
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: SB 342
Author: Gonzalez
Version: 3/10/2021
Urgency: No
Consultant: Rylie Ellison

Hearing Date: 4/12/2021
Fiscal: No

SUBJECT: South Coast Air Quality Management District: board membership

DIGEST: This bill would add two additional seats to the South Coast Air Quality Management District (SCAQMD) Governing Board to be filled by persons residing in and working directly with pollution-burdened and vulnerable communities and issues of environmental justice in the South Coast Air Basin.

ANALYSIS:

Existing law:

- 1) Provides the California Air Resources Board (ARB) with primary responsibility for control of mobile source air pollution and provides that air pollution control districts (APCDs) and air quality management districts (AQMDs) have primary responsibility for controlling air pollution from all sources, other than emissions from mobile sources, and establishes certain powers, duties, and requirements for those districts. (Health and Safety Code (HSC) §39500 and §40000 et seq.)
- 2) Creates certain AQMDs, with related authority, including the SCAQMD under the Lewis-Presley Air Quality Management Act. SCAQMD covers portions of Los Angeles, Orange, Riverside, and San Bernardino counties within the South Coast Air Basin. (HSC §40400 et seq.)
- 3) Establishes the SCAQMD Governing Board, and specifies the board consist of 13 members, where one member each is appointed by the Governor, Senate Rules Committee, and the Speaker of the Assembly, and the other 10 members are appointed by regional government entities in the South Coast Air Basin, as specified, wherein: (HSC §40420)
 - a) All members shall be appointed on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with air pollution problems in the South Coast Air Basin.

- b) The member appointed by the Governor shall be either a physician who has training and experience in the health effects of air pollution, an environmental engineer, a chemist, a meteorologist, or a specialist in air pollution control.
- c) The members appointed by the Senate Committee on Rules and the Speaker of the Assembly shall have one or more of the same qualifications as for the Governor's appointee or be a public member.

This bill:

- 1) Expands the SCAQMD Governing board by two to increase the membership to 15, with the additional members appointed by the Senate Committee on Rules and the Speaker of the Assembly.
- 2) Requires that the two additional appointed members shall reside in and work directly with communities in the South Coast Air Basin that are disproportionately burdened by and vulnerable to high levels of pollution and issues of environmental justice, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income populations.

Background

- 1) *SCAQMD Governing Board.* Local air districts and their governing boards have primary jurisdiction over air pollution from all sources in their air basin, other than emissions from mobile sources. All SCAQMD board members are required to have a demonstrated interest and proven ability in the field of air pollution control. The governor's appointee is the only member required to have a technical background related to air quality and no members are required to have a background in working with pollution-burdened communities or environmental justice. The board is currently made up of three state-appointed and 10 locally-appointed members. Dr. William Burke, appointed by the Speaker of the Assembly, has served as Chairman of the SCAQMD Board for 23 years and recently announced he will retire on May 31, 2021. The Speaker of the Assembly has appointed Veronica Padilla-Campos as his replacement on the board. Padilla-Campos is the executive director of Pacoima Beautiful, an environmental justice non-profit whose mission is to provide education, impact local policy, and support local arts and culture in order to promote a healthy and sustainable San Fernando Valley.

- 2) *Air Quality and Public Health in the South Coast Air Basin.* While air quality in the South Coast Air District has improved over the past 40 years, air pollution at the current levels still brings many challenges to public health. The American Lung Association's 2020 *State of the Air* report found that Los Angeles remains the city with the worst ozone pollution in the nation and is fourth-highest in year-round harmful particulate matter pollution (<2.5 microns, or PM 2.5).

The South Coast is in extreme nonattainment for ozone and serious nonattainment for particulate matter under the federal Clean Air Act. That means the region does not meet the National Ambient Air Quality Standards (NAAQS) set by the US EPA. These federal standards exist for several air pollutants due to their negative impact on public health above specified concentrations.

These air pollutants pose serious health risks such as asthma and cardiopulmonary disease, and residents in this area suffer unusually high rates of both. This is especially true for children due to their growing lungs. A Southern California Children's Health study conducted over a 20 year period found strong evidence of the potential to improve children's health, including greater lung function growth and reduced asthma rates and respiratory symptoms, by reducing some of the most common outdoor air pollutants.

- 3) *Disadvantaged Communities.* Approximately 68% of disadvantaged communities (DACs), identified by the California Environmental Protection Agency for SB 535 (2012), were located in Los Angeles, Orange, Riverside, and San Bernardino counties as of 2018. DACs are communities with high pollution burdens defined as the top 25% scoring areas from CalEnviroScreen along with other areas with high amounts of pollution and low populations. A 2018 Office of Environmental Health Hazard Assessment (OEHHA) report on demographics and CalEnviroScreen 3.0 scores found that that over 17% of African Americans and 18% of Latinos in California live in one of the 10% most burdened communities in the state, while fewer than 3% of the state's white population live in those communities.
- 4) *Environmental Justice Advisory Group.* In 1990, the SCAQMD established an Ethnic Community Advisory Council, which was restructured in 2008 into the Environmental Justice Advisory Group (EJAG), made up of 30 members. Their role is to advise and assist the SCAQMD Governing Board in protecting and improving public health in the district's most impacted communities through the reductions and prevention of air pollution.

In 2015, SCAQMD established the Environmental Justice Community Partnership to build stronger ties with environmental justice groups and local communities. They host events, such as forums, training sessions, and outreach activities with an environmental justice focus.

Comments

- 1) *Purpose of Bill.* According to the author, “South Coast air basin, despite significant air quality improvements over the last several decades, has some of the worst air quality in the nation. Poor land use decisions, discriminatory housing policies, and a legacy of systemic racism have all contributed to an unacceptable reality in South Coast air basin, where low-income communities and communities of color are disproportionately burdened with the unsafe health and environmental consequences of air pollution. According to a 2017 OEHHA report, 57% percent of the industrial facilities subject to the state’s Cap and Trade program are located in or within one-half mile of a disadvantaged community. The same report showed that 75% of refineries and 65% of facilities classified by the California Air Resources Board (CARB) as “other combustion source” facilities are also located in or within one-half mile of a disadvantaged community.

“By adding two environmental justice representatives to SCAQMD’s governing board, SB 342 will help tip the scales towards justice for communities that are disproportionately impacted by outdoor pollution in the South Coast air basin and incorporate diverse viewpoints on local public resources and air quality policies. In addition, access to membership on boards will help provide a path to other positions in governmental leadership to individuals from historically underrepresented populations. It is now that we need to deliberately include environmental justice voices and establish active long-term community representation, as we struggle to meet federal air quality standards and tackle one of our most pressing health equity issues.”

- 2) *Appointments.* SB 342 would require the two additional SCAQMD board members to be appointed by the Senate Committee on Rules and the Speaker of the Assembly who “work directly with communities in the South Coast Air Basin that are disproportionately burdened by and vulnerable to high levels of pollution and issues of environmental justice.”

The author may wish to clarify in what capacity the appointees are required to work with these communities.

The addition of two new seats would put the balance of the board membership at 5 appointed by the state government compared to 10 appointed by local governments. The newly-added board members would be subject to all of the same rules, regulations, four-year term lengths, and receive the same compensation as the existing board members.

- 3) *Environmental Justice*. Local air districts are on the front line of addressing environmental justice and public health issues including toxic hot spots, regulation of stationary sources, and implementation of the AB 617 Community Air Protection Program.

AB 1288 (Atkins, Chapter 586, Statutes of 2015) did the same thing as this bill, but for ARB, adding two seats and requiring that those members be persons who work directly with pollution-burdened and vulnerable communities. Their presence and input on policies and programs are intended to help shape and define the conversations at the state level. The addition of such members at the local level could also help ensure these issues are addressed through rulemaking, policies, and stakeholder engagement.

DOUBLE REFERRAL:

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Governance and Finance Committee.

Related/Prior Legislation

AB 423 (Gloria, Chapter 744, Statutes of 2019) restructured the governing board of the San Diego County Air Pollution Control District, which was previously governed by the five San Diego County Supervisors, to be governed by an 11-member board consisting of two county supervisors, six council members or mayors from specified cities, and three public members with designated expertise as a public health professional, an air pollution specialist, and an environmental justice expert.

SB 1387 (De León, 2016) would have added three members to the SCAQMD Governing Board that work directly with communities in the South Coast Air Basin that are disproportionately burdened by and vulnerable to high levels of pollution and issues of environmental justice. SB 1387 failed passage on the Assembly Floor.

AB 1288 (Atkins, Chapter 586, Statutes of 2015) expanded the Board membership of ARB from 12 to 14 members, and required that those members be persons who work directly with pollution-burdened and vulnerable communities.

SOURCE: Author

SUPPORT:

California League of Conservation Voters
Coalition for Clean Air
Communities for A Better Environment
Earthjustice
Esperanza Community Housing Corporation
Holman United Methodist Church
Liberty Hill Foundation
Natural Resources Defense Council
People's Collective for Environmental Justice
Physicians for Social Responsibility - Los Angeles
Redeemer Community Partnership
Stand LA Coalition

OPPOSITION:

Los Angeles County Business Federation (BizFed)

ARGUMENTS IN SUPPORT: The Coalition for Clean Air argues that “Currently, all avenues for community participation such as the Environmental Justice Advisory Group, AB 617 Community Steering Committees and public comments are, at best, advisory. Creating specific environmental justice positions would empower these communities without undermining SCAQMD’s independence from the state.”

ARGUMENTS IN OPPOSITION: The Los Angeles County Business Federation argues that “SB 342 (Gonzalez) would effectively “stack” the South Coast Air Quality Management District (SCAQMD) board by the Legislature’s hand-picked political appointees representing a single constituency and not accountable to the region’s constituents and voters.”

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