

State of California
AIR RESOURCES BOARD

Summary of Board Meeting
September 27, 2007

California Air Resources Board
South Coast Air Quality Management District Office
Auditorium
21865 Copley Drive
Diamond Bar, CA 91765-4182

MEMBERS PRESENT: Mary Nichols, Chairman
Ms. Sandra Berg
Ms. Judith Case
Ms. Dorene D'Adamo
Supervisor Jerry Hill
Mr. Ronald Loveridge
Mrs. Barbara Riordan
Mr. Ron Roberts

Agenda Item #

07-9-2: Public Meeting to Consider Research Proposals

SUMMARY OF AGENDA ITEM:

Staff described the objective and expected results for the following four research proposals.

1. "On-Road Motor Vehicle Emissions Measurements Including Ammonia, Sulfur Dioxide, and Nitrogen Dioxide," University of Denver, \$90,042, Proposal No. 2632-257.
2. "Cardiopulmonary Health Effects: Toxicity of Semi-volatile and Non-volatile Components of Ultrafine PM," University of California, Irvine, \$501,484, Proposal No. 2633-257.
3. "Assessing Near-Field Exposures from Distributed Residential Wood Smoke Combustion Sources," California Polytechnic State University, San Luis Obispo, \$320,286, Proposal No. 2634-257.
4. "Using Lead and Strontium Isotopes to Assess Asian Aerosol Impacts in Urban and Interior California," University of California, Berkeley, \$80,806, Proposal No. 2639-257.

5. "Evaluation of Efficiency Activities in the Industrial Sector Undertaken in Response to Greenhouse Gas Emission Reduction Targets," University of California Berkeley/Lawrence Berkeley National Laboratory, \$100,000, Proposal No. 2638-257.
6. Is Disparity in Asthma Among Californians due to Higher Pollutant Exposures, Greater Susceptibility, or Both?" University of California, Los Angeles, \$299,794.
7. "Retail Climate Change Mitigation: Life-Cycle Emission and Energy Efficiency Labels and Standards," University of California, Berkeley, \$265,144, Proposal No. 2640-257.

ORAL TESTIMONY: None

FORMAL BOARD ACTION: The Board unanimously approved resolutions 07-32 through 07-38.

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: No

07-8-4 Public Meeting to Consider Research Screening Committee Appointments

SUMMARY OF AGENDA ITEM:

Staff recommended two appointments to the Research Screening Committee. The first recommendation was for a permanent member, Professor Charles Kolstad of the University of California, Santa Barbara. The other recommendation was for an adjunct to the Committee, Professor Matthew Kahn from Tufts University. Both are economists who focus on climate change regulations and therefore will be extremely helpful as the Air Resources Board (ARB) works towards the goals set forth in the 2006 Global Warming Solutions Act.

ORAL TESTIMONY: None

FORMAL BOARD ACTION: The Board approved staff's recommendations.

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: No

07–9-3: Public Hearing to Consider Adoption of a Regulation to Limit Ozone Emissions from Indoor Air Cleaning Devices

SUMMARY OF AGENDA ITEM:

Assembly Bill 2276 (Pavley, 2006) mandates that ARB adopt a regulation to limit the ozone emissions from indoor air cleaning devices by December 31, 2008. The emission of ozone by indoor air cleaning devices into indoor environments is estimated to expose over 500,000 Californians to ozone levels above the California Ambient Air Quality Standard levels.

Staff presented the proposed adoption of the indoor air cleaning device ozone emission regulation (regulation). The regulation establishes a 0.050 parts per million ozone emission concentration limit for indoor air cleaning devices, which is consistent with the federal Food and Drug Administration (FDA) limit. Air cleaning devices offered for sale in California will be required to obtain ARB certification, verifying compliance with the emission limit and electrical safety requirements prior to sale in California. Devices satisfying the requirements for industrial use or in-duct air cleaners will be exempt from the certification requirements, but industrial use devices must carry a specified label. The regulation specifies the procedures for obtaining certification, the package labeling requirements, and the requirement for manufacturers to notify their distributors and retailers with the specifics of the regulation.

Staff explained the requirements of Assembly Bill 2276, the results of a survey on air cleaner usage in California, and a detailed discussion of the proposed regulation. Staff also presented their responses to comments received and suggested revisions to the regulation order released for 45-day comment.

Staff addressed a number of questions from Board members. One initial concern raised was that staff's rejection of dual-use devices implied an assumption that consumers are not smart enough to follow directions and use appliances properly. Staff responded that the primary concern that prompted rejection of certification of dual-use devices is that, although the person turning the device to the "high" setting may know to leave the house or room, others who live or work in the location (such as children or a spouse returning home) are likely to enter without knowing the device is set on a high setting, and could be exposed unknowingly to very high levels of ozone. Legal counsel also explained the bill's definition of "occupied space," which relates to locations that are normally occupied and is consistent with the FDA definition. Because these locations are normally occupied, there is a high likelihood of others entering when high ozone settings are used.

Approximately 3 hours of public testimony followed. Of the 39 individuals who testified, 7 were in support of the proposed regulation, 28 were in opposition, and 4 were neutral.

Following public testimony, each Board member voiced their perspectives on the proposed regulation and the testimony they had heard. Several voiced deep concern

regarding the misleading information provided by ozone generator manufacturers and distributors to their customers, and the potential adverse health impacts experienced by some customers. Board members also expressed concern that high ozone-emitting air cleaners would be allowed to continue to be sold during a sell-through period following the manufacture effective date, and asked staff about the rationale behind the proposed sell-through period.

ORAL TESTIMONY:

Testimony in support of the regulation cited the known adverse health effects related to ozone exposure, and exposure to its indoor chemical reaction products. Requests were received to adopt a lower emission level and to shorten the effective dates of the regulation.

Those testifying in opposition to the regulation stated the following concerns:

- The selected test method is not suitable for intentional ozone generating air cleaners and does not represent real world conditions;
- The length of the sell-through period is too short, given the seasonal nature of air cleaner sales;
- The definition of occupied space in the proposed regulation is inconsistent with accepted dictionary and legal definitions;
- The industrial use exemption for high-emitting devices will establish a monopoly for applications of mold, odor, and smoke damage remediation;
- The effective date timeline is too short, since the ANSI standard review process for the revised ozone test protocol is not completely finished.

The following individuals testified at the Board meeting:

Michael Kleinman, University of California – Irvine
Jean Ospital, South Coast Air Quality Management District
Otana Jakpor
Allen Johnston, EcoQuest International
Richard Wilson, Limit Ozone
Robert Naylor, EcoQuest International
Kent Sorrells, EcoQuest International
Debra Perkins, Better Living Enterprises
Carmel Lozano
Tom Lozano
Lee Webb
Levi White
Robert Perkins
Gary Pruitt
Gary Feder, Hunter Fan Company
Sally Andreatta
Colleen Quintana

Leonardo Sy
Laarni Perez
Sherwin Perez
Joseph Amendola, Golden Pacific Real Estate
J. David Barnes, Green Era Marketing
Mark Grijalva
Johnny Cherabie
Martin Olsen
Bonnie Holmes Gen, American Lung Association
Chris Fuehrer
Bob Brickman
Greg Montoya, California Consumers for Freedom of Choice
Sharon Gold
Jeff Hawkins
Chris Hudgins, Assoc. of Home Appliance Manufacturers
Wayne Morris, Assoc. of Home Appliance Manufacturers
Kirk Sullivan, International Assoc. of Air Cleaner Manufacturers
Glory Dolphin, International Assoc. of Air Cleaner Manufacturers
Doug Korthof
Gary Rothman
Ronald Chaves
Tim Carmichael, Coalition for Clean Air

FORMAL BOARD ACTION:

The Board unanimously adopted resolution 07-40, approving staff's proposal and suggested revisions including extension of the manufacturer effective date to 24 months, with the exception of the sell-through period, which was eliminated from the regulation.

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: Yes

07-7-7 & 07-9-4: Public Meeting to Consider Approval of the Proposed State Strategy for California's State Implementation Plan (SIP) for the Federal 8-Hour Ozone and PM2.5 Standards and the 2007 Air Quality Management Plan for Attaining the Federal 8-hour Ozone and PM2.5 Standards in the South Coast Air Basin and the Coachella Valley

SUMMARY OF AGENDA ITEM:

Staff proposed and the board approved the new State Strategy for the California State Implementation Plan (State Strategy) and the 2007 Air Quality Management Plan

(AQMP) for the South Coast Air Basin and the Coachella Valley. The State Strategy contains more than a dozen new control measures that ARB will pursue to help nonattainment areas meet federal 8-hour ozone and annual PM2.5 ambient air quality standards. The State Strategy contains emission reduction commitments for 2014, 2020, and 2023 in the South Coast and San Joaquin Valley Air Basins intended to help attain the 8-hour ozone standard in these areas. It also contains an additional commitment for NOx reduction by 2014 in the South Coast Air Basin to help attain the annual PM2.5 standard, additional commitments for 2017 in the San Joaquin Valley to accelerate attainment of the 8-hour ozone standard, and commitments for 2018 in the Coachella Valley to support attainment of the 8-hour ozone standard in this region.

The AQMP sets forth the local strategies for attaining the 8-hour ozone and annual PM2.5 standards in the South Coast Air Basin, as approved by the Governing Board of the South Coast Air Quality Management District (SCAQMD). The plan also adopts measures for attaining the 8-hour ozone standard in the Coachella Valley, and updates the carbon monoxide and nitrogen dioxide maintenance plans for the South Coast Air Basin (SCAB).

At the hearing, staff proposed, and the Board approved an additional three actions to secure additional emission reductions to help meet AQMP targets in support of PM2.5 attainment. First, the Board approved staff's proposal to achieve 30 tons per day of oxide of nitrogen (NOx) emission reductions in the SCAB by 2014, the attainment deadline for the PM2.5 standard. These reductions will derive from the enhanced regulation of emissions from heavy duty trucks and from co-benefits accrued by Greenhouse Gas reduction measures. Second, the Board committed to working with SCAQMD to secure funding for the SCAQMD to achieve 6 tons per day of NOx emission reductions from port-related and other sources and from Metrolink trains, and to backstop the District's 6 tons per day emission reduction commitment. Third, the Board approved additional commitments assigned to SCAQMD, local governments in the SCAB, and the federal government. The additional SCAQMD commitments include 36 tons per day of NOx or NOx-equivalent emission reductions from the SOON program opt-in for construction equipment, regulation of residential wood combustion and commercial cooking emissions, and credit for Moyer Program projects already funded. The local government commitment includes the use of DMV registration fees to fund SIP-creditable projects capable of achieving 4 tons per day of NOx reductions. A commitment assigned to the federal government requests funding to mitigate locomotive emissions in 2014 pending implementation of new locomotive standards. The new commitments will deliver 76 tons per day of NOx reductions in the SCAB by 2014, as compared to the reductions additional to the Board at its June 22, 2007 meeting.

The revised State Strategy and local measures from the 2007 AQMP together provide 73 percent of the NOx reductions required to demonstrate attainment of the 8-hour ozone standard in 2023. ARB, SCAG and the District staffs also committed to develop a process for exploring ways to meet the long-term measures commitment and future ambient air quality standards. This process will include the consideration of new or

transformative strategies such as state-of-technology zero and near-zero transportation systems, mechanisms such as fee-based incentives, and the availability of public funding.

The Board heard testimony from 44 witnesses, many of whom expressed support for the proposed revisions to the State Strategy.

ORAL TESTIMONY:

Sonia Campos, for Speaker of the Assembly Fabian Nunez
Roy Wilson, South Coast Air Quality Management District; Supervisor, Riverside County
Mark Pisano, Southern California Association of Governments
Manuel Saucedo, for Assembly Member Nell Soto
Mona Arteaga, South Coast Air Quality Management District
Oscar Abarca, South Coast Air Quality Management District
Ian MacMillan, Los Angeles Unified School District
Bonnie Holmes-Gen, American Lung Association of California
Rick McVaigh, San Joaquin Valley Unified Air Pollution Control District
Tom Jordan, San Joaquin Valley Unified Air Pollution Control District
James Sweet, San Joaquin Valley Unified Air Pollution Control District
Seyed Sadredin, San Joaquin Valley Unified Air Pollution Control District
Jason Paukovits, Fresno Council of Governments
Larry Allen, California Air Pollution Control Officers Association
Miguel Pulido, Mayor, City of Santa Ana
Adrian Martinez, Natural Resources Defense Council
Sean Edgar, Clean Fleets Coalition
Nicole Davis, International Sustainable Systems Research Center
Sarah Sharpe, Coalition for Clean Air
Carolina Simuovic, Californians for Pesticide Reform
Felita Jones, Asthma & Allergy Foundation of America
Terry Roberts, American Lung Association of California
James Provenzano, Clean Air Now
Ron Schlenker, Industry Environment Coalition of Orange County
Virginia Field, Clean Air Now
Jim Stewart, Sierra Club
Lee Wallace, Southern California Gas
Igor Kagan, American Lung Association of California
Michael Eaves, California Natural Gas Vehicle Coalition
Danielle Coats, Western Riverside Council of Governments
Andrew Trotter, California Urban Forests Council
Richard Carlson, Extengine Transport
Brent Newell, Ventura Coast Keeper Foundation
Clayton Miller, Construction Industry Air Quality Coalition
Douglas Korthof
Melissa Kelly-Ortega, Moms Clean Air Network
Charlie Peters, Clean Air Performance Professionals

Bill La Marr, California Small Business Alliance
Allan Lind, California Council for Environmental and Economic Balance
Rayne Thompson, California Farm Bureau Federation
Manuel Cunha, Niese Farmers League
Roger Isom, California Cotton Growers Association
Todd Campbell, Clean Energy
Tim Carmichael, Coalition for Clean Air

FORMAL BOARD ACTION: The Board unanimously adopted Resolutions 07-28 and 07-41, which approved the 2007 State strategy and the AQMP, with the modifications proposed by staff.

RESPONSIBLE DIVISION: Planning and Technical Support Division

STAFF REPORT: Yes (item 07-9-4 only)

07-9-5: Public hearing to consider approval of a modification to the current SIP commitment for pesticide emission reductions in the Ventura County nonattainment area.

SUMMARY OF AGENDA ITEM:

Staff proposed a modification to the Department of Pesticide Regulation's (DPR) existing SIP commitment to achieve pesticide emission reductions in the Ventura County nonattainment area. This item was originally considered at a public hearing held on June 22, 2007. In response to public comments, ARB staff revised the original proposal and prepared a new environmental analysis for the revised proposal.

In the 1994 1-hour Ozone SIP, the DPR committed to obtain reactive organic gas (ROG) emission reductions from pesticides in five nonattainment areas. For the Ventura County nonattainment area (Ventura), the target, a 20 percent ROG emission reduction from the 1990 base year emissions by 2005, was not achieved. The difficulty in reaching the target is due in part to the very large increase since 1990 in the amount of acreage under cultivation with crops requiring fumigation.

ARB staff's revised proposal was to substitute 1.3 tons per day of surplus ROG emission reductions in Ventura from California's on-going mobile source emission control program for 1.3 tons per day of the ROG emission reduction commitment for pesticides in the 1994 Ozone SIP in Ventura. The substitution would be phased out over time (by approximately 1/3 ton per day each year after 2008) so that by 2012 all of the pesticide emission reductions committed to in the 1994 SIP would be achieved in Ventura.

Testimony supporting the SIP revision focused on the economic impacts on the agricultural industry in Ventura County of reduced fumigant use. The primary point in

support was that achieving all of the pesticidal VOC emission reduction by January 1, 2005 would likely result in fewer acres planted, causing job loss and possible conversion of agricultural land to urban development. Representatives of the agricultural industry also described the steps that they have already taken to reduce the air impact of fumigants. They asked that the substitution of other emission reductions for pesticide reductions be larger and permanent. Opponents to the proposal stressed that the agricultural industry in Ventura County has had many years to achieve the reductions required and that adjusting the SIP commitment to give even more time is inappropriate. They also questioned the basic premise that crops cannot be grown economically without fumigants

ORAL TESTIMONY:

Mr. Green, U.C. Davis
Ms. Thompson, California Farm Bureau Federation
Ms. Johnson, Ventura County
Mr. Newell, Center on Race, Poverty and the Environment
Mr. Carmichael, Coalition for Clean Air
Mr. Cabrales, Coalition for Clean Air
Ms. Simunovic, Californians for Pesticide Reform
Ms. Sharpe, Coalition for Clean Air
Mr. Murai, California Strawberry Commission
Mr. Martinez, Sunrise Growers
Mr. Gutierrez, OTILIO Farms, LP
Mr. Legard, California Strawberry Commission
Mr. Stevens, Well-Pict Berries
Mr. Hernandez, Mandalay Berry Farms
Mr. Terry, Terry's Farms
Mr. Roy, Ventura County Agricultural Association
Mr. Tomlinson, California Strawberry Commission
Mr. Pegos, Department of Food and Agriculture
Mr. Martinez, Natural Resources Defense Council
Ms. Kelly-Ortega, Mom's Clean Air Network

FORMAL BOARD ACTION:

The Board unanimously adopted Resolution 07-42 as proposed by ARB staff.

RESPONSIBLE DIVISION: Planning and Technical Support Division

STAFF REPORT: Yes