
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AB 1749
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Version: 5/19/2022
Urgency: No
Consultant: Jacob O'Connor

Hearing Date: 6/29/2022
Fiscal: Yes

SUBJECT: Community emissions reduction programs: toxic air contaminants and criteria air pollutants

DIGEST: Updates requirements of AB 617, (Cristina Garcia, Chapter 136, Statutes of 2017) to permit an additional year for completion of community emissions reduction programs (CERPs), requires the Air Resources Board (ARB) to identify specified emissions reduction measures, and enhance reporting by local air districts.

ANALYSIS:

Existing law:

- 1) Sets, through the Federal Clean Air Act (FCAA) and its implementing regulations, National Ambient Air Quality Standards (NAAQS) for six criteria pollutants, designates air basins that do not achieve NAAQS as nonattainment, allows only California to set emissions standards stricter than the federal government, and requires states with nonattainment areas to submit a State Implementation Plan (SIP) detailing how they will achieve compliance with NAAQS. (42 U.S.C. §7401 et seq.)
- 2) Establishes the California Air Resources Board (ARB) as the air pollution control agency in California and requires ARB, among other things, to control emissions from a wide array of mobile sources and coordinate, encourage, and review the efforts of all levels of government as they affect air quality. (Health and Safety Code (HSC) §39500 et seq.)
- 3) Requires, subject to the powers and duties of ARB, local air pollution control districts and air quality management districts (air districts) to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction, and to enforce all applicable provisions of state and federal law. (HSC §40001)

- 4) Requires air districts to develop attainment plans detailing how they will attain and maintain state air quality standards, and submit those plans to ARB. (HSC §40910 et seq.)
- 5) Under AB 617 (Christina Garcia, Chapter 136, Statutes of 2017), requires ARB to prepare a statewide strategy to reduce emissions of toxic air contaminants (TACs) and criteria pollutants in communities affected by a high cumulative exposure burden, and update the strategy every five years. (HSC §44391.2)
- 6) Specifies criteria to be included in the strategy for the development of community emission reduction programs (CERPs) including:
 - a) An assessment and identification of communities with high cumulative exposure burdens for TACs and criteria air pollutants, prioritizing disadvantaged communities (DACs) and sensitive receptor locations;
 - b) A methodology for assessing and identifying the contributing sources or categories of sources, including stationary and mobile sources, and an estimate of their relative contribution to elevated exposure to air pollution in impacted communities;
 - c) An assessment of whether a district should update and implement the risk reduction audit and emissions reduction plan for any facility to achieve emission reductions commensurate with its relative contribution, if the facility's emissions significantly contribute to a material impact on a sensitive receptor location or DAC; and
 - d) An assessment of the existing and available measures for reducing emissions from the contributing sources or categories of sources.
- 7) Requires ARB to select locations around the state for preparation of CERPs, concurrent with the statewide strategy, with additional locations selected annually thereafter, as appropriate.
- 8) Requires a district, within one year of ARB selection, to adopt a CERP to achieve emissions reductions using cost-effective measures identified by ARB. The CERP must include emissions reduction targets, specific reduction measures, an implementation schedule, and an enforcement plan. The CERP must be reviewed and approved by ARB, be supported by the concurrent development of mobile source elements by ARB, and result in emission reductions based on monitoring and other data.
- 9) Requires districts to prepare an annual report summarizing the results and actions taken to further reduce emissions pursuant to a CERP.

- 10) Requires ARB to provide grants to community-based organizations for technical assistance and to support participation in implementation of a CERP.

This bill:

- 1) Authorizes an air district, with the agreement of the community steering committee, to take up to one additional year to adopt a CERP.
- 2) Requires an air district's annual report to include updates to the CERP made to ensure consistency with updates to ARB's statewide strategy.
- 3) Requires ARB's statewide strategy, the Community Air Protection Blueprint, to identify measures to reduce criteria air pollutants and toxic air contaminants (TACs).
- 4) Requires each air district with a population over one million to make available in an easily identifiable location on the district's internet website all permits issued by the district for stationary sources of criteria air pollutants or TACs.

Background

- 1) *National Ambient Air Quality Standards (NAAQS) and attainment.* The Federal Clean Air Act (FCAA) of 1963 protects public health and environmental quality by limiting and reducing pollution from various sources. Under the FCAA, the US EPA establishes NAAQS that apply to outdoor air throughout the country. In 1969 and 1971, ARB set the first air quality standards for ozone, Particulate Matter (PM), oxides of nitrogen (NO_x), oxides of sulfur (SO_x), and carbon monoxide due to their negative impacts on public health above specified concentrations. The federal government followed suit and set NAAQS for six “criteria pollutants.” These included ground-level ozone, PM, NO_x, SO_x, carbon monoxide, and added lead. Now, the US EPA reviews each NAAQS at five-year intervals to ensure that the standards are based on the most recent scientific information, and periodically issue more health-protective standards. Regions that do not meet the national standards for any one of the standards are designated “nonattainment areas.”
- 2) *Community Air Protection Program.* ARB established the Community Air Protection Program (CAPP) in response to AB 617 in order to reduce exposure in communities most impacted by air pollution. Under CAPP, ARB has selected 13 communities for the development of additional air pollution monitoring programs or the development of CERPs. After selection by ARB

these air districts must form local steering committees, using an open and transparent nomination process, that is composed of community members who live, work, or own businesses within each community. These community steering committees then work with the air district and ARB to develop a CERP designed to focus on health-based air quality objectives for reducing emissions and exposure caused by local sources within and directly surrounding the selected communities. As a part of these CERPs, communities and air districts can benefit from the \$704 million appropriated by the Legislature since 2017 for Community Air Protection Incentives. These incentives are directed by local air districts to put advanced technologies to work for cleaner air in the California communities that are most heavily impacted by disproportionate levels of air pollution.

- 3) *Having pollutant level above a NAAQS can lead to severe health impacts.* The NAAQS are the result of an intensive science assessment process and risk exposure assessments to determine levels that will protect human and environmental health. When not adequately controlled, air pollution has dire consequences on the health and safety of both people and the environment. Poor air quality causes the lungs to constrict, resulting in wheezing, shortness of breath and chest tightness, especially during exercise or physical activity. Depending on exposure, air pollution alone can cause an increased risk of cardiovascular and respiratory illness, cancerous tumors, birth defects, developmental disorders, central nervous system damage, epilepsy, dementia, and premature death.
- 4) *Health impacts from air pollution are often concentrated in disadvantaged communities.* The health burden of air pollution depends on several key factors including exposure to the pollutant, susceptibility to its effects, access to healthcare, and psychological stress. Because of redlining and other discriminatory practices and policies people of color are disproportionately located in areas closer to sources of air pollution. There is also evidence that having a low income also increases risk from air pollution due to having fewer resources to relocate away from sources as well as less access to quality and affordable healthcare.

Comments

- 1) *Purpose of Bill.* According to the author, “A study released March 9, 2022 analyzed the effects of the discriminatory practice of redlining, which drove low-income communities and communities of color into housing surrounding or very near high polluting sources, and found that residents in those areas suffer from disproportionately high levels of fine particulate air pollution

(PM2.5) which is a known factor in early death. In response to this problem, I authored AB 617 in 2017, which injects the community into the process of how to clean up our air in these communities. However, after several years of the program, there are many issues to be worked out through legislation. AB 1749 provides transparency in permitting by providing said permits online and gives another year for CERP approval if the community agrees, among other things. The way we address the health of people living in frontline communities needs to shift and AB 617 started the process. AB 1749 is continuing to build upon my previous work in this space.”

- 2) *Unintentionally tying ARB’s hands.* One of the provisions of the bill specifies that, with the agreement of a community steering committee, an air district can delay adopting a CERP. The intent of this provision is good – to recognize that creating a community-based plan is complex and may occasionally take more time than is currently allowed. However the community steering committee doesn’t currently have any definition in statute. These steering committees are how ARB has chosen to engage the community in the process of developing a CERP, but that particular structure may change in the future as ARB learns from its initial efforts to implement AB 617. By placing the community steering committee into law this bill unintentionally locks ARB into using this particular form of community engagement. ***The committee may wish to consider amending the bill to instead require the agreement of ARB and community-based organizations for a district to delay adoption of a CERP by a year.***
- 3) *The committee may wish to consider clarifying amendments.*
- 4) *Staff recommends the committee adopt the bolded amendments contained in comments 2 and 3 above.*

SOURCE: Author

SUPPORT:

California Air Pollution Control Officers Association
National Association of Social Workers, California Chapter
Plug in America
South Coast Air Quality Management District

OPPOSITION:

California Manufacturers and Technology Association
Western States Petroleum Association

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