



**Center on Race, Poverty & the Environment**

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October 11, 2022

California Air Resources Board (“CARB”)  
California Air Resources Board & Staff  
1001 I Street, Sacramento, CA 95814  
P.O. Box 2815, Sacramento, CA 95812

SUBMITTED VIA EMAIL

RE: Arvin/Lamont AB 617 Community Emissions Reduction Program Priorities

Dear Board Members of the California Air Resources Board,

The City of Arvin and communities of Lamont, Hilltop, Fuller Acres, and Weedpatch (collectively “Arvin and Lamont”) experience unprecedented cumulative exposure to pollutants emitted by oil and gas refineries, local and regional agricultural operations, and industrial sources. This region continues to face some of the toughest challenges in combatting emissions, which has led to increased health and safety concerns for the residents of these communities. Arvin and Lamont are low-income communities of color that are disproportionately impacted by pollution and climate change.

Under AB 617, CARB requires air districts in select vulnerable communities to adopt community emissions reduction programs (“CERPs”). These programs have the potential to address issues faced by residents living in areas affected by high cumulative exposure burdens due to excess pollution.<sup>1</sup> To date, CARB’s Board has selected seventeen communities to implement CERPs and community air monitoring.<sup>2</sup> On February 25, 2021, CARB selected the Arvin and Lamont community to develop a CERP and community air monitoring plan.<sup>3</sup> Arvin and Lamont were chosen for a full CERP in 2022 in which CARB is considering investments up to \$30 million towards community and industry-wide incentive measures, partnership measures to address pesticides, outreach measures to keep the community informed and engaged, and enhanced enforcement on stationary sources, fugitive dust, and heavy-duty idling. As such, the San Joaquin Valley Air Pollution Control District (“District”) created the Arvin/Lamont

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<sup>1</sup> See Cal. Air Resources Bd., Final Arvin/Lamont CERP (Jun. 16, 2022) pp. 2, available at: [https://community.valleyair.org/media/4014/6-final\\_arvinlamont-cerp\\_610.pdf](https://community.valleyair.org/media/4014/6-final_arvinlamont-cerp_610.pdf).

<sup>2</sup> Cal. Air Resources Bd., Arvin/Lamont Community Emissions Reduction Program Staff Report (Sep. 23, 2022) pp. 1, available at: [https://ww2.arb.ca.gov/sites/default/files/2022-09/ArvinLamont\\_CERP\\_Staff\\_Report\\_FINAL\\_ENG\\_acc.pdf](https://ww2.arb.ca.gov/sites/default/files/2022-09/ArvinLamont_CERP_Staff_Report_FINAL_ENG_acc.pdf).

<sup>3</sup> *Id.*

Community Steering Committee (“CSC”) to promote community engagement in the development and implementation of the AB 617 CERP.

On June 16, 2022, the Arvin/Lamont CSC published their finalized CERP after the District conducted a technical assessment to reflect the impacts of pollution within this community. This assessment found that Arvin and Lamont experience high concentrations of NO<sub>x</sub>, PM 2.5, and VOC pollutants, all of which have shown a high risk of severe adverse health impacts on residents.<sup>4</sup> These include, but are not limited to: “aggravated asthma, increased respiratory symptoms (irritation of the airways, coughing, difficulty breathing), decreased lung function in children, development of chronic bronchitis, irregular heartbeat, non-fatal heart attacks, increased respiratory and cardiovascular hospitalizations, lung cancer, and premature death. Children, older adults, and individuals with heart or lung diseases are the most likely to be affected by PM2.5.”<sup>5</sup>

The Center on Race, Poverty, & the Environment (“CRPE”) submits these comments on behalf of the Arvin and Lamont communities. In adopting and implementing the CERP, we request that CARB prioritize funding for programs benefiting residents before dispensing funds for incentive measures that help private businesses and industries. This letter will 1) outline community concerns with the Shafter CERP implementation and offer recommendations to avoid similar concerns with the implementation of the Arvin and Lamont CERP; 2) request more transparency in disclosing recipients of AB 617 funds; and 3) provide recommendations for how CARB should prioritize funding of selected CERP measures for Arvin and Lamont.

## **I. Overview of Shafter CERP Implementation.**

We urge CARB to review the successes and shortcomings of Shafter’s CERP implementation to improve Arvin and Lamont’s CERP implementation. The District prioritized the community of Shafter to receive AB 617 resources for active air monitoring, emissions reductions, and incentive funding toward pollution reduction between 2017 and 2018. In collaboration with the Air District, the Shafter CSC developed and adopted their respective CERP in September 2020. Since the CERP’s adoption, the Shafter CSC, Air District, CARB, and agency partners have begun to distribute over \$38 million in investments towards emission reduction grants, clean air projects, and incentive programs. The following are a few examples of Shafter’s current CERP incentive funding projects that have been prioritized where other CERP projects would have been more beneficial to the community.

### **i. Shafter’s Incentive Funding has primarily been distributed to growers and the agricultural industry.**

The Shafter Community identified heavy-duty trucks and locomotives, older high-polluting vehicles, agriculture, oil and gas operations, residential wood burning, fugitive dust, and urban sources are their top community sources of concern when developing their CERP.<sup>3</sup> As a result, in collaboration with the Shafter CSC, the Air District, CARB, and partner agencies, developed several incentive measure programs to address these concerns. Several incentive

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<sup>4</sup> Final Arvin/Lamont CERP, *supra* note 1, pp 7.

<sup>5</sup> *Id.*

measures required the development of new program guidelines subject to regulatory approval, technical feasibility, economic competitiveness, safety, and environmental review.<sup>4</sup>

Thus far, approximately \$9.67 million of AB 617 funding has been used to implement Shafter's CERP since its approval in 2020.<sup>5</sup> Of that, the District granted roughly \$920,000 of AB 617 funds to residents and programs that directly benefit the community.<sup>6</sup> The District awarded around \$45,000 towards burn cleaner and wood stove changeouts, \$800,000 on school bus replacements, \$75,500 on lawn and garden mower replacements, and \$200 on new lawn and garden mowers.<sup>7</sup> In sum, only about 9.52% of the total funds have gone toward community & residential benefit measures.

In contrast, the District granted agricultural industry and growers approximately \$8.35 million of Shafter's AB 617 incentive funds. The District awarded around \$4.91 million to heavy-duty off-road vehicle replacements, \$2.56 million on low-dust harvester replacements, \$838,550 on agricultural burn alternative vouchers, and \$42,000 on heavy-duty agricultural electric engine replacements.<sup>8</sup> In sum, the agricultural industry and growers received approximately 86.27% of the total funds granted to date.

Measures to address pollution from agricultural operations are essential to help alleviate the extremely high levels of PM 2.5 and other dust emitted by harvest operations, road dust, fugitive dust, and tilling operations. The issue lies in the District and CARB's prioritization of funds, specifically the timing in which the agricultural industry and residents receive incentive funding. Since Shafter's CERP implementation in 2020, the agricultural industry and growers were the first beneficiaries of AB 617 incentive funding. In contrast, residents recently received replacement green lawnmowers under Measure LG.1 in 2022, two years after the plan was approved. Additionally, Shafter has yet to receive CERP-approved funding for advanced air filtration in community schools under Measure SC.1. When schools were provided funding from a separate federal grant, it took two years for the Shafter CSC, Air District, CARB, and other agencies to discuss how to distribute SC.1's unused funds to individual residents within the AB 617 boundary this past September. To this day, the Shafter community has only begun discussions on how to implement agricultural green barriers to reduce further PM pollution in residences, and discussions on a local pesticide notification system have been deferred until a statewide notification system can be put in place.

While collaboration and new program development take time, the measures that directly benefit community residents, especially those that require new program development, ongoing collaboration, and regulatory approval, should be given the highest priority to avoid what is continuing in Shafter: a delayed response to the concerns that are felt most directly by the community. If more time is needed to implement green barriers, household electric vehicle stipends, and greener lawn and garden tools, these incentive funds should be discussed and prioritized first.

Because Arvin/Lamont is similarly situated and surrounded by areas zoned for agricultural use like Shafter, CARB must ensure that incentive measures that directly benefit the community must be at the forefront when distributing AB 617 funding.

**i. Shafter's agenda-setting and distribution of information, such as incentive fund allocation, should be more transparent to ensure meaningful public participation.**

Currently, the District's AB 617 website provides public information for CSC meeting agendas, CSC documents, and CERP development updates. However, Shafter residents would have found this information more helpful if it were more accessible and provided in a timelier manner.

Shafter residents have expressed frustration while preparing for CSC meetings. Although the District can work alongside committee members to help generate agendas; residents would prefer to review agendas further in advance than currently provided. Additionally, providing physical copies of agendas along with printed information of documents and presentations that are linked to online agendas would be preferable. For example, the most recent Shafter CSC meeting included a link to the Draft Annual Report to be submitted to CARB so that the CSC members could discuss its contents, voice concerns, and ask relevant questions. However, some members expressed that they did not have this information in advance to allow them to provide meaningful feedback to the District. Additionally, when agenda items that require discussion of lengthy materials are scheduled, summaries of those materials, including helpful images and translation, would be more accessible to the community. Residents are frustrated with navigating online information; many residents lack proper access to reliable internet connection or lack the technology required to open and review files. Many residents struggle to review online documents and prefer simplified, accessible information. We urge CARB to work alongside the District and other relevant agencies to ensure that information for residents is easy to access, easy to understand, and provided promptly to help committees contribute valuable feedback throughout this process. In approving Arvin/Lamont's CERP, we hope to reduce frustration and allow for further collaboration between CARB, the District, and the community.

Shafter's CERP implementation information should also have been provided with more transparent communication concerning incentive fund distribution and enforcement measures. Shafter's Program Funds Distribution document is a good example of the type of information that residents would like to review when discussing CERP measures, but it could be improved. For instance, residents want to know where their CERP incentive funding is utilized. Shafter's Program Fund Distribution sheet currently shows the businesses, industries, and residents who have received incentive funds. CARB and the District should publish where the funds are used for industrial incentive funds by providing addresses or parcel locations of new heavy-duty vehicles and harvesters. This information is also helpful in holding incentive holders accountable to ensure they are using their incentive funds appropriately.

**II. Arvin/Lamont CERP incentive funding should prioritize residents and community benefit programs first and foremost.**

We urge CARB to collaborate with responsible agencies to prioritize the community needs of Arvin/Lamont when approving its CERP. CARB can support community members by emphasizing that community measures should be reviewed before authorizing funding for other measures, such as agricultural operation incentive programs.

On September 28, 2022, the Arvin/Lamont CSC held its 22<sup>nd</sup> meeting in which community members openly discussed what they wished to see prioritized after their CERP approval.<sup>6</sup>

As such, the following are the measures identified by communities as priorities. Because CARB has committed to helping bridge the gap between communities and local/state agencies throughout CERP implementation<sup>7</sup>, we urge CARB to uplift community voices and help push for these priorities when collaborating with other agencies after the CERP's approval.

**i. Measure 3.C: Funding for Road Improvements, Sidewalk Installation, and Bike Paths.**

Measure 3.C should be approved and implemented first in Arvin and Lamont. Under Measure 3.C, the District, City of Arvin/Lamont, Kern County, and the Kern Council of Governments would work together to assess road improvements, sidewalks, and bike path infrastructure needs in Arvin and Lamont.

According to the U.S. Drought Monitor, Kern County has exceptional and extreme drought conditions. Kern County communities experienced record heat this past summer alone, with brutal temperatures reaching between 112 to 115 degrees. During dry periods such as these, unpaved roads create the risk of increased dust generation, which causes harmful effects on the human body. Studies have found a “significant positive association between PM2.5 in road dust and hospital admissions due to cardiovascular and respiratory complications,” among other toxic effects.<sup>8</sup> During wetter seasons, dirt roads still pose a risk due to pooling water, making it difficult for residents to walk or drive. The lack of sidewalks would also threaten residents due to the risk of flooding caused by the lack of drainage that comes with a paved road and sidewalk. A lack of curbs and sidewalks poses a danger to residents who commute by walking when they are forced to share the roads with oncoming traffic, increasing the risk of vehicular and pedestrian accidents. Therefore, assessing road improvements and sidewalk and bike path installation would be a positive step forward in mitigating the harm faced by the Arvin/Lamont community.

Measure 3.C's funding would be a helpful first step towards addressing the harm faced by community members caused by the lack of road improvements and sidewalks. For years, the communities of Arvin and Lamont have asked for improvements to current curb and sidewalk infrastructure; therefore, CARB and participating agencies should prioritize implementing this

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<sup>6</sup> San Joaquin Valley Air Pollution Control Dist., Agenda for Arvin/Lamont Area Community Steering Committee Meeting #22 (Sep. 28, 2022), available at: [https://community.valleyair.org/media/4373/9-28-2022-arvinlamont\\_agenda\\_bilingual.pdf](https://community.valleyair.org/media/4373/9-28-2022-arvinlamont_agenda_bilingual.pdf).

<sup>7</sup> Arvin/Lamont Community Emissions Reduction Program Staff Report, *supra* note 2, pp. 16.

<sup>8</sup> Raihan K. Khan and Mark A. Strand, *Road dust and its effect on human health: a literature review*, EPIDEMIOLOGICAL HEALTH (Apr. 10, 2018), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5968206/>.

measure. Not only are PM, NOx, and VOC emissions expected to be reduced by this measure, but the community would also be improved by allowing residents to bike and walk more safely.

However, the residents understand that these improvements would take significant time to plan, oversee, and complete. Therefore, CARB and responsible agencies should focus on approving and starting this process as soon as possible. Thus, in approving Arvin/Lamont's CERP, we urge CARB to push and work with responsible agencies to prioritize Measure 3.C because this measure would directly benefit the communities AB 617 funding hopes to serve.

#### **ii. Measure 3.B: Installation of Vegetative Barriers Around Sources of Community Concern**

Arvin and Lamont community members hope to see vegetative barriers prioritized throughout CERP implementation. Measure 3.B would provide incentives for the installation and maintenance of vegetative barriers around sources of concern to reduce PM pollution, odor, and other emissions.<sup>9</sup> Vegetative barriers are windbreaks composed of trees or shrubs that intercept airborne particles, dust, chemicals, and orders around areas of concern.<sup>10</sup> Studies cited by the U.S. Environmental Protection Agency ("EPA") have shown that "noise and vegetative barriers can reduce downwind pollutant concentrations near roads" and that there is a greater reduction in pollution where vegetation barriers are "thick, with full coverage from the ground to the top of the canopy. Pollutants can escape through gaps in foliage or travel around edges."<sup>11</sup>

The Arvin/Lamont steering committee has identified vegetative barriers as a priority to mitigate air pollution surrounding neighboring agricultural and industrial pollution sources. Measure 3.B would allow the district to incentivize landowners to plan and install vegetative barriers around properties near sensitive receptors, such as homes and schools. Because cities and counties primarily have jurisdiction to allow or require implementing vegetative barriers in specific locations, this Measure must be prioritized to provide ample time for outreach, planning, and installation. Providing additional resources to communities and local governments to begin this process would provide the community with relief, knowing that a project of this scale will not be stalled and forgotten.

As such, we urge CARB to stand with the Arvin/Lamont CSC in emphasizing the need for community service measures, such as Measure 3.B, to be prioritized in implementing Arvin/Lamont's CERP.

#### **iii. Measure 3.A: Urban Greening**

The Arvin/Lamont CSC's third priority is the planning and implementation of urban greening under Measure 3.A. Urban greening involves the planting of urban trees to help with the removal of air pollutants such as PM 2.5 and VOC emissions.<sup>12</sup> According to the final

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<sup>9</sup> Final Arvin/Lamont CERP, *supra* note 1, pp. 92.

<sup>10</sup> inal Arvin/Lamont CERP, *supra* note 1, pp. 90.

<sup>11</sup> U.S. EPA Off. of Research and Development, Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality (Jan. 19, 2017), available at: [https://19january2017snapshot.epa.gov/sites/production/files/2016-08/documents/recommendations\\_for\\_constructing\\_roadside\\_vegetation\\_barriers\\_to\\_improve\\_near-road\\_air\\_quality.pdf](https://19january2017snapshot.epa.gov/sites/production/files/2016-08/documents/recommendations_for_constructing_roadside_vegetation_barriers_to_improve_near-road_air_quality.pdf)

<sup>12</sup> Final Arvin/Lamont CERP, *supra* note 1, pp. 89.

CERP, studies have shown that urban vegetation can also be attributed to reducing temperatures and building energy conservation.<sup>13</sup> temperature reduction, removal of air pollutants, reduced emission of VOCs, and building energy conservation. As such, Measure 3.A provides a \$500,000 incentive and partnership program that allows the District to work with other agencies to implement.<sup>14</sup> Measure 3.A would also take a significant amount of time to implement as the city, county, and private landowners holds the authority to allow urban greening on their respective properties.

Therefore, we urge CARB to help the community prioritize this measure as soon as CARB adopts the Arvin/Lamont CERP to avoid delays in collaborating with the appropriate partners and agencies to implement urban greening.

### **III. CARB should push for more transparent information to the Arvin/Lamont CSC when approving the Arvin/Lamont CERP.**

Should CARB approve the Arvin/Lamont CERP, CARB has the opportunity to implement the CERP and review annual progress reports submitted by the District and CSC. As previously mentioned, these yearly reports can be more transparent for both CARB and community residents.

Residents of the Arvin and Lamont communities have expressed that current CSC meetings do not provide satisfactory updates. Currently, agendas are not posted far enough in advance to give the members a way to review and prepare for meetings to provide meaningful feedback. Residents now feel out of the loop in discussing CERP priorities with the District, CARB, and local agencies – and they hope to avoid these issues once CARB officially approves the CERP. Many residents are non-native English speakers and have trouble navigating the District and CARB’s online resources to review important information in advance. When documents are provided in advance, often, it is not summarized in a manner that clearly explains information properly. Residents want to see simplified, transparent, and accessible physical copies of agendas and reports before future meetings to allow for better CERP implementation.

Therefore, we urge CARB to push for more straightforward information about incentive funding grants within annual reports. The District calculated how much NOx and PM emissions were reduced in Shafter based on distributed incentive funds. Reports that detail which agencies or industries received specific funding amounts and locations where the funding is used would be helpful to show where emissions are being reduced. Given that many local industries and companies that apply for incentive funding have multiple locations or often lease agricultural land without owning a particular parcel, community members face the difficulty of finding out where the incentive funds are going—as such, providing more transparent information as to where funding is going would be beneficial to ensure faith that the CERP program is accomplishing its primary purpose.

### **IV. Conclusion**

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<sup>13</sup> *Id.* (citing United States Department of Agriculture Forest Service, 2002).

<sup>14</sup> *Id.* pp. 89.

On October 13<sup>th</sup>, 2022, CARB has the opportunity to approve and adopt the Arvin/Lamont CERP. CARB's responsibility is to ensure that funding is approved and prioritized towards the goals that best reflect community-prioritized outcomes. We, therefore, urge CARB to commit to supporting community-based measures when approving and assisting with CERP implementation in the Arvin and Lamont communities. These recommendations best reflect the community's current needs and prioritizing them would give the community better faith that local and state agencies have their best interests in mind.

Thank you for considering our comments above when considering the approval of Arvin and Lamont's CERP. We hope to work alongside CARB staff and the Board to adopt and implement the Arvin/Lamont CERP in a manner that most benefits the well-being of the communities we serve.

Sincerely,

Grecia Orozco, *Staff-Attorney Hire (Pending Bar Results)*  
Ingrid Brostrom, *Staff Attorney*  
Center on Race, Poverty, & the Environment