

MEETING  
STATE OF CALIFORNIA  
AIR RESOURCES BOARD

ZOOM PLATFORM

CALIFORNIA AIR RESOURCES BOARD  
MARY D. NICHOLS CAMPUS  
SOUTHERN CALIFORNIA HEADQUARTERS  
HAAGEN-SMIT AUDITORIUM  
4001 IOWA AVENUE  
RIVERSIDE, CALIFORNIA

THURSDAY, MAY 25, 2023

9:01 A.M.

JAMES F. PETERS, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

APPEARANCES

BOARD MEMBERS:

Liane Randolph, Chair

John Balmes, MD

Hector De La Torre

John Eisenhut

Senator Dean Florez

Eric Guerra

Davina Hurt

Gideon Kracov

Tania Pacheco-Werner, PhD

V. Manuel Perez

Bill Quirk, PhD

Susan Shaheen, PhD

Diane Takvorian

Supervisor Nora Vargas

STAFF:

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

Kelli Johnson, Attorney, Legal Office

Robert Krieger, Chief, Risk Reduction Branch, TTD

Matt O'Donnell, Manager, Exposure Reduction Section, TTD

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

ALSO PRESENT:

Felipe Aguirre, Comite Pro Uno

Ed Appleton, Metal Finishing Marketers

Will Barrett, American Lung Association

Sam Bell, Metal Surfaces, Incorporated

Teresa Bui, Pacific Environment

Bobbi Burns, Metal Finishing Association of Northern  
California

Veronica Padilla Campos, Pacoima Beautiful

Chris Chavez, Coalition for Clean Air

Tracy Coss, Metal Finishers Association

Jerry Desmond, Metal Finishing Association of Souther  
California, Metal Finishing Association of Northern  
California

Bill Felts, MJB Chrome Plating

APPEARANCES CONTINUED

ALSO PRESENT:

Florence Gharibian, Del Amo Action Committee, Los Angeles Environmental Justice Network

Justin Guzman, Aircraft X-Ray

Jeff Hannapel, National Association for Surface Finishing

Michael Hayden, Lincoln Heights Community Coalition

Art Holman, Sherm's Plating

Regina Hsu, Earthjustice

Moses Huerta

Bill LaMarr, California Alliance of Small Business Owners

Bryan Leiker, Metal Finishing Association of Southern California

Maria Liu, California Assembly Speaker Anthony Rendon

Bill Magavern, Coalition for Clean Air

Jesse Marquez, Coalition for a Safe Environment

Jim Meyer, Aviation Repair Solutions, Inc.

Alan Olick, Metal Finishing Association of Southern California

Rebecca Overmyer-Velazquez, Clean Air Coalition of North Whittier and Avocado Heights

Dilip Patel, General Plating Company

Kashiram Patel, General Plating Company

Paul Pereira, Coalition for a Safe Environment

Cynthia Pinto-Cabrera, Central Valley Air Quality Coalition

Marcus Polsinelli

APPEARANCES CONTINUED

ALSO PRESENT:

Sylvia Rodriguez, AMEX Plating, Incorporated

Robina Suwol, California Safe Schools

Kathleen Van Osten, United Airlines

Brian Ward, Metal Finishing Association of California

Yvonne Watson, Sierra Club

Jane Williams, California Communities Against Toxics

Albert Ybarra, Sherm's Plating

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PROCEEDINGS

1  
2 CHAIRPERSON RANDOLPH: All right. Good morning.  
3 The May 25th 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 GARCIA: Yes.

7 Dr. Balmes?

8 BOARD MEMBER BALMES: Here.

9 BOARD CLERK GARCIA: Mr. De La Torre?

10 Mr. Eisenhut?

11 BOARD MEMBER EISENHUT: Here.

12 BOARD CLERK GARCIA: Senator Florez?

13 BOARD MEMBER FLOREZ: Florez here

14 BOARD CLERK GARCIA: Assemblymember Garcia?

15 Mr. Guerra?

16 BOARD MEMBER GUERRA: Guerra here.

17 BOARD CLERK GARCIA: Ms. Hurt?

18 BOARD MEMBER HURT: Present.

19 BOARD CLERK GARCIA: Mr. Kracov?

20 BOARD MEMBER KRACOV: Here.

21 BOARD CLERK GARCIA: Dr. Pacheco-Werner?

22 BOARD MEMBER PACHECO-WERNER: Here.

23 BOARD CLERK GARCIA: Mr. Perez?

24 BOARD MEMBER PEREZ: Here.

25 BOARD CLERK GARCIA: Dr. Quirk?



1 BOARD MEMBER QUIRK: Here.

2 BOARD CLERK GARCIA: Senator Stern?

3 Dr. Shaheen?

4 BOARD MEMBER SHAHEEN: Here.

5 BOARD CLERK GARCIA: Ms. Takvorian?

6 BOARD MEMBER TAKVORIAN: Here.

7 BOARD CLERK GARCIA: Supervisor Vargas?

8 BOARD MEMBER VARGAS: Vargas here.

9 BOARD CLERK GARCIA: Chair Randolph?

10 CHAIR RANDOLPH: Here.

11 BOARD CLERK GARCIA: Madam Chair, we have a  
12 quorum.

13 CHAIR RANDOLPH: Thank you. I'll begin with our  
14 housekeeping items. We are conducting today's meeting in  
15 person as well as offering remote options for public  
16 participation both by phone and in Zoom.

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

25 For safety reasons, please note the emergency

1 exit to the rear of the auditorium through the lobby. In  
2 the event of a fire alarm, we are required to evacuate  
3 this room and immediately exit the building through the  
4 front entrance. When the all-clear sign is given, we will  
5 return to the auditorium and resume the hearing.

6 A closed caption feature is available for those  
7 of you joining us in the Zoom environment. In order to  
8 turn on the subtitles, please look for a button labeled  
9 "CC" at the bottom of the Zoom window as shown in the  
10 example on the screen now. I would like to take this  
11 opportunity to remind everyone to speak clearly and from a  
12 quiet location, whether you are joining us in Zoom or  
13 calling in by phone.

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

25 THE INTERPRETER: Thank you so much, Chair.

1 Appreciate it. I will now provide Spanish instructions.

2 (Interpreter translated in Spanish)

3 THE INTERPRETER: Back to you, Chair. Thank you.

4 CHAIR RANDOLPH: Thank you.

5 I will now ask the Board Clerk to provide more  
6 details regarding public participation.

7 BOARD CLERK GARCIA: Thank you. Good morning,  
8 everyone. I will be providing additional information on  
9 how public participation will be organized for today's  
10 meeting.

11 We will first be calling on in-person commenters  
12 who have turned in a request-to-speak card and then we  
13 will be calling on commenters who are joining us remotely  
14 if you are joining us remotely and wish to make a verbal  
15 comment on one of today's Board items or during the open  
16 comment period at the end of today's meeting, you must be  
17 using Zoom webinar or calling in by telephone. If you are  
18 currently watching the webcast on CAL-SPAN, but you wish  
19 to comment remotely, please register for the Zoom webinar  
20 or call in. Information for both of these can be found on  
21 the public agenda for today's meeting.

22 To make a verbal comment, we will be using the  
23 raise-hand feature in Zoom. If you wish to speak on a  
24 Board item, please virtually raise your hand as soon as  
25 the item has begun to let us know you wish to speak. To

1 do this, if you are using a computer or tablet, there is a  
2 raise-hand button. And if you are calling in on the  
3 telephone, dial star nine to raise your hand. Even if you  
4 previously indicated which item you wish to speak on when  
5 you registered, you must raise your hand at the beginning  
6 of the item, so that we can add you to the queue.

7           And for anyone giving verbal comments today in  
8 Spanish and requiring an interpreter's assistance, please  
9 indicate so at the beginning of your testimony and our  
10 translator will assist you. During your comment, please  
11 pause after each sentence to allow for the interpreter to  
12 translate your comment into English.

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

1           We will have a time limit for each commenter and  
2 we'll begin the comment period with a two-minute time  
3 limit, although this could change at the Chair's  
4 discretion. During public testimony, you will see a timer  
5 on the screen. For those calling in by phone, we will run  
6 the timer and let you know when you have 30 seconds left  
7 and then when your time is up. If you require Spanish  
8 interpretation for your comment, your time will be  
9 doubled.

10           And if you wish to submit written comments today,  
11 please visit CARB's send-us-your-comments page or look at  
12 the public agenda for links to send these documents  
13 electronically. Written comments will be accepted on each  
14 item until the Chair closes the record for that Board  
15 item.

16           If you experience any technical difficulties,  
17 please call (805)772-2715, so that an IT person can  
18 assist.

19           Thank you. I'll turn the microphone back to  
20 Chair Randolph.

21           CHAIR RANDOLPH: Thank you.

22           Before we turn to the items before the Board  
23 today, I have a quick announcement. At our next Board  
24 meeting on June 22nd, we will be honoring the 2022  
25 recipients of the Haagen-Smit Clean Air Awards. This is

1 California's premier award recognizing individuals who  
2 have made outstanding contributions to clean air, climate  
3 change, technology, and related policies. We hope you  
4 will join us for the announcement of the 2022 awardees and  
5 to hear them speak about their career achievements during  
6 the clean air leadership talks, which will follow CARB's  
7 regular Board meeting on June 22nd.

8           Okay. The first item on the agenda is Item  
9 number 23-5-1, a proposed research contract with the  
10 University of California, Berkeley titled, "Impacts of Air  
11 Pollution on Life Expectancy Across Multiple Generations:  
12 Race, Ethnicity and Vulnerability Perspectives."

13           If you are here with us in the room and wish to  
14 comment, please fill out a request-to-speak card. If you  
15 are joining us remotely and wish to comment on this item,  
16 please click the raise hand button or dial star nine now.  
17 We will call on in-person commenters first followed by  
18 remote commenters.

19           This item is listed on the agenda to comply with  
20 Board approval requirements in Government Code section  
21 1091, because one Board member is affiliated with the  
22 Department at UC Berkeley involved in the contract.  
23 Therefore, Board Member Dr. John Balmes will abstain from  
24 the discussion and vote.

25           Ms. Peter, would you please summarize the item?

1 CHIEF COUNSEL PETER: Thank you, Chair Randolph.  
2 Research and community experience have documented  
3 that disproportionate air pollution exposures and  
4 resulting health impacts are experienced predominantly in  
5 low-income communities and communities of color in  
6 California. In this proposed new contract, the University  
7 of California, Berkeley will conduct a statewide study  
8 that aims to determine the patterns of exposure to find  
9 particular matter, or PM2.5, over 30 years within two  
10 generations in different racial, ethnic, and vulnerability  
11 groups, and also by census tract. The study will also  
12 identify the communities in California that continue to  
13 experience negative health impacts due to high levels of  
14 pollution exposure by investigating the impacts of PM2.5  
15 on life expectancy. Understanding which census tracts and  
16 groups in California have the highest magnitude and  
17 persistence of PM2.5 exposure and associated impacts to  
18 life expectancy over generations will assist CARB's work  
19 to protect the most vulnerable communities from air  
20 pollution.

21 CARB staff recommend that the Board approve  
22 funding of the proposed research contract with University  
23 of California, Berkeley titled, "Impacts of Air Pollution  
24 on Life Expectancy Across Multiple Generations: Race,  
25 Ethnicity, and Vulnerability Perspectives". Five hundred

1 thousand dollars is requested to fund this contract. This  
2 concludes my summary of this item.

3 CHAIR RANDOLPH: All right. Thank you.

4 Board Clerk, do we have any commenters on this  
5 item?

6 BOARD CLERK GARCIA: We have no commenters at  
7 this time.

8 CHAIR RANDOLPH: All right. I will now close the  
9 record on this agenda item.

10 Do I have a motion and a second to approve this  
11 item?

12 BOARD MEMBER KRACOV: I'll move.

13 BOARD MEMBER HURT: Move approval. Hurt.

14 BOARD MEMBER DE LA TORRE: Second.

15 CHAIR RANDOLPH: All right. We have a couple  
16 motions. So we -- to approve the item and have staff  
17 proceed with executing the contract.

18 Board Clerk, will you please call the roll.

19 Oh, sorry, Board Member Quirk. You have your  
20 hand up. Did you want to comment on this?

21 BOARD MEMBER QUIRK: Yeah, just briefly. Just  
22 wanted to point out to the public that it is every census  
23 tract that's seen. And should you come up with a district  
24 that has not minorities and a high income but has the very  
25 high pollution level that you would see that as well. I



1 think that's just important to mention.

2 Thank you.

3 BOARD MEMBER PEREZ: Madam Chair --

4 CHAIRPERSON RANDOLPH: Yes.

5 BOARD MEMBER PEREZ: -- if I may?

6 Just very quickly -- obviously I support this  
7 effort and I appreciate it. Living near the Salton Sea in  
8 the Eastern Coachella Valley, there's been many times from  
9 community members, non-profit organizations, our friends  
10 within the environmental justice movement, school  
11 districts that have stated that there is a higher  
12 amount -- and we don't know if it's true or not, of nose  
13 bleeds, asthma rates, respiratory illnesses around the  
14 Salton Sea area. And so I think this type of study would  
15 be very beneficial for us in that area obviously  
16 throughout the State of California.

17 And so I appreciate this effort and just wanted  
18 to state that out loud in hopes that we move forward with  
19 this and ensure that ultimately the non-profits, our folks  
20 back home know that we're actually conducting that study.

21 So thank you, Madam Chair.

22 CHAIR RANDOLPH: All right. Thank you.

23 Okay. Board Clerk, will you call the roll.

24 BOARD CLERK GARCIA: Yes.

25 Mr. De La Torre?

1 BOARD MEMBER DE LA TORRE: Aye.  
2 BOARD CLERK GARCIA: Mr. Eisenhut?  
3 BOARD MEMBER EISENHUT: Aye.  
4 BOARD CLERK GARCIA: Senator Florez?  
5 BOARD MEMBER FLOREZ: Florez aye.  
6 BOARD CLERK GARCIA: Mr. Guerra?  
7 BOARD MEMBER GUERRA: Guerra aye.  
8 BOARD CLERK GARCIA: Ms. Hurt?  
9 BOARD MEMBER HURT: Hurt aye.  
10 BOARD CLERK GARCIA: Mr. Kracov?  
11 BOARD MEMBER KRACOV: Yes.  
12 BOARD CLERK GARCIA: Dr. Pacheco-Werner?  
13 BOARD MEMBER PACHECO-WERNER: Yes.  
14 BOARD CLERK GARCIA: Mr. Perez?  
15 BOARD MEMBER PEREZ: Aye.  
16 BOARD CLERK GARCIA: Dr. Quirk?  
17 BOARD MEMBER QUIRK: Aye.  
18 BOARD CLERK GARCIA: Dr. Shaheen?  
19 BOARD MEMBER SHAHEEN: Aye?  
20 BOARD CLERK GARCIA: Ms. Takvorian?  
21 BOARD MEMBER TAKVORIAN: Aye.  
22 BOARD CLERK GARCIA: Supervisor Vargas?  
23 Supervisor Vargas?  
24 BOARD MEMBER VARGAS: Vargas yes.  
25 BOARD CLERK GARCIA: Thank you.

1 Chair Randolph?

2 CHAIR RANDOLPH: Yes.

3 BOARD CLERK GARCIA: Madam Chair, the motion  
4 passes.

5 CHAIR RANDOLPH: All right. Thank you.

6 The next item on the agenda is Item number  
7 23-5-2, the proposed amendments to the Airborne Toxic  
8 Control Measure for chromium electroplating and chromic  
9 acid anodizing operations.

10 If you are here with us in the room and wish to  
11 comment on this item, please fill out a request to speak  
12 care as soon as possible and submit it to a Board  
13 assistant. If you are joining us remotely and wish to  
14 comment on this item, please click the raise hand button  
15 or dial star nine now. We will call on in-person  
16 commenters first, followed by remote commenters, when we  
17 get to the public comment portion of the item.

18 This is the second of two hearings on this item.  
19 The proposed amendments were first presented to the Board  
20 at its January 27th, 2023 Board hearing and are in front  
21 of us today for a final vote. At the last hearing for the  
22 proposed amendments, we discussed the importance of  
23 protecting public health by continuing to reduce and  
24 ultimately phase out the use of the highly toxic  
25 hexavalent chromium from chrome plating operations in

1 California.

2 Chrome plating operations are commonly located  
3 near schools in residential neighborhoods and are often  
4 found in low-income communities and communities of color.  
5 In fact, over 70 percent of these facilities are located  
6 in disadvantaged communities that are already experiencing  
7 unacceptable levels of air pollution.

8 Today's proposal would phase out over time the  
9 use of hexavalent chromium from chrome plating operations  
10 in order to protect the public from exposures to this  
11 toxic air contaminant. The proposal will help to relieve  
12 the adverse health impacts that communities face due to  
13 exposure to hexavalent chromium and cumulative impacts  
14 from multiple sources of air toxics in close proximity to  
15 each other.

16 Prior to this current proposal on September 24th,  
17 2020, the Board adopted Resolution 20-25, which directed  
18 staff to develop appropriate proposed steps to  
19 expeditiously transition from hexavalent chromium use in  
20 chrome plating and chromic acid anodizing operations to  
21 less toxic alternatives, such as trivalent  
22 chromium. This proposal is consistent with that 2020  
23 resolution

24 Additionally, the California State Legislature  
25 recognized the serious impacts of hexavalent chromium in

1 California communities, calling the transition away from  
2 hexavalent chromium "necessary". The Legislature twice  
3 expressed its intent to allocate \$10 million in funding to  
4 support facilities converting from hexavalent chromium  
5 plating operations to less toxic alternatives, such as  
6 trivalent chromium, if the use of hexavalent chromium is  
7 phased out.

8 Ms. Peter, would you please introduce the item.

9 CHIEF COUNSEL PETER: Thank you, Chair Randolph.

10 Today's proposed amendments will result in the  
11 most stringent regulation of hexavalent chromium emissions  
12 from chrome plating operations in the country. At the  
13 January 27th, 2023 Board meeting, staff presented  
14 information on the toxicity of hexavalent chromium. This  
15 highly toxic compound has no safe level for exposure and  
16 is about 500 times more toxic than diesel exhaust.

17 As some of you may recall, the Board expressed  
18 support for the staff's initial proposal, but requested  
19 additional flexibility to address some industry requests  
20 to provide additional time for decorative chrome platers  
21 prior to the phaseout of hexavalent chromium. Staff have  
22 implemented this direction by adding an alternative  
23 phaseout pathway to the proposed amendments. I think  
24 today's proposal strikes a good balance by providing  
25 additional time for decorative chrome platers that reduce

1 fugitive emissions in the interim by complying with the  
2 building ex -- enclosure requirements.

3 I'll 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, Deputy Executive Officer Peter.

9 Good morning, Chair Randolph and members of the  
10 Board. My name is Eugene Rubin and today I am presenting  
11 the proposed amendments to the Airborne Toxic Control  
12 Measure for chromium electroplating and chromic acid  
13 anodizing. This is the second of two hearings on the  
14 proposed amendments. This presentation will cover a brief  
15 background on chrome plating, the need for amendments, a  
16 summary of the final proposed amendments that include  
17 15-day changes, a summary of comments received, and steps  
18 going forward.

19 --o0o--

20 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: This  
21 regulation supports CARB's health and air quality goals  
22 and commitments by reducing community health impacts and  
23 following through on commitments made through AB 617.  
24 Following the California Health and Safety Code's mandate  
25 to reduce emissions to the lowest achievable level and

1 taking actions to meet the commitments set by the Board in  
2 Resolution 20-25 on the California Air Toxics Program  
3 update, where the Board directed staff to develop  
4 appropriate proposed steps to expeditiously transition  
5 away from hexavalent chromium use in chromium -- in chrome  
6 plating and chromic acid anodizing operations to less  
7 toxic alternatives, such as trivalent chromium.

8           This action is also supported by the State  
9 Legislature, which included funding in the proposed budget  
10 aimed at the necessary transition away from the use of  
11 hexavalent chromium in chrome plating and chromic acid  
12 anodizing operations.

13                           --o0o--

14           TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Chrome  
15 plating is a term that for the purposes of the proposed  
16 amendments describes multiple processes. The first  
17 process is chromium electroplating, which is the  
18 deposition of a chromium metal on the surface of a part  
19 submerged in a solution of hexavalent or trivalent  
20 chromium through the application of electrical current.  
21 This process can be characterized as decorative or hard  
22 chrome plating. Chromic acid anodizing is a process  
23 similar to chromium electroplating but instead of  
24 depositing metal generates an oxide layer on the surface  
25 of an aluminum part.

1           There are currently 117 known chrome plating  
2 facilities in California with 113 of them using hexavalent  
3 chromium. Of these facilities, approximately 73 percent  
4 are located in the South Coast Air Quality Management  
5 District and over 70 percent are in overburdened  
6 communities.

7                           --o0o--

8           TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

9           Decorative chrome plating is the process of  
10 applying a very thin layer of chromium metal to a part  
11 such as a faucet, car or motorcycle part, or furniture to  
12 provide a decorative finish and wear resistance.

13           Currently, the process is done primarily with  
14 hexavalent chromium, but several decorative chrome plating  
15 facilities in California use trivalent chromium on parts  
16 such as truck bumpers and faucets.

17                           --o0o--

18           TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Hard  
19 chrome plating is done for functional purposes. The  
20 physical properties, such as hardness and corrosion  
21 resistance are the primary focus. During this process, a  
22 layer of chromium is deposited on a part that is usually  
23 used in a high stress environment.

24           Because physical performance is the goal, the  
25 chromium layer is significantly thicker than the layer



1 created for decorative purposes. The significantly longer  
2 plating times necessary for hard plating result in these  
3 facilities using more hexavalent chromium than decorative  
4 facilities. Hard plating is required for aerospace parts,  
5 such as landing gear, hydraulic equipment, steel mill  
6 rollers, and other high stress parts. Currently, all hard  
7 plating in California is done via hexavalent chromium  
8 solution.

9 --o0o--

10 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

11 Chromic acid anodizing is another electrolytic  
12 process that uses hexavalent chromium. Electrical current  
13 is applied to the solution, but in a different manner than  
14 decorative or hard chrome plating. This creates an oxide  
15 layer on aluminum instead of depositing chromium metal on  
16 to the part. The oxide layer provides physical protection  
17 to the part. Anodizing times are typically longer than  
18 decorative plating but shorter than hard plating. Chromic  
19 acid anodizing is commonly used in the aerospace sector.  
20 Thousands of different parts are anodized during their  
21 manufacture or repair, including critical aluminum  
22 components in landing gear, helicopter rotors, and rocket  
23 engines.

24 --o0o--

25 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: The

1 proposed amendments aim to further reduce community  
2 exposure to hexavalent chromium, one of the most toxic air  
3 contaminants, with no safe level of exposure. It is the  
4 second most potent carcinogen behind only dioxin that has  
5 been identified by the Board and it may cause lung  
6 cancer.

7 Hexavalent chromium is approximately 500 times  
8 more carcinogenic than diesel particulate matter. Its  
9 cancer potency indicates that it is extremely carcinogenic  
10 in very low concentrations, even at concentrations below  
11 one nanogram per cubic meter.

12 --o0o--

13 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Chrome  
14 plating facilities often operate very close to residences  
15 and schools, in some cases sharing a fence line. The  
16 proposed amendments aim to reduce the cumulative risk that  
17 many overburdened and disadvantaged communities located  
18 near chrome plating facilities experience. Through the AB  
19 617 Community Air Protection Blueprint. CARB committed to  
20 addressing emissions of hexavalent chromium from chrome  
21 plating facilities. Several types of metal processing  
22 operations, including chrome plating, have been identified  
23 in several community emission reduction programs and  
24 continue to be a concern in many disadvantaged  
25 communities. These types of operations which can emit

1 hexavalent chromium were identified in the following  
2 community emission reductions programs: Southeast LA, East  
3 LA, South Central Fresno, West Oakland, and the San Diego  
4 Portside Community.

5 Fugitive emissions of hexavalent chromium defined  
6 as emissions of hexavalent chromium that escape to the  
7 atmosphere without first passing through a control device  
8 are a big concern and add to the risk in communities.  
9 Staff believes that fugitives can be a significant source  
10 of emissions for stationary sources of toxics.

11 While the process is already subject to State and  
12 local regulations, more can be done to reduce emissions  
13 and improve public health in nearby communities. A less  
14 toxic alternative already exists for decorative plating  
15 and some applications of functional plating, and  
16 alternatives are in development for other applications.

17 --o0o--

18 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: This  
19 image depicts a community in Compton that is impacted by  
20 three chrome plating facilities, in addition to other  
21 industrial sources. In this image, you can see a school  
22 with three chrome plating facilities within 1,000 feet of  
23 its boundaries. The mixed residential areas below the  
24 school are impacted by other sources of pollution, such as  
25 heavy-duty truck traffic traveling to and from the

1 warehouses. Additionally, right down the center of the  
2 image is a below-grade railway that is used to transport  
3 freight from the Port of Long Beach.

4 --o0o--

5 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: This  
6 table shows how the residential cancer risk for the  
7 proposed amendments compares with past control measures.  
8 The cancer risk for the proposed amendments prior to  
9 rulemaking is comparable or on the same order of magnitude  
10 as other diesel and non-diesel control measures. The  
11 residential cancer risk of 213 chances per million is  
12 higher than the risk from ocean-going vessels at berth and  
13 perchloroethylene from dry cleaning operations and lower  
14 than the others on this list. The cancer risk  
15 calculations for the purposes of -- for the proposed  
16 amendments do not include fugitive emissions.

17 --o0o--

18 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

19 Fugitive emissions are emissions that escape  
20 through building openings as opposed to through controls.  
21 Fugitive emission levels were estimated as part of the  
22 analysis for the proposed amendments. These estimated  
23 levels come with much uncertainty because they depend  
24 heavily on the assumptions made for the efficiency of  
25 capture and control systems, as well as building and

1 closure effectiveness. The cancer risk range from one per  
2 million to over 1,000 per million was calculated. The  
3 magnitude depended significantly on the assumptions made.

4 The proposed amendments aim to reduce fugitive  
5 emissions through enhanced housekeeping requirements, best  
6 management practices, controlling emissions from  
7 previously uncontrolled chrome-containing tanks and  
8 building and closure requirements prior to the phaseout of  
9 hexavalent chromium. The goal is to route these emissions  
10 through an add-on air pollution control device.

11 --o0o--

12 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

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

25 Although the slight color difference between

1 hexavalent and trivalent chromium may be a concern in some  
2 applications, such as custom cars, some customers aren't  
3 likely to differentiate and others may not have a  
4 reference between the colors or other parts, such as  
5 faucets and seatbelt buckles. Several facilities in  
6 California are successfully using trivalent chromium for  
7 decorative plating, which demonstrates that the technology  
8 is available to meet the earlier 2027 phaseout.

9           The technology is being developed for functional  
10 applications. Several chemical manufacturers are  
11 currently testing trivalent chromium technology for  
12 specific sectors in hard plating applications. For  
13 example, one manufacturer is working with the Department  
14 of Defense to test their technology in military  
15 applications.

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



1 originally proposed phaseout date will also be applicable  
2 to the alternative phaseout pathway.

3           Decorative chrome plating facilities that choose  
4 the alternative phaseout pathway must comply with the  
5 building enclosure requirements prior to January 1st,  
6 2026. The building enclosures are not permanent total  
7 enclosures, but are similar to those already in place in  
8 South Coast Rule 1469 and the proposed amendments for  
9 functional plating facilities. They require platers to  
10 close permanent openings in their facilities that exceed  
11 3.5 percent of the total building envelope. Decorative  
12 chrome plating facilities in the South Coast AQMD's  
13 jurisdiction are not expected to incur additional costs  
14 for building enclosures because they are already required  
15 to comply with the similar requirements under Rule 1469.

16           Additionally, staff made changes to correct the  
17 emission inventory presented in the -- in Appendix B and  
18 other minor changes to improve the clarity of the  
19 regulation.

20                                   --o0o--

21           TTD STAFF AIR POLLUTION SPECIALIST RUBIN: In  
22 response to the Board's concerns at the first hearing,  
23 staff requested that industry provide information  
24 regarding medical tools and devices plated with hexavalent  
25 chromium. The information that industry provided



1 indicated that the tool and device specifications require  
2 plating that provides functional properties, which  
3 suggested that these tools and devices would fall under  
4 the definition of hard chrome plating rather than  
5 decorative chrome plating.

6 Staff researched the issued and also found  
7 information that suggested that medical tools and devices  
8 plated with hexavalent chromium would fall under the  
9 definition of hard chrome plating. No information was  
10 submitted or identified regarding medical devices that  
11 would be plated for decorative purposes. Based on the  
12 available data, staff determined that no changes were  
13 necessary to the proposed amendments.

14 It is important to note that many medical tools  
15 and devices are made of materials that do not require  
16 hexavalent chromium plating.

17 --o0o--

18 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: This  
19 table summarizes the emission inventory after the  
20 corrections to Appendix B were completed as part of the  
21 15-day changes. CARB presented a range of hexavalent  
22 chromium emissions estimates from the chrome plating  
23 industry. A range was presented due to uncertainties  
24 inherent in the development of emission inventories. None  
25 of the emission estimates presented in the updated

1 inventory include fugitive emissions, which are a  
2 significant concern for communities.

3 --o0o--

4 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: This  
5 slide shows the impact on emission reductions after the  
6 inclusion of the alternative phaseout pathway. The  
7 addition of the alternative phaseout pathway will allow  
8 decorative chrome plating facilities the option of using  
9 hexavalent chromium for an additional three years. If all  
10 facilities use the alternative phaseout pathway, this will  
11 result in three extra years of hexavalent chromium  
12 emissions and delay emission reductions from the original  
13 proposal.

14 The chart represents one estimate of emissions  
15 compared to baseline. The baseline is shown as the green  
16 line, the original phaseout pathway is represented by  
17 yellow line, and the alternative phaseout pathway is  
18 represented by the dashed blue line. The estimates on  
19 this chart do not include fugitive emissions.

20 --o0o--

21 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Due to  
22 the 15-day changes, the cost impact on an average  
23 decorative chrome plating facility from 2024 through 2043  
24 are expected to decrease if they elect to comply with the  
25 alternative phaseout pathway. The overall cost impact on

1 all decorative chrome plating facilities -- if all  
2 decorative chrome plating facilities elect to comply with  
3 the alternative phaseout pathway, decreases by  
4 approximately \$4 million over the same 20-year period.  
5 The total cost is lower because facilities that elect to  
6 comply with the alternative phaseout pathway are expected  
7 to incur less costs in the initial years. This is because  
8 the alternative phaseout pathway provides three additional  
9 years where existing equipment can be utilized prior to  
10 that phaseout.

11 The total cost for decorative plating facilities  
12 is expected to be between 40 and 44 million dollars.  
13 Facilities that have not implemented building enclosures  
14 already are expected to incur a cost of up to \$17,000 in  
15 order to comply with these interim requirements. The  
16 total cost over the same 20-year period for chromic acid  
17 anodizing facilities remains at \$123 million and for hard  
18 chrome plating facilities remains 525 million. This  
19 brings the total cost of the proposed amendments to  
20 between 688 and 692 million dollars.

21 --o0o--

22 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Here,  
23 we see the key dates from the proposed amendments for  
24 decorative plating facilities after 15-day changes were  
25 made. In 2024, updated housekeeping and best management

1 practices go into effect. In 2025, decorative plating  
2 facilities must select to comply with the originally  
3 proposed phaseout pathway or the alternative phaseout  
4 pathway. Facilities that choose the original proposed  
5 pathway must phase out the use of hexavalent chromium by  
6 January 1st, 2027. Facilities that choose the alternative  
7 phaseout pathway must comply with building enclosure  
8 requirements by January 1st, 2026 and phase out the use of  
9 hexavalent chromium by January 1st, 2030. All facilities  
10 are eligible for an extension of up to one year,  
11 regardless of which phaseout pathway they choose.

12 --o0o--

13 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Here,  
14 we see the key dates in the proposed amendments for hard  
15 chrome plating and chromic acid anodizing facilities.  
16 These dates have not changed since the January Board  
17 hearing.

18 In 2024, updated housekeeping and best management  
19 practices go into effect. By January 1st, 2026 facilities  
20 are required to meet building enclosure requirements, a  
21 lower emission limit, requirements for controls on  
22 additional hexavalent chromium-containing tanks, and  
23 biennial source test requirements.

24 By January 1st, 2032, CARB will complete the  
25 first of two technology reviews. By January 1st, 2036,

1 CARB will complete the second technology review. The  
2 technology reviews will provide an opportunity to assess  
3 the availability of alternative technologies that are able  
4 to meet the required standards across the various  
5 applications of hard chrome plating and chromic acid  
6 anodizing. This includes specifications from the  
7 Department of Defense, the aerospace industry, and others.

8 On January 1st, 2039, if no adjustments are made,  
9 after the results of the technology review, hard chrome  
10 plating and chromic acid anodizing facilities will be  
11 required to phase out the use of hexavalent chromium.

12 --o0o--

13 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: In  
14 accordance with the California Environmental Quality Act,  
15 a Draft Environmental Analysis, or EA, has been completed  
16 as part of the rulemaking process. The beneficial and  
17 potentially significant impacts were found for some of the  
18 resource areas. The Draft EA was available for a 45-day  
19 public comment, after which CARB prepared the Final EA and  
20 written responses to comments received on the Draft EA.  
21 The Final EA and written responses to comments received on  
22 the Draft EA were released on May 19th, 2023.

23 --o0o--

24 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: During  
25 the initial 45-day notice period and the January Board

1 hearing, staff received comments from members of the  
2 community including: support for the phaseout with  
3 accelerated timeline and greater stringency, including  
4 greater enforcement and training requirements; support for  
5 the transition to hexavalent chromium alternatives in  
6 order to reduce the cumulative burden of toxics in  
7 communities and to reduce PFAS use; and concerns from  
8 community members who live near chrome plating facilities  
9 and are experiencing health impacts.

10 --o0o--

11 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: During  
12 initial 45-day notice period and the January Board  
13 hearing, staff received comments from industry including:  
14 concerns regarding the suitability and acceptance of  
15 trivalent chromium due to color physical properties and  
16 specific requirements; statements that emissions are low  
17 and do not endanger communities; requests to implement  
18 South Coast AQMD Rule 1469 statewide; and concerns that  
19 the facilities will shut down instead of making the  
20 transition to alternative technologies resulting in job  
21 loss and increases in emissions outside of California.

22 --o0o--

23 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: During  
24 the two 15-day comment periods, industry made similar  
25 comments to those previously submitted in the 45-day

1 period and the January Board hearing. Additional comments  
2 included requests from industry for updated analysis and  
3 recirculation of the Draft EA and standardized regulatory  
4 impact assessment due to revisions made to the emission  
5 inventory during the 15-day changes.

6 Staff reviewed these requests and conducted[SIC]  
7 that a recirculation of these documents is not necessary  
8 because the significance conclusions based on statewide  
9 emissions in the Draft Environmental Analysis continued to  
10 result in a beneficial impact on air quality. Therefore,  
11 the standard for recirculation under CEQA has not been  
12 met. The standardized regulatory impact assessment is a  
13 point-in-time document to which any subsequent changes are  
14 addressed in the Initial Statement of Reasons.

15 Industry continued to request a technology review  
16 for decorative chrome plating prior to its phase out,  
17 similar to those for the functional -- for functional  
18 plating. CARB staff have considered a technology review,  
19 but because the central issue is a customer preference,  
20 concluded that an effective technology review would not be  
21 possible.

22 There were also requests to continue amending the  
23 emission inventory. CARB staff did not feel it is  
24 necessary to further amend the emission inventory, because  
25 the inventory provides a range of emission estimates

1 developed using available data at the time of preparation.  
2 It is important to note that these estimates do not  
3 include fugitive emissions.

4 --o0o--

5 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: As  
6 part of the implementation process, CARB is working  
7 towards providing chrome platers with assistance for early  
8 transition. In the budget act last year, the legislators  
9 stated their intent to make \$10 million of funding  
10 available to support the transition away from hexavalent  
11 chromium plating in California. The Legislature said that  
12 the transition away from hexavalent chrome plating is  
13 necessary. It is important to note that the Legislature  
14 did not call for tighter emission controls on hexavalent  
15 chromium plating. They called for an eventual total  
16 phaseout of hexavalent chromium plating in the state and  
17 made that -- the promised funding contingent upon CARB  
18 meeting that goal.

19 To honor the Legislature's wishes, these  
20 incentive funds are currently included in the Governor's  
21 proposed budget for the 23-24 fiscal year. The  
22 Legislature noted that the funding was intended to assist  
23 with the transition away from the use of hexavalent  
24 chromium and to further customer awareness and acceptance  
25 of trivalent chromium plated projects and to further



1 technology.

2 AB 617 community air protection grants have been  
3 available and are applicable to the chrome plating  
4 facilities. Grants were available for the conversion of  
5 hexavalent chromium plating systems to trivalent chromium  
6 and would cover up to 90 percent of the total cost of a  
7 replacement system. Availability of these grants is  
8 limited for future years.

9 Staff are working on updated community air  
10 protection guidelines to help provide funding for those  
11 facilities who transition by January 1st, 2027.  
12 Facilities that choose to transition to alternatives after  
13 2027 will still be eligible for funding, but funding will  
14 be contingent on the availability of grant money. Grant  
15 funding will not be made available for the installation of  
16 building enclosures or other controls.

17 --o0o--

18 TTD STAFF AIR POLLUTION SPECIALIST RUBIN:

19 Staff's recommendation for this item is that the  
20 Board adopt proposed Resolution 23-16, which includes  
21 commitments by CARB to work with the districts on  
22 implementation and enforcement, as well as to explore  
23 opportunities to continue air monitoring efforts for  
24 hexavalent chromium to help ensure compliance from chrome  
25 platers and further evaluate other sources of hexavalent

1 chromium in communities.

2           Additionally, the adoption of the resolution  
3 would certify the Final EA, including the written  
4 responses to environmental comments and make the required  
5 CEQA findings.

6           Staff is recommending that the Board adopt the  
7 proposed regulation, including the 15-day changes. That  
8 concludes the presentation. Thank you for your time.

9           CHAIR RANDOLPH: All right. Thank you. As is  
10 our practice when we have elected officials who want to  
11 comment, we will turn to them after the staff report. And  
12 my understanding is we have a representative from Speaker  
13 Rendon's office, is that correct?

14           BOARD CLERK GARCIA: That's correct.

15           CHAIR RANDOLPH: Okay.

16           BOARD CLERK GARCIA: Yes. Marie Liu, you should  
17 have permission to speak.

18           MARIE LIU: Good morning. Thank you very much.  
19 Can you hear me alright?

20           BOARD CLERK GARCIA: Yes, we can. Thank you.

21           MARIE LIU: Thank you for having me this morning.  
22 Speaker Rendon was hoping to be here himself, but got  
23 called in a meeting and so I'm going to read remarks on  
24 his behalf.

25           "One of the things that I've learned during

1 my time in the Assembly is that when it comes to  
2 protecting air quality for the health of our  
3 communities, we need to pay attention to local  
4 concentrations not just regional levels. Many of  
5 the communities in Southeast Los Angeles are  
6 intermixed with heavy industrial facilities  
7 exposing schools and residents to higher level of  
8 toxics that regional numbers do not capture.  
9 This is the case with hex chrome.

10 "In recognition of the need to quickly  
11 transition the industry to less toxic  
12 alternatives and to lessen the impacts that such  
13 a rule may have on small businesses, the  
14 Legislature approved \$10 million in funds to  
15 assist with this change. This money was  
16 conditioned on the passage of a rule that would  
17 fully eliminate the use of hexavalent chrome as  
18 soon as possible. I urge the Board today to pass  
19 the rule as proposed by staff. Further delaying  
20 the phaseout would be inconsistent with the  
21 legislative intent and rationale for the  
22 incentive dollars that are planned for  
23 appropriations. Any further delays in the  
24 phaseout will come at the expense of health and  
25 well-beings of communities like mine.

1           "I appreciate the attention that the ARB has  
2           given to this matter and I urge your passage of  
3           the rule today. Thank you".

4           CHAIR RANDOLPH: Thank you very much.

5           Okay. We will now turn to public comment on this  
6           agenda item.

7           BOARD CLERK HARRINGTON: Thank you, Chair  
8           Randolph.

9           As you mentioned earlier, I will call on  
10          in-person commenters first and then we will hear from  
11          those who have raised their hand in Zoom. We currently  
12          have 14 commenters who have turned in a request-to-speak  
13          card and wish to speak at this time. We will be showing a  
14          list of the next several commenters on the screen, so you  
15          can be prepared to come to the podium. I apologize in  
16          advance if I mispronounce your name. As a reminder, the  
17          comment submissions will end in 30 minutes at 10:15.

18          Our first commenter is Alan Olick.

19          ALAN OLICK: Thank you. Excuse me. Wow. I feel  
20          so honored to be number one speaker. I feel so important.

21          Hello, members of the California Air Resources  
22          Board. I thank you for allowing us to speak to you today.  
23          For the past 54 years starting in 1969, I've been a metal  
24          finisher and my company employs 85 full-time hard working  
25          people and 25 subcontractors.

1           Additionally, I'm an active in our professional  
2 Metal Finishers Association by being a Board member for 31  
3 years. That's MFASC and part of the national association  
4 of finishers as well.

5           Our association has recently sponsored an  
6 informal booth -- I mean informational booth at Earth Day  
7 2023 LA Hyperion Water Treatment Plant, Playa Del Rey,  
8 California. We were showing children how to plate,  
9 achievements of plating, demonstrating plating copper on  
10 gold dimes. We do this quite often as a public service  
11 and giving children the ability to see how science and  
12 action really works. They all love it. We also talk to  
13 the adults about how we control our chemicals, and how we  
14 prevent pollution, and how we're good stewards of the  
15 earth. We're very pro the environment, contrary to what  
16 other people believe.

17           CARB is proposing to stop hex chrome plating even  
18 though we've installed state of the art engineered  
19 environmental controls and have provided scientifically  
20 validated air source testing that documents our controls  
21 are really doing what is prescribed.

22           I'm 75 years old. When I was in high school, I  
23 was growing cannabis for personal consumption. We all  
24 know this is not healthy and certainly not legal.

25           I'd like to enlighten CARB --

1 BOARD CLERK HARRINGTON: Thank you. That  
2 concludes your time.

3 ALAN OLICK: Oh, come on. That's not right. I  
4 have like four pages here.

5 (Laughter).

6 ALAN OLICK: That's really -- that's not right.  
7 Really, I strongly object.

8 CHAIR RANDOLPH: Each person gets two minutes for  
9 comment and you can submit your comment in writing as  
10 well. You can give us your four pages.

11 ALAN OLICK: But I gave my whole life donating to  
12 the community and paying taxes, and here you're trying to  
13 stop our mental finishing, and you're telling me I can't  
14 speak.

15 CHAIR RANDOLPH: You can submit your comments in  
16 writing.

17 ALAN OLICK: Well, what's the point of me coming  
18 here.

19 CHAIR RANDOLPH: You can give them to the clerk.

20 ALAN OLICK: I drove two hours to get here.

21 CHAIR RANDOLPH: And we have other speakers who  
22 will also be speaking.

23 ALAN OLICK: That's in -- completely cruel.  
24 Thank you.

25 BOARD CLERK HARRINGTON: Thank you.

1           Next is Bill Felts.

2           BILL FELTS: Good morning. My name is Bill  
3 Felts. I'm a small business owner for 50 years. I had  
4 a -- I had a chance to sell my business last year. I was  
5 going to finance another small business owner to buy my  
6 business. When I found out about the pending of this  
7 regulation, I had the obligation to disclose to the guy,  
8 which I did, that this outlawing of the hexavalent chrome  
9 would probably stop the sale. Understandably, the buyer  
10 did back out.

11           I do not believe that the staff have taken into  
12 consideration the stranded assets of us at retirement age.  
13 After 50 years, the sale was going to allow me to retire.  
14 Now, my company has no value. I believe there is a  
15 solution allowing companies like mine to participate in  
16 the incentive program and close my business. It would be  
17 approximately one-third of the price, yet helpful to  
18 someone like me.

19           I hear you're talking about just transitions when  
20 the governments decide to ban technology. Well, here is  
21 your opportunity to put action to your words. It's not  
22 that I'm not willing. I put in my 50 years and I'm out of  
23 time. And I would just wish that you would consider  
24 helping us retire for the ones that want to retire with  
25 your funds.

1 Thank you.

2 BOARD CLERK HARRINGTON: Thank you.

3 Next is Bryan Leiker.

4 BRYAN LEIKER: Good morning, Chair Randolph and  
5 CARB Board members. Bryan Leiker, Executive Director,  
6 Metal Finishing Association of California. I'll also have  
7 a small business K&L Anodizing in Burbank, California.

8 In the two minutes here, it's a difficult path to  
9 take for us. You know, we've worked with indus -- with  
10 regulatory agencies such as South Coast AQMD on Rule 1469  
11 where CARB participated, came up with the most strict air  
12 emissions rule for hex chrome in the country. It's a rule  
13 that substantially reduces hex chrome even further. It's  
14 important to note that our industry over the last three  
15 decades has reduced hex chrome emissions 99.9 percent and  
16 1469 would reduce emissions further.

17 We strongly believe that bans don't work. Bans  
18 put businesses out of business, take jobs away from  
19 California, force businesses to leave the state, force  
20 businesses to set up in other states with less emission  
21 controls. 1469 is an adequate rule that would work  
22 statewide in California.

23 This rule was -- is based on incorrect  
24 information, incorrect data, and it's important if a rule  
25 like this is going to be passed that the facts are known,



1 and facts do matter. We've been informed that facts don't  
2 matter, but they do. I want to point out one such fact.  
3 Decorative chrome shops, which are the smallest emitters  
4 by far, are the first to go. There's one facility that's  
5 noted in the inventory that's 41 million amp hours. I'm  
6 here today to say that is a ghost facility that does not  
7 exist.

8           The average decorating facility shop in  
9 California is between 15 to 30 amp hour -- 30,000 amp  
10 hours. There is no facility that's 41 million and it's  
11 taking up 74 percent of what decorative shops emit. So  
12 we're asking CARB and staff to correct the information, to  
13 provide the correct information and the true emission  
14 numbers, because we are not the risk to public health that  
15 is noted here.

16           BOARD CLERK HARRINGTON: Thank you.

17           Next, is Jerry Desmond.

18           JERRY DESMOND: Good morning, Chair Randolph.  
19 I'm Jerry Desmond with the Metal Finishing Associations,  
20 Northern and Southern California.

21           First, we think we should be clear. The update  
22 bans decorative chrome plating in 2027. And there are two  
23 key assumptions in support of the ban: first, that  
24 customers will accept alternatives prior to that date; and  
25 second, that facilities will remain in California and

1 operating. The update makes these critical assumptions  
2 and dismisses our projections to the contrary as being  
3 speculative.

4 Further, the process places the entire burden on  
5 industry to obtain written statements confirming that they  
6 would definitely take their businesses to other states and  
7 countries with less, if any, emission controls, and then  
8 disregards the clear evidence when it is presented. A  
9 reasonable conclusion can be made that the decision was  
10 made to enact a ban irrespective of the facts.

11 Further evidence of this is found in the  
12 following. First, the emissions data has consistently  
13 overstated the amount of emissions and therefore the risks  
14 has been continually corrected and remains inaccurate  
15 today. The update emphasizes the location of facilities  
16 near sensitive receptors in disadvantaged communities, but  
17 does not accommodate those that aren't. Third, the update  
18 dismisses alternatives to a ban on the basis that they  
19 will not reduce emissions to the same extent as a ban.

20 We emphasize the issues, because they signal a  
21 policy change in California. Are we abandoning our  
22 efforts to balance public health and safety and the  
23 environment and the ability to operate a manufacturing  
24 facility and create jobs? Are we saying goodbye to the  
25 economic engines in our local communities and the jobs?

1 We're -- are we saying that we don't care about the  
2 tremendous efforts we've made over the past four decades  
3 as facilities to meet and exceed and lower our emissions,  
4 even to non-detect levels?

5           And more specifically, we're ignoring the  
6 recently adopted Rule 1469 in the South Coast Air  
7 District. The effectiveness of this rule is being  
8 ignored. We continue to maintain that is the critical --  
9 it's critical to identify that rule to provide the  
10 opportunity statewide.

11           Thank you.

12           BOARD CLERK HARRINGTON: Jim Meyer.

13           JIM MEYER: Jim Meyer, Aviation Repair Solutions.  
14 We repair flight critical passenger airplane parts with  
15 hex chrome. AB 617 established a process for local  
16 communities to have input about local priorities. AB 617  
17 defined those communities in terms of geography,  
18 locations, places where residents live. The data provided  
19 by CARB to support this ATCM tells us that distance from a  
20 receptor is a major factor in cancer risk reduction.

21           Obviously, geography, location, and distance are  
22 related concepts. Since the AB 617 process allows local  
23 communities to have unique inputs and priorities, it is  
24 obvious that the Legislature intended there to be a  
25 variety of rule outcomes to address those. The unique

1 local concerns would be met.

2 This ATCM has no unique or local outcome. It is  
3 a one-size-fits-all sledgehammer, which imposes a ban on  
4 local businesses which some communities value.

5 Here's an idea, amend the rule to reward  
6 businesses that are not near receptors. Don't ban in  
7 those locations. This will incentivize those who are next  
8 door to some residents to relocate to the safer area.  
9 They may do so even prior to 2039, which would, I think,  
10 be positive for both sides of this debate.

11 Disadvantaged communities would get a quicker  
12 benefit and clean platers could survive. A ban is not  
13 responsive to AB 617. A ban is not a rule. AQMD Rule  
14 1469 is the toughest rule in the world and I support this  
15 ATCM if the ban is removed.

16 Thank you.

17 BOARD CLERK HARRINGTON: Thank you.

18 Bobbi Burns.

19 BOBBI BURNS: Good morning and thank you for  
20 having us here, CARB Board. In light of what has already  
21 been said, I can't stress enough how important the data  
22 really is to this rulemaking. I've heard a lot that it  
23 doesn't mater, but it should matter when you make a rule  
24 that has this kind of impact not only on businesses and  
25 our employees, our customers, and our supply chain.

1           Trivalent chrome has its place in this world, but  
2 definitely not on faucets. They just don't last. I'm not  
3 sure where that information came from. It has its place,  
4 but not in the restoration business.

5           We are not opposed to regulation. We are  
6 accustomed to it. We've participated in the last 30 years  
7 in the -- in the past to lower our emissions to be good  
8 stewards of the environment. When I submit reports to a  
9 regulatory agency, which feels like I have a thousand of  
10 them I report to, my data has to be accurate. And I feel  
11 like the submissions, Table 1, is just really lacking  
12 efficiency and it puts a false number out there. I don't  
13 support a ban. I support regulation. I support a  
14 statewide 1469. I believe that we can continue our  
15 participation in lowering emissions in a way that helps  
16 keep our businesses an helps keep our employees employed.

17           Thank you.

18           BOARD CLERK HARRINGTON: Thank you.

19           Next is Sylvia Rodriguez.

20           SYLVIA RODRIGUEZ: My name is Sylvia Rodriguez.  
21 I run and own a AMEX Plating, Incorporated, an anodizing  
22 facility that is 24 employees strong and services the  
23 electronics, semiconductor, medical, aerospace, and  
24 defense industries here in California. I've been in  
25 business for 40 years.

1           As a small business owner, I am appalled that  
2 your department did not reassess the recommendations after  
3 discovering that their initial assessments of the  
4 emissions data was flawed. Even with the corrections of  
5 the mathematical errors, the resulting emissions data is  
6 an overrepresentation of the factual data of the chromium  
7 emissions of chrome plating in California. It has been  
8 reported that a total hexavalent chrome emissions in  
9 California equals to 550 pounds per year. My industry  
10 represents less than 0.19 pounds per year.

11           Based on the actual emissions data, the removal  
12 of all hexavalent chrome emissions from the plating  
13 industry would do little, if anything, to reduce the risks  
14 to human health. The revised emissions data represents  
15 less than 0.1 percent of the total hexavalent chrome  
16 emission in California. Without the correct information,  
17 the conclusions drawn by this Board will not be effective  
18 of combating chromium emissions in California. No other  
19 industry is banned by this proposed amendment.

20           Banning chrome plating in California is an  
21 essential industry in California. I strongly recommend  
22 that the Board reconsider its decision to ban hex chrome  
23 plating and instead implement an emissions-based rule  
24 across all industries to ensure that emissions continue to  
25 be reduced to protect human health and the environment.

1 Regulation not elimination is what we need.

2 Thank you.

3 BOARD CLERK HARRINGTON: Art Holman.

4 ART HOLMAN: In the response to staff's comments  
5 about speculation, the real speculation that's happening  
6 with the staff here is that transition to trivalent chrome  
7 from the decorative industry is going to be accepted from  
8 our clients. As an industry expert with 43 years of  
9 experience in this field, I can tell you that that's not  
10 the truth. They will search out hexavalent chrome. It's  
11 going to transfer to another state. It's going to render  
12 my business worthless. My employees will be unemployed.  
13 Forty-three years down the drain. My entire business has  
14 worth until this ATCM passes and then my property is a  
15 hazardous waste facility. Who's going to clean that up?  
16 Am I going to be deemed liable to clean up a facility that  
17 the CARB Board made a hazardous waste facility? Because  
18 as it stands right now, I'm an industrial power in the  
19 decorative industry.

20 I have two competitors, both of out of -- both  
21 are out of state, Nashville, Tennessee, and Canton, Ohio  
22 specialize in antique historic vehicle restoration. I  
23 won't be able to do that with trivalent chrome. We need  
24 to institute 164 -- or 1469. I have two milligrams of  
25 hexavalent chrome emissions annually run at

1 unrepresentatively high source test ratings. My samples  
2 would come back non-detect under a reasonable source test,  
3 but yet I'm not going to be allowed to operate here in  
4 California.

5 Just a visual, these raisins represent the entire  
6 decorative industry's emissions for a year.

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

9 Next is Albert Ybarra.

10 ALBERT YBARRA: Good morning. Albert Ybarra.  
11 This is hurting California forcing jobs out. We are not  
12 the problem. We -- I think regulating is a solution and  
13 all this is not necessary. It's -- all it's doing is  
14 forcing jobs out of California and that's about it. It's  
15 not going to help anything. There's -- that's all I got.

16 BOARD CLERK HARRINGTON: Thank you.

17 Next is Brian Ward.

18 BRIAN WARD: Thank you for the opportunity to  
19 address this issue. I think that the problem has been  
20 that from the beginning, we've been at cross purposes. We  
21 understand that this is coming from top down. The idea is  
22 that the -- that no matter what data that I have from  
23 emissions information that we've gotten, that the only  
24 number that anybody gives a dam about is zero. And the  
25 thing is is that if you extrapolate that to any other



1 industry, every other industry, we will grind to a  
2 complete halt. This is not appropriate logic. There is a  
3 lot of speculation about the effect of this -- these  
4 materials on people.

5           There is not a lot of evidence that -- at the  
6 levels that we are talking about. Our entire industry --  
7 our entire industry is 0.14 based on the best information  
8 that I have been able to gather. 0.14 pounds for the  
9 entire state, for the entire industry for a year. That  
10 is -- that is so, so low. They're putting in -- staff has  
11 put in their presentation that ten pounds is what we're  
12 talking about. We're talking about two orders of  
13 magnitude less than that. My estimation of 0.14 is  
14 actually on the high end. If I -- if I can use data that  
15 I can actually corroborate, it's actually much lower than  
16 that 0.00 -- 0.09.

17           So the idea that we are -- that this is actually  
18 going to have a health impact on anyone is not accurate,  
19 when we keep trying to present information, new studies,  
20 things like that. And if this was an objective  
21 decision-making process, you'd look -- you'd be looking  
22 for the truth.

23           Thank you.

24           BOARD CLERK HARRINGTON: Thank you.

25           Next is Jeff Hannapel.

1           JEFF HANNAPEL: Good morning. I think it's  
2 important that CARB determine the actual risks posed by  
3 the industry based on the most current data available on  
4 hexavalent chromium emissions. Accordingly, we must get  
5 the data right. Facts do matter. Based on a review of  
6 the most current publicly available data, this industry  
7 emits less than one-tenth of a pound annually. This is  
8 less than one-tenth of a percent of all stationary sources  
9 in California and would be more than an order of magnitude  
10 lower if we included mobile sources.

11           Based on the corrected actual emissions data, the  
12 risk posed by the plating industry in California would be  
13 minimal, below CARB's levels of concern. It would be  
14 irresponsible and most likely unlawful for CARB to make a  
15 final decision on this rule without considering the  
16 corrected risk-based, emission-based data in order to make  
17 an informed and meaningful decision.

18           The plating industry has been proactive in  
19 meeting challenges to reduce hexavalent chromium  
20 emissions. Nationwide, the industry has reduced  
21 hexavalent chromium emission by over 99.9 percent since  
22 1995. In California, these reductions have been even  
23 greater. The industry has done its part to significantly  
24 reduce hexavalent chromium emissions. Now, if individual  
25 facilities need to reduce emissions even further to

1 protect localized sensitive receptors, we accept that  
2 challenge.

3 We urge CARB to use a scalpel, preferably a  
4 hexavalent chromium plated one for a targeted approach to  
5 accomplish this goal, rather than a sledge hammer, even a  
6 hexavalent chromium plated one, to ban the entire industry  
7 of responsible hexavalent chromium plating. CARB needs to  
8 promulgate a data-driven, risk-based, emission-based rule  
9 without bans regardless of how far into the future they  
10 are scheduled.

11 Thank you.

12 BOARD CLERK HARRINGTON: Thank you.

13 And as a reminder, comment sign-ups end at 10:15.

14 Our next commenter is Justin Guzman.

15 JUSTIN GUZMAN: Good morning, Chairperson Berg,  
16 Board, and staff.

17 Justin Guzman, President of Aircraft X-ray  
18 Laboratories. I've been in the industry for 30 plus  
19 years. And I think I'd like to set myself as an example  
20 that the environment is crucial to me. We just won P3  
21 award for facility of the year in California. You know,  
22 I'm not going to do anything that's going to hurt my  
23 employees and my neighbors. I spent a lot of money to be  
24 the best that we can -- that we can be. I understand that  
25 if you shut me down, it hurts my employees. It hurts my

1 customers. I'm not going to let that happen.

2           So again, let's regulate. We can -- we can meet  
3 it. You know, we talk about fugitive emissions. Well,  
4 they're not ghosts. Let's find out where they're at.  
5 Let's control them, simple. You know, we talk about  
6 actual numbers of emissions, we know what they are. You  
7 know we're not going to manufacture more in California.  
8 On the contrary, it's going away, so emissions aren't  
9 going to increase in our industry. So what we have, we  
10 can control. We have jobs. It's crucial that we keep it  
11 here. Remember, this is infrastructure. This is air  
12 safety. This is defense that we're talking about. You  
13 know, we're not -- we're not talking about just any --  
14 anything that anybody can do. And these are jobs that,  
15 you know, there's 30, 40, 50 years of technical know-how  
16 that we have. So even moving from the State, we lose all  
17 that expertise. So the thought of that really does hurt.  
18 So, you know, we need to get it right. And I think we've  
19 shown that we are here to figure it out and work with  
20 CARB. So thank you.

21           BOARD CLERK HARRINGTON: Thank you.

22           Next is Regina Hsu.

23           REGINA HSU: Chair Randolph and members of the  
24 Board. Thank you for the opportunity to comment today.  
25 My name is Regina Hsu and I'm an attorney with

1 Earthjustice. We strongly urge the Board to adopt the  
2 proposed amendments to reduce toxic effects from  
3 chromium -- hexavalent chromium.

4           These amendments are critical to reducing health  
5 burdens on low-income communities of color. Seventy-three  
6 percent of chrome platers are located in California's  
7 disadvantaged communities with a majority located here in  
8 Southern California, even next to people's homes and  
9 schools. The public health benefits of this rule are  
10 significant. The strengthened rule will eliminate cancer  
11 risk from chrome emitting facilities. Since CARB has  
12 identified several chrome platers who are in violation of  
13 their permits, we also ask that you work with the dist --  
14 the air districts to ensure that all chrome platers comply  
15 with their existing permits with verification by  
16 fence-line monitoring.

17           Again, we urge you to adopt these amendments in  
18 accordance with CARB's mission of protecting public  
19 health. Thank you again.

20           BOARD CLERK HARRINGTON: Ed Appleton.

21           ED APPLETON: Good morning. My name is Ed  
22 Appleton. I'm with Metal Finishing Marketers. Thank you  
23 for your time and your consideration today.

24           Originally, I wasn't planning on speaking and was  
25 only going to be here to witness the final nail being

1 driven into our industry. Although trivalent chrome may  
2 be suitable for some industries, it certainly won't work  
3 for the industry that we serve, which is the refurbishing  
4 of classic cars. Our customers will not accept trivalent  
5 chrome. Our customers compete against others and their  
6 chrome is a major factor in the judging. They will need  
7 to go out of the state in order to get any of their work  
8 done.

9           Although I am thankful for the extension, the  
10 bottom line is this process will totally ban with no other  
11 further options. What are the options that we may have,  
12 other than being driven out of business before this ban?  
13 Well, maybe new technology within the next few years. I  
14 don't know. But either way, the ban will go into effect  
15 and that we will not be able to serve all our customers  
16 and we'll actually be driven out of business.

17           South Coast has a viable rule to control and  
18 regulate. This could be implemented statewide if need be.  
19 And in the past 45 years that I've been in this industry,  
20 we have always been able to work our way through business  
21 challenges. But by banning this, we do not have that  
22 option. There is only one other time that I felt  
23 hopeless. That was when we were shut down for COVID. We  
24 were told we weren't able to work. How can you work  
25 yourself out of a situation when you're not able to work?

1 But this is the same feeling that we have here. When this  
2 ban is -- goes into effect, we won't have any other option  
3 other than to be out of business.

4 Thank you.

5 BOARD CLERK HARRINGTON: Sam Bell.

6 SAM BELL: Hello, Board. I'm Sam Bell. I'm  
7 owner of Metal Surfaces, Incorporated. I've been working  
8 for 53 years in the industry. I think you ought to take  
9 the time frame of our shutdown in cutting out chrome to  
10 develop reasonable and measurable numbers, and in that  
11 time frame, let industry develop controls to meet those  
12 measurable limits.

13 More people -- there are more people with a  
14 positive -- positive effects from hexavalent chrome than  
15 there are negative effects. It's -- everybody is touched  
16 by hexavalent electrolytic plating. Everybody, no matter  
17 where you are, it may be in the engineer car, it may be in  
18 the toaster on your -- on your dashboard, or the sinks,  
19 fixtures. Everybody is touched by hexavalent chrome. And  
20 if you make it zero, then we're going to have to shut  
21 down.

22 But there's many behind-the-scenes use of hex  
23 chrome, like military and other areas that are just not  
24 seen, but the manufacturing world uses hexavalent chrome.  
25 So take this time frame to develop measurable rules. Let

1 industry figure out how to meet those rules and let's get  
2 on with business. I think it would be more valuable to  
3 develop a pill that would create people from farting for  
4 the environment.

5 Thank you.

6 BOARD CLERK HARRINGTON: Thank you. And the  
7 public comment period has now closed.

8 Our next speaker is Mose Huerta.

9 MOSES HUERTA(through interpreter): Hello,  
10 members. Thank you for the opportunity. I would like to  
11 come here -- I'm a -- before you to beg you to adopt this  
12 resolution and vote on it. This conversation that we are  
13 having today has become one of those people who is at  
14 risk, health risk. I've been living for 45 years in  
15 nearby within this industry. There was more than 40  
16 monitors about a mile away that encounter from the  
17 residents where I currently live. And they're still  
18 continuing up will now monitoring this contaminating  
19 pollutant.

20 My neighbors, my family members, and others we're  
21 still concerned about what's going to happen because we're  
22 still breathing this air. With this point, as I mentioned  
23 previously, the cancer that I'm surviving and multiple  
24 sclerosis that I'm going through. I don't need any  
25 further health issues to come along with this. Please



1 vote on this, I remind you, so we can get to a resolution.

2 Thank you for your attention.

3 BOARD CLERK HARRINGTON: Thank you.

4 This concludes the in-person commenters. I will  
5 not pass it to Lindsay for the Zoom.

6 BOARD CLERK GARCIA: Thank you. We currently  
7 have 19 commenters in Zoom. The first five commenters  
8 will be Christopher Chavez, Felipe Aguirre, Will Barrett,  
9 Cynthia Pinto-Cabrera, and Yvonne Watson.

10 So Christopher, I have activated your microphone.  
11 You can unmute and begin.

12 CHRISTOPHER CHAVEZ: Yes. Good morning, Board  
13 members. My name is Chris Chavez. I'm with the Coalition  
14 for Clean Air.

15 We urge the Board to adopt the proposed  
16 amendments today to reduce the toxic effects from  
17 hexavalent chromium, especially on low-income and  
18 communities of color. What you have here today is not an  
19 immediate, hard and fast ban today or tomorrow. Rather,  
20 it phases out the use of hex chrome over the better part  
21 of the next 10 to 20 years. Further, the proposal has not  
22 one but two technological reviews for hard platers and  
23 anodizers, and provides assist -- financial assistance to  
24 help facilitate that phaseout.

25 The strengthened ATCM is projected to diminish

1 cancer risk from these facilities and the communities that  
2 live near by them by a hundred percent. By reducing that  
3 to zero, ultimately the communities will have much better  
4 health outcomes, given their -- you know, the lack of  
5 exposure to any of these chemicals.

6           Since CARB has identified several chrome platers  
7 who were in violation of these permits, we ask you to work  
8 with the affected districts to ensure that all chrome  
9 platers comply with their existing permits with  
10 verification by fence-line monitoring. Seventy-three  
11 percent of chrome platers are clustered in California  
12 disadvantaged communities and both being in Southern  
13 California. Three of the six South Coast AQMD AB 617  
14 communities have identified hexavalent chromium emissions  
15 as being a concern.

16           Several chrome plating facilities are also  
17 located alongside residential communities and schools.  
18 Eliminating the use of hexavalent chromium would also  
19 eliminate the need for PFOS-based fume suppressants, which  
20 are also known to cause cancer. So with all this  
21 together, we do strongly support this rule. We know that  
22 there have been a lot of changes, a lot of compromises  
23 made along the way. But ultimately, this is -- really  
24 shows a way forward and need to protect public health in  
25 California.

1 Thank you.

2 BOARD CLERK GARCIA: Thank you.

3 Felipe Aguirre, I have activated your microphone.  
4 Please unmute and begin.

5 FELIPE AGUIRRE: Yes. My name is Felipe Aguirre.  
6 I work with Comite Pro Uno here in the City of Maywood,  
7 California. And we want to strongly support this rule,  
8 but we would like to have also fence-line monitoring along  
9 the process to ensure total compliance. We have to look  
10 out for the health of the people that work there, the  
11 people that live in these communities. We've been  
12 affected by this industry for many, many years. Here in  
13 Maywood, we are particularly affected not only by the  
14 chrome platers that we have here in our community, but in  
15 and around close proximity. So we want to have you adopt  
16 this rule. We support it, but we want you to also have  
17 fence-line monitoring so that we know that there is  
18 compliance.

19 Thank you very much.

20 BOARD CLERK GARCIA: Thank you.

21 Will Barrett, I have activated your microphone.  
22 Please unmute and begin.

23 WILL BARRETT: Hi. Thank you. I'm Will Barrett.  
24 I'm the National Senior Director for Clean Air Advocacy  
25 with the American Lung Association. And I want to start

1 by saying we applaud CARB for taking a strong approach to  
2 regulating toxic air contaminants with this policy and  
3 transitioning away from hexavalent chromium that is so  
4 highly toxic.

5 We urge the Board to adopt the proposed  
6 amendments today. This rule will provide important health  
7 protections and addresses significant disparities in toxic  
8 exposures caused by chrome facilities, which are often  
9 located in disadvantaged communities, as others have  
10 mentioned. This updated ATCM is real -- it's projected to  
11 phase out the harms of hex chrome over time, reducing  
12 health impacts, zeroing out cancer risk from hex chrome  
13 plating operations, and reducing cumulative community  
14 exposures to toxic air contaminants.

15 As noted by Mr. Chavez from the Coalition for  
16 Clean Air, this is a critical issue identified by multiple  
17 AB 617 communities' processes, seeking to reduce harmful  
18 exposures in their communities. And also echoing Mr.  
19 Chavez, CARB and the air districts should increase the  
20 focus on monitoring and enforcement, especially  
21 considering those longer compliance pathways offered under  
22 the proposed amendments and previous excess emissions that  
23 he noted.

24 So again, I do appreciate CARB's efforts to  
25 reduce this toxic air contaminant and to protect the

1 communities most impacted today, and look forward to the  
2 opportunity to working with the Board as we move forward.  
3 And thank you and ask that you approve this important  
4 measure today. Thank you very much.

5 BOARD CLERK GARCIA: Thank you.

6 Cynthia Pinto-Cabrera, I have activated your  
7 microphone. Please unmute and begin.

8 CYNTHIA PINTO CABRERA: Good morning, Chair  
9 Randolph, members of the Board. I'm Cynthia  
10 Pinto-Cabrera, Policy Coordinator with the Central Valley  
11 Air Quality Coalition. And we stand in solidarity with  
12 the colleagues across the State that are urging the Board  
13 to adopt the rule and proposed amendments today. CARB  
14 must reduce the toxic effects from hexavalent chromium,  
15 especially for priority EJ communities that have really  
16 borne the brunt of these sources for far too long. As  
17 several mentioned, 73 percent of the chrome platers are  
18 concentrated in California's most disadvantaged  
19 communities. We cannot continue to sacrifice our  
20 communities of color, our low-income communities, our  
21 priority environmental justice communities for the sake of  
22 economic benefit.

23 This Board has made a commitment to protect those  
24 communities. And this regulation is a step in the right  
25 direction. However, there continues to be some shortfalls

1 with the regulation proposed today that must be addressed  
2 as well. Along being adopted today, there still remains  
3 some serious exposure risk. So as others have mentioned,  
4 we are in support of additional fence-line monitoring to  
5 require chrome platers -- chrome platers to ensure that  
6 the measures are really working and to ensure that  
7 emissions are being reduced in line with the phaseout.

8 We also -- as others have mentioned, CARB has  
9 identified several chrome platers that are in violation of  
10 their permits. Again, like others have mentioned, me also  
11 are in also support of working with air dis -- with other  
12 districts to ensure that a all chrome platers are in  
13 compliance, we need strong enforcement and strong  
14 accountability for this measure. And CARB should continue  
15 to work with other districts to ensure this is safe as  
16 possible.

17 And if we are truly to make an impact on the  
18 environmental justice communities, we need to -- CARB must  
19 adopt a regulation that will monitor and hold facilities  
20 accountable for their emissions to ensure real reductions.  
21 CARB's regulations are only as strong their -- (inaudible)  
22 -- strong rule that addresses these shortfalls.

23 Thank you.

24 BOARD CLERK GARCIA: Thank you. And after Yvonne  
25 Watson, we'll hear from Jane Williams, Dilip Patel, Bill

1 LaMarr, Teresa Bui, and Kathleen Van Osten.

2 So Yvonne, I have activated your microphone.

3 Please unmute and begin.

4 YVONNE WATSON: Hello. My name is Yvonne  
5 Martinez Watson. I am a volunteer leader with the Sierra  
6 Club and I'm not being paid here to be today. I'm here  
7 today because I am partially immunocompromised, so I  
8 cannot be there are in person. I'm one of the people who  
9 have been affected by air quality emissions and toxics as  
10 well as air -- as well as contamination in my water.

11 Hexavalent chromium does not just stay in the  
12 area. It can deposit into water sources and that's a lot  
13 of how it gets into underground wells as well.

14 Please pardon me, I'm having some trouble  
15 speaking today.

16 This rule is -- needs to be strengthened. I'm  
17 really upset by hearing industry talk about how this is  
18 not affecting people. Like I said, I am  
19 immunocompromised. I live with contaminated water,  
20 contaminated air. I've lived in California in  
21 environmental justice communities my entire life. I have  
22 never smoked. I have never done anything to compromise my  
23 own health. A lot of my health issues are environmentally  
24 based. It's disappointing to hear that the decorative  
25 chrome people are getting a special out with an additional

1 three years. And they're still complaining about how that  
2 this is going to affect them.

3 Public health is at risk right now. Public  
4 health is being affected. People who are like me who are  
5 suffering severe consequences. I had two bouts of lung  
6 collapse in 2019. We do not have time. It is really  
7 upsetting to hear industry say that, well, this is going  
8 to affect them so badly and they don't of anybody else who  
9 is being affected. Well you need to get out into your  
10 neighborhoods and start asking your neighborhoods how  
11 they -- how they feel.

12 Please strengthen this rule, please strengthen  
13 the fence-line reporting, and please go after the people  
14 that are not in compliance right now.

15 Thank you very much.

16 BOARD CLERK GARCIA: Thank you.

17 Jane Williams, I have activated your microphone.  
18 Please unmute and begin.

19 JANE WILLIAMS: Thank you so much. I'm Jane  
20 Williams. I'm the Executive Director of California  
21 Communities Against Toxics. Thank you so much for the  
22 opportunity to testify today. I just wanted to point out  
23 that a California Air Resources Board chrome plating  
24 effectiveness study found that 73 percent of facilities  
25 had violated the Air Toxic Control Measure, 39 percent had



1 emission related violations, 68 percent had non-emission  
2 related violations, and eight percent had direct excess  
3 emission.

4           This study was done 20 years ago. It just showed  
5 massive non-compliance among permitted users. In fact, 53  
6 percent of add-on control devices had violated the Air  
7 Toxic Control Measure. Now, here we are 2023, and  
8 whenever we go and we actually take a hard look at these  
9 facilities, we do fence-line monitoring, we see that it's  
10 fugitives that are really problematic and driving the risk  
11 in these impacted communities. And so I just want to  
12 really urge the Board. It's wonderful the action that  
13 you're taking today. It is precedent setting.

14           And unfortunately, it is overdue, and it's too  
15 late for many of the members of the communities that  
16 have -- that really have suffered and died at the fence  
17 lines of these communities. So we need a plan as we move  
18 forward to do more monitoring, to do more compliance, to  
19 be assured that the risks that we're leaving on the table  
20 here in some cases for 20 years is not going to be left  
21 unaddressed by the districts and the agency. So I want to  
22 urge CARB to work with the Strategic Environmental  
23 Research Defense Program at DOD to really get a plan for  
24 the hard and anodizing platers to come up with new  
25 alternative coatings.

1           So thank you so much for the actions that you're  
2 taking today. It is so overdue and we're so grateful.

3           Thank you.

4           BOARD CLERK GARCIA: Thank you.

5           Dilip Patel, I have activated your microphone.  
6 Please unmute and begin.

7           DILIP PATEL: Yes. Hi. I'm Dilip Patel from  
8 General Plating Company and Brite Plating company in Los  
9 Angeles.

10           Proposed update of chrome -- Chromium(IV) Rule  
11 ignores South Coast Air Quality Management District's Rule  
12 1469 and it's controlled measures. This rule chase away  
13 jobs to other states. Nearby controls AQMD proposed us  
14 will create more jobs, but your ban will chase away jobs.

15           Thank you.

16           BOARD CLERK GARCIA: Thank you.

17           Bill LaMarr, I have activated your microphone.  
18 Please unmute and begin.

19           Bill LaMarr.

20           Okay. Bill, it looks like you've joined from two  
21 devices, so let me try the other one. Okay. Try -- I  
22 have activated both devices.

23           BILL LaMARR: How about now?

24           Am I being heard?

25           BOARD CLERK GARCIA: Thank you. Yes.

1 Oh, thank you.

2 Good morning. I'm Bill LaMarr, Executive  
3 Director of the California Alliance of Small Business  
4 Associations. Alliance members have asked me to urge you  
5 not to waiver from your mission to promote and protect  
6 public health, welfare, and ecological resources through  
7 effective reduction of air pollution while recognizing and  
8 considering effects on the economy by adopting this  
9 resolution. Such an action is certain to result in an  
10 entire industry being eradicated from our state's economy,  
11 together with thousands of good paying jobs, with only a  
12 minuscule benefit to the environment and to public health.

13 The \$10 million that the Legislature committed in  
14 Assembly Bill 211 to transition these shops away from hex  
15 chrome would be better spent if applied as a down payment  
16 in buying and dismantling these businesses outright  
17 because you're destroying an entire market.

18 For two years this industry negotiated in good  
19 faith with the with South Coast AQMD, your agency, EPA,  
20 community representatives to produce a stipulated  
21 emissions-based Rule 1469, which was incorporated in our  
22 2016 AQMP and State SIP.

23 The people in this industry have demonstrated  
24 that they are responsible stewards by implementing  
25 effective control measures, which kept significantly

1 reduced hex chrome emissions. In fact, in its 2012 hex  
2 chrome NESHAP rulemaking, EPA estimated that the industry  
3 reduced hex chrome emissions by 99.9 percent. We urge you  
4 not to adopt this regulation, but to accept Rule 1469 to  
5 protect the public environment and our economy.

6 Thank you.

7 BOARD CLERK GARCIA: Thank you.

8 Teresa Bui, I have activated your microphone.  
9 Please unmute and begin.

10 TERESA BUI: Thank you. Good morning, Chair and  
11 Board members. This is Teresa Bui with the environmental  
12 group Pacific Environment. I want to echo the comments  
13 made by some of my colleagues at Earthjustice, Coalition  
14 for Clean Air, and California Communities Against Toxics.  
15 We urge the Board to adopt the proposed amendments today  
16 to reduce toxic effects from hexavalent chromium  
17 especially on low-income communities of color.

18 The strengthened ATCM is projected to diminish  
19 cancer risk from facilities that use hex chrome by a  
20 hundred percent. And since CARB has identified several  
21 chrome platers who are in violation of their permits, we  
22 also ask that you work with the affected district to  
23 ensure that all chrome platers comply with their existing  
24 permits with verification by fence-line monitoring.

25 Seventy-three percent of chrome platers are

1 clustered in California's disadvantaged communities with  
2 the bulk being in Southern California. And several of  
3 these facilities are located alongside residential  
4 communities and schools. Currently, less toxic  
5 alternatives already exist. And so there's no reason to  
6 continue using this toxic carcinogen. And switching to  
7 trivalent chromium has the benefit of not only  
8 significantly reducing the toxic emissions from one of the  
9 most toxic dangerous chemicals known into our communities,  
10 but the facilities using trivalent chromium avoids having  
11 use of toxic PFAS based fume suppressants as well.

12 So I just want to thank you all for your  
13 leadership on this important issue and we hope that you  
14 adopt the amendments today.

15 Thanks.

16 BOARD CLERK GARCIA: Thank you.

17 And after Kathleen Van Osten, we'll hear from  
18 Veronica Padilla, Jesse Marquez, Kashiram Patel, Bill  
19 Magavern, Michael Hayden, Tracy Coss, Robina Suwol,  
20 Rebecca Overmyer-Velazquez, and Paul Pereira.

21 So Kathleen, I have activated your microphone.  
22 Please unmute and begin.

23 KATHLEEN VAN OSTEN: All right. Thank you.

24 Kathleen Van Osten representing United Airlines.  
25 I just want to thank the Board and staff for the work and

1 the diligence, you know, spending time with the hard  
2 chrome plating facilities and understanding the  
3 difficulties, in particular that the airlines have with  
4 respect to FAA regulations and how we have to handle  
5 airplane parts. And we really don't have those other  
6 alternatives available to us, so we appreciate that  
7 recognition. We will look forward to working with you in  
8 the future. Certainly, we will be happy to look at the  
9 possible alternatives as they -- as they come along. But  
10 in the meantime, we definitely appreciate the efforts that  
11 you've made to hear us and understand the technology and  
12 what we are required to do.

13 Thank you.

14 BOARD CLERK GARCIA: Thank you.

15 Veronica Padilla, I have activated your  
16 microphone. Please unmute and begin.

17 VERONICA PADILLA CAMPOS: Good morning. My name  
18 is Veronica Padilla Campos, Executive Director of Pacoima  
19 Beautiful. We are an environmental justice organization  
20 that's been serving the northeast San Fernando Valley  
21 since 1996.

22 I first learned about the dangers of hexavalent  
23 chromium about 12 years ago when working on a  
24 reenvisioning project of an old Price Pfister plant in  
25 Pacoima. When the closed in the 90s, they just didn't

1 destroy families economically, but they also left behind  
2 some dangerous pollutants. It was extremely difficult to  
3 have to explain to the community what they had been living  
4 with and what hexavalent chromium has doing to our  
5 community's health. We were able to organize our  
6 community members to demand a proper cleanup, but it was  
7 not easy.

8           And so I'm here today to support switching away  
9 from hexavalent chromium, so that other communities don't  
10 experience the same unjust burdens. The Board should keep  
11 its originally proposed dates for the phaseout of  
12 hexavalent chromium in this industry and not to weaken the  
13 rule any further by extending those phaseout timelines. I  
14 think our communities deserve better and hope you do too.

15           Thank you.

16           BOARD CLERK GARCIA: Thank you.

17           Jesse Marquez, I have activated your microphone.  
18 Please unmute and begin.

19           Jesse Marquez, I have activated your microphone.

20           Okay. We'll come back.

21           Let's try Kashiram Patel, I have activated your  
22 microphone. Please unmute and begin.

23           KASHIRAM PATEL: Hi. My name is Kashiram Patel,  
24 General Plating and Brite Plating Company.

25           To me what a joke for giving us two minutes to

1 protect the industry for the millions dollars going to the  
2 drain and billion dollar going to the revenue losing at a  
3 time that we are supposed to talk about for two minutes.  
4 Instead of that, you support to give the certain  
5 representative, maybe two or three representatives, they  
6 can -- they've got full points, all the points within 30  
7 minutes, so they can explain all the things why and what  
8 the region we are doing all this thing. So two minutes is  
9 a joke. So it's not considering really good  
10 representation for the protection of the whole industry.

11 Another thing, how they can find out the \$10  
12 million to put the new technology and get out from the hex  
13 chrome also too. And what about the -- who gives the  
14 expenses -- all the expenses going to the -- to get rid of  
15 the hex chrome, who is going to give all the money to us  
16 also too? So we're losing millions of dollars going to  
17 the drain. Instead of that, we don't get anything, and  
18 how they can protect us on this -- all this coming for the  
19 new expenses also too. Some industry people have already  
20 put the new trivalent chrome. What about them? What they  
21 are going to give for them? And so what do they spend the  
22 money for their new technology also too. So they are to  
23 figure out all of the points also too. And they are to  
24 talk about all the points. So given now to some  
25 representative, so they can give full details about all



1 this thing.

2 Thank you very much.

3 BOARD CLERK GARCIA: Thank you.

4 And Jesse, it looks like you've unmuted, so if  
5 you can hear me, you can go ahead and begin.

6 JESSE MARQUEZ: Yes, I am the founder and  
7 Executive Director of the Coalition for a Safe  
8 Environment. And we support the need for additional safer  
9 requirements for the chrome industry. Our environmental  
10 justice organization supports the need for a decorative  
11 chrome plater project using toxic chemicals such as  
12 hexavalent chrome is not a life-supporting need or a  
13 product functioning requirement. The phaseout of highly  
14 toxic chemicals, such as hexavalent chromium with safer  
15 and alternative chemicals such as trivalent chromium is a  
16 priority now and should be phased out by 2025 as soon as  
17 possible and not 2030.

18 CARB should work with the DOD's Strategic  
19 Environmental Research Defense Program to investigate  
20 alternative safer metal coatings and chemicals. CARB  
21 needs to adopt a chrome plating industry mitigation fee  
22 for every pound of hexavalent chromium used, and the  
23 creation of a mitigation fund to address public health  
24 exposure, public health impacts, and environmental  
25 impacts.

1 CARB needs to adopt stricter air quality safety  
2 standards for decorative chroming to prevent public  
3 exposure, public health, and environmental impacts. It  
4 also needs to adopt stricter standards for workers safety  
5 standards, because they are there working on the spot.

6 The decorative chrome industry should have a  
7 fence line air quality monitoring program just like the  
8 oil refinery industry to ensure compliance with State and  
9 federal air quality requirements. Cities and counties in  
10 the past have allowed decorative chrome plating companies  
11 to be located adjacent to and near public schools,  
12 residential areas, public sidewalks, community,  
13 commercial, and retail business centers. And we ask that  
14 you reconsider these other items that I brought up.

15 Thank you.

16 BOARD CLERK GARCIA: Thank you.

17 Bill Magavern, I have activated your microphone.  
18 Please unmute and begin.

19 BILL MAGAVERN: Thank you. Good morning. Bill  
20 Magavern with the Coalition for Clean Air urging the Board  
21 to adopt the proposed amendments today without any  
22 weakening amendments.

23 This Board has done so much in recent years to  
24 address the existential threat of global warming as well  
25 as the lung-searing effects of regional smog. It is also

1 important to pay attention to the threats posed at the  
2 community level by toxic air contaminants. And hexavalent  
3 chromium is really one of the very worst of those toxins.  
4 And as Marie Liu pointed out, the Legislature has  
5 specifically charged the Board with addressing community  
6 air protection through AB 617 and other measures.

7 We know that hexavalent chromium is a deadly  
8 carcinogen and we know that we have safer substitutes  
9 available. So it's important to adopt this rule to make  
10 that transition and then to move on and address other  
11 toxic air contaminants.

12 Thank you very much

13 BOARD CLERK GARCIA: Thank you.

14 Michael Hayden, I have activated your microphone.  
15 Please unmute and begin.

16 MICHAEL HAYDEN: Hi. My name is Michael Hayden.  
17 I live in the Lincoln Heights neighborhood of Los Angeles.  
18 I'm President of the Lincoln Heights Community Coalition.

19 My neighbors discovered recently that a property  
20 across the street from us being redeveloped for high  
21 density residential use is highly contaminated due to  
22 previous industrial uses, including chrome plating. The  
23 site was contaminated with dozens of toxins including  
24 hexavalent chromium. The State's investigation has  
25 determined that contaminants from the site are a threat to

1 neighbors. This is across the street from homes and an  
2 elementary school and it's in one of the poorest areas of  
3 Los Angeles and one of the most pollution burdened  
4 neighborhoods in all of California.

5 I urge the Board to support the rules to  
6 eliminate hexavalent chromium plating. I've heard other  
7 commenters today advocating for a compromise that would  
8 allow hex plating to continue in areas not close to  
9 sensitive receptors. But our predicament in Lincoln  
10 Heights illustrates how populations in demographics change  
11 over time. Neighborhoods that may appear to be strictly  
12 industrial now, may in time become densely populated while  
13 the contamination from these toxins would persist.

14 Neighborhoods subjected to this contamination  
15 from active emissions are those that are most economically  
16 disadvantaged and almost always communities of color.  
17 This is readily visible throughout the LA area. To  
18 sacrifice these people's health in an effort to preserve  
19 other people's profits would be perverse. California has  
20 a chance to lead by example. And I urge CARB to adopt  
21 these changes and to ensure the strictest oversight during  
22 the long phaseout of these harmful chemicals.

23 Thank you for your time.

24 BOARD CLERK GARCIA: Thank you.

25 Tracy Coss, I have activated your microphone.

1 Please unmute and begin.

2 TRACY COSS: Hello. My name is Tracy Coss. I  
3 own a metal finishing facility that employs 96 people.  
4 I'm here today or speaking today via Zoom to support the  
5 Metal Finisher's Association's and comments made earlier  
6 by various Association members who continue to argue that  
7 your data is flawed.

8 The other night I was reading CARB responses to  
9 comments made on this issue to date. And in one instance,  
10 in a response to comment number 197-3, CARB says the  
11 errors identified in the comment undermine the commenter's  
12 conclusions. Well, I would suggest that flawed data  
13 undermines staff's conclusions and I urge the Board to  
14 demand correct data from staff before voting, so they can  
15 make a truly informed decision and not proceed with  
16 rulemaking based on bad data.

17 The metal finishing industry agrees that we must  
18 all make efforts to reduce pollution for a better  
19 environment. The chrome plating industry has participated  
20 over the last 30 years in that pursuit and have  
21 significantly reduced emissions. I urge the Board to get  
22 good data and pursue an emission-based rule as an  
23 amendment instead of a ban. Thank you for allowing me  
24 time to speak today.

25 BOARD CLERK GARCIA: Thank you.

1 Robina Suwol, I have activated your microphone.  
2 Please unmute and begin.

3 ROBINA SUWOL: Hi. Good morning, Madam Chair and  
4 Honorable Board members. My name is Robina Suwol. I'm  
5 the Executive Director of California Safe Schools. We're  
6 a children's environmental health and environmental  
7 justice coalition. I am also the co-coordinator of the  
8 Los Angeles Environmental Justice Network. We join all of  
9 our colleagues today supporting the rule and we're  
10 extremely grateful for the work CARB has done to phase out  
11 the use of hexavalent chromium.

12 But until that time, it is extremely imperative  
13 that greater monitoring, enforcement, and compliance  
14 occur, because these facilities are going to continue to  
15 operate for many years to come and the health and safety  
16 of vulnerable community members to adjacent schools and  
17 other sensitive receptors that are very close to these  
18 facilities deserve to be protected from toxic emissions.

19 Going forward, we also request that CARB please  
20 work with the Department of Defense to identify  
21 alternative coatings to replace hexavalent chromium, since  
22 much of the plating is Done according to requirements in  
23 military coating specifications. Again, thank you so very  
24 much for your work.

25 BOARD CLERK GARCIA: Thank you.

1 Rebecca Overmyer-Velazquez, I have activated your  
2 microphone. Please unmute and begin.

3 REBECCA OVERMYER-VELAZQUEZ: Good morning. You  
4 can hear me?

5 BOARD CLERK GARCIA: Yes, we can.

6 REBECCA OVERMYER-VELAZQUEZ: Okay. Hi. Good  
7 morning. My name is Rebecca Overmyer-Velazquez and I'm  
8 the coordinator of the Clean Air Coalition of North  
9 Whittier and Avocado Heights. I live -- this is an all  
10 grassroots volunteer organization -- environmental justice  
11 organization. And we've mobilized our community members,  
12 our neighbors in a community that -- in Southeast LA  
13 County that's already significantly pollution burdened by  
14 over a lot of sources.

15 And when you opened your comments today by  
16 telling us that, you know, this pro -- these -- this  
17 proposed amendment is important, especially for  
18 communities like this who are already significantly  
19 burdened by pollution. It was just really hopeful for me  
20 to hear that. And I -- and I want to thank you for taking  
21 a bold step in a way that we don't always see other  
22 regulatory agencies taking these steps to really protect  
23 the most vulnerable impacted communities in California.

24 And it's important for the chrome platers to  
25 understand this. You know, this -- these toxic emissions

1 coming out of these facilities are just -- is just one  
2 more -- one more toxic emission that we have to deal with  
3 on a daily basis and it's too much. And so reducing,  
4 eliminating this over the next several years is a really  
5 positive step forward. But I want to also emphasize, as  
6 others have, that given that it's going to take several  
7 years to really phase this out and use something less  
8 toxic eventually, we really need much stronger emissions  
9 control equipment, monitoring, and enforcement to protect  
10 community members who will continue to be exposed to all  
11 of these poisons, in addition to everything else that we  
12 have to deal with on a daily basis. So thank you for  
13 taking my comments.

14 BOARD CLERK GARCIA: Thank you.

15 Paul Pereira, I have activated your microphone.  
16 Please unmute and begin.

17 PAUL PEREIRA: Hello. Thank you. I'm calling  
18 from -- yeah, Coalition for a Clean Environment in  
19 Wilmington, California to reiterate the points that our  
20 Director made. One moment.

21 We are disappointed that Board has set the  
22 phaseout for decorative chrome platers to 2030 when they  
23 could all switch to trivalent chromium now. Really,  
24 judging at a car show?

25 We believe that there remains serious exposure



1 from the car man -- from the industry and we urge CARB to  
2 do more fence-line monitoring at chrome platers to ensure  
3 that the measures they rely on total enclosure and  
4 negative air are working to reduce emissions up until the  
5 phaseout occurs.

6 CARB identified several chrome platers who were  
7 in current violation of their permits. The agency needs  
8 to work with the affected districts to ensure that all  
9 chrome platers are in compliance with their existing  
10 permits. They should collaborate with the districts to do  
11 fence-line monitoring of facilities that are suspected of  
12 being out of compliance with their permit.

13 CARB should work with DOD Strategic Environmental  
14 Defense Program to investigate alternative metal coatings  
15 that can replace hexavalent chromium. CARB could work  
16 with the Attorney General on an enforcement initiative  
17 directed at the chrome plating industry and damage they  
18 have done to both the natural resources and public health  
19 of the state.

20 Thank you.

21 BOARD CLERK GARCIA: Thank you. And that  
22 concludes the Zoom commenters.

23 CHAIR RANDOLPH: All right. Thank you. Okay.  
24 Before I turn it over to my colleagues for discussion, I  
25 know that one of the key questions and issues that was

1 raised was around data. And as I see it, there's kind of  
2 two subsets, right? I mean, one is corrections that were  
3 made and sort of the effective -- the extent of those  
4 corrections, the effect of those corrections, so that's  
5 one category.

6 And then the other category is just this larger  
7 question around there -- there doesn't seem to be  
8 consensus on exactly what the emissions from these  
9 facilities are. So could we also kind of have an answer  
10 to that broader question.

11 TTD ASSISTANT DIVISION CHIEF BOYD: Yes, Chair,  
12 I'll take the first crack at that, but I want to do so by  
13 giving just a little bit of -- oh, I'm sorry. This is  
14 Rich Boyd, Assistant Division Chief of the Transportation  
15 and Toxics Division.

16 Just kind of stepping back a little bit about how  
17 those emission estimates were developed. They are  
18 emission estimates. We've built an emission inventory.  
19 Emission inventories are snapshots in time and they're  
20 constantly evolving as situations on the ground change.

21 When we were first embarking on this particular  
22 effort, we wanted to have a good understanding of what the  
23 emissions were looking like. And so one of the things  
24 that we -- you know, we do, we look at what data is  
25 available and -- ranging from everything from source tests

1 to doing air dispersion modeling, looking at permit  
2 conditions, just so we can have a full understanding of  
3 what the emissions are looking like. And that's exactly  
4 what we did here. We built our -- a model that's based on  
5 a range of emissions. One of the challenges that we saw  
6 and some feedback that we were getting early on from the  
7 industry was they felt we should be only focusing on what  
8 they call actual data, which is actually source test  
9 emissions that are coming from the stack.

10           You know, I would note that those typically do  
11 not -- actually, they do not consider the fugitive  
12 emissions, which are a big component of this, but  
13 unfortunately, given the regulatory nature around chrome  
14 platers, there wasn't actually an impetus to collect a lot  
15 of source test data. And so we did work with air  
16 districts to locate what we -- you know, what we could,  
17 and we actually had multiple requests go out to industry  
18 about, hey, you know, if you guys have any additional, you  
19 know, source test data, please send them, you know, our  
20 way.

21           Before we started going down the path of  
22 developing the SRIA and really getting into the number  
23 crunching and the staff report, the ISOR, we did put all  
24 the information that we had out. We did have a -- you  
25 know, a formal comment period. This was now like a year

1 and a half ago, where we were telling folks, not just the  
2 industry, but the community folks as well, this is the  
3 data set that we currently have. This is the data set  
4 that we're going to be, you know, using to do our  
5 calculations and estimates. And so it's imperative to get  
6 us any additional data you may -- you may have.

7           During that particular comment period, we did not  
8 get any comments from industry. We did not get any  
9 additional data. However, we still continued to engage  
10 with the industry, ask for data throughout the entire  
11 process, and we simply moved forward with the best data  
12 set that was available, you know, to us. And so what you  
13 see -- and so what we ended up doing, and what you see in  
14 the staff report, and what you saw in the presentation and  
15 in the January presentation where this was also brought up  
16 as an issue, we presented that entire range. Everything  
17 ranging from the source tests all the way up to the  
18 emission limits that were contained in facility operating  
19 permits. And so we use that to inform, you know, the  
20 regulation. It's important to note, you know, that we do  
21 have some facilities that were operating, you know, at the  
22 higher range near their permit limits. And, yes, there is  
23 a facility, as a couple of commenters have pointed out,  
24 that's in violation of those actual permit limits -- those  
25 permit limits.

1           Similarly, there are facilities that are  
2 operating at the lower range, but the observation I  
3 have -- you know, I have there is it's at the lower range  
4 of the emissions, but any level of emissions the  
5 hexavalent chromium is a concern. There is no safe level  
6 of exposure. And so that is what drove, you know, our --  
7 you know, our decision-making. We were open about that.  
8 We were transparent about that. One of the things, Chair,  
9 that you referenced is that there's -- you know, there  
10 seems to be a lack of consensus about how to look at that  
11 data. And I would agree with that. You know, we have to  
12 look at the entire range. We have to consider what the  
13 health impacts are across that -- you know, across that  
14 range. And that's our charge under the Health and Safety  
15 Code. And that's a direction that -- you know, that the  
16 Board gave to staff, right?

17           You know, and so the industry -- you know, as  
18 you've heard, sees it differently. They see it  
19 differently. But the final point is is even when you're  
20 looking at the lower range, we're not talking about  
21 emissions that are at the level where it's safe for public  
22 health. There is no safe level of exposure.

23           CHAIR RANDOLPH: Okay. Thank you. I actually am  
24 supposed to close the record before I go to Board  
25 discussion. Are there any other factual points that staff

1 needs to make before I close the official record?

2 TTD ASSISTANT DIVISION CHIEF BOYD: Not at this  
3 time.

4 CHAIR RANDOLPH: Okay. I will also note that we  
5 did get printouts of a couple of written comments that  
6 were submitted to the docket from Mr. Olick and Mr. Felts.  
7 So we have them here and I did have a chance to read them  
8 while we were doing the public comment.

9 Okay. So I will now close the record on this  
10 agenda item. However, if it is determined that additional  
11 conforming modifications are appropriate, the record will  
12 be reopened and a 15-day Notice of Public Availability  
13 will be issued. If the record is reopened for a 15-day  
14 comment period, the public may submit written comments on  
15 the proposed changes which will be considered and  
16 responded to in the Final Statement of Reasons for the  
17 regulation.

18 Written or oral comments received after this  
19 hearing date but before a 15-day notice is issued will not  
20 be accepted as part of the official record on this agenda  
21 item. The Executive Officer may present the regulation to  
22 the Board for further consideration, if warranted. And if  
23 not, the Executive Officer shall take final action to  
24 adopt the regulation after addressing all conforming  
25 modifications.

1           Okay. I will bring it to Board discussion. Who  
2 would like to go first?

3           Board Member De La Torre.

4           BOARD MEMBER DE LA TORRE: Thank you, Chair.  
5 Thank you, everybody, who's spoken today. I know this is  
6 a complicated issue. And, you know, we appreciate hearing  
7 from everyone across this. You know, clearly a difficult  
8 decision.

9           I want to start by echoing something that staff  
10 just mentioned. The California Air Resources Board has  
11 legal authority under the Health and Safety Code.  
12 Everything we do is under the Health and Safety Code going  
13 back to when Ronald Reagan created this agency. So that  
14 is our core. If it wasn't for the humans that are  
15 impacted, we wouldn't exist.

16           So that leads me to something that was said in  
17 the presentation and repeated by some of the commenters.  
18 Hexavalent chromium is 500 times more toxic than diesel.  
19 And those of you who've paid attention to this Board have  
20 heard me say numerous times that I hate diesel, that it  
21 impacts people in the state of California. In fact, over  
22 60 percent statewide, over 70 percent in Southern  
23 California of the carcinogenic effect of air pollution  
24 comes from diesel. The cancer causing impact of the air  
25 we breathe comes from diesel.

1           And hexavalent chromium is 500 times more toxic  
2 than that. It's the second most toxic substance in  
3 California, known to man, I'm not sure, to dioxin. Dioxin  
4 is effectively banned in California, because we ban  
5 incineration. We've -- those facilities have been closing  
6 over time. There are two left, one in Stanislaus County,  
7 one in Long Beach, and those are on their way to closing,  
8 so they will be out. That's dioxin. That's the number  
9 one. Today, in front of us, we are dealing with number  
10 two.

11           One of the speakers mentioned with regard to the  
12 data, the phrase level of concern. The level of concern  
13 for a highly toxic -- the second most toxic substance, the  
14 level of concern is zero. That's the level of concern.  
15 It's not point whatever. It's not 15. It's not 30. It's  
16 not -- it's zero, because of the high toxicity of this  
17 chemical compound.

18           And I also wanted to address the issue of  
19 precedent on this Board's ability to ban something. And I  
20 will take you back. I wasn't on the board. I was in  
21 elementary school. But this Board banned leaded gasoline  
22 in the 1970s under the very same rationale that we are  
23 using today. Lead was unhealthy at any level. And so  
24 this Board took an action in the 1970s to force unleaded  
25 gasoline to be created.



1           We had -- well, again I wasn't around, but I know  
2 for a fact we had the auto manufacturers and the oil  
3 companies all fighting that action, not just at the Board  
4 when they voted, but in subsequent litigation. And they  
5 used many of the similar arguments that we've heard here  
6 today. They changed. There is no leaded gasoline today.  
7 I mean, you can get it for tanks for classic cars or, you  
8 know, whatever. You can buy it individual for some  
9 classic car, but there is mass produced leaded gasoline,  
10 not just in California, in the United States. So that  
11 changed as a result of an action that was taken here.  
12 Well, not physically here, but at CARB.

13           So there is precedent for taking a leap like that  
14 for the health and safety of the public. And so that is  
15 the analogy to what we are doing here today, except there  
16 is an alternative in this case. There wasn't one when  
17 they banned lead. They did it eventually. But in this  
18 case, we have one. Is it perfect? No. But when we had  
19 the samples back in January in this room -- oh, I guess we  
20 still have them -- I'm telling you, I can see there's a  
21 slight difference, but I don't care. I don't care what my  
22 belt buckle shine is. I don't care what the shine is on  
23 my faucet. I just want it to work.

24           The example that is brought up over, and over,  
25 and over again is classic cars. I've been to car shows.

1 I get it. I watch Motor Trend channel. I'm into it. But  
2 I find it really hard to believe that a handful of folks  
3 who love classic cars are driving a whole industry. Are  
4 you all producing parts for these cars and at significant  
5 numbers, so much so that you're -- it's going to -- it's  
6 going to end your business?

7 I find that hard to believe. And I see no  
8 evidence that that is the case. Maybe it's a high profit,  
9 high margin thing that you're doing, and that's great, but  
10 it's not -- it cannot be your core business, because there  
11 aren't that many classic cars in California.

12 So there is an alternative, trivalent chromium.  
13 It's out there. It's being used. There will be, after  
14 this action, more of a focus on that alternative. And  
15 those supply chains and those other folks, they're going  
16 to know that this is where this is heading. I wouldn't be  
17 surprised if others states adopt something similar to what  
18 we're about to do. So I think the trend is heading in  
19 this direction, because of the toxicity of the underlying  
20 chemical.

21 So I will close by talking about the incentive  
22 dollars. The Legislature has appropriated money and  
23 confirmed it today - we heard it just a little while ago -  
24 that they have money to help companies transition to  
25 trivalent chromium by 2027? I understand it's not what

1 you want to do. I understand that change is hard, but  
2 there is money -- there is incentive money from the State  
3 of California to help that transition happen.

4 And so unlike those other sectors, which we will  
5 get to, because hexavalent chromium is such a toxic  
6 substance, there is an alternative here. There is  
7 incentive money to make that transition. There's -- that  
8 doesn't exist for anybody else. And to be clear, it's not  
9 for 1469 controls. It's for the transition to trivalent  
10 chromium.

11 So sitting here, there is a path. It may not be  
12 the preferred path for some folks, but there is a path to  
13 fulfilling our obligation under the Health and Safety Code  
14 and starting to eliminate this toxic substance that is  
15 five times more toxic -- 500 times more toxic than diesel  
16 and only the second most toxic chemical that we have.

17 Thank you.

18 CHAIR RANDOLPH: Okay. Thank you.

19 Dr. Shaheen.

20 BOARD MEMBER SHAHEEN: Thank you so much. I  
21 wanted to just share briefly a few comments. I am very  
22 concerned about the toxicity of this substance and its  
23 dangerous effects on public health. And I really do  
24 appreciate how challenging this issue is for industry.  
25 And I also really appreciate the time that people spent

1 today to share their feedback with us, including providing  
2 detailed comments for the 15-day change notices.

3           Nevertheless, fugitive emissions and the toxicity  
4 involved here is paramount in terms of public health. I  
5 really appreciate how hard the staff worked on balancing  
6 interests and also providing extensions and alternatives.

7           The final thing I'd like to say is that I was a  
8 bit frustrated when I was briefed on this that more data  
9 wasn't made available to staff, so that they would have  
10 more precision in the models. Nevertheless, they worked  
11 with what they had. And they developed models that  
12 addressed uncertainty a range of assumptions. So it would  
13 be easier to produce more precise analysis if we had  
14 better data. And I would have been pleased to see more of  
15 that.

16           But with that, I'd like to conclude my comments  
17 and thank everyone involved in this issue. I think this  
18 is a very important step forward for the State.

19           Thank you.

20           CHAIR RANDOLPH: Thank you.

21           Dr. Quirk.

22           BOARD MEMBER QUIRK: All right. So I have lots  
23 of comments and if I take up too much time, you can come  
24 back to me.

25           The first thing I want to do is thank

1 Commissioner De La Torre for his very specific perspicuous  
2 comments. Having been on the Board for so long, he often  
3 gets to the heart of the issue and I think he has in this  
4 case.

5           The reason we want zero is very simple, chromium  
6 is taken up by the body. It thinks it's a sulfate. So  
7 chromium(VI) is taken up. It's converted to  
8 chromium(III), which is a necessary micronutrient. But in  
9 the process of doing it, it damages our DNA and that's why  
10 we have a zero tolerance for it. And there is no doubt,  
11 much like lead in gasoline that we have to get rid of the  
12 chromium.

13           The first question I have though is there was --  
14 you know, I've said this a few times. In listening to our  
15 staff reports and to people's comments, you get the  
16 feeling that we only care about low-income, minority  
17 communities. And I actually heard someone make a comment  
18 to that effect saying, well, we're not all in low-income  
19 communities, you know, as if the -- if you're in a high --  
20 in a higher income community, you should be allowed to  
21 continue. And that's just kind of craziness, but it comes  
22 from things we're saying. And I just ask staff and  
23 members to think about that as they make comments. I have  
24 a bug in my bonnet about it, because politically we want  
25 support from everyone in the state, which I think we do.

1 Then we have to point out that we care about everyone in  
2 the State.

3           Again, I brought up before that I need oxygen and  
4 that all started because of my exposure to smog in LA,  
5 which goes over all communities rich and poor. This is in  
6 the 60s.

7           Anyway, getting back to what we're talking about  
8 now. Is electroplating really just 0.1 percent of total  
9 emissions which is a number we heard? And I wasn't sure  
10 whether that was just decorative chromium or all the  
11 chromium. There also was a comment, its 0.1 pounds. So  
12 is it really 0.1 percent of emissions?

13           TTD RISK REDUCTION BRANCH CHIEF KRIEGER: Hi.  
14 Thank you, Dr. Quirk. I'm Robert Krieger.

15           And I think on the emissions standpoint, when you  
16 look at total emissions, yes, that number is very -- from  
17 an emissions standpoint, it's very low. That's one of  
18 those things that we have worked with in our emissions --  
19 compiling our emissions data. There's several other  
20 sources that could be a bit -- are higher as far as on an  
21 emissions based standpoint.

22           But again, that's one of those things where the  
23 percentage does not tell the whole story. And the  
24 percentage, although it may be very low, we are again  
25 considering this rule based on the exposures to the

1 California public. And the Californians in these  
2 communities are being exposed to very low levels. And the  
3 emissions on those, those are very low as well. We're  
4 talking about nanogram concentrations. As so that's where  
5 our -- the emissions-based rule would not work, because  
6 that -- we're still dealing with those very low  
7 concentrations. But to answer your question, Dr. Quirk,  
8 yes, those emissions are down at those levels from this  
9 source, this industry.

10 BOARD MEMBER QUIRK: So what are the other  
11 industries that emit and why aren't we looking at them  
12 first if they're much larger?

13 TTD RISK REDUCTION BRANCH CHIEF KRIEGER: That's  
14 a good question too. And that's kind of like on our  
15 agenda to look at those in the future too as well. Some  
16 of those things that -- such as, let's say, cement  
17 manufacturing or some of those areas, where there are  
18 higher emissions at least on the emissions-based  
19 standpoint.

20 Some of those facilities are located in -- we  
21 have a rough valuation, but are not located in communities  
22 in industrial areas and those types of things. But that's  
23 certain something that's on our agenda to look at some of  
24 those other sources, as well as not only just the  
25 hexavalent chrome, but a lot of these facilities also emit

1 multiple air toxic metals, a lot of other toxic air  
2 contaminants. And those types of things are still  
3 something that we've -- are being involved in and we are  
4 looking at in the future as well. So it's not like we  
5 have ignored those categories. We're still looking at  
6 those.

7 BOARD MEMBER QUIRK: Okay.

8 TTD ASSISTANT DIVISION CHIEF BOYD: And, Dr.  
9 Quirk, if I just add a little bit more --

10 BOARD MEMBER QUIRK: Please.

11 TTD ASSISTANT DIVISION CHIEF BOYD: -- a little  
12 bit more clarity. One of the largest sources of  
13 hexavalent chrome comes from mobile sources, particularly  
14 fuel combustion. And the Board has taken action to drive  
15 those numbers down.

16 BOARD MEMBER QUIRK: Oh, great.

17 All right, well, we really need to look at  
18 everything. It is clear to me that we probably don't know  
19 how to use chromium(III) in anodizing and hard chromium  
20 applications, but we do in the decorative case. Now --  
21 and I don't care and I don't think most people would  
22 notice, on faucets, for example, that it's different. But  
23 there was a question about wear on faucets. Could someone  
24 address that? Is the wear really going to be greater when  
25 you're using chromium(III)?



1           TTD ASSISTANT DIVISION CHIEF BOYD: I can answer  
2 that generally, because one of the questions that we had  
3 asked industry when we were working on this when it came  
4 to decorative plating is did we have an issue with  
5 performance characteristics in terms of the ability of  
6 trivalent chromium to meet the specifications, wear  
7 durability, and whatnot, or do we really have a color  
8 esthetic, you know, issue? And we were repeatedly  
9 assured, and actually our own investigation we looked at  
10 the data that's out there and what's required, you know,  
11 consistently tells us that, when it comes to the  
12 performance aspect of it, that's not where the issue is.  
13 It is a color esthetic, you know, issue, which we're not  
14 saying is not invalid, but I mean, it's just extra --

15           BOARD MEMBER QUIRK: Right.

16           TTD ASSISTANT DIVISION CHIEF BOYD: -- if you  
17 know what it is.

18           BOARD MEMBER QUIRK: All right.

19           TTD ASSISTANT DIVISION CHIEF BOYD: That's the  
20 information that we have.

21           BOARD MEMBER QUIRK: Good. Then this question of  
22 classic cars. Do they really -- is it really required  
23 that they have chromium(VI)?

24           Go ahead.

25           TTD ASSISTANT DIVISION CHIEF BOYD: I'll attempt

1 a response to that. I want to be a little bit -- you  
2 know, a little bit careful. And I just -- I'm someone who  
3 enjoys going to car shows and just kind of looking at the  
4 work that folks have -- you know, have done. But, you  
5 know for folks who compete and whatnot and they're looking  
6 to get a little extra pop compared to somebody else, yeah,  
7 the hexavalent chromium finish may be important, you know,  
8 to them. And they may be trying to match some of the  
9 original manufacturer, you know, specifications.

10 But based on the information that we have, there  
11 is a small segment of that particular, you know, industry.  
12 And then, you know, I think there were some other comments  
13 where that put that into proper, you know, context. But  
14 there's nothing I think specifically telling them they  
15 have to use hex chrome. I think it's something that they  
16 desire to use to get a certain effect.

17 BOARD MEMBER QUIRK: All right. Well, if people  
18 want to put -- take the money to send their cars out of  
19 state, and the other states are willing to expose their  
20 residents to that, I guess, I'll leave that to the other  
21 states to decide if they want to protect their citizens  
22 the way we are in California. And I would hope that if we  
23 show here in California that we can protect our citizens,  
24 that other states will do the same. And I think, number  
25 one, we've got to protect people.

1 Another question was brought up to me in meeting  
2 with industry was the question of, well, I'm in an  
3 industrial area. I don't near sensitive receptors. And  
4 now that I've thought about that question, I can say that,  
5 for example, in Hayward, we allowed a school to be built  
6 in an industrial area. We cannot stop churches from going  
7 into industrial areas because of federal law  
8 anti-discrimination against religious use. So there's  
9 really nothing that a locality could do to prevent a  
10 church from going into an industrial area. And so I don't  
11 think that that particular objection is a -- is one that I  
12 can agree to.

13 CHAIR RANDOLPH: Dr. Quirk.

14 BOARD MEMBER QUIRK: Yeah.

15 CHAIR RANDOLPH: Dr. Quirk.

16 BOARD MEMBER QUIRK: Yeah.

17 CHAIR RANDOLPH: Can we rotate to a few other  
18 Board members?

19 BOARD MEMBER QUIRK: Absolutely. As I said, at  
20 least rotate and come back to me later.

21 CHAIR RANDOLPH: Awesome. I will. Thank you.  
22 All right. Supervisor Perez.

23 BOARD MEMBER PEREZ: Thank you, Madam Chair for  
24 this opportunity. And there were quite a bit of points  
25 that were made by industry that I'm interested in hearing

1 more about, and just wanted to ask staff a few more  
2 questions. And one of the questions is do you feel  
3 overall that you have -- that we have enough data to make  
4 this decision today?

5 TTD ASSISTANT DIVISION CHIEF BOYD: Board Member,  
6 yes.

7 BOARD MEMBER PEREZ: Because there's been  
8 questioning around that.

9 TTD ASSISTANT DIVISION CHIEF BOYD: Yeah, we  
10 believe we have more than enough data to inform the -- you  
11 know, the amendments we're putting before you, you know,  
12 today. We do not believe spending additional time,  
13 collecting additional data, going out and doing  
14 additional, you know, source testing, which is a standard  
15 we don't use for, you know, other regulations is going to  
16 change the fact that any level of exposure to hexavalent  
17 chromium is a problem, because there is no safe level of  
18 exposure. And then we're also not aware of any ways to  
19 mitigate that, such that that exposure concern is fully  
20 addressed.

21 BOARD MEMBER PEREZ: Okay. Thank you. The rule  
22 of -- because I also sit on AQMD, the 1469 Rule kept  
23 coming up. What does that mean when it comes to what  
24 we're making -- the decision we're making today if we  
25 decide to ban hex chrome? How does that relate, if you

1 can just maybe educate me on that?

2 TTD ASSISTANT DIVISION CHIEF BOYD: Yeah, I'll  
3 start. I think the -- you know, the primary difference  
4 between the action that we're proposing to you today and  
5 the action that South Coast AQMD took is that we are  
6 moving forward with -- you know, a phaseout. When you  
7 look at, you know, the South Coast rule, they do attempt  
8 to apply controls to control the emissions and whatnot,  
9 but they're still leaving hexavalent chromium emissions,  
10 you know, on -- you know, on the table.

11 I think South Coast AQMD given the resources  
12 and -- or, you know, what was before them made the best  
13 decision that they -- that they could. And given the  
14 broader implications that are in play, because it's not  
15 just a local air district -- you know, an issue that  
16 affects a particular local air district, it's a statewide  
17 issue, that when it comes to looking at things that get  
18 that extra level of health protection, that it needs to be  
19 considered at a statewide -- a statewide level, and so it  
20 makes sense for us to consider that, you know, here, but  
21 that's the primary difference that you -- that you see  
22 there.

23 BOARD MEMBER PEREZ: Well, I appreciate the  
24 response. I just want to be consistent, because I  
25 remember 1469 and supporting that then. But I'm just

1 trying to understand the significance of that vote back  
2 then and what that means for this effort today and just  
3 trying to be consistent moving forward.

4           There was a point about regulating versus a ban  
5 or relocation versus a ban, obviously, from sensory  
6 receptors. Was that thought through as well? How did --  
7 how did CARB make a decision that we should just ban this  
8 altogether versus saying let's incentivize people to  
9 relocate?

10           TTD RISK REDUCTION BRANCH CHIEF KRIEGER: I  
11 think, yeah, that's a good question. The reason -- the  
12 reason why we looked at this, because we started  
13 evaluating hex chrome a few years ago -- or reevaluating  
14 hex chrome from these facilities. And the primary reason  
15 is we're -- we are charged by the Health and Safety Code  
16 to look at the best available control technologies or a  
17 more effective method in reducing hex chrome to these  
18 communities in California. And one of those methods was  
19 looking at either alternatives that could be used or  
20 substitute compounds, those types of things, that can be  
21 used to reduce those exposures.

22           And at that time -- you know, South Coast Rule  
23 1469 was done several years ago, but at that time, we  
24 started identifying there's more options that are out  
25 there. Trivalent chrome is out there. There's an

1 alternative, at least for some part of the sector --  
2 business sector that can -- that can move the transition  
3 over to a non-toxic, or non -- or less -- lesser toxic air  
4 contaminant. And they could use those in those processes.

5           So that's one of the reasons -- the main reasons  
6 why we've proposed kind of a bifurcated path. Decorative  
7 chrome platers earlier, because there's technologies that  
8 can do that. Hard chrome, functional chrome platers,  
9 anodizing will have to -- there -- or wasn't ready to make  
10 that transition. And it was just not just based on  
11 emissions, but technology that's available to make that  
12 transition, so we included a phaseout that's much longer.

13           So that's the primary reasons why we've developed  
14 our rule tool that's -- and the significant differences  
15 obviously. We found there's a way to make those  
16 transitions versus the South Coast rule, which is based  
17 on -- which is an emission-based rule that was vetted  
18 through a process down there and that it works -- it works  
19 for them, but we've -- we also found a different  
20 alternative pathway for the state, that consider the State  
21 rule, where there is some options that can be taken to  
22 reduce those exposures.

23           BOARD MEMBER PEREZ: Okay. I can appreciate  
24 obviously the notes that were provided, the information  
25 provided by staff. Obviously, hex chrome, being the

1 second highest cancer potency of toxic air contaminants,  
2 500 times more toxic than diesel, 113 chrome plating  
3 facilities, throughout the state of California. I can  
4 appreciate all those points. I'm just trying to also  
5 understand ultimately how this is going to impact  
6 industry.

7           And so the points around that were made going  
8 after non-compliant businesses more monitoring, is that --  
9 is that an effort that has been ongoing now for quite some  
10 time through CARB or is that -- is that of interest for  
11 us, or just trying to understand that point?

12           TTD ASSISTANT DIVISION CHIEF BOYD: Yeah. One  
13 of -- one of the things that we -- you know, we plan to do  
14 should the Board take action today is to make sure that  
15 we're maintaining a -- you know, a fully engaged role with  
16 the air districts as we work to implement and enforce the  
17 regulation. A lot of the concerns that were raised along  
18 that line are really focusing on that enforcement aspect  
19 of it. There's been some concerns in the past from, you  
20 know, various community members and whatnot about what's  
21 going on with the chrome plating facilities in their  
22 communities. They are concerned that the emissions aren't  
23 being properly, you know, controlled, and so that's why  
24 you see things like, you know, fence-line monitoring and  
25 things coming up.



1           And so I think, you know, moving forward, what I  
2 could, you know, offer in terms of our plans is, yeah,  
3 we're going to be paying attention to what's going on with  
4 implementation and, you know, enforcement. We're going to  
5 be, you know, tracking health facilities, or doing as we  
6 work with our air district partners in that -- in that  
7 area. And certainly when it comes to, you know, things  
8 like fence-line monitoring not to turn that into a  
9 enforcement tool. I mean, there's some challenges there,  
10 but we would look for opportunities in how best to employ  
11 that, you know, to help add to the knowledge base, and,  
12 you know, inform that, you know, how folks are -- you  
13 know, are doing.

14           And then certainly if there's, you know, issues  
15 that are, you know, identified, we already have processes  
16 in place if we need to, you know, have further  
17 discussions, or with the Board to any -- you know,  
18 anything like that, we can certainly move forward, you  
19 know, with that. But, you know, the key message there is  
20 just given, you know, what's been going on with this  
21 particular industry and just when you consider AB 617 in  
22 general and the concerns that folks -- you know, folks  
23 have, I do think it's important that we make sure that,  
24 you know, we as CARB staff are engaged in the  
25 implementation and enforcement of these types of

1 regulations.

2 CHIEF COUNSEL PETER: So, Board Member Perez,  
3 this is Ellen Peter. I just wanted to add one thing on  
4 the enforcement. Since, under my purview as Chief  
5 Counsel, I am in charge of the Enforcement Division, and a  
6 lot of the comments that were made about non-permits,  
7 those are related to South Coast Air District permit  
8 levels that they're out of compliance with. But what I  
9 could commit to you is that our Enforcement Division, who  
10 regularly works with the enforcement divisions of the 35  
11 local air districts, I can commit our staff will reach out  
12 to them and talk about some of these particular things  
13 that are at the permit level, because that's how we can  
14 draw the information to their attention and also assist  
15 them, if necessary.

16 South Coast is very competent, so I don't think  
17 we need to help them, but I think we -- it's worth a  
18 collaboration for the interim, because there's a lot of  
19 years between now, and, you know, 2027, 2030, 2029. So I  
20 can commit to that, and then as we are implementing our  
21 regulations and our Enforcement Division steps in there.

22 So I totally agree with what Rich Boyd just said,  
23 but I just want to add that one point, if that's useful to  
24 you.

25 BOARD MEMBER PEREZ: Well, thank you for that.

1 Now, I understand the aerospace and defense industry  
2 cannot currently use the alternative, is that true, and if  
3 so, what can they use?

4 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: Thank  
5 you for that questions, Board member. My name is Eugene  
6 Rubin.

7 So there is limitations onto what the aerospace  
8 and defense industry needs to use. They have to meet  
9 specific published standards for, you know, hardness,  
10 corrosion resistance, and other various functional  
11 properties for these parts. Currently, the replacement  
12 technology may be able to do a tiny fraction of those, but  
13 there's nothing that's been certified across the whole  
14 wide range of the applications. And that's the purpose of  
15 the technology reviews is to ensure that we're looking at  
16 this issue. And that in moving to a alternative, we're  
17 not compromising safety or, you know, physical -- like  
18 required physical performance or anything like that.

19 BOARD MEMBER PEREZ: Did they weigh in at all?

20 TTD STAFF AIR POLLUTION SPECIALIST RUBIN: We've  
21 heard from DOD. They've mentioned that, you know, they  
22 are, you know, looking to transition away from hexavalent  
23 chromium and, you know, as many applications in their  
24 entire supply chain as possible. So there is an ongoing  
25 effort to do that.

1           And then I believe we also heard from United  
2 Airlines today in the public comment portion, where they  
3 are looking forward to engaging with us on those  
4 technology reviews in the -- in the future.

5           BOARD MEMBER PEREZ: All right, so let me just  
6 finish with this. I do appreciate our efforts.  
7 Obviously, we're here to protect the safety of our  
8 residents throughout the State of California, but I also  
9 appreciate the concerns that are coming from industry.  
10 And I like low-riders. I'll tell you that right now,  
11 Hector. I like old school rides and I appreciate the  
12 efforts of my family members and close friends that use  
13 hex chrome, I guess, to plate their vehicles, their  
14 bumpers and whatever it is that they do. And I love that  
15 stuff, because I grew up with that culture.

16           But I also understand the balance here that we  
17 have to -- we have to commit to, which makes it a  
18 difficult situation for me here. The \$10 million that are  
19 there for incentives, that's not enough. I think we all  
20 know that. I think it's helpful, but I don't think it's  
21 enough for the changes that we want to make and for  
22 industry to receive knowing that we have 113 chrome  
23 plating facilities. Those \$10 million are going to get  
24 eaten up right away by maybe a fraction of those  
25 facilities.

1           And so I think it's going to be important that if  
2 we do move forward with this policy, I guess to CARB, that  
3 we advocate for funding, because the moms and pops shops,  
4 for example, are going to need that. And not just the  
5 big -- the bigger facilities, but also those that provide  
6 this type of service. And they have maybe a few employees  
7 and they're not as large as others. So I just want to  
8 make sure that we think that through as well, if this is  
9 to pass today, and that is that through that piece of  
10 legislation, AB 211, that we let them understand that \$10  
11 million is not enough and we can appreciate it today, but  
12 we're probably going to need more funding to incentivize  
13 people to move in this direction, and so that they don't  
14 also leave the State of California.

15           Thank you, Madam Chair.

16           CHAIR RANDOLPH: All right. Thank you.

17           Dr. Balmes.

18           BOARD MEMBER BALMES: Thank you, Chair Randolph.

19           So as I think most of you know I'm the physician  
20 member or public health member of the Board, so I'm going  
21 to be making my comments in that context. And I think  
22 many of you know that I'm a pulmonary critical care doctor  
23 by training, but I also do occupational medicine. So I  
24 want to start off by saying that I knew about hexavalent  
25 chromium as an occupational hazard long before any

1 discussion of environmental exposures. And it's  
2 established as a hazard for workers with regard to both  
3 lung and nasal cancers.

4           Now, that's at higher levels than we're talking  
5 about for environmental exposures, but that's just where I  
6 start. And I want to applaud the industry. The plating  
7 industry has done a good job at lowering emissions and  
8 that's prevented workers from getting sick. Actually,  
9 hexavalent chromium is a direct irritant. I've seen  
10 workers that have had ulcers in their nose from inhaling  
11 hexavalent chromium. That's in the bad old days. That  
12 was decades ago when I was on the east coast. But the  
13 industry has cleaned up its act and I applaud that. And I  
14 know it was expensive to reduce emissions to the levels  
15 that you currently, you know, have.

16           But then as an environmental health scientist, I  
17 think we need to clean up exposures to carcinogens in our  
18 environment. And a lot of people don't realize that 90  
19 percent of cancers are caused by environmental factors.  
20 You know, the most important of those environmental  
21 factors is smoking. And I'm not going to try to say that  
22 hexavalent chromium in the environment is anywhere near as  
23 a public health problem of smoking, but it's still an  
24 issue.

25           And hexavalent chromium is high on the list of

1 environmental causes of cancer. As my colleague, Mr. De  
2 La Torre, pointed out, it's high on the list in terms of  
3 its potency. Again, the industry has reduced exposures  
4 both to workers and I hope with regard to fugitive  
5 emissions in terms of communities, but there's still some  
6 out there. And that 0.14 or whatever, I'm not sure what  
7 that number meant, but even a low risk of cancer from an  
8 environmental exposure is not acceptable to me.

9           And since Mr. De La Torre brought up dioxins, you  
10 know, I've been doing occupational and environmental  
11 health for a long time and I remember when the U.S. EPA  
12 banned, and I say banned, polychlorinated biphenyls, PCBs,  
13 because they were an important source of dioxins, which  
14 are very potent cancer-causing agent.

15           Part of the reason there's been so much focus on  
16 dioxins is that we exposed a lot of our service members in  
17 Vietnam. Some of you may be Vietnam vets out there or in  
18 the audience. You know, Agent Orange contained dioxin.  
19 But hexavalent chromium sticks around just like dioxins  
20 do. Actually, the main source of dioxins now is in our  
21 food supply, which is contamination from old dioxin  
22 exposures in our environment. And hexavalent chromium  
23 also can hang around, as the gentleman from that one  
24 neighborhood pointed out.

25           So I have to support this rule, but I also

1 understand that health effects of losing jobs and the  
2 health effects of people trying to retire and now having  
3 to worry about their income. And so I heartily support  
4 what Supervisor Perez said, there needs to be more  
5 incentive funding beyond the 10 million. That's a start  
6 and I'm glad it's still in the Governor's budget, but I  
7 think we have to do more to provide a just transition.  
8 And we usually use that term "just transition" for the  
9 workers, but I think it's also for the owners of the  
10 facilities. If we're going to -- and first of all, the  
11 ban doesn't start tomorrow, so there's time to modify  
12 op -- modify operations, but it's still an eventual ban.  
13 And I think because of that, we owe it to the owners of  
14 facilities, especially the smaller mom and pop facilities,  
15 and the workers in all of the facilities support for that  
16 just transition.

17 Thank you.

18 CHAIR RANDOLPH: Thank you.

19 Board Member Takvorian.

20 BOARD MEMBER TAKVORIAN: Thank you, Chair.

21 I just want to thank everyone, appreciate all of  
22 the public participation here in the room online, both  
23 today and in January. I think we've -- and in all the  
24 individual meetings that we've had, the workshops that  
25 have been conducted over many years. How many years?



1 Five? Four. Thank you. Okay. Off. I want to be  
2 precise. It's been a long time that we've been working on  
3 this rule. This is not something that has come forward in  
4 a speedy way. And I want to talk more about that, but I  
5 appreciate staff as well who have implemented the Board  
6 direction. I appreciate the careful and considered  
7 approach that the Board and the staff have taken. I think  
8 we are all being very thoughtful about how we proceed both  
9 to protect public health and to protect our economy and  
10 jobs.

11 That said, these -- the delays that we are  
12 contemplating in the transition are a very big concern to  
13 me. This is -- this rule is way overdue from my  
14 perspective. We've known about this problem with  
15 hexavalent chromium for over 30 years. I'm concerned  
16 about public health, as many have articulated, and Dr.  
17 Balmes, and Board Member De La Torre have done that, as  
18 well as Dr. Quirk.

19 Thirty-five years ago, it was determined that  
20 hexavalent chromium was a toxic air contaminant in 1986.  
21 So this isn't -- this hasn't been a mystery to us. This  
22 is something we've known about for a very long time. And  
23 as has been said multiple times, it is 500 times more  
24 toxic than diesel, so a very small amount can have  
25 devastating effects. There's no safe level.

1           And I'm concerned not only about community  
2 members, but as Dr. Balmes mentioned, concerned about  
3 workers. When we had significant problems with plating  
4 companies in San Diego in Barrio Logan, it was workers who  
5 were contacting us to say that their exposures were  
6 excessive and that they wanted help with that. So it was  
7 actually workers who blew the whistle initially for us to  
8 take action. They are on the front lines of exposures.  
9 So I'm worried about them. I'm worried about their jobs,  
10 which we have talked about and which I think we are taking  
11 into consideration, but I'm also worried about their  
12 health, because they -- they're the first and they have  
13 very little defense honestly.

14           So while it may seem like we're moving quickly to  
15 those who are somewhat new to this topic, from a science  
16 and community perspective, it's been really excruciatingly  
17 slow. So I would very much like to see us move forward  
18 today with the resolution that's in front of us.

19           For decorative chrome, I'm -- I want to ensure  
20 that choices are made and that facilities move forward on  
21 the alternative pathway or on the original pathway, and  
22 that we support the district -- the districts to help  
23 those facilities move forward with whatever path they  
24 choose.

25           For functional hard plating, I wish it could be

1 sooner, given the health impacts, but I think this is a  
2 real demonstration of why this long time period is  
3 appropriate to ensure that the right technology and  
4 alternatives are developed, just like we've done with  
5 decorative chrome. Trivalent chromium was discussed 20  
6 years ago when we were struggling with decorative plating  
7 in San Diego. I -- so I think that we're on the right  
8 path, similar path, but these are very different uses.  
9 And so I think the staff has taken the appropriate  
10 approach to have different pathways for these different  
11 types of hex chrome uses.

12 I want to reinforce that we need -- something  
13 that one of the speakers said that we need to reinforce  
14 working with DOD. For those of us who are fence-line  
15 communities with Naval facilities in San Diego, this is a  
16 significant source of pollution for these fence-line  
17 communities. And I think we need to move quickly and  
18 collaboratively with them, and hopefully they can put  
19 resources on the table to help that move.

20 I understood from my conversations with the metal  
21 finishing industry representatives that customer  
22 acceptance is clearly an issue. And I think that's  
23 something we really need to think about and talk about.  
24 And so I want to reinforce what Speaker Rendon's statement  
25 reflected that the \$10 million from AB 211 in -- is -- the

1 legislative intent is really to assist with the necessary  
2 transition away from the use of hex chrome and to the  
3 phaseout.

4           So it's -- our resolution speaks to prioritizing  
5 those facilities that choose the pathway to transition  
6 more quickly. And I want to really reinforce that and  
7 encourage everyone who is on that path to take the faster  
8 path and to work with CARB to get the message out to  
9 customers that trivalent chromium will work for their  
10 uses. And I think we can really work together, that that  
11 can be a collaborative effort that we can all do together.

12           And I think we should work with specific  
13 populations of users like low-riders, like the classic  
14 cars. Low-riders are really important in the communities  
15 that I come from. And we've had multiple discussions  
16 about this rule and they seem very open to looking at ways  
17 that trivalent can work for their uses. So I hope that  
18 some of those resources can go to working with them to try  
19 out how they might use trivalent and working some of your  
20 companies.

21           So I want to use all the tools that we have and I  
22 want to support the resolution, but I want to say that we  
23 have to be vigilant in terms of enforcing the rule as it's  
24 written. So that means that CARB staff -- you know, this  
25 isn't -- this isn't the end of the day. You can go out

1 tonight and celebrate, but -- probably, hopefully, but we  
2 really have to support the districts charged with  
3 enforcement to really help them to enforce this rule to  
4 the maximum extent possible. We need to conduct more  
5 monitoring to protect public health and move forward with  
6 the technology reviews in a very timely way, so that we  
7 can move as quickly as possible to develop that part of  
8 the rule.

9           And the last thing I'll just say, public health  
10 protection really dictates that we phase out the use of  
11 hexavalent chromium. And I believe we're doing so with a  
12 significant consideration of industry and economic  
13 concerns, and honestly maximum flexibility. So appreciate  
14 everyone's work to get us to this point and look forward  
15 to voting on the motion.

16           CHAIR RANDOLPH: All right. Thank you.

17           Board Member Hurt.

18           BOARD MEMBER HURT: Thank you, Chair.

19           I'd like to than all the speakers today and the  
20 passion that they brought to telling how this regulation  
21 impacts them. I also want to thank the staff for the  
22 presentation, of course, the multiple briefings that they  
23 had with me as late as yesterday. Thank you very much.

24           I align a lot of my comments with Board Member De  
25 La Torre and Dr. Balmes. And I'll just add, if we start

1 this conversation off with the premise that this industry  
2 does not have nearly the same amount of emissions compared  
3 to other types of facilities, that then we shouldn't phase  
4 out at this time, I would say the assignment was missed.  
5 Every sector needs to transform to improve the air quality  
6 and health of the communities, especially those with  
7 sensitive receptors nearby and in zip codes that are  
8 highly impacted.

9           Communities of color and EJ communities, both --  
10 for some communities, it's been code red for quite some  
11 time, as they live with environmental degradation and  
12 traumas daily due to stationary and mobile sources. And  
13 the research has shown that race is the top factor in  
14 determining the location of a toxic facility in the U.S.  
15 So this is why we refer to these facts, but obviously, and  
16 I can't emphasize enough, that we care about the health of  
17 all Californians.

18           One of the most important data pieces that I  
19 think we do all share and know is that this is a highly  
20 toxic carcinogen and it targets the respiratory system,  
21 kidneys, liver, skin, and eyes. It's known to cause  
22 cancer. We know this. And in asthma in communities with  
23 toxic facilities. So this is the backdrop of data that's  
24 necessary and requires us to act on its use, not only for  
25 community members but workers as well.

1           Additionally, I think we have to start changing  
2 the conversation and processes, as true stewards of the  
3 natural world and worse, your business over others. I'm  
4 thinking a lot about when we said, you know, buy American.  
5 I want to say buy for the environment. This also is not  
6 just happening in California, the European Union is on  
7 track to phase out in 2023 and 2024 for the exact same  
8 reasons, the toxicity, and I guarantee others will follow.

9           As decision makers, we're drawing a line in the  
10 sand for better materials, better coatings, and better  
11 designs. I'll tell you to date, I have not been presented  
12 with any evidence or studies that have shown that there's  
13 no leakage or fugitive emissions. In fact, I've seen the  
14 opposite requiring enforcement issues.

15           So practically, I think we have to make a change.  
16 I did have concerns about the medical equipment and  
17 aerospace applications due to safety and health.  
18 Specifically, I've been thinking about corrosion and I've  
19 talked a lot with staff and many of my concerns have been  
20 met with the additional changes. I'm supportive of the  
21 technology review. I think data should continue to be  
22 collected and evaluated. And I'd like to figure out a way  
23 to continue carving out intense stakeholder engagement and  
24 data exchange, because that too was troublesome for me.  
25 And I think while I appreciate that we use the best

1 information we have present, we need to continue gathering  
2 information and having conversations, especially with the  
3 dec platers who have -- of customer adoption.

4           And I also want us to continue, which I know we  
5 will, but I want to emphasize further researching  
6 performance standards, as the technology innovation  
7 occurs. And specifically, I want to know more about  
8 building enclosures, and retrofit technology, and what  
9 leakage looks like. So I hope that we continue to gather  
10 that information with our stakeholders and engage.

11           And while there's no doubt that this is  
12 definitely a difficult decision, it is time to begin the  
13 transformation. And the numbers alone, 500 times more  
14 carcinogenic than diesel PM is very persuasive for us to  
15 act today.

16           So those are my comments. Thank you.

17           CHAIR RANDOLPH: Thank you.

18           Board Member Kracov.

19           BOARD MEMBER KRACOV: Thank you, Chair.

20           I want to thank staff for all the work that's  
21 been put in on this effort for years, especially Heather  
22 Arias and Rich Boyd, Robert Krieger, and Eugene Rubin.  
23 Thank you very much. I know it hasn't been easy.

24           And I had the opportunity to speak about this  
25 issue at length from the dais when we were here, I think



1 it was in January. Now, we're giving industry more time.  
2 The Legislature has set aside 10 million for industry to  
3 transition to trivalent chromium. And I applaud the trade  
4 association and Jerry, Bobbi, Bryan, the whole group, for  
5 making the case here for getting more time. I know  
6 they're going to continue to work with our staff in this  
7 next decade plus in the technology assessment process.  
8 They really are just terrific advocates for this industry.

9           And we know there's a fear for the future. We  
10 hear the fear about the impacts to your business. And I'm  
11 sure you're sick and tired of hearing from me, from us,  
12 but truth is that your advocacy has undoubtedly moved the  
13 needle for decades really, Jerry, and at the last Board  
14 meeting even, giving your members more time and resources  
15 all these years.

16           I've worked on hexavalent chromium for almost 30  
17 years. Since hundreds of nanograms per cubic meter showed  
18 up in the sand box at the Suva Street Elementary School in  
19 Bell Gardens, and teachers and students sued and settled  
20 cases for cancer clusters and environmental cleanup. And  
21 since then, other crises with hexavalent chromium in San  
22 Diego, Los Angeles, Oakland, in Paramount, in Southeast  
23 Los Angeles, at schools, homes, and the AB 617 communities  
24 throughout our state. There is no safe level of  
25 hexavalent chromium. You've heard it several times how

1 much more dangerous it is than diesel and that the cancer  
2 risks from the stack alone is 213 million in line with the  
3 other air toxic rules that we adopt meeting after meeting  
4 under the Health and Safety Code. And that doesn't even  
5 include fugitive emissions, which really are the problem  
6 here, and which can be up to a cancer risk of one in a  
7 thousand or more.

8           It's so dangerous that we have to use other toxic  
9 chemicals that we're trying to get rid of per- and  
10 polyfluoroalkylated, PFAS, as fume suppressants. I just  
11 did an internet search. And guess what, just last week  
12 two area -- two Bay Area platers, Electro-Coatings of  
13 California and Teikuro Corporation were sent legal notices  
14 by the Center of Environmental Health after they were  
15 discovered to release PFOS into designated sources of  
16 drinking water, just last week.

17           Hexavalent chromium, in my opinion, needs to go  
18 in the dust bin with the other dangerous industry  
19 chemicals that we as a modern society have decided we're  
20 not going to use anymore. Leaded gasoline in cars,  
21 chlorofluorocarbons in our atmosphere, PCBs and dioxin,  
22 volatile organic compounds in paint, and all the other  
23 work we do here CARB colleagues under the Clean Air Act,  
24 the Health and Safety Code, on consumer product  
25 regulation, climate regulation, mobile sources. The truth

1 is chrome platers are hardly alone in the  
2 technology-forcing rules we adopt on this dais meeting  
3 after meeting. And the other sources of chromium, like  
4 refineries, metal manufacturing, cars, don't tell me that  
5 CARB and the air districts aren't cracking down on those  
6 too under the Clean Air Act and Health and Safety Code.

7 For petroleum, we're banning the use of it as  
8 fuel for mobile sources after 2036 in this state taking  
9 away their entire customer base. Chrome platers are  
10 hardly alone. The issue here for this number two worst  
11 air toxics air contaminant is fugitive emissions. The  
12 minuscule emissions data cited by commenters today is  
13 absolutely misleading.

14 Nobody who studies the data or the history of  
15 fugitive emissions with this industry believes that. We  
16 need to tell the whole story. The only way to get a  
17 handle on the fugitive emissions for this number two worst  
18 air toxic contaminant out the roof, the doors, the stuff  
19 we've seen time and again in Bell Gardens, Paramount,  
20 Oakland is extremely expensive, permanent fence-line air  
21 monitoring at every facility up and down our state. And  
22 the data, the history we have, shows us it's simply  
23 infeasible to do that. Industry has fought, including  
24 mandatory fence-line monitoring in the 1469 rule at South  
25 Coast and in this rule. Let's be honest, the 1469 rule at

1 South Coast does not require that. And 1469, from my  
2 understanding, was the best compromise the South Coast  
3 Board could do to actually get the rule passed with the  
4 Board members on the dais at that point in time. And now  
5 we're further along with trivalent chromium than we were  
6 then.

7 I believe it's unfair for industry to pass the  
8 financial cost for regulation, for monitoring, the human  
9 health costs for this number two worst air toxic  
10 contaminant onto the taxpayers onto the 617 communities,  
11 especially for decorative uses. We have so many other  
12 priorities. We cannot spend all our 617 money on  
13 hexavalent chromium. We don't have enough money for all  
14 our other programmatic and monitoring priorities. I've  
15 talked at length to my district staff about this. They  
16 can only do so much for hexavalent chromium when it comes  
17 to an enforcement and monitoring, given all the other work  
18 that we have.

19 I've been to Moses Huerta's home in Paramount. I  
20 will never forget being there with you. He had to apply  
21 for EPA funding to get monitors on top of his house and do  
22 it himself. I mean, give me a break. And he gets hex  
23 chrome hits every single day, don't you.

24 Finally, I've studied the record. Recirculation  
25 under CEQA is only required when new information is added

1 to a CEQA document and it's changed in a way that deprives  
2 the public of a meaningful opportunity to comment on a  
3 substantial adverse environmental effect or a feasible new  
4 way to mitigate. That's not the case here. There is no  
5 newly disclosed significant impacts or mitigation options  
6 set forth in the 15-day changes. Recirculation is not  
7 required.

8 We're giving industry more time, too long in the  
9 opinion of many stakeholders. And that being said, I'm  
10 going to support the rule. But if more resources are  
11 needed for this priority air toxic, let's work together  
12 transparently on what we can do, what we're doing now, and  
13 what we're going to need in the future over this next  
14 decade plus as we quote, "explore and prioritize  
15 additional funding sources", end quote, for enforcement  
16 for finding alternatives as set forth in the proposed  
17 resolution today.

18 Chair, we cannot pass this rule and just forget  
19 it. I urge us to focus on enforcement of this rule with  
20 the air districts, on monitoring efforts in Paramount, on  
21 CARB's efforts under the American Rescue Plan, where I  
22 think we've got some money to keep an eye on hex chrome  
23 and South Coast's mobile monitoring for total chromium and  
24 other metals that they're doing right now in Boyle Heights  
25 and Southeast LA in the AB 617 areas.

1           So that's my perspective on this rule and thank  
2 you for letting me speak again on it, Chair.

3           CHAIR RANDOLPH: Thank you.

4           Supervisor Vargas.

5           BOARD MEMBER VARGAS: Thank you, Chair, and thank  
6 you to everybody for all your comments. I wanted to say I  
7 appreciate all of the public testimony and I won't -- you  
8 know, all of my colleagues have said a lot of very  
9 poignant points, but I just wanted to say thank you to the  
10 staff and the team for all the work that they've done on  
11 this and for providing the information that really allows  
12 us to really better understand what the next steps up at.

13           I think it's extremely important that we support  
14 staff recommendation today, because, you know, as someone  
15 who's been a health care advocate for a long time, I have  
16 to say that we need to do everything we can to reduce the  
17 risk of the toxicity in our communities. And in San  
18 Diego, we have a couple of facilities under the toxics hot  
19 spots that are really impacting our communities. And so  
20 for me, it's extremely important that we do this. I  
21 understand the economic impact, but I also understand that  
22 there's no dollar that we can put in a person -- you know,  
23 of the valley of a person's life and health.

24           So with that, I'm happy to support it and looking  
25 forward to continue working on this.

1 CHAIR RANDOLPH: All right. Thank you.

2 Board Member Guerra.

3 BOARD MEMBER GUERRA: Thank you, Chair Randolph.  
4 Appreciate that. Hold on here.

5 First, I want to do -- take the time to thank all  
6 of the staff who have taken the time to have very in-depth  
7 and, you know -- and I would say deliberate conversations  
8 about this rule here and getting us where we are today and  
9 appreciate, you know, being able to help me coming in in  
10 the middle of this process.

11 I also want to first start off by thanking also  
12 my AQMD staff in the Sacramento Metro Air Quality  
13 Management District, because in my time as Chair for the  
14 Air District, we had the opportunity to visit not only --  
15 and inspect chrome plating facilities in the Sacramento  
16 area and learned a lot about this issue coming into it.

17 And so -- you know, and to me, I think that  
18 when -- I've had a lot of conversations with the industry,  
19 with our staff here, our CARB staff, and with the Chair.  
20 I want to thank the Chair, because it has been a  
21 struggling one in a mixture of ways, where when I've gone  
22 to visit these facilities to make sure that we have been  
23 maintaining the air quality standard that -- making sure  
24 that there weren't any fugitive emissions, that there were  
25 no impacts.

1           And seeing it first hand, I also got a chance to  
2 meet a lot of the workers there, some who had worked there  
3 for 40 years, and that's what they've done for their  
4 livelihood. Also, a lot of workers who, without a college  
5 degree, some without a high school degree, were able to  
6 have a career in -- that moved them into the middle class,  
7 and their concern and their fear for what is to happen in  
8 the future.

9           And many times, and most of them, they were  
10 people of color. Most of them, at least in my area, were  
11 Latino. And the -- so often -- and I had this  
12 conversation with our staff is that we do find ourselves  
13 where many communities of color are also working in areas  
14 where they're contaminated -- where they're facing  
15 contamination. I know personally, you know, and I  
16 mentioned this in the previous hearing, that, you know, as  
17 a farm worker, that was -- that was challenge that we  
18 faced. We were working, and that was our livelihood, but  
19 we also, at the time, faced the crop dusters coming above  
20 us. And we moved forward. We -- there were regulations  
21 that moved us forward to improve the workers' conditions,  
22 and here's what we're trying to do today.

23           I think the -- where I've gone -- come down to  
24 it, and I appreciate, you know, Chair Randolph, your  
25 thoughts on this, and -- is that if we don't set clear



1 deadlines and we don't have a clear endpoint, then there  
2 really isn't anything significant to drive the innovation  
3 for the transition. And I think that what this rule  
4 intends to do is to ensure that we are forcing innovation.  
5 You know, Board Member De La Torre I think described a  
6 great example that I had not thought about, because I  
7 remember when they switched out the labels at the gas  
8 station at Guy's Corner in Madison from leaded to all  
9 unleaded, and the innovation that occurred because of  
10 that.

11           So to be clear, I intend to vote for this and --  
12 today and make sure that we continue the enforcement. A  
13 lot of our AQMD staff on a daily basis working with -- in  
14 this -- these stationary sources and others. But I do  
15 think that we should not be -- there is one small sector  
16 when it comes to the decorative chrome plating that I  
17 think we should not be naive about where the consumer  
18 demand is. I completely agree, I could care less about my  
19 belt buckle. Although, maybe we've had disputes about,  
20 you know, what kind of faucet we would want. But really,  
21 you know, the trivalent option for that, I don't see that  
22 as a -- as a major challenge. And maybe it may be an  
23 imperfect solution or whatnot, but the -- as staff  
24 mentioned, for some part of the industry, that alternative  
25 is still -- is still not being met.

1           And if California -- or when California let's put  
2 it that way ends hexa -- hex chrome as the option,  
3 particularly for that sector of the car economy, in my  
4 conversation not only with the chrome platers, but I  
5 picked up the phone and called a few car club enthusiasts,  
6 and other folks, who are in this sector, not with the  
7 industry, but who are consumers. And what will happen, in  
8 my opinion, is if we just -- as Board Member Kracov said,  
9 if we just past this rule and left it alone, what will  
10 happen is the competitors, particularly in Nashville, and  
11 in Tennessee, and Ohio, and also in Mexico will be where  
12 folks will go to get their hex chrome done. And you will  
13 have leakage in that market.

14           So the fear I have here, and the concern that I  
15 have here, is if we don't help our industry transition and  
16 find solutions or -- and better or new innovation in  
17 tri -- in the trivalent method that is comparable to what  
18 the consumers have, then all we've done is while maybe  
19 solved a majority of the decorative chrome side, we've  
20 still left an area where I think we'll continue to have a  
21 strong market.

22           And to me that does pose a fear that we are  
23 offloading -- because California has the largest, you  
24 know, auto consumer world in this -- and I think Board  
25 Member De La Torre mentioned this last time, California is

1 one of the largest in the demand for that area. And we  
2 will be offloading our emissions to that other place,  
3 other states, or other countries in that -- because of the  
4 consumer demand.

5           Maybe will it a change? Maybe will trivalent be  
6 as competitive? We don't know. So I don't know how best  
7 to go about it, because I have no interest in changing the  
8 rule at this point. But I do -- I do -- would like to  
9 work with staff and the stakeholders to work together, as  
10 Board Member Kracov, said in a transparent way to look at  
11 how that particular sector -- because I think that's the  
12 really niche sector. And I know personally from going to  
13 one plater, that that's exclusively what they do.  
14 Exclusively, it is the competitive auto industry and not  
15 just auto but bicycles too, so -- but I think that that --  
16 that that particular market -- and the -- and to be -- I  
17 want to be also thoughtful with the plater who said I'm  
18 willing to transition if I knew there was a market there  
19 for this.

20           And so if that's -- I think that there -- that's  
21 where we need to be engaged as a regulator as well in  
22 helping find or -- the solution for a comparable and  
23 competitive alternative that the -- that the market will  
24 also respond.

25           So, one, clearly, any kind of hex chrome facility

1 that's next to a receptor, I think it's just -- it's not  
2 acceptable. You know, if you've got -- you know, from  
3 what I've heard, there have been platers that are right  
4 next to a school. That's unacceptable. Right next to  
5 someone's house, we know the carcinogens are that bad.  
6 That's unacceptable.

7           But I do think that there should be some third  
8 option for those that are not near receptors, those  
9 that -- and requiring stronger emissions even for those  
10 hard chrome platers strong -- requiring stronger  
11 emissions. And looking at that particular small sector of  
12 the decorative industry, which is the car industry, at the  
13 technology reviews -- to looking at technology reviews.

14           And so, you know, I guess I would like to hear  
15 some thoughts from my colleagues on that, because if we --  
16 if we don't respond to that aspect of it and the consumer  
17 demand is there -- I haven't heard any single complaint  
18 about anybody about other parts of the decorative world  
19 except for that small area. And maybe it's just the  
20 Sacramento, you know, industry. But the ones here that I  
21 have to talked to, that's the only area where there  
22 continues to be a demand that is critical of the  
23 alternative.

24           So maybe that's -- I guess that's where I'm at,  
25 Chair. I'm here to support this rule to make it forward,

1 to make sure that we're doing the enforcement, the work  
2 with our air districts, to make sure that folks are moving  
3 in that transition as well. But I do think that we're  
4 missing a third track for that particular gap in this rule  
5 and I want to thank staff for capturing a very large  
6 sector of this industry to get where we are today.

7 So let me stop there and I would love to hear  
8 from my colleagues on that point.

9 CHAIR RANDOLPH: Okay. I am going to call on a  
10 couple of other colleagues in the queue and then we could  
11 circle back for any further discussion.

12 Dr. Pacheco-Werner.

13 BOARD MEMBER PACHECO-WERNER: Yeah. Thank you so  
14 much, Chair. Thank you to all that spoke in the last  
15 hearing and in this hearing. And to those that submitted  
16 your comments, you know we do -- we do read the docket.  
17 And even those that submitted them today in the meeting,  
18 you know, we read those too and appreciate the comments  
19 given. And, you know, know that for us, you know, it  
20 hasn't been, you know, two minutes of considering this.  
21 And a lot of us have spent significant time trying to  
22 learn about the issues and learn about the alternatives  
23 and how to help move this forward.

24 What I can -- what I can say, you know, just to  
25 echo some of what Board Member Takvorian and Board Member

1 Kracov were talking about, you know, there really is some  
2 tremendous health care issues and some overdue regulation  
3 that needs to happen in this -- in this arena. No doubt  
4 about that. I think for us there's some -- there's some  
5 like important lessons to learn about this. And, you  
6 know, just correct me if I'm wrong here, but it seems like  
7 there was an overlap in sort of like the mandate to phase  
8 out the -- the mandate to reduce the emissions lowest  
9 achievable to transition away from hexavalent chromium  
10 period and the South Coast rulemaking.

11           And I do feel like there's some lessons learned  
12 about how we are more maybe transparent and open in this  
13 process -- in processes that we engage with our partners  
14 and that -- and the districts, you know, in the future, so  
15 that people really know what's coming as soon as -- as  
16 soon as possible. And I think while people definitely --  
17 I think nobody has hidden the fact that -- of where CARB  
18 was going in this. I do think that there's some  
19 opportunities there to better -- to help our partners  
20 better align with our goals as well.

21           And I do think that one of the questions -- maybe  
22 after I finish, one of the questions that -- first  
23 question I have, you know, I think in other regulations  
24 we've talked a lot about leakage. And certainly a lot of  
25 the comments address leakage. But I wanted to see like if

1 staff could speak to anything around, you know, what  
2 studies and analysis they did to analyze leakage. And I  
3 know that, you know, one of the things that you've  
4 considered is the availability of this alternative process  
5 in the decision-making of the regulation, but I was just  
6 thinking like specifically about leakage what your process  
7 was about that.

8 I think one of my concerns about this phaseout  
9 isn't actually, you know, with the decorative platers so  
10 much as the with hard chrome plating and making sure that  
11 we really get there in terms of the phaseout. So I'm  
12 concerned about, you know, what we're going to come back  
13 with in the technology review. Are we coming back with  
14 data around what plans people should be having or is that  
15 already in the regulation that there's -- and maybe I  
16 missed it, you know, that they start actually working on  
17 plans for phaseout the hard core -- chrome platers,  
18 because I'd really like to see, you know, something that  
19 is -- that is -- that is signaling progress way before  
20 that deadline so that we are not in this -- in a similar  
21 situation to where we are today with the decorative  
22 platers, where, you know, people are like, well, for this  
23 particular thing it just cannot be done, right? So I'd  
24 like to see some sort of plan involved in that as well.

25 And then also I know that in the -- in the

1 legislate -- the bill to provide the funding for this --  
2 for the -- for the transition -- specifically for the  
3 transition there was -- the funding was available for both  
4 hard chrome and decorative plating, but I'm wondering  
5 if -- are there opportunities to prioritize this funding  
6 for the decorative platers specifically or not -- you  
7 know, obviously, the bill says we have to offer it to  
8 both, but is there like something that we can do in terms  
9 of the priority of funding?

10           And just, you know, thank you all for taking  
11 this, you know, brave look. I know that, you know, we're  
12 not the first ones in the world to do it. And I -- and so  
13 I know that it's not -- you know, it's not going to be  
14 unique. We -- and I hope like other Board members say --  
15 you know, that other states also consider the health of  
16 their residents in some of this as we move forward as  
17 well.

18           So thank you.

19           CHAIR RANDOLPH: Could I ask staff to address  
20 Board Member Pacheco-Werner's questions about leakage and  
21 the tech reviews, how you anticipate that playing out?

22           TTD ASSISTANT DIVISION CHIEF BOYD: Yes, Chair.  
23 Rich Boyd. Let me start that one off. When it comes to  
24 the -- you know, the leakage issue, we did work with  
25 industry to try to get our heads around that, to get a



1 sense of what the nature, and scope, and magnitude of that  
2 could be. We weren't able, you know, to do that. You  
3 know, part of that depends on how businesses actually end  
4 up responding to, you know, whatever action the Board  
5 takes today.

6           And so what we ended up doing was rather than  
7 just -- just to make sure that we were acknowledging that  
8 this concern was out there, when did the SRIA and in the  
9 staff report, we did show a range of here's what could  
10 happen if a hundred percent of the businesses might leave  
11 versus like 75 percent, 50 percent, and 25 percent just  
12 the bounds what that could look like. But we have not yet  
13 been able to have any, you know, concrete data which would  
14 allow us to be able to tell you this is exactly what we  
15 expect to, you know, occur there. And so that was the  
16 approach we took there.

17           The other thing I heard, you know, with respect  
18 to, you know -- you know, technology reviews, we haven't  
19 drafted like a con -- you know, a concrete plan as of --  
20 as of yet. But really the tech review starts as part of  
21 the implementation. And so we are looking to involve the  
22 industry in that, communities. Sit down with them, figure  
23 out exactly the things we want to be, you know, looking  
24 for. I think we're all interested in better understanding  
25 technology as things, you know, evolve. And we intend for

1 that process to be, you know, public. You know, I expect  
2 that we would continue to engage, you know, our working  
3 group that we have for -- you know, for chrome plating in  
4 that -- you know, in that effort.

5           And then the other thing I heard was like  
6 prioritization of -- you know, of funds. I mean, so we  
7 are looking at prioritizing toward dec platers. And when  
8 you look at the funding that's in AB 21 -- in 211 and the  
9 timing that's involved, it's really the dec platers that  
10 are going to be the ones who are going to be the likely  
11 recipients of it. We expect the folks on the functional  
12 side, given that longer phaseout period on some of the  
13 issues there may not move so quickly to try to take  
14 advantage of that funding.

15           CHAIR RANDOLPH: All right. Thank you. Board  
16 Member Eisenhut.

17           BOARD MEMBER EISENHUT: Thank you, Chair. I  
18 finished the public testimony and the staff presentation  
19 with a series of questions, all of which have been teased  
20 out and responded to following comments and questions by  
21 my fellow Board members, so I'm not going to repeat those  
22 questions.

23           I do want to align myself with the comments  
24 and -- from Member De La Torre and Supervisor Perez most  
25 closely, and -- I told you I'd be brief.

1 (Laughter).

2 BOARD MEMBER EISENHUT: And I do want to just --  
3 other folks have made forward-looking comments. And I  
4 know we've heard from staff regarding enforcement and our  
5 continued efforts on enforcement, which I define to  
6 include monitoring -- enforcement as part of monitoring as  
7 being one of our priorities moving forward, and the  
8 technology review, which has been -- has been also  
9 discussed, but some sort of scheduling around the  
10 technology reviews, so that we work with industry as we  
11 approach those thresholds and that we have clearly  
12 communicated scheduling, which I believe we do, for the  
13 implementation and the planning for the technology review.

14 And also, continue -- I believe there have --  
15 there has been outreach made to national security or  
16 Department of Defense specifically. And I encourage those  
17 outreach -- that outreach to be continued.

18 Thank you, Chair. Those are my comments.

19 CHAIR RANDOLPH: All right. Thank you.

20 All right. I want to thank all of the folks that  
21 met with all the Board members, talked through all these  
22 issues, this is a challenging one. I do want to kind of  
23 circle back briefly to Board Member Guerra's question  
24 about a third compliance path. I think some of the Board  
25 members commented on kind of the practical challenges with

1 that, in terms of we don't control land use decisions, so  
2 we don't necessarily control what will happen for a  
3 facility that may not be close to a sensitive receptor  
4 now, but have sensitive receptors then move into the area.

5 I appreciate Dr. Quirk's call-out RFRA. I have  
6 not thought about that statute since my land use days many  
7 years ago. But he raises a really good point that you  
8 cannot limit the location of places of worship.

9 So -- but what I do -- I mean, my biggest concern  
10 with this has always been around the decorative platers.  
11 And a lot of fellow Board members have raised questions  
12 about how the incentive funding is going to play out and  
13 how the -- dealing with the customer acceptance is going  
14 to work. So I really think it's important for staff, if  
15 the Board adopts this item, to circle back sooner rather  
16 than later. I don't know that we necessarily need to  
17 formally put it in the resolution, but I would like, you  
18 know, consensus that there is direction to staff to report  
19 back to the Board in the maybe -- in an appropriate time  
20 frame, but before the funding sort of window closes, so we  
21 can get a sense of how is the funding being used, what  
22 requests have been made, what progress has been made, and  
23 what issues are still outstanding, so like end of 2024,  
24 early 2025 time frame, to really understand kind of what's  
25 happening.

1           And then I know some of the Board members kind of  
2 had questions about enforcement and monitoring, so that  
3 could also be a part of that check back in, because I  
4 do -- I do think it's going to be challenging. I'm very  
5 concerned, as other Board members have mentioned, about  
6 leakage. And so I want to understand what are some  
7 options for us to a forestall that. So I do want to have  
8 some more interactive feedback with the Board.

9           So those were all the comments I had. Like Board  
10 Member Eisenhut, most of my questions were answered.

11           Dr. Quirk and Board Member Guerra have further  
12 comments.

13           Dr. Quirk, you first.

14           BOARD MEMBER QUIRK: Thank you.

15           First of all, I agree very much with Member  
16 Takvorian and the importance of the \$10 million. And what  
17 I'm concerned -- oh, and the \$10 million is going to go  
18 almost entirely to the capital costs, which are the big  
19 nut that's going to be hard for transition. After that,  
20 the costs are some additional costs in operating. But for  
21 the people willing to transition to 2027, their capital  
22 costs will be met and they should be able to pay the  
23 additional amounts that are just coming up on a yearly  
24 basis, and hopefully can increase their prices enough to  
25 make up for that. The really tough nut, the capital

1 costs, if you're willing to go by 2027 should be paid out  
2 of that 10 million.

3 Now, the one concern I have is that when there  
4 are negotiations on the budget, as there will be about --  
5 around that -- the budget as a whole, that that \$10  
6 million could be lost. And it is amazing what can happen.  
7 And the Governor and the Legislature are still negotiating  
8 on that. It will become very intense, particularly in the  
9 first two weeks of June. And I'm wondering, Chair, if you  
10 could send a letter to the Budget Chairs and the  
11 Governor's office just emphasizing the importance of that  
12 \$10 million?

13 CHAIR RANDOLPH: We can look into that. I mean,  
14 I think -- I think making sure that they -- that the  
15 Legislature understands, assuming we adopt this -- that we  
16 did do it and that was -- you know, that was sort of the  
17 premise of the funding, I think, making sure they're aware  
18 of that would be very important to do.

19 BOARD MEMBER QUIRK: Great.

20 CHAIR RANDOLPH: Do you have any other comments  
21 before we head to --

22 BOARD MEMBER QUIRK: Yes, on the classic cars.  
23 On the classic cars, the difficulty isn't only in  
24 appearance, it's that people want to do something that's  
25 genuine. Now, obviously everything that's done on class I

1 cars isn't genuine, because, you know, a steel replacement  
2 part isn't made by the same factories in the same way that  
3 the steel was made then. But that's why there's going to  
4 be that among the probably a very small fraction of the  
5 classic car enthusiasts that they want chrome(VI) and that  
6 will be exported. But again, I think that it is important  
7 that we set an example, and that in other states, and  
8 perhaps in Mexico, that people will say why are you  
9 exposing us to chrome(VI) when in California they've  
10 outlawed it. And so I think for that reason alone, even  
11 though there is a classic car demand that I don't think is  
12 going away, I think it's important that we have this.

13           The other thing is, is there a path to zero  
14 emission, particularly for perhaps the classic cars? I  
15 was -- this Bryan Leikier of the Metal Finishers  
16 Association asked could there be a zero-emission option?  
17 And perhaps when we get this if -- I'm skeptical. I'm  
18 skeptical whether you can do it at a price that's  
19 reasonable for classic cars or anything else.

20           But is there a way when they do the check-back  
21 prior to 2027 when we have that deadline whether or not --  
22 if industry really wants to come up with a zero-emission  
23 option, that we could take a look at it then, Madam Chair  
24 or staff?

25           TTD ASSISTANT DIVISION CHIEF BOYD: Yes, Chair.

1 I think I might have commented, you know, in January about  
2 how, you know, the process. So certainly, if industry  
3 wants to take some time and, you know, expose some other  
4 resources to investigate some of those other, you know,  
5 option, they -- they're more than welcome to submit them  
6 to us. We'll take a look at them, review them, you know,  
7 assess and analyze what -- you know, how we feel about it,  
8 and then we would have to proceed from -- you know from  
9 the, but I can't speculate what it's going to say.

10 BOARD MEMBER QUIRK: That's good enough for me.

11 So if they come to us, and they can certainly  
12 come to me in 2026, if they really think they have a great  
13 option and we could look at it then. I'm skeptical that  
14 you can do it in the kind of costs that are necessary.

15 Pacheco-Werner asked about research being done.  
16 And just a Google search you'll find industry is looking  
17 at it. Academics are looking at it. So I think that  
18 there's excellent hope that we'll be able to get these  
19 other industries transferred over, these other uses,  
20 either by going to chrome(III) or some other replacement  
21 technology.

22 So with that, if it's appropriate, I'd like to  
23 move the item, Madam Chair.

24 CHAIR RANDOLPH: So Board Member Guerra has his  
25 hand up, so I'm going to go to him.



1 BOARD MEMBER QUIRK: Oh, okay.

2 CHAIR RANDOLPH: -- and I'll call for the  
3 question in a few minutes.

4 BOARD MEMBER GUERRA: Thank you, Chair.

5 You know, I was just going to support your  
6 request to come back in 2025 specifically with the chrome  
7 platers and really try to hone in on the conversation on  
8 leakage. And while, yes, I hope and -- that other states  
9 would follow suit in California making the way and moving  
10 for customer acceptance, just having had my own experience  
11 in -- you know, in parts in Mexico and others, and knowing  
12 folks who have taken their whole car down there for a  
13 couple weeks to do everything they need to, you know, I  
14 think we need to have a real conversation about, you know,  
15 the ethical effects of leakage if we don't tackle this  
16 head on. So I support that conversation in 2025 and how  
17 we help aggressively move the transition. So with that, I  
18 just wanted to support your direction there, Chair. And  
19 if there's a motion on the table, I'll go ahead and second  
20 it when appropriate.

21 CHAIR RANDOLPH: Okay. All right. I'm going to  
22 call for a motion --

23 BOARD MEMBER QUIRK: So moved.

24 CHAIR RANDOLPH: -- to adopt -- wait. Let me --  
25 let me make it clear, to adopt Resolution Number 23-16.

1 Is there a motion?

2 BOARD MEMBER QUIRK: So moved.

3 BOARD MEMBER BALMES: Second.

4 CHAIR RANDOLPH: All right. I have a motion and  
5 a second. Clerk, will you please call the roll.

6 BOARD CLERK GARCIA: Yes.

7 Dr. Balmes?

8 BOARD MEMBER BALMES: Yes.

9 BOARD CLERK GARCIA: Mr. De La Torre?

10 BOARD MEMBER DE LA TORRE: Aye.

11 BOARD CLERK GARCIA: Mr. Eisenhut?

12 BOARD MEMBER EISENHUT: Yes.

13 BOARD CLERK GARCIA: Senator Florez?

14 BOARD MEMBER FLOREZ: Florez aye.

15 BOARD CLERK GARCIA: Mr. Guerra?

16 BOARD MEMBER GUERRA: Guerra aye.

17 BOARD CLERK GARCIA: Ms. Hurt?

18 BOARD MEMBER HURT: Aye.

19 BOARD CLERK GARCIA: Mr. Kracov?

20 BOARD MEMBER KRACOV: Yes.

21 BOARD CLERK GARCIA: Dr. Pacheco-Werner?

22 BOARD MEMBER PACHECO-WERNER: Yes.

23 BOARD CLERK GARCIA: Mr. Perez?

24 BOARD MEMBER PEREZ: Aye.

25 BOARD CLERK GARCIA: Dr. Quirk?

1 BOARD MEMBER QUIRK: Aye.

2 BOARD CLERK GARCIA: Dr. Shaheen?

3 BOARD MEMBER SHAHEEN: Aye.

4 BOARD CLERK GARCIA: Dr. Shaheen, I think you  
5 said yes, but can you say that one more time.

6 BOARD MEMBER SHAHEEN: Yes. Yes.

7 BOARD CLERK GARCIA: Thank you.

8 Ms. Takvorian?

9 BOARD MEMBER TAKVORIAN: Yes.

10 BOARD CLERK GARCIA: Supervisor Vargas?

11 BOARD MEMBER VARGAS: Vargas yes.

12 BOARD CLERK GARCIA: Chair Randolph?

13 CHAIR RANDOLPH: Yes.

14 BOARD CLERK GARCIA: Madam Chair, the motion  
15 passes

16 CHAIR RANDOLPH: All right. Thank you. We  
17 have -- we still have open public comment as our next  
18 agenda item. So my suggest is to take a break, give staff  
19 and our -- I think we do.

20 I'll go to Ms. Peter.

21 CHIEF COUNSEL PETER: We also have a retirement  
22 that we wanted to acknowledge. I'm don't if you want to  
23 do that after the break, which is fine. I just wanted to  
24 flag that.

25 CHAIR RANDOLPH: Oh, let's do that now.

1 CHIEF COUNSEL PETER: And then we have -- we do  
2 have open comment. And the clerks -- there is at least  
3 one person I see has their hand up.

4 BOARD CLERK GARCIA: That's correct. And I  
5 believe we have one in person as well.

6 CHIEF COUNSEL PETER: Okay. So you can -- but  
7 let me just do this if that's all right?

8 CHAIR RANDOLPH: Yeah. Why don't we do this.  
9 We'll do the retirement announcement. And those of you  
10 listening online who are planning on doing open public  
11 comment or in the room who are planning on doing open  
12 public comment, can you just show yourselves so we know,  
13 and then we can decide whether or not to take a break  
14 based on the number of commenters we have.

15 So go ahead.

16 CHIEF COUNSEL PETER: Okay. Great. Thank you.

17 So to the Board and those listening, today we'd  
18 like to acknowledge Robert Krieger's retirement as the  
19 Branch Chief of the Risk Reduction Branch in the  
20 Transportation and Toxics Division and thank him for 33  
21 years of leading California's Air Toxics Program as the  
22 most comprehensive program in the nation. He's sitting  
23 right here.

24 Robert's been a trailblazer since the inception  
25 of the Air Toxics Program. His first tour of duty landed

1 him on identifying substances such as diesel exhaust,  
2 formaldehyde, chloroform, environmental tobacco smoke as  
3 toxic air contaminants. Robert's leading role in  
4 identifying diesel particulate matter led to some of our  
5 most important air toxics regulations to clean up diesel  
6 PM from both on- and off-road mobile sources.

7 Robert later transitioned into the role of  
8 controlling our air toxics where he first oversaw the  
9 development and implementation of Airborne Toxics Control  
10 Measures for dry cleaning, naturally occurring asbestos,  
11 ocean-going vessel on-board incineration, composite wood  
12 products, and chrome plating. These regulations led to  
13 significant reductions to public exposure to air toxics.

14 Robert's contributions to the Air Toxics Program  
15 have been exceptional and his work has contributed to  
16 improving the health and well-being of all Californians.  
17 Over the last several years, Robert has built strong  
18 relationships with community members to help build trust  
19 in these communities. His ability to critically evaluate  
20 technical data, work closely with our air district  
21 partners, and apply his research skills to influence  
22 policy decisions that have made him a valuable asset to  
23 CARB.

24 Rob -- Robert has been a mentor to his staff and  
25 is always willing to share his expertise and perspective

1 with his co-workers. His help and guidance have been a  
2 value and appreciated by those who have been fortunate to  
3 call him a teammate, manager, a Branch Chief. CARB will  
4 truly miss him and his expertise.

5 Robert, on behalf of the CARB team, we wish you a  
6 retirement full of health and happiness.

7 (Applause).

8 CHAIR RANDOLPH: All right. Thank you. Okay. I  
9 am going to call on the Board Clerk to call the  
10 commenters. Right now we have four commenters. So I  
11 think we could cover that before lunch, if folks are okay  
12 with that?

13 Yeah. Okay. All right. Let's go.

14 BOARD CLERK HARRINGTON: Thank you. Our -- we  
15 have one commenter in person Regina Hsu.

16 REGINA HSU: Chair Randolph and members of the  
17 Board. First, I want to thank you for adopting amendments  
18 to the Airborne Toxic Control Measure, and taking that  
19 important step. And I want to thank staff for all their  
20 hard work on that rule.

21 Again, my name is Regina Hsu. I'm an attorney  
22 with Earthjustice. And today I'd like to address the  
23 Board about the issue of ship pollution, an increasingly  
24 urgent problem in California. Years ago, CARB made a  
25 commitment in Riverside to address freight pollution and

1 the disproportionate health burdens placed on communities  
2 by the freight industry. And in recent years, CARB has  
3 adopted many groundbreaking rules and we now have  
4 zero-emission standards for light-duty vehicles,  
5 heavy-duty trucks and locomotives. And Earthjustice has  
6 worked with CARB staff on many of these regulations and  
7 we're very proud that California has these rules on the  
8 books.

9           There is still a very large polluting category to  
10 tackle, if we are to meet State and federal clean air  
11 standards and address the disproportionate pollution  
12 burdens on freight-impacted communities, and that is  
13 ocean-going vessels. Our portside communities suffer from  
14 higher rates of asthma, heart and lung disease, and have  
15 shorter life expectancy, because every day they breathe in  
16 pollution from dirty equipment operating at the ports.

17           In the South Coast, ships are the largest source  
18 of nitrogen oxide and particulate matter pollution from  
19 our ports and they contribute tripe the amount of NOx  
20 pollution compared to port trucks and almost seven times  
21 more diesel pollution.

22           During the pandemic, we saw how devastating ship  
23 pollution can be to our communities. The increased ship  
24 emissions from port congestion in 2021 alone led to 59  
25 additional deaths related to heart and lung disease on top

1 of the 507 deaths associated with business as usual port  
2 operations. But nothing about this port pollution crisis  
3 should be usual. With the adoption of At Berth Rule in  
4 2020, CARB took a critical step to addressing these  
5 issues. But implementation of that life-saving rule is  
6 now being delayed due to industry pressure. All of this  
7 means that CARB needs to take action now to reduce  
8 emissions. We ask that CARB develop a rulemaking to bring  
9 the ships to zero emissions. Thank you.

10 CHAIR RANDOLPH: Thank you.

11 BOARD CLERK HARRINGTON: Thank you. That  
12 concludes our in-person commenters. I'll now pass it to  
13 Lindsay.

14 BOARD CLERK GARCIA: Okay. We have three Zoom  
15 commenters. That's Teresa Bui, Jane Williams, and Marcus  
16 Polsinelli.

17 Teresa, I have activated your microphone. Please  
18 unmute and begin.

19 TERESA BUI: Thank you so much. Hi. This is  
20 Teresa with Pacific Environmental again. We have a  
21 consultative status with the International Maritime  
22 Organization. And just a thank you to you all for  
23 adopting the chromium plating regulation.

24 So I'm calling in because we were supposed to  
25 have a hearing on CARB's At Berth and Advanced Clean



1 Shipping Rule tackling the in-transit emission from ships.  
2 You know, thanks to CARB's leadership California now leads  
3 the nation on protection from trucks and rail pollution  
4 with zero-emission standards, and that we need you to work  
5 on ships next. Shipping pollution draws truck and  
6 locomotive pollution. Most ships run on heavy fuel. It's  
7 the cheapest, dirtiest fossil fuel available, and it  
8 releases asthma- and cancer-causing pollutants into our  
9 port communities.

10           And so just last week, we, along with frontline  
11 community groups and environmental groups, organized two  
12 rallies in Los Angeles and San Francisco to call on  
13 Governor Newsom, the California Air Resources Board, and  
14 the U.S. EPA to step up to end shipping pollution. We had  
15 over 30 and 40 people at the rally for both. And we had  
16 representatives from the community. U.S. EPA Region 9  
17 Administrator Martha Guzman also received a petition from  
18 us calling to immediately implement CARB's At Berth Rule.  
19 And then representatives from LA Mayor, Karen Bass, and  
20 Nanette Barragán -- Congresswoman Barragán attended as  
21 well.

22           So our ask to you, you know, as Regina from  
23 Earthjustice just said, there is a huge health problem  
24 associated with shipping. Globally, shipping emissions  
25 cause 265 premature deaths annually. And at the same

1 time, cargo emit -- cargo owners are making record profit  
2 at our expense. So our ask of you to today is that we  
3 need CARB to adopt zero-emission in-transit shipping  
4 standards for all vessels, calling on ports in California,  
5 requiring ships to get to a hundred percent greenhouse gas  
6 emission reduction by 2040 to help reduce pollution at the  
7 ports.

8 Thank you so much.

9 BOARD CLERK GARCIA: Thank you.

10 Jane Williams, I have activated your microphone.  
11 Please unmute and begin.

12 JANE WILLIAMS: Thank you so much. So I'm Jane  
13 Williams. I'm the Executive Director of California  
14 Communities Against Toxics. And I started my career in  
15 1992. And my organization has primarily worked on air  
16 toxics emissions, water pollution, and contaminated sites  
17 for the last over three decades.

18 And so it's interesting to me when Hector De La  
19 Torre talks about how virtually dioxin emissions are  
20 banned. I wish it was completely true. Incineration is  
21 primarily banned in California, but we're seeing  
22 increasing proposals. Now H Cycle is proposing to build  
23 five new incinerators across the state. So I would be  
24 remiss if I didn't bring that to your attention.

25 But really what I want to do is say that working

1 with Mr. Krieger, I will be very sorry to see him go.  
2 Being the single person in the state that's worked with  
3 him over the last three decades, his knowledge, his  
4 dedication, his commitment, and quite frankly, his  
5 willingness to be open to understanding and increasing  
6 awareness of the impacts that air toxics emissions,  
7 concentrated in the environmental justice community has,  
8 has been an inspiration to me.

9           And so it's with a bit of sadness and a sense of  
10 loss that I see him go. And I certainly hope that  
11 everyone who cares about air pollution in California can  
12 continue to call upon him and his enormous body of  
13 knowledge and history on these issues. I almost feel  
14 like, in a way, we're losing a state treasure. So thank  
15 you so much, Board members, for your amazing actions today  
16 on hexavalent chromium and I look forward to continue our  
17 work together.

18           BOARD CLERK GARCIA: Thank you.

19           Marcus, I have activated your microphone. Please  
20 unmute and begin.

21           MARCUS POLSINELLI: Hi. My name is Marcus. I am  
22 14 years old. I live in New York. I would like to talk  
23 about the small engine ban. There are many things that  
24 worry me about the small engine ban. For one thing is  
25 taxpayer dollars are being used to buy batteries for

1 certain companies. I didn't really like that. I own a  
2 small lawn mowing company. I can tell you that batteries  
3 would not be reliable in this field, because -- well, my  
4 neighbor has a battery powered push mower actually and it  
5 dies very often.

6           Also, one of the most battery -- you know,  
7 biggest batteries that are out there are lithium ion. And  
8 I was -- I always wondered where is lithium mined? And it  
9 is -- one place is Congo DR. And they have children  
10 mining that. And according to the Institute for Energy  
11 Research, the lithium extraction process use a lot of  
12 water, approximately 500,000 gallons per metric ton of  
13 lithium. We are -- we're dependent on more countries to  
14 supply this lithium. And what happens when that  
15 lithium -- because batteries eventually will stop working.  
16 You know, it happens. What would happen to the battery  
17 when it stops working? Well, you throw it out and it goes  
18 into a landfill. It doesn't decompose. It's very bad for  
19 the environment. And also the power outages that happen  
20 in California are going to make batteries really  
21 unreliable. I know for a company that mows about five or  
22 six lawns a day, you can't rely on batter powered  
23 equipment to, you know, mow lawns. It's just -- it's not  
24 going to work.

25           Thank you.

1 BOARD CLERK GARCIA: Thank you.

2 And then I also wanted to just call on Florence  
3 Gharibian. I believe you had your hand up several times.  
4 It looks like it's been lowered, but if you would like to  
5 make a comment please raise your hand.

6 Okay. I see your hand up. I have activated your  
7 microphone. Please unmute and begin.

8 FLORENCE GHARIBIAN: Thank you. Florence  
9 Gharibian with the Del Amo Action Committee and the LA EJ  
10 Network. I had comments. I'm not sure what the  
11 technology problem was on the rule.

12 But my first comment is how proud I am of all the  
13 board members and their very intelligent comments on this  
14 rule greatly encouraged me. And then I do want to mention  
15 that in the research that I've been doing, we mustn't  
16 forget that hex chrome can also contaminate the  
17 groundwater. It's highly soluble in the groundwater. And  
18 also the disposal of spent plating waste to make sure we  
19 know what is happening with that. And I plan to raise  
20 this issue with DTSC as well as a concern brought in part  
21 by a facility that I'm working on that has taken plating  
22 waste and has hex chrome contamination.

23 I would also like to mention that the Water Board  
24 has measured hex chrome in drinking water wells and found  
25 approximately 3,500 wells that are drinking water possible

1 wells contaminated with hexavalent chromium. I would love  
2 to be part of the technical review process and encourage  
3 the Board to do that work. And I'm so appreciative of the  
4 staff that have worked so hard on the rule.

5 Thank you very much.

6 BOARD CLERK GARCIA: Thank you.

7 And that concludes the Zoom commenters for this  
8 item.

9 CHAIR RANDOLPH: All right. Thank you.

10 And with that, I believe we are -- we have  
11 completed our agenda and our Board meeting is now  
12 adjourned.

13 Thank you.

14 (Thereupon the Air Resources Board meeting  
15 adjourned at 12:50 p.m.)

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