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February 24, 2023

Ms. Deldi Reyes
Director, Office of Community Air Protection
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Subject: Business Stakeholder Comments on CARB's Community Air Protection Program Blueprint 2.0 Draft Expanded Concepts Outline.

Dear Ms. Reyes:

On behalf of the greater California business community, the undersigned business groups offer the following comments on CARB's AB 617 Blueprint 2.0 Draft Expanded Concepts Outline. Prior to the release of this document, CARB indicated it would provide additional detail on the range of topics to be addressed in the revised draft of the Community Air Protection Program Blueprint 2.0 (hereafter Blueprint 2.0). However, this expanded outline does not appear to accomplish CARB's stated purpose. Rather, it reads as a foundation for a community-oriented question-and-answer document that is more responsive to the issues raised in the People's Blueprint. While we appreciate that addressing community concerns with the original Blueprint is one important purpose of Blueprint 2.0, it is not the only purpose. Blueprint 2.0 should address lessons learned from the first five years of program implementation, including how program stakeholders should utilize information that did not exist before the passage of AB 617, and a real world understanding of how to design and administer effective local plans that can achieve air quality objectives in a reasonable timeframe and within prevailing budgetary constraints.

Now that the extended review period for the People's Blueprint has been completed, the focus of this current phase of Blueprint 2.0 development should be expanded to solicit input from all affected stakeholders and address technical limitations in the 2018 Blueprint that limit the efficacy of local plans.

Section 1 – Vision for the Program – Equity and EJ in Practice

We agree there are communities with high cumulative exposure to air pollution at the community level that need to be addressed through AB 617 – that is the primary purpose of the statute. As we noted in our comments on the People's Blueprint, and as CARB seems to acknowledge in some of the questions in this section, some themes reach beyond the scope of the AB 617 program and beyond the air quality regulatory authority of CARB and the air quality management districts. AB 617 provides a framework to address the subset of issues stemming from localized high cumulative exposure burdens for toxic air contaminants and criteria air pollutants. Other issues that contribute to local environment justice and equity issues, including

regional air quality issues that transect AB 617 community boundaries and impacts related to other environmental and socioeconomic conditions, can only be addressed by other policy mechanisms. Blueprint 2.0 should be clear on the scope of AB 617 and what types of solutions it can effectuate. This clarity is critical to preserve trust in the program and among stakeholders by avoiding statements that set unachievable expectations.

We also appreciate the implicit recognition in these questions that AB 617 is already actively working to address equity and environmental justice in the context of air quality. This effort is a work in progress and there will likely always be room for improvement.

It is unclear why CARB is proposing to lead with this section, before addressing basic program information that is foundational to the Blueprint, such as program history and purpose, primary program elements, roles and responsibilities of program stakeholders, and tools that CARB and air districts are employing to improve air quality within the scope of their respective regulatory authorities. It is also unclear what future role CARB envisions for the People's Blueprint [question 1 (g)], which was not developed by CARB or through a public process, beyond informing revisions to Blueprint 2.0. We recognize and value the People's Blueprint as a means of communicating community priorities for the Blueprint 2.0 update, but it has no statutory role in program implementation.

Section 2 – AB 617 Background and Summary

As noted above, the outline should start with this section, and questions pertaining to statutory requirements embedded in later sections should be moved to the front end of the document. The questions in subsections (c) and (d) appropriately recognize that existing regulations, enforcement programs, grants and incentives, air quality assessment and outreach tools help reduce air pollution in AB 617 communities and will continue to deliver air quality benefits that should be taken into account in Community Emission Reduction Plans (CERP).

Section 3 – Reimagining the Program to Benefit More Communities

It is unclear how communities would write their own CERPs or other undefined action plans absent CARB and air district oversight. Even assuming a CERP could be developed solely by a Community Steering Committee or similar body, that entity likely would not have the capacity, nor the legal authority, to implement it.

Question 3 (g) envisions more leveraging of Community Air Protection Program (CAPP) incentives to address “community priorities,” but provides no context for understanding how this goal would be aligned with the statutory requirement to reduce high cumulative exposure burdens to toxic air contaminants and criteria air pollutants in designated communities. This question should be bounded by procedural considerations, such as CARB oversight to ensure that incentive funding is tied to measures defined in a CERP to maximize the impact and benefit of limited incentive dollars in achieving the air quality goals established in the CERP.

Section 4 – AB 617 Funding and Opportunities for Participatory Budgeting

The background information on legal authority for program funding and how each funding category can be spent is helpful context for stakeholders interested in participatory budgeting. This section should be sufficiently well developed that stakeholders have a clear understanding of the statutory and budgetary boundaries of participatory budgeting. CARB should also separate the questions in 4 (d) to open this section with a definition of participatory budgeting and close it with a discussion of opportunities to use it in AB 617 implementation.

Section 5 – Working with CARB and Your Air District

We support CARB's effort to better define roles, authorities and responsibilities of the various AB 617 stakeholders in this and other sections of the expanded outline (e.g., sections 13 and 15). Section 5 touches on the roles of community representatives and regulatory agencies in AB 617 implementation, but is silent on the roles of other stakeholders, including but not limited to business and industry representatives. While we appreciate that CARB's purpose for this section may be to facilitate improved understanding and interaction among community and agency representatives, there are no other questions in this section or elsewhere in the expanded outline that directly address the need for other stakeholders to participate in the implementation process, or appropriate roles for those stakeholders. We recommend that CARB either expand section 5 or develop a new section dedicated to this purpose.

Section 6 – Building Capacity

We support building capacity for communities and stakeholders involved in the CERP process. Over the first few years of AB 617 implementation, we have observed how the statutory timelines place unrealistic expectations on community steering committees relative to the need for rapid engagement on procedural, technical and intrapersonal issues that are integral to the design and adoption of effective air quality monitoring and emission reduction plans. AB 1749 (C. Garcia, 2022) may help relieve some of this pressure, but the newly authorized one-year extensions are not guaranteed, and a two-year timeline would still be very challenging in communities with complex demographics and air quality conditions. Building stakeholder capacity, such as through providing air quality training and background information about the AB617 program and the broader regulatory framework, will help to facilitate improved communication and understanding among stakeholders with diverse expertise and experiences. We recommend that such capacity building should be a pre-requisite for any community being nominated for AB617 community selection, so that once selected, the community is better prepared to meet the required timelines for plan implementation.

Question 6 (e) is an opportunity to start defining a constructive role for business and industry participants in the Community Steering Committee (CSC) process. These individuals can provide supplemental information and resources to assist community representatives in building skills and a knowledge base that would contribute to development of an effective Community Air

Monitoring Plan (CAMP) or a CERP. Encouraging that role could also help build trust among stakeholder groups leading to a more collaborative and efficient CSC process.

Section 7 – Engaging with Partners in the Community Air Protection Program

Similarly, question 7 (c) is an opportunity for CARB to define meaningful roles for business and industry in the CSC process. We encourage CARB to identify these representatives as potential partners and to work with the regulated community on language that clarifies the importance of considering their interests and concerns in the CSC process.

We support further delineation of the extent to which AB 617 supports “community-led action” in question (f). That discussion should extend beyond questions of authority and funding to address other topics of interest to all AB 617 stakeholders, such as enforcement.

Section 8 – Understanding the Community Nomination and Selection Process

The answer to question 8 (h) should speak to the need for an iterative process that uses data from CAMPs to inform adjustments to CERPs. That approach is especially important for any communities where CAMPs and CERPs were developed simultaneously. It is reasonable to expect that in some cases, the more recent availability of localized air quality data, or more refined source attribution analyses, or both, will indicate a need for refinement, addition or deletion of some existing CERP measures. For newly designated communities, CERPs should be based on data from CAMPs to minimize the risk of misdirecting resources toward measures that may have little impact on air quality challenges in the community.

Section 9 – Forming a Community Steering Committee

We agree that stakeholders need a clear definition of the CSC role in AB 617 implementation [question 9 (b)] relative to the roles prescribed in the statute for CARB and the air districts.

In addition, question (d) presents another opportunity for CARB to affirm the need for meaningful business and industry participation in the CSC process, and we encourage staff to specifically address this issue in discussing who should be represented in the membership of a CSC.

Section 10 – CSC Governance

It is unclear what would constitute "priority actions to respond to and resolve (community) concerns" in question 10 (c), consistent with the advisory role the statute establishes for community representatives. While we agree that community representatives should play a prominent role in identifying the concerns that drive the AB 617 implementation process in their community, those concerns should be relevant to the scope of the program authorized by AB 617 and should be validated by empirical data, such as air quality monitoring data or source attribution analysis (see comments on Section 11 below). To the extent community

representatives identify concerns that are outside of this scope, CARB should refer them to the appropriate program or regulatory authority for further evaluation. With regard to concerns that are within the scope of AB 617, if available data from existing air quality monitoring systems or other sources is not sufficient to determine whether a particular concern warrants attention in a CERP, then the CAMP should be designed to fill the data gap. These conditions should be reflected in the CSC charter.

Question 10 (c)(iv) seeks to identify key milestones for CSC approval or disapproval, but nothing in this section addresses the ramifications of CSC approval or disapproval.

As we indicated in our comment letter on the People's Blueprint, the issues raised in 10 (c)(viii), (ix), and (xiii) will lead to varying interpretations, some of which may conflict with statutory requirements or create impediments to the operation of a CSC. Removal for cause, conflict resolution, and conflict of interest policies need to be defined in ways that help improve the operation of CSCs. They should also be evenly applied to all CSC members and should not create new barriers to business and industry participation in the CSC process.

Section 11 – Understanding Your Community's Air Quality

Several of the questions in this section [(b), (c) and (d)] would be best addressed through more robust source attribution (SA) analysis, which is a required element of the AB 617 Blueprint,¹ and because it is essential to delivering meaningful and lasting emission reduction benefits in the affected community. CARB should describe how source attribution methods can be used to characterize the relative impact of emissions from various sources in a given community, and the actions CARB will take to update the limited SA guidance that exists in the AB 617 Resource Center, which dates back to the development of the original Blueprint. CARB should also discuss how it will standardize the use of SA tools by air districts responsible for developing new CERPs.

CARB does not define what kind of "crowdsourced community information" [referenced in question 11 (i)] it envisions and what role such information should play in informing CAMP and CERP development relative to quantitative measures of local air quality that will be addressed in section 13.

Section 14 – Developing Strategies to Reduce Emissions and Exposure to Emissions

Question 14 (b) seems to imply that certain types of strategies may be universally applicable to CERPs. While there may be value in understanding what strategies have worked well in each community, Blueprint 2.0 should recognize that the elements of each CERP (and CAMP) must be tailored to the specific air quality challenges in each designated community in order to

¹ Health and Safety Code section 44391.2(b)(2) requires that the statewide strategy include: "A methodology for assessing and identifying the contributing sources or categories of sources, including, but not limited to, stationary and mobile sources, and an estimate of their relative contribution to elevated exposure to air pollution in impacted communities identified pursuant to paragraph (1)."

achieve the emissions and exposure reductions envisioned in the statute in the most efficient and cost-effective manner possible.

Question 14 (b)(ii) should also address who is responsible for administering incentives.

Public perceptions of air quality violations and inadequate enforcement are not always accurate. Thus the sub-bullets in question 14 (b)(iii) should be preceded by a discussion of how CARB and air districts identify violations and undertake enforcement and other actions to remedy actual instances of non-compliance. This is critical context for any consideration of community-focused enforcement.

The example criteria in question 14 (e)(i) that communities should consider when identifying and prioritizing strategies should include source attribution analysis and CAMP data.

The community boundary should include sources that contribute meaningfully to the localized air quality problem [question 14 (h)]. Other programs and regulations exist to address air quality impacts from regional pollutants.

Section 16 – Air District and CARB Board Action on a CERP

We agree that Blueprint 2.0 should include a process for resolving CSC disputes related to approval of both CAMPs and CERPs [question 16 (b)(i)]. Ultimately, the statute vests authority for CERP adoption with air districts and approval with CARB, but every effort should be made to achieve consensus on disputed issues at the CSC level before a CERP is brought to CARB for adoption.

Section 17 – Implementing a CERP

Question 17 (e) reflects concern about the need to maintain CERP alignment with community priorities throughout the implementation period. An equally important question that should be addressed in this section is how all stakeholders can be assured that a CERP will be optimized to achieve the emission and exposure reductions intended by the statute. That line of inquiry should lead to decisions about performance metrics, leveraging new data and making course corrections where necessary to achieve the Plan targets. This kind of iterative process has been lacking in the CERPs adopted to date, and its absence may contribute to negative perceptions about the impact of AB 617.

Question 17 (h) should be revised to ask how a CERP can be revised during implementation. The statute does not preclude post-adoption changes to CERPs and such changes may be necessary to address air district findings in the annual progress reports required pursuant to Health and Safety Code section 44391.2 (c)(7), to keep the Plan on track and to conserve limited AB 617 resources.

Section 18 – Transparency and Accountability: Tracking Results and Progress

The tracking mechanisms contemplated in this section should be coupled with mechanisms to adjust CERP strategies and measures during the implementation period to help achieve Plan targets as quickly and efficiently as possible. An iterative approach will maximize the impact of new data generated from CAMPs and reduce the risk of misallocating resources to measures that prove to be ineffective. Accordingly, we recommend that CARB use more proactive phrasing in question 18 (f), such as: "What actions can be taken during CERP implementation to ensure it is meeting its targets?"

Section 19 – Transitioning after Five Years of CERP Implementation

We support CARB's recommendation to clarify the time horizon for CERP implementation and completion. It is unclear in question 19 (e) whether CARB is referring to transition between implementation phases (e.g., from the first five years of CERP development and implementation to the second five-year period of monitoring progress and outcomes) or transitioning out of a CERP. We assume CARB is referring to the former but request further clarification on this point.

In addition, CARB should define a clear endpoint for program implementation in designated communities so that the agency does not continue to accumulate administrative burden and resources will be available to add new communities to the program.

Blueprint 2.0 Update Process

As we stated in our prior comments on the People's Blueprint (dated April 29, 2022), we encourage CARB to draft Blueprint 2.0 in a manner that recognizes the many challenges facing California's socio-economically and environmentally disadvantaged communities. California's housing, transportation and electricity costs are among the highest in the nation, and many middle-class jobs have been lost through steady erosion of California's industrial, manufacturing and commercial sectors. Air quality policies that promote more of the same will exacerbate the many inequities that already exist in disadvantaged communities. That result cannot be the desired outcome of AB 617.

We appreciate your consideration of our comments. If you have any questions, please contact Rob Spiegel, Senior Policy Director, for the California Manufacturers & Technology Association at rspiegel@cmta.net.

Sincerely,

**California Manufacturers & Technology
Association**
African American Farmers of California

American Pistachio Growers
Bay Planning Coalition

California Alliance of Small Business
Associations
California Asphalt Pavement Association
California Chamber of Commerce
California Construction and Industrial
Materials Association
California Cotton Ginners and Growers
Association
California Fresh Fruit Association
California League of Food Producers
California Metals Coalition
Central Valley Business Federation
Construction Industry Air Quality Coalition
Council of Business & Industry of West
Contra Costa County
Future Ports
Harbor Trucking Association
The Industrial Association of Contra Costa
County

Industrial Environmental Association
Inland Empire Economic Partnership
International Warehouse Logistics
Association
Kern Tax
Los Angeles Area Chamber of Commerce
Los Angeles County Business Federation
(BizFed)
Nisei Farmers League
Orange County Business Council
San Gabriel Valley Economic Partnership
Valley Industry and Commerce Association
Western Agricultural Processors Association
Western Independent Refiners Association
Western Plant Health
Western States Petroleum Association
Wilmington Chamber of Commerce

cc: Liane Randolph – CARB Chair
CARB Board Members
Steve Cliff – Executive Officer, CARB
Chanel Fletcher – Deputy Executive Officer, CARB