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**SENATE COMMITTEE ON ENVIRONMENTAL QUALITY**

**Senator Wieckowski, Chair**

**2017 - 2018 Regular**

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**Bill No:** AB 617  
**Author:** Cristina Garcia  
**Version:** 7/10/2017  
**Urgency:** No  
**Consultant:** David Ernest García

**Hearing Date:** 7/13/2017  
**Fiscal:** Yes

**SUBJECT:** Nonvehicular air pollution: criteria air pollutants and toxic air contaminants.

**DIGEST:** This bill, among other things:

- 1) Requires ARB to establish a uniform, statewide system for stationary sources to report their emissions of criteria pollutants and toxic air contaminants;
- 2) Creates, upon determination by an air district, an expedited schedule for certain facilities covered under the state's cap-and-trade program to implement best achievable retrofit control technology for criteria pollutants and toxic air contaminants;
- 3) Requires ARB to establish a clearinghouse of information on best achievable control technology and best achievable retrofit control technology;
- 4) Increases civil and criminal penalties for certain types of emissions; and
- 5) Creates community emissions reduction programs for communities exposed to criteria pollutants and toxic air contaminants, as specified.

**ANALYSIS:**

Existing federal law:

- 1) The Federal Clean Air Act (FCAA) and its implementing regulations set National Ambient Air Quality Standards (NAAQS) for six criteria pollutants, designate air basins that do not achieve NAAQS as nonattainment, and require 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.)

Existing state law:

- 1) Establishes the Air Resources Board (ARB) as the air pollution control agency in California and requires the ARB, among other things, to control emissions from a wide array of mobile sources and coordinate with local air districts to control emissions from stationary sources in order to implement the FCAA. (Health and Safety Code (HSC) §39500 et seq.)
- 2) Requires ARB to promulgate and enforce rules and regulations necessary for the proper execution of its statutory mandates. (HSC §39601 et seq.)
- 3) Requires ARB to make available on its Internet Web site the emissions from stationary sources of greenhouse gases, criteria pollutants, and toxic air contaminants throughout the state, as specified, and to update that information at least once a year. (HSC §39607)
- 4) Provides shared authority over toxic air contaminant emissions between ARB and local air districts. (HSC §39650 et seq.)
- 5) Defines “Toxic air contaminant” (TAC) to be an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health, and includes any substance that is listed as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal act (42 U.S.C. Sec. 7412(b)) as a TAC. (HSC §39655)
- 6) Requires, subject to the powers and duties of the ARB, the local 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)
- 7) Establishes the Air Toxics “Hot Spots” Information and Assessment Act of 1987 to, among other things, require a “health risk assessment” to be submitted to the air districts that evaluates and predicts the dispersion of hazardous substances in the environment and the potential for exposure of human populations, and to assess and quantify both the individual and population wide health risks associated with those levels of exposure. (HSC §44300 et seq.)

This bill (Section 1):

- 1) Defines:

- a) “Nonattainment pollutant” means a criteria pollutant for which a district is classified as a nonattainment area pursuant to this division or the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).
- b) “Stationary source” means any of the following:
  - i) A facility that is required to report to the state board the facility’s greenhouse gas emissions pursuant to HSC Section 38530.
  - ii) A facility that is authorized by a permit issued by a district to emit 250 or more tons per year of any nonattainment pollutant or its precursors.
  - iii) A facility that receives an elevated prioritization score based on cancer or noncancer health impacts pursuant to the Air Toxics “Hot Spots” Information and Assessment Act of 1987.
- 2) Requires ARB, *at a date uncertain*, in consultation with local air districts, to establish a uniform, statewide system for stationary sources to report their annual emissions of criteria pollutants and TACs, and other information, as specified.
- 3) Allows ARB to require third-party verification of the criteria pollutants and TACs emissions information reported by stationary sources.

Existing law:

- 1) Requires, under the California Global Warming Solutions Act of 2006 (also known as AB 32), the Air Resources Board (ARB) to determine the 1990 statewide greenhouse gas (GHG) emissions level and approve a statewide GHG emissions limit that is equivalent to that level to be achieved by 2020. (HSC §38500 et seq.)
- 2) Allows the ARB until December 31, 2020, under certain circumstances, to adopt regulations that utilize market-based compliance mechanisms. (HSC §38562)
- 3) Requires ARB to ensure that statewide GHG emissions are reduced to at least 40% below the 1990 level by December 31, 2030. (HSC §38566)
- 4) Requires air districts to develop plans, as specified, and submit those plans to ARB detailing how they will achieve state air quality standards. (HSC §40910 et seq.)

- 5) Requires, among other things, the plans developed by air districts with *moderate* air pollution to include the use of reasonably available control technology (BARCT) for all existing stationary sources, except stationary sources permitted to emit five tons or more per day or 250 tons or more per year, which are required to be equipped with the best available retrofit control technology. (HSC §40918)
- 6) Requires, among other things, the plans developed by air districts with *serious, severe, or extreme* air pollution to include the use of the best available retrofit control technology for all existing permitted stationary sources. (HSC §40919, §40920, §40920.5)
- 7) Allows local air districts to determine their own requirements for BARCT based on a variety of factors including, but not limited to, alternatives to BARCT, cost-effectiveness of BARCT, and the incremental cost-effectiveness of other control measures. (HSC §40920.6)

This bill (Sections 2 and 3):

- 1) Requires local air districts, on or before January 1, 2019, to adopt an expedited schedule to implement already approved BARCT requirements for sources covered by the cap-and-trade program adopted pursuant to AB 32, with priority given to facilities based on the length of time since their last permit update.
  - a) Requires, depending on the reader's interpretation, that the expedited schedule for BARCT implementation be completed by the earliest feasible date, but no later than December 31, 2023.
- 2) Exempts facilities with permits dating after 2007 from the expedited BARCT schedule.
- 3) Requires local air districts to consider, at a public hearing, among other things, public health benefits, clean air benefits, and control option cost-effectiveness prior to adopting the expedited schedule.
- 4) Requires ARB to establish and maintain a clearinghouse of best available control technology (BACT) and BARCT for the control of criteria pollutants and TACs.
- 5) Requires local air districts to use the information in the clearinghouse only when updating their BACT determinations, subjects such activities to an annual appropriation or subvention by ARB, and allows districts to assess a fee on nonvehicular sources for costs associated with implementing these activities.

Existing law:

- 1) Deems any person who violates air pollution laws, rules, regulations, permits, or orders of the ARB or of a district, including a district hearing board, as specified:
  - a) To be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment in the county jail for not more than six months, or both. (HSC §42400)
  - b) Is strictly liable for a civil penalty of not more than one thousand dollars (\$1,000) or imprisonment in the county jail for not more than six months, or both. (HSC §42402)
- 2) Provides, when civil penalties are in excess of \$1,000 per day, that there is no civil liability if the accused alleges by affirmative defense and establishes that the violation was caused by an act that was not the result of intentional or negligent conduct. (HSC §42402)

This bill (Sections 4, 5, and 6):

- 1) Increases the criminal fine and civil penalty for a person who violates air pollution laws, rules, regulations, permits, or orders of the ARB or of a district, including a district hearing board, as specified, from \$1,000 to \$5,000.
- 2) Increases from \$1,000 to \$5,000 the daily civil penalty threshold for providing liability relief if the accused alleges by affirmative defense and establishes that the violation was caused by an act that was not the result of intentional or negligent conduct.
- 3) Increases, as of January 1, 2018, maximum penalties assessed by ARB or local air districts based on the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

Existing law:

- 1) Establishes the ARB as the air pollution control agency in California and requires the ARB, among other things, to control emissions from a wide array of mobile sources and coordinate with local air districts to control emissions from stationary sources in order to implement the FCAA. (HSC §39500 et seq.)

- 2) Requires ARB to promulgate and enforce rules and regulations necessary for the proper execution of its statutory mandates. (HSC §39601 et seq.)
- 3) Provides shared authority over TAC emissions between ARB and local air districts. (HSC §39650 et seq.)
- 4) Requires, subject to the powers and duties of the ARB, the local 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)
- 5) Establishes the Air Toxics “Hot Spots” Information and Assessment Act of 1987 to, among other things, require a “health risk assessment” to be submitted to the air districts that evaluates and predicts the dispersion of hazardous substances in the environment and the potential for exposure of human populations, and to assess and quantify both the individual and population wide health risks associated with those levels of exposure. (HSC §44300 et seq.)

This bill (Sections 7 and 8):

- 1) Defines:
  - a) “Community air monitoring system” means advanced sensing monitoring equipment that measures and records air pollutant concentrations in the ambient air at or near sensitive receptor locations and in disadvantaged communities and that may be useful for estimating associated pollutant exposures and health risks, determining trends in air pollutant levels over time, and in supporting enforcement efforts.
  - b) “Disadvantaged community” means a community identified by the CalEnviroScreen tool created pursuant to HSC §39711.
  - c) “Fence-line monitoring system” means monitoring equipment that measures and records air pollutant concentrations at or adjacent to a stationary source that may be useful for detecting or estimating emissions of pollutants from the source, including the quantity of fugitive emissions, and in supporting enforcement efforts.
  - d) “Nonattainment pollutant” means a criteria pollutant for which a district is classified as a nonattainment area pursuant to this division or the federal

Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

- e) “Sensitive receptors” includes hospitals, schools and day care centers, and such other locations as the district or state board may determine.
  - f) “Stationary source” means any of the following:
    - i) A facility that is required to report to the state board the facility’s greenhouse gas emissions pursuant to Section 38530.
    - ii) A facility that is authorized by a permit issued by a district to emit 250 or more tons per year of any nonattainment pollutant or its precursors.
    - iii) A facility that receives an elevated prioritization score based on cancer or noncancer health impacts pursuant to the Air Toxics “Hot Spots” Information and Assessment Act of 1987.
- 2) Requires ARB, in consultation with specified entities, to establish, on or before October 1, 2018, “a monitoring plan regarding the availability and effectiveness of TAC and criteria air pollutant advanced sensing monitoring technologies and existing community air monitoring systems, as well as the need for and benefits of establishing additional community air monitoring systems.”
  - 3) Requires, before adopting the monitoring plan, ARB to hold at least one public workshop in each of the northern, central, and southern parts of the state.
  - 4) Requires ARB, as specified, to identify high priority areas subject to criteria pollutant and TAC exposure to deploy community air monitoring systems.
  - 5) Requires local air districts with high priority areas, by July 1, 2019, to deploy community air monitoring systems.
  - 6) Allows local air districts to require stationary sources in high priority areas to implement fence-line monitoring systems, as specified.
  - 7) Requires ARB, by January 1, 2020 and annually thereafter, to identify other high priority areas, if appropriate, and requires local air districts to deploy community air monitoring systems within one year of the designation of a high priority area within their jurisdiction being made.

- 8) Requires ARB to hold annual public hearings on the status of implementing community air monitoring systems and make recommendations for improvement.
- 9) Requires local air districts to provide ARB with the data from community air monitoring systems, which ARB must post on its Internet Web site.
- 10) Requires ARB, on or before October 1, 2018, as specified, to prepare a statewide strategy to reduce TACs and criteria pollutants in communities affected by high exposure.
- 11) Requires the statewide strategy to include, but not be limited to, all of the following:
  - a) An assessment of communities with high cumulative exposure burdens for TACs and criteria pollutants, as specified.
  - b) A methodology for identifying sources of air pollution and quantifying contributions to air pollution, as specified.
  - c) An assessment of whether a local air district should update and implement a risk reduction audit and emissions reduction plan for a facility developed pursuant to the Air Toxics “Hot Spots” Information and Assessment Act of 1987 in order to reduce its emissions, as specified.
  - d) An assessment of available control technology to reduce criteria pollutants and TACs, including, but not limited to, BACT and BARCT.
- 12) Requires ARB, as specified, to select locations around the state for preparation of community emissions reduction programs, and to select additional locations annually thereafter, as appropriate.
- 13) Requires local air districts to implement a community emissions reduction program, in consultation with a variety of entities, within one year of the ARB selecting a location within the district’s jurisdiction, as specified.
- 14) Requires that community emissions reduction programs to be consistent with the statewide strategy and result in emissions reductions in the community based on monitoring and other data, and that ARB and the districts are responsible for measure within their respective jurisdictions.
- 15) Requires that local air districts submit their community emissions reduction programs to ARB for approval, with specified timelines and public processes for

approval, rejection, or rejection in part, and specified timelines for resubmitting programs or portions of programs that were rejected in whole or in part.

- 16) Requires a district to prepare an annual report on the impacts of any community emissions reduction program located within its jurisdiction.
- 17) Specifies that compliance with community emissions reduction programs is enforceable by the local air districts and ARB.
- 18) Requires ARB to provide grants to community-based organizations for technical assistance and to support community participation in developing community emissions reduction programs.

## Background

- 1) *Regulatory jurisdiction.* State law assigns the ARB with primary responsibility for control of mobile-source air pollution, including adoption of rules for reducing vehicle emissions and the specification of vehicular fuel composition. Stationary sources of air pollution, such as factories and refineries, are under the jurisdiction of local air districts (e.g., South Coast Air Quality Management District, San Joaquin Valley Air Pollution Control District). ARB and the local air districts share jurisdiction over emissions of toxics from stationary sources.
- 2) *Air quality standards.* The Federal Clean Air Act (FCAA) passed in 1963 and has been revised many times thereafter. The FCAA and its implementing regulations are intended to protect public health and environmental quality by limiting and reducing pollution from various sources. Under the FCAA, the United States Environmental Protection Agency (US EPA) establishes National Ambient Air Quality Standards (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<sub>x</sub>), oxides of sulfur (SO<sub>x</sub>), 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<sub>x</sub>, SO<sub>x</sub>, and 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.

Regions that do not meet the national standards for any one of the standards are

designated “nonattainment areas.” The FCAA sets deadlines for attainment based on the severity of nonattainment and requires states to develop comprehensive plans, known as the state implementation plan (SIP), to attain and maintain air-quality standards for each area designated nonattainment for an NAAQS.

The FCAA specifies which entities qualify as major sources of air pollutants, and requires those sources to be permitted and regulated under the requirements in Title V of the FCAA, **which is implemented in California by local air districts.** Certain sources of air emissions, including combustion facilities and incinerators, are subject to specific Title V requirements regardless of size. A Title V permit authorizes those sources to operate.

In July of 2011, sources not previously subject to Title V requirements became subject to Title V if they had GHG emissions at least 100,000 tons per year (tpy) of carbon dioxide equivalent (CO<sub>2</sub>e). For air pollutants besides GHGs, the threshold for determining which sources qualify as Title V changes depending on whether the pollutants are hazardous and whether the source is located in a non-attainment area. The default standard for qualifying as a major source of air pollutants is 100 tpy, although nonattainment areas have lower threshold emission levels for the pollutants that are not in attainment.

Within severe non-attainment areas, sources that emit over 10 tpy of NO<sub>x</sub> or volatile organic compounds (VOCs) are Title V sources. Common Title V sources include large factories, refineries and power plants. Major source thresholds for hazardous air pollutants (HAPs, in California these are called Toxic Air Contaminants or TACs) are 10 tpy for a single TAC or 25 tpy for any combination of TACs. Examples of TACs include benzene, found in gasoline; perchlorethylene, emitted from some dry cleaning facilities; and methylene chloride, used as a solvent and paint stripper by a number of industries.

Due to the lower emission thresholds for air pollutants that are in nonattainment air basins, a larger fraction of facilities are required to be permitted under Title V in the South Coast Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District, which are nonattainment areas for ozone and PM.

- 3) *Health impacts of air pollution.* 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.

It is well known that air pollution causes asthma. According to the Centers for

Disease Control and Prevention, nationwide 7.4% of adults and 8.6% of children have been diagnosed with asthma. In California, the numbers are significantly higher: 13.1% of adults and 12.5% of children have been diagnosed with asthma. Lower income and minority groups are disproportionately affected by asthma due to their increased exposure to air pollution.

Depending on exposure, air pollution alone can cause an increased risk of cardiovascular and respiratory illness, lung disease, cancerous tumors, birth defects, premature births, developmental disorders, central nervous system damage, intellectual disability, persistent memory impairments, epilepsy, dementia, and premature death.

A June 2017 study published by Harvard researchers in the New England Journal of Medicine found that there is no safe level of long-term exposure to PM 2.5 (PM that is less than 2.5 micrometers in diameter) and ozone below which there is no risk of premature death. The study followed over 60 million Americans over 65 years old for seven years. Two key findings in the study are that reducing PM 2.5 concentrations by 1 microgram per cubic meter nationwide would save about 12,000 lives each year and that reducing ozone concentrations by 1 part per billion nationwide would save about 1,900 lives each year.

- 4) *California Consumer Price Index (CPI)*. The CPI is a measure of the average change over time in the prices paid by urban consumers for a fixed list of goods and services. The CPI provides a way to compare current costs with historical costs. As such, the CPI is a widely used measure of inflation that can be used to adjust, over time, otherwise static fees, fines, penalties, etc., in statute without the need for further legislative action should the desire be to tie the fees, fines, penalties, etc., more or less to inflation.

## Comments

- 1) *Purpose of Bill*. According to the author, “California has some of the most severely polluted regions for smog and particulate matter – especially in the Central Valley and South Coast Air Basin.

“Poor air quality has had devastating effect on my community and many others around the state.

“In addition, my own communities have been subject to repeated exposure to toxic pollutants, including lead, arsenic and hexavalent chromium.

“AB 617 balances the global focus and flexibility of the cap and trade extension

with real measures that will improve air quality in our communities.

“The bill addresses air pollution from the large facilities in cap and trade, other stationary sources, and mobile sources through a series of measures:

- \* Improved monitoring and reporting of criteria and toxic air pollutant emissions.

- \* Identification of high-priority communities and implementation of emission reduction programs in those communities addressing both stationary and mobile sources.

- \* Expedited retrofit of pollution control equipment at large industrial facilities by 2023, resulting in positive investments in industrial facilities that will reduce pollution, produce jobs, and not limit production.

- \* Increased civil and criminal penalties for air pollution violations, adjusting strict liability penalty limits which have not been increased since 1975 and required inflation adjustment for all penalty limits going forward.

“The bill includes targets, deadlines, and enforcement that will reduce air pollution, as well as improved monitoring, data collection, and transparency that will support more effective air quality programs going forward.”

- 2) *In the future.* There are a number of clarifying changes that the Legislature may wish to address in a cleanup bill in the near future.

Section 1 of AB 617 requires ARB, in consultation with the local air districts, to establish a uniform, statewide system for stationary sources to report their annual emissions of criteria pollutants and TACs, and other information, as specified. The bill, however, does not provide a date by which this work needs to be completed.

*In the future, the Legislature may wish to specify a date for the system to be implemented.*

Section 2 of AB 617 requires local air districts, on or before January 1, 2019, to adopt an expedited schedule to implement BARCT requirement for sources covered by the cap-and-trade program adopted pursuant to AB 32, with priority given to facilities based on the length of time since their last permit update. The bill, however, does not require local air districts to update or increase their existing BARCT requirements, so this measure only speeds up what was already

going to happen. Moreover, language is missing from subdivision (c) in Section 2 that separates the adoption of the expedited schedule from the timeline for implementing that schedule.

*In the future, the Legislature may wish to clarify the discretion local air districts have over implanting BARCT under this bill, and that while the expedited schedule needs to be adopted by January 1, 2019, **the implementation of BARCT pursuant to that schedule** must be completed as soon as feasible, but no later than December 31, 2023.*

Section 3 of the bill creates a clearinghouse for BACT and BARCT control technology for the control of criteria pollutants and TACs, and requires local air districts to use the information in the clearinghouse when updating their BACT determinations. Section 3 also subjects the activities in the section to an annual appropriation by ARB.

*In the future, the Legislature may wish to clarify that local air districts must also consult the clearinghouse when updating their BARCT requirements. The Legislature, having control of the state budget, may also wish to consider whether it is appropriate for the **Legislature** to appropriate moneys for these purposes annually or whether the polluters should pay for these activities through the local air districts fee authority established by this bill.*

Section 7 of AB 617 defines nonattainment pollutant and then fails to use the term.

*In the future, the Legislature may wish to clean up this section of code.*

Section 7 of AB 617 misidentifies a report on the availability and effectiveness of TAC and criteria air pollutant advanced sensing monitoring technologies and existing community air monitoring systems, as well as the need for and benefits of establishing additional community air monitoring systems as a “monitoring plan.” AB 617 then requires the use of the “monitoring plan” to develop an actual monitoring plan.

*In the future, the Legislature may wish to correct this.*

Section 7 of AB 617 requires ARB to publish data from community air monitoring systems on its Internet Web site. The data generated by these systems, however, can require special software to open and take a trained scientist to read and interpret. Furthermore, there is no funding source for the monitoring systems identified in the bill.

*In the future, the Legislature may wish to clarify that the data generated by these systems shall be provided to the public in a publicly accessible and understandable format and that the funding to pay for the monitoring systems needs to come from regulated entities (consistent with California's principle of "polluter pays") and not some other source of state funding.*

Sections 7 and 8 make use of the phrase "exposure burden" in reference to criteria pollution and TACs, but it is not clear how exposure burden differs from exposure.

*In the future, the Legislature may wish to clarify the difference between exposure and exposure burden.*

Section 8 requires ARB to select "locations around the state for preparation of community emissions reduction programs" and to "select additional locations annually thereafter, as appropriate." The bill, however, only requires ARB to update the statewide strategy once every five years, so it is unclear what could be gained by having ARB attempt to select additional locations annually.

*In the future, the Legislature may wish to harmonize the selection of new locations to the updates of the statewide strategy.*

Section 8 of AB 617 goes on at length regarding community emissions reduction programs. It is entirely unclear, however, how these programs would differ in any substantial way from traditional regulation by local air districts and ARB because the bill does not provide any metrics for what these programs should be designed to accomplish.

*In the future, the Legislature may wish to clarify the difference between traditional state and local regulation and community emissions reduction programs; substantiate the need for, and benefit of, such programs; and provide clear metrics about what these programs are expected to accomplish.*

### **Related/Prior Legislation**

AB 398 (E. Garcia) would extend the cap-and-trade program established pursuant to AB 32, with modifications, and is a part of a two-bill package on extending the cap-and-trade program. AB 617 is the companion measure to AB 398. AB 398 is pending hearing in the Senate Environmental Quality Committee.

AB 151 (Burke, Cooper) establishes the Compliance Offsets Protocol Task Force for the purpose of providing guidance to ARB for new offset protocols under a market-based compliance mechanism with a priority on the development of new urban offset protocols and a multitiered incentive system for compliance offset credits. AB 151 is pending on the Assembly Floor.

AB 378 (C. Garcia, Holden, E. Garcia) would have authorized ARB to utilize market-based compliance mechanisms through December 31, 2030 and integrated specified air quality performance requirements into the program, including no-trade zones or facility-specific declining GHG emissions limits, and prohibits facilities that do not meet the specified air quality standards from being allocated allowances. AB 378 failed passage on the Assembly Floor.

AB 1647 (Muratsuchi, 2017) will require the installation and maintenance of air quality monitors at the refinery fence-line and in the community, and require that the governing agency publicly report the readings from the monitors in real-time, if feasible for the governing agency. AB 1647 is pending on the Senate Floor.

SB 32 (Pavley, Chapter 249, Statutes of 2016) requires ARB to ensure that statewide GHG emissions are reduced to at least 40% below the 1990 level by December 31, 2030.

AB 32 (Núñez, Pavley, Chapter 488, Statutes of 2006) establishes the California Global Warming Solutions Act of 2006, which requires ARB to monitor and regulate sources of GHG emissions that cause global warming in order to reduce emissions of GHG, as specified.

**SOURCE:** Author

**SUPPORT:**

American Lung Association in California  
California Interfaith Power & Light  
California League of Conservation Voters  
California Manufacturers & Technology Association  
California Natural Gas Vehicle Coalition  
Clean Energy  
Coalition for Sustainable Cement Manufacturing & Environment  
Environmental Defense Fund  
Lutheran Office of Public Policy - California  
Natural Resources Defense Council  
NextGen California

San Gabriel Valley Economic Partnership  
State Building and Construction Trades Council, AFL-CIO  
The Nature Conservancy  
Union of Concerned Scientists  
1 Individual

**OPPOSITION:**

Bay Area Air Quality Management District  
Center on Race, Poverty & the Environment  
Communities for a Better Environment  
Sacramento Metropolitan Air Quality Management District  
San Joaquin Valley Air Pollution Control District  
South Coast Air Quality Management District

**ARGUMENTS IN SUPPORT:** According to the American Lung Association in California:

The American Lung Association in California urges support for a critical two-bill package to accelerate California's clean air and climate leadership - AB 617 (E. Garcia, C. Garcia and Santiago) and AB 398 (E. Garcia). These bills will help move our state forward to meet our 2030 climate target while improving air quality in the most impacted communities throughout California.

Local air quality and climate pollution must be tackled at the same time, and these bills provide the tools to make this happen, particularly in disadvantaged communities. AB 617 brings new tools to suffering communities including air pollution penalty enhancements, enhanced community monitoring, new deadlines for updating industrial sources with control technologies and new local planning efforts focused on cumulative emissions from mobile and stationary sources. These are much needed, long overdue tools that will hold regulators and industry accountable for emissions in local communities.

**ARGUMENTS IN OPPOSITION:** According to the Center on Race, Poverty & the Environment:

[AB 617] does not meaningfully reform air quality policy sufficient to ensure protection of communities adversely affected by Cap and Trade. Section 8 of the bill includes the Community Emission Reduction Program which *would* provide significant protections if the bill specified communities for inclusion, mandated specific reductions in specific pollutants to achieve health-based standards, required the reductions by a specific date, and allowed communities

the capacities to enforce program requirements when air districts and the Air Resources Board fail to meaningfully enforce Program requirements. Because the bill requires none of this certainty, we must oppose given the decades of neglect by air districts and by the Air Resources Board. The current air quality crisis in California is due in large part to a regulatory system and institutions that allow pollution, that yield to the political pressures of polluters, and has not resulted in equitable or just environmental conditions across California. Allowing air districts and the Air Resources Board to implement and enforce the Community Emission Reduction Program at their sole discretion continues, and does not reform, inadequate air quality policy in California.

Section 2 of the bill offers considerable promise to ensure emissions reductions at Cap and Trade Sources. However, Section 2 leaves far too much discretion in the hands of air districts to determine Best Available Retrofit Control Technology. Section 2 continues to rely on pollution trading programs as a part of BARCT, which includes the failed RECLAIM program in the South Coast Air Basin. Fifty-one selective catalytic reductions systems (SCRs) *would have been installed* at refineries as Best Available Retrofit Control Technology, but the South Coast AQMD opted for less stringent reductions through the RECLAIM program.

-- END --