



February 28, 2020

Mr. Andre Freeman, Manager  
Transportation and Toxics Division  
California Air Resources Board  
1001 I Street, Sacramento, CA 95814

Dear Mr. Freeman,

Thank you for the opportunity to comment on the Concept Paper for CARB's Freight Handbook (the Concept Paper). The undersigned organizations are committed to achieving air quality, environmental justice, public health, equitable land use and development and climate goals in all regions of California, including urban and rural communities. Our engagement on issues of freight and goods movement in the state is rooted in principles of racial, economic, and climate justice that includes an emphasis on low-income communities of color most impacted by diesel emissions, truck traffic, local warehouse development, industry activities, and inequitable land use.

Overall, we appreciate CARB's emphasis, throughout the Concept Paper, on the impact of freight on local and regional air quality and public health. Similarly, the Concept Paper's focus on land use practices and policies as strategies to address these issues is a welcomed starting point and relevant to many environmental justice communities. The need to acknowledge the interconnectedness among land use, transportation, air quality, housing and climate is increasingly urgent if the State is going to meet its goals in an equitable way, and be successful in implementing programs such as AB 617. We thank CARB Staff for developing the Concept Paper with this interconnectedness in mind.

We note, however, that the Concept Paper will be deficient unless it includes more expansive directives and tools to reduce negative impacts of freight in communities, and ensured pathways to implementation. The Concept Paper encourages emissions reductions in the freight and logistics sector, but unfortunately is not supported by built-in, direct enforcement or accountability mechanisms to ensure the desired outcome. We hope that CARB, the Legislature, and other state agencies will include many of the concepts outlined in the initial Concept Paper as they develop and implement related laws, regulations and programs at the state level.

Additional overarching comments include recommendations that CARB:

- **Acknowledge the disproportionate impacts of freight on communities of color:** There is a disproportionate share of freight and warehouse facilities sited in communities of color due to systematic racism in the form of zoning and other land use policies and practices, both historically and presently. When considering public health and air quality goals, CARB should integrate this reality into recommended practices (e.g. increase the percent reduction and concentration of cancer risk beyond 80-95% currently considered levels; include methods for prioritizing strategies in communities with the most facilities, or truck traffic.)
- **Avoid recommendations that support false energy solutions:** California must be committed to a zero-emission future, rather than continuing to accept, invest in, and plan for near-zero technology and infrastructure that delays a clean energy transition. What is currently considered “renewable” natural gas (e.g. dairy biomethane) is in fact [far from renewable](#).
- **Include a discussion of the limitations of economic development focused on warehouses and freight:** Economic development, especially in the Central Valley and Inland Empire, has become conflated with the expansion of warehouses and freight. While electrification is critical in this industry, the assumption that goods movement is the only industry that will lift up certain regions’ economies is an extremely limited approach that undermines local communities’ self-determination and perpetuates the systematic racism that has caused communities of color to be located in and near freight facilities, warehouses, and polluting corridors in the first place. Furthermore, these types of facilities are also on the verge of automation that will undoubtedly be followed by mass job loss<sup>1</sup>. Furthermore, in addition to warehouses and distribution centers, ports must also be included in the definition of and all contexts of “freight facilities,” so that communities impacted by port activity are taken into account.
- **Include an assessment of the future of jobs:** As the availability, requirements, and conditions of jobs change—not only in goods movement, but other sectors as well—the State should, through interagency collaboration assess the outlook on jobs over a 15-year

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<sup>1</sup><https://www.reuters.com/article/us-amazon-com-warehouse/amazon-dismisses-idea-automation-will-eliminate-all-its-warehouse-jobs-soon-idUSKCN1S74B9>

horizon and ensure that clean, safe, dignified, equitable, and fair-paying jobs are available. Because employment is a factor for local communities and governments in the context of freight, the issue of how current workers will be included and integrated into a rapidly changing economy is critical to address.

Below, we have organized specific comments, beginning with input on the framing provided within Sections I: *Context for Action*. We then discuss the land use scenarios provided in *Section III*, followed by comments focused on the proposed practices that minimize community health impacts from freight facilities, offered in Tables 5 and 6.

## **Context for Action**

We are pleased to see the Concept Paper address the critical role of community residents and advocates in the freight and logistics industry. We agree that “community residents and their advocates need a greater voice in freight facility siting, design, construction, and operation choices so the end result supports or enhances their environment, safety, and opportunities for employment” (p. 2). As the logistics and warehouse industries grow in California, and as we see facilities rapidly expanding and locating primarily in low-income communities of color, the State should be cognizant of and responsive to community concerns related to air quality, jobs, safety, noise and other disturbances, and the public health impacts that follow. In addition to warehouses and distribution centers, the definition of “freight facilities” must also include ports and take into account communities near ports

Communities of color and low-income communities are disproportionately impacted by historical and current freight operations. Advocates and organizers have long been mobilizing for change in industrial corridors in some of the most impacted regions in California, to change the ways that goods movement has been prioritized by state and local governments, over human health.

In part for this reason, we remain concerned about the lack of enforceability regarding rules, regulations and practices for the freight industry, and the capacity of local communities to engage, in practice. For example, the Concept Paper notes the importance of such practices for AB 617 communities, in order to directly reduce emissions from polluting sources. Yet, without the proper accountability mechanisms for local governments, air districts, land use agencies, and a clearer enforcement role for CARB to play in implementation of AB 617, it is difficult to ensure that communities’ needs will be prioritized over the expansion or development of facilities.

The concept paper does not discuss how CARB can use its enforcement authority to address freight industry impacts on public health and beyond. There is little to no discussion on the implementation of SB 210, the Advanced Clean Trucks regulation, and CARB's other regulatory and enforcement areas. CARB should discuss how exactly it will interact with local governments in moving these recommendations forward. Similarly, it should identify what state mandates are necessary to ensure that the public has requisite tools and access to engage, as encouraged throughout the Concept Paper.

While the Concept Paper states that CARB is involved in developing the California Sustainable Freight Action Plan, along with Caltrans and CEC (p. 14), the degree to which the agencies are coordinated with and pushing for concrete, measurable change in state agencies is unclear. The California Transportation Commission, for example, recently published its draft Freight Mobility Plan, which does not include the same considerations or fundamental perspectives related to local communities, air quality and public health, that the Concept Paper offers. If the agency has not already, CARB should consider advocating strongly for a public health and environmental justice approach to freight conversations, particularly at its joint meetings with the CTC and HCD this year. CARB should also consider coordinating a cross agency approach to freight that also includes the Governor's Office of Planning and Research.

### **The Three Land Use Scenarios**

Overall, the three land use scenarios presented in the Concept Paper—related to new and expanding facilities, existing facilities, and new sensitive receptors near facilities—capture most of the land use situations in which freight-related decision-making processes and practices impact environmental justice communities.

We must emphasize again here the need to also consider alternative economic development models that do not rely on massive freight and warehouse operations. Considering the trajectory of the goods movement industry, and the harm on many existing communities, other options for development must be considered at a local and regional level. Deep community engagement, future clean job assessments, and strong leadership is needed to reconsider this economic development strategy. While CARB is not the only agency for which this consideration is needed, and cannot implement on its own more diverse economic development strategies, the agency can elevate this concern and work in partnership with state and local entities to question this pattern of development, from a public health and air quality perspective.

## Transition Zones

We are pleased to see that CARB is planning to develop recommendations for a “transition zone” that would identify minimum distances for new and expanded freight facilities, to protect the health of communities near these facilities (p. 9). Additionally, we appreciate that Staff acknowledges that a rigorous health risk assessment is needed for determining this transition zone. Staff “suggests examining, at minimum, the distances needed to achieve an 85, 90, and 95 percent reduction in concentration and cancer risk” (p. 15), which goes beyond the 80% threshold used in past analysis to determine distance. We must note, however, that ideally, we should be aiming for 100% reduction—that is, eliminating the risk of cancer in nearby communities. To be clear, deciding between levels of cancer risk is a false solution, and no level of risk is allowable. Any alternative to this standard sends a message to communities that economic development can come at the expense of individuals’ lives, and in particular, the health and wellbeing of communities of color.

We must also acknowledge that unfortunately transition zones for non-ZEV facilities do not protect the health of the people working on-site at a freight facility. Workers and nearby communities both deserve protections from health hazards and we should work towards completely eliminating cancer risks. A transition to fully zero-emission facilities can help in the effort to reduce exposure for workers, in addition to other potential mitigation measures for existing facilities such as air filtration devices (a recommendation we support CARB including in the Concept Paper).

As CARB has acknowledged in the Concept Paper, although a zero-emissions facility would create less of the burdens on local communities—particularly by reducing local air pollution from daily operations—these facilities still have effects on nearby neighborhoods. Not only do they cause the already-identified issues of noise, light pollution, vibration and odor, they also contribute to safety concerns, the character of a community, social and community cohesion, and the overall wellbeing of people living there. For decades, warehouse and freight facilities, as well as many other polluting land uses (including oil refineries, agricultural operations, and more) have been sited in communities of color and low-income areas. This is no mistake—it is due to intentional exclusion of communities of color and low income populations from land use and economic development planning and a lack of regard for their wellbeing. Residents that we work with know this, and many are tired of the continued approach to siting that allows facilities to exist next door—potentially even if they are zero-emission. At the same time, some residents also rely on the job prospects of the logistics industry, and may welcome the presence of zero-emission facilities, as long as they provide safe, reliable, fair-paying, equitable jobs, and do not disrupt what the community envisions for itself.

It is important to consider this complexity of communities in the development of a transition zone, even for zero-emissions facilities. CARB should consider expanding the 500-ft. zero-emission facility transition zone, with more input from a variety of environmental justice, public health, and community-based organizations. It is currently unclear why CARB has chosen 500 feet as the zone—the agency should support its proposal with clear information, data, or community experiences that can back up this number.

Lastly, regarding transition zones, we suggest that CARB add information and recommendations for truck route transitional zones. As the Concept Paper acknowledges, truck routes cause heavily polluted corridors and unhealthy air exposure. They also create safety and community cohesion problems—again, primarily in communities of color. We urge CARB to include explicitly a need for transition zones for truck routes, which should also be created with strong community engagement and input.

### **Potential to Strengthen CARB’s Programmatic Work**

We must further emphasize the critical role that the final Freight Handbook has in strengthening much of the programmatic work that CARB already administers. The Handbook needs to include built-in practices for local agencies to implement and ensure environmental justice is at the forefront of all freight decisions, and to foster community ownership of the planning, decision making, and implementation of CARB’s programs. Furthermore, it should be required in the final Handbook that these environmental justice practices be included in local and community plans working to improve air quality, transportation, land use, and the impact of goods movement, such as the Community Emissions Reduction Programs created through AB 617.

CARB should be clear in its expectation for the ways and level to which local agencies must coordinate to address these issues identified at the intersection of air quality, land use, transportation, housing, and climate—which has been surfaced as a priority throughout CARB’s community programs. Additionally, CARB should require that the “Practices at Warehouses and Distribution Centers” identified in Table 6 be included—as a minimum baseline—in all local and community plans working to improve air quality, transportation, and land use practices.

### **Community Engagement and Notification**

The three land use scenarios offered by CARB in the Concept Paper include some helpful recommended practices to addressing existing, new, and expanding land uses, as well as integrating housing production issues into the considerations of future facility development and public health. Maximizing zero-emission technology, creating a transition zone, implementing

exposure reduction actions such as air filters, and developing truck route and safety programs (as identified in Scenario A, p. 8), are all productive practices for new and expanding facilities, for example. The Concept Paper should further clarify and emphasize in each Scenario that the development of these practices must be done in collaboration with the communities that they have the most impact on, and should be specific to the geographic and neighborhood-level context.

Strong public outreach and engagement in the process of siting new facilities, and not just during the development of mitigation efforts, is key to improving the ability for impacted communities to be involved. We appreciate that CARB describes the direct role of community members and their input in practices such as the Freight Committee, Economic Development Coalition, and Truck Route proposals (Table 5). We urge CARB to expand this same approach to encouraging the role of community members in the process of siting new facilities, and identifying clear pathways to do so. Making sure that local governments post notifications about new facilities being proposed in their communities, in relevant languages spoken by residents, for example, is one recommendation.

Notifications about the public health impacts of existing facilities are similarly critical. While CARB identified this in Scenario C (regarding health impact disclosures for prospective occupants within a transition zone of existing facilities), it is not directly addressed in the Scenarios A and B. Community members already living near existing and expanding facilities should have the right to know about their exposure to cancer-causing diesel particulate matter, or other contaminants. Notification should provide information about all existing sources of pollution, the level of exposure, protective measures that individuals can take, and other relevant information presented in an accessible way.

### **Furthering Fair Housing**

As the Concept Paper assesses expanding existing or new facilities near sensitive uses in Scenario A, or expanding new residences near existing freight facilities in Scenario C, it must also assess how these scenarios affirmatively further fair housing. Assembly Bill 686 (AB 686) defined affirmatively furthering fair housing to mean “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.” The law goes on to require state, cities, counties, and public housing authorities to implement programs dismantling segregation patterns and affirmatively furthering fair housing opportunities. Any actions inconsistent with these goals are unlawful. Racially and ethnically concentrated areas of poverty are almost always the location of where unwanted uses, like freight facilities, are placed. As the Concept Paper has noted, these facilities seriously

impact a neighborhood's health, air quality, and overall access to resources. Scenarios A and C, even with protective measures, will realistically only continue to perpetuate segregating development patterns contradicting the purpose of AB 686.

When siting freight-intensive facilities, or any detrimental use, CARB and other administrative agencies, like Housing and Community Development, must consider how this will impact a locality's ability to site adequate housing in safe and healthy areas. Most jurisdictions across the state are not meeting their Regional Housing Needs Allocation (RHNA) with the least units built for low and very-low income households. If jurisdiction zone areas for facilities that will attract heavy freight use, they should not be allowed to also zone low and very-low income RHNA sites no less than a mile to the closest facility. Scenarios A and C should be modified to align with the law to affirmatively further fair housing for protected classes.

### **Practices to Minimize Community Health Impacts from Freight Facilities**

We are very pleased to see a strong set of practices for local governments, developers, and community members that prioritize community health. We agree with many practices outlined in Tables 5 and 6, such as public process to implement truck routing, idling, parking and safety; cumulative analysis criteria; health protective siting; land use policies and local zoning efforts; and facility design approaches.

Community Benefits Agreements (CBAs), if implemented well, and not as a substitute for exposure and emissions reductions, can also be a potential option. CBAs must be clear that the benefits will be provided to the community that is directly impacted by the freight facilities, and not elsewhere. Additionally, we caution that CBAs must not be used as a tool to "pay off" communities for the ability to pollute there. Direct emissions reductions must be the ultimate goal, and putting low-income communities in the position of choosing between clean air and a new park, for example, is not an appropriate approach to addressing the impacts of freight facilities.

### **Need for Zero-Emission Economy, Facilities, and Vehicles**

We urge CARB to avoid recommendations that may support false energy solutions. The inclusion of "near-zero" language in the Concept Paper may lead stakeholders to assume that fuels from unsustainable sources may still be appropriate in the transition towards a zero-emission economy. CARB should be supporting a long-term vision of energy that does not leave room for building out infrastructure, incentives and programs for energy sources such as dairy biomethane, which is far from a renewable source of fuel. The goal is for fully



zero-emission facilities and vehicles, and CARB should clarify that near-zero fuels, and in particular those that support the expansion of natural gas infrastructure, are not enough to accelerate a transition towards a clean energy future.

### **Suggested Changes to Recommended Practices in Table 5 and Table 6**

Lastly, we ask that CARB update the language in its tables in the Concept Paper and final Handbook to ensure the practices listed are inclusive of all stakeholders and ensure long-lasting community protections. Please see “Appendix A: Language Edits to Table 5 and Table 6,” for these changes, which are aligned with the broader comments provided in this letter.

Thank you for the opportunity to comment on this Concept Paper. Please do not hesitate to contact Julia Jordan ([jjordan@leadershipcounsel.org](mailto:jjordan@leadershipcounsel.org)) with any questions or concerns.

Sincerely,

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