December 9, 2019

Board Members

California Air Resources Board

Via online portal: <https://www.arb.ca.gov/lispub/comm/bclist.php>

Board Members

Bay Area Air Quality Management District

c/o Vanessa Johnson, Manager, Executive Operations

Via email: vjohnson@baaqmd.gov

**RE: AB 617 community selection and the need for air quality improvements in Havenscourt in East Oakland**

Dear members of the California Air Resources Board and the Bay Area Air Quality Management District,

On behalf of the undersigned individuals and organizations, we write to express our concern that the community of Havenscourt in East Oakland will not soon realize the air quality improvements promised by the Community Air Protection (CAP) Program and the related AB 617 (Garcia) legislation. After a fast start in ten communities across the state, including West Oakland and Richmond in the San Francisco Bay Area, the speed at which both the Bay Area Air Quality Management District (BAAQMD) and the California Air Resources Board (CARB) are implementing the CAP Program may soon drop considerably. Meanwhile, the community of Havenscourt in East Oakland continues to suffer from pollution from many sources. While we appreciate BAAQMD and CARB staff’s concern related to their agencies’ capacity, we urge leadership from both agencies to take whatever steps are needed to accelerate efforts under the CAP Program in order to reduce the high levels of pollution in the Havenscourt community.

**Havenscourt is besieged by pollution from many sources, and community health is suffering**

The East Oakland neighborhood of Havenscourt extends roughly from Seminary Avenue to 73rd Avenue, and roughly from International Boulevard to just beyond San Leandro Street. The sources of pollution within Havenscourt are many and well-documented. Diesel trucks drive through the neighborhood on a series of truck routes on their way to and from Oakland’s nearby seaport and airport. Truck traffic is even heavier on nearby Interstate 880, which, with heavy trucks prohibited on Interstate 580 through most of Oakland, is the interstate used by nearly all trucks carrying freight between the marine port and San Joaquin Valley and other parts of central and Southern California. Heavy rail tracks line one edge of the neighborhood, carrying passenger trains and a high-volume of freight trains. Planes and ground equipment at Oakland International Airport, located just 3 miles away, impact the neighborhood as well, as do emissions from the vehicles the airport attracts. In addition, the neighborhood is surrounded by significant amounts of industrial activity including metal fabricators, chemical product manufacturers, recycling centers, car and truck repair shops and most notably the AB&I Foundry, located near 77th and San Leandro, just a few blocks away.

The many sources of pollution in Havenscourt contribute to a disproportionate and unacceptably high burden of pollution compared to other California communities. According to CalEnviroScreen, published by California’s Office of Environmental Health Hazard Assessment, the census tract that makes up the core of the Havenscourt neighborhood is exposed to more diesel pollution than 91% of California's communities. Additionally, Havenscourt has more facilities that create and/or handle hazardous waste than 85% of California communities. Similarly, for years BAAQMD has identified Havenscourt/East Oakland as a inequitably burdened community: first as an “impacted area” as part of its Community Air Risk Evaluation Program, and as a community in need of special focus under the CAP Program.

Large numbers of people in Havenscourt are at risk of exposure to these pollutants. The community is home to an Oakland public middle school and high school serving over 550 students, two public elementary schools, and a number of charter schools. Lions Creek Crossings, an affordable apartment complex in the census tract houses 567 families, or about 1,500 residents. Lockwood Gardens, a public housing development in the census tract is home to an additional 372 families. Many Havenscourt residents face challenges that make them more vulnerable to pollution impacts: CalEnviroscreen ranks the same Havenscourt census tract in the 90th percentile statewide for poverty, and in the 81st percentile for linguistic isolation.

Given the high levels of pollution, and the connections between pollution, poverty and various illnesses, it is no surprise that Havenscourt faces a disproportionately and unacceptably high burden of poor health. For example, the same Havenscourt census tract noted above is in CalEnviroscreen’s 99th percentile statewide for asthma and for low birth-weight, and in the 86th percentile statewide for cardio-vascular disease.

**Havenscourt is doing its part to address pollution but can’t do it alone; it needs CARB and BAAQMD’s help**

As members and allies of the Havenscourt community have become more and more aware of the inequitably pollution burden in the neighborhood, they have stepped up to address the problem. For example:

* Havenscourt area students are monitoring pollution and surveying health issues.
* La Clinica de La Raza, a community clinic, is aggressively treating patients with asthma.
* The Alameda County Public Health Department’s Asthma Start program, an asthma home visiting program, serves clients in Havenscourt.
* A neighborhood collaboration - Healthy Havenscourt Collaborative – has designated asthma health equity as a key action priority, of which improving air quality as a key collaborative strategy.

Still, Havenscourt can’t do it alone, and the community needs additional support from BAAQMD and CARB, both as part of the CAP Program and other regulatory, enforcement and program efforts.

In terms of the statewide CAP Program, we know CARB recently announced that it will likely select “about 3”[[1]](#footnote-1) new communities as part of its 2019 Community Selection process. Furthermore, according to BAAQMD staff,the agency is unlikely to recommend any new Bay Area communities for inclusion in the CAP Program next year. Our understanding is that both decisions are based on capacity concerns, i.e., neither CARB nor BAAQMD staff feel the agencies have the capacity to take on any more than a few new communities, or any at all, respectively.

We are sympathetic to capacity issues. However, we are also deeply concerned that this scaled-back approach means the Havenscourt community will see a delay in any benefits under the CAP Program, and as a result will continue to suffer from a high pollution burden and related health problems. If indeed CARB and BAAQMD will not select any new Bay Area communities under the CAP Program for this coming year, then we implore the agencies’ leadership to find ways to expand the capacity to implement the CAP Program in Havenscourt and elsewhere as aggressively as possible.

Simultaneously, we also request that CARB and BAAQMD accelerate other regulatory, enforcement and program efforts not directly related to the CAP Program. Said differently, while the implementation of the CAP Program may be slowing, and whether or not East Oakland is selected as a priority community under CAP, other efforts should be speeded up and/or strengthened to better protect the community. A few examples include:

* Strengthening the Advanced Clean Truck Rule currently under development at CARB,
* Increasing community enforcement of anti-idling and other industrial regulations,
* Increasing funding to incentivize the vehicle and industrial transition to cleaner technologies, and
* Developing, promoting and/or connecting residents to programs to mitigate exposure to air pollution (e.g., air filtration and weatherization programs for new and current housing and other sensitive receptors, vegetation barrier, etc.).
* Requesting Governor Newsom and the California legislature appropriate more funding for CAP so that additional communities can benefit.

In addition, we believe that for the purpose of Community Air Protection planning it will be necessary to plan separately for the very distinct areas that BAAQMD has combined as East Oakland. For example, while they all are linked by Interstate 880 and the rail line that runs along it, Oakland’s historic Chinatown neighborhood is very different from Havenscourt; and both Oakland neighborhoods are quite different from San Leandro. Each of these faces unique air quality problems and has its own unique set of neighborhood organizations, community organizers and local leaders.

People in the Havenscourt neighborhood and in all of East Oakland deserves to breathe clean air. With leadership from CARB and BAAQMD in partnership with community members, we can achieve it.

Respectfully,

Jill Ratner

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1. CARB website, https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/community-air-protection-program-selection, accessed October 24, 2019 [↑](#footnote-ref-1)