



Wednesday, August 5, 2020

Mr. Richard Corey  
Mr. Vernon Hughes  
Dr. John Balmes  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

*Submitted electronically*

CC: Mr. Samir Sheikh

**RE: San Joaquin Valley Environmental Justice Steering Committee Recommendations for Community Air Protection Program Blueprint Improvements**

To Whom It May Concern,

On behalf of the San Joaquin Valley Environmental Justice Steering Committee, this letter summarizes necessary revisions to the Blueprint for AB 617 implementation via the Community Air Protection Program (CAPP). The Blueprint should set the standard for planning and implementation across the state. The core purpose and intent of AB 617 is to produce enforceable emission reductions and improve the air in the most impacted communities throughout California.

It is critical to keep in mind that while California has advanced some solutions to ongoing air pollution challenges, the state is home to the most polluted air basins, with extreme disparities and disproportionate exposures for people of color and lower income communities. Furthermore, outstanding gaps remain such as lack of understanding and analysis of cumulative impacts in communities that have multiple major sources of pollution with potential for unknown synergistic effects. Improving air quality is even more urgently needed now to address the significant health disparities and disproportionate impacts of the COVID-19 pandemic.

CARB has a critical leadership role to play in identifying gaps in implementation and facilitating continual reflection and actions to improve planning and implementation. For the Community Air Protection Program to generate real, quantifiable emission reductions through a community driven process, the Blueprint must align theory with practice. While some aspects of AB 617

present new opportunities for improving collaboration with impacted communities, CARB should establish best practices for engagement through existing knowledge and processes, as well by collaborating with community based organizations that have developed this expertise, rather than starting from scratch or driving the process from the top down. Furthermore, one of the most critical gaps of the Community Air Protection Program continues to be the lack of enforceability of adopted measures and of results from the monitoring network. Measures and monitors, when regulatory grade, must be enforceable to ensure accountability and substantive emission reductions.

A robust, bottom up approach should be taken to establish a baseline of expectations for the process and outcomes related to the Community Air Protection Program. Specific requests and recommendations are detailed below. While many issues overlap, we've organized these recommendations into 5 broad categories: the Blueprint update, Community Steering Committee governance, Community Emission Reduction Plan (CERP) guidance, best practices for CERP planning and implementation, and transparency in resource and budget allocations.

1. To align with and support ongoing planning and implementation processes, the current **Blueprint update** should be completed by the end of 2020.
  - a. Initial guidelines critical to Year 2 communities should be released by September, specifically CERP guidance and templates, including for monitoring plans.
  - b. The Blueprint should be reviewed and revised on an annual basis thereafter.
  - c. For this and future updates, CARB should facilitate a public process to review and refine recommendations.
    - These meetings should follow CARB's AB 32 Environmental Justice Advisory Committee (EJAC) model and be held around the state, when in person meetings are safely permitted, or otherwise held virtually with a regional focus, to allow for communities across the state sufficient time to weigh in on general principles as well as share unique issues and experiences.
    - Residents should be compensated for participation.
2. CARB must provide more specific parameters for **governance and accessibility of Community Steering Committees**.
  - a. Committees should establish co-chairs who represent an environmental justice perspective. Co-chairs must have equal authority over planning and facilitation of meetings, including in setting meeting agendas and managing the time allotted for agenda items.
  - b. CSCs should be empowered with formal decision making authority. A vote that achieves consensus or majority approval (based on the CSC's adopted charter) should be required at critical junctures such as establishment of the community

boundary, adoption of the community monitoring plan, and adoption of the CERP.

- c. CARB should clarify its authority with regard to disagreements between air districts and CSCs, for example with regards to use of funds as well as inclusion and prioritization of measures within CERPs. As the oversight authority, CARB cannot remain agnostic on such fundamental disagreements and must establish mechanisms for resolving disputes.
  - i. CERPs that are inadequate should be sent back to air districts prior to approval by CARB. One criteria for disqualification should be if the plan was not voted on by the CSC, was not translated into the primary language of CSC members and/or the respective AB 617 community, or did not receive enough votes for CSC approval.
  - ii. CARB should clarify that the role of an air district is to support the community leadership and decision making of the CSC.
  - iii. CARB should clarify that air districts do not have the authority to dissolve CSCs.
  - iv. Disputes must be resolved with agencies that have authority over pollutants of concern that are unwilling to enforce adopted measures. One such mechanism could be the ombudsman discussed under #4, item f below, as a neutral third party.
- d. CARB must establish a robust policy defining stakeholder composition of CSCs and preventing conflicts of interest. Conflicts of interest will arise for CSC representatives and meeting participants with a financial stake tied to decision making and thus must be proactively addressed.
  - i. Representatives of regulated entities must be required to disclose conflicts at the start of the process and recuse themselves from votes in which they have a conflict of interest. Consistent with the Public Reform Act, we request that the CSC member identify the financial interest that gives rise to the conflict, recuse themselves from the discussion and voting on the matter, and leave the room until after the discussion, vote, and any other disposition of the matter is considered.
  - ii. Appropriate documentation such as disclosure forms should be provided to air districts and required of CSC participants on an ongoing basis, updated annually.
  - iii. Trainings should be provided on how conflicts are defined and examples of when conflicts must arise requiring disclosure or recusal.
- e. CARB must require compensation for community volunteers on CSCs and set the baseline for the minimum amount of compensation. Funding for stipends should come from implementation funds.

- f. CARB should establish best practices for community outreach and engagement. As just one example, it should be required that documents be translated into other languages a minimum of one week in advance of an issue or item being considered at a CSC, with additional lead time at major decision making junctures such as CERP adoption.
  - g. CARB must continue to build out planning and implementation processes for communities that haven't been selected officially via the AB 617 process in a way that equitably distributes resources and synergizes collaboration among communities.
3. CARB should improve **structural guidance and models for CERPs**.
- a. Additional, more specific CERP guidance should be developed for CERPs in rural and urban areas. CARB should provide guidance and resources for CERP planning in unique delta and desert environments.
  - b. To achieve the ultimate goal of reducing air pollution in heavily overburdened communities, CERPs must prioritize real, enforceable, permanent, quantifiable reductions that go above and beyond existing regulations, plans and commitments.
    - i. Emission factors should be included for all proposed strategies.
    - ii. Air districts and CARB should build on and integrate relevant guiding documents such as the Office of Planning and Research's 2020 Environmental Justice Guidance for local general plans.
    - iii. CARB's freight handbook guidance, specific to warehouse and distribution center facility construction and operation, should be integrated into CERPs where relevant.
    - iv. CARB should require air districts to adopt and implement direct reduction measures within the AB 617 community boundary before using incentive funding for technology adoption or upgrades.
      - 1. Incentive funding should prioritize low income households and small, local businesses.
4. CARB should set the **baseline of best practices for CERP development and implementation processes**. We have consistently experienced and heard from CSC participants that the CAPP process and CERPs both need to better support and reflect community priorities.
- a. CERPs should be required to include all emissions and sources of concern regardless of jurisdiction, including pesticides. Where necessary, jurisdiction should be clarified and convening inter and intra agency conversations should be a required step in the planning and implementation processes. As discussed under

#5d below, implementation funding should be allocated to the entity with jurisdiction over the target pollutant(s).

- b. CARB must further clarify its role related to regulating mobile sources, and what additional actions it will take in AB 617 communities.
- c. Participation of staff from CARB and air districts should not outnumber community participants, as this disparity adversely impacts dialogue and limits opportunities for participation.
- d. Staff at regulatory agencies, particularly in public facing positions and those that work directly on CAPP, should be required to regularly participate in trainings on implicit bias and cultural humility at least once a year and, when possible, in coordination with CSC participants.
- e. An external party should regularly evaluate CSC meetings and be accessible to CSC participants as a type of “ombudsman” that can manage and respond to complaints and concerns in real time, and should continue in an oversight role through the implementation phase of the CERP.
- f. Air districts should be required to use implementation funding for a minimum number of dedicated equity and environmental justice staff positions.

**5. The resources and budget** allocated to CARB and air districts for AB 617 planning and implementation **must be transparent and include parameters and accountability mechanisms.**

- a. CARB and air districts should provide annual reports, available to the public, with specific details on how AB 617 spending is being expended, including analysis of how much funding is going to support requests from CSCs, how much is going toward monitoring equipment and incentive funding, how much money is being spent on personnel, and how much money is being used for direct reductions. These details should be provided in a format and using language that is accessible to the general public.
- b. Accountability mechanisms should be tied to funds received by air districts.
  - i. CARB should establish a minimum percentage of funding earmarked for supporting community members' ability to independently analyze and prioritize proposed reduction measures, including through funding independent convenings where regulatory authorities and regulated entities are not present and/or by hiring technical experts not affiliated with regulatory authorities or regulated entities.
  - ii. CARB should disallow use of funds for measures or projects that are not within the boundary of the identified AB 617 community.
- c. CARB should require that both purchase and placement of air monitors occur in consultation with CSCs.

- d. Implementation funding should be allocated to entities other than CARB and air districts that have jurisdiction over the target pollutant(s), to ensure implementation of reduction measures.

We recognize that lessons will continue to be learned through implementation of AB 617 and periodic revisions of the Blueprint may be necessary. CARB plays an important leadership role and must establish best practices and set the baseline of expectations for both the processes and outcomes resulting from the Community Air Protection Program. As planning and implementation moves forward in selected communities and new communities come on board, it is vital that CARB undertake updates to the Blueprint as expeditiously as possible, while ensuring authentic inclusion of representatives from impacted communities and Community Steering Committees across the state in the decision making process.

Thank you for your attention to these important issues. We look forward to continuing to work collaboratively with all stakeholders to adopt and implement innovative solutions to the critical public health challenges and environmental injustices that communities across the San Joaquin Valley and the state are confronting.

Sincerely,

The San Joaquin Valley Environmental Justice Steering Committee

Member organizations:

Center on Race, Poverty and the Environment (CRPE)  
Central Valley Air Quality Coalition (CVAQ)  
Central California Asthma Collaborative (CCAC)  
Central California Environmental Justice Network (CCEJN)  
Californians for Pesticide Reform (CPR)  
Clean Water Action  
El Pueblo Para el Aire y Agua Limpia  
Greenaction for Health and Environmental Justice  
Leadership Counsel for Justice and Accountability (LCJA)  
Latino Environmental Advancement Project (LEAP Institute)  
Little Manila Rising  
Centro Binacional Para el Desarrollo Indígena Oaxaqueño (CBDIO)  
Valley Improvement Projects (VIP)  
Catholic Charities Diocese of Stockton