

Proposed

State of California
Air Resources Board

Assembly Bill 617 Community Air Protection Program – Selection of Communities

Resolution 21-6

February 25, 2021

Agenda Item No.: 21-1-8

Whereas, California's air quality programs have led to significant public health improvements; however, certain communities continue to experience environmental and health inequities from air pollution;

Whereas, many of these communities are affected by multiple stationary, area, and mobile sources of air pollution and suffer disproportionate health impacts;

Whereas, the high cumulative exposure burdens in these communities are a public health concern, contributing to health conditions, such as cardiorespiratory disease, increased cancer risk, and an increased risk of premature death;

Whereas, expedited emission reductions of toxic air contaminants and criteria air pollutants in communities with high cumulative exposure burdens are critical to reduce these disproportionate health impacts;

Whereas, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

Whereas, the Legislature enacted the California Clean Air Act of 1988 (Stats. 1988, ch. 1568) declaring that it is necessary that the State ambient air quality standards be attained by the earliest practicable date to protect public health, particularly the health of children, older people, and those with respiratory diseases;

Whereas, section 39650, et seq., of the Health and Safety Code establishes the policy of the State to control emissions of toxic air contaminants, based on the best available scientific information, and directs the Board to establish airborne toxic control measures (ATCM);

Whereas, Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes 2017) added sections 39607.1, 40920.8, 42411, 42705.5, 44391.2 and amended sections 40920.6, 42400, 42402 in the Health and Safety Code, requiring a new community-focused program to address criteria air pollutants and toxic air contaminants;

Whereas, AB 617 is a significant step in transforming California's air quality programs to address air pollution disparities at the neighborhood level and includes the following requirements;

Whereas, AB 617 requires CARB to annually consider the selection of communities with high cumulative exposure burdens of criteria air pollutants and toxic air contaminants for the deployment of community air monitoring and/or the development of community emissions reduction programs;

Whereas, AB 617 requires an air district containing a community selected for deployment of a community air monitoring system to begin deployment of monitoring in the community within one year of the community being selected by CARB;

Whereas, AB 617 requires an air district containing a community selected for development of a community emissions reduction program to adopt, in consultation with CARB, individuals, community-based organizations, affected sources, and local governmental bodies, a community emission reduction program for the community within one year of selection by CARB;

Whereas, in 2018, utilizing available data, staff conducted a statewide assessment of the cumulative exposure burden in communities throughout the State, to help identify communities for selection;

Whereas, on September 27, 2018, CARB approved the *Community Air Protection Blueprint: For Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring* (Blueprint), which set overall Program requirements to reduce toxic air contaminant and criteria air pollutant emissions in communities with high cumulative exposure, and select communities with high cumulative exposure burdens for the deployment of community air monitoring systems and/or the development of community emissions reduction programs;

Whereas, as a result of CARB selecting communities in 2018 and 2019, currently there are thirteen communities implementing or developing community air monitoring and/or community emissions reduction programs throughout California;

Whereas, the Board directed staff in the September 2018 board meeting in which it selected the first year communities to consider the following in developing recommendations for communities in subsequent years:

- Prioritize moving those communities that were previously selected only for air monitoring into development of an emissions reduction program, if the recommendation is supported by data and by the community steering committee/district;
- Draw from those communities that were priority recommendations from air districts and community-based organizations prior years, but were not selected.

Whereas, the work of the air districts and community steering committees in the thirteen selected communities are setting the foundation for successful long-term Program implementation to achieve AB 617's goals to deliver measurable reductions in emissions and exposure;

Whereas, significant resources are needed to support CARB and air district staff work and to ensure community steering committees have the needed resources to effectively participate during the ongoing work to implement the Program;

Whereas, for those air districts that had communities selected in previous years for the development of community air monitoring only, it is important for those communities to transition to develop a community emissions reduction program, as early as practical, to support development of a plan to reduce emissions in the communities based on data gathered through monitoring prior to selection of additional communities in that air district;

Whereas, the State budget maintains the same level of funding in Fiscal Year 2020/2021 for program implementation and incentives funds are uncertain, and thus, adding new communities will require careful balancing of resources to avoid adverse impacts to the Program's foundation being constructed by air districts and community steering committees within the existing thirteen communities and in the new communities;

Whereas, the community steering committees should be provided all available resources and all feasible tools necessary to develop and implement successful community air monitoring systems and emissions reduction programs;

Whereas, CARB staff held virtual community meetings in June and November 2020 to receive public input on the process for selecting new communities and discuss staff's proposed community recommendations, which are the same as staff's final recommendations to the Board;

Whereas, CARB staff released for public comment on November 20, 2020, the "2020 Community Recommendations Staff Report," (Staff Report) (Attachment A) containing recommended communities for Board consideration, with preliminary boundaries for each community;

Whereas, in consideration of the issues described above, CARB staff are recommending the communities described in Attachment A and listed in Attachment B to the Board for selection for deployment of community air monitoring and/or the development of community emissions reduction programs;

Whereas, the Staff Report included a preliminary inventory for the recommended communities;

Whereas, in consideration of the Staff Report, written and oral testimony presented by community members, the air districts, industry, and other stakeholders, the Board finds that:

- Many communities throughout the State experience disproportionate cumulative environmental and health impacts from air pollution compared to other communities in the State;
- Community emissions reduction programs and community air monitoring systems are necessary tools to reduce pollution exposures and help address these exposure inequities;
- Continued resources are needed in the 13 communities selected to effectively implement the ongoing work that has begun and deliver measurable reductions in emissions and exposure as intended by AB 617;
- The current State budget for program implementation and incentive funds means there must be a careful balancing of resources when adding communities to the program; the consideration of these communities is for immediate deployment of community air monitoring and/or development of community emissions reduction programs.
- The Staff Report recommends additional communities with high exposure burdens for toxic air contaminants and criteria air pollutants to deploy community air monitoring systems and/or community emissions reduction programs, based on nominations received by CARB and the Board's prior direction to staff for future recommendations, and is consistent with the requirements of AB 617;

Whereas, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60008); and

Whereas, staff has determined that the proposed Staff Report is exempt from CEQA

under California Code of Regulations, title 14, section 15061(b)(3) (“common sense” exemption) because the record evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment, as described in Appendix B of the Staff Report.

Now, therefore, be it resolved that the Board selects the communities listed in Attachment B for the deployment of air monitoring systems and/or development of community emissions reduction programs, as noted in Attachment B, Table 1.

Be it further resolved that the Board finds that the proposed community recommendations are exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) because substantial evidence in the record shows with certainty that there is no possibility that the proposal may result in a significant adverse impact on the environment.

Be it further resolved that an air district containing a community selected for development of community emissions reduction program must adopt an emissions reduction program that follows the requirements set forth in the Blueprint, for the community, within one year after the Board’s selection of the community.

Be it further resolved that the air districts must proceed quickly to convene community steering committees and work with the community to determine final community boundaries.

Be it further resolved that, within three months of CARB selection of the community, the air districts must, in collaboration with the community steering committee, work to establish a charter to clearly set out the committee structure and process.

Be it further resolved that the Board directs CARB staff to, within three months after selection of the community, and as needed throughout the development process of the community air monitoring systems and emissions reduction programs, present to the community steering committee the goals and requirements set forth in the Blueprint.

Be it further resolved that the Board directs CARB staff to work with communities and air districts to finalize baseline and forecasted community emissions inventories as soon as possible and present the updated inventories to the community steering committees for use in developing and/or implementing all community air monitoring systems and/or emissions reduction programs.

Be it further resolved that the Board directs CARB staff to continue outreach activities and consult with community members, environmental justice organizations, air districts, affected industry, and other stakeholders to implement the Program and provide periodic updates to the Board.

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Identification of Attachments to the Board Resolution

Attachment A: [2020 Community Recommendations Staff Report](#)
Attachment B: List of Staff Community Recommendations.

Attachment B
List of Staff Community Recommendations

Table 1 identifies staff community recommendations for deployment of air monitoring and/or development of community emissions reduction programs.

Table 1. 2020 Community Recommendations

Community (Air District)	Action	Key Sources	Rationale
Richmond-San Pablo (Bay Area)	Transition to developing a Community Emissions Reduction Program	Freeways Industry Port Rail Refinery Urban	Consistent with CARB Board direction to place priority on moving monitoring programs to emissions reduction programs. This transition is supported by the community steering committee and Air District Board.
Arvin, Lamont (San Joaquin Valley)	Develop a Community Air Monitoring Plan and Emissions Reduction Program	Agriculture Rural Warehouses	Consistent with CARB Board direction to prioritize communities recommended by community based organizations in previous years but not selected. Nominated this year and in 2019 by Air District Board with strong support from community based organizations.
South Los Angeles (South Coast)	Develop a Community Air Monitoring Plan and Emissions Reduction Program	Freeways Industry Oil & Gas Urban	Consistent with CARB Board direction to prioritize communities recommended by community based organizations in previous years but not selected. Nominated by Air District Board with strong support from community based organizations.

The 2020 Community Recommendations Staff Report is available at:
<https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program-ab-617>.