

HRA Capacity Building Session December 14, 2021

Meeting Notes

Comments from verbal discussion:

- Risk assessments are worse than useless, are not based on solid science, are used to justify the status quo, and allow polluters to expand operations in the most polluted communities. Advice to community advocates: be really skeptical of risk assessments, demand polluters eliminate the hazard of potential emissions, focus on the actual emissions and reducing pollutant emissions, develop ways to address those hazards and lower the burden of proof that communities carry. We know almost nothing about the synergistic and cumulative impacts of pollutant exposure, which draws into question why we use risk assessments at all.
- Why do we keep using HRAs if they are not science? What are the alternatives?
 - From the comments: Alternatives to risk assessment include using the Precautionary Principle, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1240435/>, and alternatives assessment, <https://mitpress.mit.edu/books/making-better-environmental-decisions#:~:text=In%20this%20book%2C%20Mary%20O,we%20can%20avoid%20or%20minimize>
- Which agencies have to do HRAs?
 - CARB: conducted to demonstrate compliance with AB2588 (the hot spots program), used by 1) air districts when demonstrating further compliance with AB2588 through the new source review process and the process of issuing a permit, 2) CARB demonstrating the benefits of a proposed regulation, show current state of affairs and reductions that result from implementation of our regulations, and 3) can be used in the CEQA process, to demonstrate the impact on the community from the proposed facility
- Are HRAs done internally by a planning department at a city or county level to permit a new facility or do they outsource it? What happens when they say there are no health impacts, but we know there are a lot of issues going on that aren't being considered?
 - CARB: this is one of those areas where your role as advocates is important, it is really important that you are informed of what is going on. Typically, you may see HRAs when developers submit their documentation to the Planning Commission through the CEQA process, the onus for doing the HRA falls on them.
- Suggestion that agencies relabel what this assessment is. Participant explained that they used to have the understanding that HRA meant that the agencies are actually considering the risk to the community's health, and that they would not allow additional polluters or health burdens on that community. It's just the opposite, HRA's are used as a tool to allow polluters in our communities. The name HRA gives a false sense of security to communities.
- The agency should acknowledge that these documents are political documents not scientific. Most emissions come from startup and shutdown and malfunction events that are exempt from emissions limits and the Clean Air Act. These exceptional events are never included in HRAs. Risk assessments just greenwash exposures to highly toxic chemicals in our

communities. After 30 years of advocacy, we don't have tools to tell us what the synergistic and cumulative impacts of pollutant exposure are. Hard to listen to the agencies talk about risk assessments as if they are science when they are not. HRA always used to increase pollution.

- When it comes to CEQA and the California Brown Equality Act, the pollution that already exists in our EJ communities is considered background at the time the [permitting] decision is made. Only the pollution that is added to the background levels is assessed in the risk and no one pays attention to the already existing conditions. The polluters hire consulting firms who know that their next job is dependent on the results of their HRA. Many assumptions are made in in HRAs.
- The Air District – you (the agency, the air district) are not the ones that come out and do this assessment, it's the facility that does it and they hire consultants. Isn't that a conflict of interest? Where is the oversight? Where is the protection? Community is always on the losing end of HRA.
 - CARB: Prioritization scoring, the scoring that is done to determine if a full HRA is needed, is done by the Air Districts. If facilities were determined to be a high priority based on scoring, then the requirement for the HRA falls on the facilities (who can hire consultants) not the air district. The HRA is submitted to the Air District and they are supposed to review and scrutinize that HRA, and then the HRA is submitted to OEHHA, and they also have to review and comment on the content of the HRA.
 - Participant response: there is no consistency, no set guidelines for us to really understand that process
 - CARB: there is a set procedure and a set of guidelines for how HRAs are conducted. The idea being that everyone should be doing it the same way. But there is some leeway left up to modeler because often assumptions need to be made where hard data isn't available. Those assumptions should be health protective, but aren't always.
- Can an EJ organization provide an independent HRA?
 - CARB: yes, you can. Your independent HRA can be used to challenge a facility's HRA. Anyone can do an HRA, nothing that prevents any party from doing their own work and submitting it to us for our consideration and discussion.
- Does CARB validate the HRA from the facility?
 - CARB: CARB does not validate the HRA from the facility. Primary review falls on the Air District and then on OEHHA.
- How does precautionary measures play a role in assessment numbers GAME? My community will never trust risk assessments they lie. What are the other options you can use to look at risk? Precautionary measures: err on side of precaution protecting the public. Community leaders do not trust HRAs. Interested in helping the agency come up with a real way to look at risk, one that's fair.
 - CARB: the point of having this session today is not just for us to talk to you, the intent is to get your feedback as well. Several other community advocates express the same concerns that the tool the agency is using doesn't go as far as the communities would like it to go.

- OEHHA: We're interested in cumulative impacts and continually looking for ways to address the problem of cumulative impacts. It's of note that US EPA hasn't figured out how to address cumulative impacts.
- No one is recognizing how overburdened we are, in the meantime you can't just keep allowing more and more impacts without doing anything about it. This is very upsetting. The tool isn't right, the process isn't right, we aren't being protected. We want relief from the burdens that we are bearing. Let's work on tools you need and get them developed.
 - CARB: the reason for this conversation is so we can hear that [your feedback] from you. It's something we want to work on together with you. The HRAs are used to help inform specific regulatory actions with respect to a particular facility type/ source category. Hearing from the community: the HRA process is slow; additional discussions needed on different approaches that could be taken. The standard single source, single pollutant is not what people are interested in. Look at community as a whole, to decide what gets built. CARB needs to know about these sources so we can look into them and address multiple pollutants and sources.
- Concern with OEHHA's mapping process – disadvantaged communities are missing off that map, and so are the polluting companies that are contaminating them. Midway Village in Daly City is labeled differently and you don't get a clear picture of PGE being the polluter in that community. We noticed the same thing at Pier 92 with the hundred plus trailers housing African American homeless families and individuals on that very toxic site. When you go to the map you're not seeing an accurate reflection of the community nor the polluters. How can we get an accurate understanding or factual information? We have been asking OEHHA for a meeting, have been put off for a year or so, meeting coming up before end of year. OEHHA responsible for collecting data, yet our communities are being relabeled. We're not seeing that reflected accurately on these maps and on these scoring systems.
- CARB has no authority over development, planning, or land use in our communities. Until CARB can be involved in those things, we'll still be where we are right now. HRAs do not stop development in our communities. Until the state gives CARB that authority, nothing will change.
- Early next year, CALEPA and EPA projecting a process around enforcement – how will CARB be engaged in that?
- Could OEHHA talk about how to best overcome the challenges in getting OEHHA to evaluate toxics using the experience of TBACT exemptions allowed by South Coast, and requiring that South Coast, and not the community request the eval. OEHHA had to wait until a formal request came from SCAQMD – how to deal with situation where request had to come from agency?
 - OEHHA: OEHHA would certainly entertain the requests for development of health guidance values for different chemicals, but current resources limit us from addressing a multitude of requests.
 - Participant noted that they were pleased OEHHA stood up to the manufacturer. Understand you need more money. Information was put out that public could not make the TBACT request, and that it required a South Coast request.
- Improvement is good – but very disheartening, this is not science, HRAs are political statements, nothing to do with reality. Asked CARB and SCAQMD to change the reference

level of EtO – IRIS assessment is now 5 years old. Risk assessment is dead – no one in advocacy community pays any attention to the HRAs. Update the science.

- This is really serious – we expected that this would be covered in more than 1 session. Most effective is engagement with folks so they can share their concerns. Has better understanding, still doesn't fully understand HRA, believes to be worthless. Want further discussions. Where are we at this point and how do we move past this to something that really does benefit us? We are here trying to learn.
- We are not the decision makers, and we have to keep trying to engage.

Comments from the chat:

- What is the approach to addressing aggregate "health risk assessment" given we permit many businesses where each one might fall within acceptable health risk burden, and how does that influence new business applications?
- CEQA is getting streamlined locally or exempted all together in Sacramento. How is that possible?
- Risk assessments just greenwash exposures to highly toxic chemicals in our communities.
- It is your [CARB's] role to do your job, we have been forced into a role of enforcers and truth seekers. It should not be up to us to put you into check.
- HRA is a broken tool.
- What I know from the HRAs used in the Chevron Richmond Modernization project approval and permitting process is that many industrial toxic emissions have no health risk factors at all and others have low impact factors. And there is no work being done to scientifically assess the degree of damage to communities in industrial zones. Is OEHAA is underfunded?
- Even the guidelines have been weakened at the agency level - look at the "lifetime risk" change from 70 years to half that. The science didn't change...
- Too little too late tool -- they are decades behind in identifying and assessing air toxics.
- We want to help you understand its time to change out the tool. We know what's up and are being nice about it.
- Alternatives to risk assessment include using the Precautionary Principle, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1240435/>, and alternatives assessment, <https://mitpress.mit.edu/books/making-better-environmental-decisions#:~:text=In%20this%20book%2C%20Mary%20O,%20we%20can%20avoid%20or%20minimize.>
- As far as I can tell, there was zero community involvement in the development of the prioritization guidelines
- There is no consistency in the prioritization processes used by the different districts. AB 2588 was passed in 1987. Almost no progress on HRAs since then. Note that AB 617 focuses on EMISSION Reduction Plans, not risk assessments.
- I continue to find it concerning that Valley Air District is using the threshold of 20 to every 1,000,000 people for cancer risk. Whereas Bay Area Air District is using the threshold of 10 to

every 1,000,000. I'd be interested to see what Central Valley projects wouldn't be passed if they used Bay Area Air District's threshold measurement.

- The assessments are Health Risk Underestimates
- What could we possibly tell you to help you pick a different way to see the risks are community are saddled with?
- It is the epitome of unequal protection under the law for each different air district to choose their own risk threshold.
- As an ex-Richmond Planning Commission member, I can say that there is rarely time to review the quality of a developer-funded HRA and way too late to start building a new adjusted model that makes different assumptions. If current HRAs have serious holes in their risk factors and modeling assumptions, then we get the results we always get (at least in industrial communities!). We should decide now - with CARB's leadership - how to improve the HRAs. And what best case and worst case modeling is appropriate for high emission projects.
- Well there's a problem.....CARB doesn't understand precautionary measures. What?
- "The Legislature finds and declares . . .
(e) That, while absolute and undisputed scientific evidence may not be available to determine the exact nature and extent of risk from toxic air contaminants, it is necessary to take action to protect public health." California Health & Safety Code § 39650
- The Legislature has also directed CARB to address cumulative impacts of multiple sources but they just won't do it.
- I think we could lay out a way to address cumulative impacts in an afternoon
- I agree. In Richmond we have a pretty good idea about which emissions are being ignored and not being measured. And we have a pretty good idea how much unmeasured flaring is being added to the mix.....
- Cumulative impacts! Yes! Just Science and enforcement for EJ communities - no more PR or greenwashing tools
- Set up Local and Regional Enforcement Task Forces
- We are trying to protect people's health. It's about finding tools that help us do that, Risk Assessment helps site new polluting facilities in overburdened communities; they serve as a fig leaf for adding more pollution to highly impacted communities. CARB needs a different set of tools that includes precaution.
- Department of Justice is the only agency that intervenes in some land use agencies doing whatever they want!
- I request OEHHA develop guidance for exposure to ultrafine particulate matter.
- It's like you are telling us how to drive a horse and buggy. This entire risk assessment construct is completely outdated and does not reflect reality. Why are you holding onto this failed paradigm? Let's get CARB and the districts a new TESLA and retire the horse and buggy! C'mon, a Model S goes from 0 to 60 in about 2.5 seconds. Wouldn't CARB like to drive a hot rod instead of a horse and buggy?
- Thank you for inviting us now please throw this tool away.
- Why did "health protective" cancer assumptions change exposure assumptions from 70 years?

- Having a state-commissioned model that everyone uses that supports what-if analysis (higher/lower health impacts/risk factors) + (higher/lower community emissions) + (higher/lower stationary source emissions) would be very helpful
- Thanks CARB staff for hosting the space. I think based on most of the feedback, there's a lot a room and desire for us to work together to improve upon or create new evaluation tools that will actually support protecting community health since what has been the standard hasn't been working. I'd encourage you all to keep partnering with community members on sessions like these, and also use your expertise to push our local municipalities along on these types of discussions. Thanks
- Thank you, CARB, for holding the space. Definitely need more discussions next year.