**AB617 - Community Air Protection Program  CAPP/CERP Creation & Implementation Feedback as a Year One Community**

Written Friday September 4th, 2020 by Rafael Yanez

Good morning Board Members of the California Air Resources Board.  My name is Rafael Yanez and am an active member of the Community Steering Committee within the AB617 Program which is managed by the South Coast Air Quality Management District.  I am also a part of the AB617 Technical Advisor Committee through the SCAQMD as well as a member of SCAQMD’s Environmental Justice Advisory Group and a member of the City of Los Angeles, Bureau of Sanitation, Environmental Justice Team.  I am an Environmental Engineering Associate for the City of Los Angeles and have been an active member in the community of East Los Angeles and Boyle Heights fighting for environmental justice for our community now for over 12 years.

I write to you this morning sitting in my home in the midst of and experiencing the worst rendering plant odor that continues to plague our community for decades now and in an air quality index (AQI) of 227 Very Unhealthful, at the start of what many experts are calling the weekend that Southern California will see records shattered in the highest recorded heatwave on record.  While I have personally invested many hours, months and years, of personal time to fight for the inception of Rule 415 which took over 3 years of meetings and public comments and for AQMD staff to write, sat 3 years on the shelf due to politics and was finally implemented in 2017, to combat this very experience I am faced with today yet has not gone into effect or has begun enforcement of the rule. This is a prime example of what little hope our community has with the AB617 Program.  I really do hope that with the Board’s help and active participation, we can change that dire outlook for our community.

**Background:**

Our community of East Los Angeles / Boyle Heights / West Commerce, a year one community in the AB617 Program, sits bounded by the 710 FWY, the 5 FWY, 10 FWY and is bisected in places by the 60 FWY and the 101 FWY.  The 710 FWY being a major corridor from the Ports of Los Angeles and Long Beach, the 5 FWY and East Los Angeles Interchange continues to be the busiest interchange in the world at 2.4 Million vehicles passing through our neighborhood each day (2015 data). Upon completion of the Alameda Corridor in 2002, the average number of trains that pass through our communities are 40 trains per day coming into or through the UPRR/BNSF East Los Angeles /Commerce / Hobart and UPRR / LATC rail yards located within our AB617 community.  UPRR and BNSF have expanded operations several fold over the past 20 years bringing with it may more trucks traveling into and out of the Intermodal facility that was built in 1999 to load trucks headed for various parts of the state and western US.  These trucks transverse our neighborhoods daily headed to these interchanges after being loaded from the intermodal facility.  Plans are currently underway to double the capacity of the UPRR LATC facility which will be completed some time in 2021 or 2022.  All of which has impacted our community and gave us the title of highest cancer risk area in California.

Since 2000 the California Air Resource Board (CARB/ARB) and the California Environmental Protection Agency (Cal EPA) have been tracking health risk assessments of these rail yards yet little has been able to be accomplished in reducing the pollution that is increasing in our communities.

26% of all containers coming into the Port of LA are transported via rail through out neighborhood.  Data from the Long Beach Port could not be readily found.

Results of the Mates V study as well as other fence line studies of the Refineries in the SCAQMD basin are still pending completion but will show a startling and growing trends in pollution.  We have had little hope or progress of getting real results in lowering the cancer risks within our community despite having the technologies available to do so.  The recently released SCAQMD Annual Report shows air quality trends have remained flat over the years.

**AB617 Process:**

The process for establishing a community air monitoring plan (CAMP) was challenging.  The pace was very fast and the district was required to move faster than the community could really understand all the program was offering.  The needed equipment was a guess on the part of the local air district, albeit a very educated one, but one based upon stationary sources rather than mobile sources that our community needs.

During the process, the community identified freeways (auto and truck traffic), Railyards (train traffic), Truck Traffic within the community traveling to and from these rail yards, rendering plant odors, emissions from plating / coating companies, automotive repair shops, toxic waste handlers and Exide Battery plant decommissioning yet looking at what was presented back to us by the air district was all stationary source monitoring and paired down to “neighborhood truck traffic (including from/to warehouses and railyards), railyards (on-site emissions), and warehouse (on-site emissions).”  While the MATES V study is mentioned in the text, data from the measurements of the long term monitoring location will not be useful to our community since the air flow (wind patterns) around it would not push any of the emissions within the community boundaries into the measuring equipment, but instead receive emissions from the downtown area which is outside of the community monitoring boundary as the wind moves either in a SW or SSW direction between 2-10 mph on any given day.  This wind pattern brings much of the pollution from heavy industries found within the City of Vernon, City of LA,  the Commerce Rail Yards and the East LA Interchange into our communities.

I know I was very vocal in asking that CARB be included and active in our community since AQMD’s jurisdiction is within stationary source permit and rule governing while CARB’s jurisdiction is mainly focused on mobile sources of emissions.

I found for the creation of a joint collaboration between the County of Los Angeles’ Board Member’s Office, the City of Los Angeles’ Mayor’s Office, CARB, DTSC, AQMD and Caltrans to all look at how, collectively, they could pass rules and regulations in allowing monitoring along public right of ways, freeway entrances, establishment of truck routes, land use planning and other rules and regulations that can be passed quickly to right the injustice that has continued to have huge negative health impacts within out community.  Representatives from each office was introduced by me personally after a meeting at Resurrection Church in Boyle Heights in hope that something could be spared by the various agencies and shepherded by the SCAQMD, but nothing came of it at the time but would like for it to as many are working on various issues and have staff assigned to this area.  This is an opportunity that cannot be missed!  This is low hanging fruit that can yield huge benefits to our community if we can get this to happen and true change can take place  quickly for the health and safety of our community.

After the March meeting attendance by the resident committee members of the community had dropped off from not being heard yet again.  While the meeting kept being attended by organizations, agencies and elected officials office representatives, this process started coming yet another instance where the community would have to continue to suffer.  I was please however that CARB staff started coming to the meetings at that point to answer questions as well as present technologies they developed to monitor mobile sources of emissions that could be used within our communities.

While the death of my mother kept me from a couple of critical meetings, I returned in August to find that the community main concerns were still not being addressed in the CERP and insisted that CARB’s PEAQS roadside air monitoring system used in conjunction with the Automated License Plate Reader along with the Heavy-Duty Vehicle Inspection Program be included as part of the CERP to address much of the mobile source emissions that are the communities main concerns.  I believe that SB210 and other laws can be used to aid in the reduction of the emissions into our communities, all AB617 communities.

As we continued to move to AQMD Board adoption of the BH/ELA/WCommerce CERP, we were able to get some items named in an Appendix of the CERP rather than front and center as they should’ve been.

As the process has unfolded into the implementation phases, I still feel alone in my fight and the community trust in what the AB617 program was intended for is low, but can be restored in my humble opinion but it will take a lot of work.  There has been much talk about monitoring, measurements, future rule writing and passage of legislation, but nothing in the way of actual reduction of emission of pollutants in our community.  We have so much data that has not been complied and used effectively to pass sweeping reforms of industries that have been allowed to pollute and bring more pollution into our neighborhoods from my perspective.  All that has been discussed has only been monitoring and the collection of data.  Which is why the community knows this program as only AB617 Community Air Monitoring rather than what it should be a Community Air Protection Program aimed at the targeted reduction of pollution in the AB617 Communities instead of being monitor centric.

**What We Can Do NOW!**

We need change now.  Not 10 years form now.  Study after study, MATES I-V now, along with Health Risk Assessments Studies, Medical Health Risk Studies and all the other studies that are out there that document our neighborhood plight, yet nothing is being done to curb the actual emissions that continue to spew into our lungs and the lungs of our precious family members, friends and your very own staff and members.  Rather than leveraging existing rules, laws and regulations to impose punitive penalties on these polluters, there is only mention of incentives to provide money to the very polluters that shuck the very laws, rule and regulations that are in place in order to make money off of the health of those living in our communities.  This money should not go into incentives, but instead, money obtained from the fines levied against these violators of the law should go towards funding to help struggling families combat the pollution they face like in home purifiers, HEPA filters for schools and public buildings, worker safety inspections, street sweeping to remove the fallout from these industries off our streets and sidewalks, develop in house technology to share with industry for free because it will help everyone & the environment and other similar measures.

We need real reform and laws passed to strength the weak rules that are unenforceable that are currently in place.  While I understand the need to encourage industry and job growth within our local and statewide economy, we need the regulatory agencies to step up enforcement on those industries, and individuals

not following existing rules and laws.  We need protection, please.  We need the Community Air Monitoring Plan and the Community Emission Reduction Plan to be more than monitoring but instead a tool by which to use to  monitor the progress of the enforcement being done in the next 10 years in conjunction with all the new improved Rules and Laws passed that will bring real change to help save thousands of lives each year that are taken by the pollution that comes into our communities every day via every mode of transportation today, car, truck, train, plane and to a great extent via ship as well.

We need this Board to bring together a joint agency task force (CARB, AQMD, Caltrans, City & County Government, Local and County Planning, DTSC, everyone who is already represented in our committees together, etc Caltrans) to look at the current data that we have, look at all the industries we know are the main sources or the largest sources of polluters in our neighborhood, and bring them all into compliance.  I have a feeling by doing so, we will see large reductions in pollution which will show in the measurements that are being taken within these communities.  Then we can continue the efforts and look for ways to clean-up the environment by passing laws, rules and regulations that will extend beyond our communities and help us combat climate change, the worst effects, studies show, will impact these same AB617 communities the hardest since systemic racism through redlining has pushed us into these communities and kept us bounded here for generations now.  Let’s bring the Railroad through our congressional representatives to establish a new memorandum of understanding to ensure that they are using the best available technologies and locomotives to move freight into and out of railyards in the AB617 communities, let’s seek to implement electrification of more transit along with the supporting infrastructure of green renewable energy sources to curb our reliance on these refineries that kill us every year.

**What I see this program can be.**

This program can be a model, not only for California, but every state in our nation.  But only you, the CARB board and us, the community, working together can bring about this change, but we need you to do the heavy lifting.  We need you, the steward of the environment to help make this happen.  I will do all I personally can to aid you in this fight, that is my promise to you if you in turn can promise turn reform for our communities in return.  Let’s do this within the AB617 timeline.  We need to for the sake of our communities and for the sake of our planet.

Thank you for allowing me to express my frustrations and look forward to all of your responses.