

Differentiated Requirements

CCEEB Perspective on Increased
Stringency for Regulatory
Requirements and Permit Thresholds

Who is CCEEB? The California Council for Environmental and Economic Balance in a nutshell

- Founded by Governor “Pat” Brown in 1973
- **Environmental policy**
 - Air
 - Transportation
 - Alternative Fuels
 - Climate
 - Waste
 - Water
 - Land Use
 - Governance and Fiscal Reform
 - Infrastructure
 - Education
- **Broad-based Coalition**
 - Business
 - Aerospace
 - Agriculture
 - Energy and Oil
 - Entertainment
 - Manufacturers
 - Public Utilities
 - Railroads
 - Labor
 - State Building and Construction Trades Council
 - Operating Engineers
 - Laborers International
 - United Transportation Union
 - Teamsters
 - California Labor Federation
 - California Pipe Trades Council
 - California Teachers Association
 - Public and Civic Leaders

What we do (and don't do)

- **Consensus-based**, multi-stakeholder collaborative – business, labor, public leaders and environmental leaders (CED)
- Statewide policies and legislation -plus- activity at SCAQMD and BAAQMD
- Non-profit and non-partisan – CCEEB makes no political contributions of any kind

Why Collaboration?

“We must create a new paradigm in which parties recognize that the **existing adversarial situation leads down a path to our mutual detriment** and the route to improving individual and societal interests can only be found in consensus-style issue identification, analysis and decision-making. Much of the paralysis in decision-making we experience today is due to posturing on issues rather than genuinely striving to identify and embrace opportunities to arrive at consensus.”

-CCEEB Board of Directors, 1994

Accomplishments – Air Quality and Land Use

- **Air Quality**

- California Clean Air Act (1988) and amendments to the act (1992)
- Major stakeholder in drafting AB 32
- AB 1807 (1983, air toxics regulatory framework) and amendments to AB 2588
- Carl Moyer Program
- AB 118 and Prop 1B
- Reformulated Gasoline
- Smog Check enhancements and low-income assistance

- MTBE and oxygenate waiver at US EPA
- RECLAIM
- Continued Subvention Funding for Air Districts
- Prop 5 (1974) gas tax for transit funding

- **Land Use**

- ARB Land Use Guidelines
- Project CPR (multi-year Smart Growth coalition)

Other Accomplishments

- Co-sponsored* or Supported:
 - Hazardous Waste Source Reduction Act 1989*
 - Coastal Zone Conservation Act and Coastal Wetland Act
 - Habitat Conservation, Parks and Clean Water => \$10 billion in bonds
 - Career Technical Education and Green Jobs
 - California 2000 (C2K) Project
 - AB 8 (1979)* funding for school construction
 - Mello-Roos Community Facilities Act 1982*
 - CA Governance Consensus Project
- Infrastructure Investment
 - K-12 funding and environmental curriculum

Engagement in Environmental Justice

- Conference on cross-media pollution in 1984
- Conference on EJ in 1991
- CCEEB EJ Principles, adopted 1999
- Support for EJ bills
 - SB 89 (Escutia, 2000)
 - AB 1553 (Keeley, 2001)
 - AB 1390 (Firebaugh, 2001)
 - SB 1542 (Escutia, 2002)
- Participant in EJ policy groups
 - CEJAC
 - OEHHA Cumulative Impacts and Precautionary Approaches Working Group
 - BAAQMD CARE and CIWG
 - SCAQMD Clean Communities Plan Working Group

CCEEB Air Quality Principles

- **Support the business climate.** Make necessary improvements in air quality without adversely affecting California's business climate.
- **Improve air quality in a balanced manner.** Policies should be directed at achieving air quality improvements at the lowest cost. Additional emission reductions should not be required from sources after the incremental public health benefit no longer exceeds the marginal cost.
- **Assess economic impacts.** The state should assess impacts on businesses and the economy before new requirements are adopted.
- **Provide source equity.** Regulatory planning and programs should be based on the commensurate contribution of emission sources to ensure that the requirements will be equitable.
- **Ensure measures are feasible.** In establishing emission limitations, air districts should ensure that emission control technologies being evaluated are commercially available and proven under fully operational applications.

CCEEB Air Quality Principles (cont.)

- **Maintain level playing fields.** To the extent practicable, air quality requirements should be set in terms of emissions limitations as opposed to specific technology requirements in order to provide a level playing field for regulated stationary sources and to allow regulated sources to use technologies that are most suited for their operations.
- **Integrate federal and state programs effectively.** The Air Resources Board and air districts should maximize consistency in implementation of federal and state requirements.
- **Minimize duplication.** The role of air districts should be to implement programs that will attain air quality standards and reduce significant risks posed by routine emissions. The air districts should not duplicate the roles of other local, state or federal agencies.
- **Support Environmental Justice.** Air quality programs should provide for **the fair treatment of people of all races, cultures and income levels.**

CCEEB EJ Principles (abridged)

- **FAIRNESS**

- All people are entitled to a healthy environment and fair treatment under environmental laws, regulations, and policies.
- EJ policies should be designed to **identify and correct problems of unfairness** caused by misapplication or gaps in standards and regulations.
- All people should have convenient access to information and the opportunity for meaningful participation in decision-making processes.
- EJ policy can help identify and correct public health problems, but **should neither be expected nor required to resolve broader issues of social injustice or past ill-advised land use planning** and urban design. Mitigation of impacts should be directly related and proportional to impacts resulting from a source.

CCEEB EJ Principles (abridged, cont.)

- **CERTAINTY**

- EJ policies and environmental programs should be designed to provide the **greatest possible clarity and certainty** for all stakeholders.
- EJ policy and environmental programs should be founded on sound science. Initiatives should be designed to measure levels of exposure in communities because **proximity to a source does not in and of itself equate to environmental health risk**.
- If environmental requirements are met, an activity should be considered both environmentally acceptable and fair.

- **BALANCE**

- **Environmental concerns should be balanced with legitimate community concerns for economic development and jobs.**
- To prevent shifting problems from one environmental medium to another (e.g., from air to water), environmental justice policies should be designed to address all environmental media.

What do we mean by “balance”?

*Observation – wealthiest societies have strongest environmental protection. Two are in **balance**.*

Two aspects of **balance**:

- Strong economy = public support for environment and public health, more public and private funding - *BUT the reverse is true, too*
- High-quality and healthy environment = brightest workers and best companies, strongest economy

What do we mean by “uncertainty”?

- Permitting uncertainty
 - Takes years to approve even if good for the environment
 - May be rejected in the end
- Planning timeframes are long, money moves fast
 - Facilities compete internally – seeing corporations shift capital and production to other states
 - Supply chain can be disrupted – some equipment takes years to manufacture and deliver

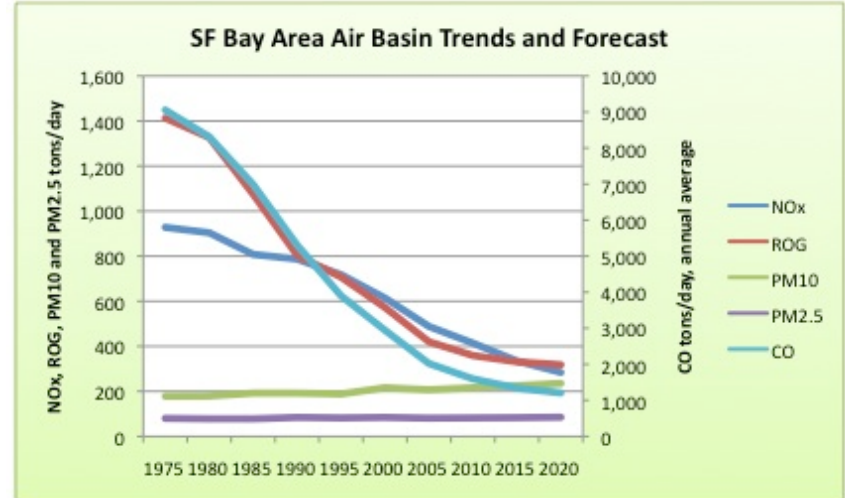
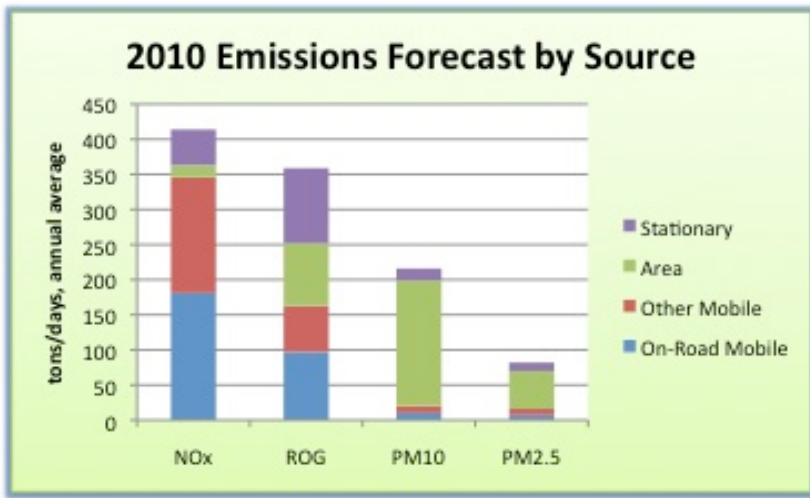
Differentiated Requirements: Where's the "Rub"?

- **Balance environment and economy**
 - **Overly-conservative buffer zones discourage investment within industrial areas**
 - Examine whether investment is discouraged, to what degree and with what negative impacts
- **Science-based decision making** – no matter where the chips fall
 - **No justification given as to the basis of new thresholds**
 - **No definition of what constitutes a disproportionate impact**
 - **Requirements are based on proximity to receptor, not exposure from source**
 - Support state and national efforts to improve science and set health-based threshold

Differentiated Requirements: Where's the "Rub"?

- **Fair-share**, i.e., equity among sources
 - Stationary Sources have made steady and steep reductions; already face "every feasible control measure"
 - Work together on reducing mobile and area sources, implementing AB 32
 - CARE good for targeting incentive funds –STRONG CCEEB SUPPORT – no tradeoffs
- **Address gaps** that lead to disproportionate and cumulative impacts
 - Not really "new" sources; talking about facility upgrades – what is the "gap" we are trying to solve?
 - Work together on science, monitoring, enforcement, land use, goods movement, mobile sources and healthy communities
- **Fair treatment** of people of all races, cultures and income levels
 - Air toxics affect all people
 - Support region-wide thresholds and requirements – level playing field, equal protection

SFBAAB Emissions Trends and Forecast



Path Forward

- CCEEB will engage in stakeholder dialogue, policy development processes, and other relevant activities to support the creation of effective and equitable environmental justice policies.
- CCEEB members will continue to open channels of communication with the elected and non-elected representatives of the communities where they do business as well as with relevant regulatory agencies.

Thank You!

Bill Quinn

Chief Operating Officer
and Project Manager for
CCEEB Bay Area
Partnership

billq@cceeb.org

415-512-7890 ext. 15

Janet Whittick

Communications and
Policy Manager

janetw@cceeb.org

415-512-7890 ext. 11