



California Council for Environmental and Economic Balance

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415-512-7890 phone, 415-512-7897 fax, www.cceeb.org

October 16, 2023

California Air Resources Board Members
1001 I Street
Sacramento, CA 95814

Submitted electronically

Re: Draft Final Community Air Protection Program Blueprint 2.0

Dear Chair Randolph and Members of the Board,

On behalf of the California Council for Environmental and Economic Balance (CCEEB), we appreciate the opportunity to provide comments on the Draft Final Community Air Protection Program (Program) Blueprint 2.0¹ (Draft Final Blueprint 2.0). CCEEB represents facilities across the state subject to statewide and district-level air quality regulatory programs, including active participants in Community Steering Committees where their facility is located. We would first like to express our appreciation of the Office of Community Air Protection staff's years of engagement with stakeholders that has led to the development of the Draft Final Blueprint 2.0.

After 5 years of observing and participating in Program implementation, CCEEB believes the Program will be successful if it accomplishes the following:

- **The Program should achieve community-scale emissions reductions.**
 - The Program should quantitatively measure success in reducing air pollutants from community-identified emission sources of concern over time using data.
 - The Program should identify solutions to community-identified issues that 1) are supported by monitoring data, 2) can be technically and cost-effectively integrated into a business's operation, and 3) have been demonstrated to be achievable within proposed time frames.
- **The Program should increase the availability of high-quality emissions data that can drive agency and/or community decisionmaking in the relevant contexts.**
 - The Program should facilitate identification of pollutants and emission sources of concern through community input that are supported by relevant community-scale air monitoring data or other empirical data.
 - Data generated through the Program should be relevant to community decisionmaking.

¹ CARB. 2023. Community Air Protection Program Blueprint 2.0. Draft Final. September 29, 2023.
https://ww2.arb.ca.gov/sites/default/files/2023-09/BP2.0_Final_Draft_9.24.2023_FD.pdf

- **The Program should clearly link funding allocated and program objectives achieved.**
 - The Program should report regularly, in a centralized and standardized manner, on resource allocation at the statewide, regional, and community scale.

- **The Program should create opportunities for the parties implementing solutions – which includes government, community representatives, and industry – to work together collaboratively and productively.**
 - The Program should continue to provide resources for training and capacity building for community and for agencies.
 - The Program should allow for industry participation where industry can bring technical knowledge and operational solutions to the table (for example, as part of CERP development).
 - The Program should avoid exacerbating mistrust among program participants.

Ensuring that plans are data-driven and that the Program can demonstrate measurable progress will be key to fostering trust among Program participants – and achieving the objectives required of the Program in statute. As such, CCEEB supports Draft Final Blueprint 2.0’s focus on greater standardization among annual progress reporting and establishing metrics for Air District- and CARB-adopted Community Emission Reduction Plans (CERPs). However, Draft Final Blueprint 2.0 could go further and establish criteria consistent with the statute for when the Program’s work in a formally designated community is “complete,” after which resources can be reallocated to a new formally designated community.

Draft Final Blueprint 2.0 identifies a local CERP, or L-CERP, as one of the preferred pathways to address emissions reductions in the 65+ places that have been consistently nominated for formal selection.² According to Draft Final Blueprint 2.0, “L-CERPs are a set of priority actions to improve local air quality developed and implemented by a Community Air Grantee.”³ L-CERPs, as opposed to CERPs, are “not required to be adopted and approved by an Air District Board or the CARB Board.”⁴ While an L-CERP may be one way to address Program resourcing while preserving community empowerment, the L-CERP approach is not well-defined, lacks transparency, lacks statutory authority,⁵ and is unclear on process and expectations. CCEEB is concerned that this pathway has the potential to result in underground rulemaking or the perception of promised but unrealized and unenforceable emission reductions. These, in turn, could lead to the exacerbation of existing frustration and mistrust between Program participants.

² CARB 2023 p. 67

³ CARB 2023 p. 68

⁴ *ibid*

⁵ Draft Blueprint 2.0 points to HSC §44391.2(c)(2) and §44391.2(d) as enabling statutes (p. 18). The former is in relation to CERPs adopted by the district, which, according to Draft Blueprint 2.0, is not an L-CERP (p. 68). HSC §44391.2 covers the development of the program blueprint, selection of communities, and criteria for those CERPs adopted by districts (i.e., not L-CERPs). The latter points to grants which are for technical assistance and CAMP development. Assuming HSC §44391.2(c)(2) in part enables the L-CERP approach, Blueprint 2.0 should require L-CERPs to meet the source apportionment criteria for CERPs as required by statute in 44391.2(b)(2).

Instead of deviating from the successful model of CERP development we have seen to date – convened and co-led by community members alongside agency staff – Blueprint 2.0 should focus on addressing the resource problem. All formally designated communities to-date have remained a Program commitment regardless of progress, but the statute does not envision a perpetual commitment, in that it requires CERPs to have emission reduction targets, specific reduction measures, a schedule for implementation of measures, and an enforcement plan.⁶ These requirements are all describing a Program commitment that is well-defined and finite, which ends with achieving emission reduction targets. Blueprint 2.0 can reduce the resource burden of the Program by emphasizing existing requirements in statute that serve to correctly identify and prioritize sources of emissions⁷ and by avoiding open-ended commitments, such as providing updates about ongoing air district/CARB efforts or identifying new issues (these efforts should be part of routine agency operations, regardless of formal Program commitments).

Lastly, while we are still in the early years of implementation, CCEEB feels it is important to recognize the substantial resources that have been devoted to achieving efforts over the last five years that will accomplish goals established for the program by the statute as well as those elaborated in the People’s Blueprint. CCEEB has witnessed significant efforts at CARB and at the Air Districts as a result of the Program – be it community-engaged air quality monitoring and planning that has occurred through CERPs and CAMPs, a significant increase in data reporting and data transparency through the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants and amendments to the Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines, major rulemaking pursuant to the Expedited Best Available Retrofit Control Technology schedules, and significant expenditures on grants and incentives for everything from community capacity building to equipment replacement. These are all efforts that have required new commitments from, engagement by, and compliance obligations for regulated businesses.

For reference, we have attached our comments provided on the Draft Blueprint 2.0 in July 2023. Should you have any questions or comments regarding our letter, please contact me at christinew@cceeb.org.

Sincerely,



Christine Wolfe
Policy and Communications Director
CCEEB

cc:

Dr. Steve Cliff, CARB
Deldi Reyes, CARB
Dr. Phil Fine, BAAQMD
Wayne Nastro, SCAQMD
Samir Sheikh, SJVAPCD
Tung Le, CAPCOA
CCEEB Air Project, Bay Area Project, and South Coast Air Project Members

Attachment A: CCEEB Comments on Draft Blueprint 2.0 (July 31, 2023)

⁶ HSC §44391.2(c)(3)

⁷ Such as source apportionment at 44391.2(b)(2)



California Council for Environmental and Economic Balance

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July 31, 2023

Director Deldi Reyes
Office of Community Air Protection
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Submitted electronically

Re: Draft Community Air Protection Program Blueprint 2.0

Dear Deldi,

On behalf of the California Council for Environmental and Economic Balance (CCEEB), we appreciate the opportunity to provide comments on the Draft Community Air Protection Program (Program) Blueprint 2.0 Parts 1¹ and 2² (Draft Blueprint 2.0). CCEEB represents facilities across the state subject to statewide and district-level air quality regulatory programs, including active participants in Community Steering Committees where their facility is located. We would first like to express our appreciation of the Office of Community Air Protection staff who have put many hours into developing the Draft Blueprint 2.0 through a collaborative process.

CCEEB has witnessed significant efforts at CARB and at the Air Districts as a result of the Program – be it community-engaged air quality monitoring and planning that has occurred through CERPs and CAMPs, a significant increase in data reporting and data transparency through the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants and amendments to the Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines, major rulemaking pursuant to the Expedited Best Available Retrofit Control Technology schedules, and significant expenditures on grants and incentives for everything from community capacity building to equipment replacement. These are all efforts that have required new commitments from, engagement by, and compliance obligations for regulated businesses. While we are still in the early years of implementation, CCEEB feels it is important to recognize the substantial resources that have been devoted to achieving efforts over the last five years that will accomplish goals established for the program by the statute as well as those elaborated in the People’s Blueprint.

Like all Program participants, CCEEB recognizes that the success of the Program will be measured in tangible outcomes. Ensuring plans are data-driven and understanding how progress will be measured and demonstrated deserves significant focus in Blueprint 2.0.

¹ CARB. 2023a. Community Air Protection Program Blueprint 2.0: Part 1. Draft. May 31, 2023.
https://ww2.arb.ca.gov/sites/default/files/2023-07/DRAFT_BP2.0_Intro_Pt1_ENG.pdf

² CARB. 2023b. Community Air Protection Program Blueprint 2.0: Part 2. Draft. June 23, 2023.
https://ww2.arb.ca.gov/sites/default/files/2023-07/BP2.0_Pt2_draft_ToPost_06232023.pdf

CCEEB would like to express our perspective on ultimate outcomes for the Program to frame our comments on Blueprint 2.0:

- **The Program should achieve community-scale emissions reductions.**
 - The Program should quantitatively measure success in reducing air pollutants from community-identified emission sources of concern over time using data.
 - The Program should identify solutions to community-identified issues that 1) are supported by monitoring data, 2) can be technically and cost-effectively integrated into a business's operation, and 3) have been demonstrated to be achievable within proposed time frames.
- **The Program should increase the availability of high-quality emissions data that can drive agency and/or community decisionmaking in the relevant contexts.**
 - The Program should facilitate identification of pollutants and emission sources of concern through community input that are supported by relevant community-scale air monitoring data or other empirical data.
 - Data generated through the Program should be relevant to community decisionmaking.
- **The Program should clearly link funding allocated and program objectives achieved.**
 - The Program should report regularly, in a centralized and standardized manner, on resource allocation at the statewide, regional, and community scale.
- **The Program should create opportunities for the parties implementing solutions – which includes government, community representatives, and industry – to work together collaboratively and productively.**
 - The Program should continue to provide resources for training and capacity building for community and for agencies.
 - The Program should allow for industry participation where industry can bring technical knowledge and operational solutions to the table (for example, as part of CERP development).
 - The Program should avoid exacerbating mistrust among program participants.

In order to achieve these outcomes, Blueprint 2.0 should set clear, achievable expectations for all Program participants in all channels of Program implementation.

Defining and Measuring Success

CCEEB supports Draft Blueprint 2.0's focus on more clearly defining success and increasing transparency. We appreciate Draft Blueprint 2.0's discussion of greater standardization among annual progress reporting and establishing metrics, even for qualitative goals.

Draft Blueprint 2.0 proposes to track progress, in part, by requiring the establishment of emission reduction targets.³ Emission reduction targets are required by statute and are consistent with the Program's objective to reduce emissions.⁴ However, to avoid open-ended commitments, the form of the target and how progress against the target is measured matters. The target should be on a rate basis and validated using operational and/or monitoring data concerning activity at the affected source. Other forms of a target and means to measure against them are prone to open-ended commitments. For example, Draft Blueprint 2.0 discusses lifetimes total emission reductions as well as emission reductions on a rate basis.⁵ While lifetime measure of emission reductions (total tons) may be informative, using it as the emission reduction target means a CERP may not achieve its target for decades, depending on the target value. Elsewhere, Draft Blueprint 2.0 discusses the use of ambient air quality monitoring to verify emission reductions, but ambient air quality monitoring will capture emissions from sources that were not the target of the CERP emission reduction measure.⁶

In its discussion of transitioning communities after the first 5 years, Draft Blueprint 2.0 identifies a pathway to making new commitments (e.g., not identified in the CERP and/or modifications to those CERP measures) to the 19 selected communities after the initial 5-year period.⁷ It is unclear to CCEEB if this approach best meets the goals of the Program. It is clear that development and implementation of CERPs will likely take more than 5 years, given the comprehensive nature of a CERP and the ambitious strategies that have been identified to date. Shouldn't CARB, the Air Districts, and other agencies with implementation responsibilities utilize resources towards accomplishing the identified CERP measures, recognizing tweaks will be needed? And if CARB and Air Districts plan to implement solutions in the 65+ places that are identified through L-CERPs, formal designation, or other pathways, should those needs be prioritized? This should be an area of continued conversation during the next several years of implementation.

Draft Blueprint 2.0 identifies the need for a new approach to the Program because of "flat funding levels and the resource-intensive approach called for in the 2018 Blueprint."⁸ Another structural issue not identified in Draft Blueprint 2.0 is that, because the criteria for success are unclear, neither CARB nor the Air Districts can plan for funding to become available to new communities. As more selected communities complete implementation of CERPs over the next 5-year period, we hope more information will become available on what success looks like and how new communities can benefit from the resources currently allocated to the selected communities. The program evaluation described in Part 1 should include an analysis of these issues.

³ CARB 2023b, p. 74

⁴ HSC §44391.2(c)(3)

⁵ CARB 2023b, p. 75

⁶ CARB 2023b, p. 71

⁷ CARB 2023b, p. 76

⁸ CARB 2023a, p. 4

The issue of defining and measuring success is all the more relevant in the context of the proposed local CERP (“L-CERP”) concept proposed in Draft Blueprint 2.0. Please find our comments on L-CERPs in a subsequent section.

Expanding Community Air Protection Incentives

Draft Blueprint 2.0 identifies that one mechanism by which CARB intends to support the 65+ places is to revise the Community Air Protection (CAP) Incentives Guidelines⁹ to “increase flexibility.” Incentives are a key component of reducing localized emissions in overburdened communities and have demonstrated success over the last five years in both designated and non-designated overburdened communities, as shown in **Figure 1**. Like other incentive programs in California, CAP incentives must result in emissions reductions above and beyond what is required by law or regulations – incentives cannot be used to comply with CARB or Air District regulations.¹⁰

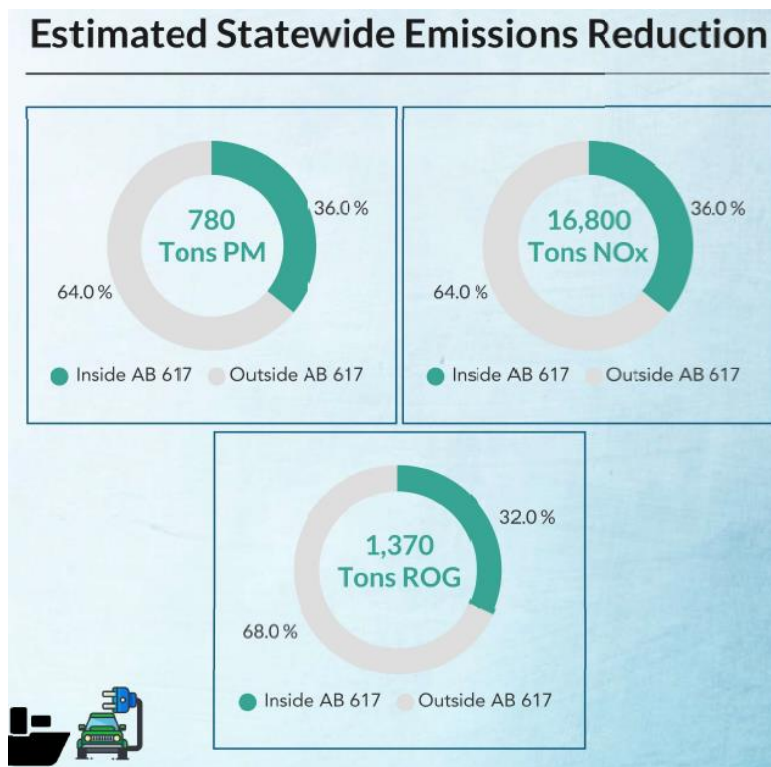


Figure 1: Estimated Statewide Criteria Air Pollutant Emissions Reductions from CAP Incentives in Disadvantaged Communities, 2017-2022

Source: CARB, Presentation to the CARB Scientific Review Panel, June 16, 2023

⁹ CARB. 2020. *Community Air Protection Incentives 2019 Guidelines*. Revised October 14, 2020. https://ww2.arb.ca.gov/sites/default/files/2020-10/cap_incentives_2019_guidelines_final_rev_10_14_2020_0.pdf

¹⁰ *ibid*

CCEEB appreciates that CARB plans to hold a public process to discuss the proposed revision to the CAP Incentives Guidelines to clarify what that increased flexibility will look like. **Figure 2** includes a tentative list of additional project categories CARB plans to propose to fund through CAP Incentives. We note that several of these categories may not result in measurable emissions or exposure reductions. To maximize both community-scale emissions reductions and availability of incentives funds, the CAP Incentives Guidelines should prioritize CAP incentives to projects that achieve the greatest reduction in emissions of concern to the community at the least cost and that directly and continuously reduce exposure for vulnerable populations.

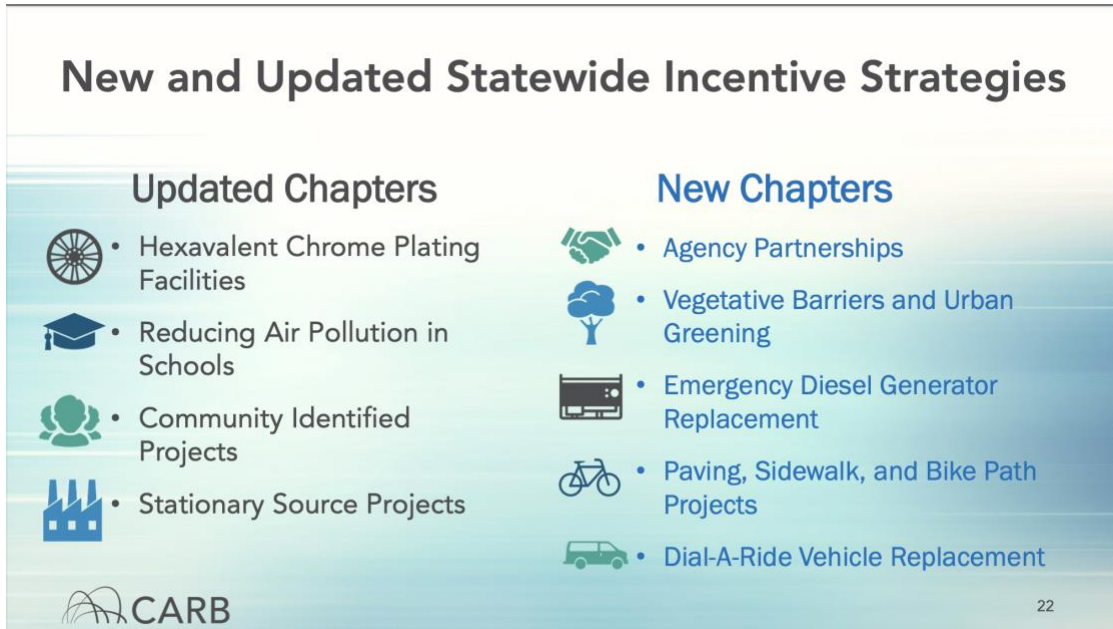


Figure 2: Proposed Incentive Categories to Increase CAP Incentive Flexibility
 Source: CARB Presentation to AB 617 Consultation Group, July 26, 2023

Standards for CERP and L-CERP Development

CARB must ensure that Blueprint 2.0 provides consistent, clear guidance on technical expectations of programs and plans that will be adopted by an Air District board and CARB. Draft Blueprint 2.0 references Appendix C of the 2018 Blueprint, which establishes clear standards for the criteria by which CARB will review CERPs,¹¹ but should also reference Appendix E, which establishes standards for monitoring plans.¹² Establishing technical standards that programs, documents, and measures developed under the Program must meet is a fundamental role of the Blueprint.

¹¹ CARB. 2018. "Appendix C: Criteria for Community Emissions Reduction Programs." *Community Air Protection Plan Blueprint*. October 2018. https://ww2.arb.ca.gov/sites/default/files/2018-10/final_community_air_protection_blueprint_october_2018_appendix_c.pdf

¹² CARB. 2018. "Appendix E: Statewide Air Monitoring Plan." *Community Air Protection Plan Blueprint*. October 2018. https://ww2.arb.ca.gov/sites/default/files/2020-03/final_community_air_protection_blueprint_october_2018_appendix_e_acc_0.pdf

In particular, Blueprint 2.0 must emphasize the requirement stated in HSC 44391.2(b)(2) to conduct source apportionment when developing CERP measures.¹³ The purpose of proper source apportionment is to correctly identify the sources that are contributing to air quality issues raised by the community. Incorrectly identifying sources ties up significant time and resources from all stakeholders and unnecessarily prolongs program commitments to the selected communities because the source of the air quality concern is not correctly identified and addressed.

A common point of frustration that has been raised during CERP development is when a proposed CERP measure is not able to be implemented by CARB or the Air District (or is not implementable/enforceable by any agency). To avoid this dynamic, Blueprint 2.0 should identify how feasibility is accounted for in CERP development. For example, pp. 65-66 of Part 2 discuss the community role in finalizing a CERP and the District role to and responsibility to act on the final CERP. This section should include a reference to pp. 34-35 of Part 2 that discuss CARB and Air District jurisdictions, clarifying that CARB and Air Districts can only act within their authorities, and to pp. 39-40 of Part 2 that provides information on land use and transportation agencies.

L-CERPs

Draft Blueprint 2.0 identifies a local CERP, or L-CERP, as one of the preferred pathways to address emissions reductions in the 65+ places that have been consistently nominated for formal selection.¹⁴ CCEEB feels that Blueprint 2.0 does not provide sufficient guidelines for developing or implementing L-CERPs.¹⁵ Blueprint 2.0 should require, at minimum, that L-CERPs define success and identify metrics by which to measure success as part of the grant application.

Draft Blueprint 2.0 states that “an L-CERP requires participation from a range of partners in the community, particularly affected residents, and including but not limited to the local air district, local governments, and affected industry”.¹⁶ How will this be enforced during development of the L-CERP or during implementation? What is the consequence if grantees fail to meet this expectation in the course of developing an L-CERP? Recognizing the fundamental premise of the Program – that each community across the state has unique needs and approaches – it seems to CCEEB that there is significant potential for divergence from the ongoing case studies.

If Blueprint 2.0 fails to provide clear standards for the process of L-CERP development and implementation, it seems to CCEEB that this pathway has the potential to result in underground rulemaking or the perception of promised but unrealized and unenforceable emission reductions. These, in turn, could lead to the exacerbation of existing frustration and mistrust between program participants. Blueprint 2.0 could rectify this in part by further clarifying what types of emission reduction measures are permissible in an L-CERP vs. CERP by expanding the discussion on page 50 of Part 2 (i.e. what measures are implementable by an agency without agency adoption).

¹³ CARB 2023b, p. 60 and p. 67

¹⁴ CARB 2023b p. 49

¹⁵ Furthermore, the statutory basis for L-CERPs is unclear. Draft Blueprint 2.0 points to HSC §44391.2(c)(2) and §44391.2(d) as enabling statutes (Part 1, p. 17). The former is in relation to CERPs adopted by the district, which, according to Draft Blueprint 2.0, is not an L-CERP (Part 2, p. 48). HSC §44391.2 covers the development of the program blueprint, selection of communities, and criteria for those CERPs adopted by districts (i.e., not L-CERPs). The latter points to grants which are for technical assistance and CAMP development. Assuming HSC §44391.2(c)(2) in part enables the L-CERP approach, Blueprint 2.0 should require L-CERPs to meet the source apportionment criteria for CERPs as required by statute in 44391.2(b)(2).

¹⁶ CARB 2023b, p. 49

Industry Engagement

Involvement of and engagement with industry is a statutory requirement of the Program.¹⁷ Industry engagement can and should facilitate community-led identification of solutions that can be implemented in the most expeditious manner possible and for the long term.

CCEEB has heard from community leaders that industry engagement has been helpful in some situations, where operational information helped inform solution design. We have also heard that industry presence can cause community members to feel uncomfortable expressing their concerns. The community-scale forum the Program has created strikes us as an opportunity to build trust through inclusion (rather than to worsen existing perceptions through exclusion). CCEEB has observed firsthand, and agrees with the People’s Blueprint’s conclusion, that discussions that occur through the Program are most successful when co-led by community members. We believe, and have seen demonstrated through the Program, that community-led forums can be designed in a way that can accommodate the productive participation of individuals who bring industry expertise.

As such, Blueprint 2.0 should identify industry participation in the discussion of stakeholder roles,¹⁸ and *during* development of CAMPs and CERPs, rather than *after*, as appears to be what Draft Blueprint 2.0 is suggesting.¹⁹ In addition, CCEEB requests that the program evaluation proposed in Part 1 include a cataloguing of best practices/situations in which industry engagement contributed to CSCs identifying solutions.

Additional Comments

- Include call-out boxes that show statutory references on pages 5-7 of Part 2.
- On page 14 of Part 2, we suggest revising the first paragraph as follows to be consistent with the requirement in HSC §40920.8:

“Statute requires CARB to establish and maintain a statewide Technology Clearinghouse that can be used to identify rules, regulations, technologies, or practices that could offer emissions or exposure reduction opportunities within impacted communities. This includes forward-looking information on next generation technologies to support continued advancements, and to highlight opportunities to install clean technologies that achieve reductions beyond existing regulatory requirements.”

- We remain concerned that the BACT Clearinghouse does not adequately communicate how and why BACT is established within each Air District, and as such does *not* set clear expectations for users.

¹⁷ HSC §44391.2(b), 44391.2(c)(2), 42705.5(b)

¹⁸ CARB 2023b p. 25

¹⁹ CARB 2023b p. 68

- On page 67, add the following bullet:
 - “A methodology for assessing and identifying the contributing sources or categories of sources, including, but not limited to, stationary and mobile sources, and an estimate of their relative contribution to elevated exposure to air pollution in impacted communities identified pursuant to paragraph (1).” (California Health and Safety Code § 44391.2(b)(2))

CCEEB recognizes that the Program has called for out-of-the-box thinking about how to address community concerns, which encompass much more than, but consistently include, localized air quality. We provide these comments in the interest of predictability, consistency, and continuation of the productive and thoughtful dialogue among all Program participants that will be needed to achieve success on, at minimum, the issue the Program is intended to address.

Thank you for considering our comments. Should you have any questions or comments regarding our letter, please contact me at christinew@cceeb.org.

Sincerely,



Christine Wolfe
Policy and Communications Director
CCEEB