



March 20, 2018

California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**RE: CEJA Comments on Community Air Protection Program Concept Paper and Draft Process and Criteria for 2018 Community Selections**

To the California Air Resources Board:

The California Environmental Justice Alliance (CEJA) respectfully submits these comments regarding the Community Air Protection Program Concept Paper and Draft Community Selection Criteria & Process released in February 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.

As we and others have emphasized, the need for action is urgent. Our communities have some of the worst air quality in the nation. We have borne the impacts of dramatically increased rates of asthma, respiratory illnesses, cancers, missed days of work and school, and many other issues that affect our health and quality of life. Inaction has had severe consequences for us, our families, and our communities. AB 617 is an opportunity to take a new approach to air quality by prioritizing community health and addressing stationary, mobile, and indirect pollution sources at the community level. *CARB has a responsibility to ensure that the implementation of AB 617 results in actual emission reductions and improved air quality in the most burdened communities in our state, above and beyond existing law.* To that end, we offer the following comments to help CARB effectively accomplish these goals.

**Summary of Comments**

1. An overall metric for the success of this program will be whether or not it delivers benefits of improved air quality outcomes on top of existing rules and regulations. With a combined approach to cumulative pollution burdens from stationary, mobile, and indirect sources, CARB must ensure real emission reductions and no increased emissions in overburdened

communities. Our communities need real pollution reductions and better air quality as a result of this program.

2. While AB 617 establishes a new approach to addressing air quality from stationary, mobile, and indirect sources on a community level, it follows and should add to the decades of work before it. This program and the AB 617 implementation process are not starting from scratch. The major steps, including the identification and selection of the most burdened communities, the development of a statewide strategy, and the development of community emission reduction plans should be informed by the abundant information that is already available and well documented and, in many cases, has already been presented and proposed to CARB and air districts over the years. Many communities with severe air quality problems have been studied, and there is ample research that plainly identifies the pollution sources and solutions needed in these areas. CARB is well aware of many specific actions that would provide relief in these communities, and it should provide more clarity, specificity, and a timeline to ensure that real progress will be made on the ground.
3. CARB needs to improve its community outreach and engagement process for AB 617 implementation. Residents in burdened communities must have a central role in this process, particularly as they are the ones who live and breathe dirty air and suffer the health consequences, and they will be most impacted by AB 617. The early months of AB 617 roll out have not been as inclusive or accessible to community members as needed and have lacked transparency. CARB and air districts need to more clearly demonstrate that they are making space for community input, listening to community priorities, and being responsive to these requests.
4. CARB should develop its statewide strategy with the goal of ensuring that community emission reduction plans will be as strong and aggressive as possible in order to provide swift action and progress on the ground in communities. The statewide strategy should do the following:
  - a. It should require that community emission reduction plans prioritize community input and prioritize the measures and solutions that communities want and support.
  - b. It should provide a menu of the strongest possible emission reduction measures for all types of sources, prioritizing direct emission reduction measures and zero emission technologies. It should require that community emission reduction plans include the measures from this menu that pertain to the pollution sources in the community plan area.
  - c. It should set clear, aggressive metrics, goals, and timelines for community air emission reduction plans. The metrics and goals should be based on the most stringent public health standards.

- d. It should include clear directives to develop new local regulations as needed.
  - e. It should clearly lay out an enforcement process and courses of action for CARB to step in if air districts do not comply.
5. CARB's statewide strategy should set consistent baseline minimum standards to be met statewide by all air districts and community monitoring and emission reduction plans, while supporting and encouraging them to exceed these standards. CARB's actions should not preempt stronger local actions and should enable proactive leadership to go above and beyond.
6. The community identification and selection process and the development of community emission reduction plans should not delay or prevent early actions. The current timeline for achieving any actual emission reductions – after community emission reduction plans are approved by October 1, 2019 – is simply too long to wait for many overburdened communities. CEJA supports the request of some communities for an expedited implementation process and faster path to action. The Concept Paper states that in some of the initial outreach, communities have requested CARB to “[f]ocus on the immediate development of community emissions reduction programs in communities where the nature of the air pollution burden and contributing sources are well known.”<sup>1</sup> It further suggests that communities selected for air quality monitoring and/or emission reduction plans in the early years can serve as models to be replicated in other communities.<sup>2</sup> We agree and support this idea. In addition, we suggest that CARB provide more clarity and specificity on this to avoid creating divisions and competition among communities.
7. Finally, among CEJA's overall concerns with the Concept Paper and Draft Process and Criteria for 2018 Community Selections is that these documents do not include clear or concrete requirements for a statewide strategy that will actually reduce emissions. Most of the content is generalized and vague and amounts to a laundry list of potential options and considerations. This does not provide assurance about clear recommendations being developed with ample opportunity for public input, nor does it provide assurance that its implementation will actually require reductions above and beyond what is currently required under pre-existing law. With the October 1, 2018 deadline approaching,<sup>3</sup> CARB should be proposing more than general ideas at this stage.

#### **I. Lack of Specificity in Concept Paper and Draft Process and Criteria for 2018 Community Selections**

CEJA is concerned that the Concept Paper and Draft Process and Criteria for 2018 Community Selections do not include clear or concrete requirements for a statewide strategy that will actually reduce

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<sup>1</sup> Concept Paper, p. 3.

<sup>2</sup> Concept Paper, p. 8.

<sup>3</sup> Cal. Health & Safety Code § 44391.2.

emissions. Most of the guidelines, ideas, and discussion in the Concept Paper are generalized and do not provide specific details such as the number of communities that will be chosen, objective criteria for choosing communities, what the emission reduction goals and targets of this program are, and concrete emission reduction measures that this program will include. The laundry list of potential options and considerations for this program does not provide assurance that more concrete recommendations will be developed with ample opportunity for public input, nor does it provide assurance that its implementation will actually require reductions above and beyond what is currently required under pre-existing law. With the October 1, 2018 deadline approaching,<sup>4</sup> CARB should be proposing more than general ideas at this stage.

1. Importantly, AB 617 requires “a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden.”<sup>5</sup> A strategy is “a careful plan or method”,<sup>6</sup> not merely general ideas, as currently outlined in the Concept Paper. AB 617 also requires development of specific criteria to be included within the statewide strategy.<sup>7</sup> As part of the statewide strategy, CARB should specify the minimum requirements for emission reduction targets and measures. AB 617 further requires that community emissions reduction programs be consistent with the statewide strategy and include “emission reduction targets, specific reduction measures, a schedule for implementation of measures, and an enforcement plan.”<sup>8</sup> CARB must review and approve these community plans and ensure that these elements are met.<sup>9</sup> The Concept Paper does not provide concrete details about what will be required for emission reduction targets, measures, schedule, or enforcement. Without clear guidance, the air districts will not know what standard they should meet in developing their plans or what to expect in CARB’s review.
2. AB 617 requires CARB to “prioritize” communities based on specific information. CARB’s list of potential data it will consider<sup>10</sup> does not provide specific details for how this prioritization will be done and how CARB will ensure that its analysis is objective and not arbitrary.
3. AB 617 further requires the identification of “[a] methodology for assessing and identifying contributing sources or categories of sources.”<sup>11</sup> The Concept Paper points to many ideas of potential methodologies, but it does not provide specific details about how CARB intends to meet this requirement. Rather, it states that CARB will work with air districts.<sup>12</sup> This, however, does not provide information about what the statewide strategy will be, does not create clear

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<sup>4</sup> Cal. Health & Safety Code § 44391.2.

<sup>5</sup> Cal. Health & Safety Code § 44391.2 (b).

<sup>6</sup> Merriam Webster Dictionary (defining strategy), <https://www.merriam-webster.com/dictionary/strategy>.

<sup>7</sup> Cal. Health & Safety Code § 44391.2 (b)(1).

<sup>8</sup> Cal. Health & Safety Code § 44391.2 (c)(3).

<sup>9</sup> Cal. Health & Safety Code § 44391.2 (c)(4).

<sup>10</sup> Concept Paper, p. 6-9.

<sup>11</sup> Cal. Health & Safety Code § 44391.2 (b)(2).

<sup>12</sup> Concept Paper, p. 16-17.

standards for all areas to meet, and limits statewide accountability for air district actions. Working with air districts does not constitute a “methodology” as part of its statewide strategy.

## **II. Comments on Community Outreach and Engagement**

As AB 617 is intended to benefit the most severely burdened communities in California, it is imperative that residents in these communities have a central role in decision-making processes that they will be most impacted by. They are the ones living in these areas, breathing dirty air every day, and their firsthand experience should be considered a primary data source. Many communities have already identified specific priorities and ways to improve their local air quality and have advocated for years to see action. AB 617 is an opportunity to deliver the outcomes that communities urgently need, and CARB and air districts should listen to community needs and be accountable to them.

We are disappointed with the outreach efforts thus far, through the early months of the AB 617 implementation process: stakeholder calls have been disorganized and poorly facilitated; meeting times and locations have not been easily accessible; meeting and workshop formats have not been participatory; and meeting notices, outreach, and accommodations have been insufficient. No notes or records of meetings have been made available.

We recommend that CARB define and clarify the methods of community outreach, participatory processes, and measurements of community participation for itself and air districts to use throughout the ongoing AB 617 implementation process. We agree with the Guiding Principles in the Concept Paper and the Public Process and Metrics to Track Progress<sup>13</sup> but recommend further specificity and detail. We have attached, for reference, our *CEJA Environmental Justice Principles for Policy Implementation at Regulatory Agencies*, and we suggest two positive examples of effective community outreach and engagement by state agencies: the Strategic Growth Council’s Transformative Climate Communities processes in Fresno and the California Energy Commission’s processes throughout the state during its SB 350 Barriers Study. We also offer the following specific recommendations.

1. CARB should prioritize and defer to input from residents of burdened communities.
  - a. CARB should establish mechanisms to ensure that community input is not just heard, but, more importantly, documented and integrated into decisions, plans, and strategies. CARB should provide documentation of all community meetings and workshops, including notes on comments and questions from the public. These notes should be available to the public.
  - b. To provide a means and measure of responsiveness and accountability, CARB should document community input received from community residents and provide explanations of how this input was incorporated or considered in decisions and actions,

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<sup>13</sup> Concept Paper, p. 15 and 19.

similar to what was done with the Environmental Justice Advisory Committee's recommendations on the Climate Change Scoping Plan.

2. In order to ensure meaningful community participation, CARB should establish, for itself and air districts, detailed and specific guidelines for conducting meetings and workshops to provide community residents with the ability and means to attend and participate. Staff should make demonstrated efforts to make events accessible and accommodating to community residents. Accommodations include but are not limited to accessible locations, evening and weekend times when working people can attend, translated materials and language interpretation, childcare, food and water, clear signage, and parking and transportation access. In addition, meeting formats and facilitation should be welcoming and provide a comfortable environment and participatory process for residents to voice their questions and thoughts.
3. Language access must be a priority. Efforts must be made to have materials translated and available in the primary languages of community residents, and interpreters and appropriate equipment or infrastructure should be present.
4. To encourage participation, meetings and workshops should include interactive processes with skilled and culturally competent facilitators. Large group settings with a presentation setup and podium or microphone at the front are not welcoming or comfortable environments for informal discussion and input. An alternative is to have small breakout groups where attendees can sit together, participate in dialogue, and write down their thoughts.
5. To measure attendance and meaningful participation by community residents on calls and at in-person meetings and workshops, CARB should document the numbers and proportions of community residents attending and speaking. CARB should track these metrics and have goals to meet, such as having the proportion of community residents be greater than that of industry professionals and paid staff at meetings.
6. All meetings should provide ways for participants to give feedback and evaluations in person so that CARB is able to improve future meetings.
7. CARB and air district staff should work collaboratively with local community-based organizations that have both strong reputations and relationships of trust in their areas to conduct outreach and to plan and co-host meetings for residents. Working with community-based partners will increase community resident attendance and participation and improve relationships and communication between residents and agency staff. In areas where this arrangement is not feasible, CARB and air districts should make demonstrated efforts to meet outreach, attendance, and participation metrics and goals.

### **III. Identification and Selection of Communities**

We offer the following recommendations and emphasize that the community identification and selection processes should not delay early actions in communities that have well studied and known pollution sources and solutions.

1. The community identification and selection criteria and process for AB 617 should be clear and transparent to leave no question or doubt as to community eligibility or ultimately why some communities are chosen and others are not. For example, CalEnviroScreen provides clear rankings and prioritization of communities based on its methodology and available data. CARB should specify which criteria and data it is actually considering or proposing to use rather than merely a list of potential options. CARB should explain how it will measure and compare one community to another.
2. CARB should specify the number of communities it intends to select for at least the first and second years of the program.
3. CEJA supports the concept of a community self-nomination or recommendation process as a way to ensure that communities are not inadvertently left out of consideration.
4. CARB should provide minimum baseline requirements for air districts to reach out to and meaningfully inform and engage community residents to ensure that all potential communities are identified.
5. CARB should require stronger public processes prior to initial and final submittal by air districts, including community meetings, public posting of communities in consideration, and opportunities for community input on initial and final recommendations. Air districts should be required to respond to input and document how comments are addressed or not addressed in all stages of the process.
6. CARB should provide an opportunity and process for a community to appeal if it is not selected but meets the criteria as a highly burdened community
7. CARB should ensure that all areas of the state are covered, including those with air districts that have limited capacity and resources to conduct the AB 617 process.

### **IV. Strategies to Reduce Emissions and Exposure**

CARB should provide a menu of specific emission reduction strategies (measures) in its statewide strategy, prioritizing direct emission reductions and zero emission technologies. CARB should direct air districts to update their rules and regulations and develop new regulations where applicable. We agree

with the list of potential measures included in the Concept Paper<sup>14</sup> but urge CARB to provide more clarity and specificity. We highlight the following key examples rather than providing a comprehensive list of recommended measures.

1. Indirect source rules, which could include direct required measures or set emission reduction requirements and allow facilities to choose the strategies to meet them. In the Inland Empire, indirect source rules could alleviate severe air pollution caused by thousands of diesel trucks traveling to and from the high concentrations of warehousing and logistics centers in the region. Following are some suggested measures that could be included in indirect source rules:
  - a. Designing and locating facilities to minimize emissions.
  - b. Restricting access or use of certain polluting equipment at facilities.
  - c. Charging fees for use of polluting equipment.
  - d. Implementing restrictions on the idling of mobile sources at or within specified distances of facilities.
  - e. Zero emission electric charging infrastructure at the facility to encourage sources, including vehicles and equipment, to plug in instead of using combustion engines.
  - f. Replacing combustion equipment that stays within the facility property.
2. AB 617 directs CARB to develop and implement mobile source elements in the community emission reduction programs.<sup>15</sup>
  - a. CARB should include strong and direct zero emission regulations on trucks, ships, locomotives and cargo handling equipment.
  - b. CARB should aggressively drive the electrification of the transportation sector through regulatory and other measures to build the infrastructure necessary for this transition.
  - c. CARB should explore its authority to regulate the use of dirty vehicles and equipment. While SB 1 limited the ability to require retrofits of certain existing trucks, it did not limit CARB's authority to regulate trucks that exceed their protected lifetimes, and it did not protect the ability of these trucks to operate in all areas at all times.

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<sup>14</sup> Concept Paper, p. 10-11.

<sup>15</sup> Health & Safety Code § 44391.2(c)(4).

- d. CARB needs to show leadership in creating inter-agency collaboration to create and support successful programs, projects and policies that promote zero emission alternatives. CARB should work with other agencies and municipalities to support local campaigns for Zero Emission transportation corridors, such as for the 710 freeway.
  - e. CARB should identify funding mechanisms to turn successful pilot equity EV programs into permanent ones, particularly in communities burdened by mobile source pollution.
3. CARB should support local efforts to designate truck routes, as in Barrio Logan in San Diego. Truck routes can be effective ways to minimize community exposure, and AB 617 should support this community health protection measure, especially in areas where residents have already identified such a need.
4. CARB should adopt setback policies based on the findings and recommendations of recent scientific literature, which supports at least a 2500 foot setback between the surface locations of oil and gas wells and tanks and sensitive receptors, such as residential homes, schools, parks, clinics, hospitals, or long-term healthcare facilities or residences.<sup>16</sup> Setbacks of this type are also supported by the findings and recommendations of the California Council on Science and Technology report commissioned by the California Natural Resources Agency pursuant to SB 4, which was an independent assessment of oil and gas extraction operations, including hydraulic fracturing, in California.<sup>17</sup> It included several recommendations related to air quality that are wholly applicable in the context of AB 617. It also specifically identified that more than 85% of the well stimulation events in California occur in the San Joaquin Valley,<sup>18</sup> while the Los Angeles Basin uniquely produces oil directly beneath a dense urban population and in close proximity to sensitive receptors.<sup>19</sup>
5. Facility-specific regulations: It may be the case that there is a particular “bad actor” contributing significantly to air pollution in a community, especially in regards to toxic air contaminants. CARB should ensure that such facilities are identified and that appropriate measures to reduce pollutants are taken by air districts.
6. For oil refineries, CARB should support local campaigns to stop expansions as well as require, at minimum, the following:

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<sup>16</sup> N. Wong, Existing Scientific Literature on Setback Distances from Oil and Gas Development Sites, [http://stand.la/uploads/5/3/9/0/53904099/2500\\_literature\\_review\\_report-final\\_jul13.pdf](http://stand.la/uploads/5/3/9/0/53904099/2500_literature_review_report-final_jul13.pdf).

<sup>17</sup> An Independent Scientific Assessment of Well Stimulation in California, 2015 [Accessed January 16, 2018]: Summary available at <http://ccst.us/publications/2015/2015SB4summary.pdf>; Executive Summary available at <http://ccst.us/publications/2015/2015SB4-v2ES.pdf>; Volume I available at <http://ccst.us/publications/2015/160708-sb4-vol-I.pdf>; Volume II available at <http://ccst.us/publications/2015/160708-sb4-vol-II.pdf>; Volume III available at <http://ccst.us/publications/2015/160708-sb4-vol-III.pdf>.

<sup>18</sup> CCST Report, Volume II, Chapter 6, at 380.

<sup>19</sup> CCST Report, Volume III, Chapter 4, at 199.

- a. The Proposed Bay Area refinery PM caps.
  - b. Stop refinery expansions in already severely burdened communities, including Tesoro in Los Angeles and Phillips 66 in the Bay Area.
  - c. Limit and record extreme crude oil switches that have higher benzene, VOC, and sulfur content.
  - d. As mentioned below, require BACT for equipment and practices for both ongoing and episodic emissions sources, such as boilers and heaters.
  - e. Support and initiate a public process to plan for 80% emission reductions for oil refineries and phase out plan for oil refineries by 2050, with a Just Transition plan for clean energy jobs and economy.
7. BACT, T-BACT, and BARCT: CARB should establish statewide technology determinations as the baseline consistent standard for air districts and community emission reduction plans to include, especially for emission sources that exist in several areas throughout the state. California currently does not have many examples of the application of BARCT and T-BACT. Without CARB's leadership on technology determinations, especially for BARCT and T-BACT, air districts may require different levels of emission control. Communities should not be at a disadvantage due to the fact that their local air district requires less stringent controls. In communities with oil refineries, CARB should require BACT for equipment and practices for both ongoing and episodic emissions sources, such as refinery boilers and heaters.
  8. Land use directives, in addition to those already mentioned. We appreciate the interest in our SB 1000 Toolkit<sup>20</sup> and look forward to exploring ways to use it. We offer the following examples of land use planning measures that CARB should require local jurisdictions to adopt:
    - a. Rules to limit, oppose, and disincentivize projects that would have negative air quality impacts. CARB and local jurisdictions should explore ways to use the authority provided by AB 617 to ensure that land-use proposals and projects that would have clear emission increases in identified communities are not approved.
    - b. AB 617 funding opportunities should be conditional on specific land use changes that support the overall goal of reducing emissions. Jurisdictions that are integrating AB 617's goals in a comprehensive manner by shifting land use decisions, such as siting and zoning, to reduce emissions in AB 617 communities should be eligible for increased funding. Jurisdictions that are promoting land use policies that actively increase

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<sup>20</sup> Concept Paper, p. 35.

emissions in AB 617 communities should have their funding withheld or curtailed until the contradictory actions are rectified. Land use decisions must be made in consideration of cumulative neighborhood-level impacts and include toxic air contaminants, criteria air pollutants, and other harmful pollutants.

- c. We strongly support the implementation of land use planning and related measures to create more sustainable, resilient communities by reducing vehicle miles travelled, investments that encourage public transportation and active transportation, and urban greening.<sup>21</sup>

## **V. Criteria for Community Emissions Reduction Programs**

CARB should set clear, strict benchmarks and timelines for all community emission reduction plans. These should constitute a consistent statewide minimum baseline that all plans must meet and exceed.

1. CARB should ensure that community emission reduction plans result in actual emission reductions and no emission increases. AB 617 clearly states that “[t]he programs shall result in emission reductions in the community, based on monitoring or other data.”<sup>22</sup> This includes both toxic and criteria air pollutants. In the absence of monitoring data, CARB should at least ensure that the total emissions emitted within communities does not increase. CARB should clearly define, through metrics, actions to be taken, timelines, and enforcement mechanisms, how it and the air districts will meet this requirement and ensure that emissions are actually reduced in communities as a result of these programs.
2. Emission reductions from AB 617 programs and plans should be above and beyond reductions already required by existing law and regulations. This is the bare minimum requirement of AB 617. It should be clearly outlined that meeting existing standards and/or maintaining current programs within air districts is not sufficient to meet the mandates of AB 617.
3. Community emission reduction plans should be required to adopt the strongest possible measures from the statewide strategy by prioritizing zero emission technologies and direct emission reduction measures for mobile, stationary, and indirect sources in their plan areas through control measures and regulations.
4. Measures in community plans should be adopted based on technical assessments and community input. Technical assessments of contributing sources should be complete and should consider indirect sources. Community input should be tracked and measured. Air districts should be required to document their considerations and explain how and why measures in community emission reduction plans were chosen.

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<sup>21</sup> Concept Paper, p. 11.

<sup>22</sup> Cal. Health & Safety Code Sec. 44391.2(b)(5).

5. All community emission reduction plans should have clear metrics and timelines based on stringent health standards.
- a. In addition to reduction targets for specific pollutants, community emission reduction plans should include health-based standards focused on improving health outcomes and status. While the Concept Paper underscores the need for better health data and the difficulty and challenge of tracking health outcomes at the community level,<sup>23</sup> this should not be a reason to avoid health-based or cumulative impact metrics. It is particularly important for these metrics to be developed at the state level, such as by OEHHA, as air districts often do not have experience in compiling this type of information.
  - b. Existing sources of information can be used, such as CalEnviroScreen air quality indicators and asthma and heart disease metrics, and CHIS survey data. CARB should consider supporting making asthma a reportable disease in California.
  - c. CARB should consider health risk assessment methodologies also. While these are often criticized as having flaws, the OEHHA methodology provides a standardized and rigorous method.
  - d. Community emission reduction plans should also result in better health data collection and environmental health tracking.
  - e. Criteria Pollutants:
    - i. At a minimum, community emission reduction plans should require that communities meet ambient air quality standards at sensitive receptors. This will require monitoring at sensitive receptors to ensure these standards are met.
    - ii. Although we conceptually agree with the Concept Paper's focus on PM2.5,<sup>24</sup> we are concerned that the Concept Paper appears to not include consideration of other pollutants. For example, Los Angeles is in nonattainment for lead. In addition, as CARB is aware, emissions of some pollutants contribute to the secondary formation of particulate matter and ozone. The focus of community plans must be comprehensive enough to consider what emissions are impacting a community and their health.

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<sup>23</sup> Concept Paper, p. 13-14.

<sup>24</sup> Concept Paper, p. 13.

- f. Toxic Air Contaminants: CARB should establish baseline minimum standards for TACs that consider and address both exposure and risk. At a minimum, community plans must ensure real reductions of toxic air contaminants (TACs) that communities are exposed to. There is no safe level for TACs; any level of exposure can cause harm or increase risk. The goal should be to eliminate exposures, not simply mitigate them.
  - g. CARB should establish a list of persistent and bioaccumulative toxins (PBTs) and develop standards for them. These PBT standards should be included as criteria in future community emission reduction plans.
  - h. Context-specific standards: CARB should provide guidance for communities and air districts to establish their own specific health-based standards tailored for the pollutants, sources and conditions in their communities.
- 6. We agree with and support the idea of CARB developing a rubric to review and assess community emission reduction plans to make sure that all criteria and elements are met. The rubric should be shared publicly.
  - 7. CARB should, with community input, establish strict enforcement mechanisms to reinforce compliance. At a minimum, it should clearly outline and describe what it will do if air districts do not comply.

## **VI. Technology Clearinghouse**

As discussed above, without CARB guidance, air districts are likely to make inconsistent determinations related to technology standards. In particular, due to the lack of available BARCT and T-BACT determinations, it is likely that air districts determinations could widely vary. Due to this very real possibility, we request that CARB make stringent BARCT and T-BACT determinations for some of the largest sources of emissions. After these, CARB should clearly prioritize the cleanest possible technology and establish the statewide technology clearinghouse to help ensure a consistent standard for all air districts.

## **VII. Monitoring**

CARB should ensure that all monitoring supported by or related to AB 617 be directly connected to actions and community emission reduction plans. AB 617 monitoring should lead to emission reductions and not be done solely for the purpose of data collection. Program funds should not support the use of monitors for which data will not be actionable. CARB should require air districts to communicate clearly and specifically with communities about which monitors are certified and what data they will accept so that communities will not be collecting data that will not be accepted or lead to action.

We appreciate your consideration of our comments and recommendations, and we look forward to working collaboratively with CARB staff to ensure that the needs of environmental justice communities are met through the implementation of AB 617. Please do not hesitate to contact us with questions or to discuss these recommendations.

Sincerely,

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