



April 14, 2021

Liane Randolph
Chair, California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Comments on the Final 15-day Proposal for Amendments to the Criteria and Toxics Reporting Rule and Amendments to the Emission Inventory Criteria and Guidelines Report for the Air Toxics “Hot Spots” Program

Dear Chair Randolph,

Environmental Defense Fund (“EDF”) submits these comments on the amendments to the Criteria and Toxics Reporting (CTR) rule and the Emissions Inventory Criteria and Guidelines (EICG) report for the “Hot Spots” program. Please consider these comments for both dockets.

The CTR rules and the EICG are both vitally important to understanding local air pollution, identifying key stationary sources, tracking progress in reducing emissions, and the ability correlate different types of pollutants from certain sources. The utility of these programs is key to the successful implementation of AB 617, which itself is a critical tool to addressing the ongoing, disproportionate air pollution burden in communities across California.

EDF supports the final “15-day” proposal, but recommends several critical improvements to strengthen the proposal, outlined below.

I. The Timeline for Implementation and Reporting Should Be Accelerated

The reporting timeline proposed in the final CTR rules and EICG is too long to deliver the information that is critically needed to swiftly reduce air toxics in frontline and environmental justice communities. Under the “15-day” proposal, many facilities will not report until 2026. Some key sources including recycling facilities, wastewater treatment plants, and biosolids incinerators, are pushed out to 2028. The timeline for all facilities to report their toxics emissions goes on for years. While facilities prepare to report their toxic emissions over several years, communities overburdened by toxic air pollutants will continue to bear that pollution burden and will lack the critical information needed to reduce harm.

II. All Identified Toxic Pollutants Should Be Included

The proposals defer reporting for many substances without a “health value,” like a reference dose or cancer risk estimate, until an unspecified future time. Critically, communities cannot wait until health values are set to know the toxic pollutant levels affecting them. The final CRT rules and EICG can and should include all identified toxic air pollutants, even those without a health value.

III. The Cumulative Impact of Multiple Facilities Should Be Considered

Finally, the proposal must address the cumulative impacts of air toxics by restoring the original rule language adopted by the Air Resources Board (ARB) regarding the combined impacts where multiple facilities affect the same community. Environmental justice communities bear a disproportionate burden from air toxics – a burden often resulting from multiple sources of pollution compounding health and environmental harm. Unfortunately, the current proposal removes the only provision to consider this cumulative impact. This provision should be restored to capture the full impact of air toxic emissions.

Thank you for the opportunity to comment. We appreciate your consideration and hard work in protecting Californians from air toxics.

Respectfully submitted,

Katie Schneer
High Meadows Subnational Climate Policy Fellow

Katelyn Roedner Sutter
Senior Manager, US Climate