

MEETING

STATE OF CALIFORNIA

AIR RESOURCES BOARD

ZOOM PLATFORM

CALIFORNIA AIR RESOURCES BOARD
SOUTHERN CALIFORNIA HEADQUARTERS

MARY D. NICHOLS CAMPUS

HAAGEN-SMIT AUDITORIUM

4001 IOWA AVENUE

RIVERSIDE, CALIFORNIA

FRIDAY, JANUARY 27, 2023

8:34 A.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
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APPEARANCES

BOARD MEMBERS:

Liane Randolph, Chair

Sandra Berg, Vice Chair

John Balmes, MD

Hector De La Torre

John Eisenhut

Senator Dean Florez

Assemblymember Eduardo Garcia

Davina Hurt

Gideon Kracov

Tania Pacheco-Werner, PhD

Senator Henry Stern

Diane Takvorian

STAFF:

Steve Cliff, PhD, Executive Officer

Edie Chang, Deputy Executive Officer, Planning, Freight,
and Toxics

Chanell Fletcher, Deputy Executive Officer, Environmental
Justice

Annette Hébert, Deputy Executive Officer, Southern
California Headquarters and Mobile Source Compliance

Edna Murphy, Deputy Executive Officer, Internal Operations

Rajinder Sahota, Deputy Executive Officer, Climate Change
and Research

APPEARANCES CONTINUED

STAFF:

Ellen Peter, Chief Counsel

Heather Arias, Division Chief, Transportation and Toxics
Division (TTD)

Richard Boyd, Assistant Division Chief, TTD

Greg Harris, Manager, Toxics Control Section, TTD

Kelli Johnson, Attorney, Legal Office

Robert Krieger, Chief, Risk Reduction Branch, TTD

Eugene Rubin, Staff Air Pollution Specialist, Toxics
Control Section, TTD

ALSO PRESENT:

Frank Aguilar, Chemeon, Metal Finishing Association of
Northern California

Ed Appleton, Metal Finishing Marketers, Incorporated

Gabriela Ballesteros, Assembly Speaker Anthony Rendon

Francisca Ballin, AAA Plating

Maribel Barajas, AAA Plating

Maritza Batres, EME, Incorporated

Rolando Becerril, AAA Plating

Geoffrey Blake, Metal Finishers of Southern California,
Small Business Alliance

Katherine Butler, LA County Board of Supervisor Janice
Hahn

Sam Bell, Metal Surfaces

APPEARANCES CONTINUED

ALSO PRESENT:

Bobbi Burns, Global Plating, Incorporated, Metal Finishing Association of Northern California

Angelica Cardenas, AAA Plating

Christopher Chavez, Coalition for Clean Air

LaVaughn Daniel, Danco

Jose De Leon

Sonia De Leon

Jerry Desmond, Metal Finishing Association of California

Kurt Enderle, Aircraft X-Ray Laboratories

Florence Gharibian, Del Amo Action Committee

James Goehring

Frank Grana, California Electroplating

Maria E. Granadino, Aircraft X-Ray Laboratories

Justin Guzman, Aircraft X-Ray Laboratories

Rodrigo Guzman, AAA Plating

Jeff Hannapel, National Association of Surface Finishing

Maria Hernandez, AAA Plating

Rafael Hernandez, Aircraft X-Ray Laboratories

Art Holman, Sherm's Custom Plating

Mose Huerta

Mark Hyman, PhD, Alliance Finishing

Brad Kerr, Metal Finishing Association of Southern California

Fe Koons

APPEARANCES CONTINUED

ALSO PRESENT:

Keshav Kumar, Plateronics Processing

Bill LaMarr, California Alliance of Small Business
Associations

Brian Leiker, K&L Anodizing, Metal Finishing Association
of California, National Association of Surface Finishing

Yvonne Martinez Watson

Dane McCuen, Metal Finishing Association of Northern
California

Terry McGuinness, Metal Finishing Association of Northern
California

Matt McQuone, Commercial Electroplating

Cheryl Meyer, Aviation Repair Solutions

Jim Meyer, Aviation Repair Solutions

Olivia Meza, AAA Plating

Irma Munoz, Aircraft X-Ray Laboratories

Jim Newton, Aircraft X-Ray Laboratories

Vincent Noonan, Sheffield Platers, Metal Finishers
Association of Southern California

Jose Ochoa, Aircraft X-Ray Laboratories

Alan Olick, General Brite Plating Company

Caroline Orija

Ricardo Osorio, EME, Incorporated

Dilip Patel, General Plating Company

Kashiram Patel, General-Brite Plating

Patrick Patterson, Pro-Chem/PAVCO

APPEARANCES CONTINUED

ALSO PRESENT:

James Perez, Aircraft X-Ray Laboratories, Metal Finishing Association of California

Juan Perez, Aircraft X-Ray Laboratories

Estela Pineda, AAA Plating

Cathy Ream, Teikuro Corporation

Ingrid Rivera, EME, Incorporated

Fernando Roaro, EME, Incorporated

Sylvia Rodriguez, AMEX Plating, Metal Finishing Association of Northern California

Francisco Romano, Aircraft X-Ray Laboratories

Salvador Romero, EME, Incorporated

Dana Schlumpberger, K&L Anodizing

Misael Serrano, Aircraft X-Ray Laboratories

Jose Sigaran, EME, Incorporated

Karen Sigaran, EME, Incorporated

Robina Suwol, California Safe Schools

Dean Talley, California Manufacturers and Technology Association

Darren Thompson, AAA Plating

Samantha Torres, EME, Incorporated

Wesley Turnbow, EME, Incorporated, Metal Finishing Association of Southern California

Jessie Urias, EME, Incorporated

Jessie Urias, Jr., EME, Incorporated

Ken Valine, ABCO Products

APPEARANCES CONTINUED

ALSO PRESENT:

David Vianello, LM Chrome Corporation

Jerry Wahlin, Metal Finishing Association of Southern California

Gary Wannlund, Metal Finishing Association of Southern California

Brian Ward, AAA Plating, Metal Finishing Association of Southern California

Jane Williams, California Communities Against Toxics

Christine Wolfe, California Council for Environmental and Economic Balance

Albert Ybarra, Sherm's Custom Plating

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PROCEEDINGS

1
2 CHAIR RANDOLPH: All right. Good morning. The
3 January 27th, 2023 public meeting of the California Air
4 Resources Board will come to order.

5 Board Clerk, will you please call the roll.

6 BOARD CLERK ESTABROOK: Yes.

7 Dr. Balmes?

8 BOARD MEMBER BALMES: Here.

9 BOARD CLERK ESTABROOK: Mr. De La Torre?

10 BOARD MEMBER DE LA TORRE: Here.

11 BOARD CLERK ESTABROOK: Mr. Eisenhut?

12 BOARD MEMBER EISENHUT: Here.

13 BOARD CLERK ESTABROOK: Senator Florez?

14 BOARD MEMBER FLOREZ: Florez here.

15 BOARD CLERK ESTABROOK: Assemblymember Garcia?

16 Ms. Hurt.

17 BOARD MEMBER HURT: Here.

18 BOARD CLERK ESTABROOK: Mr. Kracov?

19 BOARD MEMBER KRACOV: Here.

20 BOARD CLERK ESTABROOK: Dr. Pacheco-Werner?

21 Senator Stern?

22 Professor Sperling?

23 Ms. Takvorian?

24 BOARD MEMBER TAKVORIAN: Here.

25 BOARD CLERK ESTABROOK: Supervisor Vargas?

1 Vice Chair Berg?

2 Chair Randolph?

3 CHAIR RANDOLPH: Here.

4 BOARD CLERK ESTABROOK: Madam Chair, we have a
5 quorum.

6 CHAIR RANDOLPH: All right. I'd like to begin
7 with a few housekeeping items before we get started this
8 meeting -- this morning. We are conducting today's
9 meeting in person as well as offering remote options for
10 public participation both by phone and in Zoom.

11 Anyone who wishes to testify in person should
12 fill out a request to speak card available in the foyer
13 outside the auditorium. Please turn it into a Board
14 assistant prior to the commencement of the item. If you
15 are participating remotely, you will raise your hand in
16 Zoom or dial star nine, if calling in by phone. The Clerk
17 will provide further details regarding how public
18 participation will work in just a moment.

19 For safety reasons, please note the emergency
20 exit to the rear of the auditorium through the lobby. In
21 the event of a fire alarm, we are required to evacuate
22 this room and immediately exit the building through the
23 front entrance. When the all-clear signal is given, we
24 will return to the auditorium and resume the hearing.

25 A closed captioning feature is available for

1 those of you joining us in the Zoom environment. In order
2 to turn on subtitles, please look for a button labeled
3 "CC" at the bottom of the Zoom window as shown in the
4 example on the screen. I would like to take this
5 opportunity to remind everyone to speak clearly and from a
6 quiet location, whether you are joining us in Zoom or
7 calling in by phone.

8 Interpretation services will be provided today in
9 Spanish. If you are joining us using Zoom, there is a
10 button labeled "Interpretation" on the Zoom screen. Click
11 on that interpretation button and select Spanish to hear
12 the meeting in Spanish. If you are joining us here in
13 person and would like to listen to the meeting in Spanish,
14 please notify a Board assistant and they will provide you
15 with further instructions. I want to remind all of our
16 speakers to speak slowly and pause intermittently to allow
17 the interpreters the opportunity to accurately interpret
18 your comments.

19 (Interpreter translated in Spanish).

20 THE INTERPRETER: Thank you, Chair Randolph.
21 Back to you.

22 CHAIR RANDOLPH: Thank you. I will now ask the
23 Board Clerk to provide more details on today's procedures.

24 BOARD CLERK ESTABROOK: Thank you, Chair
25 Randolph.

1 Good morning, everyone. I'm going to provide
2 some additional information on how public participation
3 will work for today's meeting.

4 We will first be calling on in-person commenters
5 who have turned in a request to speak card and then I will
6 be calling on the join -- commenters who are joining us
7 remotely in Zoom or by phone. If you are joining remotely
8 and wish to make a verbal comment on today's Board item,
9 you must be using Zoom webinar or calling in by phone. If
10 you are currently watching the webcast on CAL-SPAN, but
11 you do wish to comment remotely, please register for the
12 Zoom webinar or call in. Information for both can be
13 found on the public agenda for today's meeting.

14 To make a verbal comment, we will be using the
15 raise hand feature in Zoom. If you wish to speak on a
16 Board item, please virtually raise your hand as soon as
17 the item has begun to let us know you wish to speak. To
18 do this, if you are using a computer or tablet, there is a
19 raise hand button. And if you are calling in on the
20 telephone, there is a -- dial star nine to raise your
21 hand. Even if you previously indicated which item you
22 wish to speak on when you registered for the meeting, you
23 must raise your hand at the beginning of the item, so that
24 you can be added to the queue.

25 If you will be giving your verbal comment in

1 Spanish and require an interpreter's assistance, please
2 indicate so at the beginning of your testimony and our
3 translator will assist you. During your comment, please
4 pause after each sentence to allow the interpreter to
5 translate your comment into English.

6 When the comment period starts, the order of
7 commenters will be determined by who raises their hand
8 first. We will call each commenter by name and will
9 activate each commenter's audio when it is their turn to
10 speak. For those calling in, we will identify you by the
11 last three digits of your phone number. We will not show
12 a list of commenters -- remote commenters, however, we
13 will be announcing the next three or so commenters in the
14 queue, so you are ready to testify and know who is coming
15 up next. Please note that you will not appear by video
16 during your testimony. I would also like to remind
17 everyone to please state your name for the record before
18 you speak. This is especially important for those calling
19 in by phone to testify on an item.

20 We will have a time limit for each commenter and
21 we'll begin the comment period with a two-minute time
22 limit, although this could change at the Chair's
23 discretion. During public testimony, you will see a timer
24 on the screen. For those calling in by phone, we will run
25 the timer and let you know when you have 30 seconds left

1 and when your time is up. If you do require a Spanish
2 interpretation for your comment, your time will be
3 doubled.

4 If you wish to submit written comments today,
5 please visit CARB's send-us-your-comments page or look at
6 the public agenda on our webpage for links to send these
7 documents electronically. Written comments will be
8 accepted on each item until the Chair closes the record.

9 If you experience any technical difficulties,
10 please call (805)772-2715 so that an IT person can assist
11 you. This number is also on the public agenda.

12 Thank you, Chair. I'll turn it back to you.

13 CHAIR RANDOLPH: All right. Thank you.

14 The only item on today's agenda is Item number
15 23-1-7, proposed amendments to the Airborne Toxic Control
16 Measure for chromium electric -- electroplating and
17 chromic anodizing operations. Again, if you are here with
18 us in the room and wish to make a verbal comment on this
19 item, please fill out a request to speak card and submit
20 it to the Board assistant. If you are joining us remotely
21 and wish to comment on this item, click the raise-hand
22 button or stial dar -- dial star nine now. We will first
23 call on in-person commenters followed by remote commenters
24 when we get to the public comment portion of this item.

25 Hexavalent chromium is one of the most toxic air

1 contaminants that the Board has identified since the
2 program began almost 40 years ago. This compound has been
3 Designated as having no safe level for exposure and is 500
4 more times tox -- 500 times more toxic than diesel
5 exhaust. The good news is that there are less toxic
6 alternatives available as well as improved technologies
7 and operating practices that can be implemented to reduce
8 exposure to hexavalent chromium.

9 Today, the Board will hear staff's proposal to
10 amend the chrome plating Airborne Toxic Control Measure.
11 The amendments will further protect public health by
12 requiring use of these improved technologies and operating
13 practices, and by phasing out the use of highly toxic
14 hexavalent chromium from chrome plating operations in
15 California.

16 Chrome plating operations are commonly located
17 near schools, and residential neighborhoods and are often
18 found in low-income communities and communities of color.
19 In fact, almost 75 percent of these facilities are in
20 disadvantaged communities that continue to be exposed to
21 disproportionate levels of air pollution.

22 As we have heard from many communities through
23 the AB 617 community emissions reduction program and
24 through our community listening sessions, the proposed
25 amendments are more important than ever and are a critical

1 step to address communities' concerns regarding exposure
2 to air toxics and improved air quality.

3 This is the first of two planned Board hearings
4 on this proposal. While the Board will not be voting on
5 the proposal today, we will be providing direction to
6 staff.

7 Dr. Cliff, would you please introduce this item.

8 EXECUTIVE OFFICER CLIFF: Thank you, Chair
9 Randolph.

10 In 1986, CARB's Board identified hexavalent
11 chromium as a toxic air contaminant under California law
12 pursuant to Assembly Bill 1807. The Board identified
13 hexavalent chromium because of its toxic -- toxicity and
14 potential for exposures to this highly toxic compound.

15 CARB took action to reduce exposures to this
16 toxic compound by adopting its first control measure for
17 chrome plating operations in 1988, with amendments in 1998
18 and 2007 to further reduce emissions of hexavalent
19 chromium. Based on CARB's evaluation of the existing
20 chrome plating Airborne Toxic Control Measure, staff
21 recommends amendments to further reduce exposures to
22 emissions of this highly toxic chemical experienced by
23 communities located near chrome plating facilities.

24 The proposed amendments will result in the most
25 stringent regulation of hexavalent chromium emissions from

1 chrome plating operations in the country, with emissions
2 of hexavalent chromium from this industry being reduced to
3 zero following the full implementation of the phaseout.
4 As you heard in my presentation yesterday on CARB's
5 priorities and consistent with our recent mobile source
6 rulemakings, marine rulemakings, and Transport
7 Refrigeration Unit rulemakings, CARB will continue to
8 explore opportunities for stationary sources to go to zero
9 emissions.

10 The proposed amendments will reduce hexavalent
11 chromium emissions from chrome plating facilities,
12 including fugitive emissions that are not captured by air
13 pollution control equipment that can escape the facility.
14 Although difficult to estimate, fugitive emissions can be
15 a significant source of emissions that harm the many
16 communities surrounding chrome platers.

17 The California Legislature has recognized the
18 serious impact of hexavalent chromium in California -- in
19 California communities and called the transition away from
20 hexavalent chromium in last year's budget necessary. In
21 making that statement, the Legislature signaled their
22 intent to provide \$10 million in funding in this year's
23 budget to help facilities convert hexavalent chromium
24 plating operations to less toxic alternatives, such as
25 trivalent chromium. This funding is contingent on the

1 proposed amendments implementing a total phaseout of
2 hexavalent chromium plating in the state.

3 I will now ask Eugene Rubin of the Transportation
4 and Toxics Division to begin the staff presentation.

5 Eugene.

6 (Thereupon a slide presentation).

7 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Thank
8 you, Dr. Cliff. Good morning, Chair Randolph and members
9 of the Board. My name is Eugene Rubin and today I am
10 presenting the proposed amendments to the Airborne Toxic
11 Control Measure for chromium electroplating and chromic
12 acid anodizing.

13 This presentation will cover a brief background
14 on chrom plating, the need for the amendments, a summary
15 of the proposed amendments, the cost and benefits,
16 incentive opportunities, a summary of comments received,
17 and steps going forward. This is the first of two planned
18 hearings on the proposed amendments.

19 --o0o--

20 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: What
21 the chrome plating?

22 Chrome plating is a term that for the purposes of
23 the proposed amendments describes multiple processes. The
24 first process is chromium electroplating, which is the
25 deposition of chromium metal onto the surface of the part

1 submerged in a solution of hexavalent or trivalent
2 chromium through the application of electrical current.
3 This process can be characterized as decorative or hard
4 chromium electroplating.

5 The next process the chromic acid anodizing,
6 which is similar to chromium electroplating, but instead
7 of depositing metal generates an oxide layer on the
8 surface of an aluminum part. There are currently 117
9 known chromium electroplating or chromic acid anodizing
10 facilities in California with 113 of them using hexavalent
11 chromium. Of these facilities, approximately 73 percent
12 are located in the South Coast Air Quality Management
13 District and over 70 percent are in overburdened
14 communities.

15 --o0o--

16 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

17 Decorative chromium electroplating is the process
18 of applying a very thin layer of chromium metal to a part
19 such as a faucet, car, or motorcycle part, or furniture to
20 provide a decorative finish and wear resistance.
21 Currently, this process is done primarily with hexavalent
22 chromium, but several decorative chrome plating facilities
23 in California use trivalent chromium on parts such as
24 truck bumpers, furniture and faucets.

25 --o0o--

1 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Hard
2 chromium electroplating is done for functional purposes.
3 The physical properties, such as hardness and corrosion
4 resistance, are the primary focus. During this process, a
5 layer of chromium is deposited on the part that is usually
6 found in a high stress environment. Because physical
7 performance is the goal, the chromium layer is
8 significantly thicker than the layer created in decorative
9 applications.

10 The significantly longer plating time necessary
11 for hard plating results in these facilities using more
12 hexavalent chromium than decorative facilities. Hard
13 plating is required for aerospace parts, such as landing
14 gear, hydraulic equipment, steel mill rollers, and other
15 high-stress parts. Currently all hard plating in
16 California is done using hexavalent chromium.

17 --o0o--

18 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

19 Chromic acid anodizing is another electrolytic
20 process that uses hexavalent chromium. Electrical current
21 is applied to the solution, but in a different manner than
22 decorative or hard chrome plating. This creates an oxide
23 layer on an aluminum instead of depositing chromium metal.
24 This oxide layer provides physical protection to the part.
25 Anodizing times are typically longer than decorative

1 plating, but shorter than hard plating.

2 A primary use for chromic acid anodizing is in
3 the aerospace sector. Thousands of different parts are
4 anodized during their manufacturing or repair, including
5 critical aluminum components in landing gear, helicopter
6 rotors, and rocket engines.

7 --oOo--

8 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: The
9 proposed amendments aim to further reduce community
10 exposures to hexavalent chromium, which is one of the most
11 toxic air contaminants and has no safe level of exposure.
12 It is the second most potent carcinogen, behind only
13 dioxin, that has been identified by the Board, and it may
14 cause lung cancer. It is approximately 500 times more
15 carcinogenic than diesel PM. Its cancer potency indicates
16 that it is extremely carcinogenic in very low
17 concentrations, even at concentrations below one nanogram
18 per cubic meter.

19 --oOo--

20 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Chrome
21 plating facilities often operate very close to residences
22 and schools, in some cases sharing a fence line. The
23 proposed amendments aim to reduce the cumulative risk that
24 many overburdened and disadvantaged communities located
25 near chrome plating facilities experience. Through the AB

1 617 Community Air Protection Blueprint CARB committed to
2 addressing emissions of hexavalent chromium from chrome
3 plating facilities.

4 Several types of metal processing operations,
5 including chrome plating, have been identified in several
6 AB 617 community emission reduction programs and continue
7 to be a concern in many disadvantaged communities. These
8 types of operations, which can emit hexavalent chromium
9 were identified in the following community emission
10 reduction programs, Southeast LA, South LA, East LA, South
11 Central Fresno, West Oakland, and the San Diego Portside
12 Community.

13 Fugitive emissions of hexavalent chromium,
14 defined as emission of hexavalent chromium that escape to
15 the atmosphere without first passing through a control
16 device are a big concern and add to the risk in
17 communities. Staff believes fugitive can be a significant
18 source of emissions for stationary sources of toxics. And
19 while chrome plating is already subject to State and local
20 regulations, a less toxic alternative already exists for
21 some applications and alternatives are in development for
22 other applications.

23 --o0o--

24 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

25 Ambient monitoring studies were conducted near

1 chrome plating facilities located close to residences and
2 schools in the South Coast and Sacramento. These studies
3 have shown that elevated levels of hexavalent chromium
4 exist near chrome plating facilities. Historical ambient
5 monitoring for hexavalent chromium has shown issues with
6 elevated levels going back decades. For example in 2001,
7 CARB staff conducted air monitoring in the Barrio Logan
8 area of San Diego County that detected unexpectedly high
9 levels of hexavalent chromium on several days at
10 residences adjacent to and across the street from two
11 chrome plating facilities.

12 --o0o--

13 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: The
14 image on this slide shows a map of the Los Angeles area
15 with the location of chrome plating facilities within the
16 disadvantaged communities in the South Coast Air Quality
17 Management District. These communities are designated by
18 CalEnviroScreen. The scale on the right shows that as the
19 color moves from green to red, the CalEnviroScreen score
20 goes up. The higher the score, the more impacted the
21 community. The dots on the image represent chrome plating
22 facilities, and different colors represent different
23 chrome plating facility types.

24 This image shows that most of the facilities are
25 in high scoring communities. Additionally, approximately

1 20 percent of the facilities in the South Coast Air
2 Quality Management District are located within communities
3 designated through AB 617, with many others located just
4 outside of these communities.

5 --o0o--

6 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: This
7 image is similar to the one on the previous slide, but
8 shows the location of chrome plating facilities within
9 disadvantaged communities in the Fresno area of the San
10 Joaquin Valley Air Pollution Control District. Again,
11 most facilities in this region are in high scoring
12 communities. Additionally, approximately 20 percent of
13 the facilities in the San Joaquin Valley Air Pollution
14 Control District are in communities designated by AB 617.

15 --o0o--

16 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Many
17 chrome plating facilities are located near residential
18 communities and sensitive receptors such as schools. This
19 image shows a chrome plating facility. In the AB 617
20 community of South Los Angeles sharing a fence line with
21 residential properties.

22 --o0o--

23 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: This
24 image shows a chrome plating facility in a Santa Ana
25 community that is directly across the street from a school

1 and near a residential area.

2 --o0o--

3 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: The
4 next three images depict a community in Compton that is
5 low -- that is impacted by three chrome plating facilities
6 in addition to other industrial sources. In this image,
7 you can see a school with three chrome plating facilities
8 within 1,000 feet of its boundaries. The community is
9 impacted by other sources of pollutants such as heavy-duty
10 truck traffic traveling to and from the warehouses.
11 Additionally, right down the center of the image is a
12 below-grade railway that is used to transport freight from
13 the Port of Long Beach.

14 --o0o--

15 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: As you
16 look closer at this community, there is a second school
17 just to the west of the school on the previous image.
18 Additional residences are located across the street from
19 one of the chrome plating facilities.

20 --o0o--

21 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

22 Looking south in this community, you can see that
23 there are some mixed residential and industrial zones that
24 are on either side of the chrome plating facility. Many
25 communities like this one continue to be impacted by

1 emissions of hexavalent chromium from multiple chrome
2 plating facilities in addition to other sources of
3 hexavalent chromium and other air toxic contaminants.
4 These cumulative impacts have been a long-standing concern
5 for communities. The proposed amendments will further
6 reduce hexavalent chromium emissions from chrome plating
7 operations in California.

8 --o0o--

9 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

10 Trivalent chromium is a less toxic alternative to
11 hexavalent chromium in chrome plating operations. While
12 it is an air toxic contaminant, it is not a carcinogen.
13 Trivalent chromium for decorative operations is an option
14 that is currently being used by several facilities in
15 California for the purpose of plating various parts,
16 including truck bumpers and faucets. Stakeholders
17 expressed concerns regarding the difference between the
18 color of parts plated with hexavalent and trivalent
19 chromium. We have provided samples plated using trivalent
20 chromium and hexavalent chromium for comparison.

21 Although the slight color difference between
22 hexavalent and trivalent chromium may be a concern in some
23 applications, such as custom cars, some consumers aren't
24 likely to differentiate and others may not have a
25 preference between the colors for other parts, such as

1 faucets and seatbelt buckles.

2 Several facilities in California are successfully
3 using trivalent chromium for decorative plating, which
4 demonstrates that the technology is available to meet the
5 earlier 2027 phaseout. The technology is being developed
6 for functional applications. Several chemical
7 manufacturers are currently testing trivalent chromium
8 technology for specific sectors in the hard plating
9 applications. For example, one manufacturer is working
10 with the Department of Defense to test their technology in
11 military applications.

12 An added benefit for the use of trivalent
13 chromium is that fume suppressants containing PFAS
14 compounds are not currently used to control emissions.
15 The proposed amendments reduce the barrier for converting
16 to trivalent chromium plating by removing the requirement
17 for an initial health risk assessment. Staff conducted
18 generic risk assessments and do not expect any non-cancer
19 impacts at anticipated usage levels. Local air districts
20 would still have -- would still be able to perform health
21 risk assessments as part of their permitting process.

22 --o0o--

23 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Now,
24 we will focus on the summary of the proposed amendments
25 and how they apply to the various types of plating

1 operations. For decorative chrome plating no new chrome
2 plating facilities can use hexavalent chromium starting on
3 January 1st, 2024. Existing decorative chrome plating
4 facilities will be required to stop using Hexavalent
5 chromium as of January 1st, 2027. This phaseout date has
6 been extended by one year from the originally proposed
7 phaseout date of January 1st, 2026 based on discussions
8 with stakeholders.

9 The proposed amendments allow for a one-year
10 extension that can be granted by the local air district in
11 order to provide more time due to issues that may arise
12 during the permitting and construction process. The time
13 frame for the phaseout is relatively short due to the
14 availability of a less toxic alternative. Trivalent
15 chrome plating can produce decorative parts with
16 comparable physical properties and a similar color. The
17 color difference may pose an issue in certain
18 applications and would require consumers to adapt to the
19 new product.

20 --o0o--

21 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: For
22 hard chrome plating and chromic acid anodizing, no new
23 facilities can use hexavalent chromium starting on January
24 1st, 2024. Existing hard chrome plating and chromic acid
25 anodizing facilities will be required to meet emission --

1 a reduced emission limit starting January 1st, 2026.

2 This limit is half of the existing limit and is
3 intended to reduce emissions and exposure and protect
4 public health. Most facilities should be able to meet
5 this limit with existing add-on air pollution controls,
6 but some may be required to upgrade or install add-on air
7 pollution control systems.

8 The phaseout date for the use of hexavalent
9 chromium in hard chrome plating, and chromic acid
10 anodizing is January 1st, 2039. This has been extended
11 from the originally proposed July 1st, 2028 phaseout for
12 hard chrome plating, and July 1st, 2033 phaseout for
13 chromic acid anodizing, based on discussions with
14 stakeholders.

15 Alternatives to hexavalent chromium in hard
16 chrome plating and chromic acid anodizing are at various
17 stages of development and availability. Although some
18 replacements are commercially available, they do not yet
19 cover all applications.

20 Due to the current technological limitations for
21 these processes, a 15-year phaseout timeline has been
22 proposed to give technology a chance to meet the
23 challenge. Additionally, two technology reviews are
24 included in the proposed amendments prior to the phaseout
25 that will be used to assess the progress and feasibility

1 of replacement technology. These technology reviews will
2 inform necessary future action for chrome plating
3 facilities.

4 --o0o--

5 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: The
6 Proposed amendments include interim requirements for hard
7 plating and chromic acid anodizing facilities. These
8 requirements are in effect prior to the phaseout of
9 hexavalent chromium. Modified housekeeping and best
10 management practices reduce fugitive emissions by
11 preventing the release of hexavalent chromium into
12 communities. These measures include specific cleaning
13 methods, systems to control spills, and other operational
14 practices to reduce fugitive emissions.

15 Provisions to include previously uncontrolled
16 hexavalent chromium containing tanks have been added.
17 These tanks -- these are tanks that contain hexavalent
18 chromium, but are not chrome plating tanks. They operate
19 at high temperature and with sufficient hexavalent
20 chromium concentrations to be a significant sources of
21 hexavalent chromium emissions. And add-on air pollution
22 control device will be require for a tank that meets
23 specific temperature and hexavalent chromium concentration
24 thresholds.

25 Facilities will be required to operate all

1 hexavalent chromium containing tanks within building
2 enclosures. This requires facilities to close all but a
3 small percentage of building openings in order to reduce
4 the pathways for fugitive emissions to escape the
5 facility. A requirement for biennial source testing of
6 hexavalent chromium containing tanks in order to verify
7 that the tanks are meeting the required emission limit has
8 also been added. Most of the requirements go into effect
9 on January 1st, 2026, while housekeeping and best
10 management practices begin earlier.

11 --o0o--

12 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: The
13 next two slides cover the cost of the proposed amendments.
14 The approximate total cost for each facility type over the
15 20-year assessment period of the proposed amendments is
16 \$44 million for decorative chrome plating, \$123 million
17 for chromic acid anodizing, and \$525 million for hard
18 chrome plating. The total cost of the proposed amendments
19 is \$692 million.

20 --o0o--

21 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: This
22 table shows the expected equipment cost per facility for
23 the main provisions in the proposed amendments. As you
24 can see, the main cost comes from the transition to
25 replacement technology associated with the phaseout of

1 hexavalent chromium. A trivalent replacement system for
2 decorative chrome plating is expected to cost just over
3 \$320,000. Cheaper systems may also be available. Due to
4 the short phaseout timeline, other provisions of the
5 proposed amendments are not applicable to decorative
6 chrome plating facilities.

7 Staff estimates the replacement cost for hard
8 chrome plating and chromic acid anodizing of \$4 million
9 based on proposed specifications provided by a chemical
10 manufacturer. Staff expect that the replacement cost for
11 hard chrome plating and chromic acid anodizing facilities
12 will be reduced due to technological development and wider
13 availability of replacement technology in the future.
14 Staff requested additional information from industry and
15 provided preliminary cost information to the public, but
16 received no additional information.

17 Other high costs to hard chrome plating and
18 chromic acid anodizing include the potential need for
19 additional add-on control systems. The ongoing cost for
20 facilities are expected to vary based on how much plating
21 each individual facility does and the number of tanks that
22 require a source test every two years.

23 --o0o--

24 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:
25 Incentive opportunities to transition to trivalent

1 chromium have been available. Staff expects funding to be
2 available for decorative chrome applications prior to
3 20 -- the 2027 phaseout. AB 617 community air protection
4 grants have been available for chrome plating facilities.
5 Grants were available for the conversion of hexavalent
6 chromium plating systems to trivalent chromium and covered
7 up to 90 percent of the conversion of cost. Availability
8 of these grants is limited for the future years.

9 Additionally, in the Budget Act last year, the
10 Legislature stated their intent to make \$10 million of
11 funding available to support the transition away from
12 hexavalent chromium plating in California. The
13 Legislature said that a transition away from hexavalent
14 chrome plating is necessary. It is important to note that
15 the Legislature did not call for tighter emission controls
16 on hexavalent chromium plating. They called for an
17 eventual total phaseout of the practice of hexavalent
18 chromium plating in the State and made the promised
19 funding contingent upon CARB meeting that goal. To honor
20 the Legislature's wishes, these incentive funds are
21 currently included in the Governor's proposed budget for
22 the 23-24 fiscal year.

23 --o0o--

24 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: The
25 expected benefits from the proposed amendments are

1 reductions in emissions and cancer risk from controlled
2 and fugitive emissions for the chrome plating industry,
3 reduced hexavalent chromium exposure in communities close
4 to chrome plating facilities including AB 617 communities.

5 The proposed amendments align with CARB's
6 environmental justice and equity goals. CARB staff
7 recognize and have worked hard to incorporate equity
8 principles and considerations into the development of the
9 proposed amendments to provide tangible and immediate
10 gains for historically oppressed people, convene and
11 partner with community based organizations and others to
12 support the movement for environmental justice and equity.

13 The proposed amendments also reduce the need for
14 PFAS chemicals that are used to control the emissions of
15 hexavalent chromium from chrome plating operations. These
16 forever chemicals have significant health and
17 environmental impacts and are the focus of State,
18 national, and international efforts to reduce their use.

19 --o0o--

20 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Staff
21 quantified the expected emission reductions as emission
22 reductions by year, due to the proposed amendments. Under
23 the current regulations, chrome plating facilities in
24 California have the potential to emit 10.1 -- 10.15 pounds
25 of hexavalent chromium per year. This figure only

1 includes emission reductions from controlled chrome
2 plating tanks and does not include reductions in fugitive
3 emissions.

4 Fugitive emissions can contribute significant
5 levels of hexavalent chromium. By 2026, the emissions of
6 hexavalent chromium from chrome plating are expected to be
7 cut approximately in half and by 2039 reduced to zero
8 assuming replacement technology becomes available.

9 --o0o--

10 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: We
11 should be on slide 25.

12 One more up.

13 Sorry 24, then.

14 Thank you. The cancer risk from controlled
15 chrome plating tanks was calculated based on a generic
16 facility profile. The emissions were based on a variety
17 of representative throughputs and did not include fugitive
18 emissions. The maximum cancer risk for a 30-year exposure
19 ranged from 9 to 213 chances per million depending on the
20 facility type and size. The highest risk was from large
21 hard plating facilities due to their larger size.

22 The overall cancer risk reductions for chrome
23 plating facilities are shown here in this chart. The
24 chart shows the risk from decorative plating using fume
25 suppressant only in blue, decorative plating with add-on

1 control in orange, small hard plating and chromic acid
2 anodizing operations in gray and large hard plating
3 with -- and chromic acid anodizing in yellow.

4 Cancer risk is expected to be reduced by 50
5 percent by 2026 for hard plating and chromic acid
6 anodizing. By 2039, the risk from hard plating and
7 chromic acid anodizing operations is expected to be
8 reduced by 100 percent from baseline levels. For
9 decorative plating operations, the risk is expected to be
10 reduce by 100 percent by 2027. These values do not take
11 into account the fugitive emission cancer risk.

12 --o0o--

13 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

14 Fugitive emissions are emissions that escape
15 through building openings as opposed to through controls.
16 Staff estimated fugitive emissions. These estimated
17 levels come with much uncertainty because they depend
18 heavily on the assumptions made for the efficiency of the
19 capture and control system as well as building and closure
20 effectiveness. A cancer risk range from one per million
21 to over 1,000 per million was calculated. The magnitude
22 depended significantly on the assumptions made.

23 The proposed amendments aim to reduce fugitive
24 emissions through enhanced housekeeping requirements, best
25 management practices, controlling emissions from

1 previously uncontrolled hexavalent chromium-containing
2 tanks, and building enclosure requirements prior to the
3 phaseout of hexavalent chromium. The goal is to route
4 these emissions through add-on air pollution control
5 devices.

6 --o0o--

7 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: How do
8 the proposed amendments compare to other control measures
9 adopted by the Board?

10 CARB has required the elimination of toxic
11 compounds in other control measures such as
12 perchloroethylene in dry cleaning operations, hexavalent
13 chromium and cadmium from automotive coatings, and
14 chlorinated solvents in automotive maintenance and repair.
15 The baseline cancer risk before implementation of the
16 proposed amendments is also comparable to other control
17 measures.

18 Currently, no methodology exists to provide a
19 monetized benefit for the reduction of hexavalent chromium
20 emissions as is commonly seen with reductions in diesel
21 particulate matter. As you heard yesterday during the
22 presentation on proposed research projects, CARB's
23 Research Division is doing research on methodologies for
24 calculating a monetized benefit for non-diesel toxics.

25 --o0o--

1 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: This
2 table shows how the residential cancer risk for the
3 proposed amendments compares with past control measures.
4 The cancer risk for the proposed amendments prior to the
5 rulemaking is comparable to or on the same order of
6 magnitude as other diesel and non-diesel control measures.
7 The residential cancer risk of 213 chances per million is
8 higher than the risk from ocean-going vessels at berth and
9 perchloroethylene from dry-cleaning operations and lowers
10 and lower than others on this list. It is important to
11 note that the cancer risk for proposed amendments shown
12 here does not include fugitive emissions.

13 --o0o--

14 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Staff
15 conducted an extensive public outreach process as part of
16 the rulemaking. Staff published a regulatory notice in
17 2018 to kick off the rulemaking process. Nine public
18 meetings were held to discuss the proposed amendments.
19 Twenty-nine sites visits and one community tour was
20 conducted. Staff had over 50 individual meetings with
21 various stakeholders. Additionally, a preliminary cost
22 document was released for public review and comment in
23 January 2022.

24 --o0o--

25 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Staff

1 completed a Draft Environmental Analysis for the proposed
2 amendments. The Draft Environmental Analysis was prepared
3 in accordance with the California Environmental Quality
4 Act and is intended to identify and disclose the proposed
5 amendments' potentially significant adverse impacts on the
6 environment and identify possibly feasible mitigation
7 measures and alternatives to lessen or avoid those
8 significant environmental impacts. The Draft
9 Environmental Analysis was released for a 45-day comment
10 period on December 2nd, 2022. Staff will present the
11 Final Environmental Analysis and written response to
12 comments on the Draft Environmental Analysis to the Board
13 in late spring of 2023 for consideration.

14 --o0o--

15 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

16 Comments from community advocates heard during
17 the rulemaking process include: a support for the phaseout
18 of hexavalent chromium with accelerated timelines,
19 concerns regarding the proximity of chrome plating
20 facilities to residences and schools, concerns for the use
21 of forever chemicals and fume suppressants associated with
22 the use of hexavalent chromium, and a desire for
23 facilities to take advantage of upcoming legislative
24 funding opportunities.

25 --o0o--

1 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

2 Industry has also made comments during the
3 rulemaking process. As mentioned earlier, platers are
4 concerned regarding marketability of trivalent chromium
5 plated parts in some applications due to the slight color
6 difference. Industry has requested that CARB postpone
7 phaseout of hexavalent chromium until alternative
8 technologies for hard chrome plating and chromic acid
9 anodizing are available. Staff has responded to this
10 comment by extending the phaseout date to 15 years and
11 adding two technology reviews. Industry has made comments
12 regarding the high cost of conversion. The Legislature
13 intends to provide funding to help facilities with the
14 cost of the phaseout. And industry has made comments that
15 they expect facilities to leave the state or simply cease
16 operating due to the phaseout. No data was available to
17 assess this comment.

18 --o0o--

19 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Staff
20 is expecting to make 15-day changes to the proposed
21 amendments. The changes include a necessary correction to
22 the emission inventory presented in Appendix B of the
23 initial statement of reasons, a transcription error
24 occurred when the summary table was created. This error
25 does not impact any of the findings or conditions in the

1 proposed amendments. Clarification on the applicability
2 of specific requirements to decorative chrome plating
3 operations may be necessary. And some non-substantive
4 changes for consistency and clarifications, such as
5 changing the acronym CFR to Code of Federal Regulations in
6 the regulatory text.

7 --o0o--

8 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: The
9 next steps for the proposed amendments interests are staff
10 will make all needed 15-day changes and present the
11 proposed amendments to the Board for a vote at a future
12 hearing. The hearing is tentatively scheduled for May
13 2023.

14 This concludes our eye presentation. Thank you.

15 CHAIR RANDOLPH: All right. Thank you very much.
16 We will now hear from the public who signed up to speak on
17 this item, eight by submitting a request to speak card or
18 by raising their hand in Zoom. I will ask the Board Clerk
19 to begin calling the public commenters.

20 BOARD CLERK HARRINGTON: Thank you. We currently
21 have 65 in-person commenters. Sign-ups to speak will
22 close in 30 minutes at 9:45.

23 And our first speaker is Art Holman.

24 ART HOLMAN: Good morning. My name is Art
25 Holman. I run a plating facility in Sacramento,

1 California called Sherm's Custom Plating. I am what is
2 being deemed a so-called decorative plater. I dispute
3 that term, because the process that I provide is very
4 functional. I provide Mil-Spec plating on medical
5 equipment. I also have to adhere to OEM specifications
6 for historical automotive repair and refurbishing.

7 The thing that I don't believe that the staff has
8 taken into account here is that the amount of leakage
9 that's going to happen in jobs from this proposal in the
10 decorative plating industry is substantial. There's no
11 way that I can transition to a trivalent process and
12 maintain my business. If that were an option for me, I
13 would gladly do so. It's just not. Customer satisfaction
14 is not -- they're not approving of the trivalent chrome
15 process at this point.

16 The other issue that I'd like to bring to the
17 Board's attention is the numbers that the staff has
18 presented to you on the emissions that are generated in
19 the decorative and functional plating are very elevated.
20 The calculations were done using maximum throughput at
21 maximal -- maximum allowable emission rates. These
22 numbers are not accurate. Our emissions are much lower
23 than what has been presented.

24 When -- I've been in the plating industry for 43
25 years. I've had many of you at my facility for a tour

1 where I've demonstrated my operation and my control device
2 technology in place. I have -- I have 10 employees. They
3 all have very good homes, jobs, health benefits. That
4 will be lost. The plating that I do at my facility will
5 be moved out of state and we will incur transportation
6 diesel exhaust particulate matter that --

7 BOARD CLERK HARRINGTON: Thank you. That
8 concludes your time.

9 And I would like to remind everybody that you can
10 line up at both of the podiums in advance. And the
11 30-minute cutoff time also applies to raised hands in
12 Zoom.

13 Our next speaker is Bryan Leiker.

14 BRYAN LEIKER: Good morning. Bryan Leiker,
15 Executive Director of Metal Finishing Association of
16 California, also National Association for Surface
17 Finishing Board member and have a business -- long-time
18 business K&L Anodizing in Burbank since 1950, representing
19 the industry here today.

20 I thank -- I thank the CARB Board for taking the
21 time to meet with us over the last few years. We believe
22 that rules can be emission based. As working on 1469 with
23 South Coast for several years to develop a rule that has
24 strict emission controls and allows businesses to continue
25 to operate.

1 Highlighting today, I'd like to point out our
2 industry here, this is CARB's own data, 1.27 percent of
3 hex chrome emissions in the state. We are also likely the
4 most regulated, if not one of the most regulated some of
5 the strictest regulations in the country. Other sources,
6 as you can see here in the handout I provided:
7 refineries, 48.98 percent; minerals, 11.54; power plant,
8 10.82; and other contributors here.

9 There is technology available today to control
10 emissions. We do agree that hex chrome is a toxic
11 substance, but there is the technology to control it.
12 Nobody in this room should have to go out of business
13 because of this rule. And unfortunately, what's going to
14 happen is we will lose members.

15 The main point today to note is it is customer
16 demand. It is what the customer is willing to accept. We
17 are a small business industry. Many of us -- I don't
18 think any in this room sell a produce. We provide a
19 service. And whether it's a Mil-Spec for the aerospace
20 military defense, a medical device that Art at Sherm's
21 Plating might produce or something for a restoration car,
22 that is up to the customer to decide what can be used.

23 This Board, this staff has taken a step forward
24 that's going to have disastrous consequences for the state
25 of California. Not only are you going to lose an entire

1 decorative industry, it is not just decorative, but the
2 entire aerospace industry will follow. The billions of
3 dollars and several thou -- hundreds of thousands of jobs
4 will flow out of here within the next decade.

5 Thank you.

6 BOARD CLERK HARRINGTON: Thank you.

7 (Applause).

8 BOARD CLERK HARRINGTON: Next, we have Jim
9 Newton.

10 JIM NEWTON: The proposed action before the Board
11 is advocated by some as promoting environmental justice.
12 While I hope everyone here is in favor of environmental
13 justice, this action does nothing to advance that cause.
14 In fact, it is anything but environmental justice. I
15 think everyone would agree that simply shifting the
16 environmental burden associated with any industrial
17 activity from one disadvantaged California community to
18 another disadvantaged California community does not serve
19 as environmental justice.

20 It is difficult then to imagine how anyone could
21 attempt to argue that shifting the same burden to
22 disadvantaged communities in other states or other
23 countries, while continuing to enjoy the benefits of
24 products of that industrial activity here in California
25 could constitute environmental justice either. Just as

1 the state of California rightly condemns the practice of
2 busing immigrants from Texas and other border states to
3 New York or Washington D.C. or Martha's Vineyard with no
4 thought or consideration given to the welfare of those
5 immigrants or the impact on the receiving communities,
6 passing the buck for the sake of political theater rather
7 than working cooperatively to solve the immigration
8 problem, so too must we resist the temptation to pass the
9 buck on the issue of hexavalent chromium, rather than
10 allowing government and industry to work together to come
11 up with solutions here in California with its proven track
12 record of environmental progress and unrivaled innovation.

13 I respectfully urge the Board to reject passing
14 the buck and instead work with industry to achieve true
15 environmental justice. I thank the Board for allowing my
16 comments.

17 (Applause).

18 BOARD CLERK HARRINGTON: Cheryl Meyer.

19 CHERYL MEYER: Good morning. My name is Cheryl
20 Meyer. I have three children and nine grandchildren and
21 I'm an owner of Aviation Repair Solutions in West Long
22 Beach. West Long Beach has -- my whole family has lived
23 there for five generations. We have an incredible
24 community in West Long Beach. But I found myself when I
25 was 23 years old, my husband left, I had two children, and

1 I had an incredible opportunity with a high school
2 education in the aerospace industry. I worked hard and I
3 retired from the Boeing Company as an executive.

4 Without that opportunity, I don't know where I
5 would have been, so jobs are important. I remember a time
6 in Long Beach where there was over 50,000 workers in
7 aerospace. There was over 6,000 workers in aerospace in
8 Torrance. These jobs are all gone in California, but
9 they're not gone. They're somewhere else. So jobs are
10 important here.

11 Today, we're talking about more aerospace jobs.
12 This ban will eliminate more jobs and more opportunities
13 for the communities in Long Beach. We have 15 employees
14 in our company. We provide a good wage, a good middle
15 class wage, we provide medical, dental, retirement plans
16 to these employees and their families. If you do this,
17 this is all gone. Long Beach will not make any
18 improvements by this ban. Our company today follows the
19 Rule 1469. We do not pollute at all in Long Beach.
20 You'll hear more about that later.

21 I ask you to -- or to listen to this proposal.
22 Be a balanced leader. Stop the ban. Require --

23 BOARD CLERK HARRINGTON: Thank you. That
24 concludes your time.

25 CHERYL MEYER: I thought I had three minutes and

1 I'd like to say this to this Board because I think it's
2 important. Require 1469 to be put in across California.
3 It protects California and it will also protect the nation
4 because the work is not going away. It's going to go on.

5 CHAIR RANDOLPH: You're time up is. There's two
6 minutes for each speaker.

7 Thank you.

8 BOARD CLERK HARRINGTON: Thank you.

9 Next is Frank Grana.

10 (Applause).

11 FRANK GRANA: Hello. My name is Frank Grana.

12 I'm one of the owners of California Electroplating in Los
13 Angeles. Our company has been in Los Angeles for over a
14 hundred years. I'm here to speak today to ask you to
15 postpone the ban on hexavalent chrome. I've attended all
16 the Zoom meetings and I've come to the impression that the
17 Board members think that trivalent chrome is a direct
18 replacement for hexavalent chrome in the decorative
19 industry. I'm here to tell you it is not.

20 Hexavalent chrome gives a color that trivalent
21 chromium has not achieved at this point. There are -- I
22 have many customers that tell me that they like the idea
23 of going with a less toxic chemical, but the color is just
24 not there and color is decorative. We are a decorative
25 shop. If the ban of hexavalent chrome goes through --

1 excuse me -- my company will lose 45 percent of our
2 business. My customers will send their work out of state
3 where they can get the hexavalent chrome. And they're not
4 going to have controls that we do here in California,
5 therefore polluting more out of state than we have here in
6 California.

7 The banning of hex chrome will not -- will cause
8 me to eliminate 30 jobs at my shop. The banning of hex
9 chrome is not the answer to California -- California's
10 clean air problem. Hexavalent chrome has been regulated
11 by AQMD for decades and we have reduced hexavalent chrome
12 emissions by over 99 percent.

13 I'm just going to go to the closing, because I
14 see the clock is ticking. In closing, I would ask the
15 Board to postpone the banning of hexavalent chrome until
16 trivalent chrome improves. When trivalent chrome can
17 match the look of hexavalent chrome, I will gladly get rid
18 of hexavalent chrome. It's overkill and unnecessary to
19 shut down an industry that is already heavily regulated --

20 BOARD CLERK HARRINGTON: Thank you.

21 FRANK GRANA: -- monitored and achieving the
22 emission required by our permits. Thank you.

23 (Applause).

24 BOARD CLERK HARRINGTON: Thank you.

25 Next is Pat Patterson.

1 PATRICK PATTERSON: Hello. My name is Patrick
2 Patterson. I own and operate Pro-chem Corporation. I, in
3 fact, distribute tri-chrome chemistry. Our corporation is
4 on 90 percent of the AQMD permits for the trivalent
5 chrome. We educated the AQMD with our technology and
6 we've made it very clear to the AQMD that beyond
7 decorative finish, as Art suggested earlier, there's a
8 function in chrome plating even in the decorative. So
9 salt spray, corrosion protection, hardness of the material
10 and hardness of the product itself, and especially color
11 are critical. The tri-chrome meets none of the hex
12 chrome's hardness, salt spray requirements, and color.

13 We're very close on two of the three. We're
14 nowhere near close on the color. We are working hard in
15 our research and development. I would remind you this try
16 tri-chrome technology that we're speaking of and I sell to
17 90 percent of the people in Southern California has been
18 around for over 40 years. We've employed this technology
19 for 40 years in this State. And after 40 years, it's
20 still less than 10 percent of the products produced here.
21 So that makes a case for the hex chrome.

22 In these 40 years, we've evolved and improved the
23 process tremendously. We have not been able to attach --
24 address the color issue. In my belief -- we never will.
25 My belief is in selling this chemistry to these platers, I

1 suggest that you will never satisfy your automotive
2 restoration guy. You'll never satisfy a large part of the
3 industry, medical, and especially some of the military
4 applications that this government requires again.

5 The last thing I'd say is I find it disingenuous
6 showing where all these sites are. Most of these plating
7 facilities, as Frank suggested, were there for over 100
8 years. These schools and other communities moved in after
9 these plating facilities. Los Angeles was once a proud
10 manufacturing base as was Orange County, and the central
11 parts of these cities manufactured and utilized this
12 chemistry. Everything else was built around it.

13 Thank you very much.

14 (Applause).

15 BOARD CLERK HARRINGTON: Thank you.

16 Next is Maria Granadino.

17 MARIA GRANADINO: My name is Maria Granadino. I
18 have been working at Aircraft X-Ray Lab for over 30 years.
19 I'm a lab supervisor. As a single mother, this job gave
20 me the opportunity to buy a house and put my two daughters
21 through school. While eliminate an industry with minimal
22 emissions that is already regulated. Many families like
23 mine will be affected.

24 (Applause).

25 BOARD CLERK HARRINGTON: Next is Jim Meyer.

1 JIM MEYER: My name is Jim Meyer. After 23 years
2 at Boeing, I thought I knew a little about airplane parts,
3 so I borrowed money against the house and bought some
4 property in West Long Beach. There's no residential
5 population there at all. I'm next to the port, the
6 railroads, some refineries and 5,000 diesel trucks. I
7 bought a state-of-the-art HEPA control system and we began
8 repairing flight critical aircraft parts with chrome. We
9 emit two grams of chrome per year. That's two paper
10 clips. We've never used PFAS or PFOS. There are no
11 schools, residences, or anything there except refineries,
12 rail, the port and a thousand -- 5,000 trucks.

13 We're already 100 percent compliant to Rule 1469.
14 We've never had a violation or even a complaint. We
15 employ 15 skilled craftsmen and -- from a local community
16 and buy medical, dental, and retirement plans for them and
17 30 more dependents. We've operated for 16 years through a
18 pandemic and the Great Recession. Now, I get 120 seconds
19 to get you to understand that a ban is a death sentence
20 for this business. We will be terminated in 2039 and be
21 on death row for the next 16 years. I get 120 seconds.

22 You're important people deciding the winners and
23 losers. You're also being deceived. AB 617 set up a
24 process whereby local communities were to have a say about
25 pollution. I'm on the board of the Westside Business

1 Association of Long Beach. Westside, Wilmington, and
2 Carson were the first AB 617 community. And the CERP they
3 wrote did show concern for hex chrome, but did not
4 identify chrome platers as the problem.

5 In fact, five of the first six AB 617 communities
6 did not identify chrome platers as the hex chrome problem,
7 but one did, so now we're going to get a non-local
8 statewide ban imposed because of a local situation in one
9 area. It was not the intent of AB 617 to steamroll
10 community decisions, but CARB is costing jobs in West Long
11 Beach and Carson.

12 BOARD CLERK HARRINGTON: Thank you. That
13 concludes your time.

14 (Applause).

15 BOARD CLERK HARRINGTON: Gary Wannlund.

16 GARY WANNLUND: Good morning. I work -- I've
17 been in the industry for over 50 years and I'm still
18 working, but I've enjoyed it. And I've worked with
19 chrome, hexavalent chrome all my life in -- as a
20 laboratory setting, as a plater, as -- and the
21 environmental end of it also.

22 And this -- it seems to me that this is very hard
23 for me to believe that you classify chromium as 500 times
24 more toxic. I am 74 years old. I don't have cancer. I'm
25 fine. The people in our shop are 60 -- 50, 60, one is

1 older than me believe it or not still working, healthy.
2 Okay. This is rather deceptive this 500 times more toxic
3 than diesel fuel. My -- our company, the company I work
4 for, emitted 14 grams of total chrome last year. That's
5 total chrome. Hexavalent chrome is part of that and the
6 other type of chrome, trivalent, is that other part.

7 We overhaul landing gear for the aircraft
8 companies. And we have a -- we chrome plait one -- in one
9 shop, move it over to the next shop, the machine shop, to
10 get it ground, processed. If we ban hexavalent chrome and
11 we can't do it at that shop, we have to move. We can't do
12 business, because we can't take a part, have it chrome
13 plated in Arizona, ship it back, have it machined. It's
14 not going to work. Our turnaround times will be killed.

15 So I think that the Board -- and you're going to
16 lose a lot of business, because aerospace and defense, and
17 that's going to leave California.

18 (Applause).

19 BOARD CLERK HARRINGTON: Thank you.

20 Next is Dane M.

21 DANE McCUEN: Good morning. My name is Dane
22 McCuen. I operate and work in a zinc plating facility in
23 Fresno, California. Although these bans don't directly
24 affect me and my company, I'm here in support of the rest
25 of these employees and business owners and to agree with

1 what they have said earlier is that this is disingenuine
2 at best. Even in your own presentation, you said your
3 numbers were speculative based on information that you
4 don't really have.

5 We've given you pipe charts and information that
6 have actual information. You have business owners giving
7 you actual emissions numbers showing that you have won.
8 You have regulated us 99 percent down to one percent
9 emissions. Where do we go from here? You are worried
10 about the leaky faucet in the kitchen while your laundry
11 room is flooded. There are other things to take care of.
12 Please leave this industry alone.

13 Thank you.

14 (Applause).

15 BOARD CLERK HARRINGTON: Thank you.

16 Next, is Jerry Desmond.

17 JERRY DESMOND: Hi, Chair and members. Jerry
18 Desmond with the Metal Finishing Associations, Northern
19 and Southern California.

20 I would just like to maybe highlight four of the
21 key issues that, you know, our speakers and the members
22 are saying today for consideration before May. One would
23 be the decision that 1469 by South Coast and the
24 investment that the companies have made and the regulatory
25 agency made over 25 workshops and three years of

1 development that that is insufficient for decorative
2 chrome plating to reduce their emissions to address
3 housekeeping -- I mean, fugitive emissions, which was the
4 primary intent of 1469 is to address fugitive emissions.
5 It's in the rule for hard chrome plating until 2039. It's
6 not in the rule as an alternative for decorative chrome
7 plating shops.

8 Second point is as is emerging here is the
9 distinction between decorative chrome and hard chrome is a
10 bit arbitrary. If there were -- there are many of our
11 members who have non-disclosure agreements for the kind of
12 products that they product, but you see the hints of
13 medical devices, functionality of some of these products.
14 And so why is the distinction not clear between dec and
15 hard?

16 Third would be as we -- there's an assumption in
17 the rule that the bans are going to move the market. If
18 the bans are going to move the market, A, the two bans
19 that are cited one of them has a variance that allows a
20 facility if it can't comply to get out of the ban. And
21 then the second distinction is that when we talk about our
22 products, they can move to other states and countries.
23 You're not going to take your dry cleaning to Nevada to --
24 you know, to have Perc in your dry cleaning.

25 And then lastly, we think that 1469 plus balances

1 the Health and Safety Code section I think it's 39666 that
2 talks about balance -- best available control technology
3 as opposed to looking at costs and the cost to the
4 industry and the acceptability. So we believe all those
5 should be addressed as this moves forward.

6 Thank you.

7 (Applause).

8 BOARD CLERK HARRINGTON: Thank you.

9 Next is Albert Ybarra.

10 ALBERT YBARRA: Hello. My name is Albert Ybarra.
11 I'm a second generation metal finisher, homeowner, father.
12 Putting this ban in place will not only ruin me, it will
13 ruin my employees. I'm on the path to ownership, Sherm's
14 Custom Plating. And it will just -- it will ruin a
15 community of all my employees, my father.

16 That's all I've got to say. Thank you.

17 (Applause).

18 BOARD CLERK HARRINGTON: Next is Ricardo Osorio.

19 Ricardo?

20 RICARDO OSORIO: Good morning. I am Ricardo
21 Osorio. I've been working in plating doing the hard
22 anodizing process almost for 33 -- 34 years. I have two
23 children -- two of my older family work in the same
24 company. One of them has been working in the there for 14
25 years, the other one close to seven years. And I start

1 working in there when I was 18 years old and I became the
2 operation manager. And I -- I'm in charge over a hundred
3 employees more than that. And we being -- having
4 employees working in there more than 40 years. One just
5 retired not too long ago. He was 72 years and he still
6 was trying to come back to work as part time. So that to
7 not too long ago, a lot of our companies were monitoring
8 by soon to read hexavalent chrome and none of them give
9 crazy report of nanograms in those monitorings. So we are
10 for to ask for us to keep our jobs.

11 Thank you so much.

12 (Applause).

13 BOARD CLERK HARRINGTON: Jessie Urias.

14 JESSIE URIAS: Good morning, members of the
15 Board. My name is Jessie Urias. I work for EME. I've
16 worked there since 2017. I even got my son a job at the
17 company. I was involved with the -- when the company
18 worked with AQMD in Southern California. I watched as EME
19 spent over a quarter of a million dollars to add controls
20 on passivation tanks and chrome sealers. The source
21 testing was very expensive, but it proved over and over
22 that emissions were next to zero. The technology to -- is
23 there to control the chrome emissions and we will -- and
24 we all know it. The technology is not there to build an
25 airplane, launch a satellite or fly a helicopter without

1 chrome and we all know that.

2 You guys talk about disadvantaged communities. A
3 lot of us -- I mean, we live there. I've lived in Compton
4 my whole life. The actual -- the pictures that you guys
5 showed are of my middle school. You know, if you guys --
6 these companies have given us an opportunity to better
7 ourselves. I think if you guys put these things in place,
8 it's going -- it's going to ruin a lot of us, so I ask you
9 ask guys to please reconsider that.

10 Thank you for your time.

11 (Applause).

12 BOARD CLERK HARRINGTON: Salvador Romero.

13 SALVADOR ROMERO: Board members, thank you for
14 letting me speak this morning. My name is Salvador
15 Romero. I am a painter at EME. The company is located in
16 the city where I live and that is a very good thing. I
17 have worked at two different plating companies and all of
18 them in my community.

19 I understand that in a number of years, the plan
20 is to no longer allow our work. Nearly, all of what we do
21 involves some kind of chrome to protect the metal. We
22 don't want any of our work to get sent to another state,
23 Mexico, Texas, or other places. Help me and other
24 painters keep working in the communities we live in.
25 Please don't get rid of chrome processing. That's all.

1 Thank you.

2 (Applause).

3 BOARD CLERK HARRINGTON: Jessie Urias, Jr.

4 JESSIE URIAS, JR.: Hello, Board members. My
5 name is Jessie Junior. You guys just heard my father
6 speak. I've been at EME plating for about four years now
7 working in the laboratory. Me any my two co-workers, we
8 make sure that every processing tank has the perfect
9 concentration of chemicals in water. I see that air
10 suction on our chrome anodizing tank and four other tanks
11 in action every day. I check the air flow with smoke
12 pipes and I inspect for leaks. I understand that other
13 stops in California also have coverage, control, and
14 filters. Our Air District proved that they work and they
15 work well. I have three children to support. Let me keep
16 my job. Please do not make all the work go to Arizona.
17 No ban. Thank you for your time.

18 (Applause).

19 BOARD CLERK HARRINGTON: Samantha Torres.

20 SAMANTHA TORRES: Can I speak? Sorry. Good
21 morning, everyone. My name is Samantha Torres. I'm a
22 masking specialist at EME, Inc. I've been working there
23 for about four years. And within those four years, I've
24 gained skills like learning how to use a micrometer, read
25 blueprints, and learning how to use engineering software

1 programs. I really enjoy what I do and I would like to
2 continue to grow with this company, so please don't take
3 these kinds of jobs away, as they would affect many
4 people. They are a good path to learning and growing in
5 skills. I ask you to please change the rule in front of
6 you and make it an emission-based rule.

7 Thank you.

8 (Applause).

9 BOARD CLERK HARRINGTON: Thank you.

10 And as a reminder, the sign-ups for both
11 in-person and Zoom is now closed.

12 Our next speaker is Ed Appleton.

13 ED APPLETON: Good morning. My name is Ed
14 Appleton. I'm owner and President of Metal Finishing
15 Marketers in East Los Angeles. We're a family-run
16 business. I'm a native Californian. This is my home, so
17 our environment here is quite important to me as well.
18 Trivalent chrome is not a suitable alternative for
19 everything. We're getting closer with that technology for
20 some industries, but when it comes to essential industries
21 such as mine, which I support the automotive and
22 motorcycle industry, and a hundred percent of my business
23 is hexavalent chrome. It needs to be functional. Cars,
24 motorcycles, they're exposed to the elements. They need
25 to have that corrosion resistance capability or function,

1 along with the color. A lot of the -- our clientele are
2 classic car refurbishers, they compete against others.
3 And if their chrome doesn't stand up to the others,
4 they're not going to succeed in what their goals are. So
5 it's very important for the appearance and the corrosion
6 factors to be involved.

7 Also, I wanted to mention as far as the impact
8 upon our environment. I have a chart here where our
9 facility -- and this is supported through documentation.
10 But our hexavalent home amp hours permitted by SCAQMD is
11 based upon environmental modeling. We're allowed over
12 four million amp hours per year. Last year, we used
13 346,000 amp hours. That is less than eight percent that
14 we're permitted.

15 So the input that is going to the environment is
16 very well controlled with 1469 and I would recommend that
17 that be promoted to the entire state.

18 Thanks very much.

19 (Applause).

20 BOARD CLERK HARRINGTON: Bobbi Burns.

21 BOBBI BURNS: Thank you. My name is Bobbi Burns.
22 I am the President of the Northern California Association
23 Metal Finishers and the General Manager of Global Plating
24 in the Bay Area, Fremont, California. And thank you for
25 having us. Thank you for everyone who showed up today to

1 represent our industry. I realize that our job numbers
2 may look insignificant in the total number of jobs in
3 California as the Table 5.2 in the SRIA shows. We are
4 0.01 percent of the baseline. But I have 24 employees
5 with families, some of which who have been with me for
6 more than 30 years. And we've always met all of the
7 regulations and maintained a safe working environment. I
8 also live in the same neighborhood as my shop.

9 I'm here today to urge CARB to provide a uniform
10 emission-based rule for all of the processes in the ACTM
11 and not phase out hex chrome. Banning chrome plating does
12 not make the demand for it go away. It will drive the
13 customers to get the work done out of state, creating more
14 mobile emissions while other states don't have the strict
15 regulations that we have followed in the past 30 years.
16 Decorative is not just for aesthetics. It's also used for
17 functional purposes on machine parts, including medical
18 parts for its protection against corrosion and wear
19 resistance.

20 It's worth noting that the decorative process has
21 the smallest emissions and the least amp hours. We have
22 the same chemistry and same controls as hard chrome, but
23 the process time is second not hours. It's not a hundred
24 percent chromic acid and it's not boiling.

25 We have an air scrubber and industrial drapes on

1 the openings. This was not a requirement for me at the
2 time, but it was my decision. I also scrub my shop floor
3 weekly and maintain the housekeeping and best management
4 practices that I feel are important. Eliminating chrome
5 will not save the -- will not solve the hex chrome
6 emission issues in this or any other state. We are less
7 than one percent of the total stationary sources, not
8 including mobile sources.

9 BOARD CLERK HARRINGTON: Thank you. That
10 concludes your time.

11 BOBBI BURNS: Please don't allow my business to
12 become a relic like you have out there in your courtyard.

13 (Applause).

14 BOARD CLERK HARRINGTON: Next is Sylvia
15 Rodriguez.

16 SYLVIA RODRIGUEZ: Good morning. My name is
17 Sylvia Rodriguez. I own and operate AMEX Plating. My
18 40-year old business specializes in electroless nickel and
19 anodizing, and we help serve the electronic industry,
20 semiconductor, computer, telecommunications, aerospace,
21 and defense. I can tell you that I love my job. I am so
22 proud of what I do, because I consider myself the ultimate
23 environmentalist.

24 My services -- my plating services help promote
25 the long life of parts. We help prevent corrosion. We

1 make parts harder, make them -- help stay longer in life,
2 so we are -- we are definitely the ultimate
3 environmentalists is what we do. At the same time, living
4 and doing business in California, one of the most
5 strictest regulatory environments here in the nation, I
6 can say I go to bed, you know, feeling good what I do and
7 knowing that I am not only doing the services I provide,
8 but doing it in a very safe manner.

9 So what I urge the Board to consider is the
10 emission-based Rule 1469 to be placed throughout
11 California, because I know that's going to work.

12 Thank you so much for your time.

13 (Applause).

14 BOARD CLERK HARRINGTON: Karen Sigaran.

15 KAREN SIGARAN: Good morning. My name is Karen
16 Sigaran. I work at EME. I wanted to come here and just
17 ask you to not get rid of my job. I come from a second
18 generation chromic family. My father is currently here.
19 I have -- I started working at EME when I got sick and my
20 employer has been there and very flexible with me and my
21 family for many, many years. I had my first child and
22 they were more than happy to be there for me and my
23 family.

24 I am a customer service rep at EME and I am very
25 good at my job, I want to believe. I have worked many

1 departments at the shop. I have done a lot of stuff at
2 the shop and I kind of got stuck at customer service.
3 I -- just please don't get rid of my job.

4 Thank you.

5 (Applause).

6 BOARD CLERK HARRINGTON: Jose Sigaran.

7 JOSE SIGARAN: Good morning. Hi. I am Jose
8 Sigaran. I have worked in a plating company for 28 years.
9 My daughters have worked in the company. One daughter for
10 seven years now. I have even been their supervisor in the
11 past. I operate a chromic anodizing tank. I see work
12 from Boeing, Lockheed, Northrop, SpaceX. I like to think
13 that I keep the F-35 fighter and a couple of secret
14 bombers in the air. I make traveling by plane safe and
15 dependable to the anodized tank. I use completely
16 covered, so I make -- I mean, so all emissions go through
17 the HEPA filters. The tank has had filters on it for all
18 my years. Please force all shops to completely control
19 their chrome emissions and please do not shut us down. I
20 do not want to lose my job and do not want my family to
21 lose their jobs.

22 Thank you.

23 (Applause).

24 BOARD CLERK HARRINGTON: Maritza Batres.

25 MARITZA BATRES: Good morning, members of the Air

1 Resource Board. I'm Maritza Batres. I'm a quality
2 inspector at EME at a plating company. I check adhesion
3 and safeness of coating before the parts are placed on a
4 vehicle or an airplane. And I live -- and I live very,
5 very close to work. I've been working there for four
6 years. My whole family as actually benefited from the
7 aerospace and defense industry. And I like the work I do
8 and I think I'm good at it. And I don't want to lose my
9 job. Your decision is not only a decision, but you're
10 deciding on people's livelihoods, so I ask you not to ban
11 chromic anodizing. Allow the use of proven filtration
12 systems to keep our air pure.

13 Thank you for your time.

14 (Applause)

15 BOARD CLERK HARRINGTON: Ken Valine.

16 KEN VALINE: Hi. My name is Ken Valine and I'm
17 with a company called ABCO Products. We distribute
18 chemicals and equipment in the metal finishing industry.
19 I'm here today to support the metal finishers, chemical
20 suppliers, and union -- and users at all of California,
21 including yourselves, yes, CARB.

22 I have 23 years experience in this industry.
23 Your proposal to eliminate hex chrome term --
24 terminology -- your terminol -- terminology, decorative
25 shops, when they are functional chrome shops would greatly

1 impact not only persons with automobiles or motorcycles,
2 but most shops also provide services to medical,
3 electronics, lighting businesses, et cetera.

4 This proposal would cost not only hundreds, but
5 thousands of jobs from not only the plating shops closing,
6 but also the manufacturers of the products and even the
7 end users in California all paying state -- California
8 State tax in payroll to sales tax in products sold.

9 Because of the functionality of the hex chrome to
10 tri-chrome is still being developed as a direct
11 replacement, I feel more time is needed for manufacturers
12 of the chemicals to come up with the perfect solution.
13 Believe me as a parent of five and nine grandchildren,
14 clean air, water, and all pollution is important to me for
15 the well-being of our future generations. I know each of
16 my 15 chrome shops that I personally service feel strongly
17 about this, not only for their families, but their
18 employees also. I ask when this proposition does become
19 law, that CARB needs to take a look to coordinate with
20 other State agencies to plan to assist the metal finishers
21 businesses in transitioning costs.

22 Thank you for your time.

23 (Applause).

24 BOARD CLERK HARRINGTON: Thank you.

25 Next is Frank Aguilar.

1 FRANK AGUILAR: Good morning. My name is Frank
2 Aguilar. I was once owner in a plating shop in San
3 Carlos, since closed down by overregulation. We closed in
4 2015. I started working for a company, a Tier 1 chemical
5 manufacturer Chemeon out of Minden, Nevada. I'm their rep
6 here in California. And all these stories just are too
7 much.

8 Everybody depends on the plating industry. I've
9 been in the plating industry for almost 60 years and my
10 brothers, and myself. My dad started it. And you need
11 it. You need it. It's not time to get rid of it. It's
12 time to look into -- there's -- my boss wrote me up a
13 whole bunch of stuff.

14 (Laughter).

15 FRANK AGUILAR: He said we are asking you to
16 considering the following steps for CARB to implement in
17 an effort to help -- truly help end the use of hex chrome
18 for California and the world. He goes, in the next six
19 months, CARB and quality air management researchers should
20 work with the industry and metal finishers to identify all
21 specifications on industry coating standards that still
22 call for the use of hexavalent chrome. Take the
23 information and begin collaborative work between the OEM
24 and the prime contractors, save chemical productors[SIC]
25 and so forth, and so on. He goes on and on.

1 (Laughter).

2 FRANK AGUILAR: Hopefully, he's not watching.

3 (Laughter).

4 FRANK AGUILAR: We really wrote up a lot here.

5 Anyway, you need to think about this. You can
6 hear all these people.

7 (Applause).

8 FRANK AGUILAR: You can see all these people
9 here. Take into account what they do.

10 Thank you.

11 BOARD CLERK HARRINGTON: Thank you.

12 CHAIR RANDOLPH: That's a -- that's a perfect
13 time to remind you that we do take written comments. We
14 will be accepting written comments till the end of this
15 hearing and then we will also accept written comments for
16 the second hearing as well. And we do have many written
17 comments already that we have reviewed and will accept
18 more. Thank you.

19 BOARD CLERK HARRINGTON: Next is Terry
20 McGuinness.

21 TERRY MCGUINNESS: I want to thank the Board
22 members that took the effort to show up today. Thank you.
23 My name is Terry McGuinness. Since the implementation a
24 RCRA, which is the Resource Conservation Recovery Act of
25 1960 -- or 1976, I have provided hazard waste management

1 services to commercial, industrial, and military sectors
2 of California since 1977. I had the honor to be on the
3 Board of the National Association of Surface Finishing and
4 Metal Finishers Association of Northern California.

5 Over the last 46 years, I've seen many changes in
6 the continuing effort of our regulatory community to
7 eliminate industrial growth in the state of California.
8 This ban will immediately and negatively impact operations
9 for many families-owned small businesses. This ban will
10 present decorative and functional chrome(VI) plating
11 facilities with unreasonable choices, close their
12 operations immediately or those costs will start at the
13 low end of \$375,000 a year to over a million dollars
14 depending on the size of the facility at the closure.

15 The current cost of the disposal of a thousand
16 gallons of chromic acid bath is \$7,500. This does not
17 include the management of the surrounding support
18 equipment and the processes. When the facility is forced
19 to close, it will cause those hard working Americans to
20 lose their jobs and their family's livelihood or invest
21 significant dollars over three years to comply with the
22 new CARB emission rules and ultimately close their
23 operations on January 1st, 2027, the proposed ban date.

24 If a facility operator is not properly financial
25 prepared for such an event, the cost will then need to be

1 absorbed by the State Superfund budget, another burdened
2 passed on to the hard working California Americans.

3 Please don't think that this ban is going to stop
4 chrome plating. It will simply just underground with no
5 environmental controls. This ban is a painfully
6 irresponsible idea and your staff should be embarrassed to
7 have been brought this flawed data before the Board.
8 Thank you for your time.

9 (Applause).

10 BOARD CLERK HARRINGTON: Fernando Roaro.

11 FERNANDO ROARO: Good morning. I'm glad to have
12 the opportunity to talk to you. My name is Fernando
13 Roaro. I'm a racker and a painter in Compton, California
14 and I also live in Compton. I plan to be painting for Los
15 Angeles County in the next few months. The experience I
16 gained in plating and processing has made this possible.
17 I also request an emission-based rule, one that can be
18 complied with like the Southern California AQMD rule.
19 This is fair. These will protect working class people
20 that need these jobs. Don't put thousands of people out
21 of jobs. Don't ban anodizing, chrome plating, and the
22 painting. Control it. Thank you.

23 (Applause).

24 BOARD CLERK HARRINGTON: James Perez.

25 JAMES PEREZ: Good morning. I just want to say

1 thank you for giving us a voice about this topic. My name
2 is James Perez. I work for Aircraft X-Ray Laboratories.
3 I've been working for there for 10 years now. And that
4 place gave me an opportunity to grow, to learn, to build a
5 career. It's something that I'm very passionate about. I
6 love what I do. We have so many people. Anybody that
7 goes on airplanes, goes and travels is because we
8 inspected those parts a hundred percent and we made sure
9 that everybody is safe when they travel. I just want to
10 say that -- that the emissions from -- that the
11 requirements that we do for AQMD it's really strict and
12 they come and inspect us, and they make sure that we do
13 everything correctly as well. So we just ask that you
14 speak with our leaders once again and come with a fair
15 agreement on both sides that will make both sides
16 satisfied.

17 Thank you.

18 (Applause).

19 BOARD CLERK HARRINGTON: Kurt Enderle.

20 KURT ENDERLE: Good morning, Board. Thank you
21 for the opportunity to speak today. I've been in the
22 aerospace industry 40 years now and all of it -- over 40,
23 all of it in metal finishing related positions. It's a
24 privilege to be part of this industry and I take great
25 pride in what I've accomplished and what our organizations

1 has have done, including aircraft x-ray -- especially
2 aircraft x-ray. I am a huge proponent of emission-based
3 regulations. And with the best available technology that
4 can be used, I think that's a better solution than an
5 overall ban.

6 It's -- it really, really breaks my heart to see
7 these young people out here that have such desire, skills,
8 hope, and want to work. They represent a huge, huge
9 amount of people that aren't here. And it's wonderful to
10 see the young industry -- or the industry with young
11 people that want to keep it going as well as the older
12 people that like to see it continue as well. So I would
13 encourage you to review your ban and again encourage
14 emission-based regulations rather than just shutting down
15 people, and making them lose their jobs, and look
16 elsewhere, and start their careers over.

17 Thank you.

18 (Applause).

19 BOARD CLERK HARRINGTON: Thank you.

20 Matt McQuone.

21 MATT McQUONE: Hello. My name is Matt McQuone.
22 I am with Commercial Electroplating. We've been in
23 business for 67 years. I am third generation owner and
24 proud of it.

25 We did hex chrome plating, functional,

1 decorative, and we got rid of it and we put in tri-chrome.
2 And I can probably tell you more than any other person in
3 this room, I ran tri-chrome. It doesn't work. It's not
4 the same. We had it in for one year and we had to remove
5 it, because the work was getting rejected. It does not
6 match. When you are doing this type of plating,
7 functional decorative, it's the same chemistry. It's the
8 same chemical, but yet one gets to be in 2039 and one gets
9 to be in two years. It doesn't make any sense, okay?

10 You already have the Rule 1469 in place. Utilize
11 it across the state. Why are we going to ban something
12 that all of you guys use in your daily lives. You
13 probably don't realize how much plating is done that's in
14 your car that you drive here, in coffee maker that you're
15 typing on right now, the gold plating, the nickel plating
16 that is needed in those products that we provide here in
17 this state that you're going to outsource somewhere else
18 where there's no controls at all or less, if that.

19 I have employees that have worked for me -- for
20 my grandfather actually excuse me -- that worked for my
21 grandfather that still work for me. We don't have any
22 problems. There's no health issues. I'd like to know
23 where all these people are that are complaining about all
24 this stuff. I'd like to know where the accountability is
25 with you people, with our other government entities that

1 build the neighborhoods around these facilities, not that
2 these facilities were built in these neighborhoods.

3 BOARD CLERK HARRINGTON: Thank you. That
4 concludes your time.

5 MATT McQUONE: Your information is wrong about
6 that.

7 (Applause).

8 BOARD CLERK HARRINGTON: Next, we have Justin
9 Guzman.

10 JUSTIN GUZMAN: Chair Randolph, a pleasure seeing
11 you again. Board, thank you for your time. My eyes are
12 still bleeding from reading these last couple days, so
13 this is -- try and understand, you know, chrome, and what
14 it is, and what we can do, not being the smartest, I
15 guess. You know, this new report that published 2019, the
16 application new generation of air monitoring methods of
17 Southern California based and prepared for AQMD along with
18 Montana State University. You know, they've got this very
19 expensive, very nice van that drives around -- that drove
20 around for 30 days. It talks about rail. It talks about
21 monitoring foundries, metal finishing, cement hot spots
22 when all the Paramount thing was going on and they found
23 nothing.

24 And you know, in that time, you know, we were
25 doing air monitoring -- or they were doing air monitoring

1 in facilities' fence line. The chrome coming onto the
2 facility was higher than the chrome exiting. You know,
3 looking at the windrows and all that good stuff.

4 You know, that being said, you know, we're
5 throwing away decades of work that AQMD has done in
6 understanding the metal finishing, instead of capitalizing
7 and expanding that. I think we're missing a huge
8 opportunity here. I've had the opportunity to go to other
9 shops across the country and I ask them about
10 environmental controls and inspections. For years, nobody
11 comes in. Every three months they come into my shop.
12 They understand the process. They know what to look for,
13 making us better at what we do.

14 You know, that being said, we just won CWEA P-3
15 award, the cleanest shop in the state. I'm going up to
16 San Francisco Monday to pick up an award. I've
17 invested -- or the company has invested a lot of money
18 being a good steward. We got an award from the city for
19 the same reason. We can control it. Give us an
20 opportunity. Thank you.

21 (Applause).

22 BOARD CLERK HARRINGTON: Thank you.

23 Jeff Hannapel.

24 JEFF HANNAPEL: Good morning, Board members. I'm
25 Jeff Hannapel. And I'm here on behalf of the National

1 Association for Surface Finishing and our California
2 members.

3 The surfacing industry has always been committed
4 and very effective in reducing hexavalent chromium
5 emissions. Since 1995, we've reduced reductions over 99.9
6 percent nationwide. Those reductions have been even
7 greater here in the state of California, because of the
8 stringent emission-based regulations that you have here.

9 If we look at the ban on decorative plating here
10 in California, that would remove less than one-tenth of a
11 pound of hexavalent chromium emissions or just over three
12 percent of the current emissions from the industry. Now,
13 if we look at the implementation of the emissions-based
14 limits for hard chrome and anodizing, you're going to
15 reduce those emissions by about 50 percent on that.

16 So what does that mean? So for the first 15
17 years of this rule, over 93 percent of the reductions that
18 are going to be seen are from emissions-based limits, not
19 from the ban. And that's why we're urging the Board to
20 consider emission-based limits.

21 Now, keep in mind for decorative applications,
22 trivalent processes are available for many applications,
23 but not all. Customers have specifications for functional
24 performance in appearance that only hexavalent chromium
25 can meet. Those bans will not extinguish those customer

1 specifications and needs. They will only extinguish small
2 family-owned businesses, good paying jobs, and tax
3 revenues in California. And for this reason, if you want
4 meaningful reductions of hexavalent chromium emissions, we
5 support that and we welcome that challenge. And we
6 believe that this rule should be based on emission-based
7 limits and not a bans. Thank you very much.

8 (Applause).

9 BOARD CLERK HARRINGTON: Thank you. Next is
10 Moses Huerta.

11 MOSES HUERTA: Good morning, Board. My name is
12 Moses Huerta. I'm here as a resident from the City of
13 Paramount. December of 2016, I woke up with a van with a
14 monitor on top of it in -- out in front of my house. And
15 understanding now what the issue is, the hexavalent
16 chromium was being investigated. We fast forward to the
17 height of the investigation, there was 30 monitors within
18 a mile of my home. We now fast forward now from 2016 now
19 to where we are now, I still have monitors near my home
20 investigating this contaminant.

21 We need relief. It is mentioned to -- right now
22 that we as a sensitive receptor. I've come before you
23 with all honesty, I am that sensitive receptor. My cancer
24 does not need help more to advance than what I have now.
25 Me breathing this contaminant within my neighborhood or my

1 city does not need to continue. How much more do I have
2 to endure with this going on? How many more years do we
3 have to be exposed to this that has an ability to
4 controlled and solved.

5 I've grown up in the City around all these
6 industries. Forty-five years -- over 45 years of being
7 around this. How much more do I need to endure? This
8 conversation that's being happening here, I'm in the
9 middle of it. Something has to progress. This notion
10 that this is not an issue, but it is. Please consider the
11 exact -- the conversation in deep understanding what this
12 truly is exposing to us that don't understand the deep
13 consequences in the organizations and the businesses. I
14 am in the middle, but I am somebody who's being affected
15 by this. Please move this forward.

16 Thank you.

17 (Applause).

18 BOARD CLERK HARRINGTON: Thank you.

19 Jesus Pardinias.

20 Jesus?

21 Okay. Next is Manuel Barajas.

22 MARIBEL BARAJAS (through interpreter): Good
23 morning. My name is Maribel Barajas no Manuel. I work
24 for AAA Plating. The reason I'm here today is because
25 I've been working for the company about seven years, but I

1 have co-workers who have been with the company 35 years,
2 maybe even more and they are very, very healthy. They
3 have no health problems. Maybe there are people who are
4 experiencing health problems, but I haven't observed any
5 in this company or in this industry. Perhaps, they're
6 working in other industries.

7 And the reason I'm here is because it would be
8 such a tremendous blow to me. I'm a single mom. I have
9 two sons, two grandchildren, and I depend on this income.
10 If it were to be shut down, I would be greatly affected.
11 And I would just really urge you, please consider your
12 next steps seriously, because it's not going to affect
13 just myself. It's going to affect many, many people. I
14 think of myself, yes, but also my family, my co-workers,
15 their families, my family in Mexico, because I work and I
16 send them money. So many people are going to be affected
17 by this. And I truly hope you'll consider our situation.
18 Thank you.

19 (Applause).

20 BOARD CLERK HARRINGTON: Olivia Meza.

21 OLIVIA MEZA (through interpreter) Hello. I'm
22 Olivia Meza. I also work for AAA Plating. I've been
23 working there for 33 years. I have two children. Excuse
24 me. We're all well. I live really close by to the shop.
25 And I would be very, very sad. I don't want you to shut

1 this down. I depend on this. My children depend on this.
2 My co-workers we're all sad. What are we going to do?

3 There's so many things on the outside that are so
4 much more dangerous or affect people even more. Here at
5 least, we have a good job. And we're here to support the
6 rest of our colleagues. Please take a look at our
7 situation. Please consider our point of view. Please
8 count our vote.

9 And thank you so much for your time.

10 (Applause).

11 BOARD CLERK HARRINGTON: Rolando Becerril.

12 ROLANDO BECERRIL(through interpreter): Rolando
13 Becerril for the record.

14 Good morning. I'm here also to support AAA
15 Plating. I'm here because I've been there working for
16 just over 20 years. And I'm here because not -- it's not
17 just our families that depend on this -- on this work,
18 many other families. There's so many other even business
19 things that depend on what we do. And please consider
20 there's so many other sources of things that are so much
21 more dangerous. There's drugs. There's cigarettes.
22 Please, give your attention to those things, not this.
23 Don't shut us down. We want our jobs. All my colleagues
24 we're all here to support. We want to be able to work and
25 work well. And that's all I wanted to ask. Please

1 consider that. Thank you.

2 (Applause).

3 BOARD CLERK HARRINGTON: Thank you.

4 Next is Estela Pineda.

5 ESTELA PINEDA (through interpreter): Good
6 morning. My name is Estela Pineda and I'm here. And I'm
7 here supporting AAA Plating, the same as my colleagues,
8 because we all depend on this work. We depend on this
9 business, not just myself, my family. I have even family
10 in Guatemala that depends on this, because I help them.
11 And I'm here to ask you, please consider this seriously,
12 because we're here. We need this. We don't want the
13 company to be shut down. And that's it for me.

14 Thank you.

15 (Applause).

16 BOARD CLERK HARRINGTON: Jerry Wahlin.

17 JERRY WAHLIN: Hello. I'm Jerry Wahlin. I've
18 been in the -- this industry for 28 years. I've been
19 dealing with hexavalent chrome all this time. I'm still
20 alive. I don't have any lesions. I think I'll make it a
21 couple more years.

22 I have a couple interesting statistics I'm going
23 to bore you with. My company has 108 employees, 105 of
24 those are minorities of all kinds. Sacramento talks about
25 jobs for minorities. Everybody out here supplies jobs

1 mostly to minorities. Most of my employees maybe have
2 graduated from high school or not graduated at all. We
3 hire them, we train them, and they come along and they
4 make good money. What you're talking about here now is
5 killing all of these businesses that deal hexavalent
6 chrome over the next few years. And your effects, what
7 you're talking about up there is flat wrong.

8 The least you could do is wait for our study,
9 which we're spending a lot of money on, which will show
10 you that you can live for 30 years exposed to 200
11 nanograms for 30 years daily that's per cubic liter, and
12 you won't have a lesion, you want have anything wrong with
13 you. This study is close to being done. The least you
14 could do is wait for that study and then make a decision,
15 instead of cutting all these people out and killing all of
16 our jobs.

17 Thank you.

18 (Applause).

19 BOARD CLERK HARRINGTON: Rodrigo Guzman.

20 RODRIGO GUZMAN: Good morning. I also work at
21 AAA Plating. I'm a painter. I've been there for 11
22 years. It will hurt me if you guys shut us down, because
23 it provides for my family and for everybody else here too.
24 So a lot I really want you to consider what you guys are
25 trying to do, because it will hurt me and hurt everybody

1 else. So, please. Thank you.

2 (Applause).

3 BOARD CLERK HARRINGTON: David Vianello.

4 DAVID VIANELLO: Yeah, Vianello. Hi. Good
5 morning. My name is David Vianello. I'm here to
6 represent LM Chrome Corporation. We're a metal finishing
7 decorative chrome shop in Southern California. We as
8 metal finishers are more than an industry. We are part of
9 all communities. Communities have been built around
10 industries in general. Some of our employees are
11 neighbors to our facilities. Our industry has employed
12 thousands of workers who have committed their lives to our
13 metal finishing industry, because we are passionate about
14 what we do and need to support our families. We at LM
15 Chrome support 60 families.

16 We cannot lose our job because of a ban. This
17 will eliminate job opportunities in our near future. We
18 urge you not to ban our industry. We, as Californians,
19 need to keep industries from leaving California. We give
20 maintenance quarterly to our air pollution control system
21 that includes 4,000 HEPA filters that need to be replaced
22 at least every couple of years. We already operate in
23 enclosed facilities that control fugitive emissions to a
24 minimum. We have been complying with our permits. This
25 ban will not make air quality better. The metal finishing

1 industry does not need to be banned. The metal finishing
2 industry will keep on pleading for an emissions-based
3 rule.

4 Thank you.

5 (Applause).

6 BOARD CLERK HARRINGTON: Thank you.

7 And my apologies, I skipped Wesley Turnbow.

8 WESLEY TURNBOW: No problem. Chair, Vice Chair,
9 members of the Board, I appreciate you guys sitting up
10 there and paying attention. It's a long process. I know
11 you're aware of it and been through it many times, but
12 thank you.

13 I can't express how seriously I see what's going
14 on here. I've been, like so many others, in this for a
15 lot of years. I know a lot. I wish I had an hour to talk
16 to you about health reports and what other countries are
17 doing, what other states are doing. I wish -- I wish we
18 could just go on and on, but I'm going to talk on a couple
19 things.

20 My name is Wesley Turnbow. I run a family
21 anodized and painting company in Compton, California. My
22 father started it in 1962. My grandfather joined. My
23 uncle joined. They've all retired. We employ 100
24 wonderful people. You've seen some of them in front of
25 me. And I want to highlight these two facts. Current

1 source control technology works and it works incredibly
2 well. We are the poster child for it. And two, I want to
3 talk too, there's just no need to test these controls
4 every two years. It's wildly expensive and these systems
5 are rigorous.

6 So let's talk about the source controls. Our
7 company placed air suction HEPA filtration on its large
8 chromic tank 25 years ago, way ahead. We worked with AQMD
9 to write the original rule, years and years ago when they
10 didn't know a darn thing. And we -- I submit to you, that
11 AQMD placed fence monitoring five years ago right on each
12 side of that tank. It was perfectly placed. The wind is
13 consistent offshore and predictable and they caught it
14 right in between. That testing I submitted to you. It's
15 part of the record. We have HEPA stacks right there in
16 the middle, two monitors. Results, 0.00 nanograms. That
17 obviously includes fugitive, because everything is going
18 to be caught by those monitors.

19 These things work. I don't know why we don't
20 care. 0.00 nanograms per cubic meter. I mean, that's --
21 I mean, I don't know how much closer to zero you get than
22 averaging 0.00. Now -- so sad. And these jobs matter, as
23 you're hearing.

24 (Applause).

25 BOARD CLERK HARRINGTON: Thank you.

1 Vincent Noonan.

2 VINCENT NOONAN: Staff and members of the Board,
3 thank you for being here today. I was going to come up
4 here with a lot of statistics that you've already heard,
5 but emotion has taken over for me. You've heard from
6 these employees that have been given these opportunities
7 to participate. I am a non-high school graduate. I'm now
8 the Vice President of Operations at Sheffield Platers in
9 San Diego, California. I'm also the President of the
10 Board of the Metal Finishers Association of Southern
11 California and I participate nationally on the American
12 Electroplaters Society.

13 The opportunities that you will be taking away
14 from the communities that are most affected by this are
15 what you're trying to shut down, all of these people here
16 who are supporting their families. It has given me an
17 opportunity to support my family. Give us an
18 emission-based rule. We will control it better than
19 anybody else and we will continue to provide opportunities
20 for Black and Brown disadvantaged White communities.
21 These people come in. We give them training. They get to
22 elevate through these positions to buy a home, to support
23 their families, to give back to the economy.

24 I know there are a number of people on the Board
25 that said that our segment of industry is not going to

1 have an economic impact on California, but it will have an
2 economic impact on the people who need these
3 opportunities. Give them the opportunity. I was able to
4 go back and get a business degree later on in life,
5 because of the opportunity I was given. Please do not
6 take these opportunities away from people who want to
7 better their lives. It's very important. Please provide
8 an emission-based rule.

9 Thank you very much.

10 (Applause).

11 BOARD CLERK HARRINGTON: Thank you.

12 Ingrid Rivera.

13 INGRID RIVERA: Good morning. My name is Ingrid
14 Rivera. I have seven years working as EME. My job is to
15 hard anodize the leading edge of helicopter blades. These
16 blades have to be replaced with such and anodize is the
17 only thing light enough and strong enough to protect them
18 at high speeds. Please, let us to keep our jobs.

19 Thank you.

20 (Applause).

21 BOARD CLERK HARRINGTON: Maria Hernandez.

22 MARIA HERNANDEZ (through interpreter): Hi. Good
23 morning. My name is Maria Hernandez. I also work at AAA
24 Plating. We need your help. I am a widow and this job
25 depends on us. I'm here to support all of my co-workers

1 and we are in need of this job, so please consider this.

2 Thank you.

3 (Applause).

4 BOARD CLERK HARRINGTON: Angelica Cardenas.

5 ANGELICA CARDENAS (through interpreter): Good
6 morning. My name is Angelica Cardenas. And I also work
7 at AAA Plating. I've been working there for seven years.
8 One of the things that I want you to notice is that this
9 is a very small portion of people that are going to be
10 ending up without job. And we're here not just to
11 support, but please hear everything and take into
12 consideration our words. My family depends on this. Our
13 co-workers depend on this. And a lot of people will be
14 left out without jobs.

15 Thank you.

16 (Applause).

17 BOARD CLERK HARRINGTON: Francisca Ballin.

18 FRANCISCA BALLIN (through interpreter): Yes.
19 Hello. My name is Francisca Ballin and I've been working
20 at AAA Plating for eight years. And my father, for
21 instance, is 85 years old. He is going through a rough
22 situation right now. And take into consideration my
23 family, my other siblings, and relatives, my bothers.
24 They actually depend on this job as well. There's other
25 things that they're more harmful. We want this to -- take

1 this into consideration, because cancer is pretty much an
2 entire world. Thank you.

3 (Applause).

4 BOARD CLERK HARRINGTON: Kashiram Patel.

5 KASHIRAM PATEL: I am Kashiram Patel from
6 General-Brite Plating Company. I'm 86 years old and I'm
7 working for the General Plating and Brite Plating since
8 1977, 45 years. And I'm a plater also too. I'm doing
9 addition of the chrome plating. I'm addition and also I'm
10 doing the analysis of the chromers too.

11 In that environment, AQMD allow us only
12 included -- building included 3.5 percent opening all
13 these. Still on the environment me and my all colleagues
14 working for the years and years, and I don't see anybody
15 has sick or anybody got exposure of the cancer also too.
16 So to me taking the -- banning is a negative aspect. It
17 should not be. We have to think about positive. And
18 because we know that in California or entire world car
19 accidents how many people dying, by alcohol how many
20 people dying, by gunshot how many people die. All drugs
21 and everything how many people dying? But they don't --
22 anybody didn't put that ban on car driving, ban on guns,
23 ban on alcohol, they didn't done anything.

24 And here we are only the platers. Chrome plating
25 emission is only 1.75, 1.25, which is really, really low

1 end percentage-wise. And we converting also in trivalent
2 at good time. Support my company. I was doing at a time
3 right now in 2021, we are allowed to use 500 and above
4 that. And chrome plating -- and 2021 just I don't only
5 125,000. Same thing, I reduced to 25 -- go to 25 percent.
6 Same thing in 22, I reduce to 30,000 only. So that is
7 overall and this time it is 25 percent. So I'm not adding
8 any emissions to the country at all. And besides that,
9 there's no work between -- with this -- this state to
10 another state. They not involved between the state to
11 another country, so we are --

12 BOARD CLERK HARRINGTON: Thank you. That
13 concludes your time.

14 KASHIRAM PATEL: -- too much also too.

15 Thank you very much.

16 (Applause).

17 BOARD CLERK HARRINGTON: Next is Dilip Patel.

18 DILIP PATEL: Thank you for giving me opportunity
19 to speak, Board members. I want to just mostly about
20 jobs. Save the jobs in California, please, please. I'll
21 tell you what happened in our company. I've been working
22 for 30 years at General Plating since 1995. We were a
23 small company with 30 employees at that time right near
24 USC. And we were doing hex chrome on a lot of plumbing
25 parts, car parts, home fixtures, and automotive parts. We

1 lost this business to overseas, or near states, or other
2 states. We had to survive to keep the employees, because
3 if you don't have work -- we want to run a profitable
4 business. So in 2005, we had to merge with another
5 company Brite Plating. So we don't want to go through
6 this again lose the jobs, keeping renting again. And
7 AQMD, other fire department, everyone comes and inspects
8 us every quarterly, every month and we follow their
9 guidelines. We follow their rules.

10 So please I have one request that like we're not
11 running like -- say the jobs, we're not running like gig
12 economy here. Please, save the jobs in California, in Los
13 Angeles. I'll give you an example. I went to restroom
14 before I came here in the auditorium. I saw the faucets
15 in the bathroom when I washed my hand is hexavalent
16 chrome. Have anybody noticed it? Why is it important?
17 Because people like the look for it. So please,
18 reconsider this and save the jobs.

19 Thank you.

20 (Applause).

21 BOARD CLERK HARRINGTON: Jose Ochoa.

22 JOSE OCHOA: Good morning. I'm Jose Ochoa. I've
23 been working at Aircraft X-Ray only for one year, but in
24 that one year, I've been able to bring in more family
25 members. And thanks to the opportunity that we've gotten

1 from this industry, we now have much better paying jobs.
2 And things like buying a house doesn't seem like such a
3 distant fantasy. It's a possibility now thanks to
4 everything that Aircraft X-Ray has done for me and my
5 family members. So I urge you to please don't get rid of
6 the industry.

7 (Applause).

8 BOARD CLERK HARRINGTON: Thank you.

9 Misael Serrano.

10 Misael Serrano: Hello. Good morning. First of
11 all, thank you for your time to everybody. As a worker of
12 this great industry and as a young worker, I believe that
13 this industry gives a lot of opportunities to young
14 generation. I believe that we would like to preserve the
15 opportunity to contribute and innovate to this country and
16 this industry. I must say that regulations in California
17 are high as one thing conversant to other states and other
18 countries.

19 For example, in Mexico, the regulations, our
20 document is called (spoke in Spanish) the jobs that make
21 general regulation, in comparison with the detailed
22 requirements of AQMD or CARB regulations. It is important
23 to take in account that many industries such as the
24 aerospace depends on this hexavalent chromium and the
25 others states doesn't have like the infrastructure that

1 has the business in California.

2 If we want to make a progress, we have to take in
3 account all variables and work together as a team.

4 Thank you.

5 (Applause).

6 BOARD CLERK HARRINGTON: Thank you.

7 Juan Perez.

8 JUAN PEREZ: Good morning. My name is Juan
9 Manuel Perez. I work for Aircraft X-Ray for 44 years.
10 Working for Aircraft X-Ray give me the opportunity to form
11 a family, raise my family, and get me kids through
12 college.

13 We service the aerospace industry. And servicing
14 the aerospace industry, we have the process of chrome
15 anodizing. I'd like to have all these employees to have
16 the same opportunity that I have so they can raise their
17 families and get the kids through college. You ban the
18 chrome anodize, one thing is going to happen, we're going
19 to lose a lot of jobs. And also, it's going to produce a
20 domino effect, because chromic anodize affects other
21 processes, like non-destructive testing painting. So
22 guess what is going to, they will lose their jobs.

23 So what the aerospace industry is going to do?
24 Aerospace industry needs their hardware. They're going to
25 go out of the state. They're going to go out of the

1 country. Perfect example, right here across the border.

2 So please when you make your decision, think
3 about these employees losing their jobs and their
4 families. We can work together. We can come up with a
5 good solution on this. Please don't shut us down.

6 Thank you.

7 (Applause).

8 BOARD CLERK HARRINGTON: Sam Bell.

9 SAM BELL: Hello. My name is Sam Bell with Metal
10 Surfaces, Incorporated and Metal Finishing Association.
11 If I ask for an interpreter, do I get twice the time?

12 (Laughter).

13 SAM BELL: He's speaking Spanish, right?

14 Coming to work this morning, I'd like to thank
15 CARB, AQMD for being able to see the mountains as pretty
16 as I could and the sunset was -- sunrise was beautiful as
17 it was coming up. But as I walk into this building, I see
18 sunset. I see our industry dying.

19 We're a family company. Been involved in the
20 industry since 1955 and I have 125 employees Bell Gardens,
21 California. It was started by my father and my generation
22 took it over in 2000 when he passed away. Without
23 processes to continue processing we'll have no business.
24 Do I have any reason to keep this business alive for my
25 children or my grandchildren? The answer is no. There's

1 no future in it if we have no business.

2 I'm asking that you put together a risk-based
3 rule and spend the \$10 million that's been allocated to
4 generate tools that we can use to measure and monitor
5 ourselves, inexpensive tools where we can see how much
6 chrome there is and monitor to a risk-based rule. That's
7 why I'm asking for. I know that -- I read -- I read in
8 the article yesterday that Barry Wallerstein had said that
9 the diesel emissions on trucks is about 1,500 to 1 -- 1500
10 in a million and our industry contribution is 1 to 10 in a
11 million. Let us stay in business. Give us a risk-based
12 rule.

13 Thank you very much.

14 (Applause).

15 BOARD CLERK HARRINGTON: Charles bell.

16 CHARLES BELL: I'm Charlie Bell also with Metal
17 Surfaces. We're in Bell Gardens. We're proud to employ
18 100, 125 thereabouts employees. We do not exclusively
19 have chrome, but a fair amount of chrome. I don't know
20 how much is appearance and how much is fact, but our
21 industry here in Southern California with AQMD spent
22 multiple years formulating the Rule 1469, basically the
23 same thing. To me, it's not fair that we're back here in
24 front of CARB after having formulated and emission-based
25 rule that's had very little time to be put into place and

1 then to have analyzed where we stand.

2 We want to be good environmental citizens. We
3 believe we are good environmental citizens and we ask the
4 court -- or ask the Board to consider a rule based on the
5 1469 AQMD provisions and let's see how that works out.

6 I don't know if the industry will be killed, but
7 there will be multi-shops. It's difficult. We've been in
8 the same location since 1960. For our business, we're not
9 going to be able to move anywhere and stay in business
10 with the same environmental air treatment, water
11 treatment. The facility we have is geared towards our
12 business. And let's keep the rule at this point in time
13 emissions based and see how it works before you just agree
14 with CARB staff with the elimination of chrome(VI)
15 regardless of the time frame. And if we need to do it in
16 the future after --

17 BOARD CLERK HARRINGTON: Thank you. That
18 concludes your time.

19 CHARLES BELL: Thank you.

20 (Applause).

21 BOARD CLERK HARRINGTON: Irma Munoz.

22 IRMA MUNOZ: Hi. Good morning. My name is Irma
23 Munoz and I work for Aircraft X-Ray Laboratories. Our
24 company has been operating since 1938. The amount of
25 success stories in our company is very high. Employees

1 have, you know, been able to buy their homes, been able to
2 help their families, whether it's in Mexico or any other
3 states. They've also been putting their kids through
4 college, giving the employees the opportunity of growth
5 and success, not only to mention a trade tech.

6 Okay. Most of the owners here with -- in this
7 industry work with communities, whether it's sponsoring or
8 participating in community events, including going out to
9 high schools speaking of the success stories to help
10 students understand that success is reachable.

11 Okay. Closing companies shuts a lot of
12 opportunities, not only for our communities but for our
13 families as well. In this company, I have family working.
14 Okay. This shutting down will not only affect me, but it
15 will affect my generation. Okay. There was 117
16 facilities mentioned. If we just multiply that by 30, an
17 average of employees, it's equivalent to 3,510 employees
18 without a job. Okay.

19 What comes with that? Okay, depression,
20 desperation, and having to go to the stress of looking for
21 another job. Okay. Relocating will not help. Relocating
22 will only -- relocating or shutting us down will not help
23 the problem. It will create an unemployment problem.

24 Okay. This is a world of opportunity. Continue to give
25 us the opportunity to fulfill our dreams and continue to

1 make our future brighter.

2 Thank you.

3 (Applause).

4 BOARD CLERK HARRINGTON: Thank you.

5 Cathy Ream.

6 CATHY REAM: I'd like to thank the Board for
7 allowing me to speak today. I work for Teikuro
8 Corporation, which is a hard chrome plating facility in
9 the Bay Area. We do specialty plating for the automotive
10 industry, basically for Toyota and Tesla. And this allows
11 Tesla to make their EV cars and trucks of the future.

12 We also have an opportunity to expand our
13 business to some military work in the future. If this ban
14 goes into effect, that will not happen in California.
15 That will be done in another state. We do comply with all
16 the air requirements of our air permit and have very low
17 emission rates.

18 And I personally have worked in the chromic acid
19 anodizing and hard chrome plating field for over 44 years
20 and I am still healthy. And -- of all the people that I
21 have worked with, I only know one person that contracted
22 cancer and that was an inherited cancer, because it was
23 the same cancer that his father had died with. And it's
24 true that there are many causes of cancer, but California
25 currently has the 46th lowest cancer rate in the nation.

1 And also, listening to all these stories, we
2 don't need more homeless people on the streets.

3 Thank you.

4 (Applause).

5 BOARD CLERK HARRINGTON: LaVaughn Daniel.

6 LaVAUGHN DANIEL: Hi. Good morning. My name is
7 LaVaughn Daniel. I work for a company called Danco.
8 We're a metal finishing operation. We don't do chrome
9 plating, but I am here today to support all the shops here
10 and to challenge the method.

11 I was reading an article recently, a headline,
12 and they were talking about this amendment and it referred
13 to it as an unprecedented ban. California being the only
14 place on earth to ever propose this type of ban. Well,
15 there's a reason it's unprecedented. Even the European
16 Union hasn't done it, because they haven't found a
17 substitute for crucial -- critical components.

18 Please don't allow CARB to proceed with this
19 blanket ban, because of politics. Encourage them to
20 continue working with industry, as we've done in the past,
21 to continue improving technology for control, and to work
22 on substitute coatings, but we're not there yet. And to
23 turn around and just try to put a ban in place doesn't
24 make sense.

25 You've heard a lot of people here talking about

1 opportunity. Don't take away the opportunity for these
2 people in disadvantaged and all communities to come into
3 industries such as ours to learn a skill that can help
4 them and their families go on to live a good prosperous
5 life.

6 Thank you.

7 (Applause).

8 BOARD CLERK HARRINGTON: Darren Thompson.

9 DARREN THOMPSON: Good morning. My name is
10 Darren Thompson. I'm a waste water operator at AAA
11 plating and inspection. I've been in my job for ten years
12 now. I personally, you know, oversee the waste disposal
13 of my department. And I've watched us constantly grow
14 from simple things like, you know, discharging straight to
15 the sewer to reclamation, distillation. I'm a homeowner.
16 I'm grandfather, a father. I'm also a super commuter.

17 You know, these days there's not a lot of
18 professions in California that allow for a person to
19 become a homeowner. You know, I ask that you, you know,
20 don't take the one profession that could potentially, you
21 know, affect thousands of Californians. You know, this
22 is -- you know, this is a bigger problem than, you know,
23 than just CARB. You know, this is -- you know, this is
24 potentially detrimental to communities everywhere. You
25 know, this is, you know, a larger -- you know, this is a

1 larger price to pay than what's -- than what's necessary.

2 You know, going into more -- you know, more
3 alternative methods like distillation and, you know,
4 reclamation. You know, I think those are the answers
5 than, you know, just shutting us -- shutting down
6 chrome -- the chrome process.

7 You know, these days, you know, like I said, you
8 know, California is ever -- you know, every growing, you
9 know, and -- California is ever growing. You know, things
10 are getting more expensive. There's just not a lot of
11 things out there that are matching it.

12 Thank you.

13 (Applause)

14 BOARD CLERK HARRINGTON: Thank you.

15 Rafael Hernandez.

16 RAFAEL HERNANDEZ, JR.: Hello and good morning.
17 My name is Rafael Hernandez, Jr. I would like to read a
18 short version of my experience in the field.

19 As a long-term in the aviation industry since
20 1995, and as a current resident for the City of Compton,
21 born in Torrance, California, I would like to express my
22 concerns and the importance of maintaining our facility
23 and all other similar businesses with its doors open.

24 Throughout my years working in the aerospace
25 industry, I have witnessed how diligent it's become, the

1 effort, and the hard working in meeting OSHA regulations
2 to continue and make it a safer and healthier environment.
3 This industry has provided me with a life-time opportunity
4 for the field of final stage process and non-destructive
5 testing.

6 Initially, I was set to join the electric field
7 once I have received my Associates of Science Degree as an
8 electronic technician. The aviation industry took in mind
9 my potential and offered the same opportunity and growth
10 that was offered to me by what was known there Pacific
11 Bell, now known AT&T. Given the opportunity in the
12 aviation industry has with no doubt in my mind served my
13 just as well as any other profession had to offer. With
14 this, I have been able to provide a roof over my family,
15 food on the table, my children through school, now into
16 their early and mid-years of college, and countless,
17 countless family moments.

18 With all of opportunities given and the ones yet
19 to come by Aircraft X-Ray Laboratories that was
20 established since 1938, I would have truly accomplished
21 and lived the American dream, everyone in any
22 profession --

23 BOARD CLERK HARRINGTON: Thank you. That
24 concludes your time.

25 RAFAEL HERNANDEZ, JR.: -- tries to have.

1 Thank you.

2 (Applause)

3 BOARD CLERK HARRINGTON: Next is Dana
4 Schlumpberger.

5 DANA SCHLUMPBERGER: Hi. I would like to thank
6 the Board for the opportunity to testify today.

7 I've been in the industry for almost 40 years and
8 I've seen -- we've been talking about social justice.
9 Here's the exact opportunity or example of it. You've
10 seen people that have walked in the door with no skills
11 and worked them way up through, you know, into management.
12 I even know people that have walked in with no skills that
13 are now shop owners. They own the shops. So this is
14 amazing. This industry is an opportunity. You don't --
15 you don't have degrees. You don't get a degree and come
16 to be a plater. You have to learn this.

17 And I am at a point right now after 40 years,
18 where I have -- I'm the Quality Assurance Manager at K&L
19 Anodizing. It's a company that's been around since 1950.
20 It's family owned, almost a hundred people. Right now,
21 I'm at a point where I have accumulated so much skill and
22 knowledge, that I actually have engineers from the
23 aerospace industry that consult with me. I don't have a
24 degree. I don't have a chemical de -- engineering degree
25 or mechanical engineering degree, but I have people that

1 come to me and consult with me about these finishes.

2 These are essential businesses. These are
3 essential finishes that we are doing here. I have parts
4 that have -- that are -- have gone up in Artemis. And
5 that's the new upcoming, you know, space. We're going to
6 the moon -- back to the moon. We're going to go to Mars.
7 We're using chromic acid anodize on critical parts for
8 these projects.

9 And, you know, my -- after 40 years, my first
10 experience with trivalent chrome was in 1990 and we
11 couldn't sell it. We put in a tank thinking that we could
12 switch it over. The color is just not good. And it's
13 state -- and it's been that way. And I could still have
14 testifying that it remains the same.

15 So my message is regulate, yes, eliminate, no.

16 Thank you.

17 (Applause).

18 BOARD CLERK HARRINGTON: Thank you.

19 Alan Olick.

20 ALAN OLICK: Hello. I'm Alan Olick. I'm
21 President at the General Brite Plating Company in Los
22 Angeles, California. And I've been on the board of
23 directors for MFASC for about 35 years. My background is
24 a manufacturing type person. I've also been a school
25 teacher. In college in statistics, the statistics teacher

1 told us this class ia bout numbers, concepts, how you put
2 them together to tell your story and make your story say
3 what you want it to. In other words, statistics are
4 interpreted.

5 Today's meeting at the beginning it was mentioned
6 that the chrome platers have potential for putting over 10
7 pounds of chrome into the atmosphere a year. We have
8 charts that show it looks like it's more like a pound,
9 maybe a pound and a tenth, much different than 10 pounds.

10 Potential is an interesting thing. The AQMD puts
11 together source test regulations for metal finishing, for
12 plating, for chrome. You hire independent contractors
13 that you pay tens of thousands of dollars to. They come
14 out. They tent the tank and they put the tank under
15 abnormal conditions. What are those? They tent -- they
16 put the tank at maximum current. That's like driving your
17 car 200 miles an hour for 30 days and then complaining it
18 doesn't stay together. It's not right, not fair. So
19 that's the test that we do and that's where they get their
20 numbers from from those tests.

21 We established with AQMD with rulemaking -- I was
22 on the committee. I think we worked for 18 months. I sat
23 right next to Barry Wallerstein for many of the meetings.
24 And I was pretty much told keep my mouth shut, because the
25 environmentalists don't want to hear what I have to say.

1 And it's not what I have to say. It's what's fair
2 interpreting numbers.

3 We're not killing anybody or it's not our
4 potential. We want to run a business and we really need
5 an emission-based rule, emission-based rule, a fair rule.

6 Thank you very much.

7 BOARD CLERK HARRINGTON: Thank you.

8 (Applause).

9 BOARD CLERK HARRINGTON: Francisco Romano.

10 FRANCISCO ROMANO (through interpreter): Hello.
11 My name is Francisco and I work for Aircraft X-Ray. We
12 all work or live for a cause, to move forward and for our
13 families, for our families and homes economy, and the
14 economy of our state. And we work under all the rules
15 that have been imposed by you and we work hard to maintain
16 them. The attack, in a way, for our industry here, it's
17 an attack against the economy of our home, of our state,
18 and our nation.

19 Thank you.

20 (Applause).

21 BOARD CLERK HARRINGTON: Mark Hyman.

22 DR. MARK HYMAN: Good morning. My name is a Dr.
23 Mark Hyman. I'm the President of Alliance Finishing and I
24 have hex chrome in my shop.

25 I'm not here to debate science versus health.

1 I've seen science manipulated too many times to meet a
2 political agenda. We would believe the earth is flat and
3 we would believe that the sun revolves around the earth
4 based on political agendas. I'm here to take a different
5 approach. Science is a curse and a blessing. Science,
6 including the invention of hex chrome, provides wonderful
7 technologies, like teflon, but teflon required PFOS to
8 make teflon. We knew it had a problem, but we didn't ban
9 teflon.

10 Now, after many years, they want to alter these
11 forever chemicals. Not too far way from here, there was a
12 town called Dairy Valley. It was where the farmers, the
13 dairy farmers had cows that created manure and urine that
14 contaminated the groundwater. We didn't ban milk
15 production, we moved them to Chino.

16 (Laughter).

17 DR. MARK HYMAN: We have lead in gasoline,
18 freeways going by apartments, going by homes. We did not
19 ban gasoline. We corrected the technology.

20 I hold a super conductor -- excuse me, super
21 computer in my hands. I can access the most powerful
22 databases in the world and a cesspool of porn, we do not
23 ban cell phones. Facebook was created to create social
24 media among families and friends, but we also allow it to
25 have a platform for racism and terrorism. We do not ban

1 Facebook. You have technology that allows you to control
2 emissions. Let that work. Do not ban technology.

3 Thank you.

4 (Applause).

5 BOARD CLERK HARRINGTON: Brad Kerr.

6 BRAD KERR: Thank you, Board and staff. I'm Brad
7 Kerr. I'm a supplier of to the metal finishing industry,
8 chemicals, chrome, tri-chrome. We all in this room have
9 definitely one thing in common. None of us want to cause
10 cancer or be polluters. None of us. We try the best to
11 comply with regulation. My responsibility is to provide
12 my customers with the latest in technology and you've
13 heard it constantly here. The big concern with this is
14 there is no technology replacement today for hexavalent
15 chrome. And to be in a situation where you ban it, it's
16 going to have huge impacts that are just going to
17 snowball. And one thing is for sure, I can't believe you
18 guys want to eliminate the aircraft industry, because
19 they're going to the leave. We need hard chrome. We need
20 hex chrome, and we will work with.

21 How did you say Dana? What was your saying.

22 DANA SCHLUMBERGER: Regulate, yes, eliminate,
23 no.

24 BRAD KERR: Regulate, don't eliminate.

25 Thank you.

1 (Applause).

2 BOARD CLERK HARRINGTON: Thank you. Next is Jane
3 Williams.

4 JANE WILLIAMS: Good afternoon, members of the
5 Board. Thank you for your patience. Members of the
6 staff, thank you for your patience. My organization,
7 California Communities Against Toxics represents
8 communities across the state that are impacted from
9 hexavalent chromium emissions. And we have worked with
10 the California Air Resources Board now for almost three
11 decades on this topic. And this is the sad and sorry
12 state of affairs that we are in, and that is that because
13 we do not have rules that require fence-line monitoring at
14 hexavalent chromium facilities, and every time we go out
15 and look at what is actually happening with fugitive
16 emissions at these facilities, we find elevated levels of
17 hexavalent chromium in the air.

18 Now, you've heard a lot today from workers who
19 are understandably very worried about the fate of the
20 industry in California. And that is why the switch to
21 alternatives is so important. As you know, this Board has
22 been intimately involved in switching technologies. It is
23 practically become your job description, switching from
24 gasoline powered cars to electric vehicles, switching from
25 diesel powered engines to other forms, either

1 electrification or other forms of replacing diesel. This
2 is exactly the same problem. And I have to say having
3 been to the funerals of so many children who have lived
4 next to chrome platers and died and the number of family
5 members who are -- have either gone to school next to
6 chrome platers, where teachers have died, it is really a
7 signature issue for the environmental justice movement in
8 California, this issue of the disproportionate impact on
9 public health from the plating industry.

10 The problems are not the stack emissions, which
11 the industry wants to talk about as being, you know --
12 those stack emissions are easy to control. It's the
13 fugitive that are difficult to control.

14 (Times up.)

15 (Jeering from audience).

16 CHAIR RANDOLPH: That's not necessary.

17 VICE CHAIR BERG: No, we don't do that.

18 BOARD CLERK HARRINGTON: Next is Brian Ward.

19 BRIAN WARD: Hello, Board. Thank you. My name
20 is Brian Ward. I'm with Metal Finishers Association and
21 also AAA Plating. It seems like what we've got here is --
22 it would appear to be an argument of community health
23 versus jobs, and that's not really the argument here.
24 We're not seeing for this very, very specific issue. I
25 don't want to say that platers historically have been good

1 operators or bad operators. A lot of shops have shut down
2 and been shut down and rightfully so. Bad operators need
3 to be taken care of.

4 The reality is is that the people that are now
5 currently around and are doing business in this community
6 are good operators. And the reality is is that we're not
7 seeing the health effects that very specifically
8 hexavalent chromium from air emissions, which is what we
9 are tasked with controlling today, are not affecting
10 people out in the communities. This is a long-term cancer
11 risk. Our employees that are here en masse today have
12 such a faith in the systems. They know how these -- how
13 these tanks work. They have their children work at our
14 companies. They understand this in an intimate level.
15 There isn't the risk there that maybe there had been prior
16 or with other exposure methodologies.

17 So the reality is is that this effect, this ban
18 on chrome will have zero effect in the community. It may
19 have a positive effect politically for some people, but it
20 will not have an environmental effect in the community.
21 You will notice nothing. You will notice no change,
22 except for these people will lose their jobs, and these
23 families will have to sit there and struggle and have to
24 get new positions. And that doesn't seem fair to them, to
25 the communities.

1 Thank you very much for your time.

2 (Applause).

3 BOARD CLERK HARRINGTON: Sonia De Leon.

4 SONIA DE LEON: Good morning. My name is Sonia
5 Olmos De Leon. I'm a teacher. I'm also environmental
6 activist. And officially I'm an elected official, so I
7 represent many in my community in Paramount.
8 Unfortunately, I cannot afford to bring all my
9 constituents to this platform and have them say how they
10 feel and what they have experienced. I could personally
11 say that in my community, a lot of people have died of
12 cancer. My mom is currently dying of cancer. And as a --
13 as community member, I've seen so many students now in
14 special education. That has no solution. No solution.
15 There's no solution for cancer. There are solutions
16 though to getting a better job. And there's definitely
17 solutions. But when you have these industries in our
18 homes -- nearby our homes, it's really just killing us.
19 And that's it. There's no solution for us.

20 So, yes, you -- I hear. I understand everyone
21 needs to survive, but what do you tell my cousin who died
22 of cancer at 10 years old when he's pleading for his life
23 and says, Sonia, I don't want to die. And I'm going to
24 tell -- have to tell him, you're not going to die,
25 sweetheart. You're not going to die. That's what you're

1 not hearing. And I would wish you could hear that,
2 because that I can't solve. But if I need another job, I
3 get another job. Yes, it's going to be hard. I've been a
4 single mother and I pushed myself to where I'm at today.
5 So there are solutions. However, there are no solutions
6 for people that are dying. So please give us extra life.
7 Please ban hexavalent chromium. Thank you.

8 BOARD CLERK HARRINGTON: Jose De Leon.

9 JOSE DE LEON: Good morning to everyone. My name
10 is Jose De Leon. I live in the City of Paramount and I
11 understand jobs are important as well as business, but
12 what is more important? So, in general, life is a
13 sacrifice. And, yeah, you are worried about your
14 business. Well, you have to sacrifice something in order
15 to get something else. You are worried about your job. I
16 understand. I'm sacrificing my job. I own my own
17 business and I have to be here for my community. I'm
18 sacrificing my day pay, my responsibility with my
19 customers, but's part of life. I have to sacrifice
20 something.

21 My question is are you willing to keeping
22 sacrifice lives, especially the youngest? I understand
23 some of the members here from the public, they say, yeah,
24 I'm old. I live well and everything. Yes, they are --
25 I'm glad for them, but not too many people can say that.

1 And us in the City of Paramount, at some point, I feel
2 that we are between the border in Ukraine and Russia.
3 Why? Because we're being exposed to this. We can die at
4 any moment. Why am I saying this about my community?
5 Because in Paramount, we build weapons. They all say that
6 that's why -- part of the job that they have to build
7 weapons or parts for airplanes. And that's how we feel,
8 like, my fellow here she mentioned she's dying from
9 cancer. I don't know. At this point, I don't know what
10 is my chromium level in my blood.

11 Let's ban chromium(VI). In Europe they already
12 did it. We have to -- we need to transition.

13 (Jeering from audience).

14 BOARD CLERK HARRINGTON: Thank you.

15 This concludes our in-person commenters for this
16 item. I will now pass it over to Katie.

17 BOARD CLERK ESTABROOK: Thank you. So there are
18 a total of 15 commenters who have raised their hand in
19 Zoom prior to sign-up closure. I'm going to ahead and
20 read all of the names. And if you do not hear your name
21 and would like to give a comment, please note that you can
22 submit a written comment at the link that's shown on the
23 screen. To be included in the record and considered by
24 the Board, please submit your comments prior to the
25 conclusion of public comment. The electronic dockets will

1 close when the Chair closes the record following public
2 comment and prior to the Board discussion. There will be
3 additional opportunities to submit comments during the
4 upcoming 15-day comment period and at the second hearing
5 for this item.

6 Our commenters are Caroline Orija, Chris Chavez,
7 Florence Gharibian, Robina Suwol, a phone number ending in
8 430, Gabriela Ballesteros, Katherine Butler, Amy Kyle,
9 Geoffrey Blake, Yvonne Watson, Christine Wolfe, Bill
10 LaMarr, James Goehring, and Dean Talley. And William
11 Koons, you had your hand up before the comment period
12 closed, but I see that it's down. So if you still would
13 like to give your comment, please raise it.

14 So before we get started, we're going to take a
15 quick technical break just to reset the Zoom, so stand by.

16 CHAIR RANDOLPH: And, Clerk, are we doing a
17 five-minute break, 10-minute break? How long a break are
18 we going to take?

19 BOARD CLERK ESTABROOK: Five minutes.

20 CHAIR RANDOLPH: Five minutes. Okay.

21 (Off record: 11:15 a.m.)

22 (Thereupon a recess was taken.)

23 (On record: 11:21 a.m.)

24 CHAIR RANDOLPH: Okay. We are coming back after
25 our break. And I would last -- like to ask the clerks to

1 being calling the Zoom commenters. So if we could be
2 quiet in the room, so that the Board can hear the Zoom
3 commenters.

4 BOARD CLERK ESTABROOK: Yes. Thank you chair.
5 So our first three commenters are Caroline Orija, and then
6 Chris Chavez, and Florence Gharibian.

7 Caroline, you should be able to unmute and begin.

8 CAROLINE ORIJA: Good morning. This is Caroline
9 Orija. I'm a community and I'm very concerned about this
10 rule. Our communities are already overburdened with
11 hexavalent chromium as the slides today have shown us.
12 The schools, the residents, and the workers were all
13 affected by the health. This is a very serious health
14 matter.

15 Switching to trivalent chroming has the benefit
16 of not only significantly reducing emissions of one of the
17 most dangerous chemicals known in our community, but also
18 facilities using trivalent chroming have avoided using
19 other toxic fumes as suppressants as well. So there's
20 multiple benefits to reducing this.

21 Respectfully, I urge the Board to take the
22 important action with this amendment and to gain early
23 reductions that have already affected many communities
24 already. This is good. I understand that impact on jobs
25 in the industry. But as we tradition -- transition into a

1 safer method, I believe all those jobs will be restored.

2 Thank you for you time.

3 BOARD CLERK ESTABROOK: Thank you.

4 Chris Chavez.

5 CHRISTOPHER CHAVEZ: Yes. Good morning. My name
6 is Chris Chavez and I'm the Deputy Policy Director at
7 Coalition for Clean Air as well as a member of the
8 Wilmington, Carson, and West Long Beach AB 617 community
9 steering committee. I'm speaking today in support of the
10 hexavalent chromium rule as well as CARB providing
11 financial assistance to facilitate the transition to
12 trivalent chromium.

13 The proposed regulation would be the most health
14 protective rule in the country. While half of the rule
15 relies on commercially available technologies for
16 decorative platers, the other half provides flexibility
17 and sets a transition deadline far into the future for
18 hard platers.

19 Further, this rule requires two technology
20 reviews to assess whether or not the hard plating deadline
21 needs to be amended. We also strongly support assisting
22 chrome platers with transitioning to trivalent chromium.
23 We urge CARB to work with the State to secure additional
24 funding to further facilities the transition. Not only is
25 hex chrome a highly carcinogenic chemical, but it can also

1 cause pulmonary, renal, skin, and a host of other
2 diseases.

3 As CARB staff indicated, it is one of the most
4 toxic substances identified by the agency, even more so
5 than diesel particulate matter. Not only are workers in
6 danger, but the communities that live near facilities
7 using hex chrome are also at risk of exposure. These
8 communities include houses, schools, and other sensitive
9 receptors directly adjacent to hex chrome sources.

10 Many of these high risk neighborhoods
11 unfortunately are low-income communities with other
12 significant environmental burdens, such as freeways,
13 railyards, and other industrial sources. The vast
14 majority of hex chrome sources are located in AB 617 or
15 other disadvantaged and low-income communities. Hex
16 chrome emissions were identified in most, if not all, AB
17 617 community emission reduction plans with East LA,
18 Southeast LA, and South LA having significant emissions.

19 Further, phasing out hex chrome would also phase
20 out the need for toxic fume suppressants, some of which
21 are even more toxic than hex chrome itself. Thank you for
22 your time.

23 BOARD CLERK ESTABROOK: Thank you.

24 Florence Gharibian will be next. And then
25 Florence will be Robina Suwol, a phone number ending in

1 430, and then Gabriela Ballesteros.

2 Florence, you can unmute and begin.

3 FLORENCE GHARIBIAN: Hello. My name is Florence
4 Gharibian. I am the Chair of the Del Amo Action
5 Committee. I also have worked with CalEPA and the
6 Department of Toxics. And I will mention that I've done
7 work in the Inland Empire on the Stringfellow Acid Pits
8 and also the director of the Inland Empire permit
9 assistance center.

10 I'm very grateful to be here today. I would like
11 you to know that the Del Amo Action Committee through the
12 Los Angeles Environmental Justice Network worked on the
13 issues with hex chrome in the City of Paramount. And you
14 hear about a child losing its life at 10 years old from
15 cancer, it breaks your heart. We then worked extensively
16 with the South Coast Air Quality Management District on
17 Rule 1469 participating in the work group, meeting with
18 the staff, and preparing correspondence on the subject.

19 Unfortunately, our correspondence recommended
20 that the rule not be approved, because it didn't have
21 strong enough efforts to make sure that the requirements
22 would be enforced, which is of tremendous importance,
23 something that should always be considered with any rule,
24 but we're glad we had that opportunity. We heard many
25 things similar during the process of getting the Rule 1469

1 passed.

2 Thank you very much for your time and attention.

3 BOARD CLERK ESTABROOK: Thank you.

4 Robina Suwol, you can unmute and begin.

5 ROBINA SUWOL: Hi. Good morning. My name is
6 Robina Suwol. And I'm the Executive Director of the
7 California Safe Schools Coalition. We're children's
8 environmental health and environmental justice group that
9 have been in existence for more than 25 years. We have
10 witnessed during our time frame horrific health impacts
11 and tragically even death from environmental threats from
12 toxic contaminants, especially in environmental justice
13 communities and particularly for children. We thank the
14 CARB staff and all the diverse participants, including
15 industry, who have attended countless meetings to create
16 this rule and locate funding sources for facilities to
17 transition.

18 California Safe Schools fully supports amending
19 the toxic control measures and for making human health the
20 priority.

21 Thank you very much.

22 BOARD CLERK ESTABROOK: Thank you.

23 Phone number ending in 430, you should be able to
24 unmute by dialing star six and then please state your name
25 for the record before you begin.

1 Phone number ending in 430, are you there?

2 You should have a prompt to press star six to
3 unmute.

4 Okay. You're unmuted. Go ahead.

5 KESHAV KUMAR: Hello.

6 BOARD CLERK ESTABROOK: Yeah.

7 KESHAV KUMAR: Madam Chairman and respectful
8 Board members. My name is Keshav Kumar. And I with
9 Plateronics Processing. We're located in Chatsworth in LA
10 County. Just to give you background. I have completed my
11 PhD in physical chemistry from University of Pennsylvania.
12 So I believe that with my education and business owner as
13 a background, I'm qualified to make some comments on
14 technical and business aspect of chrome plating.

15 I agree with various presentations to start the
16 conversation we had today that hex chrome plating can be
17 slowly moved to other processes as technology advances.
18 But as you have heard many, and if you do any technical
19 analysis, you will find out that neither the technology
20 nor the market is hundred percent ready for that.

21 Product companies and consumers are not ready for
22 this level of drastic change. If we ban hex chrome
23 processes in California, we'll be losing jobs with
24 electroplating. And in terms of numbers, I heard we are
25 talking about 3,000, but it will have trickle effect on

1 other processes. And the reason for that is we heard a
2 very good presentation when we started the conversation,
3 where it was shown that most of these plaiting processes
4 are done on metal components. And most of -- most of
5 these metal components are either machine or formed, which
6 is a part of Southern California and Northern California
7 manufacturing industry.

8 So this will impact the machining and forming
9 manufacturing jobs, because nobody is going to shift 10
10 times, you know, shipping cost on these processes. As you
11 have heard, many employers have said that electroplating
12 employers are far and few manufacturing small businesses
13 that provide reasonable hour rates, medical, 401(k). That
14 is not common in the small businesses. I do -- I don't
15 agree with this proposed plan and it's premature and going
16 to hurt small businesses and its employees. Perhaps the
17 right approach will be to ban use of hex chrome plated
18 parts first before we --

19 BOARD CLERK ESTABROOK: Thank you.

20 KESHAV KUMAR: -- do hurt the economy.

21 Thank you.

22 BOARD CLERK ESTABROOK: Thank you. Could you
23 please state your first name again for the cord.

24 KESHAV KUMAR: Yeah. My first name is Keshav,
25 It's K-e-s-h-a-v.

1 BOARD CLERK ESTABROOK: Thank you.

2 Robina, you can unmute and begin.

3 ROBINA SUWOL: I actually spoke previously.

4 BOARD CLERK ESTABROOK: Oh, apologies.

5 Our next speaker will be Gabriela Ballesteros.

6 And after Gabriela will be Katherine Butler, Amy
7 Kyle, and Geoffrey Blake.

8 Gabriela, you can unmute and begin.

9 GABRIELA BALLESTEROS: Good morning, Chair
10 Randolph and members of the Air Resources Board. My name
11 is Gabriela and I'm here on behalf of Assembly Speaker
12 Anthony Rendon. I will now read an excerpt from a letter
13 of support by Speaker Rendon.

14 "I encourage the ARB to support the amendment
15 to the chromium rule as presented today. Many of
16 the communities in South East Los Angeles are
17 intermixed with heavy industrial facilities,
18 putting schools and residences in close proximity
19 to toxic emissions. As reported by the ARB staff
20 report, more than 70 percent of the 113 chrome
21 plating facilities in California are in
22 environmentally overburdened and disadvantaged
23 communities. Especially in my district, we have
24 numerous plating facilities concentrated within
25 the relatively small five mile square area in the

1 City of Paramount.

2 "In 2016, emission spikes of hexavalent
3 chromium were detected from two facilities in
4 Paramount raising a flag that our communities are
5 being burdened by higher levels of it than
6 realizes. These emission violations along with
7 the passage of Assembly Bill 617 reinvigorated
8 attention to toxic emission issues and brought
9 the regulatory attention needed to protect our
10 community's public health. Today, you have the
11 opportunity to require the transformation of the
12 industry to a less toxic alternative for chromium
13 plating.

14 "Last year, the Legislature committed \$10
15 million to assist with the transition away from
16 the use of hexavalent chromium upon adoption of a
17 rule to fully eliminate it at all decorative and
18 functional chrome plating facilities. This
19 funding aims to ensure that we're helping small
20 business while we are protecting our community's
21 public health.

22 "Lastly, I would like to commend the ARB for
23 working with environmental justice groups in
24 development of this rule. In May of 2022, ARB
25 members and staff came and saw communities in

1 Paramount and Boyle Heights that are immediately
2 adjacent to numerous industrial facilities
3 including chrome platers. I believe connecting
4 with these communities and seeing firsthand the
5 communities impacted by pollution gives
6 invaluable perspective to the work before the
7 Board. I encourage the ARB to adopt these strong
8 proposed regulations and thank you for your
9 commitment and attention to the most impacted
10 communities in the State.

11 "Thank you for your time".

12 BOARD CLERK ESTABROOK: Thank you.

13 Katherine Butler, you can unmute and begin.

14 KATHERINE BUTLER: Thank you. Thank you, Chair
15 Randolph and hearing Board members. My name is Katie
16 Butler. I'm the Senior Health Deputy for LA County
17 Supervisor Janice Hahn.

18 This proposed rule is critical to protecting the
19 health of workers and residents in Supervisor Hahn's
20 District. In 2016, the local air district discovered
21 screening high levels of hexavalent chromium from metal
22 processing facilities in the City of Paramount only blocks
23 away from homes and schools. Residents reported noxious
24 metal odors, acute health symptoms, and cancer cases to
25 our health department. Levels were so high that our

1 county fire department had to step in and shut down some
2 of the facilities.

3 Now, we have Rule 1469, and yes, this has made
4 significant progress to reduce hex chrome levels in
5 Paramount and other communities. But as we heard today,
6 there is no safe level. And by the way, these studies
7 that show hex chrome is so harmful are worker exposure
8 studies. Supervisor Hahn encourages CARB to put these
9 rules in place to protect worker health and community
10 health.

11 We heard heartfelt testimony from small shop
12 owners and workers who fear they'll lose their business
13 and their jobs, but we don't have to choose between jobs
14 and our health. Supervisor Hahn commends the State for
15 setting aside dollars to help small businesses to help
16 with this transition to alternative greener technology and
17 she encourages the state to continue to do this to assist
18 businesses with this transition. Our communities deserve
19 both, good paying jobs and clean air.

20 In June 2021, the LA County Board of Supervisors
21 sent a five signature letter to CARB in support of these
22 proposed rules. They are essential when it comes to
23 operations located next to homes and schools, protecting
24 our worker health and our community health. On behalf of
25 Supervisor Hahn, I thank you for your time and

1 consideration.

2 BOARD CLERK ESTABROOK: Thank you.

3 Next, will be Geoffrey Blake and then Yvonne
4 Watson, and Christine Wolfe.

5 Geoffrey, you can unmute and begin.

6 GEOFFREY BLAKE: Hello. My name is Geoffrey
7 Blake and I am from the aerospace community. I've worked
8 as Director of Environmental Health and Safety for two
9 aerospace companies in Southern California. I currently
10 sit on the Board of the Metal Finishers Association of
11 Southern California and I'm the President of the Small
12 Business Alliance in California. I also sit on the
13 advisory board at the AQMD South Coast AQMD and have been
14 involved with the regulations and the formation of rule
15 regulation since the early nineties, going back to the
16 original formation, not the 1988 rule, but the '98
17 revisiting of the 1469 rule.

18 The facts are confusing to many people listening
19 today, because the numbers that are being thrown around
20 are not understood as they should be and when the -- when
21 the Cal R -- the OEHHA came out with the ruling on chrome,
22 the latest lowest numbers for exposure limits that we've
23 seen anywhere in the world, and certainly nothing close to
24 it anywhere else in any of the other 49 states, we
25 submitted information to -- updated information to the

1 regulating community -- communities, so that we went to
2 OEHHA, it went to CARB, and it went to all the agencies,
3 but the report was done by Dr. Proctor -- Deborah Proctor,
4 and the report is --

5 BOARD CLERK ESTABROOK: Thank you. That
6 concludes your time.

7 All right. Our next commenter is Yvonne Watson.
8 Yvonne, you can unmute and begin.

9 YVONNE MARTINEZ WATSON: Hello. My name is
10 Yvonne Martinez Watson. I've been an environmental
11 justice advocate for about 15 years now. And I have
12 spoken before to the AQMD.

13 I support the phaseout of hexavalent chromium(VI)
14 and PFAS/PFOA chemicals in the chrome plating industry.
15 I'm not there today, because I am partially
16 immunocompromised. I'm answering that early. I've been
17 on the phone -- I've been on this meeting since 9 o'clock.
18 That's why a lot of people are not at these meetings,
19 because they either have health effects already or they're
20 in a job that doesn't pay for them to attend large -- you
21 know, en masse like chrome plating industry did for
22 today's meeting.

23 What the workers need to understand about
24 hexavalent chromium effects and the effects of chrome
25 plating is -- can be found on the OSHA website. And

1 you -- if you are a worker, you should be familiar with
2 that. It is not just cancer. It is eye irritations,
3 asthma, which is something that I have, perforated
4 eardrums, respiratory irritation, kidney damage, liver
5 damage, pulmonary congestion, and edema, upper abdominal
6 pain, nose irritation and damage, respiratory cancer, skin
7 irritation, erosion and discoloration of the teeth, some
8 people can develop skin reactions and contact dermatitis.

9 There's a whole variety of things. And if you go
10 to the Cal/OSHA fact sheet, you can get a one-page summary
11 of these things. And this should be available to all the
12 it workers, so that you can know how to protect
13 yourselves. If OSHA is demanding all of these safety
14 precautions to protect your health, that means that this
15 is a dangerous chemical and communities that surround
16 chrome plating organization -- plants, the community
17 members do not have that protection.

18 Thank you very much.

19 BOARD CLERK ESTABROOK: Thank you.

20 Next will be Bill LaMarr. After Bill will be
21 James Goehring, Dean Talley, and then William Koons.

22 Christine, you should be able to unmute and
23 begin.

24 CHRISTINE WOLFE: Good morning, Chair Randolph
25 and members of the Board. This is Christine Wolfe from

1 the California Council for Environmental and Economic
2 Balance. I wanted to express appreciation for staff who
3 we know have been working hard on this difficult but
4 important issue with all the interested stakeholders.

5 We're supportive of the proposed inclusion of
6 technology reviews to identify feasible alternatives for
7 hard chrome plating and chromic acid anodizing consistent
8 with international approaches to this issue.

9 Thank you.

10 BOARD CLERK ESTABROOK: Thank you.

11 Bill LaMarr.

12 Bill, you should be able to -- you should have a
13 prompt to unmute and begin.

14 Are you there?

15 All right, we'll come back to you.

16 James Goehring.

17 JAMES GOEHRING: Thank you and good morning.

18 This is my second opportunity in my career as a hard
19 chrome plater to talk to the Board about this topic. And
20 I need to make a few points clear right out of the bat.
21 There is no ban on chrome -- hexavalent chrome use in
22 Europe. We have many facilities that do our type of work
23 in Europe. In fact, the European Union has given them an
24 exclusion to the REACH, because the socioeconomic impact
25 of our work is far greater than the environmental impact.

1 We have no fumitive -- fugitive emissions. We
2 test regularly for our employees and have proven on many
3 occasions, there's no fugitive emissions in our shop. And
4 one other unfortunate fact I'd like to point out is my dad
5 is currently living with cancer and my sister -- younger
6 system, Darla, died of cancer, neither one of them which
7 lived anywhere near a chrome plating shop.

8 I've been in the business for 30 years. We
9 service the steel and aluminum industry. As Sylvia
10 mentioned earlier without work like ours, many, many more
11 parts would have to be manufactured on a regular basis
12 leading to great and greater air pollution.

13 I urge the Board to reject this proposal. You
14 have been misled this morning, based on the information I
15 saw in the presentation. I attended all the workshops and
16 was surprised to see what was given to you today. Our
17 emissions have been overstated, just as Art Holman pointed
18 out. And we have, in our particular experience in the
19 steel and aluminum business, been looking for a
20 alternative for going on 20 years, and there is nothing.
21 I stood before the Board before you, assured me there
22 would not be plan (inaudible).

23 Thank you.

24 BOARD CLERK ESTABROOK: Thank you. That
25 concludes your time.

1 All right. Next, we will hear from Dean Talley.
2 You can unmute and begin.

3 DEAN TALLEY: Good morning, members. Dean Talley
4 with the California Manufacturers and Technology
5 Association, also known as CMTA. CMTA represents nearly
6 500 manufacturers and the interests of more than 30,000
7 manufacture in the state of California. Our members are
8 also some of those that will be impacted by this
9 regulation. The regulation is indeed challenging for
10 industry and establishes extremely aggressive dates for
11 phasing out of the use of hexavalent chromium in
12 California.

13 For those CMTA members within scope of the
14 proposed amendments, we appreciate the dialogue and
15 collaboration we had with program staff. These
16 conversations were beneficial and led to a greater
17 understanding of the manufacturing processes of our
18 members by program staff, the exchange of ideas, and
19 better communication between all parties. We just want to
20 say thank you again for the considerations and we look
21 forward to continuing our work with CARB in 2023.

22 Thank you.

23 BOARD CLERK ESTABROOK: Thank you.

24 And our two remaining speakers are bill LaMarr
25 and Williams Koons.

1 Bill, let's try you again.

2 BILL LaMARR: Can you hear me?

3 BOARD CLERK ESTABROOK: Yes, we can.

4 BILL LaMARR: All right. Thank you.

5 Good morning. I'm Bill LaMarr. I'm the
6 Executive Director of the California Alliance of Small
7 Business Associations.

8 This is a cruel and inconceived rule. It's
9 premised mostly on innuendo, supposition, and generally
10 inaccurate information. While you may have decreed that
11 hex chrome is a toxic contaminant that has the potential
12 to cause cancer, there has never been a confirmed medical
13 diagnosis that anyone that has contracted cancer from any
14 of these small businesses. Worker longevity in these
15 facilities runs 30, 40, years, and worker illnesses and
16 deaths are no more remarkable than if they were working at
17 CARB or any other commercial enterprise.

18 Conversely, your contemplated action is certain
19 to result in an entire industry being eradicated from our
20 State's economy. The hundreds of thousands of dollars
21 that these small businesses have invested to comply with
22 SCAQMD's Rule 1469 will be stranded assets.

23 Thousands of good paying jobs with benefits will
24 be lost and the benefit to the environment and public
25 health will be minuscule at best based on your own annual

1 emissions reports. As an alternative that would further
2 reduce hex chrome emissions and preserve this vital
3 industry, we urge you to adopt and apply our South Coast
4 District's Rule 1469 for the entire state.

5 Thank you.

6 BOARD CLERK ESTABROOK: Thank you.

7 All right, last we will hear from William Koons.
8 You can unmute and begin.

9 FE KOONS: Yeah. My name is Fe Koons. I'm
10 speaking on behalf of William Koons.

11 Talk about environmental justice, justice no
12 exposing your workers, the community members, and children
13 to hex chrome plating. We live in Carson and we're very
14 near Compton where there are chrome plating facilities
15 that put us in danger. We also have refineries around our
16 homes. Not only do they pollute the environment, but also
17 harm our health. We encourage CARB to please implement
18 this rule and ban hex chrome plating. All of us should
19 not acquire long cancer, COPD, asthma, and other ailments.

20 Thank you.

21 BOARD CLERK ESTABROOK: Thank you.

22 Chair, that concludes that commenters for the
23 item.

24 CHAIR RANDOLPH: Okay. Staff, are there any
25 issues raised in the comments that you want to address

1 before I close the record for this hearing?

2 EXECUTIVE OFFICER CLIFF: No. I think we'll just
3 wait for questions and comments from the Board.

4 CHAIR RANDOLPH: Okay. It is 10 minutes to 12,
5 we need to provide our staff with a lunch break, so we
6 will take a 45-minute break. And I'm trying to do math in
7 head, so that's what 12:35? 12 -- so we will take a break
8 until 12:35 and then come back for questions, and
9 comments, and discussion from the Board.

10 Thank you very much.

11 (Off record: 11:49 a.m.)

12 (Thereupon a lunch break was taken.)

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AFTERNOON SESSION

(On record: 12:35 p.m.)

CHAIR RANDOLPH: Okay. Thank you. We are back from our lunch break. The first bit of process is I am going to officially close the record on this agenda item. This is the first of two Board hearings. However, if it is determined that additional conforming modifications are appropriate, the record will be reopened and a 15-day Notice of Public Availability will be issued. When the record is reopened for a 15-day comment period, the public may submit written comments on the proposed changes, which will be considered and responded to in the Final Statement of Reasons for the regulation. Written or oral comments received after this hearing but before a 15-day notice is issued will not be accepted as part of the official record on this agenda item.

Okay. So I am going to bring this to the Board for questions, comments, discussion. As I noted, this is -- earlier, this is -- we'll not be taking a vote on this item, but we will be providing our comments and directions to -- direction to staff.

Okay. I see Dr. Pacheco-Werner with her hand up, so I will call on you now.

BOARD MEMBER PACHECO-WERNER: Thank you, Chair. Thank you so much to everyone for your comments. And I

1 apologize that I couldn't be there in person today.

2 (Spoke in Spanish).

3 BOARD MEMBER PACHECO-WERNER: One of the -- one
4 of the things that I appreciate hearing from everyone is
5 really just wanting us to have a thoughtful process to
6 this rulemaking. And I do want to thank staff, because I
7 know and I've personally seen this process that they've
8 undergone over the last couple of years. I, myself, have
9 toured a facility. And so I do appreciate all of the
10 stakeholders for being engaged with the -- in this process
11 and for staff for their thorough look into what leads us
12 here today, the proposal that we have -- we're hearing
13 your comments for today.

14 So I have just two questions. One kind of
15 technical and the other just a little bit more -- trying
16 to understand a little bit more about process. So the --
17 a couple of the speakers, the commenters today talked
18 about using this process for medical equipment and
19 alluding to that not being -- there not being an
20 alternative for them for that medical equipment.

21 Now, is the alter -- is that statement -- based
22 on your research, staff, is that based on a safety issue
23 or is that based on a decorative issue? I think that's
24 something that I -- I'd like to know a little bit more.
25 And then also when considering the South Coast rule, I

1 know that you all followed that and looked into that very
2 carefully. Can you -- can you say a little bit more. I
3 know you said some of it in your presentation, but can you
4 just say a little bit more about, you know, the process
5 that you went through and sort of, you know, the reasons
6 for coming to the conclusion that that was not the
7 appropriate step to take for the State of California.

8 Thank you so much.

9 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Thank
10 you, Dr. Pacheco-Werner. Okay. That's better.

11 Thank you, Dr. Pacheco-Werner. I can address
12 certainly the medical question -- the medical devices.
13 You heard the comment about the medical devices being
14 important in decorative chrome plating applications, those
15 types of things. From our research and our understanding
16 that certainly there are some medical devices that have
17 been equated with chrome plating, and generally that's in
18 the hard chrome plating arena as well, which under our
19 regulation would give them or -- about 15 years to tran --
20 make that transition. And, of course, there will be
21 technical reviews and those types of things that will help
22 us determine if that's a viable option to work with.

23 If those are being plated in decorative plating
24 applications, which one of the commenters mentioned. That
25 certainly is something that we can consider as being part

1 of a functional process for those specific medical
2 devices. It's also important to note too that not only
3 just the medical devices are just -- are not displayed
4 with hexavalent chromium, but there are so many other
5 types of plating. There's so many alternatives such as
6 the stainless steel parts, titanium plated medical
7 devices, gold plated, nickel plated, those types of
8 things.

9 So there are so many other alternatives as well.
10 But for certainly those that are plated into decorative
11 chrome applications or in facilities that are designated
12 as decorative chrome, there is that option that we can
13 consider that when we have the data that's presented to us
14 to be able to make that functional, that type of process
15 in the functional world.

16 CHAIR RANDOLPH: And the second question.

17 TTD ASSISTANT DIVISION CHIEF BOYD: Yeah, I'll
18 take the second question. All right, I'm take the section
19 question. Rich Boyd for the court reporter.

20 And so, yeah, when we were working on our chrome
21 plating amendments, we did look at what South Coast had
22 developed. In fact, when South Coast was developing Rule
23 1469, we worked very closely with them on that and so we
24 had staff that was participating in meetings. We even
25 were present at their Board hearing. I provided some

1 testimony, you know, on that and so -- you know, so we
2 were supportive of the efforts that South Coast was
3 making. We did commend their staff, you know, for the --
4 you know, the big tasks that they had before them.

5 But one of the things that we had communicated
6 earlier on and we had even posted some documentation on
7 our website was the desire to look, you know, when it
8 comes to all of our stationary sources getting emissions
9 down to the lowest achievable level that we possibly
10 could. And so when we saw that, we saw that we did have a
11 particular alternative for her that -- for hex chrome that
12 worked in some particular, you know, market sectors.
13 That's the trivalent. And so we wanted to make sure that
14 we were mindful of where we could, you know, apply that.

15 And so that is why you see the splitting rule
16 between like the dec plating and, you know, and the hard
17 plating, because it did look like it was going to be, you
18 know, a good alternative for the dec platers, because it
19 met, as we discussed with industry and as explained to us
20 at the time, it met the performance standards that were --
21 you know, that were needed.

22 As you heard today, there is definitely a color
23 issue, you know, out there, specifically amongst some of
24 the, you know, high-end classic cars and motor cycles, you
25 know, and -- you know, and whatnot. That's real, right?

1 You know, folks kind of want the color that they -- that
2 they want and we're not telling them that they shouldn't
3 have that concern.

4 Certainly, when you come to the hard plating
5 side, things were a little bit more difficult. We did
6 have some safety issues to deal with. And so that's why
7 you don't see a quick move to -- you know to -- off of hex
8 plating and that part of the rule. And that's why we
9 have, you know, the 15-year phaseout period. That's why
10 we brought in some of the -- you know, the tech reviews to
11 basically inform that, you know, decision-making out
12 there. So we do have an opportunity to look and make some
13 additional recommendations, you know, to the Board if we
14 need to make changes there.

15 But -- and so that's what was driving our
16 motivation of having something different than what you see
17 in the South Coast rule. And it's just the ability to --
18 you know, to take advantage of the opportunity to capture
19 some additional emission reductions.

20 CHAIR RANDOLPH: Dr. Pacheco-Werner, you have
21 follow-up?

22 BOARD MEMBER PACHECO-WERNER: Yes. Yeah, just a
23 quick follow-up. You know, a clarification to Mr.
24 Krieger's comments on the -- on the exemptions for
25 functional processes. If I understand the testimony and

1 talking to folks, those that are making medical devices,
2 sometimes they're also making other decorative things in
3 their facilities. And if that assumption is correct, when
4 we grant exemptions, how will we -- how would we do that
5 based on the way their operations are set up, if they're
6 doing multiple things in that same facility or is that
7 something that we would have to consider as part of 15-day
8 changes? Thank you.

9 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Yes,
10 Dr. Pacheco-Werner. Yes, that's certainly one thing that
11 we'd have to consider in the 15-day change, because that's
12 something that we would have to consider a facility
13 plating both decorative plating parts for decorative
14 purposes versus those that are plated for functional
15 purposes as well. So that's one of those things that we
16 would definitely have to consider. And again, that's
17 something that we need to have that kind of data and the
18 information from industry as well to show something that
19 we don't have right now.

20 BOARD MEMBER PACHECO-WERNER: Thank you. That's
21 all.

22 CHAIR RANDOLPH: Board Member De La Torre, did
23 you have your mic up? No. Okay.

24 Any comments?

25 I have -- I have a -- certainly have some

1 questions too, but, yeah, go ahead Board Member Hurt.

2 BOARD MEMBER HURT: Thank you. I definitely want
3 to thank all the speakers today and the passion that they
4 brought to telling how this regulation impacts them. We
5 do hear you and I've taken a lot of notes about points and
6 things that I just want to follow up on. And I also want
7 to thank the staff for the presentation and the briefing
8 and getting me up to speed on the particulars.

9 I think a lot of us have been thinking why this
10 toxin, why this specific focus on this item when there's
11 so many other toxics in our environment? And my first
12 response, really simple and direct, is that every single
13 person from business to government and even my father who
14 restores jukeboxes is going to have to change and do
15 things slightly different to improve air quality and just
16 meet this climate health emergency for our children and
17 future generations.

18 And I think, because many of these hundred plus
19 facilities are near sensitive receptors and we saw that in
20 the presentation, we have to do something. We have to do
21 more than what we're doing now. I get that the change is
22 really complex and it's not straightforward. I understand
23 that. And I also think, you know, we're not the fourth
24 largest world economy because your regulations are putting
25 people out of work. In this rule I know I'm thinking

1 about how do we retain jobs, but also save lives with
2 health and product safety as paramount.

3 And the Vice Chair knows, and I always say, we
4 need to thread needle as we retain as many jobs as
5 possible, but still give the needed health relief so
6 highly impacted communities have endured, in some cases
7 several of these sources on one street.

8 We've heard from AB 617, the computer -- the
9 Community Air Protection Program that we have to walk the
10 talk when it comes to supporting them in the regulations
11 and reforms that's necessary to breathe better air. And
12 these community based committees have asked for this
13 support in this space with this regulation. They're
14 asking for help from the many sources. You heard from a
15 few of them today.

16 The Legislature has also seen this as a valuable
17 effort by putting incentive funding for 10 million and
18 maybe more in the coming future for this transformation,
19 so another important stakeholder. And I just feel like
20 with the numbers that we've seen, 500 times more
21 carcinogenic than diesel PM, it's pretty persuasive. We
22 can go back and forth on some of the numbers and I'm going
23 to ask questions around some of the data, but it does
24 suggest that we have to do something. It can't be
25 overlooked or understated the impact of this substance to

1 the body.

2 I also don't see this as a ban, but a phaseout, a
3 transformation of the industry. And we know that CARB's
4 regulations push the market and technology innovation
5 happens. This has been recognized internationally and
6 nationally. And, in fact, I have high hopes that this
7 will happen in this instance again. But to that point,
8 there will be regular check-ins as we've heard to find out
9 where we are in the innovation and it -- and where we are
10 on the road to get this right and thread the needle.

11 But with that said, I do have concerns, and I do
12 have questions. Dr. Pacheco-Werner touched on one of them
13 and I just want to dig down a little bit further, which is
14 on the medical equipment piece when it comes to the
15 decorative definition that it falls under. Can we talk a
16 little bit more about this exception and are there other
17 things besides medical that we've contemplated or thought
18 about that is really important that maybe does need more
19 time than just a couple of years? I want to flesh out and
20 just make sure that that definition is correct and just
21 maybe talk to the public too about what other issues, or
22 concerns, or very important items may fall under the
23 decorative category that you think should be there but
24 others question.

25 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Thank

1 you, Board Member Hurt. We understand the question there
2 with medical devices. And from our understanding, there
3 are not -- there are not others functional processes that
4 are -- that are being plated under the realm of the
5 decorative plating facility. Certainly, if there's
6 something that we are not aware of that they're doing,
7 they're plating in functional purposes that are important
8 for safety, let's say, or industries, those types of
9 things, then that's something that we haven't heard of,
10 but we need to be aware of. Again, that's for the medical
11 devices and we don't know how much of that sector is
12 really plating under the guise of medical devices in
13 plating for those purposes.

14 But that's something that certainly we would
15 follow up on. And again, that would be -- that would be a
16 change -- a 15-day change if we were to have some
17 information about that where we would be able to exempt
18 medical devices or devices that are used for the purposes
19 of safety. So to make sure we have those parts that are
20 being plated for those types of purposes in whatever
21 category or sector that's -- were talked about.

22 BOARD MEMBER HURT: Thank you. So to the public,
23 it sounds like if you know of things that shouldn't be
24 under this definition because of the functional
25 importance, it's -- the time is now to send those

1 comments, so that we can review, and assess, and analyze
2 that, because again, we're trying to be as fair and
3 equitable in this process as we can. And while we know a
4 lot of things, maybe we don't know everything. So the
5 public can definitely help us in that process.

6 What is the effect, just thinking out loud, of
7 additional time, another few years, for the transformation
8 of cost -- customer adoption, which seems to be many
9 speakers' concerns? And I kind of have some thoughts
10 about it, but I just would like to hear staff's
11 perspective.

12 TTD ASSISTANT DIVISION CHIEF BOYD: So I'm
13 assuming you're referring to, Board Member Hurt, on the
14 decorative plater side, because on the hard --

15 BOARD MEMBER HURT: Yeah.

16 TTD ASSISTANT DIVISION CHIEF BOYD: Yeah. So on
17 the -- on the dec plater side, the reason that the timing
18 was shorter there was because of the available
19 alternatives, you know, the color issue not with -- not
20 withstanding. When you look at that particular, you know,
21 structure and you start looking at, you know, do I add
22 more time, you're actually increasing the amount of time
23 that emissions occur, because the way that particular part
24 of the reg was structured was we didn't want -- we wanted
25 to minimize the amount of capital that was being expended

1 on applying controls. And so they can devote that capital
2 to actually transitioning out of hex chrome into
3 tri-chrome or some other, you know, alternative. As you
4 start to extend that time frame, you're increasing those
5 emissions.

6 And so the question becomes do we -- now we need
7 to start looking at controlling those emissions in the --
8 you know, in the interim? And so that's just going to
9 have the impact of just increasing the cost on that
10 segment of the -- of the industry. And so that's why
11 we -- you know, so we thought about that. We talked about
12 that. You know, it's something that we debated even
13 internally amongst, you know -- you know, a staff just to
14 make sure that we weren't coming up with something that
15 was, from a cost perspective, unnecessarily, you know,
16 burdensome. And so that's the immediate impact of doing
17 that.

18 The other impact of it is, like I mentioned,
19 you're also increasing. So you're increasing cost on it
20 and you're also increasing emissions over the -- you know,
21 over the same time period.

22 BOARD MEMBER HURT: Okay. Just a couple more
23 questions. There were a number of folks who commented on
24 the emission numbers and the data that's been collected on
25 this matter. And I was wondering if you all wanted to

1 just kind of give a little background or talk about how
2 you collected this information, and why you trust some of
3 these numbers, and just more background on that space.

4 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Sure,
5 Board Member Hurt, I can -- I can address that question on
6 the emissions. The emissions inventory, and typically we
7 use our emissions inventory that we get from the local air
8 districts and those inventory numbers are reported by each
9 one of the facilities as a requirement in their 2588
10 reporting of the air toxics inventory. And so those
11 inventory numbers that come from the districts, but also
12 they come directly from a facility's the reported
13 emissions. And some of those emissions can be reported
14 from source tests. Some of those emissions can be
15 reported from permitted values, which in our staff report
16 we've recorded those from permitted values, even though
17 those are a little higher than the actual emissions that
18 you might have heard the comments today.

19 That still doesn't change the fact that the
20 emissions are reported from those sectors and that these
21 emissions are as -- if you compare those to the rest of
22 the emissions that are in our staff report as well. Many
23 of those emissions are from mobile sources or from other
24 combustion sources, those type of things that could have
25 been -- at least the stationary sources are being

1 controlled as well, not only that, but the mobile sources
2 are being controlled as well for some of those emissions.

3 But it's real important to note too that many of
4 these facilities, the stationary source facilities, are
5 located, as you mentioned, in disadvantaged communities,
6 environmental justice communities. Many of these
7 facilities are also located very close, these facilities
8 as you saw in a few of those slides, but almost 50 percent
9 or more are located close, within a thousand feet, of
10 these facilities. So the exposures and the impacts of
11 these facilities to local communities are much broader
12 than what you see in the inventory package, especially in
13 the pie chart that you just saw, where it comes from a
14 number of the sources and a number of sources from
15 combustion, some of it's from mobile. Those are typically
16 not located next to -- next to the facilities.

17 But it's also important to note too that many of
18 those sources are being controlled already, maybe not for
19 hex chrome, but certainly for other toxics or criteria
20 pollutants, those types of things, in many of the
21 districts' programs air toxics rules as well.

22 CHAIR RANDOLPH: Can I -- can I ask a follow-up?
23 Oh, sorry, Rich. Do you want to add something?

24 TTD ASSISTANT DIVISION CHIEF BOYD: Yeah, just to
25 add something. So on the -- on the emissions, it's a --

1 we were looking at control measures and whatnot in order
2 to help inform the regulation in terms of how it's -- you
3 know, it's structured. And so we do look at emissions and
4 then we do try to take those emission estimates and do
5 some cancer risk estimates. You know, so we can't do the
6 mortality and illness type calculation for -- you know,
7 for these non-diesel, you know, toxics, but we can do, you
8 know -- you know, the cancer information.

9 So the idea is just to get a -- you know, a
10 ballpark. And so we don't -- you know what we aren't
11 saying is like here is this facility's specific emissions.
12 We're just trying to capture in a more general sense of
13 what those reductions could -- you know, could be. And so
14 what Robert, you know -- you know, was outlining, ideally
15 you would have direct emissions from each and every, you
16 know, facility through some fashion. And in this case, we
17 didn't actually, you know -- you know, have that. And so
18 in order to create -- you know, create a more complete
19 picture, that's why we started looking at some of these
20 other ways of doing it and looking at permitted values.

21 All of that is actually outlined in the staff
22 report and we actually do show the actual emission numbers
23 under each one of those -- you know, one of those buckets.
24 So you see something that's lower and you see something
25 that's -- you know, that's -- you know, that's higher.

1 But I think the key take-home message there is
2 that those emissions are occurring. And then it really
3 is -- it's not so much that, you know, on what the
4 emissions are. It's really the potency behind those --
5 you know, the exposure part of it. So that's really --
6 that's why we -- when we start looking at hex being more
7 carcinogenic than -- you know, than diesel PM, what we're
8 talking about is that potency value. And so even though
9 you might have smaller emissions, if you just wanted to
10 look at those versus something that, you know, is a little
11 bit larger, you still have those impacts on communities.
12 And so I just wanted to add that part.

13 But Vice Chair Berg. Sorry, Chair Randolph.

14 CHAIR RANDOLPH: Well, I just kind of wanted to
15 ask a follow-up, while we were on the topic. One of the
16 commenters, I think it was EME, was saying that their
17 fenceline monitoring didn't show fugitive emissions. So
18 I'm curious can you tell me about the sort of fugitive
19 emissions data you have, and how you gathered that, and,
20 you know, kind of the analytical work behind that?

21 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Yes.
22 Again address that fugitive emissions question, and you're
23 true. The fenceline monitoring I don't know if they can
24 make that statement where it's not capturing fugitive
25 emissions. Fenceline monitoring is going to pick up X

1 amount of chrome, whether it's coming from the stack or
2 whether it's come from some other emissions sources. And
3 many of those emissions sources could be. And that's our
4 thing, it could be from the emissions -- from fugitive
5 emissions.

6 Fugitive emissions are released outside of what's
7 being collected at the control device. And many of those
8 things, for example, in a hexavalent chrome plating
9 operation come from these tanks that are not -- that have
10 not been controlled, that are being emitted in the
11 facilities and those types of things. And then when the
12 doors are opened, those fugitive emissions did get
13 released. That's an example that actually happened in
14 South Coast when they were developing their rule, their
15 hexavalent chrome rule, where they did capture monitored
16 emissions of hexavalent chrome near these facilities, not
17 necessarily all of them hex chrome plating facilities, but
18 many of them were near these facilities, which they were
19 collecting fairly high concentrations of hexavalent chrome
20 once -- and even when the control devices were operating
21 efficiently. So that didn't equate to what was being
22 monitored.

23 And then they were determined that many of these
24 emissions were coming off these tanks. They agitated
25 these heated tanks, those type of things, that's in these

1 facilities. And there are quite substantial of those
2 emissions of hexavalent chrome. They weren't making it
3 out to the monitors. Once their rule was adopted and they
4 started controlling some of those tanks and those types of
5 things, those emission levels outside, or next to those
6 facilities, or near those facilities, significantly
7 dropped as well.

8 So we do know that fugitive emissions are being
9 played in a -- in a part of this puzzle I guess you would
10 say for -- to address those exposures from these
11 facilities. So fugitive emissions could be a significant
12 source, based on our information that we have from levels
13 that are measured off of tanks versus those that are --
14 that are measured inside the buildings as well.

15 VICE CHAIR BERG: I just want to follow-up again
16 on the emissions issue only. But when we're talking about
17 the heating and the boiling, isn't that primarily the hard
18 chrome versus decorative?

19 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Yes.
20 Most of those are -- primarily are hard chrome, because
21 they have -- they have multiple tanks compared to a lot of
22 the small decorative platers have, you know, one
23 electroplating tank, those types of things. So we're
24 talking about that. But there are some other things that
25 are just important to note too. Many of the decorative

1 chrome plating facilities, smaller ones, are required to
2 use fume suppressant only, and that's to meet our rules.
3 And fume suppressant only is -- you know, it can control
4 95 percent, 96 percent of emissions those types of things.

5 But again, that's not controlling all those
6 emissions there as well. So I mean that -- those are not
7 vented through an air pollution control device, those
8 types of things. So there are some fugitive emissions
9 that are -- that are happening there. There -- they may
10 be some other processes too as well that are inside the
11 building, those types of things, but there are some
12 fugitive emissions, but we don't -- again, it's difficult
13 to characterize that.

14 VICE CHAIR BERG: And then just to -- we're
15 required to calculate permit emissions based on maximum
16 emissions. Many of these permits have been issued over
17 decades and decades and they could be 50, 60 times greater
18 than what's being used. If the plater was willing to
19 reduce the maximum -- the maximum emissions allowed, then
20 that would change our calculation, correct?

21 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: That
22 would -- that would change the calculations that's in our
23 staff report right now.

24 VICE CHAIR BERG: Okay.

25 TTD ASSISTANT DIVISION CHIEF BOYD: And Vice

1 Chair Berg, just to be more clear. And so it would change
2 the overall calculation, but in the staff report we
3 actually have it broken out by those distinct categories.
4 So there's a portion that's based on the permitted
5 emissions and then there's a portion that's based on, you
6 know, source tested an actual emissions. And we report
7 those numbers discretely for the facilities that we
8 actually had that -- had that data.

9 VICE CHAIR BERG: But in the source testing --

10 TTD ASSISTANT DIVISION CHIEF BOYD: So the --

11 VICE CHAIR BERG: -- in the source testing, they
12 also have to test it at maximum. So there -- they're
13 doing the maximum amps and the maximum -- everything is at
14 maximum, not at necessarily what is actually happening
15 within the walls of the plater.

16 TTD ASSISTANT DIVISION CHIEF BOYD: So there is
17 an artifact of source testing in order to make sure that
18 they're collecting enough sample volume that they do have
19 to run the amp hours enough in order to execute the task,
20 yeah.

21 VICE CHAIR BERG: But that would suggest that if
22 you could detect emissions at a -- at the actual amp hour
23 that they were running, then you would accept that, but
24 the emissions are so low, you can't see the emissions at
25 that amperage, and so you have to tune it up to get

1 emissions, is that correct?

2 TTD ASSISTANT DIVISION CHIEF BOYD: And so the
3 current source test protocols aren't sensitive enough to
4 detect the lower levels of hex emissions though.

5 VICE CHAIR BERG: Okay. Thank you.

6 CHAIR RANDOLPH: Do you have more?

7 BOARD MEMBER HURT: Yeah, I do. Thank you, Vice
8 Chair Berg for that question, because that was one of my
9 questions. And the next question I have is has there ever
10 been any direct talks to aerospace, you know, some of the
11 customers that we are -- folks are concerned, like Boeing
12 and Lockheed, that they will lose business too?

13 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Yes.
14 Actually, we have -- I had conversations with Boeing and
15 even the DOD, Department of Defense, as well. And in
16 their conversations that they had with their -- and their
17 leading it with functional plating operations, those types
18 of things, they had mentioned to us that they did support
19 the rule, at least the time frame, for a phaseout. But
20 also they mentioned that the technology reviews were very
21 important for us to get a handle on -- grasp a handle on
22 the technology development, those types things. They said
23 they were working towards, even the Department of Defense
24 was working towards new -- for new technologies that move
25 away from toxic metals, and specifically hexavalent chrome

1 as well. So that was one of those things that were on
2 their agenda to do in the -- in the future.

3 BOARD MEMBER HURT: Thank you. And this is just
4 my last question. Have we ever considered if -- those
5 folks that do the decorative plating, if they can show
6 that there aren't emissions or fugitive leaking that
7 there's an exception or more time in that transformation
8 of industry, so that they can have that time for customer
9 adoption?

10 TTD ASSISTANT DIVISION CHIEF BOYD: So the short
11 answer, yes. We did talk about that, but it's a
12 multi-pronged issue, right? So one is the stack
13 emissions. And so there -- you know, we're confident that
14 we can actually get a reasonable estimate of what those
15 are. The big question is the fugitives and how you're
16 characterizing, you know, those, and so, you know, since
17 that's something where we don't have a good methodology
18 and we have to do modeling exercises to really, you know,
19 drive down. So from a compliance perspective what is the
20 mechanism that we're using to ensure that a facility is
21 not having any actual, you know, fugitive missions.

22 And so I'm -- that's why we just -- we
23 didn't actually put that particular feature in the rule,
24 but it is something that we talked about as staff. It is
25 something that we talked about with -- you know, with --

1 you know, with industry, but -- and it kind of gets to the
2 quote/unquote emission based standard that you heard a
3 number of the commenters mention -- you know, mention
4 earlier. And so that works well for the stack emissions,
5 but it doesn't work well for the fugitive emissions that
6 we believe are equally if not more important than the
7 actual stack emissions.

8 BOARD MEMBER HURT: Okay. Well, I guess just
9 last I'll say, you know, this is tough. It's not an easy
10 rule. Obviously, we want to keep people in jobs, but we
11 also want to protect health and we can't sit and not do
12 anything. And so thank you to staff for bringing this
13 forward and for us evaluating this.

14 CHAIR RANDOLPH: Board Member Takvorian.

15 BOARD MEMBER TAKVORIAN: Thank you, Chair.

16 If someone had asked me what issue might be an
17 illustration of some intersection in my life, I don't
18 think I would say chrome(VI). But as we're discussing
19 this issue, I'm finding that there's just a lot of
20 connections for me, so I want to be really open about what
21 those are and speak to the rule and to staff, as well as
22 speaking to the community members who are here today,
23 because I think it's really important that we all
24 understand how long this process has been.

25 So for some who may be coming into the chrome(VI)

1 conversation more recently, like the last 10 years, some
2 of us have been talking about this for more than 20 years.
3 And some of us are live in or work in communities where
4 lives have been lost as a result of chrome plating
5 operations and have been waiting and pushing for a
6 regulation to come into play that will -- that will retain
7 jobs, retain companies, and save lives.

8 So to me, this is a moment that I have to say
9 that many of us have been waiting for. And I'm extremely
10 grateful to everyone on staff who have been carrying this
11 work - it's difficult - doing the technical work, doing
12 the outreach, talking with stakeholders, community
13 members, to try to find the best resolution that we can
14 find.

15 That's since 2018. And if you want to put up the
16 slide of all of the outreach that you did just as a
17 reminder, I think that's really important. But I think
18 that it was mentioned that in 20 years ago, CARB came to
19 San Diego at the request of my organization, Environmental
20 Health Coalition, because kids were very sick in Barrio
21 Logan. And they set up monitoring equipment for the first
22 time on chrome(VI) and found the highest levels in the
23 state of California of chrome(VI).

24 I don't think that's because those were the
25 highest levels. It's because that's where we were looking

1 and that's what we found. And I think that helped to open
2 this whole conversation up. So if that's true that's how
3 we kind of see the story, then that's great. What's not
4 great is that this -- the one facility that was being
5 focused on had almost all fugitive emissions. Almost
6 nothing was controlled and their exhaust fan was four feet
7 from a family's child's bedroom window. That child came
8 down with asthma at six months old. That child couldn't
9 go to school 50 percent of the time. That family lost
10 their jobs, because that mother who was the support for
11 that family couldn't go to school, because she had to stay
12 home with her kid, and the father died of drug overdose,
13 because of the stress on the family.

14 So that's a story, but I'm telling all of you who
15 are here today that I hear your story, because that -- and
16 we do not want that to happen to any other family. We do
17 not want you to lose your jobs. We do not want you to be
18 sick. And the workers who came out of that plant were
19 sick as well, very sick. And I don't want to scare you.
20 And of those of you who are not sick, I'm happy for you.
21 Bless you. But people are sick. This is cancer risk and
22 I'm not going to stomp on my colleague's place here, but
23 everybody doesn't get it because you're exposed to it.

24 But this is serious and it's -- and trivalent
25 chromium was being discussed in the mid-2000s. We were

1 talking about that as an alternative and so it's now 2023
2 and we're ready to bring it forward. So from my
3 perspective, and I just want to be honest about it, it's
4 long overdue. And it's not -- that's not a critical
5 comment. It's more to me a matter of where we are. And I
6 feel like this agency has done due diligence on the
7 science side, on the outreach side, on the community side,
8 and has landed now here for decorative chrome. And then
9 we're talking about waiting another 16 years, 17 years
10 before we're able to do it on the hard chrome side. I
11 really hope that moves faster, but I really believe that
12 technology is moving and that technol -- the rule is going
13 to move technology and technology is going to help us save
14 lives and jobs.

15 So I know that that may fall on deaf ears, but I
16 just want you to know I feel like that's where we're going
17 and I'm concerned about -- we talk a lot about community
18 health. Of course, I'm concerned about that. I'm
19 concerned with worker health too. And I want to say that
20 I don't feel that we talked as much about that in the
21 presentation, but these are real risks for those of you
22 who are working in the industry. And I'm hoping that this
23 is something that will help save worker lives. And many
24 times workers are the same people who live in the
25 community, so -- as many of you said.

1 So, to me, that's the goal here. And we need to
2 move as quickly as possible. I've asked staff multiple
3 times why we can't move both more quickly on hard chrome?
4 And I feel like you all have provided a really important
5 conservative meaning phased and thoughtful approach to how
6 we have to move on hard chrome. But I would love to hear
7 a little bit more from you about how you see -- because I
8 think we've done the due diligence on decorative and we're
9 at the place where it's appropriate to take actions. I
10 would like to hear you talk again about how you feel like
11 that's going to -- how that's going to flow from here on
12 the functional chrome side, because you're showing us
13 communities, you're showing us schools that are right next
14 to these facilities. You're showing us communities that
15 are being exposed and saying you have to wait another more
16 than a decade, almost two decades before relief will come.
17 Although I understand that you're putting -- you're
18 talking about controls being put in. But I think it's
19 important to go back and talk about what you see that
20 process as being like.

21 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Thank
22 you for that question, Board Member Takvorian. So we have
23 put in tech review processes into this regulation. And
24 that is for some of the reasons you've said, the
25 technology for hard plating and chromic acid anodizing is

1 not there to replace everything. Probably a majority of
2 the sector right now would not be able to replace their
3 existing technology with a trivalent or other solution.
4 And, you know, safety and, you know, military
5 specifications, and, you know, national security concerns
6 that have arisen from a kind of rapid switch to a
7 trivalent process or another process have really dictated
8 these technology reviews.

9 We really -- you know, obviously, none of us want
10 to have an airplane with an inferior landing gear. And,
11 you know, the consequences of failure in some of these
12 industries are catastrophic, so we need to give the
13 technology time to develop and meet those challenges.

14 What we've seen from discussions with aerospace
15 and DOD is that, you know, the testing process for some of
16 these parts is -- to even get a part that's certified for
17 us is, you know, five or ten years. So we needed to -- we
18 needed -- we felt that that 15-year time period would give
19 a sufficient goal for technology and then the technology
20 reviews are kind of acting as backstops to make sure that
21 we're actually going to get there.

22 There is situations where, you know, it may not
23 be possible to replace a process, even in that 15-year
24 time frame and we need to be aware of that and we need to
25 be prepared for that and we think that the technology

1 review process will give us a mechanism to move forward
2 and amend things as needed.

3 BOARD MEMBER TAKVORIAN: Okay. Thank you. And
4 I -- not to put too a fine a point on it, but just to say
5 I think what I take from that is why it's very important
6 on the hard chrome side to -- for the Board to act now to
7 set that goal and to move this process forward. And so if
8 it's going to take 15 years to do it correctly, we have to
9 act now and not be delaying on that process for additional
10 time. And I know you've said that, but I just want to say
11 it and ask your confirmation for that as to why it would
12 be imprudent to wait on that side of it as well.

13 TTD ASSISTANT DIVISION CHIEF BOYD: Staff
14 concurs.

15 CHAIR RANDOLPH: Dr. Balmes.

16 BOARD MEMBER BALMES: Thank you, Chair Randolph.
17 And so I just want to thank everyone who came to
18 testify today. I think it was pretty moving testimony. I
19 wanted to go after Ms. Takvorian in part, because I knew
20 she was going to make an eloquent case for the
21 environmental justice impacts, but she also mentioned
22 occupational health. And I don't if everybody knows, in
23 addition to being a pulmonary critical care doc, I'm also
24 an occupational environmental medicine physician. And I
25 always am concerned when our rules that are focused on

1 environmental health have impacts on occupational health.

2 And I concur with Ms. Takvorian that we want to
3 protect worker health as well. But worker health in
4 this -- also involves having a secure job. And I truly
5 worry about the impacts of our rulemaking today on the
6 jobs that we heard so clearly are among workers of color,
7 mostly Latinx, in terms of the testimony today. And these
8 are good jobs that will be hard to replace.

9 So I agree with Vice Mayor Hurt that this is a
10 tough one for me. You know, balancing the public health
11 impacts -- you know, this is a carcinogen we're talking
12 about. The toxicity is clear. Even if many of you said
13 you've been working in the industry for a long time and
14 aren't sick, that doesn't mean there isn't a cancer risk
15 related to this, but I also don't like to see job loss and
16 industry leaking out of California, so this is really a
17 tough one.

18 I will say I know a fair amount about toxicology,
19 including hexavalent chrome. And the most important
20 principle in toxicology is the dose makes the poison.
21 It's Haber's Principle for those who care. And I'm
22 sympathetic to the business owners who are mentioning that
23 they feel that the exposure -- exposures to the community
24 are low. I mean, I don't think we really know how
25 important the impact of the fugitive emissions are for

1 most places. I'm sure there's some bad actors out there
2 that may be right smack dab in the middle of an impacted
3 overburdened community, but I think that technology
4 actually does reduce exposures pretty well.

5 I'm not going to be a -- I'm not against the hard
6 plating regulation at all, because I think as Ms.
7 Takvorian just said we have enough time. And there's the
8 technology reviews to see if we can come up with a
9 replacement. You know, I know it's -- it feels like a
10 death sentence to some of the business owners and workers,
11 but, you know, 15 years is a long time, especially if the
12 Department of Defense and the big aerospace companies
13 really are committed to getting rid of this toxic metal.

14 I'm -- with regard to the decorative chrome
15 plating, I definitely am glad that Vice Mayor Hurt brought
16 up the issue of the functionality. As a doctor, I want
17 the best medical devices available. And I don't know if
18 trivalent chrome plated devices are as corrosion resistant
19 as ones that are hexavalent chromium plated. But, you
20 know, if I had -- if I had a device implanted in my body,
21 I would certainly want to it be corrosion resistant.

22 And perhaps as came out in the dialogue between
23 Ms. Hurt and staff, there are other functional
24 applications as well. And I'm kind of sympathetic to
25 giving the decorative plating operations a bit more time.

1 I realize, as you know staff brought up, that that's --
2 you know, then there's more investment in terms of
3 emission control that's necessary. But have we actually
4 talked to the industry about that? Would they be willing
5 to put that investment in place to give them a little bit
6 more time as opposed to, you know, having them invest
7 in -- you know, in the trivalent chromium plating that
8 they least are resistant to do for some applications like
9 the classic cars and motorcycles? I have to say, I put
10 public health above classic cars and motorcycles. No
11 offense.

12 So I'm left with a dilemma. This is like one of
13 the hardest regulations that I've been faced with. And so
14 I guess I'll stop there and see what my other Board
15 members have to say.

16 Thank you.

17 CHAIR RANDOLPH: Thank you.

18 Vice Chair Berg.

19 VICE CHAIR BERG: Thank you very much, Chair.
20 And I really do want to thank my fellow Board members,
21 because I think they have really set the stage for this
22 conversation.

23 I really relate to both sides of this
24 conversation very clearly. All those people that came to
25 testify today and you saw the pride, and where they

1 worked, and the opportunities that they had. That could
2 be my employees standing up there. And for those of us
3 that have been in -- associated with the chemical industry
4 in any shape, this is always the tension. There was a
5 saying in the 40s and 50s and kind of branded a little bit
6 in the 60s that are living through chemistry, and there's
7 some truth to that. I mean, if we go back and look at,
8 you know, how we have kept medicine good and different
9 types of medicine and -- without chemistry, life would be
10 a lot different, because we would be exposed to some
11 things within the environment.

12 That said, more chemistry, and more emissions,
13 and things are exactly the problem. And so we are tasked
14 with as I really appreciate Board Member Hurt's threading
15 the needle, because I feel like threading the needle
16 without my glasses on is, you know, the challenge of the
17 day. And so I just -- I want to say that there is no
18 question for me personally a principle that for me to look
19 at is we have an obligation, I have an obligation, to
20 reduce cumulative impacts in these environmental justice
21 communities.

22 I have been on the tours. I have witnessed them.
23 I have seen standing in people's yards emissions go up
24 from factories. We -- I appreciate that in this context,
25 I believe the business owners and people that showed up

1 are the -- are the -- are the Gold Standard. They are the
2 leaders in the market. But I know personally in my own
3 industry, there are people that don't care as much and
4 without regulation things wouldn't change.

5 So I appreciate that we say work with business,
6 but 20 years ago when we were bringing this up, business
7 wasn't coming to the table. We always want to work with
8 business, we always want to get together when it's time
9 pull trigger, and it's time to move. And so except for
10 those, that really have been the Gold Standard really have
11 built their business around practices that are good
12 neighbors, and those are the people that I truly do want
13 to be helpful to as we look at a transition.

14 So a couple of thoughts that I have. First of
15 all, these jobs they're talking about are really --
16 they're real jobs. We have plenty of industries in the
17 state of California that have fully left the state. And
18 yes, we've replaced them with great -- I mean, with
19 economically great jobs. But the wage gap has gotten
20 worse, because many manufacturing jobs we know were higher
21 paid than service jobs. And so there are consequences and
22 I don't want that to be overlooked.

23 We talk about in the justice the -- EJ and the
24 equity discussions a just trans -- a just transformation
25 including jobs. And so if, in fact, we are going to phase

1 out, then where is our plan, because some of these jobs
2 will leave because other states will be happy to continue
3 to work with hex chrome. They'll be happy to plate.
4 They'll be happy to send this back in. And so what are we
5 going to do for those workers? And I think we have a
6 responsibility to that.

7 Secondly, I think there is an opportunity to
8 really hone in on this alternative. We heard clear
9 testimony by Pat Patterson that talked about that we
10 weren't quite there yet on the hardness and the salt
11 sprays. Salt spray is a very important test, because it
12 tells you how corrosive resistant it is. Okay. We've got
13 to have a quality on hardness and salt spray, but they
14 said they were close. They're close.

15 Okay. The color issue, that's a personal choice
16 type thing. It's interesting to me that trivalent has
17 been around for 40 years is less than 10 percent of the
18 market. So why not a seller rule? Why not a seller rule
19 into California in 15 years that says that truly
20 decorative things, so all the -- all the towel racks, all
21 the, you know, locks, things that consumers truly have a
22 choice over, if it's -- if it's slightly a different
23 color, I agree, we don't choose color over people's
24 health. And that gets down then to the functional -- so
25 I'd really be interested in eventually a seller's rule.

1 And so that we can help these platers switch over and
2 build a market. And so that could be a possibility.

3 I am in favor of having the decorative shops have
4 a choice. And a choice would be stay with a phaseout as
5 staff determines after coming back would be the floor so
6 to speak, but there would be an opportunity to be more
7 aligned with the hard chrome, if they were willing to meet
8 the South Coast rule. Then that's their choice on how
9 they want to invest in their business or if they can make
10 that transition faster.

11 And then on the 12 -- on the \$10 million, the \$10
12 million should go to those that are going to have to
13 transition sooner. And so maybe there's a way to thread
14 this needle to truly look at giving owners the opportunity
15 and the choices with incentive money going for faster or
16 for pilot programs that really were pushing this
17 technology forward and yet more aligning decorative to the
18 hard chrome.

19 The emissions is small. I mean, just go back to
20 your own cancer risk. The cancer risk is in the hard
21 chrome and the very large plating companies. These small
22 family companies that were in front of us I do believe --
23 I hope we keep them in California. They've got awesome
24 workers. They've really provided a great industry, but we
25 need to have those companies that are going to step up and

1 be the Gold Standard of near zero, because nobody can say
2 they have zero. Something can be measured if you've got
3 it down to the various finest point and we had a machine
4 that could measure it.

5 On the fugitive emissions, I'm not quite clear
6 why we can't put measuring devices at the door and --
7 and/or -- I think the fugitive emission issue is a little
8 bit of -- it's really difficult on all sides for
9 discussion, because there's just not a clear cut answer.
10 And when we're talking about a full transition into
11 another business where we're going to close down
12 businesses, I do understand that we certainly do want to
13 have clarity. In this -- in this chart -- do we agree
14 with this chart, by the way? Is this, in fact, the chart
15 that was given out to us that references the CARB website?
16 Is this, in fact, our --

17 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Yeah,
18 that's not our chart. We don't have our chart in the
19 staff report. We have a bar graph on the staff report
20 that says about the same thing.

21 VICE CHAIR BERG: Okay. Boy, we should really be
22 going after those refineries at 48.98 percent.

23 TTD ASSISTANT DIVISION CHIEF BOYD: And, Vice
24 Chair Berg, I can -- you know, I can, you know, just add
25 on. You know, certainly we're interested in all sources

1 of, you know, hexavalent chromium, in addition to other,
2 you know, sources of toxic air contaminants that impact
3 communities.

4 You know, the driver here was based on
5 information that we had from the community reduction
6 programs. We also had several listening sessions. And
7 hex emissions, in particular chrome platers, you know,
8 came to the -- you know, to the top. But absolutely, we
9 are looking at other emission sources. We will be working
10 with, you know, communities and other stakeholders,
11 industry, as we look to see what other, you know, areas we
12 need to look at in terms of having the appropriate degree
13 of control.

14 VICE CHAIR BERG: Well, and I'm very appreciative
15 of that. My point is is we've heard -- I've never
16 attended a community meeting that didn't bring up
17 refineries. Sometimes we can go after emissions we can go
18 after. It feels a little bit like I know we can go after
19 these. It's hard to go after the refineries.

20 So I would really appreciate staff again looking
21 into building the -- we've got to build the market for
22 trivalent. Who's going to call Tesla and have Tesla be
23 the first automotive company to go to trivalent as soon as
24 the hardness and the salt test? Okay. Let's help build
25 this market so these people can stay here.

1 And secondly, I really would appreciate if we
2 could meet with the districts and find out how to reduce
3 those permits on those excess emissions that are on those
4 permits. It shouldn't be costing the companies a whole
5 lot of money to reduce the actual permit threshold. It
6 makes a big difference. If you say I can emit four
7 million -- whatever the -- one of the testimony, but
8 they're only doing 200,000, they don't need four million.
9 Let's reduce that, so that our numbers are more aligned.

10 And then could we please take a look at maybe a
11 multiple -- a path of, yes, you can go now, and there's
12 money available or you can put in the controls and help us
13 develop that market, or quite frankly if that gives them
14 more time to relocate and take their workers, if that's in
15 their best interests, at least we give them some more
16 time.

17 And the one thing I did promise I would mention,
18 we do have small business owners this was their
19 retirement. Those businesses now have zero value. They
20 can't sell these businesses now and they shouldn't be able
21 to, because we intend on phasing it out. So there are
22 effects when we transition and I just don't want that to
23 not be realized. I really appreciate the work. I saw it
24 firsthand. I know we have to reduce these cumulative
25 impacts. They're going to be tough. Everyone of them are

1 going to be tough. And so I do don't want to -- I want to
2 end on that is that these neighborhoods have waited a long
3 time. This to me feels like a first step. I'm
4 supportive. I want to just quote one other James Perez.
5 I just really appreciated when he said let's look for a
6 fair agreement that makes both sides happy. You know, he
7 was young. I really hope he holds on to that belief that
8 we really can find something that works where we can make
9 both sides happy. So, James, you keep that going. I
10 appreciate that. And thanks very much, staff.

11 CHAIR RANDOLPH: Thank you.

12 Senator Stern.

13 SENATOR STERN: Thank you, Madam Chair. And good
14 to be with you all here for my first in-person hearing
15 with the Air Resources Board. As a new Senate appointee,
16 I feel not only it's my duty to thank everybody here for
17 coming out especially those of you who I represent in the
18 room. I think I heard some comments out of Chatsworth and
19 the San Fernando Valley. And certainly the region was
20 built on the aerospace industry and still is the sort of
21 heartland, at least in my view, of where we've -- where
22 we've built a strong middle class and sent ourselves to
23 the moon and protected this county.

24 So I do want to recognize that that effort that
25 everybody made here to tell their story. And I know this

1 has been a decades long conversation as my fellow chair --
2 my fellow Board member here, Ms. Takvorian, laid out, it's
3 decades in the making.

4 I thought it might be useful to give a little
5 legislative context, since I'm the -- I'm the legislator
6 up here, that when we acted at the end of the legislative
7 session last year, we were well aware of the context and
8 were looking to the Air Resources Board to this -- this --
9 the staff, and the Chair, and all the members here to act.
10 If you go back and actually read the language in the
11 statute itself, it calls the transition necessary. That's
12 a majority of the -- your State representatives saying
13 that we have to make this transition to quote fully
14 eliminate hexavalent chromium. And that the funding
15 provided, at least by the State, is contingent on this
16 Board acting on that full elimination. If, for instance,
17 an emissions based standard were adopted, that money would
18 not materialize. It could no longer be appropriated or
19 allocated.

20 So I think it's important to understand that
21 context. And I -- and I really appreciate the Vice
22 Chair's comments just now and her creativity on thinking
23 forward about, you know, what a seller's rule looks like,
24 what engagement with industry actually does look like.
25 There's a -- there's a provision in the legislation that

1 also speaks about customer awareness. And I believe
2 language is customer awareness as well as demonstration
3 opportunities. I guess what I would say there is based
4 on -- I can't speak for an entire legislature, but I'd be
5 willing to put in some effort, if there's further
6 prioritization, or tailoring, or sort of a varied approach
7 from what we laid out in statute pending the adoption of
8 this rule to better target, you know, say the most
9 vulnerable sensitive receptor sites or -- and/or the most
10 vulnerable businesses. I'm very open to assisting with
11 that.

12 And it is concerning to know that there have been
13 rounds of funding previously authorized -- offered, though not
14 at the State level perhaps, but at the South Coast level
15 that industry just hasn't taken on. And I think that's
16 partly because your -- you have a business that your
17 customers are demanding a certain product and you're not
18 going to be the ones to go tell them they have to change.
19 But I think that, you know, when we're talking about
20 balance here, it's very hard to think about even one life
21 lost here, let alone hundreds if not thousands.

22 And the part I'm -- I just have a -- my question
23 is really about on the hard chrome side of things and
24 Mil-Spec and those sites for staff. How many of those
25 sites are near sensitive receptors? We spent a lot of

1 time today talking about the rapid transition on the
2 decorative side, but with the current sort of extended
3 compliance period that we've laid out for the hard chrome
4 where the volumes are much higher, how many of those sites
5 are near sensitive receptors and I guess would be for the
6 foreseeable next couple decades or more than a decade? Do
7 you -- do you have a sense of that number?

8 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Yeah,
9 Senator Stern, we're looking for the specifics on that
10 sort of thing. But I know we have over about 50 percent
11 of the total facilities that are close to -- or within a
12 thousand feet of the sensitive receptors. So we don't
13 know specifically the hard chrome, but we're looking into
14 that one.

15 SENATOR STERN: So But -- sorry. So 50 percent
16 within a thousand feet overall?

17 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Overall
18 for every --

19 SENATOR STERN: Decorative and hard chrome
20 combined.

21 TTD RISK REDUCTION BRANCH CHIEF KRIEGER:
22 Decorative and -- right.

23 SENATOR STERN: And yeah, just in terms of the
24 sort of cumulative impact of -- on the hard chrome side, I
25 think it's just important to be aware of that. We've

1 talked a lot about balance and trying to make both sides
2 happy here, but I think we need to be very eyes wide open
3 to -- especially to the communities that are going to be
4 impacted as to what they're going to have to live with,
5 but also -- or suffer with, sometimes not live at all,
6 but, you know, fully understanding that there's efforts
7 already underway with Department of Defense. You know, we
8 bank on innovation all the time here in California.

9 And I think -- you know, I think that, you know,
10 my interest is that there's the fastest transition
11 possible and that customer adoption does uptick, and that
12 we don't have to sit here and have a job loss
13 conversation, because whether you're trying to upgrade
14 your 66 Impala, and you say you know what, I want to get
15 that Impala redone, the chrome on that, in a way that
16 doesn't hurt the kids 25 miles away from me or even in my
17 backyard and I want to help -- and I want to support the
18 business that does that, that's stepping up to do that.

19 I think consumers do have that in them, but I
20 would say on the larger scale for the big buyers for the
21 Boeings, for the Department of Defense, if they go faster
22 than this 2039 -- sorry, 2037? -- 9 time frame, what
23 happens then? Like, if we bring things to market quicker
24 than anticipated, how does the rule deal with that sort of
25 faster-than-anticipated innovation?

1 TTD ASSISTANT DIVISION CHIEF BOYD: So in that
2 case, we still have the technology review process. And so
3 if by looking at that adoption rate and it turns out to be
4 faster than we had expected and looks like technology was
5 going to be coming on the line sooner than expected, then
6 we have the ability at that point to propose amendments
7 that would accelerate the phaseout date, you know, for the
8 Board's consideration.

9 SENATOR STERN: And so that technology review is
10 on the hard chrome side. On the decorative side, if we do
11 get data back, for instance, on fugitive emissions say,
12 and get better data back from industry on compliance with
13 the South Coast rule that sort of more accurately sort of
14 pins down those emissions you can't see or even detect
15 running at normal -- at sort of normal operation or that
16 the marketplace itself starts to shift, is there -- are
17 there sort of contingencies built in on that front as
18 well, if it goes one way or the other? For instance, if
19 our -- if our efforts fail and customer awareness is not
20 boosted, and there's zero uptake from anyone who wants to
21 retrofit with your estimated \$320,000 a spot, will that --
22 is there a technology review in that space at all or an
23 adoption review built into the rule? Are we sort of
24 assessing as we go on that front as well?

25 TTD ASSISTANT DIVISION CHIEF BOYD: There isn't a

1 tech review process on the decorative plating side of the
2 rule. However, we do have, you know, the ability under
3 the Health and Safety Code to, you know, propose, you
4 know, additional amendments at a future date, if there's
5 information that's coming our way that something perhaps
6 needs to be addressed with the rule. And so that option
7 is always available to us.

8 SENATOR STERN: Okay. Look I am an ex officio
9 member, so I do not have a vote here today, but I should
10 state for the record that I do support this rule moving
11 forward. And change is hard, but I would say that, you
12 know, sending that signal and making that part of a very
13 hard but urgent partnership that is literally everyone in
14 here's bottom lines or their health is something that at
15 least I feel committed to if the Board moves forward. And
16 I think that that diligence on the back end of this
17 rulemaking, not just adopting a rule and backing off, but
18 actually getting hands-on facility by facility, those
19 emissions -- the permitting requirements that the Vice
20 Chair mentioned, you know, the sort of deterrent effects
21 to making those evolutions and change in business plans,
22 that's the kind of work that I think we obligate ourselves
23 to here if -- should this be adopted today.

24 So thank you for the diligence, but for those who
25 weighed in today and may feel defeated or unsatisfied as

1 you drive home to wherever your home is, I think, you
2 know, in those challenges, there are huge opportunities.
3 And I think that I don't think California will be sitting
4 here alone for decades to come or even years to come. I
5 believe that consumers are smart and they do want to help
6 people and they don't want to hurt people with what they
7 buy. And I think being tip of the spear here could
8 actually be to the economic benefit of this state. So
9 thanks for -- thanks for letting me make a few comments.

10 CHAIR RANDOLPH: Thank you.

11 Board Member Kracov.

12 BOARD MEMBER KRACOV: Thank you, Chair.

13 This has been a terrific discussion among all the
14 Board members. I've really learned so much just listening
15 to all of you folks. And this is undoubtedly a very
16 difficult issue today.

17 I spent a lot of time with the Metal Finishers
18 Association, Jerry, and Brian, and Bobbi. And, you know,
19 just want to applaud you folks for, you know, all the work
20 you've done to organize and protect the industry, you
21 know, really for decade. And there's just no doubt about
22 the quality of the work that you've done for the
23 Association. I represented trade associations for many
24 years. I can't anymore because of CARB conflicts, but I
25 know how hard the work is and the industries that I worked

1 with also faced issues with change. The solid waste
2 industry, there were franchises. People lost some of
3 their business, other people did well. That's sort of the
4 nature of the business. You had good actors. You had
5 folks that maybe didn't attend the meetings, maybe weren't
6 part of the Finishing Association. And I know you're
7 trying to do the best to level the playing field and
8 educate your members.

9 I also have had the ability to go to Moses house
10 in Paramount and have seen, you know, the issues there in
11 that community from the Anaplex facility and others. You
12 know, we've had issues, and that's just the truth, with
13 chrome platers throughout this state, you know, for
14 decades. We've had them in San Diego, in Bell Gardens, In
15 Paramount, in Oakland, and in Los Angeles. And this is
16 the facts.

17 The fact is this is the second most, you know,
18 toxic thing OEHHA has identified other than dioxin. There
19 is no safe exposure to hex chrome. In order to protect
20 the communities around these facilities, we have to go --
21 industry has to go to enormous lengths. The enforcement
22 challenges are massive, because of the danger of this
23 chemical. Industry has to use PFOS to control the fumes,
24 forever chemicals. This stuff is so dangerous. That's
25 not their choice. I think that was CARB, and South Coast,

1 and the Bay Area's choice. We had no other alternative
2 that we as regulators felt we could manage these chemicals
3 with.

4 Now, CARB itself has had to tighten the rules
5 around hex chrome several times before we even get here
6 today, as has the South Coast. Some of the facilities --
7 I know you're going to tighten up Exhibit B. I really
8 wish you had before this hearing today, Appendix B to the
9 staff report. Some of these facilities are running
10 millions upon millions of amp hours of hex chrome every
11 year colleagues for a chemical that is the second most
12 dangerous other than dioxin. You know, we also know this
13 is the facts. This is a priority for the 617 communities.
14 I've seen this chart. I don't believe this chart deals
15 with the fugitive chem -- emissions and I don't think it
16 deals with the concentration, and it doesn't deal with the
17 fact that we're adding hex chrome to the backs in this
18 industry and some of these other industries don't have
19 alternatives like trivalent.

20 But we really are in the crucible today. This is
21 an environmental justice issue, colleagues, you know,
22 period. The 617 communities come to us, the Governor, and
23 others come to us on equity questions and we're in the
24 crucible here on this topic today.

25 We've heard from Speaker Rendon about it. We

1 heard from, I believe, all of the LA County Supervisors
2 about it. We've heard from the Legislature, as Senator
3 Stern, just went through line by line about the 10
4 million, where that came from, and why it's there.

5 So, you know, I think there's lot of, you know,
6 facts that we -- that we can agree on. You know, there
7 are some division here today certainly. You know, we've
8 heard about, you know, no fugitive emissions. We heard
9 that. I don't -- you know, maybe the jury is out on that.
10 One of the reasons why is because it's extremely difficult
11 to monitor for this carcinogen. We don't have monitoring
12 at all these facilities, do we Mr. Boyd?

13 TTD ASSISTANT DIVISION CHIEF BOYD: No, we do
14 not.

15 BOARD MEMBER KRACOV: And that's one of the
16 problems. If you had a rule that said we're going to have
17 monitors at every single facility, you know, maybe I would
18 be supportive of giving, you know, more time for keeping
19 this stuff there, but that's not in the South Coast rule
20 and it's not being proposed today. But I think if we're
21 considering major extensions, which I heard some Board
22 members suggest, monitoring has to be front and center.

23 We've heard differences about trivalent. And I
24 guess there -- you know, we've got some here. Certainly,
25 it does work for many applications and maybe not the most

1 decorative applications. But I agree with the Board
2 members today that, you know, in terms of the public
3 health, that's going to be more important than decorative.

4 But we've heard someone use their analogy about
5 leaded gasoline. Well, I that's a perfect analogy. We
6 got rid of lead in gasoline and we're using other
7 formulations. That's what we're trying to do today.

8 We've heard folks talk about the need for more
9 time. And I mentioned that I think monitoring has to be a
10 component of that. And I'm not sure it's feasible to do
11 so. But I think, colleagues, if we give more time,
12 there's going to be more investments in a technology we're
13 trying to get rid of. Does that make sense to you?
14 That's just the crucible that we have to decide.

15 We talk about leakage. I think the Vice Chair's
16 idea about a sell-through or a seller restriction makes a
17 lot of sense. I'd love to have our staff examine that.
18 But we hear about leakage at this Board all the time. Our
19 greenhouse gas regulations, for example, where we think
20 about leakage. People come to us and say you're pushing
21 business out of California and you're regulating something
22 that doesn't even matter, because it's a worldwide problem
23 and what California does doesn't matter. But that doesn't
24 stop us from having the most aggressive greenhouse gas
25 regulations in the world, you know, that's what this Board

1 does.

2 Going back to the Metal Finishers Association.
3 You know, you folks have done a phenomenal job. You know,
4 chrome has been on the map, the dangers of this for three
5 decades. This process itself started five years ago.
6 You've now negotiated five additional years from today.
7 Seventeen years for the hard chrome and the anodizers.
8 These are tremendous victories for your Association.
9 You've got the 10 million that you fought for that you
10 got. And I believe that your Association will help
11 innovate. And working with our Board when a ban -- when a
12 phaseout occurs, I believe that your association will help
13 your members innovate. You will level the playing field.
14 You will bring the best practices. You will survive and
15 you will continue.

16 So I do imagine at time in this State when we
17 don't have to have PFOS in our chrome platers where we
18 don't have health emergencies every few years in a
19 different part of our State because of chrome(VI), where
20 we don't have to have monitoring, because the thing is so
21 gosh darn dangerous, where we don't have to have Prop 65
22 plume maps in our community newspapers, where we don't
23 have to use this or ethylene oxide any more, or other very
24 dangerous chemicals that really should no longer be part
25 of our industrial economy.

1 And I do believe that when you look at the full
2 context, colleagues, that we have satisfied our mission
3 with the staff proposal. CARB's mission is to promote and
4 protect public health welfare through effective reduction
5 of air pollutants, while also recognizing and considering
6 effects on the economy.

7 So I think this proposal does balance that. I've
8 learned a lot from the colleagues' discussion today, and,
9 you know, do very much appreciate being here. I support
10 the rule in its current proposal, but do look forward to
11 the discussion among us as we do our final deliberations.

12 Thank you, Chair.

13 CHAIR RANDOLPH: All right. Thank you.

14 So I just wanted to clarify, you know, Senator
15 Stern mentioned the question of, well, if the -- if the
16 dec plater adoption is not -- you know, consumer uptake is
17 not what we would hope, what would our options be? And to
18 be clear, we would have to go back and redo this
19 regulation, right? There's no sort of processes to tweak
20 it.

21 TTD ASSISTANT DIVISION CHIEF BOYD: Yes, Chair
22 Randolph, that's correct.

23 CHAIR RANDOLPH: Right. Okay. And that kind of
24 gets to sort of the heart of my concern.

25 So I will start with I completely agree with

1 Board Member Takvorian's point of we need to set a clear
2 date. We need to address these facilities that are, you
3 know, the largest facilities, the largest emitters. And
4 the ones who have the most complexities around away
5 transitioning away from -- from hexavalent chromium in
6 terms of the Mil-Spec, in terms of all the sort of product
7 lines that they have to deal with. So I think making it
8 clear to industry, you know, the customers, and the
9 aviation industry, and the aerospace industry making it
10 clear that this chemical needs to go away in their
11 processes I think is important.

12 We have built in these tech reviews, so we do
13 have the opportunity to see how it's going and adjust as
14 we need to. We've given ourselves the time to do that.
15 And so I am comfortable with the proposal as it relates to
16 those facilities. I am concerned about the dec plating
17 facilities, because as we discussed with Board Member
18 Hurt, you know, there's still a little bit of a lack of
19 clarity to me about sort of what their full product lines
20 are, what their customer possibility of acceptance is.

21 And as I think Vice Chair Berg mentioned, you
22 know, this question of do you want to make investments in
23 the short term for things that, you know, will become
24 stranded assets as of 2039, is that something we want to
25 let the companies be able to decide if there is a -- if

1 there are sufficient controls that we think would be
2 useful in the interim, recognizing that it would not get
3 to zero exposure until the lengthier deadline.

4 So I am supportive of the proposal overall, but
5 am very concerned about the facilities that are, you know,
6 the smaller ones that have the least -- you know, in
7 the -- in the list of the actual time in the process,
8 right, they're the ones with the -- the process is the
9 least amount of time, I would really like to see more
10 options for how we handle the phaseout of the decorative
11 plating facilities.

12 So that is -- that is my feedback. I think
13 you've heard from -- oh, Board Member Takvorian.

14 BOARD MEMBER TAKVORIAN: I just wanted to ask a
15 question and clarify what I think that you were
16 suggesting, and that is that if companies -- decorative
17 platers were provided with an alternative to essentially
18 control emissions rather than make the transition to
19 trivalent chromium in the short -- in the shorter term.

20 CHAIR RANDOLPH: Yeah, right. The idea would be
21 that instead of having a 2027 deadline, you might have a
22 later deadline in order to kind of try to get more
23 customer acceptance and operate with the hex longer.

24 Sorry. Go ahead.

25 BOARD MEMBER TAKVORIAN: Right. Okay. Well,

1 that's what I -- and I thought I heard you say to then
2 have the 2030 time -- 9 deadline, but I wasn't sure if
3 that's what you meant that -- I mean, it could be a
4 different deadline that --

5 CHAIR RANDOLPH: Absolutely.

6 BOARD MEMBER TAKVORIAN: I just wanted to clarify
7 that it didn't -- those aren't necessarily connected
8 because we do have a viable alternative for many of the
9 products. And I thought if it's the product line con --
10 question, then are we asking staff to come back with any
11 products that potentially wouldn't work with the trivalent
12 versus those that are truly decorative and for whom we can
13 make the switch and it won't be a customer choice about
14 color and preference, right? That it will really be --
15 that it really should be because there's some durability
16 issues or health issues if they're medical devices, and
17 that that's the category we're looking to see if that has
18 to be extended, is that your question?

19 VICE CHAIR BERG: So really if you think about a
20 small business -- I'm talking about this businesses here,
21 even a hundred people or below, these companies now
22 already have emission controls. They're ahead of the
23 rule.

24 BOARD MEMBER TAKVORIAN: Some.

25 VICE CHAIR BERG: Yeah, some. But those are the

1 ones that would take advantage of this. A company that
2 doesn't have any controls would not take the alternative.
3 It would be too much money. They haven't done it in the
4 first place. They're going to be making other business
5 decisions.

6 And I agree with you --

7 BOARD MEMBER TAKVORIAN: So you wouldn't offer
8 that to them --

9 VICE CHAIR BERG: I think they'll self select.

10 BOARD MEMBER TAKVORIAN: -- regardless of their
11 product line.

12 VICE CHAIR BERG: I think they'll self select.

13 BOARD MEMBER TAKVORIAN: So those seem like
14 different questions, because one thing is are you in a
15 product line that requires more research about whether
16 your product line works with trivalent?

17 VICE CHAIR BERG: Well, I think what I heard is
18 that the customer issue is where we were with electric
19 vehicles 10 years ago, you know. There's just not very
20 much uptake.

21 BOARD MEMBER TAKVORIAN: Well --

22 VICE CHAIR BERG: In 40 years, 10 percent. So
23 I'm just thinking that there should be -- I think staff
24 should take a look at sensitive receptors. Where are
25 these? I think sensitive receptors should play a part

1 regardless of what you're doing, because that is a crucial
2 thing. But I have a hard time saying that this very large
3 facility we're going to give them so much more time and
4 we're not giving -- I'm not sure it's fair the amount of
5 time that we're giving the small shops to make that switch
6 over and that's all -- I'm just asking for it to be looked
7 at and to say is there an opportunity. I'm not directing
8 to say it has to be one or the other, and happy to follow
9 up with you with staff on that conversation. Is that
10 helpful, Chair?

11 CHAIR RANDOLPH: Yes. I'm going to say two
12 things. I think this concept of if there is an
13 alternative compliance pathway that sensitive receptors is
14 a part of that equation.

15 VICE CHAIR BERG: I agree.

16 CHAIR RANDOLPH: I think that would be a good
17 thing to continue. But I guess one of the reasons why I'm
18 bringing this up is because there's this -- you know, the
19 Legislature has spoken, the Legislature has provided this
20 \$10 million to help with, among other things, customer
21 acceptance, but we're not giving -- we're not -- the dec
22 platers don't have time to use that to try to get customer
23 acceptance, right, because they only have a few more
24 years.

25 So that is -- that is part of the concern is --

1 and I -- and I think I'm probably, to be fair, a little
2 more sympathetic to the decorative concept, simply because
3 I mean that is the product and the -- it is a decorative
4 product and we're basically saying you cannot produce the
5 product with the decorative characteristics any more,
6 right?

7 And so what we want to get to is this -- the
8 color aspect is no longer the most important decorative
9 aspect. We want to encourage customers to be willing to
10 accept different products. And I just feel like if we are
11 going to have some funds that can be used to help with
12 customer adoption, maybe we need to give the companies
13 some time to do that.

14 BOARD MEMBER TAKVORIAN: Well, I don't want to
15 belabor it, but it feels like that's a much longer
16 conversation with staff about how do you do that,
17 because --

18 VICE CHAIR BERG: Correct.

19 CHAIR RANDOLPH: Yes.

20 BOARD MEMBER TAKVORIAN: -- if you're not
21 producing those products, then I don't know how you get
22 customer acceptance. I mean, it wasn't until we put
23 electric cars on the road or at the dealerships that we
24 could get that. So if we're not producing it -- and so if
25 that \$10 million -- and help me, Senator Stern, with this.

1 If that \$10 million is there to -- let's, see -- yeah, I
2 can't. Okay. Sorry. I saw somebody's foot up there.

3 No. If that \$10 million is there to help us do
4 that for those facilities that are already use trivalent,
5 then is that who we're focusing on with -- for customer
6 acceptance, because it doesn't seem like it works for
7 those who are not there yet.

8 VICE CHAIR BERG: And so I think you're asking
9 all the right questions that none of us have the answers.
10 We need to go back to industry and staff. And that's what
11 this next period of time -- and I would ask staff to
12 circle back to the Board members that are interested in
13 this specific topic to keep us advised as to what's
14 happening over the next several months, so we don't show
15 up here in May and -- or we get our briefing a few weeks
16 before May and we don't know.

17 BOARD MEMBER TAKVORIAN: Yeah. Okay.

18 VICE CHAIR BERG: So you're asking the right
19 questions and those are the ones I'm saying to staff let's
20 get with industry, let's try to figure it out.

21 BOARD MEMBER TAKVORIAN: Okay.

22 VICE CHAIR BERG: With the health aspect in mind,
23 okay?

24 BOARD MEMBER TAKVORIAN: And I'd love to hear
25 from those who are using trivalent. And I don't think we

1 heard from them today.

2 VICE CHAIR BERG: We did hear from a couple.

3 BOARD MEMBER TAKVORIAN: Well, yes, but I mean in
4 general in terms of customer acceptance and what the
5 issues are.

6 VICE CHAIR BERG: That would be great.

7 BOARD MEMBER TAKVORIAN: Okay. Thanks.

8 BOARD MEMBER HURT: I just wanted to quickly add
9 that I do support the Chair and the Vice Chair's second
10 intentional look at this area. I think in the long run,
11 although it is taking us a little bit longer to finalize
12 this rule, I think we will all appreciate more review and
13 tighter looks at not only the definition of decorative
14 plating, but ways that we can just move everybody into the
15 direction that we want that retains jobs.

16 CHAIR RANDOLPH: Dr. Cliff.

17 EXECUTIVE OFFICER CLIFF: Yeah. Can I ask a
18 clarification, because I hear several different things and
19 I want to make sure that I understand our direction.
20 Are -- is the direction to take some time and understand
21 the consumer acceptance piece of this or is the question
22 that -- the question that's kind of to us, to look at how
23 we might provide more time for the decorative industry and
24 then sort of figure out that consumer acceptance piece
25 later? Because those are really different questions. We

1 won't really be able to figure out the consumer acceptance
2 piece.

3 I think to Board Member Takvorian's point, there
4 aren't necessarily the products out there. We don't
5 really have the ability to figure that out in the rule.
6 If the question figure out a way to do more time adding
7 more controls in the -- in that mean time, what would be
8 the criteria for that, we can -- we can look at that issue
9 and talk through that a little bit more. But I want to
10 make sure I understood the direction, because it sounded
11 like there were two different things that were being
12 discussed.

13 CHAIR RANDOLPH: Yeah. I think -- and sorry if I
14 confused it, but I think the consumer acceptance is sort
15 of a subset in the sense that I think we should think
16 about what our options are for more time in a health
17 protective way, right? Like are there things that we can
18 do that can help protect public health at the same time we
19 get more time? And to me the reason why the consumer
20 acceptance part comes in is just because that time can
21 give the industry some time to figure out what their
22 options are going to be and figure out how they can keep
23 their -- make the transition and keep their customers at
24 the same time, or maybe they're going to need to find some
25 new customers, but I don't think it's a problem we can

1 solve in the regulation. You know, that's not -- that's
2 not really possible.

3 VICE CHAIR BERG: But we love sending market
4 signals, so I sure would like to hear back on what you
5 think about a seller's rule.

6 BOARD MEMBER BALMES: And just to be clear, we're
7 talking only about decorative here.

8 CHAIR RANDOLPH: Oh, yes. I'm completely
9 comfortable with the timeline for --

10 BOARD MEMBER BALMES: Yeah, so am I. I just
11 want --

12 CHAIR RANDOLPH: -- for the rest, yeah.

13 Okay. I think that's all the guidance. Oh,
14 Board Member Takvorian.

15 BOARD MEMBER TAKVORIAN: Well, I didn't hear from
16 Dr. Cliff, I just want to be -- I do really want to
17 understand and I thought I heard multiple people say what
18 are those products that may be falling into decorative
19 that, in fact, are functional and may be compromised - I
20 don't know if that's the right word --

21 BOARD MEMBER BALMES: Yes.

22 BOARD MEMBER TAKVORIAN: -- if they were to not
23 be --

24 VICE CHAIR BERG: Like medical.

25 BOARD MEMBER TAKVORIAN: Yeah, like medical. And

1 I don't know if that's the only one, but --

2 CHAIR RANDOLPH: Yeah, I think it would be
3 useful --

4 BOARD MEMBER TAKVORIAN: I don't know if you said
5 that and I missed it.

6 CHAIR RANDOLPH: I think it would be useful to
7 know that, because I feel like I'm the only one who has
8 expressed some sympathy for the people buying the bumpers,
9 so --

10 BOARD MEMBER TAKVORIAN: I'm not with you on
11 that.

12 (Laughter).

13 CHAIR RANDOLPH: Yeah, Board Member Takvorian is
14 not with me on that. So I do want to make sure that we
15 understand kind of the universe of products we're talking
16 about, just so we have some clarity about, you know, what
17 products the dec platers are doing that it's functional
18 issues versus color issues, just so everybody has some
19 clarity on that.

20 EXECUTIVE OFFICER CLIFF: Yeah, I think we can --
21 I can have staff maybe address this a little more
22 directly, but we want the rule to be clear that which is
23 decorative or that which is functional. So to the extent
24 that there are medical devices, for example, that must
25 follow a prescribed level of specification, like there's

1 an ISO standard, for example, like we talk about Mil-Spec
2 in the -- in the aircraft or aerospace industry, if
3 there's like an ISO standard for medical, fine, that's now
4 functional. It is no longer decorative, but there are
5 other things that would be decorative. So we're not
6 trying to go device by device or whatever the -- you know,
7 if it's a -- if it's a seat belt buckle versus a landing
8 gear, we're not trying to get into that level of detail,
9 rather keep it at the functional versus decorative. And
10 we may need to move some things into functional based on
11 whether they're -- they have a specification that is
12 required as a result of a health standard or a safety
13 standard, something like that. But I don't -- Rich, you
14 should tell me if I'm answering the correctly and correct,
15 if I didn't.

16 TTD ASSISTANT DIVISION CHIEF BOYD: Yeah, you're
17 in the right ballpark, Dr. Cliff. I mean, the thing I
18 would add is it really depends on -- and we'll certainly,
19 you know, talk more with industry about this, on how those
20 uses are being -- you know, being defined. If something
21 is truly a functional, you know, type construct, the
22 regulation is structured to handle that, so it might be we
23 just need to look at some -- parting some additional
24 clarity and how we have the definition structured, you
25 know, just so it's clear in providing the appropriate

1 outreach, so folks know what we're -- you know, what we're
2 talking about.

3 But those are the questions that we can explore
4 with industry to make sure that we under -- understand
5 that to see -- and see if whether or not we need to make
6 some actual changes there to the regulatory text. Yeah.

7 CHAIR RANDOLPH: Sorry. Board Member Kracov.

8 BOARD MEMBER KRACOV: Thank you for the
9 discussion, Chair. So if we're moving in this direction,
10 I would also -- Chair, I don't know what role you think
11 the question of monitoring plays into this. We have a
12 rule at the South Coast, 1469. It was adopted before I
13 was on the Board. It also has a supplementary rule, 1480,
14 where certain facilities would go into a 1480 penalty box
15 and get additional monitoring. I'm not altogether
16 persuaded that that is totally protective of public
17 health. So not only for the -- for the dec folks, but for
18 the other ones, I don't know to what extent monitoring is
19 playing -- I'm talking about fence-line monitoring plays a
20 role in our proposal here. I think as we're contemplating
21 phaseouts, it was not as important.

22 But if we're extending time, even with 17 years
23 for the other folks, if appropriate and you feel it's
24 warranted, you know, have our staff also think about, you
25 know, what role monitoring, so we can verify what's

1 actually happening beyond the good housekeeping. In my
2 high view, it is absolutely essential if we're going to
3 try to protect public health here.

4 CHAIR RANDOLPH: That's helpful. Thank you.
5 Any other comments?

6 BOARD MEMBER PACHECO-WERNER: Yes, Chair, if I
7 may. I just wanted to reiterate since the guidance around
8 the -- you know, what's functional and not functional. I
9 think along with that, I'd like to see you know, how do --
10 how do we propose to deal with those facilities that do
11 have multiple purposes? So even -- you know, even in this
12 broad category of non-functional and functional, what
13 would be -- you know, what would be the best course of
14 action, because I think -- I think it's impractical to
15 think about them having two different complete sets of
16 operations given their space limitations and just, you
17 know, how those operations work, or if I'm wrong, you
18 know, please correct. But I think that's -- that needs to
19 be part of it too how we deal with those toes operations
20 that have multiple functions.

21 CHAIR RANDOLPH: Yeah, that's a great question.
22 Thank you.

23 Okay. Any other comments?

24 Okay. As we have mentioned earlier, we are not
25 taking a vote on this today, but staff will be coming back

1 with proposals based on Board discussion for May or a time
2 period as close to May as possible.

3 All right. Now, we -- it is time for open public
4 comment on items of interest within the jurisdiction of
5 the Board that are not on today's agenda.

6 Clerk, do we have any public commenters?

7 BOARD CLERK ESTABROOK: I see one person with
8 their hand raised in Zoom and that is Robina Suwol.

9 Robina, you may unmute and begin.

10 ROBINA SUWOL: Thank you very much for the
11 opportunity to speak today and for all of the thoughtful
12 comments. I am so grateful again to have this opportunity
13 to be able to speak virtually, but my hope is in the
14 future when these meetings are scheduled - this was an
15 unusual one at 8:30 in Riverside - that there be
16 additional opportunities, or maybe accommodations is a
17 better word, to assist the public in being able to
18 comment. I know that there are individuals who were
19 instructed and heard very clearly instructions. Some of
20 us may not have heard that. I certainly did, but they
21 were unable to speak. And I know you graciously are
22 allowing comments to be sent in via email. But in the
23 future, if they're going to be meeting in Riverside, I
24 would hope that there could be some thought provided to
25 individuals traveling from Southern California to be able

1 to reach the facility in time to sneak before the
2 Honorable Board members.

3 So thank you very, very much.

4 BOARD CLERK ESTABROOK: Thank you.

5 The next hand up is Florence Gharibian. Oh, it
6 looks like the hand just went down.

7 All right. That concludes the commenters.

8 CHAIR RANDOLPH: Okay. Thank you.

9 The January 27th Board meeting is now adjourned.

10 (Thereupon the Air Resources Board meeting
11 adjourned at 2:18 p.m.)

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