

Assembly California Legislature



CRISTINA GARCIA
ASSEMBLYMEMBER, FIFTY-EIGHTH DISTRICT

December 10, 2018

Mary Nichols, Chair
California Air Resources Board
CalEPA Building
1001 I Street
Sacramento, CA 95814

Dear Chair Nichols and Members of the Air Resources Board:

We are writing to express our concerns about the proposed rule on Criteria and Toxics Reporting (CTR Regulation) currently before the Board for hearing and adoption. From 2006, with the passage of AB 32, the Legislature has sought to implement a robust program to reduce greenhouse gas emissions and to transform California's energy system to reduce carbon while improving air quality and public health and investing in improvements in environmental quality for highly impacted environmental justice communities. Many bills have promoted these three essential and interrelated goals.

Most recently, the Legislature passed AB 197 and AB 617 to provide additional tools, resources and guidance for ARB and a stronger role for the Legislature. In particular, AB 197 directs ARB to identify sources of emissions of "criteria" pollutants and air toxics, as well as greenhouse gases, and to make this inventory of sources and emissions available to the public and communities. ARB is to obtain data needed to track trends in emissions over time in order to better understand the effectiveness of its programs and actions and to ensure that emission reductions are occurring in highly impacted communities.

AB 617 requires ARB to establish a community air protection program to achieve emission reductions through a collaborative process in highly impacted communities designated by the Board. It brings the focus to emissions that may be important at the community level and establishes a duty to reduce air pollution from local sources adversely affecting California's most vulnerable communities. Achieving the goals of both AB 197 and AB 617 relies on accurately identifying the sources and emissions of criteria pollutants and air toxics, and reporting that information to the public. Our work on this legislation gives us some concerns about the proposed CTR Regulation.

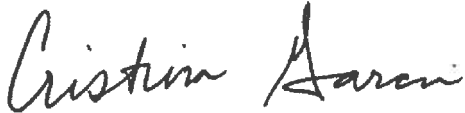
First, the proposed CTR Regulation does not require the characterization of all sources of emissions of criteria pollutants and air toxics into the inventory. Consequently, the regulation will not lead to an accurate and consistent baseline from which to assess trends in air pollution emissions and to support an accurate designation of impacted communities going forward.

Second, the sources of air pollutants identified in communities designated for community air protection programs are required to report annually for only five years. This provides a weaker reporting system for the very communities where determining the sources of air pollution is most critical and will prevent the emissions inventory from providing timely, accurate information over time.

From our perspective, it is essential that these two major flaws be fixed so that we can achieve the three goals for robust climate policy and energy transformation, improved air quality and public health, and increased equity for highly impacted communities. The rule should bring all sources and emissions into the inventory on an ongoing basis.

We also note that the rule before the Board in December is an important first step, but a second step needs to follow. That second step will be to review the methods for estimating emissions from sources and to undertake steps to achieve greater consistency and accuracy in facility-specific emissions. Many of our air pollution emission estimation techniques are sorely outdated and underestimate emissions of air pollution into communities. We look forward to working with you and the Board to address these important issues.

Sincerely,



CRISTINA GARCIA
Assemblymember, 58th District



RICHARD BLOOM
Assemblymember, 50th District

CG: ll/ms