

July 23, 2018

Comments to the California Air Resource Board's Draft Community Air Protection Blueprint

I. Introduction

We support the California Air Resource Board (ARB) carrying out the directive of Assembly Bill 617 (AB 617) and developing a comprehensive strategy to reduce pollution and improve air quality in disadvantaged communities.

This work is urgently needed. California has some of the dirtiest air in the United States, placing residents at greater risk for asthma, cardiovascular disease, and other serious illnesses.¹ Unfortunately, these pollution burdens disproportionately affect African American and Latino residents of the state.² The state needs to work quickly to right these imbalances.

These comments are submitted on behalf of the Natural Resources Defense Council ("NRDC"), a national nonprofit environmental organization with more than 3 million members and online activists. Over 400,000 of these members live and work in California, and are impacted by the various air quality and climate threats present in California. Since 1970, NRDC's lawyers, scientists, and other environmental experts have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, and Beijing.

II. ARB's Community-Focused Framework

It is essential for ARB to work in partnership with community residents in developing and implementing strategies to clean up local air quality. To that end, we urge ARB to continue its commitment to partnering with community residents and groups to ensure that community concerns are given priority in shaping implementation of AB 617. We also urge ARB to work with the Legislature and other state entities to ensure continued funding for the Community Air Grants Program, to continue building logistical and technical capacity in communities.

¹ American Lung Association, *State of the Air 2018* at 18-20; available at <https://www.lung.org/assets/documents/healthy-air/state-of-the-air/sota-2018-full.pdf>.

² Office of Environmental Health Hazard Assessment, California Environmental Protection Agency, *Analysis of Race/Ethnicity, Age, and CalEnviroScreen 3.0 Scores* (June 2018); available at <https://oehha.ca.gov/media/downloads/calenviroscreen/document-calenviroscreen/raceageces3analysis.pdf>

III. Statewide Strategy Regarding Emissions Reductions and Air Monitoring

In developing a statewide strategy to reduce emissions and enhance community air monitoring, ARB has the opportunity to set the direction for a strong statewide policy, and to ensure that best policies and practices from one air district are implemented in other parts of the state where they may be useful. We highlight here the practices that could be included in a statewide strategy and implemented throughout the state.

Strategies to Address Freight and Traffic Pollution

- ***Ensuring Dissemination of Best Practices For Controlling Port Emissions*** – California is home to some of the busiest ports in the United States – the Ports of Los Angeles and Long Beach are together the largest port complex in the country, and the Port of Oakland is the fourth largest port in the nation.³ The innovative measures that these ports are developing to control pollution could provide models for statewide policies that would apply to all ports in the state. For example, in deploying their Clean Air Action Plan, the Ports of Los Angeles and Long Beach are advocating for and developing innovative measures to clean up local air quality, including: near-zero/zero emission engine standards for on-road trucks, and cleaner engine and operating standards for locomotives and marine vessels.⁴ To the extent they are not already underway, such measures could be rolled out on a statewide level as well.
- ***Controlling Warehouse, Logistics, and Other Freight Emissions*** – California also has one of the largest warehousing and logistics industries in the country.⁵ The sector is likely to continue growing over the years – in 2015, the largest warehouse complex in the nation was approved for development in Moreno Valley, California.⁶ The cars and trucks servicing these facilities expose nearby residents to increased particulate matter and other pollutants, and ARB must develop strategies for controlling emissions from these sources. One option is moving forward with the statewide indirect source rule discussed

³ See California Department of Transportation, *Seaports*; available at <http://www.dot.ca.gov/hq/tpp/offices/ogm/seaports.html>

⁴ San Pedro Bay Ports, *Clean Air Action Plan 2017: Final Clean Air Action Plan Update* (November 2017) at 30; available at <http://www.cleanairactionplan.org/documents/final-2017-clean-air-action-plan-update.pdf/>

⁵ Jones, Lang, LaSalle Inc., *The Leaderboard: The Top 18 Distribution Markets in the United States* (Summer 2016); available at <http://www.greaterreading.com/wp-content/blogs.dir/38/files/2017/01/US-The-Leaderboard-The-Top-18-distribution-markets-in-the-US.pdf>

⁶ Grist, *No One's Breathing Easy in the Nation's New Megawarehouse Hub* (May 30, 2017); available at <https://grist.org/justice/no-ones-breathing-easy-in-the-nations-new-megawarehouse-hub/>; see also <https://grist.org/briefly/the-nations-biggest-warehouse-project-meets-a-legal-obstacle/>

at ARB's March 2017 board hearing.⁷ ARB has the ability to regulate indirect sources.⁸ A few air districts already have regulations in place, or are developing regulations, that could serve as a model for a statewide policy. For example, the South Coast Air Quality Management District is currently developing indirect source rules for industrial facilities such as warehouse distribution centers, commercial airports, marine ports, and railyards.⁹ The San Joaquin Valley Air Pollution Control District already has an indirect source rule in place that requires new developments to assess air quality impacts of construction and operations, and to develop measures to reduce NO_x and particulate matter emissions by certain percentages.¹⁰

- ***Developing Strategies to Supplement Ongoing Measures*** – We support ARB's ongoing efforts to address freight and traffic pollution – i.e., developing new clean car standards and zero emission vehicle sale requirements, as well as developing standards for heavy-duty vehicles and freight sources. We also encourage ARB to develop additional strategies to reduce pollution from these sources, and not rely on these strategies alone to advance the goals of AB 617. For example, in developing a statewide strategy, ARB has the ability to recommend innovative policies such as the creation of low-emissions zones or use of congestion pricing to reduce emissions burdens in the most heavily impacted communities. Such strategies are widely used in Europe to limit particulate matter and other criteria pollution in zones burdened by pollution¹¹, and such strategies have been successful in spurring the transition to cleaner fleets and achieving emissions reductions¹². ARB could also require operating restrictions for vehicles and equipment in highly polluted zones, such as limiting the operation of diesel trucks in school zones near the Ports of Los Angeles and Long Beach.

⁷ <https://www.arb.ca.gov/gmp/sfti/FreightFacility.htm>

⁸ 42 U.S.C. § 7410(a)(5); *National Ass'n of Home Builders v. San Joaquin Valley Unified Air Pollution Control District*, 627 F.3d 730 (9th Cir. 2010).

⁹ <https://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/facility-based-mobile-source-measures>

¹⁰ San Joaquin Valley Air Pollution Control District, Rule 9510, Indirect Source Review; <http://www.valleyair.org/rules/currentrules/r9510-a.pdf>

¹¹ See e.g., DieselNet, *EU: Low Emission Zones*, available at <https://www.dieselnet.com/standards/eu/lez.php>.

¹² See C. Ezeah, et. al., *A Critical Review of the Effectiveness of Low Emission Zones As A Strategy for the Management of Air Quality in Major European Cities*, Journal of Multidisciplinary Engineering Science and Technology (JMEST), Vol. 2 Issue 7, July 2015; available at <http://www.jmest.org/wp-content/uploads/JMESTN42350921.pdf>; Hendrik Wolff, University of Washington, *Keep Your Clunker in the Suburb: Low Emission Zones and the Adoption of Green Vehicles*, Discussion Paper No. 8180 (May 2014); available at <http://ftp.iza.org/dp8180.pdf>

Strategies Regarding Community Air Monitoring and Risk Reduction From Stationary Sources

- ***Ensuring Data is Easily Accessible and Usable by Communities*** – The data from community air monitoring programs should be easily accessible by community members, and presented in a way that allows community members to understand the impacts on their health.
- ***Standardizing Toxics Monitoring and Risk Reduction Requirements*** – As with controlling freight and traffic emissions, the best practices in one air district could serve as models for policies for ARB to incorporate in its statewide strategy and implement throughout the state. For example, BAAQMD’s Regulation 11, Rule 18 requires facilities emitting toxic air contaminants to report emissions levels and implement a risk reduction plan if emissions exceed certain risk thresholds. Given the many facilities around the state emitting toxic air contaminants, communities would benefit from having standard practices for monitoring and mitigating risks from toxic air contaminants.
- ***Updating and Standardizing Source Testing Methods*** – BAAQMD is currently updating its rules regarding test methods for particulate matter, to ensure that sources use the most up-to-date methods to accurately monitor particulate matter emissions, and to promote uniformity in how such methods are used by various emitting facilities.¹³ Since communities throughout the state will benefit from using the most accurate monitoring methods, districts that have not already updated their rules regarding monitoring particulate matter emissions should be required to do so through ARB’s statewide strategy.

IV. Conclusion

We appreciate the opportunity to comment on ARB’s community air protection blueprint, and should you have any questions or require any further information, please do not hesitate to contact us at 415.875.6100 or igutierrez@nrdc.org.

Sincerely,

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¹³ Bay Area Air Quality Management District, *Staff Report – Particulate Matter – Proposed New Regulation 6 – Common Definitions and Test Methods* (June 2018); available at <http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-6>

