



California Asphalt Pavement Association



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Via email: ab2588ei@arb.ca.gov

RE: Proposed Modifications to the Emission Inventory and Criteria Guidelines (EICG)

The California Construction and Industrial Materials Association (CalCIMA), and the California Asphalt Pavement Association (CalAPA) jointly submit the following comments to the California Air Resources Control Board (CARB) in regards to the Proposed Modifications of the EICG regulation.

CalCIMA is the state trade association for aggregate, industrial mineral, and ready mix concrete producers in California. CalCIMA members provide the essential materials needed to build the state's public highways, roads, rail, and water infrastructure; to build homes, schools and hospitals; to grow crops and feed livestock; and to manufacture wallboard, roofing shingles, paint, glass, low-energy light bulbs, and battery technology for electric cars and windmills. CalAPA is a statewide trade association representing the asphalt pavement industry in California, including asphalt producers, refiners, paving contractors and other firms.

We have four main issues we would like to raise in regards to the proposed modifications being considered by the Board. Some are technical such as a clarification of the Size fraction of crystalline silica based upon the Acute REL adopted by OEHHA. Some are procedural in concerns about an informal risk value document CARB appears to intend to publish as well as the identification of items we believe will result in significant costs CARB should incorporate within their economic analysis for the regulatory proposal during the rule adoption phase of the administrative process. Finally, we want to thank CARB for maintaining pooled source testing for facilities and encourage CARB to ensure districts allow pooled source testing.

Crystalline Silica (Respirable) Definition:

As the Board works to update the substances list we felt it important to remind the Air Resources Control Board that in adopting a [Reference Exposure Level for Crystalline Silica](#) the

Office of Environmental Health Hazard Assessment and Scientific Review Panel selected an occupational based size fraction for silica. On page one, the chronic toxicity summary notes;

“This REL is meant to be applied only to particles of crystalline silica (quartz, cristobalite, tridymite), of respirable size, as defined by the occupational hygiene methods described by ACGIH (2004)/ISO (1995) which has a 50% cut-point at 4 µm particle aerodynamic diameter. This occupational definition of respirable differs from the environmental definition of respirable, which is PM10. (The occupational particle category “thoracic” has a 50% cut-point at 10 µm particle diameter (ACGIH, 2004) and the category “inhalable” has a 50% cut-point at 100 µm particle diameter (ACGIH, 2004).)”

Based upon this action of the Scientific Review Panel our members participated with the Coalition for the Reasonable Regulation of Naturally Occurring Substances (CRRNOS) in the development of a sampling method necessary to sample in the appropriate size fraction. Then sampling was conducted at mineral resource facilities utilizing the methodology. CAPCOA and CARB were kept informed of the activities and asked to provide input throughout the process. We have attached documents associated with that activity for CARB’s reference.

We believe it is important to note within appendix A that crystalline silica’s respirable size fraction is different than the general environmental policy usage of “respirable” within appendix A consistent with the scientific review panel findings and adopted Reference Exposure Level.

Pooled Source Testing:

We strongly support the ongoing inclusion of pooled source testing and appreciate CARB’s plans to maintain its usage as currently allowed. These sampling activities are very expensive to undertake and enabling like facilities with equivalent emission sources to be modeled based on a sampling of multiple facilities which can then be applied to the broader subset of like facilities is a very important cost control measure. Please maintain pooled testing as planned.

Procedural Concerns and Input:

We have two issues we would like to submit to the Air Board in this area. First we would like to point out the anticipated mandatory transition to HARP has significant costs in our members’ experience. Based upon inquiries to our members and consultants who input HARP data the cost is expected to be in the \$2000-\$6000 per facility annually. Site complexity and the underlying precision necessitated by HARP driving these costs. We do understand how incorporation of activities like downdraft push the need for this activity but it is not without cost and challenge which should be analyzed within the rulemaking process.

The second procedural issue is the stated plan of the California Air Resources Control Board publishing an informal non-regulatory list of health values for what we presume is the newly listed 730+ substances. This strikes us as a regulatory undertaking whose answers very much help determine the cost and environmental impacts of the current regulatory proposal the Board

intends to release in October. The level of health values CARB chooses to list may impact the risk factors applied to stationary sources and eventually the cost and extent of any risk reduction plans the facilities are then required to implement under the program. The numbers could also determine which facilities go beyond a step one analysis to a more formal and detailed analysis and could impact the amount of work and costs the air districts face. If there is no plan to utilize these non-regulatory numbers within the regulatory process then they should not be published. If they are intended to be utilized within the regulatory system the impacts of their inclusion must be analyzed and adopted through the appropriate processes with the appropriate environmental and economic review.

Our understanding of previous Health Risk Values utilized within the Air Toxic Hot Spots system is they are largely adopted published by OEHHA and the scientific review panel. On reviewing OEHHA's "[Technical Support Document on Cancer Potency Factors](#)(May 2009)" we found this statement which supports that belief;

"Appendices A and B provide previously adopted Cal/EPA values which were included in the previous version of the TSD for Cancer Potency Factors (OEHHA, 2005a). Cal/EPA values were developed under the Toxic Air Contaminant (TAC) program, the PHG program, the Proposition 65 program, or in some cases specifically for the Air Toxics Hot Spots program. All the Cal/EPA values are submitted for public comments and external peer review prior to adoption by the program of origin. In the future, new values developed by the Toxic Air Contaminants or Hot Spots programs or other suitable sources will be added as these are approved."

We appreciate the Board's consideration of our comments upon this pre-regulatory item and hope they are helpful. This expansion of the program seems very likely to have significant costs and impacts on facilities and district workloads.

Again thank you for the opportunity to comment, please feel free to contact us with any questions.

Respectfully,



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