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Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

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Cynthia Babich
Director

Cynthia Medina
Co-Director

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The Del Amo Action Committee (DAAC) supports the Air Resources Board Approval of the ARB rule regarding the use of Hexavalent Chromium at metal plating facilities. The Air Board's commitment to prioritizing environmental justice in everything the Board does will be clearly realized in the passage of this important rule. According to the ARB data ninety percent of California's Hexavalent Chrome Platers are in disadvantage communities. Dozens are near schools and daycare centers. Rulemaking, frequent inspections, and effective enforcement will do much to reduce community exposure to this clearly dangerous chemical.

DAAC worked with other organizations and Paramount residents to demand badly needed work to identify hexavalent chromium emissions at metal plating shops in Paramount. Gaining the attention of regulatory agencies was difficult. The South Coast Air Quality Management District did outstanding work in measurement of Hex chrome levels in the air in Paramount that disclosed alarmingly high levels of in the community. Needed enforcement demanding the plating shops significantly lower air emissions resulted in dramatic reductions.

Technology Reviews

The rule calls for CARB to conduct two technology reviews that evaluate the development of technologies to replace Hexavalent Chromium in Hard Chrome Plating and Chromic Acid Anodizing operations. Discontinuation of chemical fume suppressants must be included in these reviews. Each technology review will include a summary of the status of the development and availability of alternative technologies.

CARB staff will complete first technology review by January 1, 2032, and the second technology review by January 1, 2036. Often regulatory agencies fail to seek new technologies that could enhance environmental programs. New technologies may contribute significantly to finding better solutions.

DAAC recommends the continuation of dialogue with environmental justice organizations, community members and technical experts. A work group is needed to facilitate this dialog. The work done through the Technology Reviews should not result in the extensions of the dates to eliminate the use of Hexavalent Chromium.

Enforcement

When the SCAQMD was considering rule 1469 Plating Facility representatives were standing together talking about the rule. DAAC Board Chair, Florence Gharibian, was there too. She heard one representative say that all the enforcement was removed from the rule.

If requirements in a rule cannot be enforced, compliance with those requirements is seriously undermined. Sometimes conditions in a rule that are vague hamper enforcement. An essential step in development of a rule is the evaluation of the rule by the staff that does inspections and enforcement to ensure enforceability. The enforceability of the conditions in the following paragraph in the rule may be difficult to enforce.

“All Building Enclosure Openings that are open to the Exterior and on opposite ends of the Building Enclosure from each other shall be equipped with a Protected Opening Method and shall not be simultaneously open except during the passage of vehicles, equipment, or people through the Building Enclosure Opening. All Building Enclosure Openings that directly face any Sensitive Receptor that is located within 1,000 feet, as measured from the property line of the Sensitive Receptor to the Building Enclosure Opening shall be equipped with a Protected Opening Method and remain closed except during the passage of vehicles, equipment, or people.”

Would it be necessary for ARB inspectors to observe compliance with these requirements? Does the ARB or the SCAQMD know which facilities will require a Protected Opening Method? Why was 1,000 feet chosen as the distance in the rule? This distance is about three blocks. An Inventory of the facilities to determine those that will have to comply with the Protected Opening requirement might be useful.

Training

The rule requires:

“Compliance Assistance Training Course pertaining to chromium plating and chromic acid anodizing on Chrome Plating every two years. On or after October 24, 2023, Environmental compliance and recordkeeping required by this ATCM shall be conducted only by the supervision of persons who completed an ARB Compliance Assistance Training Course on Chrome Plating and who are onsite. “

It may be possible for the ARB to develop an online training course that requires participants to register in order to record their participation.

All employees at a Chrome facility should have adequate training; Records of this training must be recorded.

Compliance with Department of Toxic Substances Requirements

Store, dispose of, recover, or recycle Hexavalent Chromium or Hexavalent Chromium-containing wastes generated from the housekeeping activities would almost certainly be regulated as hazardous waste. Hazardous waste generators are required to take several steps to ensure safe handling and disposal of the waste. These include meeting hazardous waste storage and labeling requirements and training requirements. It is possible that the DTSC and ARB requirements could be mutually beneficial.

Additional Comments

The California Air Resources Board, Los Angeles City Attorney's Office, California Environmental Protection Agency, South Coast Air Quality Management District, Los Angeles County Department of Public Health, and Del Amo Action Committee began working together in late 2021 to better understand and address community concerns. This is a fine example of real community engagement and it is difficult to express how meaningful the work is to us, but wanted you to know of our appreciation.

Thank you,

Cynthia Babich and Florence Gharibian
Del Amo Action Committee