



August 15, 2014

Mary Nichols, Chair
California Air Resources Board

Re: SB 535 Guidelines to Benefit Disadvantaged Communities

Dear Chair Nichols and Board Members,

We would like to applaud the California Air Resource Board (CARB) for your work on developing SB 535 guidelines, which will support the equitable distribution of Greenhouse Gas Reduction Funds (GGRF) to benefit to the state's most disadvantaged communities. Community Health Councils (CHC) supports the reduction of greenhouse gas emissions, particularly in low-income communities of color disproportionately exposed to toxic air emissions with fewer resources or opportunities to mitigate pollutions. The inaugural year of the GGRF marks an important time in California to strategically reduce air pollution and provides an opportunity to ensure that health and resource equity are reflected in these statewide funding policies.

Low-income communities of color often live in neighborhoods with higher levels of air pollutants and toxic air emissions sources. Many communities in Southeast Los Angeles City and County, including the neighborhoods of Boyle Heights, Wilmington and Southeast Los Angeles and the cities of Long Beach, Vernon, Huntington Park, and Commerce feature heavy manufacturing uses adjacent or in close proximity to residential neighborhoods. These industrial uses are generally clustered near the I-710 Freeway, a major arterial for heavy diesel-fueled vehicles transporting cargo from the Ports of Long Beach and Los Angeles, adding further cumulative impacts.

It is no surprise that the respiratory illness and chronic disease rates in these neighborhoods are also disproportionately higher than the general population. Asthma rates for children living in port-adjacent communities such as Long Beach are almost twice as high as the rest of the U.S.¹ Pollution related to the ports and goods movement in California causes more than 2,400 premature deaths annually and cancer risk rates up to 20 times higher than federal clean air standards. These conditions pose serious health risks for the residents and children living in these neighborhoods.

CHC supports the SB 535 Coalition comment letter to the California Air Resource Board (CARB), dated August 20, 2014. This letter outlines a four-step framework to ensure that GGRF investments result in tangible benefits for disadvantaged communities. Framework steps include: 1) Establish a process with indicators and metrics for project development, selection and evaluation; 2) clear demonstration of how proposed investments will address the needs of the most vulnerable residents of identified disadvantaged communities; 3) disadvantaged community benefits of the proposed investment must significantly outweigh its adverse impacts on the disadvantaged community; and 4) clarify the relationship between the location of an investment and its benefit (i.e., care must be taken to ensure that the benefits of otherwise beneficial investments are not reduced by locating them in proximity to harm). By implementing the SB 535 Coalition's four-step

framework, agencies can significantly meet critical economic and quality of life needs for historically underserved, overburdened communities. In order to create transformative investments in disadvantaged communities, the undersigned organizations and individuals also respectively submit additional recommendations to further ensure the equitable distribution of GGRF and greater emphasis on active transportation in the criteria of benefits.

Identifying Disadvantaged Communities

Recommendation: Identify disadvantaged communities with the CalEnviroScreen's population characteristics and pollution burden measures. Identifying high-need areas based on communities' environmental health and socioeconomic status is not only required by SB 535 but is also a scientifically-backed method for understanding an area's pollution exposure and vulnerability to environmental health stressors.ⁱⁱ To fulfill SB 535's mandate, disadvantaged communities should be selected with one of California Environmental Protection Agency's (CalEPA) proposed methods that account for both pollution burdens and sensitive populations (Methods 1, 4, or 5, defined in more detail below).

- CalEPA Method 1: Using combined pollution burdenⁱⁱⁱ scores and population characteristics^{iv} scores to identify disadvantaged communities statewide
- CalEPA Method 4: Using a high pollution burden score and population characteristics score to identify disadvantaged communities by region^v
- CalEPA Method 5: Identification of disadvantaged communities using a categorical approach (high scores for both pollution and population, high score for pollution/medium score for population, and medium score for pollution/high score for population), by region

Recommendation: Identify disadvantaged communities on a statewide basis. With AB 32 and SB 535, the state legislature mandated ensuring the most impacted and disadvantaged communities receive economic and health benefits from policies addressing climate change. The severity of environmental health stressors, socioeconomic status, and sensitive population concentration varies greatly across the state, as evinced by the distribution of CalEnviroScreen scores.^{vi} If disadvantaged communities were defined on a regional basis, rather than a statewide basis, communities in regions with high concentrations of under-resourced communities may go unrecognized while better-served areas receive GGRF. Only by defining disadvantaged communities on a statewide basis can California ensure the most disadvantaged communities benefit from AB 32.

Defining Benefits to Disadvantaged Communities

Recommendation: Expand Sustainable Communities and Clean Transportation Criteria 1.1 (Low-Carbon Transit Projects) to include active transportation infrastructure and incentives projects.

Safe and accessible active transportation options, such as improved bicycle and pedestrian amenities, can encourage travelers to avoid private vehicles for all types of trips, including work commutes, running errands, visiting friends and taking children to school or day care. In Los Angeles County, nearly 20% of all trips are completed on foot or by bicycle, yet only 1% of regional planning funding is dedicated to pedestrian and/or bicycle projects^{vii}. Funding generated from the GGRF could support a number of active transportation projects and programs, such as implementing bicycle facilities, improving sidewalks and streetscapes for pedestrians, and installing design treatments on streets to reduce vehicle speeding. Further, walking and bicycling are the most affordable modes of travel and are often a necessity for

households with zero or one automobile. Building safe and practical active transportation options into daily activities could reduce the amount of vehicle miles traveled (VMT) in neighborhoods with the highest needs.

Recommendation: Include commercial uses that will encourage local jobs and employment opportunities as well as provide neighborhood amenities, such as retail, banks, and healthy eating establishments in Criteria 1.2 (Affordable Housing and Sustainable Communities). In addition to affordable housing and employment centers in the vicinity of high-quality transit service and active transportation infrastructure, local commercial and retail uses would further bolster reductions in vehicle miles traveled. Nearby neighborhood amenities reduce the need for residents and employees to drive to purchase food or access services and also cultivate a stronger sense of geographic and social community.

Recommendation: Include park development as projects or initiatives that would benefit disadvantaged communities, particularly “park-poor” neighborhoods, in Criteria 1.7 (Urban Forestry).

The Quimby Act, a California state law, allows jurisdictions to charge a development impact fee, equivalent to providing a minimum of 3 acres of parkland per 1,000 residents for new development. This is generally used as a standard for park level of service. While certain neighborhoods greatly exceed this standard, a “park-poor” neighborhood such as Southeast Los Angeles has less than one-half of an acre per 1,000 residents^{viii}. This is made more disparate when considering that Southeast Los Angeles has a population of over 250,000 residents^{ix}. Including park development in the definition of projects and initiatives that would benefit disadvantaged and “park-poor” communities would provide critical public open space, greenery and physical activity opportunities for residents across the state. Further, expanded parkland would lead to reduction in greenhouse gas (GHG) emissions for disadvantaged communities.^x

Recommendation: In agreement with the SB 535 Coalition letter, establish that no intended or unintended harm will be imposed on disadvantaged communities as a result of GGRF-funded projects or initiatives. Examples of unforeseen or unintended harm would include, but not be limited to:

- Prevention of any transit service cuts within or servicing a disadvantaged community without replacing or improving transit service to that community;
- Prevention of new any street configuration design that would favor the movement of automobiles over active transportation modes, without the safe and accessible inclusion of walking and biking infrastructure in that design;

Ensure Minimum of 35% of GGRF Funds Dedicated to Disadvantaged Communities

Recommendation: Spend at least 35% of Auction Funds in disadvantaged communities. SB 535 requires the state to allocate a minimum of 25% of GGRF funds to projects that would “benefit disadvantaged communities” and a minimum of 10% of funds “located in disadvantaged communities”. To avoid double-counting investments that would serve the state’s most vulnerable communities, GGRF should invest a total minimum 35% of available funds to disadvantaged communities. Nearly a quarter of the state’s residents live in poverty and 40% live dangerously near roadway pollution demonstrating a significant need for these investments.^{xi} Whether due to politics, oversight, or institutionalized racism,

policies have allowed disinvestment and disproportionate pollution exposure in communities across California. Many of these same communities overburdened by pollution will also see greater air quality deterioration and heat island effects as the climate changes. Agencies should reverse this disinvestment and burden by ensuring disadvantaged communities receive at least, and ideally more than, 35% of available funds.

Public Engagement

Recommendation: Include community engagement processes in all infrastructure projects eligible under Sustainable Communities and Clean Transportation Criteria 1.1 (Low-Carbon Transit Projects), Criteria 1.2 (Affordable Housing and Sustainable Communities) and Criteria 1.3 (Low-Carbon Transportation). To reduce unforeseen harm from all funded projects intended to reduce GHG emissions, community engagement and input should be required for infrastructure and operations changes within and affecting disadvantaged communities. These recommendations could also lead to improved effectiveness and efficiency of proposed projects by ensuring they are implemented in communities where they will be utilized and supported by local residents and businesses.

Recommendation: Encourage broad public engagement by accepting “telecomments” at the Air Resources Board Meeting. Many residents and community-based organizations are interested in the GGRF guidelines as demonstrated by the robust attendance at the related Cap-and Trade Auction Proceeds workshops. Due to scheduling and financial constraints, attending and commenting at a Sacramento hearing is infeasible for many residents outside the area. We request the Air Resources Board (ARB) accept telecomments through a website portal to allow broad input. Although this may be impossible for the September meeting, moving forward, efforts like this will help allow impacted communities meaningfully engage in decisions that impact their neighborhoods.

We, the undersigned community organizations and individuals, respectfully submit our recommendations to strengthen the criteria to determine whether GGRF projects are located within or provide benefits to disadvantaged communities in California. We look forward to beginning efforts to reduce greenhouse gas emissions in an equitable manner and addressing disproportionately affected communities’ environmental burdens by prioritizing pollution reduction. We also hope to continue working with the state legislature and state agencies to ensure that GGRF allocations continue to invest in sustainable projects to reduce air pollutants in California and no other purposes.

Sincerely,

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ⁱ Physicians for Social Responsibility, N.p. Web 19 Aug. 2013 <<http://www.psr-la.org/issues/environmental-health/air-pollution-and-goods-movement/>>.

ⁱⁱ Sadd, J. L., Pastor, M., Morello-Frosch, R., Scoggins, J., & Jesdale, B. (2011). Playing It Safe: Assessing Cumulative Impact and Social Vulnerability through an Environmental Justice Screening Method in the South Coast Air Basin, California. *International Journal of Environmental Research and Public Health*, 8(12), 1441–1459. doi:10.3390/ijerph8051441

ⁱⁱⁱ CalEnviroScreen 2.0 Indicators for Pollution Burdens include: ozone concentrations; particulate matter (PM) 2.5 concentrations; diesel PM Emissions; drinking water quality; pesticide use; toxic releases from facilities; traffic density; clean-up sites; groundwater threats; hazardous wastes; impaired water bodies; and solid waste sites an facilities. Accessed from California Office of Environmental Health Hazard Assessment:

<http://oehha.ca.gov/ej/pdf/ApproachesIdentifyDisadvantagedCommunitiesAug2014.pdf>

^{iv} CalEnviroScreen 2.0 Indicators for Population Characteristics include: children and elderly; low birth-weight births; asthma emergency department visits; educational attainment; linguistic isolation; poverty and unemployment. Accessed from California Office of Environmental Health Hazard Assessment:

<http://oehha.ca.gov/ej/pdf/ApproachesIdentifyDisadvantagedCommunitiesAug2014.pdf>

^v CalEnviroScreen 2.0 statewide Regions include: San Diego and Imperial Counties; Inland Valley (San Bernardino and Riverside Counties); Los Angeles (Los Angeles, Ventura and Orange Counties); Central Coast (Monterey, San Luis Obispo, Santa Barbara, Santa Cruz and San Benito County); Bay Area (San Francisco, Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo Counties); Sacramento (El Dorado, Placer, Sacramento, Yolo, Sutter, and Yuba Counties); North State (Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Sierra, Nevada, Butte, Glenn, Colusa, Lake, and Mendocino Counties); Central Valley (San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern, Mariposa, Tuolumne, Calaveras, and Amador Counties); and Southern Sierra (Alpine, Mono, and Inyo Counties). Accessed from California Office of Environmental Health Hazard Assessment:

<http://oehha.ca.gov/ej/pdf/ApproachesIdentifyDisadvantagedCommunitiesAug2014.pdf>

^{vi} 50 percent of the state’s most vulnerable population lives in Los Angeles County according to Hong, S. (2014, July 29). UCLA, EDF identify opportunities to curb climate pollution, spur clean energy jobs in L.A. Retrieved from <http://newsroom.ucla.edu/releases/ucla-edf-identify-opportunities-to-curb-climate-pollution-spur-clean-energy-jobs-in-l-a>

^{vii} Why State and Federal Transportation Dollars for Safe Routes to School Matter to Los Angeles County, Web. 26, Feb. 2013 <<http://www.saferoutespartnership.org/blog/why-state-and-federal-transportation-dollars-safe-routes-school-matter-los-angeles-county>>

^{viii} Health Atlas: Plan for Healthy Los Angeles, 2013, Ch. 7, P. 88

^{ix} US Census 2010.

^x *Quantifying the Greenhouse Gas Benefits of Urban Parks*, The Trust for Public Land, 2008.

^{xi} Bohlen, S., & Levin, M. (2013, August). Poverty in California. Retrieved from http://www.ppic.org/main/publication_show.asp?i=261. Barboza, T. (2013, October 2). One-fifth of U.S. lives near roads with higher air pollution, study says. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/2013/oct/02/science/la-sci-sn-air-pollution-population-traffic-20131002>