

November 4, 2020

Mr. Gabe Ruiz  
Manager, Toxics Inventory and Special Projects Section  
California Air Resources Board  
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**Subject: CCMEC Comments on AB 2588 EICG Version Issued Sept. 29, 2020**

Dear Mr. Ruiz:

On behalf of the California Cement Manufacturers Environmental Coalition (CCMEC), we would like to thank you and other California Air Resources Board (CARB) staff members for accommodating a continuing dialogue to resolve the cement industry's concerns with proposed revisions to the AB 2588 reporting regulations.

In this letter, informal comments provided earlier to CARB staff are presented as formal comments. CCMEC looks forward to further conversations with CARB regarding this rule development process pertinent to the cement manufacturing industry.

**EXECUTIVE SUMMARY**

CCMEC requests that CARB either discard or significantly modify the proposed rule or, alternatively, postpone the rule and associated decisions until a detailed, scientific investigation can be made for each chemical and industry. Also, CCMEC requests the following three items be explicitly stated in a revised proposed rule:

**Three items that CCMEC requests the rule to explicitly state:**

Item A	If a chemical does not have a published toxicity factor, the chemical does not need to be reported, in terms of chemical presence, amounts used or produced, or emission quantities.
Item B	If a chemical has a published toxicity factor but does not have published lab analysis procedures, the chemical does not need to be reported, in terms of chemical presence, amounts used or produced, or emission quantities.
Item C	If a chemical has a published toxicity factor and published lab analysis procedures but does not have a published source test method, the chemical emissions do not need to be reported, and no emission estimates are required.

## **PART I – RECAP OF EARLIER CALLS WITH CARB**

In earlier calls with CCMEC, CARB indicated that decision-making for implementation details would be shifted to the Air Districts and that, as a result, comments on detailed technical issues had no place in the rule development through November 20, 2020. The following is a paraphrase of statements made by CARB during the calls:

- CARB indicated that decisions about chemical screening and evaluation procedures will be made by Air Districts as part of the AB 2588 Emission Inventory Plan (EIP) process, and that the Air Districts have the authority to implement the rule as they see fit.
- CARB also stated that decisions about the chemical screening and evaluation procedures will be made at the time of the EIP process in the future, not during the period prior to rule consideration on November 19, 2020, and hence comments on these procedures are not necessary at this time.
- This implies that flexibility in rule implementation (relating to chemical screening and evaluation procedures) has been retained in the proposed rule language, and this language allows Air Districts full leeway to authorize procedures on a case-by-case basis where acceptable to the Air District, without being required to consult with CARB at the future time.

CCMEC interprets the above statements to mean that procedures adopted by Air Districts are not subject to CARB consultation or review, since implementation has been fully delegated to the Air Districts. CCMEC requests this be explicitly stated within the rule.

## **PART II – LIST OF REMAINING CONCERNS**

### **Rule Concerns that Affect All Industry Types (Not Just the Cement Industry)**

Issue #1 – No AB 2588 reporting changes should go into effect before the 2022 report, based on emission year (EY) 2021 data (whether involving new or existing chemicals).

Issue #2 – Reporting for the newly listed chemicals should be limited to cases where there are published toxicity factors, published lab analysis procedures and published source test methods. It is necessary to have a clear scientific basis for reporting, to avoid creating confusion for regulatory agencies, for affected facilities, and especially for the public. Reporting new chemicals, where there is no scientific basis for reporting, weakens the existing AB 2588 program, because chemicals that have no scientific information on them (and may not even be present) are mixed in with chemicals that have been measured using scientific lab analysis and source test methods.

Issue #3 – CCMEC understands that the rule is intended to address manufacture or release of new chemicals, such as PFAS. Industries in which these activities do not occur should be expressly exempted from the rule changes.

Issue #4 – We understand, based on CARB statements at the September 30<sup>th</sup> workshop, that the AB 2588 reporting changes are intended to motivate facilities to change their processes or raw materials to minimize health risk. In situations where the rule provisions do not have the potential to change facility processes, the rule changes will impose a cost with no corresponding benefit.

### **Rule Concerns that are Specific to the Cement Industry**

Issue #5 – The cement industry has already complied with AB 2588 to the maximum extent feasible and has applied all available published source test methods. The cement industry already performs extensive air quality monitoring and source testing and reports annually under National Emission Standards for Hazardous Air Pollutants (NESHAP) and Toxic Release Inventory (TRI), based on scientific reporting guidance published by EPA. Therefore, there is no justification for additional reporting requirements to be imposed under the AB 2588 revisions.

Issue #6– The basic process for cement manufacturing has not changed in over 25 years. Only industrial facilities that have modified their processes, potentially triggering new or modified AB 2588 reporting under the existing rule provisions, should be required to modify their AB 2588 reporting approach.

Issue #7– The cement industry already has extensive emission controls for toxic air contaminants (TACs). Where facilities already have extensive TAC emission controls, as the cement industry does (due to federal Portland Cement NESHAP rules), there is no reason to perform extra reporting for TAC emissions that do not have published toxicity factors or do not have published lab analysis and source test methods.

### **CONCLUSION**

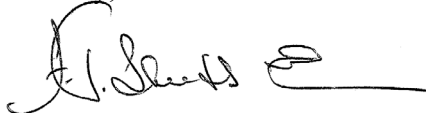
In conclusion, we believe that the current EICG version does not contain sufficient clarity on rule implementation from the perspective of both the regulated and regulating communities (affected industry and Air Districts) and cannot be approved in its current form.

Therefore, based on all of the above messages, the cement industry strongly recommends that CARB either withdraw or significantly modify the AB 2588 EICG proposed rule language, or, alternatively, that CARB postpone AB 2588 EICG proposed rule consideration by the CARB Board.

CCMEC appreciates the opportunity to comment on CARB's amended AB 2588 EICG dated September 29, 2020 and looks forward to our next discussion with CARB to address the cement industry concerns.

For questions and/or concerns, please feel free to contact me at your convenience.

Sincerely,



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cc: Mr. Richard Corey, California Air Resources Board  
Mr. David Edwards, California Air Resources Board  
Mr. Greg Harris, California Air Resources Board