



**Catherine Reheis-Boyd**  
President and CEO

September 26, 2022

Ms. Delde Reyes  
Director, Office of Community Air Protection  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**Subject: Western States Petroleum Association comments on The People's Blueprint**

Dear Ms. Reyes:

The Western States Petroleum Association (WSPA) offers the following comments on The People's Blueprint in the interest of informing the California Air Resources Board's (CARB) determination of whether, how and to what extent the concepts presented in these chapters should be incorporated into CARB's Community Air Protection Program Blueprint Update. Comments are not presented in any order of priority but are arranged in the same order as the relevant contents of The People's Blueprint.

WSPA is grateful for this opportunity to provide comments to CARB on People's Blueprint. WSPA is a nonprofit trade association representing companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California and four other western states. WSPA also endorses separate comments on a broader range of issues in the People's Blueprint submitted by a coalition of business interests to CARB dated April 29, 2022.

#### **Blueprint Update Process Timeline**

During the April 1 Consultation Group meeting, community representatives requested that the entire Blueprint update process be completed by October of 2022. As CARB noted, the current timeline is designed to accommodate public input beyond the Consultation Group and the People's Blueprint, CEQA review, and complementary work streams that cannot be completed in the requested timeframe. While we appreciate the initial focus on the People's Blueprint, there are many features in CARB's AB 617 Program Blueprint that are not addressed in the People's Blueprint. One key example is the requirement in Appendix C to conduct a technical assessment to characterize emissions in the community and inform community emissions reduction program development and implementation. The focus on the People's Blueprint

should allow for broader public engagement on the full suite of issues addressed in the Program Blueprint.

### **Consensus Issues and Opportunities**

There are several recommendations in the People’s Blueprint that are potential foundations for consensus refinements to CARB’s Program Blueprint and collaborative implementation. For example, the membership principles presented in Chapter 3, as summarized by CARB for the January 25 Consultation Group meeting, appear to be generally consistent with the statute and merit consideration in the Program Blueprint Update. Similarly, the Chapter 4 training principles appear reasonable in general and merit consideration in the Program Blueprint Update, along with an evaluation of the resources necessary to achieve them. WSPA also supports the recommendations in Chapter 5 to: 1) use the criteria in Appendix B of CARB’s 2018 Program Blueprint to identify and prioritize AB 617 candidate communities, 2) provide greater transparency about what AB 617 can reasonably accomplish, and 3) develop best practices for effective community engagement during local program planning and implementation. We also support the recommendation in Chapter 7 about the central role technical analyses should play in the development of CERPs and CAMPs, including source attribution. We encourage CARB to work with the broader AB 617 stakeholder community on language to incorporate these recommendations into the Program Blueprint update.

### **Chapter 1 – Introduction / Chapter 2 – Achieving Equity and Justice**

We appreciate the historical context provided in these chapters, which improves our collective understanding of community perspectives and how the document seeks to improve implementation of AB 617 to better address community concerns. We also appreciate the spirit of the “Partnering Framework” described in Chapter 1. Our shared experience indicates that the goals of the statute are best achieved through cooperation and collaboration across all relevant stakeholder groups. Community representatives should feature prominently in this process, but participation by other stakeholders including business and industry representatives is necessary to develop effective plans that will achieve meaningful improvements in local air quality. And while the past four years of AB 617 implementation have been challenging in many respects, CARB and the air districts have documented significant reductions of localized air pollutants stemming from implementation of measures established in AB 617 Community Emission Reduction Plans. We hope all parties can agree that this is a foundation worth building on.

We note that some of the concepts in Chapter 2 speak to institutional policies that transcend the AB 617 program (in particular, the section on “Adoption of Institutional Policies and Practices for Equity, Inclusion and Civil Rights, starting on page 10). Accordingly, any future efforts by CARB or individual air districts to evolve agency policy consistent with these recommendations should involve a more comprehensive public outreach and engagement process that is separate from AB 617 implementation.

## **Chapter 3 - Governance**

### **Forming an Effective CSC (page 13):**

This section seeks to impose artificial and improper limitations on industry participation in Community Steering Committees (CSCs). In particular, there is a clear bias against owners, managers and employees who work for “big industry” – a term that is undefined in the document - even though these individuals often work in the community and may also reside in the community. Moreover, the statute does not impose any such constraints on industry participation. Rather, it expressly requires CARB and air districts to consult with “affected sources” and “affected industries.” Individuals representing large businesses should have just as much right to participate in the CSC process as those who work for small businesses, or any other stakeholder group identified in the statute.

Industry representatives are critical to successful AB 617 implementation at the community level. They contribute subject matter expertise on a range of relevant topics including local air quality issues, air pollution control technologies, emissions sources and measurement, feasibility and efficacy of potential mitigation measures and interpretation of air quality monitoring data to inform community emissions reduction programs (CERP). Industry inputs are also necessary to refine initial AB 617 CERPs that were developed in compressed timeframes based on limited data and an untested implementation framework. Industry involvement will contribute to targeted, data-driven strategies that lead to concrete reductions in the pollutants driving the high cumulative emissions burden in AB 617 communities. As noted in the business coalition letter, industry representatives share the interest of other community representatives in working toward a healthier environment for employees and their families who live and work in the affected communities. Our continued support for, and direct participation in, the CARB Stakeholder process and our continued support for the important continued funding to support the process going forward, does not coincide with what appears to be a desire to not have us at the table.

### **Forming an Effective CSC (page 14):**

Industry participation should not be at the discretion of the “convenors,” another term that is not defined in the document and thus open to interpretation. Assuming the convenors are the co-chairs envisioned by the writer’s group, some are likely to object to any industry participation. The statute does not authorize community representatives to determine whether, which or how many industry representatives can participate in AB 617 CSCs. Nor does it authorize air districts to confine industry participation to ex-officio status, as has been done by the Bay Area Air Quality Management District for the Richmond CSC.

We agree with CARB’s interpretation that the statutory references to “affected industry” and “affected sources” at Health and Safety Code sections 44391.2 (b) and (c)(2) are intended to ensure meaningful industry participation in development and implementation of both the

statewide strategy (the Program Blueprint) and community-based programs. We believe we have continued to demonstrate our commitment to the process and provide constructive input.

**Establishing Charters and Governing Structures for CSCs (page 15):**

The People’s Blueprint contemplates removing existing CSC members for “cause.” It does acknowledge that “cause” needs to be defined, but language elsewhere in the document suggests that this concept could be interpreted to justify removal of individuals who express views that are contrary to the priorities of a simple majority of community representatives. For example, under *Collaborative Problem Solving (page 16)* the document states: “if the business owner/operator is not seen by other participants as ready and willing to work creatively and collaboratively towards a solution, then the solution will likely have to be developed without their involvement.” We encourage CARB to bear in mind that diverging views and recommendations, especially those that are grounded in data and scientific analysis, often help to elucidate the most effective solutions to a given problem.

We agree with the business coalition recommendation that the Program Blueprint should set a high bar for removal of any individual whose participation is established in statute - such as a supermajority vote of the full CSC - and that any changes intended to accommodate this concept must be designed in a manner that avoids arbitrary decisions benefitting some stakeholders at the expense of others.

**Establishing Charters and Governing Structures for CSCs (page 16):**

This section also recommends “a strong conflict-of-interest policy,” but offers no specifics on how that policy should be designed or implemented. Given multiple statements in the document seeking to limit business/industry participation and influence in community program decision making, we are concerned that this policy could become a primary means of achieving an outcome that conflicts with the statute, denies basic due process to a particular group of stakeholders, and ultimately compromises the efficacy of community emissions reduction efforts. Conflict-of-interest policies are generally designed to address potential financial conflicts of interest involving individuals in positions of substantial authority. Since AB 617 vests decision making authority in CARB and local air districts, a conflict-of-interest policy aimed at industry representatives would be both inappropriate and without practical effect.

**Roles and Responsibilities (page 17):**

Industry is the only stakeholder group for which the People’s Blueprint does not propose defined roles and responsibilities, even though consultation with industry is expressly required by statute and is critical to achieving feasible and meaningful emission reductions in AB 617 communities. To the extent that CARB seeks to clarify roles and responsibilities for various AB 617 stakeholder groups, the Program Blueprint Update should also identify roles and responsibilities for industry stakeholders, and these guideposts should be developed collaboratively with industry representatives during the Program Blueprint Update process that will follow CARB’s review of the People’s Blueprint.

**Conflict Resolution (page 19):**

The People's Blueprint asserts that "any participant ... may be removed from participation in AB 617-program related activities." Grounds for removal are vaguely and incompletely described but may include "failure to abide by principles of equity and justice, demonstrating respect for others, and support dignity for all," failure to attend CSC meetings without notice, or "other grounds for removal" to be determined by the CSC in Collaborative Partnering Agreements or Charters. The document also appears to suggest that the only participants who can exercise such removal authority are the community representatives on the CSCs. These recommendations suffer from the same potential pitfalls as the "removal for cause" and the conflict-of-interest policy recommendations noted above.

We agree with the representative from the South Coast Air Quality Management District (SCAQMD) who stated during the January 25 Consultation Group meeting that SCAQMD does not support an open-ended process for removing participants from CSCs. Rather, such extreme measures should be reserved for exceptional situations where the participants' conduct prevents the CSC from performing its statutory functions.

**Chapter 4 – Readiness for Partnership and Collaboration****Training Principles:**

In general, the Chapter 4 training principles appear reasonable and merit consideration in the Program Blueprint Update. We agree with members of the Consultation Group who commented during the January 25 meeting that a significant infusion of resources will be necessary to implement these principles. This section would also benefit from further explanation as to who would be responsible for designing or identifying suitable curricula, who would be responsible for administering training and what roles AB 617 stakeholders can play in this process.

For example, industry representatives have considerable air quality and facility operations experience that can add value to training materials and programs. They can also help conduct some training modules (e.g., "Basic skills in research translation and science communication;" "Skills in co-production of technical products and studies with community participants"). The Program Blueprint Update should accommodate a role for industry participation in the training process.

**Readiness for Partnership:**

"Recommendations for essential competencies for CARB, air districts, and relevant agency employees" is likely to dramatically limit the pool of government candidates qualified to support CSCs, especially if they are applied in a uniform and inflexible manner. These qualities should not be characterized as absolute requirements, but as ideals to strive for over time, considering budgetary and staff resource limitations.

## **Chapter 5 - Planning and Implementation Emerging Practices**

### **Evaluation of Candidate Communities (page 28):**

WSPA supports the recommendation to use the criteria in Appendix B of CARB's 2018 Program Blueprint to identify and prioritize AB 617 candidate communities. CARB's current approach employs reasonably objective criteria such as exposure to localized criteria pollutants and toxic air contaminants, magnitude of emissions and proximity of sensitive populations to emission sources, and a defined public engagement process to determine whether a given candidate community satisfies the statutory requirements for formal designation by CARB as an AB 617 community. While non-air quality factors may also be considered as indicators of community vulnerability, in keeping with the statute, the primary driver for community designation should continue to be cumulative air pollution exposure burden.

### **Program Expansion (pages 28-29):**

Expectations for rapid expansion of the program need to be aligned with program funding constraints. There appears to be a willingness among program stakeholders to collaborate on supplemental funding requests, and WSPA has supported that effort. Although all efforts for continued funding are important for the success of the program, we must recognize this is not an easy task and the likelihood of securing enough additional funding to accommodate all eligible and interested (e.g., self-identified) communities will be difficult. We have to consider that expanding program scope without adequate funding could likely compromise community engagement, plan development and implementation in newly designated communities, undermining public confidence in the program.

WSPA supports the recommendation for greater transparency about what AB 617 can and cannot accomplish. In the interest of managing stakeholder expectations, it is critical that all program stakeholders have clarity on the scope of the program, the roles and responsibilities established in the statute for the various stakeholder groups, why decision-making authority is vested in CARB and the local air districts, what can reasonably be accomplished with available resources, and a realistic outlook on opportunities for additional resources.

### **Community-Focused Implementation:**

During CARB's February 10, 2022, meeting on community selection, and again during the May 19 CARB Board meeting, CARB staff indicated the agency would be moving toward a "program reset" that focuses more on statewide efforts in light of funding challenges for the AB 617 program. It is unclear how CARB will square this change of direction with recommendations in Chapter 5 for more community focused implementation. Moreover, it is unclear how CARB will address unique, community-specific issues and perspectives as the statute requires, in the context of statewide measures.

**Phase In of New Communities:**

CARB's framing document for Chapters 5 and 6 contemplates using the results of the pre-selection assessment to "gradually phase in eligible communities instead of the current practice where communities compete against each other." While we appreciate community concerns about competition for limited program resources, a major rate limiting factor in adding new communities to the program is the current uncertainty about how to define local program completion. If there is no process to close programs that have run their course and achieved significant reductions in cumulative air pollution exposure burdens, then CARB and air districts will have very limited ability to shift available resources to newly selected communities.

**Capacity Building (pages 29-31):**

The concept of "capacity building" needs further discussion. Where CARB and air districts actively work to build capacity in a given community, and that community is not selected within a short period of time, community representatives will be understandably frustrated and more motivated to work outside of AB 617 program boundaries. Investments in capacity building should be tied to clearly defined objectives for future community designation.

**Retroactive Boundary Adjustment (page 31):**

A retroactive process for resetting community boundaries based on individual concerns about representation would cause CAMPs and CERPs to become moving targets, delaying implementation and achievement of results in designated communities, and shifting program resources away from other deserving communities. Authorizing CSCs to retroactively expand community boundaries also has the potential to subject additional business and industry stakeholders to monitoring requirements and emission reduction measures developed without their input. By virtue of being located outside of the initial community boundary, these stakeholders would not have been eligible to participate in the CSC and including them after the fact would greatly diminish their ability to contribute to effective plan design and implementation.

**Lived Experience (page 32):**

The concept of community "lived experience" as an input to program planning and implementation needs further definition to clarify what kinds of information would constitute lived experience and how that information would be used. Community member experiences should play a complementary role with scientific information such as air monitoring data health risk assessments and other public health metrics. The experience of community members is valuable in helping to identify the presence of a localized problem, and scientific information is valuable in determining the nature, extent and potential causes of the problem, and in informing potential solutions. Both types of information should be used to inform assessment, planning and implementation, and neither should be dismissed or characterized as superior to the other. Doing so creates the potential for misdirection of resources and failure to achieve the exposure burden reduction intended by the statute. For example, relying solely on



community experience increases the likelihood that local program decisions would be driven primarily by perceptions, even where they conflict with available quantitative data. It may be that the two sets of information do not reconcile at the outset, but with further investigation and iteration, they can converge. In these cases, the lived experiences can inform where additional scientific information may be needed and the scientific information can inform greater community understanding of lived experiences, if not through agreement, then by process of elimination.

#### **CSC Best Practices (pages 32-33):**

WSPA generally supports the People’s Blueprint recommendations for CSC best practices for effective community engagement during planning and implementation.

We note that different stakeholders are likely to have different interpretations of what CSC “approval” means, particularly in the context of a technical analysis supporting CAMPs and CERPs. A CSC may approve a plan by a simple majority vote (of community representatives), but it may not be actionable if it doesn’t incorporate recommendations from CARB, the air district and other technical experts. At a minimum, the implications of CSC approval must be differentiated from the implications air district or CARB approval.

## **Chapter 6 - Monitoring and Modeling for Community Air Protection**

#### **Use of Best Available Localized Data (pages 34-35):**

It is essential that local program decisions be based on the best available local data, with a particular focus on using air monitoring data from AB 617 CAMPs to inform CERP measures. The air monitoring programs should also be designed around the concerns identified by community members. There should be a clear nexus between the air pollutants selected for monitoring and the potential sources of community air quality concerns. Regional air quality data or qualitative information may not be capable of identifying the sources that are driving high cumulative exposures in the subject community. Similarly, failure to utilize localized AB 617 monitoring data to inform CERP design and implementation is likely to prolong high cumulative exposures in AB 617 communities.

CARB has identified opportunities for improvement in every CERP it has reviewed to date. One of the most important of these is to use the air monitoring data developed by the CAMPs to inform adjustments to emission reduction measures that will be necessary to maximize air quality benefits in the community. This iterative process is critical given the short timeframes specified in the statute that have led to simultaneous development of CAMPs and CERPs. It should be included in the Program Blueprint update as an ongoing implementation requirement. Absent this process, the CAMPs serve no functional purpose.

#### **Community Role in Technical Support Decisions (page 34):**

The concept of allowing each community “the freedom to choose their research staff, data collectors, air monitoring staff, and air districts to interpret findings” needs clarification. These decisions should be subject to regulatory oversight or other checks and balances such as



external scientific peer review to ensure objectivity of selections and quality, validity and reliability in work products. It should also be noted that the concept of a community selecting an air district other than the one with relevant geographic jurisdiction is unworkable.

**Industry Support Role:**

Industry representatives have extensive experience with monitoring technologies and best practices and are well positioned to help educate CSCs members on these issues. The Program Blueprint update should define roles for industry representatives to support CSC training on technologies and best practices, and design and implementation of CAMPs.

**CAMP Timeline and Duration (page 35):**

CAMP timelines should specify criteria for determining when local monitoring has served its intended purpose and can be discontinued. Otherwise, air districts will have no ability to shift limited monitoring resources to newly designated communities.

**Monitoring As a Trigger for Regulatory Actions (page 36):**

The statement "When monitoring identifies high levels of pollution/emission, regulatory action needs to immediately take place." requires clarification. In the abstract, it is impossible to know whether the data would provide enough information to quantify relative contributions from various potential sources. That information is necessary to inform what regulatory actions would be most responsive to the identified problem. In addition, regulatory actions are subject to statutory requirements that incorporate due process protections for all affected parties, and these protections are the foundation for effective, sustainable regulatory actions.

**Chapter 7 – Analysis and Opportunities**

**Scope of Technical Analysis (pages 38 and 39):**

There are statements in this chapter that appear disconnected from the statutory framework for data-based decision making to improve local air quality. For example, "The analysis must be driven by what the community wants to discover about their own environmental and pollution hazards". The purpose of AB 617 is to improve local air quality, so monitoring should be designed to identify the sources driving localized air pollutants and CERP measures should be designed to reduce emissions from those sources. It is important to manage stakeholder expectations in terms of what the program can accomplish, regardless of the level of available resources.

Similarly, the idea that "Data considered for analysis may include other sources of relevant data including community-based initiatives, citizen science, university-assisted analyses and any other sources accepted by the community leads or CSC co-chairs as relevant" would benefit from further clarification. We agree that non-traditional sources of data should be considered, and that community-generated data can be helpful in identifying factors that contribute to elevated exposure burdens. All data that is used to inform solutions (e.g., mitigation measures

in a CERP) should be evaluated against generally accepted QA/QC standards. The relevance of the data should not be a subjective determination made by CSC co-chairs.

**Need for Improvement of Technical Analyses (Page 39):**

We support the recommendation that “Technical analyses should contribute to the development of effective planning and implementation (e.g., when developing CERPs and CAMPs, and conducting source attribution) to address public health.” Moving forward, more work is needed on source attribution and other foundational technical analyses than was undertaken in the initial CERPs to understand which sources are driving localized air pollutants – not just to identify contributing sources, but also to characterize the relative magnitude of their contributions - and what steps can be taken to most efficiently reduce emissions from those sources. Comprehensive, data-driven and source-specific apportionment should be a prerequisite for determining which sources and pollutants are driving a local a community concern and thus need to be addressed in a CERP. If the diagnosis is rushed and incorrect, then even the most aggressive CERP measures are likely to fail to address community concerns and prolong existing disproportionate air pollution impacts. Avoiding this outcome should be among the highest priorities for all selected communities, as it will not only prolong existing air quality impacts but will waste finite resources and erode community and other stakeholders’ trust in the program.

**Avoiding Bias (Page 39):**

We agree with the community representatives that it is important to guard against bias in evaluating and applying technical information to decision-making. We also agree that the Program Blueprint should facilitate input from air districts and CSCs on interpretation of technical information (“To avoid biased conclusions, air districts and CSCs will have an opportunity to provide input on the interpretation.”). However, that procedural consideration by itself does not eliminate the potential for bias. To avoid biased conclusions, the process must provide equitable opportunities for all stakeholders to comment and equitable consideration of those comments before arriving at any conclusions. In particular, the process should prioritize well-reasoned and evidence-based interpretations, even if they are not endorsed by the air district or a majority of CSC members.

**Community Engagement (Page 40):**

While we understand and appreciate the focus of the People’ Blueprint on *community* engagement “from the scoping phase to analysis and conclusions,” we encourage CARB to take a more balanced and inclusive approach to *stakeholder* engagement in AB 617 implementation. The People’s Blueprint offers the following example: “CEQA representatives, CSC, CARB, air district reviewed enforcement policies and conducted a community profile). Local stakeholders who can inform what can/can’t be done should also be included in the discussion.” To be consistent with the statute, all stakeholder engagement provisions in the Program Blueprint Update – especially those related to evaluations of feasibility (i.e., “what can/can’t be done” in the above example) - should include direct references to “affected industry” or “affected sources” pursuant to Health and Safety Code section 44391.2.

**Focus on Localized Air Pollutants (Page 40):**

The People's Blueprint asserts that "particulate matter (PM), ozone, methane, or other concerns with oil and gas are all possible primary issues identified in the monitoring plan. Solutions to solve a secondary issue that is not of concern to the CSC should not take priority over primary issues." If the program is to be successful in reducing "high cumulative exposure burdens" to localized air pollutants, it needs to stay focused on those issues. Ozone is an example of a regional air pollutant that can only be effectively mitigated through regional control measures adopted by CARB and air districts outside of this program. Methane is a greenhouse gas that is non-toxic at ambient exposure levels. CARB adopted regulations in 2017 requiring additional controls including more frequent leak detection and repair programs to minimize the potential for fugitive methane emissions from oil and gas facilities. Attempting to further regulate these emissions at the local level will do nothing to improve local air quality or public health, but it will consume resources that would be better spent targeting localized air pollutants.

In addition, the focus here on emissions from oil and gas, as opposed to a more general reference to "sources" indicates a bias that may not be supported by further analysis. Such examples should not be included in the Program Blueprint.

**Land Use Considerations (page 40):**

The People's Blueprint states that "it is important to recognize that the data on land use, permits, and proximity can influence local governments to have more regulations around not impacting the local community's health." In addition to continuing our collective work to reduce existing exposure burdens, we agree that local governments need to pay more attention to proximity between emission sources and community receptors in making future land use decisions to avoid adding to those burdens.

**Culture of Collaboration (page 40):**

The People's Blueprint states "Ideally, the goal should be to foster a culture of collaboration at all stages of analysis and plan development that includes government agencies (e.g., CEQA, air district, and CARB), stakeholders (e.g., CSC, AB 617 Consultation Group) and community representatives." As noted above under "Community Engagement," any references to "stakeholders" in the Program Blueprint update should include "affected industry" or "affected sources" pursuant to the statute.

**Leveraging Agency Resources (page 40):**

The People's Blueprint states that "CSCs and community representatives reserve the right to leverage CARB resources (both financial resources and knowledge) to effectively execute the plans." It is unclear how this concept would work in practice. There is a need for regional and state-level oversight functions, especially on spending AB 617 funding, to ensure that resources

are equitably distributed to existing AB 617 communities, and that something is left over to support newly added communities.

**Comments on Industry Participation in CSCs (page 41):**

This question really should be put to rest. Industry needs to be at the table and allowed to contribute to problem assessment and design of community monitoring and emission reduction plans. WSPA members as well as many owners and operators of emissions sources have unique in-depth understanding of those sources and are the parties who will need to implement CERP measures. Communities will not benefit from plans that cannot be implemented.

**Chapter 8 – Developing Solutions and Action Plans**

**Recipe for Success (page 43):**

Success in improving local air quality and health outcomes will require a multi-disciplinary, multi-faceted approach. The People’s Blueprint states that “The goal is to gain consensus on strategies to ensure that planning is participatory, transparent, and successful. This will result in the need for strategies that meet community demands.” We agree that an inclusive, transparent and effective planning process is necessary to achieve successful outcomes in designated communities. However, if the program is to be successful in reducing “high cumulative exposure burdens” in those communities, then community plans must incorporate data-driven strategies and avoid the temptation to reach beyond local air quality issues.

**Comments on Industry Objectives (pages 44 and 45):**

Some statements in the People’s Blueprint mischaracterize the motivations of industry representatives in the AB 617 implementation process and should not be carried into the Program Blueprint update. For example, the document states that “... the community should keep in mind that industry has a vested interest in keeping pollution regulations lenient.” Our industry has a vested interest in keeping pollution regulations feasible and predictable so it can maintain consistent compliance with emissions limits and continue to support jobs and goods and services in local communities. We also want to focus our investments on actions that have the greatest impact in terms of emissions reductions, both for the benefit of our employees and the communities around our facilities.

Similarly, the document states that “... the plans are written with inappropriate vocabulary such as vague language that lets industry continue with the status quo or jargon that confuses AB 617 communities.” We appreciate community frustration with conventional regulatory approaches. We can agree that actions and plans need to be well-defined, so they are both sufficiently specific and flexible where appropriate to be effective and to facilitate consistent compliance.

## **Chapter 9 – Participatory Budgeting**

### **AB 617 Expenditures (page 47):**

We agree that community representatives should play a prominent role in determining how AB 617 funding is invested in their communities, but the concept of unilateral decision making reflected in this chapter (e.g., “... AB 617 radically returns power back to residents to dictate how these funds are spent”) undermines the very important themes of transparency, inclusion and collaboration emphasized under “Institutionalizing Community-Driven Solutions” in Chapter 8 and throughout the People’s Blueprint.

### **Budget Development Process (page 47):**

This chapter offers some important considerations for future budget cycles, though the extent to which they can be incorporated into AB 617 implementation (i.e., separate from the legislative budget development process) is uncertain. The People’s Blueprint states:

“Budget development and expenses are **transparent** and conversations around budget development and expenses must occur *before* funding is disseminated to the air districts. The overall process is accountable to all participants so that all have an equal role in decision making. Currently, there is no standard form of communication across all parties involved where there is a critical need to have transparent and open processes will ensure that budget discussions are efficient and effective. This process can look like determining who is engaged in these conversations, how is the community engaged, the input from the board of directors, and staff implementation. *The CSC should seek community input in developing the budget to ensure the process is accountable to the broader community, too.*”

We support the concept that the overall AB 617 budget process should be accountable to the public – including but not limited to community representatives - so that all stakeholders have an equal role in decision making and third-party mechanisms can be employed to ensure transparency, responsible allocation and effective investment of available program funding. In keeping with this principle, CSCs should seek input from all local program stakeholders, including designated community representatives.

Among other guiding principles that should be incorporated into the AB 617 budget development process, all expenditures should be cost-effective, including mechanisms to address conflicts of interest, and should have a direct nexus to AB 617 implementation and achieving statutory objectives.

## **Chapter 10 – Evolution: Contributing to Sustainable Communities and Achieving Justice**

### **Eliminating Air Pollution Disparities (page 51):**

This chapter advocates for approaches that “transcend the current application” of AB 617 legislation. For example, the document states that “The state must establish a plan to eliminate air pollution disparities for all California communities by 2030.” To the extent this concept is a recommendation for how AB 617 should be implemented going forward, it would greatly exceed the scope and authority of the statute. More importantly, all stakeholders should recognize that AB 617 doesn’t operate in a vacuum but is additive to the vast network of federal, state, and local regulations that have achieved remarkable improvements in air quality on an absolute basis for all California residents.

Between 1970 and 2019 the Clean Air Act alone reduced criteria pollutants in the US by 77% while the gross domestic product grew by 285%<sup>1</sup>. The Clean Air Act programs that led to this success continue to make progress today, including but not limited to the National Ambient Air Quality Standards and State/Federal Implementation Plans, which work in tandem with New Source Review and New Source Performance Standards to drive emission reductions so that ambient air quality in every region continues to make progress in attaining health-protective standards. The future role of the Community Air Protection program should be considered in this context and stakeholder expectations should be managed in terms of what the program can and should reasonably accomplish, regardless of the level of available resources.

Air pollution disparities can exist in myriad forms as diverse as the communities in which they occur - across pollutants, at emission levels small and large, and across geographic boundaries ranging from hyperlocal to statewide. Air pollution disparities are driven by many factors beyond the proximity of industrial and mobile sources to community receptors, including population density, topography, meteorology, foreign sources, and natural sources (e.g., wind-blown dust). Some of these are beyond the reach of local, state and federal regulations, let alone AB 617. The concept of eliminating all air pollution disparities envisions identical air pollution profiles in every community in the state and would be impossible to achieve even if all industry, commerce and transportation were eliminated.

### **Multi-Media Approaches (page 51):**

Another example of a concept that reached well beyond the scope of AB 617 and the Program Blueprint is the statement “Systems approaches that transcend the silos of air, water, land, and materials should replace the state’s current approach to remediation.” While these goals may be worth pursuing, it is important to recognize that each of these media are already heavily regulated with increasing emphasis on mitigating conditions that contribute to environmental justice issues. The Program Blueprint update could be best served to focus on how to improve the process of characterizing and reducing exposures to localized air pollutants. Attempting to

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<sup>1</sup> [Our Nation's Air 2020 \(epa.gov\) https://gispub.epa.gov/air/trendsreport/2020/#growth\\_w\\_cleaner\\_air](https://gispub.epa.gov/air/trendsreport/2020/#growth_w_cleaner_air)

reach beyond the scope of the statute will dilute that focus and diminish the air quality benefits this program is intended to deliver.

WSPA appreciates our continued collaborative engagement with the communities and the People's Blueprint process, our commitment and involvement in CARB's Stakeholder Advisory process, and CARB's consideration of our comments. We look forward to discussing these issues as we transition from review of the People's Blueprint to development of the Community Air Protection Program Blueprint update. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, reading "Catherine A. Kelly-Boyd". The signature is fluid and cursive, with the first name "Catherine" being the most prominent.

cc: Liane Randolph, Chair, CARB  
Chanel Fletcher – CARB  
Dr. John Balmes, Co-Chair, AB 617 Consultation Group  
Davina Hurt, Co-Chair, AB 617 Consultation Group