POLICIES AND ACTIONS FOR ENVIRONMENTAL JUSTICE

Approved on December 13, 2001

California Environmental Protection Agency
AIR RESOURCES BOARD

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Introduction

The California Air Resources Board (ARB/Board) is committed to making the achievement of environmental justice an integral part of its activities. State law defines environmental justice as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.[1] The Board approved these Environmental Justice Policies and Actions (Policies) on December 13, 2001, to establish a framework for incorporating environmental justice into the ARB's programs consistent with the directives of State law. These Policies apply to all communities in California, but recognize that environmental justice issues have been raised more in the context of low-income and minority communities. A number of specific actions support each Policy.

While these Policies focus on ARB as an organization, they also reflect the need for the local air pollution control and air quality management districts (local air districts) and other local agencies to play their part. The local air districts are most directly responsible for the regulation of air pollution from businesses and industries in California. Local land-use agencies are directly responsible for the siting of new air pollution sources, and local air districts also play an important role by issuing permits for new sources of air pollution. We are committed to working as partners with these agencies to improve the available information that local agencies use to make planning and permitting decisions. We are also committed to continuing our aggressive program to control motor vehicle pollution, the principal source of air toxics and other emissions leading to the violation of clean air standards. By working together to improve siting and mitigation practices, and further controlling sources within ARB's jurisdiction, we can help address environmental justice issues at the community level throughout California.

Over the past twenty years, ARB, local air districts, and federal air pollution control programs have made substantial progress towards achieving federal and State air quality standards. These achievements have reduced the exposures of California's residents to air pollution. Remarkably, during this same period, the State population has increased almost 45 percent and the daily number of vehicle miles traveled in the State has increased almost 90 percent.

REDUCTIONS IN AIR POLLUTANTS *
1980 – 1999

Ozone	**- 53%**
Carbon Monoxide +	**- 35%**
Particulate Matter –	**- 21%**

* Ambient air quality standards exist for these air pollutants; statewide average, as measured by air monitoring stations.

\+ State ambient air quality standard achieved in all but a portion of Los Angeles County and the City of Calexico.

– 1988 – 1999, non-desert areas.

[1] Senate Bill 115, Solis, 1999; California Government Code § 65040.12(c).

Despite this progress, many areas in California still exceed health-based air quality standards for ozone and particulate matter. Air monitoring shows that over 90 percent of Californians breathe unhealthy levels of one or both of these air pollutants during some part of the year. Attaining the health-based standards for ozone and particulate matter is essential to protect the health of all Californians.

Statewide health risk from the most widespread toxic air pollutants has also been substantially reduced through the combined efforts of ARB and local air district actions. Nevertheless, there is a general consensus that the statewide health risk posed by toxic air pollutants remains too high. In addition, some communities experience higher exposures than others as a result of the cumulative impacts of air pollution from multiple mobile, commercial, industrial, and other sources.

REDUCTIONS IN TOXIC AIR POLLUTANTS *
1990 – 1999

Lead +	**- 95%**
Benzene	**- 67%**
Hexavalent Chromium	**- 59%**
Perchloroethylene	**- 59%**
1,3-Butadiene	**- 45%**
Diesel Particulate	**- 40%**
Methylene Chloride	**- 39%**

* Identified by the Board as cancer-causing toxic air contaminants; statewide average, as measured by air monitoring stations.

\+ 1980 –1999

The Board shall dedicate resources and work with local air districts to develop narrowly tailored remedies to reduce emissions, exposures, and health risks in communities. The ARB's Diesel Risk Reduction Program is our most important priority for reducing toxic air pollutants because particulate matter from diesel-fueled engines accounts for 70 percent of the known cancer risk in communities that is attributed to exposure to toxic air pollutants. This Program alone is designed to achieve a 75 percent reduction in the emissions and associated health risk by 2010. However, other control efforts will be necessary to address the health risks posed by toxic air pollutants. We will continue to prioritize our efforts to reduce cumulative emissions of toxic air pollutants by considering the public exposure to, and the health risk caused by, those toxic air pollutants.

Underlying these Policies is a recognition that we need to engage community members in a meaningful way as we carry out our activities. People should have the best possible information about the air they breathe and what is being done to reduce unhealthful air pollution in their communities. In particular, we will work to make information related to air pollution and community health more accessible to the residents of low-income and minority communities so that they can take a more active role in decisions affecting air pollution in their communities. We are also committed to working with local air districts to enhance existing complaint-resolution processes, and to listen to and, as appropriate, act upon community concerns.

These Policies are intended to promote the fair treatment of all Californians and cover the full spectrum of ARB activities. While our primary focus is meeting ambient air

quality standards and reducing health risks from toxic air pollutants, efforts such as air monitoring and research are needed to better understand the connections between air pollution and health. Effective enforcement of air pollution control requirements in all communities is also critical to achieving environmental justice. Education and outreach complete the picture in terms of providing the opportunity for the full participation of all communities. Finally, we recognize our obligation to work closely with all stakeholders—communities, environmental and public health organizations, industry, business owners, other agencies, and all other interested parties—to successfully implement our Environmental Justice Policies.

ARB Policies and Actions for Environmental Justice

I. It shall be the ARB's policy to integrate environmental justice into all of our programs, policies, and regulations.

As an organization, we will make environmental justice considerations a standard practice in the way we do business. Our programs are comprehensive and include adopting regulations, funding clean air projects through incentive programs, and conducting air monitoring, emissions assessments, employee training, enforcement, research, public outreach, and education. In each program area, we will keep an environmental justice perspective as we set priorities, identify program gaps, and assess the benefits and adverse impacts of our programs, policies, and regulations.

Specific actions include the following:

- Add an explicit discussion of whether proposed major programs, policies, and regulations treat fairly people of all races, cultures, geographic areas, and income levels, especially low-income and minority communities.

- Work with local air districts and stakeholders to address, as appropriate, community concerns about air pollution emissions, exposures, and health risks, including enhanced public outreach.

- Work with stakeholders to review current ARB programs to address potential environmental justice implications and add new or modified elements consistent with these Policies where there are program gaps.

- Develop and incorporate an environmental justice program element into our employee-training curriculum.

- Annually provide a staff briefing to the Board at a public meeting regarding ongoing and planned activities. Issue a written annual status report identifying action items accomplished and a proposed work plan outlining the action items for the next year. The work plan shall include

quantitative goals for emissions reductions and promote the use of pollution-prevention strategies by ARB to achieve those goals.

- Conduct special air-monitoring studies in communities where environmental justice or other air-quality concerns exist, with the goal of assessing public health risks. Compare that information to relevant regional data. Current studies include Oakland, Barrio Logan (San Diego), Boyle Heights, and Wilmington.

- Work with local air districts to develop guidelines for implementation of AB 1390 (Firebaugh, 2001.) (This new law provides that not less than 50 percent of the funds for certain mobile source programs, such as the Carl Moyer Air Quality Standards Attainment Program and programs for the purchase of reduced-emissions school buses, are expended in communities with the most significant exposure to air contaminants, including, but not limited to, low-income and minority communities.)

II. It shall be the ARB's policy to strengthen our outreach and education efforts in all communities, especially low-income and minority communities, so that all Californians can fully participate in our public processes and share in the air quality benefits of our programs.

We want to enhance the participation of the public in State and local decision-making processes. To accomplish this, we will solicit input from communities, develop additional information on air quality in communities, make this information more accessible, and educate communities on the public process used to make State and local decisions. In partnership with local air districts, we will provide communities, including low-income and minority communities, the opportunity to participate in the decision-making processes.

Specific actions include the following:

- Hold meetings in communities affected by our programs, policies, and regulations at times and in places that encourage public participation, such as evenings and weekends at centrally located community meeting rooms, libraries, and schools.

- Assess the need for and provide translation services at public meetings.

- Hold community meetings to update residents on the results of any special air monitoring programs conducted in their neighborhood.

- In coordination with local air districts, make staff available to attend meetings of community organizations and neighborhood groups to listen to and, where appropriate, act upon community concerns.

- Establish within the Chairman's Office of Community Health a specific contact person for environmental justice issues.

- Increase public awareness of ARB's actions in protecting public health through the K-12 education system and through outreach opportunities at the community level.

- Make air-quality and regulatory information available to communities in an easily understood and useful format, including fact sheets, mailings, brochures, and Web pages, in English and other languages.

- Distribute fact sheets in English, and other languages, regarding the Children's Environmental Health Program, the Community Health Program, and our Environmental Justice Policies.

- Develop and maintain a web-site dedicated to community health that includes information on children's health issues, neighborhood air monitoring results, pollution prevention, risk reduction, and environmental justice activities.

- Develop and maintain a web-site that provides access to the best available information about sources of air pollution in neighborhoods. Include on the web-site ongoing activities to improve the quality of the information, and note the limitations and uncertainties associated with that information.

- Allow, encourage, and promote community access to the best available information in our databases on air quality, emission inventory, and other information archives.

- Distribute information in multiple languages, as needed, on how to contact the Chairman's Office of Community Health and our Public Information Office to obtain information and assistance regarding the Board's EJ programs, including how to participate in public processes.

- Create and distribute a simple, easy-to-read, and understandable public participation handbook.

- Consistent with State statutes, minimize, reduce, and, where practicable, eliminate fees for public information and enhance access to that information, and encourage local air districts to do the same.

III. It shall be the ARB's policy to work with local air districts to meet health-based air quality standards and reduce health risks from toxic air pollutants in all communities, especially low-income and minority communities, through the adoption of control measures and the promotion of pollution prevention programs.

Preventing and reducing air pollution is the Board's highest priority. In doing so, we are committed to achieving environmental justice. The public health framework of our efforts to reduce air pollution is the attainment of State and federal ambient air quality standards and reduction of health risks from toxic air pollutants. The framework includes a variety of measures that must be adopted at the local, State, and federal level. As part of these efforts, we must focus on both the regional and neighborhood levels.

In reducing statewide emissions of toxic air pollutants, we will prioritize our efforts by focusing on those pollutants contributing the majority of the exposure and public health risk, including those pollutants identified by the Office of Environmental Health Hazard Assessment under the Children's Environmental Health Protection Program as potentially causing infants and children to be more susceptible to illness. In the prioritization process, we will consider ARB and local air district air quality assessments and other available data.

Specific actions include the following:

- Develop the ARB Clean Air Plan to assist in the achievement of federal and State ambient air quality standards and to reduce health risks posed by toxic air pollutants.

- Prioritize toxic air pollutant control efforts, including the ARB Diesel Risk Reduction Program, by targeting measures that provide immediate and achievable air-quality benefits, such as emissions reductions from transit buses, refuse trucks, and tanker trucks.

- Develop control measures for other mobile sources of diesel particulate matter.

- Work with local air districts to develop control measures to reduce diesel particulate matter from stationary, portable, and marine diesel engines.

- Review, revise, and develop, as appropriate, modeling tools and control measures for sources of toxic air pollutants that may present significant near-source risks to residents and are common to communities across the State, including consideration of proximity. For example, ARB is reviewing the control measure to reduce

hexavalent chromium from plating facilities and evaluating additional perchloroethylene emission reduction opportunities from dry-cleaning facilities.

- Review existing and evaluate new or revised control measures for toxic air pollutants identified by the Office of Environmental Health Hazard Assessment (OEHHA) under the Children's Environmental Health Protection Program as potentially causing infants and children to be more susceptible to illness. These toxic air pollutants include lead, acrolein, diesel particulate matter, polycyclic organic matter, and dioxins.

- Develop new control measures that will reduce exposure to toxic air pollutants across the State. This analysis will include the consideration of proximity of sources to sensitive populations. Currently under development is an air toxics control measure (ATCM) for formaldehyde from composite wood products. These products are often used in portable buildings and manufactured housing and are of concern due to public exposure and health impacts to children.

- As part of our pollution-prevention efforts, promote and encourage the deployment of zero- and near-zero emissions technologies in communities, especially low-income and minority communities. These technologies include alternate power units for trucks and ZEVs.

- Work with the local air districts to implement incentive programs in communities, especially low-income and minority communities, with the most significant exposure to air pollution, consistent with AB 1390 (Firebaugh).

- Work with local air districts to establish a pilot pollution-prevention outreach program for auto body refinishers to minimize emissions from spray applications.

- Conduct special ambient dioxins monitoring and stationary source-testing study in California.

- Work with the Bureau of Automotive Repair to conduct additional low-income vehicle repair and assistance programs and promote the Smog Check Consumer Assistance Program in low-income and minority communities.

IV. It shall be the ARB's policy to work with the local air districts in our respective regulatory jurisdictions to strengthen enforcement activities at the community level across the State.

The ARB will work with local air districts to improve statewide compliance with all applicable air quality requirements for air pollution sources, whether under ARB or local air district jurisdiction. We want to assure that all complaints are promptly investigated and feedback is provided to the public on actions taken in response to those complaints. We will review our own enforcement activities and redirect efforts where we can achieve a more direct community benefit and will incorporate an environmental justice element into our enforcement training curriculum.

Specific actions include the following:

- In coordination with local air districts and considering input from stakeholders, prioritize field inspection audits to address statewide categories of facilities that may have significant localized impacts and make those audit reports easily accessible to the public.

- Conduct roadside inspections of heavy-duty diesel vehicles in all regions of the State, especially in low-income and minority communities.

- Develop and incorporate an environmental-justice awareness element into our enforcement-training curriculum to promote fair enforcement for all communities.

- Support local air district efforts to ensure that when there is facility noncompliance, the air-pollution-reduction projects or mitigation fees imposed in lieu of penalties will benefit the air quality of the impacted communities.

- Work with the local air districts to develop enhanced complaint-resolution processes for addressing environmental justice issues, including procedures that ARB staff will follow when complaints are made to the ARB.

- Work with the local air districts to improve accessibility of information regarding enforcement activities and actions, including notices of violations, monetary penalties, and other settlements of those violations.

- Assist local air districts on specific issues of community concern.

V. It shall be the ARB's policy to assess, consider, and reduce cumulative emissions, exposures, and health risks when developing and implementing our programs.

While health risks occur from exposures to cumulative emissions from all sources, motor vehicles are the single, largest contributor on a statewide basis. Current ARB air-quality programs—diesel risk reduction, ozone attainment, particulate matter attainment, zero- or low-emission motor vehicles, air toxics control measures, and consumer products—all help to improve the air quality and reduce cumulative health risks statewide. Nevertheless, current State and federal air quality standards are still exceeded in many areas of California, and there is a general consensus that the statewide health risk posed by toxic air pollutants remains too high. In addition, some communities experience higher exposures than others as a result of the cumulative impacts of air pollution from multiple sources—cars, trucks, trains, ships, off-road equipment, industrial and commercial facilities, paints, household products, and others. We will continue to work with local air districts to reduce emissions as needed to achieve and maintain State and federal air quality standards. For air toxics, we will continue to assess emissions and the associated public exposure and health risk. We will look for new opportunities to reduce cumulative health risk in all communities and to achieve emissions reductions where such reductions are shown to benefit public health, consistent with existing statutory authorities.

We must improve our ability to understand the cumulative public health impacts of air pollution by better assessing emissions, exposures, and health risks within communities. The Office of Environmental Health Hazard Assessment will help us define the health risks for potentially significant toxic air pollutants, and we will reduce emissions where such emissions reductions are shown to benefit public health. We will provide this information publicly in an easily understood way. As many of these activities are dependent upon data available at the local level, we will work very closely with the local air districts to prioritize and focus resources on those activities that will provide the greatest public health benefit.

Specific actions include the following:

- Publicly release and place on the ARB Web-site maps showing estimated cancer health risks on a regional basis, using the best available scientific methodologies and noting the limitations and uncertainty associated with the data and methodologies.

- Develop and place on the ARB Web-site local and regional maps showing air pollution emissions sources using the ARB emission inventory database.

- Develop technical tools for performing assessments of cumulative emissions, exposure, and health risk on a neighborhood scale and

provide maps showing the results at the neighborhood level. Such tools will be validated and peer-reviewed prior to use as a regulatory tool.

- Conduct field studies to support the air quality modeling efforts in communities throughout the State, including low-income and minority communities. Current studies underway include Barrio Logan in San Diego County and Wilmington in Los Angeles County.

- Update mapping data on an ongoing basis.

- Identify necessary ARB risk reduction and research priorities based on the results of the neighborhood assessments and other information.

VI. It shall be the ARB's policy to work with local land-use agencies, transportation agencies, and air districts to develop ways to assess, consider, and reduce cumulative emissions, exposures, and health risks from air pollution through general plans, permitting, and other local actions.

We recognize that local agencies have a primary role in decisions affecting land use, community health, and welfare. Local land-use agencies and transportation agencies are directly responsible for the planning and siting of new air pollution sources, and local air districts also play an important role by issuing permits for new industrial sources of air pollution. As such, we are committed to working as partners with these agencies and other stakeholders to develop the technical tools and guidance necessary to consider the cumulative impacts of local sources of air pollution. The technical tools and guidance are intended to assist the local agencies in their planning and permitting actions, including the consideration of siting alternatives and air pollution mitigation measures, and shall be peer reviewed and technically valid.

We will develop these technical tools and guidance to address, as appropriate, cumulative emissions, exposures, and health risks from sources of air pollution. We will follow ARB's existing science-based approach of evaluating public health impacts. This approach will ensure that issues are addressed from a broad, programmatic perspective and provide certainty to local agencies, the business community, and the public that decisions regarding cumulative impacts are addressed fairly and consistently. Once the technical tools and guidance are jointly developed and peer-reviewed, we will work with local agencies to best incorporate them into their existing permitting and land-use processes.

Specific actions include the following:

- Conduct joint programs with local air districts, land-use agencies (i.e., cities and counties), school districts, transportation agencies, and other

stakeholders to understand local issues and develop ways to incorporate cumulative-impacts analyses into local air district and land-use agency processes.

- Provide education and outreach to local agencies on the use of the technical tools and guidance in land-use decisions.

- Work with the local air districts to provide technical guidance to local agencies on measures that could be used to reduce or eliminate air quality impacts for specific types of sources.

- Work with the local air districts and others to maintain and compile a list of possible mitigation measures to reduce air pollution impacts for specific types of projects and the siting of sensitive receptors (e.g., schools).

- Work with Cal/EPA and the Office of Planning and Research to address environmental justice matters in city and county general plans, as required by AB 1553 (Keeley, 2001).

VII. It shall be the ARB's policy to support research and data collection needed to reduce cumulative emissions, exposure, and health risks, as appropriate, in all communities, especially low-income and minority communities.

The ARB's health research program continues to advance our ability to identify and understand air pollution's health effects. California's communities have a diversity of sensitive populations, and the health research program is increasing our understanding of the health effects of air pollution on those populations, including children, asthmatics, those with heart and lung disease, elderly, and other groups that may have a special sensitivity to air pollution. However, more research is needed to better characterize the variety of potential air pollution exposures within specific communities and people's health status as it relates to air pollution.

Specific actions include the following:

- Investigate non-cancer health effects associated with acute, peak-pollutant episodes and long-term low-level exposures that may trigger increases in the incidence of respiratory problems and neurological, developmental, and reproductive disorders.

- Characterize near-source dispersion patterns for toxic air pollutants, from selected point sources, area sources, and roadways.

- Develop better methods to monitor community exposures through controlled scientific studies. To support this effort, develop continuous monitoring systems and miniaturized monitoring technologies.

- Identify biomarkers for air pollutants and assess individual exposures within specific communities.

- Develop geographic-based information systems for assessing health-based information within communities, and correlating that information to air pollution and socioeconomic factors.

- Conduct periodic surveys to establish a baseline and to measure progress in reducing air pollution-related health concerns, with initial emphasis in low-income and minority communities.

- Refine models to estimate cumulative emissions, exposures, and health risks at the neighborhood level, compare those risks to the risk at the regional level, and have those models peer-reviewed.

Conclusion

The ARB is committed to integrating environmental justice into all of its programs, policies, and regulations. We will continue to improve our outreach efforts in all California communities, ensuring that everyone has an opportunity to participate fully in the development and implementation of those programs, policies and regulations. As an oversight agency and partner with local air districts, and as an advisory agency to land-use agencies, we will work with these and other stakeholders to jointly develop the technical tools and guidance necessary to consider the cumulative air pollution impacts of local sources of air pollution. We will participate in the Cal/EPA Environmental Justice Working Group as environmental justice policies are developed for the entire agency. Even while this work is being done, we are taking steps today to reduce exposure and health risks in communities. Our goal is to ensure that all Californians, especially children and the elderly, can live, work, learn, and play in a healthful environment.