



July 23, 2018

California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: CEJA Comments on Draft Community Air Protection Blueprint

To the California Air Resources Board:

The California Environmental Justice Alliance (CEJA) respectfully submits these comments regarding the Draft Community Air Protection Blueprint (Draft Blueprint) released in June 2018.

CEJA is a statewide coalition of grassroots community-based organizations working to advance environmental justice in state policy. Our members work across California in low-income communities and communities of color that are disproportionately burdened by air pollution and suffer from the severe negative health impacts.

We appreciate the work of CARB staff to develop this Draft Blueprint, and we are pleased to see some of our previous recommendations reflected in it. We offer these comments to supplement our previous comments submitted in March 2018 and October 2017. In addition, we agree with and support comments submitted by our member and partner organizations.

SUMMARY OUTLINE OF COMMENTS

Our communities are breathing some of the most polluted air in California and the U.S.¹ and are bearing the severe health, social, and economic costs. The core purpose and intent of Assembly Bill (AB) 617 is to produce real, significant emissions reductions and better air in our neighborhoods – this is the bottom line requirement for the Community Air Protection Program overall. We offer our comments and recommendations with the aim of ensuring effective implementation, community participation and

¹ "California Metropolitan Areas among Top Ten most impacted by air pollution in the US" from American Lung Association 2018 State of the Air report: http://www.lung.org/local-content/california/documents/state-of-the-air/2018/sota-2018_ca_most-polluted.pdf

decision-making, and CARB oversight authority over air districts in order to accomplish this bottom line objective of emissions reductions.

We note that this comment letter is not organized in order of priority or intended to be exhaustive. We recommend several specific regulatory measures because they have been identified by residents in the communities we work with as high priority strategies to address the pollution in their neighborhoods. These measures are not intended to constitute a comprehensive list of strategies or actions to be taken, and we strongly urge and support the development of additional rules and regulations by CARB and air districts to reduce emissions.

I. Community Selection

1. Provide a clear and specific process for how the community assessments will be used to recommend communities for selection.
2. Include community representation and a public process for the research consortium.
3. Clearly identify other communities to be targeted and define actions and timelines.
4. Minimize competition between communities and support community capacity-building and collaboration.
5. Meaningfully consider rural pollution from agricultural, dairy, and livestock operations.

II. Criteria and Requirements for Community Emissions Reduction Programs

1. Require specific minimum baseline metrics for all community emissions reduction programs (CERPs).
 - a. Require that all CERPs result in substantial and quantifiable annual reductions that are above and beyond what is already required by existing law and regulations and ensure no net increase in criteria air pollutant and toxic air contaminant emissions.
 - b. Require that all CERPs and the measures within them be consistent with priorities identified by community residents through documented outreach and engagement processes.
 - c. Require all CERPs to include actionable metrics and timeframes for reductions from each significant stationary, mobile, indirect, and area source of criteria or toxic emissions in the selected communities.
2. Require specific health-based goals for all CERPs.
 - a. Establish target cancer and noncancer health hazard goals and timelines for all California communities, such as the ones we recommend.
 - b. Require that all CERPs contain new, additional strategies to meet state and federal ambient air quality standards for criteria pollutants at sensitive receptors.
 - c. Require that all CERPs contain new, additional strategies to reduce exposure to toxic air contaminants at sensitive receptors.
3. Ensure that rural pollution from agricultural, dairy, and livestock operations are meaningfully assessed and addressed in CERPs.
 - a. Require air districts to conduct air quality monitoring of these sources.
 - b. Include enforceable strategies in CERPs to ensure reductions and no increases in any criteria or toxic emissions from these sources.

- c. Require the establishment of baseline emissions data from agricultural sources.

III. Actions and Tools to Support Health Objectives and Data

1. Track progress towards meeting health-based goals.
2. Make data and maps from these analyses publicly available.
3. Use the results to continually inform and develop other criteria and requirements for CERPs.
4. Establish a statewide advisory group to continue developing health goals, metrics, and timelines and to assess the progress of AB 617 in reducing health risks related to air quality in California communities.

IV. Community Steering Committees

1. Communities should define the structure and process for their engagement.
2. Communities should have real decision-making authority and clearly defined roles and responsibilities in the development, approval, and implementation of community emissions reduction programs.
3. A supermajority of Community Steering Committees or alternative structures defined by communities should be residents.
4. Allow Community Steering Committees or alternative structures to define their ongoing role and responsibilities after CERP approval to continue through the implementation process.
5. Provide financial and other resources to support community engagement and participation.
6. Provide technical assistance to support meaningful participation.

V. Strategies to Reduce Emissions and Exposure

1. Speed up timelines for statewide actions in Appendix F and prioritize implementation in highly burdened communities.
2. Take immediate action on our recommended additional statewide strategies.
 - a. Support the development and placement of medium and heavy-duty electric truck charging infrastructure in highly impacted communities.
 - b. Require zero emission solutions wherever possible.
 - c. Implement a statewide setback of 2,500 feet around all oil and gas wells.
 - d. Implement statewide refinery rules.
 - e. Additional land use and transportation strategies
3. Require air districts to implement specific prescribed emission reduction measures.
 - a. Direct and support air districts to implement new refinery rules.
 - b. Provide guidance and support to air districts to develop and implement new rules to regulate indirect sources.
 - c. Ensure that air districts meaningfully incorporate and address emissions from agricultural, dairy, and livestock operations.
4. General recommendations regarding the Technology Clearinghouse:
 - a. Prioritize refinery equipment and technologies.
 - b. Ensure that the clearinghouse is as comprehensive and stringent as possible.
 - c. Provide a concrete and specific timeline for Phase II completion.

VI. Review and Approval of Community Emissions Reduction Programs and Ongoing Implementation Progress

1. Provide clear and specific criteria and processes for both approval and annual review of progress.
2. Provide clear and specific information on additional review and evaluation procedures.

VII. Emissions Reporting Requirements

1. Emissions reporting requirements should support cumulative impacts analysis.
2. Provide independent review of emissions inventories.

I. COMMUNITY SELECTION

1. Provide a clear and specific process for how the community assessments will be used to recommend communities for selection.

Appendix B of the Draft Blueprint describes a three-step process to identify, assess, and select communities, with six assessment factors and numerous additional considerations to be used in the selection process,² but the actual method of comparing communities to each other and the rationale for how CARB staff will actually decide which communities to recommend for selection remain unclear. The Draft Blueprint states that “CARB will release [its] assessment [of all identified potential communities] in summer 2018” and that “CARB staff will develop recommendations on the selection of communities.”³

To provide clarity and objectivity, we request that CARB lay out a clear and specific process for how the assessment will be used to compare communities and how exactly staff will decide which communities to recommend for selection. As we have stated in our previous comments, the comparison should be based on objective data and be transparent so as to leave no question or doubt as to how and why communities have been selected or will be selected in the future. Potential examples of an objective decision-making process are a simple point system or a weighted scoring rubric such as that in CalEnviroScreen.

2. Include community representation and a public process for the research consortium.

We appreciate that “CARB and the Department of Toxic Substances Control (DTSC) are contracting with a consortium of researchers to provide analytical support to identify appropriate datasets and to develop novel indicators that can be integrated into existing cumulative impacts screening approaches such as CalEnviroScreen.”⁴ We recommend that community representatives be included in this consortium to provide input on research questions and goals and that this research be made available to

² Draft Blueprint, Appendix B.

³ Draft Blueprint, p. 11-12.

⁴ Draft Blueprint, Appendix B, p. 7-8.

the public. CARB should hold public meetings to present the research plan and questions and gather input and clearly explain how the results will be used in the community selection process.

3. Clearly identify other communities to be targeted and define actions and timelines.

We appreciate that, in addition to providing the selection of communities for community emissions reduction programs and monitoring, CARB plans to “also include a description of near-term actions to be taken in communities not yet selected, to underscore efforts to reduce emissions and exposure in all heavily impacted communities.”⁵ In this description, the communities to be targeted should be clearly identified, as should the actions to be taken and timelines.

4. Minimize competition between communities and support community capacity-building and collaboration.

CARB should strive to uphold this intention in all aspects of implementing AB 617. A clear, objective, and transparent process for choosing communities, as described above, will help to better ensure fairness and reduce competition among communities.

5. Meaningfully consider rural pollution from agricultural, dairy, and livestock operations.

While we appreciate CARB’s inclusion of rural sources of pollution as additional considerations in recommending communities to be selected in the first year of the program, we request that CARB do more to ensure that emissions from agricultural, dairy and livestock operations are meaningfully assessed and define specific data sources to be included in technical assessments.

In California, agriculture accounts for a significant portion of both greenhouse and air pollution emissions, including from fertilizer use, pesticide use, livestock enteric fermentation and manure⁶ and is of particular concern in rural regions. Agriculture’s contribution to air pollution is, of course, even greater in regions of the state that contain the majority of irrigated agriculture and livestock operations. Agriculture also accounts for the majority of nitrous oxide emissions in California, primarily from fertilizer and manure added to the soil.⁷ Ammonia emissions are also of particular concern due to their propensity to react with other emissions in the atmosphere to create particulate matter (PM).⁸ Some estimates suggest that ammonia may increase by 15 percent by 2030.⁹ In an estimated Ammonia Emissions Inventory conducted by CARB in 2000, cattle accounted for 32 percent of the state’s ammonia emissions. In that same inventory, the San Joaquin Valley accounted for more than half of the state’s

⁵ Draft Blueprint, Appendix B, p. 10.

⁶ <https://www.arb.ca.gov/cc/inventory/background/ch4.htm>; INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS: 1990–2016, EPA Ch. 5, 5-1 (2018), https://www.epa.gov/sites/production/files/2018-01/documents/2018_chapter_5_agriculture.pdf.; Zifei Liu et al., *Ammonia and Methane Emission Factors from Cattle Operations Expressed as Losses of Dietary Nutrients or Energy*, 3 AGRICULTURE 1, 1 (Feb. 23, 2017).

⁷ <https://www.arb.ca.gov/cc/inventory/background/n2o.htm>

⁸ *Air Emission Sources*, EPA, <https://www.epa.gov/air-emissions-inventories/air-emissions-sources> (last visited Apr. 27, 2018).

⁹ Alyssa M. McQuilling & Peter J. Adams, *Modeling Livestock ammonia Emissions in the United States: From Farms to Emissions to Particulate Matter*, CTR. FOR ATMOSPHERIC PARTICLE STUDIES 1 (2015), <https://www.epa.gov/sites/production/files/2015-09/documents/mcquilling.pdf>.

beef and dairy ammonia emissions.¹⁰ The San Joaquin Valley air basin is currently in nonattainment for PM 2.5 and eight-hour Ozone under federal standards.¹¹

Rural sources of pollution coupled with additional criteria air pollutants and toxic air contaminants exacerbate public and environmental health hazards in already overburdened communities. In order to uphold the intent of AB 617, CARB must ensure that contributing sources of pollution from irrigated agricultural, dairy, and livestock operations are incorporated in technical assessments by both air district and CARB staff.

II. CRITERIA AND REQUIREMENTS FOR COMMUNITY EMISSIONS REDUCTION PROGRAMS

1. Require specific minimum baseline metrics for all community emissions reduction programs.

We appreciate the information about criteria and requirements for community emissions reduction programs (CERPs) in Appendix C of the Draft Blueprint, and we agree that CERP emissions reduction targets should be “quantitative, specific, and measurable.”¹² As in our previous comments, we strongly recommend adding these specific minimum baseline metrics as enforceable requirements for all CERPs.

a. Require that all CERPs result in substantial and quantifiable annual reductions that are above and beyond what is already required by existing law and regulations and ensure no net increase in criteria air pollutant and toxic air contaminant emissions.

All CERPs should result in substantial, quantifiable annual reductions and ensure no net increase in emissions.

AB 617 clearly states that community emissions reduction programs “shall result in emissions reductions in the community, based on monitoring or other data.”¹³ CERPs should result in substantial emissions below existing levels. In the absence of monitoring data, CERPs should at least ensure no net increase in criteria or toxic emissions.¹⁴

All CERPs should result in emissions reductions each year.

We appreciate the inclusion of the implementation schedule in the CERP criteria and the five-year timeframe with immediate and three-year milestones.¹⁵ To ensure immediate emissions reductions and progress on a strict timeline, CARB should require air districts to demonstrate measurable reductions attributable to CERPs every year in their annual reports on implementation progress.

¹⁰ Dr. Michael T. Benjamin, *Estimating Ammonia Emissions in California*, CARB (Sept. 28, 2000) (PowerPoint presentation).

¹¹ *Ambient Air Quality Standards & Valley Attainment Status*, SAN JOAQUIN VALLEY AIR POLLUTION CONT. DIST., <http://www.valleyair.org/aqinfo/attainment.htm>

¹² Draft Blueprint, Appendix C, p. 13.

¹³ Cal. Health & Safety Code Sec. 44391.2(c)(5).

¹⁴ This is consistent with the mandates in Cal. Health & Safety Code Sec. 38570(b).

¹⁵ Draft Blueprint, Appendix C.

Emissions reductions attributed to CERPs should be above and beyond reductions already required by existing law and regulations.

This should be a bare minimum requirement of AB 617 implementation. CARB should clearly state that meeting existing standards and/or maintaining current programs within air districts is not sufficient to meet the mandates of AB 617. Many areas in the state are not in attainment of Clean Air Act standards; AB 617 should provide emissions reductions and improvements in air quality that meet and exceed Clean Air Act standards.

b. Require that all CERPs and the measures within them be consistent with priorities identified by community residents through documented outreach and engagement processes.

c. Require all CERPs to include actionable metrics and timeframes for reductions from each significant stationary, mobile, indirect, and area source of criteria or toxic emissions in the selected communities.

These minimum requirements are consistent with AB 617 as well as Senate Bill (SB) 856, which was approved by the Governor on June 27, 2018 and provides incentive funding for early actions to complement the implementation of the Community Air Protection Program. Importantly, SB 856 specifically states:

“As such, the funds shall be allocated for projects that are intended to benefit communities that the State Air Resources Board has selected or is considering for selection in future years pursuant that section.

(a) Funds shall be allocated to projects consistent with priorities identified by the affected community in a transparent, meaningful public process.

(b) Funds shall only be allocated to projects that will provide emission reductions that are in excess of those otherwise required by law or regulation.”¹⁶

SB 856 also ties the incentive funding to “the rules and regulatory requirements that the State Air Resources Board and air districts have established or are in the process of developing to reduce or mitigate emissions from mobile and stationary sources in affected communities pursuant to Section 44391.2 of the Health and Safety Code.”¹⁷

Thus, consistent with the requirements of AB 617 and the language of SB 856, CARB should clearly define these minimum substantive requirements for all CERPs and require that they spell out, through actions to be taken, timelines, and enforcement mechanisms, how they will meet these metrics. This will provide a level of consistency statewide and provide a clear and transparent way to evaluate all CERPs and the Program overall.

¹⁶ SB 856, Section 36 (approved June 27, 2018).

¹⁷ SB 856, Section 36 (approved June 27, 2018).

2. Require specific health-based goals for all community emissions reduction programs.

We appreciate that the Draft Blueprint discusses health-based air quality objectives and community health indicators.¹⁸ In Appendix C, the Draft Blueprint states two health-based objectives:

- “Reducing exposure caused by local sources to achieve healthful levels of PM2.5 within the community.
- Maximizing progress on reducing exposure to toxic air contaminants that contribute to the cumulative exposure burden.”¹⁹

While we agree with these objectives, we recommend that CARB add the following specific goals for all CERPs, as the core intent of AB 617 is to improve the health of communities impacted by air pollution.²⁰

a. Establish target cancer and noncancer health hazard goals and timelines for all California communities, such as those listed below.

While the target goals would not have regulatory authority, they would provide concrete and measurable criteria for evaluation of the healthfulness of California’s ambient air.

- (i.) Cumulative cancer health risk from ambient air no higher than 100/million at any residence, park, or school, by 2025, including cancer risk attributable to diesel exhaust. Define “residence” to include publicly accessible locations where homeless people may sleep or spend time.*
- (ii.) Cumulative cancer health risk from ambient air no higher than 50/million at any residence, park, or school, by 2030.*
- (iii.) Cumulative noncancer health risk from ambient air no higher than 3 at any residence, park or school, by 2025.*
- (iv.) Cumulative noncancer health risk from ambient air no higher than 1 at any residence, park, or school, by 2030.*

b. Require that all CERPs contain new, additional strategies to meet state and federal ambient air quality standards for criteria pollutants at sensitive receptors.

c. Require that all CERPs contain new, additional strategies to reduce exposure to toxic air contaminants at sensitive receptors.

¹⁸ Draft Blueprint, Appendix C, p. 4-5, and Appendix F, p. 26-27.

¹⁹ Draft Blueprint, Appendix C, p. 5.

²⁰ Assembly Floor Analysis p. 9 (July 14, 2018); Senate Floor Analysis p. 12 (July 13, 2017); Senate Committee on Environmental Quality Analysis p. 11-12 (July 17, 2017).

3. Ensure that rural pollution from agricultural, dairy, and livestock operations are meaningfully assessed and addressed in CERPs.

As discussed earlier in this comment letter, CARB must do more to ensure that pollution from these sources is included and meaningfully considered in CERPs. The Draft Blueprint merely mentions rural sources of pollution, including those from agricultural activities and fugitive dust, as additional considerations in the selection of first year communities²¹ but does not define how these specific sources will be addressed in CERPs and air monitoring plans. In addition to ensuring inclusion of these sources in technical assessments for year one community selections, CARB should do the following:

- a. Require air districts to conduct air quality monitoring of these sources.**
- b. Include enforceable strategies in CERPs to ensure reductions and no increases in any criteria or toxic emissions from these sources.**
- c. Require the establishment of baseline emissions data from agricultural sources.**

III. ACTIONS AND TOOLS TO SUPPORT HEALTH OBJECTIVES AND DATA

To complement and further the health-based objectives above, we recommend that CARB take the additional actions outlined below.

1. Track progress towards meeting the above health-based goals.

Use an emissions inventory and modeling approach similar to the one used by South Coast Air Quality Management District (SCAQMD) in its Multiple Air Toxics Exposure Study IV (MATES IV) of health risks of ambient air in Los Angeles, to be updated at least every three years using the most current Office of Environmental Health Hazard Assessment (OEHHA) methodology for assessing health risks from toxic air contaminants.

Although we recommend a methodology such as the MATES, we do not endorse all aspects of it. For instance, we note that communities such as the Eastern Coachella Valley were not included, and we strongly recommend that all communities be included in the emissions inventory and modeling.

2. Make data and maps from these analyses available to the public.

The level of detail should allow residents to identify sources of pollution that contribute to health risks in their communities and to identify the magnitude of the health risk from major sources. Do not use population weighting in reporting results.

3. Use the results to further inform and develop other criteria and requirements for CERPs.

²¹ Draft Blueprint, p. 12.

4. Establish a statewide advisory group to continue development of health goals, metrics, and timelines and to assess the progress of AB 617 in reducing health risks related to air quality in California communities.

The group should function similarly to the EPA’s Clean Air Scientific Advisory Committee (CASAC), and its purpose, role, and responsibilities should be clearly and explicitly defined. It should include individuals and organizational representatives that work directly in and with communities impacted by heavy air pollution, public health experts, such as researchers and academics, and community health providers. In addition, we suggest including and collaborating with staff from the OEHHA, Department of Public Health, and Office of Health Equity.

IV. COMMUNITY STEERING COMMITTEES

1. Communities, rather than CARB or air districts, should define the structure and process for their engagement in the development and implementation of CERPs.

While we appreciate the intention of establishing Community Steering Committees to provide a structure and mechanism for community members to meaningfully engage in CERP development and implementation processes, we believe that communities, rather than CARB or air districts, should define the structure and process for their engagement. With that said, we offer the following general comments and recommendations on Community Steering Committees or alternative structures to be defined by communities.

2. Community Steering Committees or alternative structures defined by communities should have real decision-making authority and a clearly defined role and responsibilities.

We agree with CARB that: “Most importantly, underpinning AB 617 is the understanding that community residents must be active partners in envisioning, developing, and implementing actions to clean up the air in their communities.”²² To that end, community residents should have a genuine decision-making and oversight role over CERPs in their communities rather than being advisory. To ensure that CERPs reflect and are consistent with the priorities that communities have identified, community approval, through Community Steering Committees or alternative structures, should be a required step in the CERP development and approval process.

3. A supermajority of Community Steering Committee members or members of an alternative structure defined by the community should reside in the community.

This will help ensure strong, authentic community representation and participation in the CERP development process.

4. Allow Community Steering Committees or alternative structures to define their ongoing role and responsibilities after CERP approval and through the implementation process.

²² Draft Blueprint, p. 2.

If a selected community decides on an alternative to the Community Steering Committee, the alternative body should define their role and responsibilities for developing and approving the CERP as well as their ongoing review of implementation progress.

5. Provide financial and other resources to support community engagement and participation.

We agree that: “Building an effective community emissions reduction program will require consistent and frequent engagement with community members.”²³ To facilitate community residents’ participation on Community Steering Committees or an alternative structure, they should be compensated for their time and any associated travel, transportation, or other costs of participation. Attending meetings will require a significant commitment of time, resources, and energy, particularly for working people with families. CARB and air districts should provide assistance to minimize these barriers to participation.

6. Provide technical assistance to Community Steering Committees or alternative structures.

This will help ensure that community members have adequate and accessible information to participate meaningfully. While air districts should provide community profiles and technical assessments of pollution sources and potential emission reduction measures, community members should have the ability to request additional information and analyses and to have the information presented in accessible formats. Assistance should include language translation and interpretation as needed.

V. STRATEGIES TO REDUCE EMISSIONS AND EXPOSURE

As the intent and purpose of AB 617 is to reduce emissions in overburdened communities, the strategies to achieve that are of utmost importance. We offer the following comments and recommendations on specific statewide and district level emissions reduction measures that residents in some of the communities we work with have identified as priority measures to reduce emissions from the pollution sources in their neighborhoods. These are not meant to be comprehensive; CARB and air districts have the tools and resources to develop many other new rules and regulations not listed here that would further reduce air pollution and benefit our communities, and we strongly and wholeheartedly urge them to do so.

1. Speed up timelines for statewide actions in Appendix F and prioritize implementation in highly burdened communities.

We agree that CARB needs to take action on statewide measures in addition to CERPs as a necessary step to ensure emissions reductions and improved air quality across the state, including communities not selected for CERPs. We appreciate and commend CARB for including specific statewide strategies and upcoming actions in Appendix F, and we are pleased to see some that reflect the priorities in our communities. As described below, we recommend that CARB strengthen some of them, revise its timelines for faster action, and identify highly burdened communities for priority implementation.

²³ Draft Blueprint, Appendix C, p. 7.

Commercial Harbor Craft - We support the strategy to amend the existing Commercial Harbor Craft regulation to include more stringent in-use and new vessel requirements for both freight-related and passenger vessels, and we also support prioritizing implementation in or near communities with high cumulative exposure burdens. We recommend that CARB provide more clarity on what this prioritized implementation will look like and establish aggressive zero emissions targets and timelines for this measure.

Cargo handling equipment - We support this measure to transition cargo handling equipment to zero emissions technology. We recommend that CARB include cargo handling equipment that operates at warehouses, logistics facilities, and similar freight-related facilities, in addition to ports. We urge CARB to consider an earlier timeline for this rule, given that the technology for zero emissions equipment is currently close to full commercialization.

Drayage trucks at seaports and railyards - We support this measure to transition drayage trucks to zero emissions technology. We urge CARB to include drayage trucks that serve warehouses, logistics centers, and similar freight related facilities, as well as ports. We believe that the timeline for implementation of this measure could be shortened, given that commercialization of this technology is proceeding rapidly. We support prioritizing implementation in or near communities with high cumulative exposure burdens and request clarity from CARB on what this prioritized implementation process will look like.

Reducing idling for all railyard sources - CARB states that this regulatory action will begin development in 2020 and implementation in 2023+.²⁴ We recommend that CARB develop and implement a regulation on this immediately, as there is sufficient information to act on.

Reducing emissions from locomotives not preempted under the Clean Air Act - We support required “retrofit, repower, remanufacture, or replacement of freight and passenger locomotives” rather than “a voluntary agreement with the major railroads”²⁵ and recommend immediate implementation in the most highly impacted communities.

Chrome plating control measure - We support amending and strengthening the current Airborne Toxic Control Measure (ATCM). Hexavalent chromium is a highly toxic substance, and emissions of even small amounts are a threat to public health. A stronger ATCM is urgently needed, and we urge CARB to set a short timeline for development and implementation of this measure. We urge CARB to require maximum pollution prevention, such as alternatives to hexavalent chromium. We also recommend that T-BACT for hexavalent chromium be as strong as possible and include the option of discontinuation of hexavalent chrome plating in locations in close proximity to homes or schools.

²⁴ Draft Blueprint, Appendix F, p. 3.

²⁵ Draft Blueprint, Appendix F, p. 4.

Heavy-duty on-road and off-road engine in-use testing - We recommend that CARB specify the “selected communities”²⁶ where this will be implemented, prioritizing those with high cumulative burdens from concentrations of heavy-duty truck traffic and goods movement activities.

2. CARB should take immediate action on additional statewide strategies outlined below to reduce emissions and improve air quality in communities across the state.

In addition to the actions described above and in Appendix F, we strongly urge CARB to act swiftly on these statewide strategies.

a. Coordinate with implementing agencies such as the California Energy Commission and California Public Utilities Commission to prioritize the development and placement of electric vehicle charging infrastructure for medium and heavy-duty trucks and other goods movement equipment in highly impacted communities.

We are encouraged by the proposed statewide strategies to transition to zero emission technologies, as described in Appendix F and discussed in our comments above, as well as recent actions to support and prioritize zero emission technologies, including CARB’s own Community Air Protection Funds Supplement to the Carl Moyer Memorial Air Quality Standards Attainment Program 2017 Guidelines approved in April 2018, Governor Brown’s Zero Emission Vehicle Executive Order, and the language of SB 856. To build on these, CARB should collaborate with the appropriate agencies to prioritize the development and placement of charging infrastructure for medium and heavy-duty trucks and other goods movement equipment that operate in communities with high cumulative pollution burdens.

b. Ensure that all AB 617 related actions, funding, regulatory, and permitting decisions require zero emission solutions wherever possible.

Our communities have been clear and consistent in demanding zero emission solutions only. As the purpose and intent of AB 617 are to uplift overburdened communities, and, as quoted earlier in this comment letter, the language of SB 856 reflects that incentive funds for early actions should be “consistent with priorities identified by the affected community,”²⁷ CARB should uphold this. Requiring zero emission solutions builds upon the prioritization of zero emission technologies in recent actions, including those mentioned above.

Zero emission technologies are increasingly available to replace transportation sources and many types of stationary sources, including electric power generation and smaller sources, as well as area sources. Zero emission technologies should be evaluated and prioritized as alternatives to the continued use of fossil fuels and other polluting technologies in all permitting and other regulatory decisions and funding decisions. The early adoption of zero emission technologies to replace polluting technologies can help spur and incentivize more development of these clean solutions, and it is an important way to transition communities to a healthier, more sustainable future.

²⁶ Draft Blueprint, Appendix F, p. 7.

²⁷ SB 856, Section 36 (approved June 27, 2018).

c. Implement a statewide setback of 2,500 feet around all oil and gas wells.

We continue to urge CARB to implement a statewide setback of 2,500 feet around all oil and gas wells. We support related comments submitted by the Center on Race, Poverty, and the Environment (CRPE) and other efforts led by our members and other environmental justice organizations advocating for this. 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.

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.

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 described in the comments submitted by CRPE to CARB in May 2018, the implementation of a setback for all oil and gas wells in the state is within CARB's legal authority.

d. Implement statewide refinery rules.

We support comments submitted by Communities for a Better Environment regarding statewide and district rules to regulate oil refinery technologies and emissions. These include:

(i.) Prohibit refinery-level emissions increases.

(ii.) Begin a plan for at least 80 percent phaseout of oil refineries by 2050.

e. Land Use and Transportation Strategies

We appreciate CARB's consideration of land use and transportation strategies to reduce emissions and exposure in Appendix C, and we agree that "air quality officials have an important role to play as they work with city and county governments."²⁸ We commend CARB for recognizing this and for working to compile resources²⁹ as well as encouraging air districts through CERPs to engage with local agencies that implement and have direct authority over land use and transportation planning and permitting decisions.³⁰ CEJA members and partners and other organizations have worked for years with local authorities and land use processes to address disproportionate burdens in communities and to

²⁸ Draft Blueprint, Appendix C, p. 21.

²⁹ Draft Blueprint, Appendix F, p. 19.

³⁰ Draft Blueprint, Appendix C, p. 21-23.

transform communities into green zones.³¹ The progress that community groups have made can be replicated in other communities and applied more broadly, and decisions related to air quality play a critical role in these transformations.

To further support and assist local land use planning efforts, we recommend that CARB take the following additional actions:

(i.) Update the CARB Air Quality and Land Use Handbook to ensure that it reflects the mandates of AB 617 as well as current tools and recommendations for applying cumulative impacts analysis.

(ii.) Require air districts to meaningfully consider and include these tools and recommendations in CERPs.

CARB's updated and additional guidance on utilizing and applying cumulative impacts analysis in land use and transportation planning and permitting should make clear that *cumulative impacts analysis should evaluate the true impacts of continuing to allow harmful pollution in overburdened communities*. Rather than assessing the impacts of a single source, CARB and air districts must consider the cumulative pollution burdens of multiple sources and other related factors in a community. For instance, while an individual facility may not violate its permits or other regulations, it is common in many of our communities for there to be a large number of polluting facilities in the area that produce a cumulative pollution burden.

To reduce the disproportionate and inequitable impacts of these high concentrations of local emissions, CARB should provide guidance on specific strategies to utilize and apply analyses of cumulative pollution burdens. Below is a nonexhaustive list of example strategies.³²

- Use CalEnviroScreen indicators to provide an analysis of existing environmental burdens in order to set the baseline conditions and metrics to improve.
- Use an analysis of cumulative pollution burdens in a specific community or census tract(s) to set strict emissions thresholds and deny permits when a potential new facility or expansion of an existing facility would increase total emissions and exceed the threshold for the defined area, even if the region as a whole would not become noncompliant.
- Set strict health-based community or census level exposure thresholds and deny permits when a potential new facility or expansion of an existing facility would increase exposure at sensitive receptors.

³¹ CEJA Green Zones report: <https://caleja.org/wp-content/uploads/2015/09/GREENZONES.2015.30MB.pdf>

³² CEJA has a forthcoming brown paper on CalEnviroScreen that provides an additional resource on cumulative impacts analysis and suggested applications.

- Update criteria for approving or denying permits to facilities that could increase emissions in communities with high cumulative pollution burdens.
- Include pollution burdens caused by indirect sources, such as increased truck traffic to a facility, in cumulative impacts analysis in applicable communities.
- Prioritize implementation and/or targeted enforcement activities in areas with high cumulative pollution burdens.
- Limit new facilities and expansion of existing facilities in close proximity to disadvantaged communities.
- Echoing our March 2018 comments, explore other ways to limit, oppose, or disincentivize projects that would result in increased emissions in a specified community area. For example, CARB should withhold relevant funding to local jurisdictions that continue to allow new siting, permitting, and/or expansions of incompatible land uses.

(iii.) Require all CERPs to demonstrate consistency with the goals and intent of SB 1000.

We appreciate CARB's reference to SB 1000 (Leyva), which passed in 2016, and to our CEJA SB 1000 Toolkit: *Planning for Healthy Communities*,³³ and we recommend that CARB ensure that CERPs be consistent with the following aspects of SB 1000:

“(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decision-making process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.³⁴

3. Require air districts to implement prescribed emission reduction measures.

CARB should provide a list of specific prescriptive strategies to reduce emissions and exposure in communities and require air districts to implement them to address the sources located in their jurisdictions. These should be the strongest possible, most stringent measures to ensure the highest possible, most ambitious level of reductions. CARB should specify that air districts begin implementation immediately and not wait for CERPs to be developed and approved.

a. Direct and support air districts to develop and implement new refinery rules.

³³ Draft Blueprint, Appendix C, p. 21, and Appendix F, p. 19.

³⁴ California Government Code Section 65302(h)(1).

As stated previously in this comment letter, we support the comments submitted by Communities for a Better Environment recommending that CARB direct air districts with refineries in their jurisdiction to develop and implement the following new rules:

- (i.) Replace low and medium efficiency refinery boilers & heaters, add retrofits, and improve maintenance.*
- (ii.) Require best catalytic cracking unit PM and PM precursor (SOx, NOx) control technology (e.g., wet scrubbers) at all refineries.*
- (iii.) Prohibit air districts from granting in-basin particulate matter (PM) pollution trading credits and instead require PM emissions limits and reductions.*

b. Provide guidance and support to air districts to develop and implement new rules to regulate indirect sources.

Our March 2018 comments include examples of indirect source rules.

c. Ensure that air districts meaningfully incorporate and address emissions from agricultural, dairy, and livestock operations.

CARB should require air districts to include specific enforceable strategies in CERPs to ensure reductions and no increases in any criteria or toxic emissions from agricultural, dairy, and livestock operations.

4. Technology Clearinghouse

We believe that the Technology Clearinghouse, as CARB has noted, will be a helpful tool in both the development of the CERPs as well as the BARCT determinations. In particular, Phase II will provide important information about zero emission technologies as well as the most stringent technologies. We have a few general comments here.

a. Prioritize refinery equipment and technologies.

Refineries are the largest sources of emissions in the state and would account for most of the total reductions from control technologies. In developing and updating the technology clearinghouse, CARB should prioritize equipment and technologies used at refineries.

b. Ensure that the clearinghouse is as comprehensive and stringent as possible.

The clearinghouse should look beyond California, to other states and parts of the world, to include the cleanest and most stringent practices and technologies possible.

c. Provide a concrete and specific timeline for when Phase II will be completed for specific source technologies.

This increased transparency will help ensure that communities and regulators are looking at the most up-to-date information. Phase II should be completed as soon as possible so as not to delay CERP or

BARCT decisions. The 2020 timeline may be too late for communities selected in the first and second years of the Program and for facilities that could upgrade equipment or technologies in the meantime.

VI. CARB OVERSIGHT: REVIEW AND APPROVAL OF COMMUNITY EMISSIONS REDUCTION PROGRAMS AND ONGOING IMPLEMENTATION PROGRESS

We appreciate the Draft Blueprint's inclusion of ongoing Community Air Protection Program review in Appendix A³⁵ as well as annual review processes and requirements for CERPs for both initial approval and ongoing implementation progress in Appendix C.³⁶ As these are the main mechanisms for CARB to exercise its oversight authority, we request more clear and specific details about the review processes and standards in order to ensure transparency and accountability.

1. Provide clear and specific criteria and processes for both approval of CERPs and annual review of implementation progress.

CARB has a duty under AB 617 to provide oversight and approval of the CERPs. In particular, AB 617 sets forth clear requirements for CARB approval of the program. Specifically, AB 617 requires that:

"The community emissions reduction programs shall be submitted to the state board for review and approval within 60 days of the receipt of the program. Programs that are rejected shall be resubmitted within 30 days. To the extent that a program, in whole or in part, is not approvable, the state board shall initiate a public process to discuss options for achievement of an approvable program. Concurrent with the public process to achieve an approvable program, the state board shall develop and implement the applicable mobile source elements in the draft program to commence achievement of emission reductions."³⁷

AB 617 also details some of the minimum requirements of an approvable plan:

"The community emissions reduction programs shall be consistent with the state strategy and include emissions reduction targets, specific reduction measures, a schedule for the implementation of measures, and an enforcement plan."³⁸

The programs shall result in emissions reductions in the community, based on monitoring or other data."³⁹

To ensure that the plans are on track, AB 617 includes a regular reporting requirement:

³⁵ Draft Blueprint, Appendix A, p. 7.

³⁶ Draft Blueprint, Appendix C, p. 31-35.

³⁷ Cal. Health & Safety Code § 44391.2(c)(4)

³⁸ Cal. Health & Safety Code § 44391.2(c)(3).

³⁹ Cal. Health & Safety Code § 44391.2(c)(5).

“A district encompassing a location selected pursuant to this subdivision shall prepare an annual report summarizing the results and actions taken to further reduce emissions pursuant to the community emissions reduction program.”⁴⁰

Consistent with these mandates in the legislation, we recommend the following:

a. Include our recommended statewide baseline minimum standards in the Checklist for Community Emissions Reduction Program Evaluation and use these standards to review and evaluate annual implementation progress.

We appreciate the Checklist for Community Emissions Reduction Program Evaluation in Appendix C.⁴¹ This list, however, does not provide clear minimum substantive requirements that a CERP must meet for approval. Rather, the list in Appendix C only requires air districts to specify, describe, and identify what is included within the program. Without more direction about the minimum threshold that these programs must meet, it is not clear what constitutes an approvable program. CARB should include our recommended statewide baseline minimum standards as criteria by which CERPs will be evaluated for approval and annual progress. The checklist should include the following:

(i.) Emissions reduction targets must include enforceable requirements and health-based goals.

(ii.) CERP must result in substantial and quantifiable emissions reductions annually and no net emissions increase in the community.

(iii.) CERP emissions reductions must be above and beyond existing rules and regulations.

(iv.) CERP and measures within it must align with community priorities.

(v.) CERP must include specific strategies to meet emissions reduction targets and have a plan to document reduced emissions each year and attribute emissions reductions to specific measures, actions, or components of the CERP.

(vi.) CERP must include specific strategies to meet the health-based goals and requirements.

b. Define the review processes for approval and ongoing implementation of community emissions reduction programs.

Although CARB states that it will conduct an approval process for CERPs and review annual reports of progress on implementation, the Draft Blueprint does not describe the procedures or details of these review processes.

⁴⁰ Cal. Health & Safety Code § 44391.2(c)(7).

⁴¹ Draft Blueprint, Appendix C, p. 37-42.

We agree that, pursuant to AB 617, “CARB’s responsibility is to ensure that community emissions reduction programs have been designed with sufficient rigor and technical foundation to deliver the needed community benefits.”⁴² Yet there are no clear requirements of what the approval process will include. The description in Appendix C includes some general ideas of what “may” be required during review, but it does not include a description of what will be required, and there is no specification of when CARB will not approve a CERP.

AB 617 contemplates that the approval review will occur in a public process.⁴³ The Draft Blueprint does not describe how this public process will be conducted. Rather, CARB states its commitment to work with air districts and community steering committees, but this does not explain exactly what CARB’s approval process will look like and how the public will be able to participate. This is not consistent with AB 617, which clearly requires plans to be consistent with law and the statewide strategy that CARB sets forth.

The Draft Blueprint also does not describe the procedures for its review of annual progress reports. As CARB correctly notes, AB 617 also specifies that air districts “shall prepare an annual report summarizing the results and actions taken to further reduce emissions pursuant to the community emissions reduction program.”⁴⁴ These reports provide the main mechanism for tracking progress of CERPs. The Draft Blueprint states: “Annual reports must be made available to the public no later than October 1 of every year after community emissions reduction program implementation begins”⁴⁵ and further specifies process requirements for air districts to present annual progress reports, but it does not specify CARB’s review process. Rather, it simply states that “CARB staff will report to CARB’s Governing Board on key community emissions reduction program milestones, including emissions reductions and regulatory action.”⁴⁶

We urge CARB to spell out the details of its review processes to provide transparency and accountability as well as opportunities for public engagement at the statewide level.

(i.) For approval, each CERP should be presented and decided on in a public CARB Governing Board meeting, and CARB staff should present their recommendation related to approval for each CERP with a written explanation that clearly evaluates how the CERP meets requirements. The public should be given the opportunity to comment.

(ii.) For annual review, CARB should provide written evaluation of whether or not and how a CERP is meeting its requirements.

⁴² Draft Blueprint, Appendix C, p. 31-32.

⁴³ California Health & Safety Code § 44391.2(c)(4).

⁴⁴ California Health & Safety Code § 44391.2(c)(7).

⁴⁵ Draft Blueprint, Appendix C, p. 35.

⁴⁶ Draft Blueprint, Appendix C, p. 35.

(iii.) CARB should consider using a point system or rubric to have a clear, objective, and transparent method of evaluating CERPs for approval and implementation progress.

(iv.) If a CERP does not meet its annual metrics, CARB should provide a process to consider what steps to take to ensure that the CERP meets the timeline as soon as possible. CARB should evaluate options in a public process, and the options should include CARB stepping in.⁴⁷ CARB should also consider enforcement and penalty options, including withholding relevant funds from an air district that is not meeting its requirements.

2. Provide clear and specific information on additional review and evaluation procedures and include all relevant materials in annual progress reports on community emissions reduction program implementation.

Appendix A states that “CARB will also conduct outreach to communities to obtain detailed perspectives on [Community Air Protection] Program progress and success. This could include surveys to solicit community perspectives to supplement air district reports, CARB community meetings, and other activities.”⁴⁸ We appreciate this intention and recommend that CARB provide clear and specific steps to be taken. In particular, the results from surveys of community perspectives and community meetings should be well documented and included in annual reports to the CARB Governing Board as part of overall Program and annual CERP review processes.

VII. EMISSIONS REPORTING REQUIREMENTS

CEJA supports the comments submitted by Environmental Health Coalition (EHC) on Proposed Regulation for Criteria Pollutant and Toxic Air Contaminant Emissions Reporting, submitted on June 29, 2018. In addition, we emphasize the following two points.

1. Design emissions reporting requirements to support cumulative impacts analysis.

Many of our communities have high concentrations of pollution from multiple types of sources, such as small stationary sources and indirect sources that are often overlooked, underreported, or not reported. It is imperative to be able to evaluate the true cumulative air pollution burdens in communities. We support including more sources and standardizing emissions reporting with a uniform statewide system. We urge CARB to make every effort to design emissions reporting requirements with highly impacted communities in mind and to ensure accurate and comprehensive emissions data to facilitate cumulative impacts analysis.

2. Provide independent review of emissions inventories.

CARB should conduct its own review and analysis of refinery emissions inventories to ensure accuracy and objectivity. Currently, refineries self-report their own emissions and calculate their own baselines,

⁴⁷ Consistent with California Health & Safety Code Section 39002.

⁴⁸ Draft Blueprint, Appendix A, p. 7.

which has resulted in data manipulation and mischaracterization. CARB should also provide an opportunity and process for the public to petition for review.

CONCLUSION

We appreciate the opportunity to comment and look forward to continuing to work with CARB to ensure significant emissions reductions and improvements in air quality in our communities and many others across California. Please do not hesitate to contact Stephanie Tsai at stephanie@caleja.org with questions or to discuss any of this further.

Sincerely,

Stephanie Tsai
California Environmental Justice Alliance

Allen Hernandez
Center for Community Action and Environmental Justice

Paulina Torres
Center on Race, Poverty, and the Environment

Julia May
Communities for a Better Environment

Joy Williams
Environmental Health Coalition

Veronica Garibay
Leadership Counsel for Justice and Accountability

Martha Dina Arguello
Physicians for Social Responsibility-Los Angeles