



April 28th, 2022

Wayne Nastri
South Coast Air Quality Management District
21865 Copley Dr.
Diamond Bar, CA 91765

RE: Assembly Bill 617 South LA Community Steering Committee Concerns
Regarding Co-leadership Model and Community Emission Reduction Plan

Dear Mr. Wayne Nastri,

We are writing to express our grave concerns regarding the process and implementation of Assembly Bill 617 (“AB 617”) in the community of South Los Angeles (“South LA”). On February 25th, 2021 the California Air Resources Board (“CARB”) selected South LA as an AB 617 community to start the development of both a Community Emissions Reduction Plan (“CERP”) and a Community Air Monitoring Plan (“CAMP”). The South LA community was thrilled with this announcement and was eager to finally address local air pollution by elevating the needs and concerns of frontline communities. AB 617, as touted by CARB staff and Board members, was established as a community-based framework to improve air quality and reduce exposure to toxic air pollutants in California communities most impacted by air pollution and was intended to be an innovative community designed and driven process.

The unfortunate reality is that many AB 617 communities throughout the state, but the South LA Community Steering Committee (“CSC”) in particular, have experienced the contrary. Instead of a community centered process, the South Coast Air Quality Management District (“SCAQMD”) has continuously ignored South LA CSC’s sensible ideas to reduce pollution burdens in our communities. In fact, as of the date of this letter, the Draft South LA CERP contains absolutely no *new* emissions reductions measures that can be attributed to AB 617. As one CARB Board member has stated, “there is nothing like this program on planet Earth,” but the South LA CSC would like to share the reality of those working on this program from a community experience. Our main concerns are regarding the process of AB 617 and the substance of the South LA CERP are included below.

I. The SCAQMD failed to deliver an authentic and meaningful community led process.

Despite being one of few AB 617 communities to have a co-leadership model, the SCAQMD has failed to give co-leads the space to meaningfully work in a collaborative fashion. Physicians for Social Responsibility-LA (PSR-LA), Strategic Concepts in Organizing and Policy Education (SCOPE), and Watts Clean Air and Energy Committee (Watts Clean Air) are the community based and environmental justice organizations co-leading the AB 617 South LA CSC in collaboration with SCAQMD. The co-leadership model was developed to ensure the process

for identifying air quality priorities and emissions reduction strategies was grounded in the community. A major barrier to achieving meaningful community engagement in this process is the time constraints due to the fast-paced timeline for the development and approval of the CERP and CAMP. The continued impacts of the pandemic on community engagement, zoom fatigue, onboarding a facilitator later in the process, the pause SCAQMD took to regroup the process, among other factors continue to contribute to a delayed CERP and CAMP development for South LA. The idea for the co-leadership model stems from the lessons learned from other AB 617 communities, where Air Districts dictated processes and outcomes, leaving CSC's with a CERP that did not feel representative of community priorities.

However, while there were barriers that SCAQMD and co-leads had to overcome due to external forces, co-leads also faced resistance from SCAQMD that were entirely within the agency's control. Co-leads experienced this resistance when asked to be involved in the development and writing of the early stages of the CERP. The CERP is arguably the most significant aspect of AB 617, and co-leads and the South LA CSC were entirely left out of the CERP development writing process as described below.

To be clear, community engagement is not one isolated aspect of AB 617, a phase in an agency's scope of work, or a checkmark an agency can just write off. Authentic and meaningful community engagement needs to be a task in all phases of AB 617—it is a practice that begins at ideation and is not completed until the end of implementation.

A. Constrained Timeline and Lack of Capacity

From the outset of the AB 617 implementation in South LA, we have learned how SCAQMD's bureaucratic processes continue to trump meaningful community engagement initiatives when addressing community needs and developing solutions. As co-leaders, we have stepped up for the South LA community to ensure there is equitable representation, transparency, and accountability in the program implementation. From February 2021, the co-leaders have been working on a weekly basis with SCAQMD and committed numerous hours to engaging in agenda setting meetings, planning, organizing, conducting community outreach, and serving as strategy partners to guide the AB 617 South LA CSC. The AB 617 work has come at the expense of stretching our community based organizations' capacity and overwhelmed staff as we are rushing to complete a CERP and a CAMP by the AB 617 deadlines. We supported the timeline extension to complete the CERP because the co-leads wanted to ensure we had the adequate time to develop a CERP that reflects our community's vision, however, the Draft CERP and the process that led to its creation does not align with South LA CSC's priorities and vision.

B. Communications and Process Transparency

We have learned that transparency, open dialogue, and accountability are key to ensure all co-leaders are heard and their input is equitably reflected in the decision making. Nonetheless, that can not happen without first building trust and strengthening relationships between the co-leaders and the air districts. Through the process, we continue to face instances where the

co-leads are at a disadvantaged position when it comes to accessing materials that are key to help guide the CSC. Though we are part of the development process and materials are shared with the co-leaders, we feel as though because of the bureaucratic centered process by which the air district must abide by, such as having their legal team and other departments approve meeting notes, presentations, and CERP actions language and drafts, the co-leaders are put in a disempowered and disengaged position. SCAQMD engages in a delayed action process requiring different levels of approval that has led to distributed materials to the CSC that are barely approved by the co-leaders. As the co-leaders, we should have approval power, but this delayed engaging practice with the district disbalances the power dynamic. Sharing these crucial documents late in the process with the co-leads, prevents the co-leads meaningful engagement to assess and respond accordingly.

For instance, the South LA CSC participated in a series of meetings defining measures and actions for each of the air quality priorities to be included in the CERP. The co-leads continuously asked SCAQMD if we could work on various CERP chapters alongside staff, to ensure that the South LA CSC's priorities were included. However, despite numerous requests to participate in the CERP development process, SCAQMD denied our requests and waited until March 1st, 2022 to share a version of the CERP with the co-leads. SCAQMD's refusal to allow our participation was antithetical to the spirit of AB 617 that calls for a community driven and designed process. In fact, SCAQMD only shared the Draft CERP with the co-leads a few days before it became available to the general public, and to the entire South LA CSC at the same time when it was published on the website. To make matters worse, we were then given only two weeks to respond to a Draft CERP of over 100 pages. While co-leads certainly could not take on the weight of writing the entire CERP due to capacity constraints, it was necessary to have the co-leads engage earlier in the writing process to ensure that we were more effective and collaborative as we discussed the CERP with the South LA CSC. As co-leads, we should not be in a position where we are just commenting and sending input, we should be engaged in a co-design process and not one where we co-lead from the sidelines.

At the time, co-leads knew SCAQMD was undergoing this separate CERP writing process, even though we argued with the district that the co-leads had to be part of the writing process as well. Once the draft CERP was presented to the co-leads, we shockingly found that:

- The co-leads work for the entire year on the South LA AB617 implementation was completely erased from the CERP narrative.
- The CERP narrative did not reflect all of the historical and foundational work the co-leads have led in South LA, more importantly the work we have led through our Community Air Protection Grant.
- The CERP narrative of South LA was vague and not reflective of the CSC work.
- The CERP actions were vague and not reflective of what the CSC had advocated.

II. The Draft CERP ignores South LA CSC's vision and lacks emissions reduction strategies.

As a result of a failed community engagement process, it is unsurprising that the Draft CERP, as currently drafted, is not representative of community concerns or priorities. The South LA CSC identified sources of pollution and other environmental hazards that are not included in the Draft CERP. In addition, the Draft CERP does not study or attempt to address the background or regional sources of pollution that all South LA communities face. The Draft CERP also fails to address the burdens that residents of South LA shoulder because of poverty, lack of economic and educational opportunities, illegal dumping, and excessive noise, all of which contribute to the community's cumulative air pollution burden.

To support our broader vision to improve air quality at the pace and with the urgency needed, the actions we demand to see in the South LA CERP include but are not limited to the following:

- Require BACT/BARCT implementation for all industries throughout the permitting process,
- Phase out chemical usage in industrial operations and enforce BACT for chemical substitutions with the least harmful alternatives and safer cleaner technologies that will protect health;
- Require installation of zero emissions equipment when feasible and zero emissions fleet for industrial operations;
- Prohibit the use of fossil fuels/diesel power generation for all industries and provide access to incentives for implementation of cleaner energy technologies;
- Require implementation of good neighborhood agreements and businesses/industries best practices to reduce emissions such as emissions entrapment technologies or requiring equipment locations to be trapped on-site to reduce communities exposure, diesel sweepers, and mandatory monitoring on site.

In addition, below is a sector by sector list of recommendations the South LA CSC would like included or strengthen in the CERP.

Oil and Gas:

- Create new rule amendment to SCAQMD rules 1148.1 and 1148.2 to include injections well in public notifications, ban chemical odorants in acid work, and add mandatory public notices for when acid works are done.
- Mandate the electrification of all equipment used in Oil and Gas operations including the use of diesel trucks;
- Ban fossil fuels/diesel power generation and electrify diesel workover rigs;
- Mandate the replacement of on-site polluting/dirty equipment (eg diesel-powered) with less polluting/greener alternatives;
- Ban the use of chemicals odorants at Oil and Gas operations;

- Conduct frequent and responsive targeted monitoring for defined Oil Well activities including flaring, odors, stimulation, noise and acid work;
- Mandate air monitoring equipment on site for Oil and Gas operations that detects methane and VOC leaks to ensure compliance and support enforcement and inspections processes;
- Support the Oil and Gas wells phase-out efforts of the City of LA and LA County by creating collaborations with those agencies;
- Inform the community of inspections and compliance efforts.

General Industries (Dry Cleaners and Warehouses):

- Require the improvement of SCAQMD's reporting/complaints response systems for small stationary sources by conducting outreach and reporting enforcement actions regularly to the community.
- Create new rule amendment to SCAQMD rule 1102 to classify Professional Wet Cleaning as BACT in the permitting process for new dry cleaners, to ensure new dry cleaners use the safest cleanest alternative that reduce emissions and address legacy contamination
- Create a new incentive and support program to allow ALL dry cleaners to switch from PERC and hydrocarbons based solvents to Professional Wet Cleaning, including amendment of funding from AB998 to ensure fee includes hydrocarbons and can fund transition to PWC.
- Phase out existing non-perc dry clean solvent machines after useful life and remove regulatory exemptions for non-perc dry clean solvent machines
- Provide annual updates on the compliance of all warehouses with the Indirect Source Rule; provide information about on the daily trucks count and other diesel equipment used

Auto Body Shops:

- Develop a rule amendment to SCAQMD rules 1151 and 1171 to include EPA Auto body shops Best Practices as required BACT in the permitting process for auto body shops;
- Incentivize the implementation of best practices including the use of low VOCs coat paintings and use of water based cleaners and coatings to help reduce emissions at the source.

Metal Facilities:

- Require amendments of SCAQMD rules 1407 and 1420 to include best practices that can reduce emissions including integration of: 1) ride along wet sweeper, 2) stacks equipment to trap emissions on site, and 3) installation of monitors on site;

- Integrate new rulemaking to replace the use of Hexavalent chromium and applicability to South LA metal facilities;
- Review actions to reduce pollutants at the fenceline of metal recycling facilities.
- Collaborate with appropriate agencies to assess potential soil contamination in fenceline neighborhoods;
- Expand emissions reporting requirements to address gap between the many number of permitted metals facilities and the very few required to participate in AQMD's Annual Emissions Reporting (AER) program;
- Develop good neighbor policies between CSC members and metal facilities representatives to spearhead pilot projects of implementation of best practices to reduce emissions and community led solutions.

Mobile Sources:

- Address No Idling rules compliance gaps;
- Require and mandate zero emissions trucks for industries operations and provide incentives pathways for businesses to transition their operations fleet;

III. The Draft CERP fails to recognize principles, processes, and practices that shift from an extractive economy to a regenerative economy.

The South LA CERP is a key step towards ensuring a community vision for a Just Transition, clean production, and economic justice that addresses air pollution burdens and creates needed health protections. Just Transition prioritizes the needs of the most vulnerable communities, frontline and Black, Indigenous, and People of Color communities, and displaced workers, so that they benefit first from strategies and resources as we address the climate crisis through both mitigation and adaptation. This framework recognizes that confronting the legacy of environmental racism, environmental risks, and cumulative burden should not be viewed as merely a technical matter of switching energy sources, but also a social and economic shift that ushers in a cleaner, fairer city for all.¹ The transition itself must be just and equitable; redressing past harms and creating new relationships of power for the future through reparations. If the process of transition is not just, the outcome will never be. Just Transition describes both where we are going and how we get there.”²

A. Transitioning to a Green Economy and Safe Alternatives

To effectively reduce harmful emissions in highly polluted communities through the implementation of AB 617, the South LA CSC is committed to working collaboratively with

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²<https://climatejusticealliance.org/just-transition/>



SCAQMD to identify, require, incentivize, and implement regulations and innovative rules that can advance Best Available Control Technologies and emissions reduction technologies. A focus on specific industries of concern can support the development of best practices in emissions reduction strategies and innovative policies that would require the mandatory implementation of the cleanest, safest and least toxic emission control strategies to limit the proliferation of regrettable substitutions in frontline communities that are helping industries to move towards just transition and clean production.

We write this letter acknowledging that the South LA CERP is in its development stages and there is an opportunity for improvement. We would like to see SCAQMD engaging collaboratively with the co-leads and the CSC members to ensure all the measures and process improvement requests in this letter are implemented and addressed in the CERP. We are prepared to work collaboratively to ensure that AB 617 is delivered in South LA in a manner that recognizes community expertise and as envisioned by CARB Board.

For any further questions please feel free to reach out to Paula Torrado at ptorrado@psr-la.org

Sincerely,

South LA AB 617 Community Steering Committee Co-Leads

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