necessary to ensure integrity of this process.

4. *CARB Should Require CERPs to Improve the Health of Communities and Form Expert Board to Ensure that CERPs Result in Emissions Reductions to Achieve Improve Health*

We recommend that CARB develop a statewide advisory group to develop health goals, metrics and timelines to assess the progress of AB 617 CERPs in reducing health risks related to air quality in California communities. The ultimate goal of CERPs should be to reduce risks that communities face from air pollution. The first step of this process can be the development of this group to assess whether CERPs reduce those risks. This group could function similarly to EPA’s Clean Air Scientific Advisory Committee. It should include individuals and organizations that work directly in and with communities impacted by heavy air pollution, public health experts, such as researchers and academics, and community health providers. This group can include and collaborate with staff from OEHHA, Department of Public Health, and the Office of Health Equity.

We further recommend that CARB include more specific health-based goals as minimum baseline criteria for all CERPs. These health-based goals should include, at a minimum, that all health-based ambient air quality standards are met at sensitive receptors and that toxic air contaminants are reduced below a certain risk threshold. Other more specific health-based goals can be developed by this group and communities.



II. SECOND ROUND COMMUNITY SELECTION PROCESS

As related to the Second Round Community Selection, we were disappointed to see that CARB is only nominating a few communities in this next cycle even though the AB 617 budget remains largely the same. This means that hundreds of deserving communities will again not be chosen for the development of a CERP and the prioritization that relates to that designation. We request that moving forward, CARB improves the transparency of the community selection process, clarify that all monitoring communities and communities chosen by air districts can qualify for CERPs, and develop a process to ensure that communities are not left behind.

1) CARB Should Improve the Transparency in the Community Selection Process

CARB proposes to utilize largely the same selection process as it did for the first round of communities selected for CERPs, but this was even further weakened in some Districts this year. This selection process lacks the necessary clarity and transparency to allow communities to understand why certain communities were chosen. To help improve this process moving forward, we request that CARB provide a clear and specific process for how community assessments will be used to recommend communities for selection. We further request that CARB clearly identify other communities to be targeted and define actions and timelines. Many overburdened communities self-nominated, either in 2018, 2019, or both, but are still not approved or scheduled to receive CERPs by a specified date, and are not clear whether they ever will be. The uncertainty requires communities to try again and again, meeting with air districts or CARB with the same messages. Clarity would relieve many communities of this inefficient and time-consuming process if CERPs could be scheduled to begin on a date certain.

CARB proposes a three-step process to identify, assess, and select communities, but the actual method of comparing communities to each other and the rationale for how CARB will actually decide which communities to recommend remains unclear. To provide clarity and objectivity, we request that CARB lay out a clear and specific process for how the assessment will be used to compare communities and how exactly staff will decide which communities to recommend for selection. The comparison should be based on objective data and be transparent to leave no question or doubt as to how and why communities have been selected or will be selected in the future.

There was widespread confusion about applying last year, and this year was even more difficult for some. The Bay Area air district, for example, had no process for applying, though it did last year. And consequently this year, no new CERPs are proposed for the Bay Area, either by BAAQMD or by CARB. This is counter to community members' understanding that applying should be easier the second time around.



In addition to providing a clearer process, as described further below, it is also important to clarify how the CERPs can be used to replicate emissions reductions in other communities to reduce emissions and exposures in all heavily impacted communities.

2) All Monitoring Communities and Additional Communities Prioritized by the Air Districts Should Be Included in the CERP Process

We further request that all monitoring communities automatically qualify for CERPs. These communities were chosen because of their high exposure burdens, and therefore, these communities should be allowed to develop CERPs to reduce that pollution.

For example, in Richmond, community members who work on emissions reductions had previously asked CARB for a Richmond CERP given that it has one of the largest pollution sources in the regions, the Chevron refinery, and many other pollution sources. At CARB’s Board hearing last fall, at least one CARB Board member noted that there is more than enough monitoring information already to support the need for a Richmond CERP,¹² but Richmond was only chosen as a monitoring community. Community members and organizations which historically work in Richmond on emissions reductions, did not join as monitoring steering committee members because it was focused on monitoring, not emission reductions. Despite this disconnect, the CSC for the monitoring program was subsequently charged with deciding whether Richmond should have a CERP.¹³ The committee did subsequently vote to support a CERP, but not until 2020.¹⁴

Community members in Richmond and other areas who want a CERP need help from CARB to ensure this takes place on a reliable and expeditious schedule. In the Bay Area, for example, East Oakland and Vallejo also want a commitment to receive a CERP. Many other communities statewide want clear commitments to schedule when they will begin a CERP process, which should be expeditious.

We further request that all additional communities prioritized by the air districts should be included within the CERP process. AB 617 was passed and promulgated to result in real reductions to the most impacted communities. If an air district deems a community as needing an emissions reductions plan and proposes going forward (as air districts have for many more than 3 communities), CARB should allow it.

¹² See August 30, 2019 Letter to Jack Broadbent, BAAQMD from Communities for a Better Environment, attaching September 27, 2018 617 hearing transcript.

¹³ <http://www.baaqmd.gov/~media/files/ab617-community-health/richmond/091119-meeting/steeringcommitteemeetingslides91119-pdf.pdf?la=en>

¹⁴ <http://www.baaqmd.gov/~media/files/ab617-community-health/richmond/100919-mtg-files/scmtg8appendix100919-pdf.pdf?la=en>



3) Minimize Community Competition by Supporting Capacity Building, Collaboration, and Creating an Approach that Does Not Leave Communities Behind

We request that CARB work to minimize competition between communities and support community capacity building and collaboration. Strategies to reduce emissions and exposure should include statewide actions developed and implemented by CARB, *as well as* actions prescribed by CARB to be implemented by air districts. Notably, CARB staff appears to agree with this as the announcement related to Second Round Communities stated that: “CARB staff also believe that regulatory approaches and other innovative policies developed for selected communities over time can be applied elsewhere in the State in communities that have not been selected.”¹⁵ We agree with this statement and urge CARB to prioritize the development of approaches and measures that apply across communities.

In CEJA’s July 2018 letter, we detailed several state actions.¹⁶ We continue to request that these actions be prioritized.

In addition to prioritizing these state actions, it is important to also develop a framework to ensure that the valuable lessons learned and information gained through the CERP process can be translated into benefits for all the overburdened communities, not just a select few.

This process should necessarily be informed by the work completed as part of the CERPs as well as the public. The process should examine targeting specific sectors that were identified in CERPs for rule development either at the air district or the state level. The process should also examine ways to reduce the cumulative pollution burden across communities.

Some additional ideas of potential measures that should be explored include:

- Use an analysis of cumulative pollution burdens in a specific community or census tract(s) to set strict emissions thresholds and deny permits when a potential new facility or expansion of an existing facility would increase total emissions and exceed the threshold for the defined area, even if the region as a whole would not become noncompliant.
- Develop a source inventory for communities that have not been selected for CERPs.

¹⁵ <https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/community-air-protection-program-selection>

¹⁶ CEJA July 2018 Ltr to CARB, re: Draft Blueprint Comments, *available at* <https://www.arb.ca.gov/lispub/comm/bccommlog.php?listname=ab617ocap18>



- Set strict health-based community or census level exposure thresholds and deny permits when a potential new facility or expansion of an existing facility would increase exposure at sensitive receptors.
- Update criteria for approving or denying permits to facilities that could increase emissions in communities with high cumulative pollution burdens.
- Include pollution burdens caused by indirect sources, such as increased truck traffic to a facility, in cumulative impacts analysis in applicable communities.
- Prioritize implementation and/or targeted enforcement activities in areas with high cumulative pollution burdens.
- Limit new facilities and expansion of existing facilities in close proximity to disadvantaged communities.
- Explore other ways to limit, oppose, or disincentivize projects that would result in increased emissions in a specified community area. For example, CARB should withhold relevant funding to local jurisdictions that continue to allow new siting and permitting or expansions of incompatible land uses.

CONCLUSION

We appreciate the opportunity to comment and look forward to continuing to work with CARB to ensure significant emissions reductions and improvements in air quality in our communities and many others across California.

If you have any questions about this letter, please contact Mad Stano at mad@caleja.org.

Sincerely,

Mad Stano,
Program Director
California Environmental Justice Alliance

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