



February 23, 2023

[Sent Via Email]



Hon. Steven S. Cliff, Executive Officer  
Chanell Fletcher, Deputy Executive Officer of Environmental Justice  
Deldi Reyes, Director of the Office of Community Air Protection  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814



**RE: AB 617 Community Air Protection Program Implementation Review**

To the California Air Resources Board:

The undersigned organizations respectfully send this letter regarding the implementation of the Community Air Protection Program (CAPP, the program) stemming from Assembly Bill 617 (AB 617). The California Air Resources Board (CARB) has the opportunity to improve the CAPP via the Blueprint 2.0 and reimagine the restructuring of the program. The CAPP has connected local community residents and entities with each other and with their local Air District to work together towards a shared vision of improving air quality in their communities. However, we encourage CARB to consider our recommendations to ensure the program continues to improve and ensure successful implementation of the program's main purpose to produce real, significant emissions reduction and better the air in the most impacted communities throughout California.

In order for this program to meet the vision of its statutory mandate, and to reduce the severe burden many communities face, we recommend several procedural and substantive improvements to the program. We lay out those concepts below and look forward to working with CARB to further develop them and ensure their inclusion in the future of the CAPP.

- I. CAPP implementation must prioritize community needs and center community voices
  - A. Community Steering Committee (CSC) and subcommittee meetings must be accessible and support community leadership
  - B. CARB must ensure accessible and transparent program information

II. CARB and Air Districts must Improve CERP (Community Emission Reduction Plan) and CAMP (Community Air Monitoring Plan) development and implementation

- A. CERP actions must be additive and not duplicative of air quality improvement measures that would have occurred in the absence of a CERP
- B. CARB must better support CERP implementation measures that require cooperation with and action by other agencies
- C. Ensure that multiple strategies result in substantial reductions and are consistent with community priorities
- D. CARB must better ensure effective and timely implementation of CERPs and CAMPs

III. Community must not carry the burden of resolving air quality concerns

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**I. CAPP implementation must prioritize community needs and center community voices**

***A. CSC and subcommittee meetings must be accessible and support community leadership***

CSC meetings and subcommittee meetings offer an opportunity for effective collaboration, problem solving, and planning to support successful CERP and CAMP implementation. Unfortunately, however, meetings have not maximized community participation and information sharing, thus undermining the effectiveness and purpose of the whole program. We recommend that the Blueprint 2.0 direct several changes, including the following, to improve the structure and outcomes of CSC meetings:

- Ensure that the right air district and agency representatives are in attendance to provide relevant information and respond to questions from the CSC but that those representatives not monopolize meeting discussions. It is critical that CSC members lead discussions and guide decision-making.
- CSC meetings should be facilitated such that the meeting progresses smoothly to address all agenda items while also ensuring broad participation, open dialogue, and that all CSC and community members' inquiries are addressed.
- CSC meetings must focus on CERP and CAMP development implementation, rather than summary updates of Air District programs generally. As discussed below, several CSCs

lack up-to-date information regarding progress and obstacles with respect to CERP and CAMP development. This information is critical for effective program implementation and CSC leadership.

***B. CARB must ensure accessible and transparent program information***

It is critical to the success of the program for CSC and other community members to have access to information necessary to support CAMP and CERP implementation. There has been some improvement in translation, interpretation, and information sharing but Air Districts and other agencies must better equip CSC and community members with critical information including but not limited to up-to-date air monitoring data, up-to-date progress on emission reduction tactics, obstacles the Air District is facing, information on budgets and expenditures, and relevant background information on air quality. Increased information-sharing will also ensure a community driven CERP implementation strategy. We recommend that CARB develops a set of community engagement, information-sharing, and meeting facilitation guidelines specific to CERP and CAMP implementation in collaboration with Air Districts and CSC.

**II. CARB and Air Districts must Improve CERP and CAMP development and implementation**

***A. CERP actions must be additive and not duplicative of air quality improvement measures that would have occurred in the absence of a CERP.***

It continues to be unclear whether CERPs result in localized emission reductions that go above and beyond the reductions that would have resulted from existing requirements, regulations, programs, and investments or that would have resulted in the absence of the CERP. We recommend that CARB track air quality emission reductions that are unique to CERP implementation in order to adequately report the effectiveness of the program. Moving forward, CARB should only approve CERPs that clearly identify those emissions reductions that would have occurred without the CERP along with additive emission reduction actions. Additionally, CARB should revisit approved CERPs to assess the extent to which they include additional emissions reduction efforts and outcomes. If they do not, CARB should instruct the air district to update the CERP, in accordance with CSC direction, to include additive measures.

***B. CARB must better support CERP implementation measures that require cooperation with and action by other agencies.***

There are a variety of air emission sources that have been identified by AB 617 communities to date. These sources are regulated and overseen by a number of different local and state

governmental agencies all with different responsibilities and authority. While CERPs and CAMPs identify the need to collaborate with specific organizations it is unclear how and to what degree these efforts are moving forward. It is not sufficient action for air districts to simply be aware of the existing efforts of these organizations and be on stand-by as these are implemented.

We recommend that CARB work with relevant agencies to develop enforceable agreements that outline responsibilities necessary for effective CERP implementation. Without such agreements, those measures are simply aspirations and will not necessarily lead to emissions reductions. These agencies include but are not limited to: the California Department of Pesticide Regulation, California Natural Resources Agency, California Department of Food and Agriculture, and the Office of Environmental Health Hazard Assessment.

Similarly, participation in and cooperation with land use agencies is necessary to the success of this program. Unfortunately, we have not seen land use components of CERPs move forward as effectively or efficiently as necessary and land use and transportation agencies have continued to permit polluting land uses in communities selected by CARB for the CAPP. Without enforceable cooperation agreements, CERPs that rely on cooperation with land use agencies will not be successful without such cooperation. Accordingly, we recommend that CARB require CERPs that include measures dependent on land use agencies to incorporate enforceable commitments from those agencies to ensure alignment with CERP priorities and emission reduction efforts. . Otherwise, the CERP, as noted before, is simply just an aspirational document.

***C. Ensure that multiple strategies result in substantial reductions and are consistent with community priorities***

CARB has identified several categories for emission reduction strategies through CERPs: regulatory, facility risk reduction, permitting, enforcement, incentives, land use, and mitigation. It is unclear, however, how and to what extent these are being utilized to maximize their potential for successful CERP implementation. To date it appears that there has been a heavy reliance on incentives as a primary tool for CERP implementation. While incentives can be a useful tool in some circumstances, they are only one mechanism for emission reductions that on their own do not effectively encompass the goal of the CAPP. We recommend that CARB require an annual analysis from air districts reflecting the success of CERP implementation strategies that includes quantified emissions reductions for each of the identified categories.

***D. CARB must better ensure effective and timely implementation of CERPs and CAMPs.***

CERPs and CAMPs implementation have been unsuccessful in following the timelines established within the approved plans and CAPP deadlines, including CAMPs implementation one year after approval . We recommend that CARB take a more active role in ensuring that

CERPs and CAMPs progress along the timeline established within the approved plans. CARB should take steps necessary, including taking over components of CERP and CAMP implementation, to ensure adequate progress. CARB's current mechanism of receiving program updates is inadequate given that it does not reflect an active progression of efforts and instead gives overall summaries of actions including references to efforts outside of the CAPP.

### **III. Restructuring the program must ensure the community does not carry the burden of resolving air quality concerns**

Shifting program implementation to Local CERPs (L-CERPs) is inappropriate.<sup>1</sup> Communities that have been historically burdened by poor air quality should not then carry the responsibility of pushing forward emission reduction efforts. As an initial matter, community members don't hold the regulatory authority that air districts and other relevant agencies do nor do they have authority to fund necessary projects and improvements. Unless the program plans to vest such authority in impacted residents, the proposal is nonsensical and at odds with the purpose of the program.

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We appreciate the consideration of these comments and look forward to continued collaboration with CARB and local Air Districts to ensure program implementation moves forward efficiently and in a community-centered manner. Please reach out to [mloera@leadershipcounsel.org](mailto:mloera@leadershipcounsel.org) for any inquiries.

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This title is listed for identification purposes. The comments made here do not represent the views of the LLU or LLUH.

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<sup>1</sup> Community Air Protection Program, Attachment A Community Air Protection Program Annual Update § (n.d.).

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