

Assembly Bill 617 Community Air Protection Program Statewide Strategy Update (Blueprint 2.0)

Resolution 23-22

October 26, 2023

Agenda Item No.: 23-9-4

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, in Health and Safety Code section 39602, has designated CARB as the air pollution control agency for all purposes set forth in federal law;

Whereas, California's air quality programs have led to significant public health improvements; however, in part as a result of historic racist land use and housing practices, certain communities that are more likely to be people of color and low-income, 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 as well as more likely to live near major roadways 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 emissions and exposure reductions of toxic air contaminants and criteria air pollutants in communities with high cumulative exposure burdens are critical to reducing these disproportionate health impacts;

Whereas, state law declares 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 (California Clean Air Act of 1988 (Stats. 1988, Ch. 1568));

Whereas, under the federal Clean Air Act (CAA), the U.S. Environmental Protection Agency (U.S. EPA) has established National Ambient Air Quality Standards (NAAQS) for criteria pollutants considered harmful to public health, including fine particulate matter 2.5 microns or less (PM_{2.5}) and ozone, and states that exceed the NAAQS are required by federal law to develop State Implementation Plans (SIP) describing how they will attain the standards by certain deadlines;

Whereas, state law 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) section 39650, et seq., of the Health and Safety Code;

Whereas, state law establishes legislative intent that CARB shall coordinate, encourage, and review the efforts of all levels of government as they affect air quality (Health and Safety Code § 39500);

Whereas, state and federal law requires CARB in its programs and activities to not discriminate or cause disparate impacts based on protected characteristics, which include race, color, national origin, sex, and age, among others (e.g., Title VI, U.S. Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d-7; Gov. Code §§ 11135 et seq.);

Whereas, state law known as Assembly Bill (AB) 617 (C. Garcia, Stats. 2017, Ch. 136) and as amended, requires CARB and the air districts to act at the community level to address criteria air pollutants and toxic air contaminants in communities affected by cumulative emissions exposure burdens (Health and Safety Code §§ 39607.1, 40920.6, 40920.8, 42400, 42402, 42411, 42705.5, 44391.2, and 44391.5);

Whereas, consistent with AB 617, the Board in September 2018, adopted the Statewide Strategy to reduce criteria air pollutants and toxic air contaminants in communities affected by high cumulative exposure burdens which also contained the statewide monitoring plan, calling this guidance document the Community Air Protection Program Blueprint (Blueprint);

Whereas, consistent with AB 617 and the Blueprint guidance, from 2017 through today, CARB staff, Air Districts, and the Board have implemented the Community Air Protection Program alongside the work of other CARB programs and stakeholders across California, learning strengths and areas for improvements in the Blueprint guidance document;

Whereas, as part of Program implementation, CARB convened the AB 617 Consultation Group as a CARB advisory body made of up of stakeholders identified in AB 617 to consult with CARB in its development of the Statewide Strategy;

Whereas, at the start of implementation, CARB prepared a statewide assessment to identify the cumulative exposure burden in communities throughout the State;

Whereas, over the past five years, CARB annually considered and selected communities to develop and implement community air monitoring plans (CAMP) and/or community emissions reduction programs (CERP) as appropriate, based on Program resources;

Whereas, this has resulted in 19 selected communities representing about four million Californians, now in various stages of developing or implementing their CAMP and/or CERP, in partnership with air districts;

Whereas, implementation of the Community Air Protection Program and the Blueprint from 2020 through today has been impacted by COVID-19, and while all agencies and stakeholders have worked to ensure compliance, continued resources for these existing communities are needed until the CERP and CAMP actions are completed, including, as reasonable, beyond the initial five-year implementation period;

Whereas, this fast-paced program successfully used the generally flat and limited resources to gain knowledge and data needed for completing CERP and CAMP implementation; building

trust between communities, air districts, and CARB; increasing cross-community collaborations; and identifying resources for implementing strategies in more impacted communities across the state;

Whereas, as required by AB 617, air districts developed and are implementing expedited schedules for the implementation of the best available retrofit control technology for certain industrial sources;

Whereas, as required by AB 617, CARB has established and will update and maintain a statewide clearinghouse that identifies the best available control technology (BACT) and best available retrofit control technology (BARCT) for criteria air pollutants, and related technologies for the control of toxic air contaminants (T-BACT) in the form of an interactive search tool called the [Technology Clearinghouse](#)¹ for use by air districts when updating BACT determinations;

Whereas, CARB launched an online mapping tool to identify consistently nominated communities and will develop additional online resources for transparency that include a dashboard that provides actions and strategies across all adopted CERPs, as well as information about Program funding, an inventory of promising practices related to governance and power-sharing, and a Facts and Questions (FAQ) document answering community questions on stationary source permitting;

Whereas, AB 617 provided increased civil penalties for violations of emissions control limits as specified, and provided authority to increase civil penalties annually based on the California Consumer Price Index;

Whereas, CARB adopted and is implementing a uniform statewide reporting system of annual emissions of criteria air pollutants and toxic air contaminants from stationary sources (Cal. Code Regs., tit. 17, § 93400 et seq.);

Whereas, Blueprint 2.0 identifies promising practices and recommendations for the air district and community steering committee in the development and implementation of CAMPs and recommendations for CARB and the air district to support air district monitoring in other emissions exposure burdened communities;

Whereas, CARB has detailed air monitoring guidance available for community groups, air districts, and the public on CARB's online [community air monitoring webpage](#)², including information to facilitate CAMP development, support advancements in air monitoring methods, and streamline data collection, display, and interpretation, and which is periodically updated;

Whereas, as required by AB 617, CARB, as of September 2023, has issued Community Air Grants to 59 unique community-based organizations and tribes to implement 95 technical assistance projects that support participation in the community air protection process with the majority benefitting grantees from communities affected by a high cumulative exposure burden throughout the State;

¹ CARB, *Technology Clearinghouse*, available at: <https://ww2.arb.ca.gov/our-work/programs/technology-clearinghouse> (last accessed October 2, 2023).

² CARB, *Community Air Monitoring*, available at: <https://ww2.arb.ca.gov/capp-resource-center/community-air-monitoring> (last accessed October 2, 2023).

Whereas consistent with AB 617, the Board is now considering the first five-year update to the Blueprint guidance, known as Blueprint 2.0;

Outreach and Engagement

Whereas, the engagement activities for Blueprint 2.0 began in early 2020, when the AB 617 Consultation Group began working on initial concepts for the Blueprint revisions and from this effort, a small group of environmental justice leaders across the state, with the support of technical assistance from CARB, formed a writer's group to draft the People's Blueprint with a vision for program updates from views of environmental justice representatives;

Whereas, the AB 617 Consultation Group discussed the People's Blueprint from September 2021 to September 2022 in public meetings, sharing advice about challenges and successes in implementation and suggestions for program changes in areas of focus and activities;

Whereas, in Spring 2022, CARB staff released an outline and concept paper for Blueprint 2.0 informed by advice from the AB 617 Consultation Group, third-party evaluations of the program, public comment, and staff and air district implementation experience;

Whereas, from Spring 2022 through Fall 2023, CARB staff conducted robust engagement and outreach efforts on the Blueprint 2.0 outline and concept paper, which included a public workshop in December 2022, discussions with air districts, AB 617 Consultation Group public meetings, and focused discussions with close to 100 representatives from most of the Program's Community Steering Committees (CSC), business associations, environmental justice organizations, local government, and academia, including leaders of the newly selected CSC communities, and with community leaders whose communities have been consistently nominated to be selected to develop a CERP or a CAMP;

Whereas, comments and feedback from these engagement and outreach efforts help inform the development of the [Draft Blueprint 2.0](#),³ released on June 2, 2023, and made available for public comment through July 31, 2023;

Whereas between June and July of 2023, CARB staff held three virtual public workshops, and two public meetings with the AB 617 Consultation Group to discuss the draft Blueprint 2.0 update, consistent with the public engagement requirements of AB 617;

Whereas, CARB staff, after consideration of all written and oral comments received during CARB's engagement, released a Final Draft Blueprint 2.0 on September 29, 2023;

Whereas, in addition to comments received, when developing program updates for Blueprint 2.0, CARB staff considered CARB's Vision for Environmental Justice and Racial Equity,⁴ released in October 2022, to bring benefits to more communities affected by cumulative emissions and exposure burdens as doing so is critical to advance CARB's vision for environmental justice and racial equity and ultimately achieve its mission where all Californians breathe healthy air;

Whereas, through implementation and engagement in communities across the state, CARB learned lessons to support advancing the overall goal of AB 617 to develop and pursue

³ CARB, *Draft Blueprint 2.0*, <https://ww2.arb.ca.gov/draftbp2pt0> (last accessed October 2, 2023).

⁴ CARB, *California Air Resources Board (CARB) Vision for Environmental Justice and Racial Equity*, October 24, 2022, available at: <https://ww2.arb.ca.gov/sites/default/files/2023-04/CARB%20Vision%20Racial%20Equity%20Final%20ENG.pdf>.

strategies to reduce criteria pollutants and toxic air contaminants in cumulative emissions and exposure burdened communities, including the use of an equity lens, supporting power sharing, and facilitating transparency and accountability;

Whereas, through implementation and engagement in communities across the state, CARB identified goals for action areas of focus, including to;

1. Engage and partner in evolving the Community Air Protection Program.
2. Center non-discrimination laws and protections.
3. Apply regulatory authorities to reduce exposures and emissions.
4. Partner with air districts to enhance stationary and mobile source strategies.
5. Track program commitments and ensure completion of community emissions reduction programs.
6. Focus on consistently nominated communities.
7. Use community air grants to build community capacity and local community emissions reduction programs.
8. Make program and air quality information and tools more accessible to communities.

Environmental Analysis

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) (Cal. Code Regs., tit. 14, § 15251(d)), and CARB conducts its CEQA review according to this certified program (Cal. Code Regs., tit. 17, §§ 60000- 60008);

Whereas, CARB has determined that pursuant to the California Code of Regulations, title 14, section 15162, a subsequent environmental assessment (EA) to the *Final Environmental Analysis Prepared For The Proposed Final Draft Community Air Protection Blueprint* (2018 EA) is not required for the current proposed Draft Final Blueprint 2.0, also known as the Statewide Strategy for the Program, because there are no changes that involve new significant environmental effects or a substantial increase in severity of significant effects previously identified in the 2018 EA.

Board Findings

Whereas, in consideration of the Blueprint, written and oral comments presented by community members, the air districts, industry, and other stakeholders, the Board finds that:

- Communities across California continue to be impacted by cumulative criteria pollutant and toxic air contaminant emissions sources and experience health impacts as a result.
- As no one person or agency was responsible for the air quality burdens that created and perpetuate environmental injustice, no one person or agency will achieve environmental justice without collective, sustained commitment to clean air for all.
- Focused government and stakeholder action at the community level is essential to address cumulative emissions and reduce health impacts.
- The 2018 Blueprint served as an effective foundation for progress in meaningful engagement with communities in support of improving air quality at the local

- scale and in partnership with air districts. The 2018 Blueprint provided guidance to develop, fund, and implement monitoring and emissions reduction strategies.
- Blueprint 2.0 is shaped by the lessons of the first five years of implementation, the People's Blueprint and stakeholder comments, and incorporates the proposed updates for the first Program Blueprint update.
 - Blueprint 2.0 was developed through a collaborative multi-year outreach and engagement process, including:
 - Engagement with the AB 617 Consultation Group which includes representatives of the Scientific Review Panel on Toxic Air Contaminants, the Office of Environmental Health Hazard Assessment, environmental justice organizations, affected industry, the air districts, and with other interested stakeholders;
 - Focused discussions with stakeholder groups and representatives, and
 - Three public remote online workshops that featured community leaders sharing issues focused on the north, central, and southern regions of California, consistent with the requirements of AB 617.
 - Blueprint 2.0 transitions areas of focus for CARB and the air districts in implementing strategies at the local level to further reduce criteria pollutant and toxic air contaminant cumulative exposure burdens in heavily burdened communities throughout the State, as required by AB 617.
 - Blueprint 2.0 describes CARB's commitment to nondiscrimination in the Community Air Protection Program and how the use of an equity lens in program activities will advance environmental justice goals to ultimately achieve CARB's mission of healthy air for all Californians.
 - Blueprint 2.0 includes a review of air monitoring technologies and air monitoring systems and outlines criteria and guidance for community air monitoring such that air districts and communities can identify and implement technologies that will support air quality data collection, reduce emissions and exposures in communities, and measure air quality improvements over time, consistent with AB 617.
 - Blueprint 2.0 outlines pathways to improve air quality on the local scale, including the use of community air grants to develop local community emissions reduction plans, community-focused enforcement, and increased flexibility in the use of incentives funds.
 - Blueprint 2.0 describes criteria for the development of CERPs by air districts, consistent with AB 617.
 - The online Resource Center makes publicly available the current reviews of air monitoring technologies and existing community monitoring systems, so that air districts and communities throughout the state can engage in actions based on data to meet their community's needs, and makes publicly available the statewide technology clearinghouse to help identify the cleanest pollution control technologies for stationary sources and air monitoring assessments, consistent with AB 617.
 - The requirements and principles provided by AB 617; state and federal non-discrimination laws, CEQA, and related governing laws; Blueprint 2.0 itself; and continued public and stakeholder collaboration, including engagement with the AB 617 Consultation Group, will guide the implementation of Blueprint 2.0.

- Ongoing assessment of Blueprint 2.0's implementation is necessary to identify and incorporate updates to improve the statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden.
- Implementation of AB 617 through Blueprint 2.0 and other related policies will complement and improve upon traditional air quality programs that have focused on improving regional air quality by targeting the State's most burdened communities for further criteria and air toxic emissions reductions at the community level with the goal of reducing air pollution exposures and improving public health.

Resolved:

Now, therefore, be it resolved that the Board certifies that the previous Final Environmental Analysis, as set forth in Appendix C of Blueprint 2.0, was completed in compliance with CARB's certified regulatory program to meet the requirements of CEQA, reflects the agency's independent judgment and analysis, and was presented to the Board whose members reviewed and considered the information therein before taking action to approve the final update and that a new Environmental Analysis is not required as because there are no changes that involve new significant environment effects or substantial increase in the severity of significant effects previously identified.

Be it further resolved that the Board hereby approves Blueprint 2.0, and the commitment to ensure it is implemented consistent with environmental justice priorities and all nondiscrimination requirements.

Be it further resolved that the Board directs CARB staff to continue to update and revise the online Resource Center as new documents, materials, and data become available and to be available to explain to stakeholders and communities how the resources can be used to support any community affected by high cumulative exposure burdens for toxic air contaminants and criteria air pollutants.

Be it further resolved that the Board directs CARB staff to engage with air districts, communities, environmental justice organizations, academia, California Native American Tribes, affected sources, and public agencies in its program activities as appropriate and as resources allow.

Be it further resolved that the Board directs CARB staff to center impacted community member's views and priorities in the early stages of program design and consider final decisions through appropriate, cost-effective, and feasible methods depending on the program activity, such as posing questions to the AB 617 Consultation Group, increasing transparency and public participation in program funding, direct engagement, and resource center tools, among others.

Be it further resolved that the Board encourages cities, counties, regional governments, and state agencies that fund, plan, program, approve, deny, or otherwise cause a plan or project with associated criteria pollutant or toxic air contaminant impacts to be developed in a cumulative exposure burdened community, to evaluate cumulative impacts of the plan or project and the resulting benefits or burdens that would be imposed, especially on residences and sensitive receptors and populations in the community.

Be it further resolved that the Board directs CARB staff to be available for other government jurisdictions with questions regarding resources to better understand air pollution and its impacts in their communities for their consideration in how ensuring government authorities are supporting reductions in criteria air pollutant and toxic air contaminant air pollution emissions and exposures at the local level.

Be it further resolved that the Board affirms the existing authority of CARB staff to interpret or clarify the requirements in Blueprint 2.0 and delegates to the Executive Officer, or their designee, the authority to adopt changes to Blueprint 2.0, in a manner compliant with CEQA, that they deem necessary to enable effective implementation of the Program, provided that such changes are consistent with statute and the goals established by the Board. Staff shall identify those changes when the Board considers the next comprehensive update to the Program.

Be it further resolved that the Board delegates to the Executive Officer, or their designee, the authority to review and approve, if consistent with Health and Safety Code section 44391.2, Blueprint 2.0, and any other relevant law, Community Emissions Reduction Programs approved by air districts and submitted to CARB pursuant to AB 617.

I hereby certify that the above is a true and correct copy of Resolution 23-22 as adopted by the California Air Resources Board.



Board Clerk