



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

September 20, 2018

Via electronic mail to: cotb@arb.ca.gov

Richard Corey, Executive Officer
C/O Clerk of the Board
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

Re: CRLA Comments on Final Draft AB 617 Blueprint

Dear Mr. Corey,

California Rural Legal Assistance, Inc. (CRLA) submits these comments in response to the Notice of Public Meeting to Consider Assembly Bill 617 Community Air Protection Program- Community Selection and Program Requirements, dated August 22, 2018. CRLA is a statewide non-profit law firm that provides free legal services to low-income Californians in rural areas. The Community Equity Initiative (CEI) of CRLA is the firm's environmental justice program. CEI attorneys specialize in equitable land use planning and civil rights law, serving some of California's most environmentally-burdened communities.

The California Air Resource Board (CARB) Draft Final AB 617 Blueprint incorporates important principles of community participation and language access, but additional oversight is necessary to ensure meaningful participation of environmental justice communities. The Fresno community profile boundaries also should be adjusted to include the most environmentally-burdened areas of the City.

I. CARB Must Provide Additional Oversight of the Community Steering Committee Selection Process

Environmental justice communities, defined by law as low-income and minority communities, have a legal right to meaningfully participate in the land use decisions that have an impact on them. AB 617 mandates consultation and involvement of affected communities to ensure that Community Emissions Reduction Plans adequately reflect and prioritize community needs. The Community Steering Committees must include robust representation of the communities most affected by the negative impacts of air pollution. The draft Blueprint does not provide sufficient protections to ensure that this occurs.

The Draft Final Blueprint (Blueprint) contains robust recruitment and reporting requirements for developing each chosen community's Community Steering Committee. The process lacks necessary oversight from CARB to ensure that environmental justice communities are meaningfully represented in the process. Air districts are given near total discretion in the recruitment process for Steering Committee membership. The Blueprint contains a list of criteria that must be met for community partnerships and public engagement, but CARB does not formally review compliance with these criteria or the composition of the Community Steering Committee until October 2019, after the Committee has been operating for a year and the Community Emissions Reduction Plan has been developed. It would be difficult, inefficient, and likely unsuccessful for CARB to mandate at that late point in the process that the air district begin the recruitment and drafting process again if composition of the Community Steering Committee failed to adequately represent residents from environmentally-burdened and disadvantaged communities.

CARB must implement a process that allows for transparency in the development of the Steering Committee and intermediary review of the Committee's composition after the Committee has been finalized by the air district to ensure that environmental justice communities are represented. Transparency and meaningful involvement by environmental justice communities can be achieved by mandating that each Committee include at least one resident representative from each neighborhood in the selected area. This representative should not be a business or industry interest. In Fresno, representatives are necessary from, at a minimum: Calwa, Malaga, Downtown Fresno, Southeast Fresno, the 'Industrial Triangle'¹, Daleville, and any other sub-community within the Fresno-area boundaries finalized by CARB.

The Blueprint also should require that air districts publish a list on their website of recruitment efforts and the names of individuals that applied for the Committee. This will improve transparency in the process, and a comparison between the individuals that applied for, and the individuals ultimately selected for, the Committee will allow CARB and the public to determine if the Committee selection process was equitable and compliant with the district's legal obligations. CARB must additionally review and approve the Committee composition before the Committee begins to develop a Community Emissions Reduction Plan. CARB review is necessary to ensure that the Committee complies with the criteria outlined in the Blueprint. Failing to develop an intermediary review and approval step weakens and undermines the Blueprint's robust public participation requirements.

II. CARB Must Adjust the Fresno Community Boundaries to Include Severely Environmentally-Burdened Communities

AB 617 mandates that CARB select the "highest priority locations around the state" to employ community monitoring plans, basing this selection on areas with high air pollution burdens.² CARB appropriately has chosen the Fresno area as a high priority area, yet the boundaries of the area proposed for community monitoring within Fresno fail to accurately reflect the census tracts most heavily burdened by air pollution. They must be adjusted.

The 2018 Community Recommendations Staff Report that accompanies the Blueprint recommends boundaries in Fresno that include areas north of Highway 180 (the Tower District), and that fail to include Fresno's "Industrial Triangle" between Highway 41 and Highway 99, where the City and County of Fresno intend to direct nearly all future industrial development in the region. Census tracts north of Highway 180 do not fall within the top 25 most environmentally burdened census tracts in the Fresno area³ and therefore are not the "highest priority locations around the state" within the intent of AB 617. The Fresno Industrial Triangle includes the most polluted census tract, yet is excluded from CARB's proposed selection.

CARB must utilize a rational data-driven selection process to support AB 617 implementation to ensure that the most pollution-burdened communities in California are selected for community air monitoring. CARB must adjust the boundaries of the proposed Fresno community air monitoring area to include the most burdened areas such as the Industrial Triangle and Daleville, and exclude less-burdened areas such as The Tower District. This

¹ See Section II, *infra*, discussing the need to modify the Fresno community boundaries to accurately reflect the most heavily burdened communities in the area.

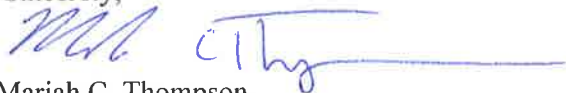
² Cal. Health and Safety Code Section 42705.5(c)

³ As measured on CalEnviroScreen 3.0 by isolating for health indicator data and air emissions data

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modification is necessary to ensure that the districts and CARB are adequately implementing the statutory provisions of AB 617.

Sincerely,



Mariah C. Thompson
Staff Attorney, Community Equity Initiative
California Rural Legal Assistance, Inc.
3747 E. Shields Ave
Fresno, CA 93726
mthompson@crla.org

cc: Ilene Jacobs, Director of Litigation, Advocacy, and Training, California Rural Legal Assistance, Inc.
ijacobs@crla.org

Marisol Aguilar, Director, Community Equity Initiative, California Rural Legal Assistance, Inc.
maguilar@crla.org