

State of California  
**Air Resources Board**

**BOARD ITEM SUMMARY**

**ITEM # 07-9-1: Dr. Henry Gong, Jr., M.D: Contributions to Public Health and Improvement in Air Quality**

**STAFF RECOMMENDATION:**

Informational Item.

**DISCUSSION:**

Staff will present an overview of the contributions to public health and improved air quality of Board member Dr. Henry Gong, M.D., who recently passed away.

**SUMMARY OF AGENDA ITEM:**

Dr. Henry Gong, M.D., appointed to the Board in August 2004 by Governor Schwarzenegger, passed away in August 2007. As a Board member, he contributed the perspective of a physician and scientist, and was an active advisor to the annual health research plan. He was both a practicing physician and an active researcher and had published over 250 scientific articles, including many on the health effects of ozone and concentrated particles. In addition, he was a well known advocate for clean air. He was a member of the U.S. EPA Clean Air Scientific Advisory Committee for PM and ozone. He received awards for his contributions to clean air from US EPA, the Coalition for Clean Air, the South Coast Air Quality Management District, and the American Lung Association. He will be remembered for his kindness, grace, gentle humor, and encouragement to staff, in addition to his thorough and rigorous evaluation of scientific information and his ability to focus the Board's attention on the health impacts of air pollution and the need to control it.

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**BOARD ITEM SUMMARY**

**07-9-3: Public Hearing to Consider Adoption of a Regulation to Limit Ozone Emissions from Indoor Air Cleaning Devices**

**STAFF RECOMMENDATION:**

Staff recommends the Board adopt the proposed regulation to prevent unhealthful exposures to ozone from indoor air cleaning devices in California.

**DISCUSSION:**

Health and Safety Code section 41986 (AB 2276, Pavley, 2006) requires ARB to “develop and adopt regulations, consistent with federal law, to protect public health from ozone emitted by indoor air cleaning devices, including both medical and non-medical devices, used in occupied spaces” by December 31, 2008. Regulation is needed because some types of portable devices sold as indoor air “purifiers” do not clean the air, but rather intentionally emit large quantities of ozone. Studies have shown that the resulting indoor ozone concentrations can substantially exceed the state’s health-based ambient air quality standards for ozone. As the market for indoor air cleaning devices continues to expand due to increased public concern for indoor air quality, this regulation is essential to prevent harmful indoor ozone exposures. Ozone is a highly reactive molecule that can seriously and permanently damage the lungs and airways. Ozone can also damage vegetation, fabrics, and building materials.

The proposed regulation would require indoor air cleaning devices to produce an emission concentration of no more than 0.050 parts per million of ozone, consistent with the federal regulation for medical devices. Requirements for emission testing, electrical safety testing, labeling, certification and record-keeping are also specified. The regulation would apply to any person who manufactures, sells, supplies, offers for sale, or introduces into commerce in California medical and non-medical indoor air cleaning devices that are used or intended for use in spaces typically occupied by people for extended periods of time. In developing the proposed regulation, staff actively sought stakeholder and public input via three public workshops and numerous meetings with research experts, manufacturers, trade organizations, and testing laboratories.

Adoption of the proposed regulation would prevent the future exposure of over 500,000 Californians to indoor ozone levels that substantially exceed the current state and national ambient air quality standards.

**SUMMARY AND IMPACTS:**

The proposed regulation is both technologically and commercially feasible; most currently available indoor air cleaner models would meet the proposed limit. Annual average costs to manufacturers range from \$13,600 to \$86,800, with an estimated decrease of less than one percent in profitability for a typical manufacturer. Some small manufacturers may be impacted over the short-term; however, the potential costs to business are generally estimated to be insignificant relative to total sales and profits. The added cost to consumers is estimated to range from \$11 to \$16 per air cleaner (for devices that currently cost about \$100-\$700 per unit) if costs are passed on to consumers.

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**BOARD ITEM SUMMARY**

**ITEM # 07-7-7: Continuation: Public Meeting to Consider Approval of the Proposed State Strategy for California's State Implementation Plan (SIP) for the Federal 8-Hour Ozone and PM2.5 Standards**

**STAFF RECOMMENDATION:**

Adopt the Proposed State Strategy for California's 2007 State Implementation Plan.

**DISCUSSION:**

Federal clean air laws require areas with unhealthy levels of ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide and inhalable particulate matter to develop plans, known as State Implementation Plans (SIPs), describing how they will attain national ambient air quality standards. SIPs for the 8-hour ozone standard and the fine particulate (PM2.5) standard are due to the U.S. Environmental Protection Agency (U.S. EPA) in June 2007 and April 2008, respectively. Under State law, ARB has the responsibility to develop SIP strategies for mobile sources and consumer products and to coordinate SIP strategies with the Bureau of Automotive Repair and Department of Pesticide Regulation.

Air Resources Board staff has developed a comprehensive State Strategy designed to attain federal air quality standards through a combination of technologically feasible, cost-effective, and far-reaching measures. Adoption of the State Strategy by the Board would create a federally enforceable commitment for ARB staff to propose defined new SIP measures for Board consideration and to achieve emission reductions by specific dates.

The Board considered the San Joaquin Valley 8-hour ozone plan at its June 14, 2007 hearing. In response to significant testimony that attainment by 2024 was not soon enough, the Board established a task force to explore options for improving air quality more quickly. Staff will report to the Board today on the task force's progress, and at the November 2007 Board meeting will make further recommendations on actions to hasten attainment.

At the June 22, 2007 Board Hearing, the Board expressed its preference not to act on the proposed State Strategy until it could be jointly considered with the South Coast SIP.

Since the June 22, 2007 hearing, staff has been working to strengthen the SIP proposal. At the September 2007 hearing, staff will present the strengthening elements.

**SUMMARY AND IMPACTS:**

The proposed State Strategy would apply throughout California and is intended to help all nonattainment areas attain or maintain the federal 8-hour ozone and PM2.5 standards. Defined new SIP measures for Board consideration affect passenger vehicles, heavy-duty trucks, goods movement sources, off-road vehicles and equipment, fuels and fueling operations, and consumer products. The State Strategy recommends measures for reducing emissions from mobile sources and fuels under federal jurisdiction, including ships, locomotives, and trucks registered outside of California. Also included in the State Strategy is a commitment to implement further improvements to the Smog Check program and a commitment by the Department of Pesticide Regulation to reduce pesticide emissions.

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**BOARD ITEM SUMMARY**

**ITEM # 07-9-4: Public Meeting to Consider Approval of the 2007 Air Quality Management Plan for Attaining the Federal 8-hour Ozone and PM2.5 Standards in the South Coast Air Basin and the Coachella Valley**

**STAFF RECOMMENDATION:**

ARB staff recommends that the Board approve the 2007 8-hour ozone and PM2.5 Air Quality Management Plan for the South Coast Air Basin and Coachella Valley, and direct the Executive Officer to submit the plan to U.S. Environmental Protection Agency (U.S. EPA) as a revision to the California SIP.

**DISCUSSION:**

The federal Clean Air Act establishes planning requirements for those areas that exceed the health-based National Ambient Air Quality Standards. These nonattainment areas must develop SIPs that demonstrate how they will attain the standards by specified dates. In July 1997, U.S. EPA promulgated a new 8-hour ozone standard that provides protection from the harmful health effects of ground-level ozone. U.S. EPA classified the South Coast Air Basin as a “Severe-17” nonattainment area with an attainment date of June 2021. Also in July 1997, U.S. EPA promulgated a new standard for particulate matter under 2.5 microns in size (PM2.5). The South Coast Air Quality Management District (District) developed an attainment plan and control strategy governing each pollutant with input from interested parties. The plan concludes that it will not be possible to attain the 8-hour ozone standard by 2021, and the District is requesting that U.S. EPA reclassify its nonattainment status to “extreme.” The reclassification would provide an additional three years (until 2024) to achieve the 8-hour ozone standard.

The District’s plan also includes an 8-hour ozone attainment demonstration for Coachella Valley. The District is requesting a reclassification from a “Serious” classification with an attainment date of June 2013 to a “Severe-15” status with an attainment year of 2019 for the Coachella Valley. The District adopted the plan on June 1, 2007. On July 13, 2007, the District Board adopted transportation conformity budgets corresponding to the adopted plan.

Originally, the reductions from measures contained in the District’s control strategy, together with measures identified by ARB staff in the April 26, 2007 proposed State Strategy, fell short of meeting the emissions targets that the District had determined were necessary to meet the standard. At a June 22, 2007 Board Hearing, the Board directed staff to collaborate with the District and Southern California Association of Governments (SCAG) staffs to close the gap in needed emission reductions. As directed, staff from all three

organizations collaborated and reached agreement on additional measures and emission reductions to be implemented by 2014, to meet the targets that the District determined would bring the South Coast Air Basin into attainment for the federal PM2.5 standard by 2015.

ARB staff has analyzed the District's proposed plan, and concurs that the plan demonstrates attainment of the 8-hour ozone standard by June 2024 and attainment of the PM2.5 standard by 2015 for the South Coast Air Basin and attainment of the 8-hour ozone standard by 2019 in Coachella Valley.

**SUMMARY AND IMPACTS:**

The proposed District plan demonstrates that existing local, State, and federal controls in conjunction with additional new measures will bring the South Coast ozone nonattainment area into attainment by June 2024 and the PM2.5 nonattainment area into attainment by 2015. The plan also demonstrates that Coachella Valley will reach attainment of the ozone standard by June 2021. Approval of this plan as a SIP revision will commit the South Coast Air Quality Management District to fulfill the District commitments identified in the plan.

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**ITEM # 07-9-5: Public hearing to consider approval of a modification to the current SIP commitment for pesticide emission reductions in the Ventura County nonattainment area**

**STAFF RECOMMENDATION:**

Adopt the modification to the current SIP commitment for pesticide emission reductions in the Ventura county nonattainment area.

**DISCUSSION:**

Staff is proposing a modification to the Department of Pesticide Regulation's existing SIP commitment to achieve pesticide emission reductions in the Ventura County nonattainment area. This item was originally considered at a public hearing held on June 22, 2007. In response to public comments, ARB staff has revised the original proposal released on May 7, 2007, and has also prepared a new environmental analysis for the revised proposal.

In the 1994 1-hour Ozone SIP, the Department of Pesticide Regulation (DPR) committed to obtain reactive organic gas (ROG) emission reductions from pesticides in five nonattainment areas. For the Ventura County nonattainment area (Ventura), the target, a 20 percent ROG emission reduction from the 1990 base year emissions by 2005, has not been achieved. The difficulty in reaching the target is due in part to the very large increase since 1990 in the amount of acreage under cultivation with crops requiring fumigation.

The near-term fumigation measure commitment in DPR's proposed 2008 Pesticide Plan will be considered as part of the proposed 2007 State Strategy at the September 27, 2007 Board Hearing. The proposed control measures will achieve reductions from the current pesticide emission levels in all 1-hour nonattainment areas by imposing a pesticide emission cap. For all 1-hour ozone nonattainment areas except Ventura, application of Best Available Control Technology (BACT) would achieve the ROG reductions from pesticides that are required by the 1994 Ozone SIP. Application of BACT in Ventura County will achieve reductions from the current pesticide emission levels, but not enough to meet levels required by the 1994 Ozone SIP.

On May 7, 2007 ARB staff published a proposal to substitute 1.0 tpd of surplus ROG emission reductions from California's on-going mobile source emission control program for 1.0 tpd of the ROG emission reduction SIP commitment for pesticides in Ventura. Based on public comment, ARB staff now understands that in Ventura, the near-term measures in DPR's proposed 2008 Pesticide Plan would achieve reductions in 2008 that are 1.3 tpd short of the ROG reduction



commitment in the 1994 SIP. ARB staff has identified 1.9 tpd of surplus mobile source ROG reductions from which the substitution can be made.

ARB staff is proposing to revise the 1994 Ozone SIP to substitute 1.3 tpd of ROG emission reductions from California's on-going mobile source emission control program for 1.3 tpd of the ROG emission reduction commitment for pesticides in the 1994 Ozone SIP in Ventura in 2008. In addition, staff is proposing that this substitution be phased out over time; the amount of surplus non-pesticide ROG emission reductions used to meet the 1994 SIP pesticide reduction commitment would be reduced by approximately 1/3 ton per day each year after 2008, and phased out by 2012. Staff's May 7, 2007 proposal also differs in that the 1.0 tpd substitution was a long-term substitution with no termination date and no phase-out schedule.

### **SUMMARY AND IMPACTS:**

The proposed SIP revision will apply to Ventura County only. It will ensure that all of the pesticide reductions required under the 1994 SIP commitment will be achieved by 2012, as a result of the pesticide use and application controls included in the Proposed 2007 State Strategy. The year 2012 is consistent with Ventura County's 8-hour ozone attainment date as a presumed "Serious" nonattainment area. This proposal will encourage reduced pesticide usage and better pesticide application practices, while providing growers with additional time to identify and implement alternatives. The proposed SIP revision would not impact the demonstration of 8-hour ozone reasonable progress.