

**State of California
Air Resources Board**

Executive Order # E-24-001

**Assembly Bill 617 Community Air Protection Program -
International Border Communities of San Ysidro and Otay Mesa
Community Emissions Reduction Program Approval**

Whereas, California's statewide and regional air quality programs have led to significant emissions reductions and public health improvements;

Whereas, communities affected by multiple stationary, area, and mobile sources of air pollution continue to experience disproportionate environmental and health impact inequities from air pollution, specifically communities;

Whereas, historic local land use decisions have created disproportionate air pollution exposure impacts and the proximity of emissions sources to nearby sensitive receptors like schools, homes, and daycare centers exacerbate the cumulative exposure burden in many impacted communities;

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, in recognition that expedited emission reduction of criteria air pollutants and toxic air contaminants in cumulative exposure burdened communities is critical, CARB implements the Community Air Protection Program (Program) to address air quality disparities at the neighborhood level in these communities pursuant to statutes first enacted by Assembly Bill (AB) 617 (C. Garcia, Statutes of 2017, Chapter 136);

Whereas, consistent with Health & Saf. Code § 44391.2, following engagement with stakeholders through robust public processes, CARB in October 2018 adopted its first statewide strategy,¹ and in October 2023 adopted its first five-year update to the statewide strategy to set guidance for overall Program requirements, this update is known as the *Community Air Protection Blueprint 2.0 (Blueprint 2.0)*, which describes criteria for the development of community emissions reduction programs and community air monitoring plans by air districts, informational and incentive resources for communities, and new pathways to support more communities;

¹ Community Air Protection Blueprint: For Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring (Blueprint).

Whereas, consistent with Health & Saf. Code § 44391.2, CARB has annually considered, if appropriate, selection of communities with high cumulative exposure burdens for the deployment of community air monitoring systems and/or the development of community emissions reduction programs, which must be consistent with statute and the statewide strategy;

Whereas, Health and Saf. Code § 44391.2 requires air districts with selected communities to develop community emissions reduction programs to adopt, that are then reviewed by CARB for approval, rejection, or initiation of a public process to achieve an approvable program;

Whereas, in October 2023, CARB adopted Resolution 23-22 approving *Blueprint 2.0* and delegating authority to the Executive Officer to review community emissions reduction programs consistent with statute and Blueprint 2.0;

Whereas, on February 10, 2022, CARB selected the International Border Communities to develop a community emissions reduction program and community air monitoring plan;

Whereas, the International Boarder Communities are impacted by multiple air pollution sources including cross-border traffic, has emissions sources proximate to sensitive receptors like schools, homes, and daycare centers, and is impacted by historical local decisions on land use and traffic patterns;

Whereas, the San Diego County Air Pollution Control District (SDAPCD or District) convened a community steering committee (CSC) comprised of San Ysidro and Otay Mesa residents, community-based organizations, businesses, and local government representatives, and developed a community emissions reduction program or CERP to improve air quality in the International Border Communities (IBC), titled "*International Border Communities San Ysidro and Otay Mesa Community Emissions Reduction Program*";

Whereas, the District and the CSC conducted a public process to develop the CERP via public CSC meetings held from April 2022 through November 2023;

Whereas, the District, the CSC, and CARB agreed that extending CERP development up to 24 months would support a successful CERP development process;

Whereas, the IBC CSC approved by majority vote the CERP on December 20, 2023;

Whereas, the District Governing Board adopted the CERP on January 11, 2024, and District staff thereafter submitted the CERP to CARB for review;

Whereas, CARB staff reviewed the CERP and determined it meets the criteria established in Blueprint 2.0 and considered the perspectives of the CSC members in developing recommendations to the District Governing Board;

Whereas, CARB staff provided recommendations to strengthen the implementation process as the District and the CSC continue to refine the air pollution emissions and exposure reduction strategies, and identified key strengths of the CERP including that:

- The District partnered with Casa Familiar to better engage community members to identify their concerns and develop potential solutions; and

The CERP reflects a diverse set of strategies, including those that support local, regional, and state actions, such as port of entry activities to reduce passenger vehicle volumes for cross-border trips;

Whereas, aspects of the CERP may change over implementation, including implementation timeframes, technical information, and strategy prioritization;

Whereas, CARB staff's evaluation is included in Attachment A, "International Border Communities San Ysidro and Otay Mesa Community Emissions Reduction Program Staff Report" (Staff Report), released to the public on June 10, 2024, with the public comment docket opened from June 10, 2024, to July 1, 2024;

Whereas, CARB staff's evaluation proposes that CARB's Executive Officer approve the International Border Communities CERP and direct the District and the CSC to take additional actions to strengthen implementation as outlined in Attachment A;

Whereas, the District will continue to convene monthly meetings with the CSC as they continue to implement the CERP strategies;

Whereas, CARB's certified 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; Title 14, California Code of Regulations, section 15251 (d)), and CARB conducts its CEQA review according to this certified regulatory program (Title 17, California Code of Regulations, sections 60000- 60008);

Whereas, the District is the lead agency implementing the CERP, and in the resolution adopting the CERP on January 11, 2024, the District Governing Board found the CERP exempt from CEQA;

Whereas, staff has determined that approving the CERP (Proposed Project) is exempt from CEQA under the following exemptions: (1) Title 14, California Code of Regulations, section 15061 ("Common Sense Exemption") as it can be seen with certainty and supported by the record evidence that there is no possibility that the Proposed Project may have a significant effect on the environment; (2) Title 14 California Code of Regulations, section 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the record evidence

shows that the Proposed Project will enhance the environment by better protecting the public from health impacts associated with exposure to air pollution within the project area, the Proposed Project includes procedures for protection of the environment, and the Proposed Project does not relax any applicable standards; (3) Title 14, California Code of Regulations, section 15306 ("Class 6" exemption: Information Collection) because the record evidence shows that many of the Proposed Project's implementing measures involve outreach and data collection from various parties to better hone particular efforts from implementing agencies in reducing localized pollution levels, which may lead to actions by those agencies; and (4) Title 14 California Code of Regulations, section 15321 ("Class 21" exemption: Enforcement Actions by Regulatory Agencies) because the record evidence shows that the Proposed Project incorporates actions by implementing agencies to enforce permits from the districts or other entitlements for use issued, adopted or prescribed by applicable regulatory agencies or enforcement of laws, general rules, standards, objectives administered or adopted by regulatory agencies identified as implementing agencies in the Proposed Project;

Whereas, in consideration of the applicable statutory and Blueprint 2.0 requirements, and comments from the District, the IBC CSC, stakeholders, and the public, CARB's Executive Officer finds that:

- The International Border Communities CERP is a community emissions reduction program under Health and Saf. Code § 44391.2;
- The CERP was developed with the CSC in an open public process, in consultation with affected parties, through numerous public workshops, individual meetings, and other outreach efforts, and these efforts are expected to continue;
- The CERP addresses key elements required in the statute and the Blueprint 2.0 and will benefit from additional actions to support successful implementation in the areas of continuing to refine strategies and ensuring continued collaboration during the implementation of the CERP and, if necessary, beyond; and
- The CERP is exempt from CEQA under Title 14, California Code of Regulations, sections 15061, 15306, 15308, and 15321 for the reasons stated herein.

Now, Therefore, Be It Resolved, the CARB Executive Officer hereby approves the CERP with additional direction to CARB staff, the District, and the International Border Communities CSC as set out in this Executive Order:

- The District should continue to build and maintain effective agency partnerships and collaboration to clarify roles and to bring these agencies to the table to meet the overall goals and commitments established in the CERP.

- The District should continue to engage the IBC CSC in refining CERP measures and strategies to maximize emissions and exposure reductions and their associated health benefits for the community.
- The District should continue to develop and implement participatory budgeting processes to promote transparency and strengthen relationships.
- CARB will continue to pursue opportunities to partner with community, air districts, and other regional, state, and federal agencies by focusing on ways to address community-identified priorities.
- CARB staff will provide draft emissions inventory and estimated benefits of CARB actions once the information is available.

Be It Further Resolved, the CARB Executive Officer directs the District to submit annual reports to CARB by October 1 of each year beginning in 2024, developed following the Blueprint 2.0 requirements, and including updates on the implementation of the CERP and measurable progress made regarding the additional actions required in this Executive Order. The annual reports should document community input and be developed in collaboration with the IBC CSC.

Be It Further Resolved, the CARB Executive Officer affirms the existing authority of CARB staff to review and interpret aspects of the community emissions reduction programs and affirms the existing authority of the Executive Officer, or his or her designee, the authority to approve District changes to the Plan, in a manner compliant with CEQA, that he or she deems necessary to enable effective implementation of the Plan, provided that such changes are consistent with the statute and the goals established by CARB's governing Board. CARB staff shall identify those changes when the CARB governing Board receives an update on the annual report on the Plan.

Executed at Sacramento, California this 12 day of July, 2024.



Steven S. Cliff, Ph.D.
Executive Officer

Attachment A (Placeholder for staff report as attachment.):