

# **Assembly Bill 617 Community Air Protection Program – Fourth Annual Selection of Communities**

## **Resolution 22-3**

**February 10, 2022**

Agenda Item No.: 22-2-1

Whereas, California’s air quality programs have led to significant public health improvements; however, certain communities continue to experience environmental and health inequities from air pollution;

Whereas, many of these communities are affected by multiple stationary, area, and mobile sources of air pollution and suffer disproportionate health impacts;

Whereas, the high cumulative exposure burdens in these communities are a public health concern, contributing to health conditions, such as cardiorespiratory disease, increased cancer risk, and an increased risk of premature death;

Whereas, expedited emission reductions of toxic air contaminants and criteria air pollutants in communities with high cumulative exposure burdens are critical to reduce these disproportionate health impacts;

Whereas, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

Whereas, the Legislature enacted the California Clean Air Act of 1988 (Stats. 1988, ch. 1568) declaring that it is necessary that the State ambient air quality standards be attained by the earliest practicable date to protect public health, particularly the health of children, older people, and those with respiratory diseases;

Whereas, section 39650, et seq., of the Health and Safety Code establishes the policy of the State to control emissions of toxic air contaminants, based on the best available scientific information, and directs the Board to establish airborne toxic control measures (ATCM);

Whereas, Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes 2017) added sections 39607.1, 40920.8, 42411, 42705.5, 44391.2 and amended sections 40920.6, 42400, 42402 in the Health and Safety Code, requiring a new community-focused program to address criteria air pollutants and toxic air contaminants;

Whereas, AB 617 is a significant step in transforming California’s air quality programs to address air pollution disparities at the neighborhood level and includes the following requirements;

Whereas, AB 617 requires CARB to annually consider the selection of communities with high cumulative exposure burdens of criteria air pollutants and toxic air contaminants for the deployment of community air monitoring and/or the development of community emissions reduction programs;

Whereas, AB 617 requires an air district containing a community selected for deployment of a community air monitoring system to begin deployment of monitoring in the community within one year of the community being selected by CARB;

Whereas, AB 617 requires an air district containing a community selected for development of a community emissions reduction program to adopt, in consultation with CARB, individuals, community-based organizations, affected sources, and local governmental bodies, a community emission reduction program for the community within one year of selection by CARB;

Whereas, in 2018 and as updated in 2021, utilizing available data, staff conducted a statewide assessment of the cumulative exposure burden in communities throughout the State, to help identify communities for selection;

Whereas, on September 27, 2018, CARB approved the Community Air Protection Blueprint: For Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring (Blueprint), which set overall Program requirements to reduce toxic air contaminant and criteria air pollutant emissions in communities with high cumulative exposure, and select communities with high cumulative exposure burdens for the deployment of community air monitoring systems and/or the development of community emissions reduction programs;

Whereas, AB 617 requires that CARB shall update the Blueprint at least once every five years;

Whereas, beginning in 2020, the Community Air Protection Program Consultation Group, chaired by Board Member John Balmes, began discussing updates to the Blueprint, which led to the development of the People's Blueprint in 2021 by a writers group from the Consultation Group, and now, CARB staff are developing a public process to finalize an update to the Blueprint in 2023;

Whereas, as a result of CARB annually selecting communities since 2018, currently there are 15 communities implementing or developing community air monitoring and/or community emissions reduction programs throughout California;

Whereas, the Board directed staff in the September 2018 board meeting in which it selected the first-year communities to consider the following in developing recommendations for communities in subsequent years:

Prioritize moving those communities that were previously selected only for air monitoring into development of an emissions reduction program, if the recommendation is supported by data and by the community steering committee/district; and

Draw from those communities that were priority recommendations from air districts and community-based organizations in prior years but were not selected;

Whereas, the work of the air districts and community steering committees in the first years' selected communities are setting the foundation for successful long-term Program implementation to achieve AB 617's goals to deliver measurable reductions in emissions and exposure;

Whereas, significant resources are needed to support CARB and air district staff work and to ensure community steering committees have the needed resources to effectively participate during the ongoing work to implement the Program;

Whereas, for those air districts that had communities selected in previous years for the development of community air monitoring only, it is important for those communities to transition to develop a community emissions reduction program, as early as practical, to support development of a plan to reduce emissions in the communities based on data gathered through monitoring prior to selection of additional communities in that air district;

Whereas, some local air districts are currently forced to withdraw community recommendations for AB 617 program consideration due to a lack of resources or have made nomination consideration contingent on funding increases and that these circumstances clearly demonstrate the dire need for additional resources and funding necessary for effective AB 617 implementation;

Whereas, the State budget maintains the same level of funding in Fiscal Year 2021/2022 for program and air district implementation funds, and thus, adding new communities poses risks that resource constraints could impact the Program's foundation and implementation work in all communities, existing and new;

Whereas, the community steering committees should be provided all available resources and all feasible tools necessary to develop and implement successful community air monitoring systems and emissions reduction programs;

Whereas, to realize the emission and exposure reduction goals of AB 617, CARB must expand program benefits beyond the current selection process, so that all communities in the State with high cumulative exposure burdens from toxic air contaminants and criteria air pollutants experience improved air quality and health;

Whereas, CARB staff posted a pre-recorded webinar on its website in August 2021 and held a virtual community meeting in December 2021 to receive public input on the process for selecting new communities, introduced the concept of Program expansion, and discussed staff's proposed community recommendations;

Whereas, CARB staff released for public comment on January 19, 2022, the "[Fourth Annual Community Air Protection Program Recommendations Staff Report](#)," (Staff Report) containing recommended communities for Board consideration, with draft preliminary boundaries that will be finalized during each selected community's steering committee process;

Whereas, in consideration of the issues described above, CARB staff are recommending the communities described in the Staff Report and listed in Attachment A to the Board for selection for deployment of community air monitoring and/or the development of community emissions reduction programs;

Whereas, the Staff Report included a preliminary inventory for the recommended communities; and

Whereas, in consideration of the Staff Report, written and oral testimony presented by community members, the air districts, industry, and other interested parties, the Board finds that:

Many communities throughout the State experience disproportionate cumulative environmental and health impacts from air pollution compared to other communities in the State;

Community emissions reduction programs and community air monitoring systems are necessary tools to reduce pollution exposures and help address these exposure inequities;

Continued resources are needed in the 15 communities previously selected to effectively implement the ongoing work that has begun and deliver measurable reductions in emissions and exposure as intended by AB 617;

The current State budget for program implementation funds have remained flat, which means there must be a careful balancing of resources when adding communities to the program to avoid implementation impacts on new and existing communities; the consideration of these communities is for immediate deployment of community air monitoring and/or development of community emissions reduction programs; and

The Staff Report recommends additional communities with high exposure burdens for toxic air contaminants and criteria air pollutants to deploy community air monitoring systems and/or community emissions reduction programs, based on nominations received by CARB and the Board's prior direction to staff for future recommendations, and is consistent with the requirements of AB 617;

Whereas, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60008); and Whereas, staff has determined that the proposed Staff Report is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption) because the record evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment, as described in Appendix B of the Staff Report.

Now, therefore, be it resolved that the Board selects the communities listed in Attachment A for the deployment of air monitoring systems and/or development of community emissions reduction programs, as noted in Attachment A, Table 1.

Be it further resolved that the Board finds that the proposed community recommendations are exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) because substantial evidence in the record shows with certainty that there is no possibility that the proposal may result in a significant adverse impact on the environment.

Be it further resolved that the Board directs CARB staff to prepare for a transition year in 2022 to expand the number of communities receiving benefits from the Program by applying lessons learned and developing additional actions as part of its statewide strategy, beyond the current community selection process.

Be it further resolved that an air district containing a community selected for development of community emissions reduction program must adopt an emissions reduction program that follows the requirements set forth in the Blueprint, for the community, within one year after the Board's selection of the community.

Be it further resolved that the air districts must proceed quickly to convene community steering committees and work with the community to determine final community boundaries.

Be it further resolved that, within three months of CARB selection of the community, the air districts must, in collaboration with the community steering committee, work to establish a charter to clearly set out the committee structure and process.

Be it further resolved that the Board directs CARB staff to, within three months after selection of the community, and as needed throughout the development process of the community air monitoring systems and emissions reduction programs, present to the community steering committee the goals and requirements set forth in the Blueprint.

Be it further resolved that the Board directs CARB staff to work with communities and air districts to finalize baseline and forecasted community emissions inventories as soon as possible and present the updated inventories to the community steering committees for use in developing and/or implementing all community air monitoring systems and/or emissions reduction programs.

Be it further resolved that the Board directs CARB staff to continue outreach activities and consult with community members, environmental justice organizations, air districts, affected industry, and other stakeholders to implement the Program and provide periodic updates to the Board.

I hereby certify that the above is a true and correct copy of Resolution 22-3 as adopted by the California Air Resources Board.



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Katie Estabrook, Board Clerk

Resolution 22-3

**February 10, 2022**

Identification of Attachments to the Board Resolution

**Attachment A:** List of Staff Community Recommendations

## Attachment A

### List of Staff Community Recommendations

Table 1 identifies staff community recommendations for deployment of air monitoring and/or development of community emissions reduction programs.

**Table 1. Fourth Annual Community Recommendations**

Community (Air District)	Action	Key Emission Sources	Rationale
East Oakland (Bay Area)	Develop a Community Emissions Reduction Program	power plants, foundries, and waste processing facilities, airport, large distribution centers, freeways and roadways, trucks, transit buses, industrial equipment, freight, and passenger rail.	<ul style="list-style-type: none"> <li>• Consistent with CARB Board direction to prioritize communities recommended by community-based organizations in previous years but not selected yet.</li> <li>• East Oakland is a priority community for the Bay Area AQMD, supported by the community in every year of the program.</li> </ul>
International Border Community- San Ysidro, Otay Mesa (San Diego)	Develop a Community Air Monitoring Plan and Emissions Reduction Program	two international Port of Entries – at San Ysidro and Otay Mesa; truck traffic, freeways,	<ul style="list-style-type: none"> <li>• Consistent with CARB Board direction to prioritize communities recommended by community-based organizations in previous years but not selected yet.</li> <li>• Nominated this year and in 2019 by San Diego APCD.</li> </ul>

The *Fourth Annual Community Air Protection Program Recommendations Staff Report* is available at: <https://ww2.arb.ca.gov/capp-selection>