

Shafter AB 617 CERP Comments by Committee Members not aligned with Environmental Justice Groups  
August 2, 2019

Air quality is extremely important to the health, wellbeing and economy of the residents of Shafter. The Shafter AB 617 Committee has been meeting since December 2018. Over the past 7 months we have had 12 meetings and covered a vast array of topics. This legislation has very aggressive time schedules which do not provide the committee enough meaningful data to make responsible recommendations. From the time we started until October 2019 (10 months) the committee is to have established an air monitoring program as well as a responsible Community Emissions Reductions Program (CERP). Actually, the time allowed is shorter as our committee must have our CERP recommendation completed sometime in August in order to meet the scheduling deadlines of the San Joaquin Valley Air Pollution Control District's (district) board noticing requirements. It is difficult to imagine that a responsible CERP can be recommended without any real data available from the monitoring program.

The legislation provides substantial funding to incentivize changes in operations that are otherwise operating within existing laws and regulations and does not enable the AB 617 Committees, Air Districts or CARB to enact new laws or regulations without complying with appropriate public notifications and other processes currently required by law. Although we believe establishing an emissions reduction program without meaningful data is somewhat irresponsible and potentially wasteful of public funds we understand that any changes in operations or behaviors to accomplish the CERP is to be based on the requirements of existing regulations and financial incentives provided through the legislature.

Ab 617 should give the community of Shafter a unique opportunity to improve our quality of life and must be a tool to help build the community we want by improving opportunities and the future for our residents. The committee's responsibility is to utilize these incentives, existing laws and regulations to improve the air quality of Shafter and we are committed to that. Given the rushed timelines of this program the committee has not reached consensus regarding the CERP. Additionally, several non-Shafter regional and statewide organizations are participating more and more in the Shafter meetings. Representatives from these organizations generally are advocating for changes or restrictions in mostly pesticide use. At least on one occasion representatives from CARB privately met with those groups prior to a Shafter 617 meeting and, the CARB representative reportedly made commitments relative to pesticide use and the Shafter CERP. If this is true it is exceedingly insulting to members of the committee who were not there and certainly not in the spirit of an AB 617 open process. This would be CARB committing to people who do not live in Shafter that they would do something that had not been vetted or requested through the committee.

To date, steering committee members and the public engaged in this process have seen a set of proposed monitoring locations and recommended emission reduction measures prepared by environmental justice groups and submitted to the air district through the steering committee members affiliated with those groups. Additionally, the air district presented detailed slides outlining a series of CERP recommendations. The presentation incorporated as many of the EJ groups recommendations as the AB 617 process allow. It is important to note that the district also provided perspective on recommended measures it could not adopt. Following is brief history as well as some suggestions regarding the environmental justice group proposals.

On June 10, 2019 the Center on Race Poverty and the Environment (CRPE) and Central California Environmental Justice Network (EJ Groups) in cooperation with other committee members formally submitted their desired air monitoring locations and recommended emission reduction measures. On July 22 the district presented to the committee a proposed CERP.

The District proposal was based on their understanding of AB 617 requirements and input from the committee through 6 months of meetings. Consistent with legislative requirements the District proposal included estimated emission reductions for PM 2.5, NOx and Toxics as well estimated costs. The environment justice groups proposal did not present estimated emissions reduction amounts for each proposed measure nor did it include estimated costs.

After the District presented their proposal on July 22<sup>nd</sup> Mr. Tom Franz (CRPE) said the Districts plan was totally inadequate, did not address the EJ Group's concerns or desires and went as far as to physically tear the plan and throw it on the floor.

While all steering committee members care deeply about air quality and the health of Shafter's citizens, not all the Shafter AB 617 Committee members are represented by the environmental justice groups. Although there are many and varied interests in the Shafter Community we believe there is substantial common ground and that all Shafter residents desire a healthy and prosperous community. The following are the positions of some of the Shafter AB 617 committee members who are not represented by the EJ Groups.

- I. We feel we were a part of the development of the CERP proposal presented by the District and although some fine tuning is necessary we have no major objections
- II. We feel we were not a part of the development of the EJ Groups proposal and offer the following comments:
  - a. We support the EJ Groups air monitoring locations and comments numbered 1 through 11.
  - b. We can generally support eleven of the EJ Groups eighteen CERP proposals provided they meet the intent and requirements of the AB 617 legislation. The EJ proposals we generally support number 1,2,3,4,5,6, 7,11,14,17 and 18.
  - c. We offer the following comments regarding the seven EJ proposal not included in b. above:
    - i. Proposal 8. An incentive should be offered for all stationary internal combustion engines within the 7-mile radius to convert to electric motors if the electrical grid is within 1,000 feet. This incentive to convert should be available to anyone that wants it.
    - ii. Proposal 9. We support all of Proposal 9 except the last sentence. We find the last sentence counterproductive to the goal of reducing emissions.
    - iii. Proposal 10. We agree with the inclusion of incentives to grind and till material into the soil but cannot support the elimination of all burning opportunities under current rules. Another option is to fund a study for how best to dispose of agricultural material.
    - iv. Proposal 12 We do not agree with singling out any particular company currently complying with all requirements without adequate data to substantiate that the community will actually benefit from the increased

restriction. In this case air monitoring will take place at the source and the nearest community providing data that may or may not support additional measures in the future.

- v. Proposal 15. This proposal is clearly under the jurisdiction of the local planning agency for several practical reasons. Further, land use issues are specifically outside the AB 617 jurisdiction as outlined in the blueprint. Matters such as this must be addressed via existing land use laws. Everyone who has an interest in such a requirement must be given an opportunity to participate in such a decision. The public land use laws provide for that in an open, adequately noticed and advertised way, open to the public with decisions made by people elected by the people impacted. This proposal is arbitrary and does not give all interested parties opportunity to participate.
- vi. Proposal 16. As with proposal 12 this location would have a monitor at the source and the communities nearest will also have monitors. This should provide adequate information regarding emissions from the company as well as any impacts on the community.

#### Specific measures regarding pesticides:

Although we recognize this is a very important issue for the committee as well as other regional and statewide groups we understand pesticide use regulations fall under the purview of DPR and not CARB. We understand that 1,3 D is currently under discussion at multiple levels including DPR, CARB, OEHHA and the Governor's office. The use and regulation of Telone or 1,3 D in the state of California currently has a high level of awareness and scrutiny. We further understand DPR has committed to developing new statewide measures regarding 1,3 D. The specific environmental justice groups' proposals regarding pesticides for the Shafter CERP require regulatory changes that are not in the purview of the District or CARB. We feel these matters are best regulated by DPR where the resources and expertise exist to responsibly provide the regulations.

In conclusion we look forward to working with the entire committee and district to a consensus relating to the Shafter CERP.