



July 23, 2018

Mss. Karen Magliano and Veronica Eady
California Air Resources Board
1001 I Street
Sacramento, CA 95814

CC: Mr. Kurt Karperos
Mr. Richard Corey
California Air Resources Board Members

RE: San Joaquin Valley Recommendations for Implementation of Assembly Bill 617

Dear Ms. Magliano and Ms. Eady,

On behalf of the San Joaquin Valley AB 617 Environmental Justice (EJ) Steering Committee and allies, we respectfully submit the following comments regarding the Draft Community Air Protection Blueprint (Draft Blueprint).

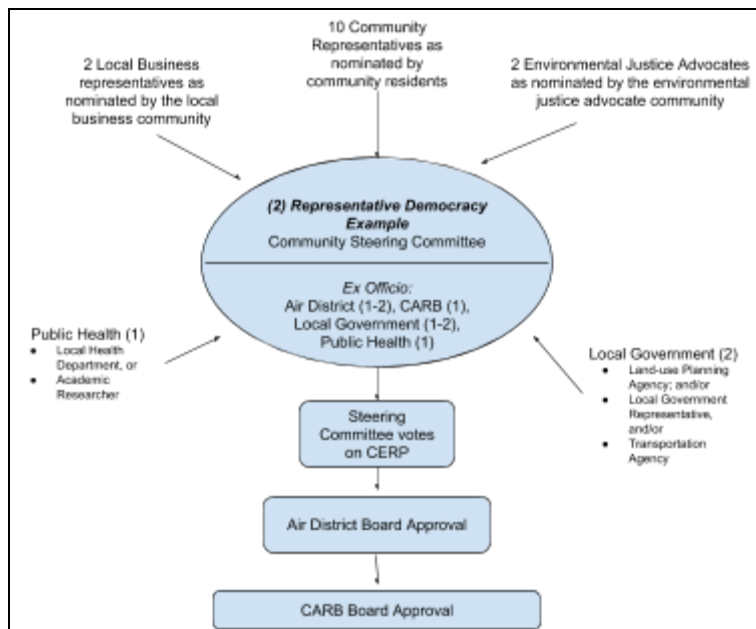
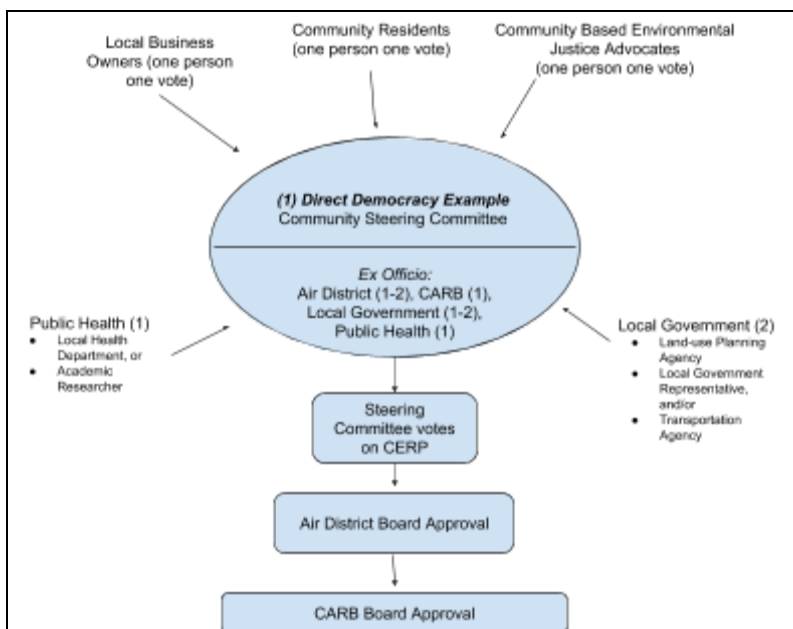
I. Community Steering Committee

Committee Structure: We appreciate the California Air Resources Board (CARB)'s incorporation of the community steering committee concept in the Draft Blueprint. While our regional EJ Committee discussed many different formulations for potential steering committee structures, the principle of democracy stood out as the loudest item of consensus. We believe communities chosen under AB 617 should determine the makeup of their steering committee and

its processes and procedures through a democratic process, rather than a process that relies on air districts or other outside groups. So as to strengthen CARB's proposal, we offer the following suggestions:

- A. Within 30 days of community selection, Air Districts and CARB hold a public meeting in selected geography to notify the community and give them an opportunity to discuss the concept of a steering committee and its many potential iterations. Air districts should be required to work with community-based organizations (CBOs) to select dates and engage in outreach.
- B. Within 30 days of initial meeting, Air Districts and CARB hold 2nd meeting whereby community residents vote on their preferred committee structure and process.

Based on our regional committee's many conversations about the potential makeup of the community steering committees, we propose two options to be presented to communities. These options include (1) a direct democracy whereby individuals from the selected area, those who own a business in the selected area, and environmental justice advocates that represent the area have one vote each on the steering committee, and (2) a representative democracy whereby community residents, those who own businesses in the selected area, and the environmental justice community nominates and votes for their chosen representatives to serve on the steering committee. These options are illustrated below.



In addition to the proposal for democratically-elected committees rather than District-convened committees, we also suggest:

- A. Local government, land-use agencies, CARB, the District, and public health officials are included on the steering committee but given an ex officio status;
 - B. Community residents remain the majority on the steering committee; and
 - C. Community-based environmental justice organizations are included in the process.
- Having representation on the local steering committees of EJ advocates with a track record of working locally with disadvantaged communities is essential. Most community members are not familiar with the terminology commonly used by regulatory staff and lack the foundational knowledge many regulated entities and advocates have. Including EJ representatives will ensure community members have the support and guidance needed to decipher and navigate the air monitoring and emission reduction planning processes. We propose EJ organizations are defined as “groups whose primary mission and goal are to work with and for communities that face a disproportionate burden of environmental pollution and seek ways to create a healthier environment for these communities.”

Cultural Competency that Ensures Public Participation: Equal language access must be guaranteed in order to ensure meaningful participation. Interpretation at every meeting should be provided without imposing the burden on non-English speakers to request it before each meeting. Translation of all materials including notes and planning documents and supporting information should also be provided. Additionally, the agencies should make information available in different ways, including a dedicated website for each community along with more conventional paper mailings, local print, radio and television media - as is determined appropriate by committee members - to ensure all community members have access to relevant information. A website alone is not sufficient, especially for residents that may lack home computers, wifi, or easy access to either. Specifically, in Table 1, Public Outreach, the table should include a variety of ways to inform and educate community members (i.e. distributing information among EJ groups, faith-based groups, schools, etc.).

Minimum Requirements for Community Meetings: The following should be minimum requirements for community meetings:

- A. Public workshops and community meetings must be participatory and encourage and give time for comments and discussion;
- B. Evening-time workshops (5:30-8 pm), preferably with food and childcare provided;
- C. Workshops held in the community, preferably at community centers, schools or churches with on-site parking;

- D. Meeting materials and interpretation services provided in Spanish and/or other threshold languages from the community where planning is anticipated; and
- E. Meeting materials provided 5-7 days in advance.

CERP Approval & Implementation Process: With respect to the community emission reduction program (CERP) approval process, the steering committee should vote on and approve the CERP and there should be an opportunity for public review and comment prior to Air District and CARB approval. Steering committees should also lead all implementation activities including CERP implementation and development and deployment of air monitoring systems. This includes all oversight of all air district and CARB activities related to CERP implementation and air quality data gathering through regular ongoing meetings and the creation of opportunities for public review and comment.

II. Agriculture

Agriculture accounts for a significant portion of both greenhouse and air pollution in the form of manure and enteric emissions from livestock and the application of fertilizers and pesticides. The San Joaquin Valley in specific accounts for more than half of the state's beef and dairy ammonia emissions and two-thirds of the state's 209 million pounds of pesticide application. While we appreciate CARB's inclusion of rural sources of pollution as additional considerations in defining communities to be recommended in the first year of the program, CARB must ensure that emissions from agriculture are meaningfully assessed and incorporated throughout the 617 process.

46 pesticides, including many fumigants that are carcinogenic and drift-prone, are classified as Toxic Air Contaminants (TACs) in California. Dairies produce TACs and emit $\frac{2}{3}$ of the Valley's ammonia emissions, a key precursor to particulate matter (PM). According to a new study led by the University of California, Davis, agricultural fields - especially fertilized soils in the Central Valley region - contribute between 25 and 41 percent of the NO_x emissions in California, a key component of ozone. Despite the significant contribution of agricultural operations to air pollution in California, very little is included in the Draft Blueprint that addresses agriculture.

In order to uphold the intent of AB 617, we urge CARB to use its authority to ensure pesticide-related volatile organic compounds (VOCs) and toxic air contaminants (TACs), NO_x from fertilizers and animal livestock, and TACs, VOCs, and ammonia from livestock are monitored as part of the community monitoring process, reduced through community emission reduction programs (CERPs), and included in CARB's statewide actions. Specifically, we suggest that CARB:

- Require the establishment of baseline emissions data from agricultural sources at a facility or farm-level;
- Incorporate agricultural emissions in technical assessments by both Air District and CARB staff;
- Require Air Districts to conduct air quality monitoring of these sources;
- Include enforceable strategies in CERPs to ensure reductions and no increases in any criteria air pollutant or TAC from those sources; and
- Ensure these sources are addressed by statewide action strategies.

There are agricultural solutions that can bring health, environmental and productivity co-benefits to local populations. The UN Special Rapporteur's report to the 16th Session of the UN Human Rights Council, Agroecology and the Right to Food, which is an extensive review of recent scientific literature, concludes that growing food using agroecological practices is highly productive and, if sufficiently supported, could double food production in entire regions within 10 years while mitigating climate change and alleviating rural poverty.¹ CARB should use its authority over toxic air contaminants and oversight over Districts to help alleviate public health harms associated with livestock operations and the use of pesticides and fertilizers.

III. Oil and Gas

For far too long, low-income communities and communities of color, primarily in Los Angeles County and Kern County, have borne the severe health burdens of oil and gas extraction and production in our state. Studies have linked proximity to oil and gas wells to a host of health impacts, including increased risk of asthma and other respiratory illnesses, premature births and high-risk pregnancies, and cancer. Oil and gas extraction produces air toxics, including volatile organic compounds ("VOCs") like benzene and formaldehyde, particulate matter ("PM"), and hydrogen sulfide. We therefore continue to urge CARB to implement a *statewide setback of 2,500 feet around all oil and gas wells*. While some California municipalities have local surface setback requirements between oil and gas development and residences, schools, and other sensitive receptors, they are minimal and inadequate, and there are no such regulations at the state level. CARB must directly regulate oil and gas operations in our state to adequately and meaningfully address the mandates and intent of AB 617 -- to reduce criteria air pollutants and toxic air contaminants in California's most burdened communities. As mentioned in the letter submitted by the Center on Race, Poverty and the Environment to CARB in May 2018, the

¹ De Schutter O. 2011. "Agroecology and the Right to Food." United Nations Special Rapporteur on the Right to Food. A/HRC/16/49. <http://www.srfood.org/index.php/en/component/content/article/1174-report-agroecologyand-the-right-to-food>

implementation of a statewide setback for all oil and gas wells in the state is within CARB's legal authority.

IV. Land Use

- Land Use Regional Convening: We suggest and would appreciate if CARB organized public regional convenings with local government and transportation agencies to share land-use tools, resources and strategies. We believe it is not enough to put together a website and hope these local agencies will use them. Rather, CARB should invite agencies and create a safe, non-confrontational space to encourage the use of these resources and encourage dialogue among local entities and community residents. Additionally, such a convening would be a great opportunity to provide concrete things cities and counties can do to implement the Environmental Justice requirements of SB 1000.
- Disincentives: CARB and local air districts should use their permitting authority to prevent, where possible, and discourage local land uses and permitting decisions that contravene State Implementation Plans, the goals of AB 617, and the goals stated in the California 2030 Greenhouse Gas Scoping Plan.
- CEJA Land Use Recommendations: In addition, we support and recommend the suggestions regarding land use that are laid out in the California Environmental Justice Alliance (CEJA)'s letter on the Draft Blueprint.

V. Funding

Assembly Bill 398 (E. Garcia, 2017) declares it the intent of the Legislature that moneys appropriated from the Greenhouse Gas Reduction Fund (GGRF) are prioritized to projects that produce air toxic and criteria air pollutant reductions, among other benefits. It also states that the State Air Resources Board should design greenhouse gas emissions reduction measures in a manner that maximizes environmental co-benefits and complements the state's efforts to improve air quality, among other priorities. Following from this, communities should be made aware of the wealth of programs emanating from the Greenhouse Gas Reduction Fund. Not only does CARB have access to GGRF funds within their mobile source programs, but cities and organizations have access to low-income energy efficiency and renewable energy projects, urban greening and urban forestry programs, and active transportation facilities. By bringing these options to the local community steering committees, and allowing community members and other organizations the opportunity to propose and elect projects, community plans could leverage pre-existing funding programs for the benefit of air quality and public health.

In addition, CARB should set up an audit schedule of all 617-related funded to ensure monies are used in a way consistent with community feedback and that equipment once installed is continuously used over time.

VI. Air Monitoring

Each of the three largest Air Districts (SCAQMD, SJVAPCD, BAAQMD) have existing technology and expertise that would allow the launch of fence line and community air monitoring to start sooner than July 2019. Giving them 4 to no more than 6 months should be enough time.

SPECIFIC LANGUAGE IN THE DRAFT BLUEPRINT:

- **VI. Public Engagement (page 9)**

EJ advocates have expressed that it is important for CARB to put in place mechanisms to hold Air Districts accountable. We suggest a bullet is included that summarizes this common theme.

- **VII. Selection of Communities, Step 2 - Assessment of the Cumulative Air Pollution (page 11)**

The bullet point that describes “Sensitive Populations” needs to more clearly define “close proximity.” We suggest that distance be clearly notated in conventional feet, yards or miles. Define the term “sensitive populations” more specifically. In addition, CARB should describe how the six factors discussed are weighted in assessing cumulative air pollution exposure burdens.

- **VII. Selection of Communities, Step 3 - Selection of First Year Communities (page 12)**

The bullet that states “Rural Sources of Air Pollution” must be more specific regarding agricultural emission sources including pesticides, fertilizers and fumigants, along with fugitive dust, diesel, methane, black carbon and VOC’s. Clearly define the term “agricultural activities within that context.”

- **VII. Requirement for CERPs - Implementation Strategies (page 15)**

The bullet that describes “Measures to mitigate the impacts of ongoing air pollution...” should develop various recommendations for incentive programs specific to local sources as they are identified. Examples include incentive programs for schools, small businesses, and low-income homes to support energy efficiency, indoor air quality improvement, vehicle programs such as EFMP and CVRP.

We appreciate the effort CARB staff has already made to include the community in the development of this important program and we thank you for considering the San Joaquin Valley's AB 617 Environmental Justice Steering Committee's recommendations.

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