South Coast
Air Quality Management District
South Coast AQMD 21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

LEGISLATIVE COMMITTEE MEETING

Committee Members
Council Member Judith Mitchell, Chair
Council Member Joe Buscaino, Vice Chair
Dr. William A. Burke
Senator Vanessa Delgado (Ret.)
Supervisor V. Manuel Perez
Supervisor Janice Rutherford

December 11, 2020 ♦ 9:00 a.m.

Pursuant to Governor Newsom's Executive Orders N-25-20 (March 12, 2020) and N-29-20 (March 17, 2020), the South Coast AQMD Legislative Committee meeting will only be conducted via video conferencing and by telephone. Please follow the instructions below to join the meeting remotely.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION AT BOTTOM OF AGENDA

Join Zoom Webinar Meeting - from PC or Laptop
https://scaqmd.zoom.us/j/99574050701

Zoom Webinar ID: 995 7405 0701 (applies to all)

Teleconference Dial In
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One tap mobile
+16699006833,, 99574050701#

Audience will be allowed to provide public comment through telephone or Zoom connection during public comment periods.

PUBLIC COMMENT WILL STILL BE TAKEN

AGENDA

Members of the public may address this body concerning any agenda item before or during consideration of that item (Gov't. Code Section 54954.3(a)). If you wish to speak, raise your hand on Zoom or press Star 9 if participating by telephone. All agendas for regular meetings are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the regular meeting. Speakers may be limited to three (3) minutes each.

CALL TO ORDER

DISCUSSION ITEMS (Items 1 through 2):

1. Update and Discussion on Federal Legislative Issues
   (No Motion Required)
   Consultants will provide a brief oral report of Federal legislative activities in Washington DC.
   [Attachment 1 - Written Reports]

   Mark Kadesh
   Kadesh & Associates, LLC
   pgs 5-6
   Gary Hoitsma
   Carmen Group
   pgs 7-8
   Jed Dearborn
   Cassidy & Associates
   pgs 9-14

2. Update and Discussion on State Legislative Issues
   (No Motion Required)
   Consultants will provide a brief oral report on State legislative activities in Sacramento.
   [Attachment 2 - Written Reports]

   Paul Gonsalves
   Joe A. Gonsalves & Son
   pgs 15-17
   David Quintana
   Resolute
   pgs 18-21
   Will Gonzalez
   California Advisors, LLC
   pgs 22-23

ACTION ITEM (Item 3):

3. Recommend Position on Federal Bill
   (Motion Requested)
   This item is to seek approval from the committee on staff's recommendation for position on the following bill:
   [Attachment 3]

Bill#	Author	Bill Title
H.R. 7822	Blunt Rochester	Public Health Air Quality Act

Lisa Tanaka O'Malley
Senior Public Affairs Manager, Legislative, Public Affairs & Media *pgs 24-72*

OTHER MATTERS:

4. Other Business
   Any member of this body, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, may make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter, or may take action to direct staff to place a matter of business on a future agenda. (Govt. Code Section 54954.2)

5. Public Comment Period
   At the end of the regular meeting agenda, an opportunity is provided for the public to speak on any subject within the Legislative Committee's authority that is not on the agenda. Speakers may be limited to three (3) minutes each.

6. **Next Meeting Date –** Friday, January 15, 2021 at 9:00 am.

ADJOURNMENT

Document Availability
All documents (i) constituting non-exempt public records, (ii) relating to an item on an agenda for a regular meeting, and (iii) having been distributed to at least a majority of the Committee after the agenda is posted, are available by contacting Aisha Reyes at (909) 396-3074, or send the request to areyes2@aqmd.gov.

Americans with Disabilities Act and Language Accessibility
Disability and language-related accommodations can be requested to allow participation in the Legislative Committee meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to South Coast AQMD. Please contact Aisha Reyes at (909) 396-3074 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to areyes2@aqmd.gov.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee
As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

Please note: During the meeting, all participants will be placed on mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chairman will announce public comment.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.

Directions for Video ZOOM on a DESKTOP/LAPTOP:

- If you would like to make a public comment, please click on the **"Raise Hand"** button on the bottom of the screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for Video Zoom on a SMARTPHONE:

- If you would like to make a public comment, please click on the **"Raise Hand"** button on the bottom of your screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for TELEPHONE line only:

- If you would like to make public comment, please **dial *9** on your keypad to signal that you would like to comment.

ATTACHMENT 1

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KADESH & ASSOCIATES

South Coast AQMD Report for the December 2020 Legislative Meeting
Covering November 2020
Kadesh & Associates

November:

Both the House and Senate were recessed for the November election with the Senate returning on November 9 and the House on November 16, before recessing for Thanksgiving. The brief time in DC was primarily used for leadership elections and new-Member orientation. For California it is expected that Speaker Nancy Pelosi and Minority Leader Kevin McCarthy will be returned to their positions of leadership in the 117th Congress. South Coast AQMD service area Member, Pete Aguilar (D) 31st District, was elected to the position of Vice-Chair of the House Democratic Caucus. Elections for committee chairs and the Democratic Congressional Campaign Committee (DCCC) will happen the week of November 30.

For South Coast AQMD's House Members the election produced three changes: Michelle Steel (R) defeating incumbent Harley Rouda (D) in CA-48, Young Kim (R) defeated Gil Cisneros (D) in CA-39 and Jay Obernolte (R) will succeed Paul Cook (R) in CA-8 (Rep. Cook retired from the House and was elected to the San Bernardino County Board of Supervisors).

The current Continuing Resolution (CR) expires at midnight ET on December 11, 2020. While House and Senate Appropriators are working on an Omnibus or a series of bills packaged together, we may also need another CR to get into next year. With the ultimate control of the US Senate depending on the outcome of two special elections on January 5, the dynamics of closing out FY21 appropriations is complicated. Significantly, the FY21 subcommittee conference allocations were agreed to on November 22 by Senate and House Appropriation Chairs Richard Shelby and Nita Lowey. Subcommittees have until November 30 to work out what they can. On the 30th open items will get forwarded to full committee. The goal is to file final bills by December 4. A CR of some duration is still a definite possibility, but agreeing on the subcommittee allocations is a big step forward toward completing the bills and avoiding a year-long CR.

The House and Senate will return for two weeks in early December to conclude what business it can. The topics most discussed for the House are:
-COVID Relief Package
-FY2021 Omnibus Appropriations Package (CR runs out December 11th)
-NDAA (annual defense bill)
-WRDA
-Energy Legislation
-MORE Act (Decriminalize cannabis)

Senate Lame Duck Potential Action Items:
-COVID/Approps
-NDAA: Moving forward with hotlining the bill to the Senate floor soon.

-WRDA
-Energy
-MISC: Watch for specialty items for Republican retiring Members (Alexander, Roberts, Enzi)

As has been the pattern of the last five months, talk of another COVID relief package circulates, but fails to materialize into an agreement that can pass both houses of Congress. The last formal offer from Speaker Pelosi prior to the election listed seven major areas of disagreement in a letter to Treasury Secretary Mnuchin regarding issues on which Democrats were awaiting responses from the administration: national coronavirus testing-and-tracing program; relief for state and local governments; school safety measures; child-care funding; tax credits for working families; unemployment assistance; and workplace protections and liability issues.

Biden-Harris Transition: Agency Review Teams are meeting internally and planning while they wait for access to Agencies. They will start outreach to relevant committees soon. December 9th Target Date for review completion. https://buildbackbetter.com/the-transition/agency-review-teams/

Kadesh & Associates Activity Summary-
-Planning for the priorities for the 117th Congress;
-Look Ahead discussion and draft memo for South Coast AQMD staff;
-Planning further engagement with Representative Barragan on her clean air legislation/interests;
-COVID/stimulus legislation – funding for special districts, including an appeal to Congressional offices to be included in what may the most significant work product of the lame duck session;
-Working with the CALSTART/National ZET Coalition/Clean Corridors Coalition at the direction of South Coast AQMD staff on shaping a viable and effective legislative proposal;
-Identifying leaders of potential administration transition teams on AQMD's issues;
-Monitoring FY21 Appropriations – DERA, TAG and Sec. 103/105;
-Weighing in on Senate TAG language (5 areas vs. House language at 10);
- Monitoring Continuing Resolution(s); and
-Monitoring prospects for: H.R. 2 – the Moving Forward Act; H.R. 4447 – Clean Economy Jobs and Innovation Act; Rep. Eshoo's smoke bill; and Rep. DeSaulnier's Clean Corridors bill.

Contacts:
Contacts included staff and House Members throughout the CA delegation, especially Leadership and Appropriators who were targeted as well as incoming Biden-Harris team members.

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Carmen Group
INCORPORATED

To: South Coast AQMD Legislative Committee

From: Carmen Group

Date: November 25, 2020

Re: Federal Update -- Executive Branch

Elections Fallout: Three weeks after the November 3 elections, the full import and magnitude of what happened at the national level still remained to be seen, leaving the Capital in an unusual temporary state of legislative uncertainty and quasi-paralysis.

Lame Duck Session: The much-anticipated post-election lame-duck session of Congress appeared to be at an intractable standstill with little or no movement on anything expected before the December 11 deadline to address Fiscal Year (FY) 21 appropriations, perhaps ending up without much beyond another short-term continuing resolution (CR). Meanwhile, the normally unstoppable annual Defense Authorization bill faces a serious veto threat over the renaming of military bases, and COVID Relief negotiations seem completely stalled with little apparent incentive on either side to bridge the pre-election differences on key issues.

Electoral College: As of Thanksgiving eve, election votes were still being counted -- and vote challenges in close races were still being adjudicated – especially in a number of key House contests around the country, and not to mention also in the Presidential race where the outcome seemed to be all but certain -- yet won't be Constitutionally certain, until the Electoral College meets on December 14 and the votes are then formally counted at a joint session of Congress on January 6. Meanwhile, despite the continuing unresolved election challenges in the presidential race -- the government's full transition processes were formally kicked in as of November 23.

A Democratic Trifecta? As a measure of the uncertainty, irony and improbability of the current moment, consider that Republicans feel they had a tremendously positive election outcome in that they gained an unexpected net minimum of 12 seats in the House and staved off the widely expected loss of their control of the Senate, while their embattled President won millions more votes than he received in a very close election four years ago. Yet, with all that -- and now the two Senate runoff elections in Georgia in January -- Republicans face, in a matter of weeks, a possible complete trifecta wipeout, leaving Democrats in full -- even if narrow -- control of the White House and both the House and the Senate.

Filibuster Rule: If this were to happen – Democrats in full control with a 50-50 Senate -- the legislative outlook for the next two years and beyond would hinge in

large measure on the fate of the Senate's longstanding legislative filibuster rule (requiring a 60-vote threshold for major legislation), something which Senate Democratic leaders have signaled they would be prepared to eliminate in order to force through their party's agenda. While this might be unlikely to happen since Sen. Manchin (D-WV) announced post-election that he would not support it, there is no doubt he (and anyone else thinking the same way) would come under enormous pressure to change his mind, including through offers that might be extremely hard to refuse.

EPA Announces EJ Grant to California Office of Planning & Research: In November, the EPA announced it had selected the California Office of Planning & Research's Strategic Growth Council to receive a $200,000 Environmental Justice grant for trainings to communities to address air quality and COVID 19, a disease which has been shown to disproportionately impact people exposed to higher levels of air pollution.

EPA Recognizes Freight Industry Leaders for Environmental Performance: In November, the Environmental Protection Agency honored 75 truck carriers, logistics providers and freight shippers across the country as industry leaders in supply chain environmental performance and energy efficiency with its annual SmartWay Excellence Awards. This year's awardees, announced at a virtual award ceremony hosted by EPA, represent the top performing SmartWay Partners that move more goods more miles with lower emissions and less energy. Eight of the awardees were located in EPA Region 9.

EPA Reports Continued Decline in U.S. Greenhouse Gas Emissions: In November, the EPA reported 2019 data collected under the EPA's Greenhouse Gas Reporting Program (GHGRP) showing that total reported GHG emissions from large facilities fell by nearly 5% between 2018 and 2019 and by a total of more than 14% between 2011 and 2019. As directed by Congress, EPA collects annual facility-level emissions data for this program from major industrial sources, including power plants, oil and gas production and refining, iron and steel mills, and landfills.

DOE Issues Its Hydrogen Program Plan: In November, the Department of Energy (DOE) released its "Hydrogen Program Plan," a comprehensive 51-page document providing a strategic framework for the Department's hydrogen research, development and demonstration activities covering transportation and other applications, including industrial processes, stationary power generation and hybrid energy systems. It notes that hydrogen and fuel cells are key options to reduce transportation-related emissions to address localized air pollution as well as climate-related concerns. It describes how hydrogen is already being used in passenger and commercial vehicles (both on-road and off-road), and its strong potential for greater use in medium and heavy-duty trucks as well as in marine vessels, ports, and rail applications.

Outreach: Virtual meeting with Sen. James Inhofe on lame-duck session matters including COVID Relief and NDAA. Discussions with SCAQMD staff and business coalition members on the Zero Emission Trucks Coalition legislative agenda and possible post-election strategies.

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CASSIDY | ASSOCIATES

To: South Coast Air Quality Management District
From: Cassidy & Associates
Date: November 24, 2020
Re: November Report

ELECTION RESULTS

On Saturday, November 7, 2020, Joseph R. Biden was declared President-elect and he and Vice President-elect Kamala Harris will be sworn in on January 20, 2020. Agency Review Teams for the incoming Biden Administration are currently in place and are responsible for understanding the operations of each agency and ensuring a smooth transfer of power. President-elect Biden has begun to name nominees for key positions, including former Senator and Secretary of State John Kerry as the special presidential envoy for climate.

In the Congressional elections, the Senate is likely to maintain its Republican majority pending the results of two runoff races in Georgia that will take place on January 5, 2020. The House maintained its Democratic majority but at a slimmer margin.

With a Democratic Administration, Republican Senate, and Democratic House expected in 2021, the path for climate change action in the 117th Congress will be centered on broadly bipartisan legislation and consensus-based negotiations.

HOUSE/SENATE

The House and Senate are not in session this week for the Thanksgiving holiday. Conversations surrounding additional COVID-19 relief legislation continue.

The House and Senate each passed an annual defense policy bill (NDAA) earlier this year. Congress has yet to reconcile those versions. Conferees from both chambers are currently

reconciling the differences between the bills and they hope to have a final bill ready for a floor vote in early December.

With respect to appropriations, the House passed all of their appropriations bills before the August recess. The Senate released their appropriations bill language this month, but they have not heard or marked up the bills. Right before the Fiscal Year deadline Congress passed a continuing resolution to maintain funding at current levels through December 11, 2020. Congressional leaders are negotiating an omnibus appropriations package, but an additional CR may be needed to allow time to conclude negotiations. Both House and Senate leadership have expressed a desire to pass an omnibus before the end of the year.

On November 16 the EPA announced the selection of the California Office of Planning and Research's Strategic Growth Council to receive a $200,000 environmental justice grant for trainings to communities to address air quality and COVID-19. EPA Pacific Southwest Regional Administrator John Busterud said that the "EPA is working to improve the environment and public health conditions of low-income and minority communities that have been disproportionately impacted by the COVID-19 pandemic."

Cassidy and Associates support in November:

- Continued to track provisions of interest in energy bills moving in both chambers.
    - The House passed the Clean Economy Jobs and Innovation Act in late September, and the Senate is continuing its work on the American Energy Innovation Act.
    - Senate and House staff are currently negotiating a compromise package with the hope of having a bill signed into law before the end of the year.
    - We have engaged with bipartisan Committee staff to emphasize the importance of the Smart Ports and Transportation Electrification portions of the House bill.
- Strategized with SCAQMD on TAG funding in an appropriations omnibus.
    - Senate appropriations prioritizes TAG funding among the top 5 most polluted areas, but the House bill expanded TAG to the top 10 most polluted.
    - We are working with Sen. Murkowski and other key members to ensure that the funds are limited to the top 5 in any compromise bill.
- Built support for legislation from Senators Cornyn and Sinema to ensure "special districts" are eligible for federal funding in a COVID relief package.

Government funding, major programs up for renewal

- Annual defense authorization and surface transportation are both in the works.
- Federal health programs, which are now set to expire November 30.
- Current CR expires December 11.
- Tax extenders, including for energy and alcohol, expire December 31.
- Pandemic Unemployment Assistance Program, expires December 31.

IMPORTANT LEGISLATIVE DATES

Nov. – Dec. 31

- Continuation of negotiations for new COVID-19 package
- Senate staff-level discussions on Appropriations
- Temporary Assistance for Needy Families
- Community Health Centers
- Medicare Programs

PANDEMIC RESPONSE PROGRAMS AND AUTHORITIES

In November, the U.S. Department of Health and Human Services (HHS) announced the U.S. government's partnerships with large chain pharmacies and networks that represent independent pharmacies and regional chains. Through the partnership with pharmacy chains, this program covers approximately 60 percent of pharmacies throughout the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Through the partnerships with network administrators, independent pharmacies and regional chains will also be part of the federal pharmacy program, further increasing access to vaccine across the country—particularly in traditionally underserved areas.

In addition to traditional brick-and-mortar pharmacies, pharmacists, pharmacy interns, and pharmacy technicians also provide vaccinations in retail and grocery stores. Therefore, pharmacy vaccinators are crucial public health partners for increasing access and convenience of COVID-19 vaccines. Many pharmacists and the interns and technicians working under their supervision are trained to provide immunizations and are already important immunizers in their communities. Pharmacists are also a trusted health resource in their communities and have played a vital role in the public health response to COVID-19 by counseling patients, expanding access to childhood vaccinations during the pandemic, and ordering and administering COVID-19 tests. By working with these partners, the federal government will rapidly expand access to COVID-19 vaccines. Vaccine will be administered at partners' pharmacy locations at no cost to patients.

Pharmacies that do not participate in the federal allocation program are encouraged to be part of the solution and should coordinate with their jurisdiction's health department to become COVID-19 vaccine providers.

Below is the list of chain and community-pharmacies networks that have signed on as of November 6:

- Albertsons Companies, Inc. (incl., Osco, Jewel-Osco, Albertsons, Albertsons Market, Safeway, Tom Thumb, Star Market, Shaws, Haggen, Acme, Randalls, Carrs, Market Street, United, Vons, Pavilions, Amigos, Lucky's, Pak n Save, Sav-On)
- Costco Wholesale Corp.
- CPESN USA, LLC
- CVS Pharmacy, Inc. (incl. Long's)
- Good Neighbor Pharmacy and AmerisourceBergen Drug Corporation's PSAO, Elevate Provider
- Health Mart Systems, Inc.
- H-E-B, LP
- Hy-Vee, Inc.
- LeaderNET and Medicine Shoppe, Cardinal Health's PSAOs
- Managed Health Care Associates (MHA)
- Meijer Inc.
- Publix Super Markets, Inc.
- Retail Business Services, LLC (incl., Food Lion, Giant Food, The Giant Company, Hannaford Bros Co, Stop & Shop)
- Rite Aid Corp.
- The Kroger Co. (incl., Kroger, Harris Teeter, Fred Meyer, Frys, Ralphs, King Soopers, Smiths, City Market, Dillons, Marianos, Pick-n-Save, Copps, Metro Market)
- Topco Associates, LLC (incl. Big-Y Pharmacy and Wellness Center, Brookshire's Pharmacy, Super One Pharmacy, FRESH by Brookshire's Pharmacy, Coborn's Pharmacy, Cash Wise Pharmacy, MarketPlace Pharmacy, Hartig Drug Company, King Kullen, Food City Pharmacy, Ingles Pharmacy, Raley's, Bel Air, Nob Hill Pharmacies, Save Mart Pharmacies, Lucky Pharmacies, SpartanNash, Price Chopper, Market 32, Tops Friendly Markets, ShopRite, Wegmans, Weis Markets, Acme Fresh Markets)
- Walgreens (incl. Duane Reade)
- Walmart, Inc. (incl. Sam's Club)
- Winn-Dixie Stores Inc. (incl. Winn-Dixie, Harveys, Fresco Y Mas)

Currently, there are no COVID-19 vaccines that have been authorized or approved by the Food and Drug Administration and recommended by CDC's Advisory Committee on Immunization Practices to the CDC. However, this pharmacy partnership is being established in anticipation that one or more COVID-19 vaccines will be authorized or approved and recommended for use in the United States before the end of 2020.

End Date/Program
Dec. 11, 2020
Current CR expires

Dec. 31, 2020
Treasury Department business, state, & local government loan authority
Various temporary tax breaks
Emergency sick and family leave programs
Pandemic unemployment assistance
Medicare sequestration suspension
Changes to banking and accounting rules (could expire sooner if epidemic ends)

March 27, 2025
Special inspector General for Pandemic Recovery

Sept. 30, 2025
Pandemic Response Accountability Committee, Congressional Oversight Commission

AGENCY RESOURCES

USA.gov is cataloging all U.S. government activities related to coronavirus. From actions on health and safety to travel, immigration, and transportation to education, find pertinent actions here. Each Federal Agency has also established a dedicated coronavirus website, where you can find important information and guidance. They include: Health and Human Services (HHS), Centers of Medicare and Medicaid (CMS), Food and Drug Administration (FDA), Department of Education (DoED), Department of Agriculture (USDA), Small Business Administration (SBA), Department of Labor (DOL), Department of Homeland Security (DHS), Department of State (DOS), Department of Veterans Affairs (VA), Environmental Protection Agency (EPA), Department of the Interior (DOI), Department of Energy (DOE), Department of Commerce (DOC), Department of Justice (DOJ), Department of Housing and Urban Development (HUD), Department of the Treasury (USDT), Office of the Director of National Intelligence (ODNI), and U.S. Election Assistance Commission (EAC).

Helpful Agency Contact Information:
U.S. Department of Health and Human Services – Darcie Johnston (Office – 202-853-0582 / Cell – 202-690-1058 / Email – darcie.johnston@hhs.gov)

U.S. Department of Homeland Security – Cherie Short (Office – 202-441-3103 / Cell – 202-893-2941 / Email – Cherie.short@hq.dhs.gov)

U.S. Department of State – Bill Killion (Office – 202-647-7595 / Cell – 202-294-2605 / Email – killionw@state.gov)

U.S. Department of Transportation – Sean Poole (Office – 202-597-5109 / Cell – 202-366-3132 / Email – sean.poole@dot.gov)

ATTACHMENT 2

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Joe A. Gonsalves & Son
Anthony D. Gonsalves
Jason A. Gonsalves
Paul A. Gonsalves
PROFESSIONAL LEGISLATIVE REPRESENTATION
925 L ST. · SUITE 250 · SACRAMENTO, CA 95814-3766
916 441-0597 · FAX 916 441-5061
Email: gonsalves@gonsalvi.com

TO: South Coast Air Quality Management District

FROM: Anthony, Jason & Paul Gonsalves

SUBJECT: Legislative Update – November 2020

DATE: Wednesday, November 25, 2020

The Legislature adjourned their 2019-20 Legislative session on August 31, 2020 and will return to session briefly on December 7, 2020 to swear in new members and formally elect its officers. The Legislature will then recess until January 4, 2021 when legislators will return to Sacramento to start the legislative year in earnest.

The following will provide you with updates of interest to the District:

ELECTION UPDATE

California experienced record turnout in this year's election, with high early votes from Democrats and high day-of voting by Republicans. In past elections, late-mailed ballots and provisional ballots trended to the Democrats. That trend appears to have reversed in 2020.

Nevertheless, Democrats were able to win two seats in the state Senate where well-funded challenges were mounted in four districts. Going into the 2020 election, Democrats held 29 out of 40 Senate seats. With the defeat of Senators Moorlach and Chang by Dave Min and Josh Newman, respectively, Democrats will hold 31 out of 40 Senate seats when the Legislature reconvenes on December 7.

Republicans in the 80-seat Assembly fared better. Not only were they able to hold on to the 18 seats they held prior to the 2020 election, they were able to pick up the Santa Clarita/Simi Valley seat vacated when Christy Smith was elected to Congress, bringing the Assembly to 60 Democrats, 19 Republicans and 1 independent.

It remains to be seen how the appointment of a replacement for Senator Kamala Harris, a special election to replace state Senator Holly Mitchell, and the potential appointments of any California electeds into the Biden Administration will play out in Sacramento. The game of political musical chairs that will be touched off by these appointments and elections will continue to play out well into 2021.

BUDGET UPDATE

State revenues continue to be very volatile. The Legislative Analyst's Office (LAO) recently projected a potential windfall of $12-$40 billion for the state budget, with the LAO's estimate resting at $26 billion. This windfall is largely the result of conservative revenue estimates in the 2020-2021 budget, which was adopted before the July 15th tax filing deadline.

However, the Legislature and Governor will need to be cautious in how it uses this one-time windfall. The LAO projects an operating deficit beginning at the end of 2020-2021, which would grow to $17 billion by the 2024-2025 budget year. The Governor is set to release his January budget proposal on January 10, 2021.

2021 LEGISLATIVE CALENDAR

Jan. 1 - Statutes take effect.

Jan. 4 - Legislature reconvenes.

Jan. 10 - Budget must be submitted by Governor.

Jan. 22 - Last day to submit bill requests to the Office of Legislative Counsel.

Feb. 19 - Last day for bills to be introduced.

Apr. 30 - Last day for policy committees to hear and report to Fiscal Committees fiscal bills introduced in their house.

May 7 - Last day for policy committees to hear and report to the Floor non-fiscal bills introduced in their house.

May 14 - Last day for policy committees to meet prior to June 7.

May 21 - Last day for fiscal committees to hear and report to the Floor bills introduced in their house. Last day for fiscal committees to meet prior to June 7th.

June 1-4 - Floor Session Only. No committee, other than Conference or Rules, may meet for any purpose.

June 4 - Last day for bills to be passed out of the house of origin.

June 7 - Committee meetings may resume.

June 15 - Budget bill must be passed by midnight.

July 14 - Last day for policy committees to meet and report bills.

Aug. 27 - Last day for fiscal committees to meet and report bills to the Floor.

Aug. 30-Sept. 10 - Floor Session only. No committees, other than conference committees and Rules Committee, may meet for any purpose.

Sept. 3 - Last day to amend bills on the Floor.

Sept. 10 - Last day for each house to pass bills. Interim Study Recess begins at end of this day's session.

RESOLUTE

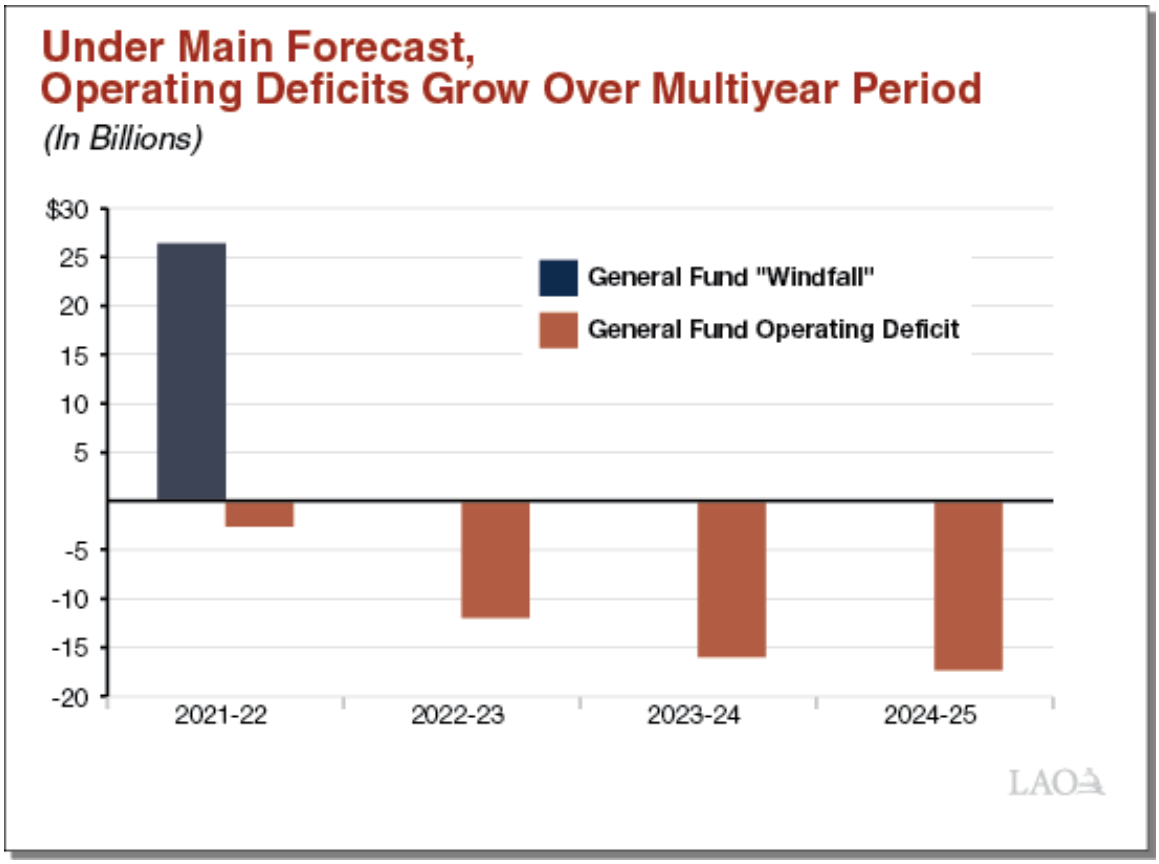
South Coast Air Quality Management District

Legislative and Regulatory Update – November 25, 2020

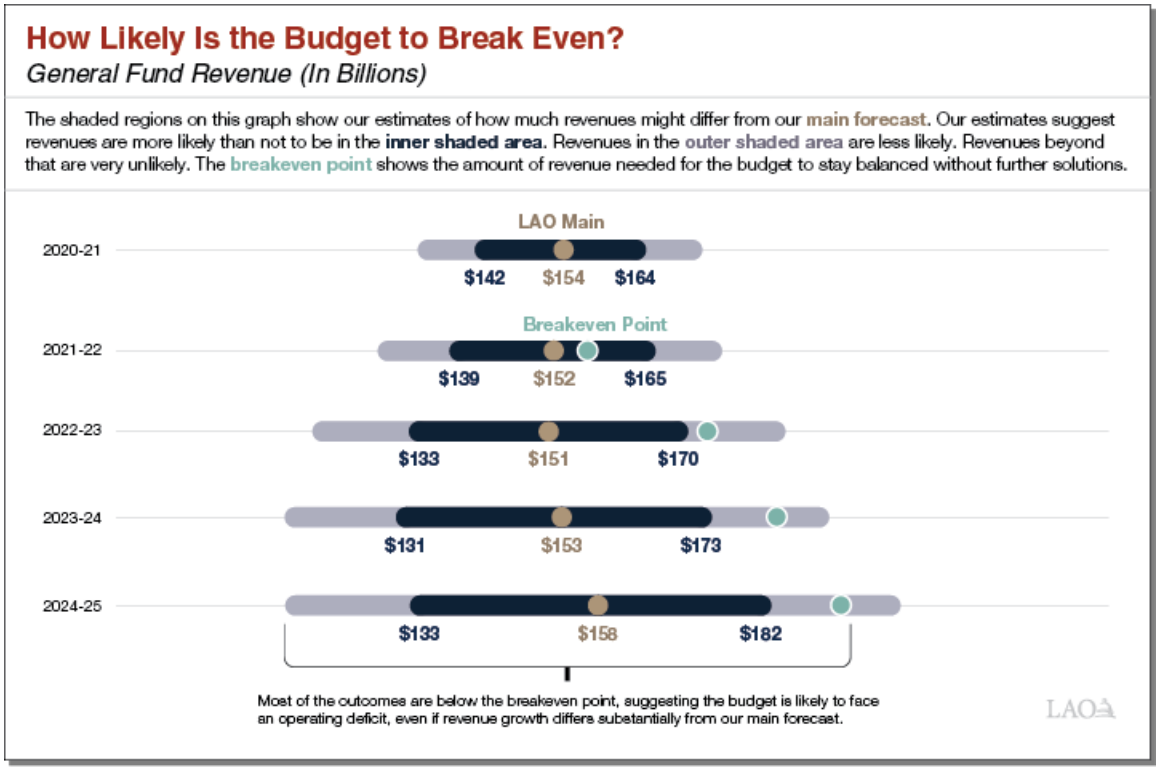
❖ Important Dates

Nov. 30	–	Adjournment sine die at midnight
Dec. 7	–	2021-22 Regular Session convenes for Organizational Session at 12 noon. \
Jan. 1	–	Statutes take effect
Jan. 4	–	Legislature reconvenes
Jan. 10	–	Budget must be submitted by Governor
Jan. 22	–	Last day to submit bill requests to the Office of Legislative Counsel
Feb. 19	–	Last day for bills to be introduced

❖ LAO Releases 2021-22 Budget Fiscal Outlook. On November 19, the Legislative Analyst's Office released its report projecting California's estimated revenue and expenditures for the upcoming fiscal year. Surprising some, the LAO has predicted that the Legislature will have a one-time surplus of $26 billion to allocate in the upcoming budget process based on revisions from previous budget estimates. The LAO stresses that this will not continue, and that California will face an operating deficit over the next four years.



The LAO estimates that state revenue would need to increase by $5 billion in 2021-22 and $35 billion in 2024-25 for the budget to break even. This suggests that the Legislature should prioritize adopting reductions in spending and find new sources of revenue this legislative session.



The LAO recommends that the Legislature use this $26 billion surplus to provide "a robust COVID-19 response that was not feasible when facing a $54 billion budget problem in the spring" by spending $13 million on "activities that mitigate the adverse economic and health consequences of the public health emergency."

The LAO notes that their projection assumes no major changes in federal policy. With a change in the Presidential administration in January, there may be a successful push for federal economic stimulus spending that would allow lawmakers to avoid major cuts in services and other state-funded programs.

❖ **Cal/OSHA Releases Emergency Regulations on COVID-19.** On November 19, the California Occupational Safety and Health Standards Board unanimously approved an emergency COVID-19 regulation that would apply to and be enforceable against—all California employers. The regulation is expected to take effect on November 30. It will be in effect for 180 days, and may be extended for two 90 day periods.

The regulation requires employers to prepare, implement, and maintain a written COVID-19 Prevention Program that provides for:

- A system for communicating information to employees about COVID-19 prevention procedures, testing, symptoms, and exposures at the work site. Employees must be able to report violations and exposure without fear of retaliation.
- Employer sponsored screening of employees for symptoms and new investigation and notice (to both employees and public health officials) protocols if there is an outbreak in the workplace.
- Correcting conditions and work practices that could expose employees to COVID-19, as well as providing additional effective health and safety training.

- Maintaining six feet of physical distancing between workers where possible and adopting site-specific strategies such as changes to the workplace and work schedules to reduce employees' potential exposure.
- Providing face coverings and other personal protective equipment, and ensuring it is worn.
- Protocols to record illness, remove workers exposed to COVID-19 from the workplace, and criteria for employees to return to work after they have recovered from COVID-19.
- Infection prevention measures in employer-provided housing and transportation.

Cal/OSHA announced its intent to form an Advisory Committee to propose modifications to the emergency regulation before it is renewed, and to advise the Standards Board as Cal/OSHA potentially drafts and adopts a permanent COVID-19 regulation.

Several groups representing private and public employers provided comments that took issue with the regulation. The opposition notes that the regulation contains new requirements and definitions that conflict with recently passed legislation—AB 685 (Reyes) and SB 1159 (Hill)—that employers have already committed resources to complying with and that is set to take effect January 1. These groups challenged Cal/OSHA's authority to make rules regarding employer-provided transportation, employer-provided housing, and an earnings guarantee for employees removed for medical reasons. Some groups—including the California Chamber of Commerce—have suggested that they may challenge the regulation in court.

❖ **Governor Imposes Curfew while Facing Criticism.** Governor Newsom issued a limited Stay-at-Home Order that imposes a curfew for the 41 counties in the purple tier, restricting approximately 94% of Californians by disallowing non-essential work, movement, and gatherings between 10pm and 5am until December 21.

As of November 25, the Associated Press reported that Los Angeles County may soon be subjected to another full Stay-at-Home Order, similar to the statewide order in March. On Monday, LA County reported an average of over 4,500 cases per day, which is above the level required to trigger the order according to state requirements.

Governor Newsom's latest actions to combat the pandemic come amidst the Governor facing accusations of hypocrisy for violating state public health guidance by attending a 12-person birthday party at a Napa restaurant maskless, a story that has gained international attention.

❖ **Post-Election Shuffle.** The success of the Joe Biden and Kamala Harris' campaign for the presidency will require Governor Gavin Newsom to make an appointment to fill Vice-President-elect Harris' seat in the Senate. The seat is heavily contested, with many interest groups lobbying the Governor to alternatively appoint California's first Latino to the U.S. Senate, appoint a member of the LGBT community, or to appoint either U.S. Reps. Barbara Lee or Karen Bass to maintain the historic and rare position of a black female Senator.

A significant amount of buzz in the Capitol has centered around Secretary of State Alex Padilla and, to a lesser degree, Attorney General Xavier Becerra, who previously served in the House of Representatives before being appointed to the position of Attorney General after Kamala Harris was elected to the Senate.

State Senator Holly Mitchell was also successful in her bid to claim a seat on the L.A. County Board of Supervisors. Her victory leaves her seat in the State Senate, representing SD 30 (Culver City, Ladera Heights, Westmont, and the Crenshaw, Downtown, and Florence communities of LA) open. Assemblymember Sydney Kamlager-Dove has emerged as the leading candidate to replace Mitchell in the Senate.

An additional move, though not tied to an election, is happening in the Governor's office as Rachel Wagoner has been appointed as the Director of the Department of Resources Recycling and Recovery (CalRecycle). Wagoner has served as the Deputy Legislative Secretary in the Office of the Governor after a long stint as a consultant in the Legislature on the Senate Environmental Quality Committee.

CALIFORNIA ADVISORS, LLC

South Coast AQMD Report
California Advisors, LLC
December 11, 2020 Legislative Committee Hearing

General Update

The Legislature has published its calendar, with key dates for the upcoming legislative session. The 2021-22 Regular Session convenes for an Organizational Session on December 7th. Then, on January 4th, the regular legislative session will commence. One key date for the early part of the calendar will be January 10th when the budget proposal must be submitted by the Governor. The rest of the calendar closely follows the same deadlines from previous years.

The state budget has been the subject of numerous conversations and the Legislative Analyst's Office (LAO) recently published its report "The 2021-22 Budget: California's Fiscal Outlook." Each year this fiscal outlook provides an independent assessment of the California state budget for the upcoming fiscal year and over the longer term. The LAO noted that while negative economic consequences of the pandemic have been severe, they do not appear to have been as catastrophic from a fiscal standpoint as anticipated. Specifically, the LAO cited recent data showing actual tax collections have been consistent with a more positive economic picture, especially among high-income Californians.

Additionally, the LAO estimates that "the Legislature has a windfall of $26 billion to allocate in the upcoming budget process." This "windfall" is a one-time surplus and results from revisions in prior- and current-year budget estimates. It is important to point out that because it is hard to make predictions in this economic environment, the LAO believes the windfall could be as high as $40 billion or as low as $12 billion. However, this news should be tempered because the LAO still projects that the state will have a multiyear operating deficit.

Finally, the Secretary of State's (SOS) office reported that as of November 25th, voter turnout is at 80.2 percent. This now surpasses the 75.27 percent of registered/eligible individuals who voted during the 2016 presidential election. For additional context, the 2012 presidential election voter turnout was 72.36 percent.

Statewide, the SOS's office noted that there were just over 160,000 ballots left to be counted as of November 25th. Election officials statewide must report their final results to the Secretary of State for presidential candidates by December 1st and all other state-level contests by December 4th, with the Secretary of State being required to certify all election outcomes no later than December 11th.

Governor Appointments:

Rachel Wagoner (Sacramento): Has been appointed Director of the Department of Resources Recycling and Recovery (CalRecycle). Wagoner has served as Deputy Legislative Secretary in the Office of the Governor since 2019. She was Chief Consultant for the California State Senate Committee on Environmental Quality from 2009 to 2018.

ATTACHMENT 3

South Coast Air Quality Management District
Legislative Analysis Summary – H.R. 7822 (Blunt Rochester)
Version: As introduced, July 29, 2020
Analyst: LTO

H.R. 7822 Blunt Rochester (DE)
Public Health Air Quality Act of 2020

Summary: This bill would require the U.S. Environmental Protection Agency (U.S. EPA) expand fenceline and ambient air monitoring and access to air quality information for communities affected by air pollution. The bill would require fenceline monitoring of facilities with specific emissions linked to local health threats; ensure the U.S. EPA promulgates rules that require fenceline air monitoring for certain stationary sources; expand and repair the national ambient air quality monitoring network; and, deploy air sensors in communities affect by air pollution. Additionally, the bill would establish 10 Centers of Excellence on Environmental Health Disparities.

Background: The federal Clean Air Act (CAA) establishes the comprehensive framework for the regulation of stationary and mobile sources to protect public health. The CAA requires the U.S.EPA to set National Ambient Air Quality Standards, a national ambient air monitoring network and promulgate regulations to reduce air pollution and protect public health.

South Coast AQMD is the local regulatory agency responsible for implementing and meeting the requirements of the federal CAA.

Status: 7/29/2020 – Introduced in House and referred to the Committee on Energy and Commerce.

Specific Provisions: The Public Health Air Quality Act focuses on air pollutants and toxics by instituting a fenceline air monitoring program, expanding the national air monitoring network, implementing low cost sensors and creating 10 National Institutes of Health Centers of Excellence to research environmental health disparities.

H.R. 7822 would require the United States Environmental Protection Agency (US EPA) to implement a one-year fenceline air monitoring program for 25 high priority facilities listed in Appendix A of the U.S. EPA's Office of the Inspector General Report #20-N-0128 (March 31, 2020) (List is shown below as Appendix A); and, at least an additional 25 major sources or synthetic area sources which meet specified criteria in the bill. The criteria include, but are not limited to, specific chemicals including ethylene oxide, chloroprene, benzene, 1,3-butadiene, and formaldehyde; proximity to census tracts with elevated health risks; industrial classification of paper manufacturing, petroleum and coal products manufacturing, and chemical manufacturing; and, other criteria. Additionally, the fenceline air monitoring shall utilize specific US EPA methodologies to measure pollutants including volatile organic compounds, implement optical remote sensing technologies to provide real-time measurements along an open-path; or, other monitoring technology with the ability to provide real-time spatial and temporal data to understand the type and amount of emissions. This section of the bill would be authorized $73 million for Fiscal Year (FY) 2021.

The bill also requires the US EPA to promulgate rules to implement the best available method of fenceline air monitoring for specific source categories including: paper manufacturing, petroleum and coal products manufacturing, and chemical manufacturing; or, required to implement a risk

management plan pursuant to the Clean Air Act or had an accidental release required be reported in the last three-years. Other sources that would be covered under the new rules are major sources or area sources of specific chemicals; specific type of activities related to chemicals, petrochemicals, plastics or marine vessel loading operations; and, other major sources of fugitive emissions. The bill would authorize $17.5 million for FY 2021 for the Community Air Toxics Monitoring program.

H.R. 7822 would add 80 new NCore multipollutant air monitoring stations to be placed in specified locations. At least 40 of the new NCore stations would need to be sited in census tracts that meet one or more criteria including: rates of respiratory, pulmonary disease, heart disease and cancer are elevated; the percentage of people are living below poverty is higher than the national average; two or more major sources are located within the census tract; and/or, there is a higher than average population in the census tract of vulnerable or sensitive individuals who may be at greater risk than the general population to adverse health effects due to criteria air pollutants. Further, H.R. 7822 would deploy 1,000 air quality sensors that cost $2,000 or less in census tracts or counties with COVID-19 mortality rates that are 10-percent higher than the national average. The bill would authorize $61 million for expanding the national air monitoring system and $2.5 million for low-cost sensors in FY 2021.

Lastly, H.R. 7822 would establish 10 National Institutes of Health Centers of Excellence in coordination with the US EPA Administrator to conduct research on environmentally driven health disparities. Each Center of Excellence would receive $1.5 million per year from FY 2021 through FY 2026 for a total of $15 million per year.

Impacts on South Coast AQMD's Mission, Operations or Initiatives: While the intent of the bill is positive in concept, there are several provisions which are problematic from the State and local air quality regulatory perspective. The bill language is overly specific on monitoring method, facility types, air toxics, and other criteria which could detract from reaching the intent of the bill to protect public health from air pollution and toxics and to improve both the national air monitoring system and community air monitoring. For example, under the one-year fenceline air monitoring program prescribed by H.R. 7822, the methodologies, timeline and the proposed funding level does not match with South Coast AQMD's experience in designing, developing, and deploying fenceline monitoring at a major facility such as a refinery. Further, the required EPA rulemaking is overly prescriptive and may not facilitate the promulgation of rules that would sync with State and local regulations or specific community needs. The bill's provisions to expand and maintain the national air monitoring network and deploy low-cost sensors would be a positive step for State and local agencies. It also calls attention to the need for the federal government to allocate sufficient resources to assist States and local agencies to monitor air toxics as well as criteria pollutants.

Currently, Representative Lisa Blunt Rochester is seeking input from the US EPA, State and local agencies, environmental and health organizations and other stakeholders to prepare the bill for reintroduction in the 117th Congress. An identical companion bill in the Senate authored by Senator Tammy Duckworth would be amended and reintroduced as well. Staff from the Office of US Representative Blunt Rochester have invited South Coast AQMD to provide comments and amendments for H.R. 7822 to ensure the bill meets their goals of addressing air toxics, improving

air monitoring, and ultimately protecting public health, especially in vulnerable communities. Additionally, South Coast AQMD Congressional Delegation Member Representative Nanette Barragán is a co-sponsor of the bill.

General comments on the bill that would be addressed through amendments and discussion with the Office of Representative Blunt Rochester are:

- Given that it is difficult to amend federal law, it is critical to create a strong policy framework that would require the United States Environmental Protection Agency (EPA) to promulgate rules and guidance. EPA rules and guidance can be updated with broad stakeholder input.
- It would be beneficial to expand the national ambient air monitoring network, but those efforts may not serve the needs of local communities in relation to air toxics. Targeted air toxics monitoring normally requires specific equipment to address potential issues from specific types of facilities which may vary from community to community. Adding some steps for having the regional measurements from the air monitoring stations to support the localized efforts in the community may have a stronger impact with aligned goals making the bill stronger in vision to support both local scale concerns and supporting the criteria pollutant network, for which both are needed.
- It is also critical to provide adequate and on-going funding for the prescribed activities. The Section 103/105 EPA State and Local Government program has not received a funding increase in several years; although this account supports air monitoring and other vital activities nationwide.
- Cost estimates are low considering the additional functions for data management, visualization, reporting, and communication of data in a publicly accessible manner.
- The bill states for US EPA to implement, but EPA needs to work with state/ local air agency (primary agency over stationary sources for the region) to implement. Otherwise, some cross jurisdictional issues may come up.
- Timelines for implementation are short given potential public process, procurement, deployment and data management processes required for accomplishing the tasks.

Attached are more detailed comments and suggested areas for amendment in the bill. (Appendix B).

Recommended Position: WORK WITH AUTHOR

Appendix A

EPA or State Actions to Directly Inform Residents Living Near 25 High-Priority Ethylene Oxide-Emitting Facilities of Health Risks

EPA region	Facility	Location	Type of facility	Date of first EPA or state action to directly inform residents living near facility
2	Edwards Lifesciences Corp.	Anasco, PR	Commercial sterilizer	Planned for spring 2020.
3	B Braun Medical Inc.	Allentown, PA	Commercial sterilizer	Communications plan identifies potential outreach activities for first half of calendar year 2020.
3	Union Carbide Corp. – Institute	Institute, WV	Chemical plant	Communications plan identifies potential outreach activities for first half of calendar year 2020.
3	Croda	New Castle, DE	Chemical plant	Communications plan identifies potential outreach activities for first half of calendar year 2020.
3	Union Carbide Corp. – South Charleston Facility	South Charleston, WV	Chemical plant	Communications plan identifies potential outreach activities for first half of calendar year 2020.
4	Solvay USA (Lanxess)	Charleston, SC	Chemical plant	December 2, 2019
4	C R Bard (Becton, Dickinson, and Co.)	Covington, GA	Commercial sterilizer	August 20, 2019
4	Griffith Micro Science Inc. (Sterigenics)	Smyrna, GA	Commercial sterilizer	August 19, 2019
5	Sterigenics US	Willowbrook, IL	Commercial sterilizer	August 29, 2018
5	Medline Industries, Northpoint Services Division	Waukegan, IL	Commercial sterilizer	May 23, 2019
5	Medtronic Sterile Systems Operation (Viant Medical)	Grand Rapids, MI	Commercial sterilizer	March 6, 2019
5	Air Products Performance Manufacturing (Evonik)	Milton, WI	Chemical plant	None
6	BCP Ingredients	St. Gabriel, LA	Chemical plant	None
6	Union Carbide Corp., St Charles Operations	Taft, LA	Chemical plant	None
6	Huntsman, Port Neches Operations	Port Neches, TX	Chemical plant	None
6	Eastman Chemical Texas Operations	Longview, TX	Chemical plant	None
6	Taminco US (Eastman Corp.)	St. Gabriel, LA	Chemical plant	None
6	Sasol Chemicals (USA) – Lake Charles Chemical Complex	Westlake, LA	Chemical plant	None

EPA region	Facility	Location	Type of facility	Date of first EPA or state action to directly inform residents living near facility
6	Air Products Performance Manufacturing Inc. – Reserve Plant (Evonik Materials Corp.)	Reserve, LA	Chemical plant	None
6	Midwest Sterilization Corp.	Laredo, TX	Commercial sterilizer	None
6	Shell Technology Center Houston	Houston, TX	Chemical plant	None
6	Sterigenics Santa Teresa Facility	Santa Teresa, NM	Commercial sterilizer	None
7	Midwest Sterilization Corp.	Jackson, MO	Commercial sterilizer	December 2, 2019
7	BCP Ingredients – Verona Plant	Verona, MO	Chemical plant	October 11, 2019
8	Terumo BCT Sterilization Services	Lakewood, CO	Commercial sterilizer	December 11, 2018

Source: The OIG developed the table using data from EPA-generated lists of facilities contributing to elevated estimated cancer risks at the census tract level in the 2014 NATA and the census block level and information from regions.

Note: The EPA prioritized 25 facilities: 22 that contribute to elevated estimated cancer risk equal to or greater than 100 in one million at the census tract level and three that contribute to elevated estimated cancer risks equal to or greater than 1,000 in one million at the census block level. The three facilities prioritized at the census block level are Union Carbide–South Charleston Facility in Region 3, Air Products Performance Manufacturing (Evonik) in Wisconsin in Region 5, and BCP Ingredients Verona Plant in Region 7.

Source: https://www.epa.gov/sites/production/files/2020-03/documents/_epaoig_20200331-20-n- 0128_0.pdf

South Coast Air Quality Management District
Legislative Analysis Summary – H.R. 7822 (Blunt Rochester)
Version: As introduced, July 29, 2020
Analyst: LTO

Appendix B

I

116TH CONGRESS
2D SESSION

H. R. 7822

To protect clean air and public health by expanding fenceline and ambient air monitoring and access to air quality information for communities affected by air pollution; to require immediate toxic air monitoring at the fenceline of facilities with pollution linked to local health threats; to ensure the Environmental Protection Agency promulgates rules that require fenceline air monitoring in communities with air polluting industrial source categories; to expand and strengthen the national ambient air quality monitoring network; to deploy air sensors in communities affected by air pollution, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2020

Ms. BLUNT ROCHESTER (for herself, Mr. MCEACHIN, Ms. JAYAPAL, Ms. BARRAGA´N, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To protect clean air and public health by expanding fenceline and ambient air monitoring and access to air quality information for communities affected by air pollution; to require immediate toxic air monitoring at the fenceline of facilities with pollution linked to local health threats; to ensure the Environmental Protection Agency promul- gates rules that require fenceline air monitoring in com- munities with air polluting industrial source categories; to expand and strengthen the national ambient air qual- ity monitoring network; to deploy air sensors in commu- nities affected by air pollution, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Health Air Quality Act of 2020''.

SEC. 2. HEALTH EMERGENCY AIR TOXICS MONITORING.

(a) MONITORING.—Not later than 120 days after the date of enactment of this Act, the Administrator shall carry out a program to administer or conduct, pursuant to authority provided under the Clean Air Act (42 U.S.C. 7401 et seq.), including section 114 of such Act (42 U.S.C. 7414), the best available form of fenceline monitoring of stationary sources of hazardous air pollutants that are on the list developed under subsection (c).

(b) PUBLICATION OF RESULTS.—The Administrator shall publish and maintain the results of all fenceline monitoring conducted under the program under subsection (a) on the website of the Environmental Protection Agency for a period of at least 5 years.

(c) LIST OF SOURCES.—

(1) DEVELOPMENT.—The Administrator shall develop a list of stationary sources of hazardous air pollutants that includes—

(A) the 25 high-priority facilities listed in Appendix A of the Environmental Protection

Commented [LTO1]: Suggested amendment: best available form of fenceline or other air monitoring of stationary sources of hazardous air pollutants that are on the list developed under subsection (c) as determined by the local air pollution control agency or the State where a local agency does not exist.

Reasoning for this amendment: The proposed methods are prescriptive and may not consider the specific goal of monitoring (acute or long term exposure).

Agency's Office of Inspector General Report #20–N–0128 (March 31, 2020); and

(B) at least another 25 major sources or synthetic area sources.

(2) REQUIREMENTS.—The Administrator may include a stationary source on the list developed under paragraph (1) only if the source—

(A) emits at least one of the pollutants described in paragraph (3);

(B) is—

(i) located in, or within 3 miles of, a census tract with—

(I) a cancer risk of at least 100-in-1 million; or

(II) a chronic non-cancer hazard index that is above 1 based on the most recent National Air Toxics Assessment; or

(ii) in a source category with—

(I) a cancer risk that is at least 50-in-1 million;

(II) a total organ-specific hazard index for chronic non-cancer risk that is greater than 1; or

(III) an acute risk hazard quotient that is greater than 1; and

(C) is—

(i) classified in one or more of North American Industry Classification System codes 322, 324, 325; or

(ii) required to prepare and implement a risk management plan pursuant to section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) and had an accidental release required to be reported during the previous 3 years pursuant to section 68.42 or 68.195 of title 40 Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) POLLUTANTS.—The pollutants described in this paragraph are ethylene oxide, chloroprene, benzene, 1,3-butadiene, and formaldehyde.

(d) METHODS AND TECHNOLOGIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out the program under subsection (a), the Administrator shall—

(A) for each stationary source on the list developed under subsection (c)(1), employ, as necessary to monitor the pollutants described in

Commented [LTO2]: In California, there is a program known as AB2588 Toxic Hotspots which is implemented through South Coast AQMD Rule 1402. This program looks at both cancer and non-cancer risks and sets thresholds for requiring a Health Risk Assessment, public notification, and implementing measures to reduce health risk. Attachment A contains some background on AB2588/Rule 1402.

Commented [LTO3]: In the South Coast Air Basin, the largest driver of toxic risks is diesel particulate matter related to goods movement activity related to the Ports of Los Angeles and San Pedro with heavy-duty trucks and equipment, ocean going vessels, trains and warehouses. The goods movement activity stretches from the Ports inland to warehouses in the Inland Empire which are served by heavy-duty trucks and trains. South Coast AQMD is working on "indirect source" rules to reduce toxic emissions from stationary facilities like warehouses that attract activity that create the pollution.

Within the South Coast Air Basin, metal working facilities also have been identified as sources of hexavalent chromium and other air toxics which required special air monitoring investigations as well as the development of new rules to control emissions.

South Coast AQMD Rule 1180 also requires refineries to conduct and fund fenceline monitoring. Real-time air monitoring data is also published online for the public.

Commented [LTO4]: Technologies to measure ethylene oxide and formaldehyde are not proven yet to provide meaningful data. Additionally, depending on the facility, there are other toxics that are of concern as well and these variables will vary from region to region.

subsection (c)(3) emitted by such stationary source, at least—

(i) Method 325A and Method 325B; and

(ii) Method TO–15; and

(B) for each of the 10 stationary sources on such list that either emit the greatest volume of pollutants described in subsection (c)(3), or cause the greatest health risk as determined by the Administrator based on a residual risk assessment performed pursuant to section 112(f)(2) of the Clean Air Act (42 U.S.C. 7412(f)(2)) or based on the most recent National Air Toxics Assessment due to such emissions individually, as a group, or cumulatively with all hazardous air pollutants emitted by such sources, and for any other stationary source on such list for which application of the methods described in subparagraph (A) alone will not be sufficient to monitor and report any such pollutants that are emitted by such stationary source, employ—

(i) optical remote sensing technology to provide real-time measurements of air

pollutant concentrations along an open-path; or

(ii) other monitoring technology with the ability to provide real-time spatial and temporal data to understand the type and amount of emissions.

(2) UPDATES.—

(A) METHOD 325A AND METHOD 325B.—If the Administrator determines it necessary to update Method 325A and Method 325B to implement this section, the Administrator shall update such Method 325A and Method 325B not later than 90 days after the date of enactment of this Act.

(B) NEW TEST METHOD.—If the Administrator determines it necessary to approve a new test method to implement this section, the Administrator shall finalize such a method not later than 1 year after the date of enactment of this Act.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall report on the results of the program carried out under subsection (a), including—

Commented [LTO5]:
Suggested amendment: (d)(1) Methods and Technologies IN GENERAL.—Except as provided in pararaph (2), in carrying out the program under subsection (a), the Administrator shall develop guidance for monitoring of –

(Delete subparagraphs (A)(i) and (A)(ii).

Suggested amendment: (B) after "employ" add, the best available technology and methodologies that are applicable to the specific stationary source.

Reasoning for above amendments: Given that it is difficult to amend federal law, it is critical to create a strong policy framework that would require the U.S. EPA to promulgate rules and guidance that can be updated with full public participation.

Open path systems are capable instruments for detecting pollutants over a pathlength in real time for certain pollutants and reasonable for benzene, the levels would have to be higher for 1-3-butadience or formaldehyde, and likely not yet possible with ethylene oxide.

Open path systems would be appropriate for accidental release or detection of acute levels of acute levels of pollutants; however, they are not suitable for accessing chronic exposure levels.

Open path systems along the fenceline are not appropriate for emissions factor determination; and optical tent or mobile flux measurements would be more appropriate assuming the pollutants can be detected by those systems.

Commented [LTO6]: 90 days to update a method is too short of a time period for an EPA adopted method. Updating nationally adopted methods takes much time for consensus and consulting experts and potentially some testing.

Commented [LTO7]: 18-months for having meaningful results and actions taken is a short time frame. For complicated cases, it may take over a year to implement a monitoring system for a facility, pending site evaluations, permitting, public process, procurement of equipment, and other necessary steps.

(1) the results of fenceline monitoring implemented under the program under subsection (a);

(2) any enforcement, regulatory, or permitting actions taken based on such fenceline monitoring; and

(3) whether the Administrator proposes to continue fenceline monitoring at any or all of the stationary sources on the list developed under subsection (c)(1), or to implement fenceline monitoring of any additional stationary sources as determined under subsection (f).

(f) DETERMINATION REGARDING ADDITIONAL SOURCES.—Not later than 3 months before the program under subsection (a) terminates, the Administrator shall make a determination, and publish such determination in the Federal Register, on whether to add fenceline monitoring for any stationary sources to—

(1) ensure compliance of such stationary sources with existing emission standards under section 112 of the Clean Air Act (42 U.S.C. 7412);

(2) prevent accidental releases; or

(3) protect the health of the communities most exposed to the emissions of hazardous air pollutants from such stationary sources to the greatest extent possible.

(g) DETERMINATION REGARDING EMISSION FACTORS.—Not later than 3 months before the program under subsection (a) terminates, the Administrator shall complete an evaluation and promulgate a determination whether any existing emission factors must be updated to better reflect or account for the results of fenceline monitoring data collected pursuant to Method 325A or 325B or the program under subsection (a).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $73,000,000 for fiscal year 2021.

Commented [LTO8]: Fenceline monitoring and other air monitoring technologies may require a larger appropriation to be able to adequately cover the list of 25 facilities and additional 25 synthetic source facilities.

SEC. 3. COMMUNITY AIR TOXICS MONITORING.

(a) REGULATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall promulgate regulations pursuant to section 112(d) of the Clean Air Act (42 U.S.C. 7412(d)) for each source category described in subsection (b), that—

(1) require all sources in such source category to implement the best available form of continuous emissions monitoring and fenceline monitoring to assure compliance with the emission standards for hazardous air pollutants;

(2) for facilities in such source category that are required to submit risk management plans under section 112(r) of the Clean Air Act, to prevent acci-

dental releases and provide for effective emergency response;

(3) establish a corrective action level at the fenceline for at least the top 3 hazardous air pollutants that drive the cancer, chronic non-cancer, or acute risk for the source category; and

(4) require a root cause analysis and consequences if such corrective action level is exceeded.

(b) SOURCE CATEGORIES.—The source categories described in this subsection shall include each category or subcategory of major sources or area sources containing—

(1) at least one of the stationary sources of hazardous air pollutants that are on the list developed under section 2(c);

(2) major sources or area sources identified in the most recent National Emissions Inventory of the Environmental Protection Agency as emitting ethylene oxide, chloroprene, 1–3 butadiene, benzene, or formaldehyde;

(3) chemical, petrochemical, or plastics manufacturing sources or marine vessel loading operations; and

(4) any other major sources of fugitive hazardous air pollutant emissions for which the Environmental Protection Agency is subject to a court-

Commented [LTO9]: Per notes above, marine vessels and associated activities are a large source of toxic emissions in the South Coast Air Basin. Diesel particulate matter is the largest source of toxic emissions for the South Coast Air Basin. Additionally, there are other sources of toxic emissions aside from those listed. These sources will vary from region to region and state to state. South Coast AQMD is working on "indirect source" rules to reduce toxic emissions from stationary facilities like warehouses that attract activity that create the pollution.

ordered or statutory deadline, engaged in a reconsideration proceeding, or subject to a court remand to, not later than 2 years after the date of enactment of this Act, review and determine whether to revise the emissions standards that apply to such sources.

(c) DETERMINATION OF BEST AVAILABLE FORM OF MONITORING.—The Administrator, in consultation with the Office of Air Quality Planning and Standards, the Office of Enforcement and Compliance Assurance, and the Office of Environmental Justice, shall, for purposes of the regulations promulgated pursuant to subsection (a), determine the best available form of continuous emissions monitoring and fenceline monitoring and shall ensure the methods required are at least as stringent as Method 325A and Method 325B.

Commented [LTO10]: State and local air pollution control agencies would be better informed to make a decision on the best available form of monitoring depending on the facility/issue.

(d) METHODS AND TECHNOLOGIES.—For all stationary sources in the source categories under subsection (b), the Administrator shall, in the regulations promulgated pursuant to subsection (a)—

(1) require application, implementation, or employment of—

(A) Method TO–15 or optical remote sensing technology to provide real-time measurements of air pollutant concentrations along an open-path; or

(B) other monitoring technology with the ability to provide real-time spatial and temporal data to understand the type and amount of emissions; or

(2) provide an explanation of why application of Method TO–15 or the technologies described in paragraph (1) is not necessary—

(A) to assure compliance with the emission standards established under the regulations promulgated pursuant to subsections (d) and (f) of section 112 of the Clean Air Act (42 U.S.C. 7412), as applicable; or

(B) to protect the public health.

(e) PRECAUTIONARY APPROACH.—In promulgating the corrective action level for each of the hazardous air pollutants described in subsection (a)(3), the Administrator shall take a precautionary approach to ensure that, if the monitored concentration at the fenceline hits a level that has potential to cause any person to experience impaired quality of life, become ill, or die from cancer or any other chronic or acute health impairment related to short- or long-term air pollution exposure (including any fetal exposure that begins in utero), that the facility must reduce its emissions to prevent such harm.

Commented [LTO11]: The ramifications of this statement are enormous. There are studies which show PM 2.5 can pass the blood barrier from mother to fetus. The bill support monitoring, but there currently is not a federal source of funding to reduce air toxics from stationary sources.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $17,500,000 for fiscal year 2021.

SEC. 4. CRITERIA POLLUTANT/NAAQS MONITORING NETWORK.

(a) DEPLOYMENT OF NCORE MULTIPOLLUTANT MONITORING STATIONS.—The Administrator shall require the deployment of an additional 80 NCore multipollutant monitoring stations.

(b) DEADLINE.—Not later than 12 months after the date of enactment of this Act, the Administrator shall ensure all NCore multipollutant monitoring stations required to be deployed under subsection (a) are installed and integrated into the air quality monitoring system established pursuant to section 319 of the Clean Air Act (42 U.S.C. 7619).

(c) MONITORING RESULTS.—Monitoring results from NCore multipollutant stations deployed pursuant to subsection (a) shall be used for purposes of comparison to national ambient air quality standards, and for such other purposes as the Administrator determines will promote the protection of public health from air pollution.

(d) LOCATIONS.—

(1) VULNERABLE POPULATIONS.—

Commented [LTO12]: This funding level may not be adequate to fully fund the provisions in the bill.

Commented [LTO13]: The siting of SLAMs sites currently is done through a thorough annual process and evaluated stringently every five years for very specific national and regional air quality goals, with a public process for input on the annual network plans. Providing communities a way for siting a the regionally goaled network may be at conflict with regional goals and we would encourage that communities can nominate for the local monitoring of concern and can ask for a temporary station for baseline measurements rather than the prescriptive and resource intensive NCORE suite of compounds that may or may not address the community needs. Nearby air monitoring stations as part of SLAMS can still provide the comparison metric to those localized studies which important for providing context.

(A) CENSUS TRACTS.—The Administrator shall ensure that at least 40 of the NCore multipollutant monitoring stations required under subsection (a) are sited in census tracts that each meet one or more of the following criteria:

(i) The rates of childhood asthma, adult asthma, chronic obstructive pulmonary disease, heart disease, or cancer are higher than the national average for such condition in the census tract.

(ii) The percentage of people living below the poverty level, that are above age 18 without a high school diploma, or that are unemployed, is higher than the national average in the census tract.

(iii) Two or more major sources (as defined in section 501(2) of the Clean Air Act (42 U.S.C. 7661(2))) are located within the census tract and adjacent census tracts combined.

(iv) COVID–19 death rates are at least 10 percent higher than the national average in the census tract.

(v) There is a higher than average population in the census tract of vulnerable or sensitive individuals who may be at greater risk than the general population of adverse health effects from exposure to one or more air pollutants for which national ambient air quality standards have been established pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), including infants, children, pregnant women, workers, the elderly, or individuals living in an environmental justice community.

(B) LIMITATION.—Not more than 1 of the NCore multipollutant monitoring stations described in subparagraph (A) may be sited within the same metropolitan statistical area, municipality, or county.

(2) SITING DETERMINATIONS.—In determining and approving sites for NCore multipollutant monitoring stations required under subsection (a), the Administrator shall—

(A) invite proposals from or on behalf of residents of a community for the siting of such stations in such community;

(B) prioritize siting of such stations in census tracts or counties with per capita death rates from COVID–19 that are at least 10 percent higher than the national average, as of the date of enactment of this Act or the date of the proposal; and

(C) prior to making siting determinations, provide public notice of proposed siting locations and provide an opportunity for public comment for at least 30 days thereafter—

(i) in the Federal Register, by email to persons who have requested notice of proposed siting determinations; by news release; and

(ii) by posting on the public website of the Environmental Protection Agency.

(e) REPORT.—Not later than 4 months after the date of enactment of this Act, the Administrator shall—

(1) in coordination with the States, complete an assessment, which includes public input, on the status of all ambient air quality monitors that are part of Federal, State, or local networks and used for determining compliance with national ambient air quality standards to determine whether each such monitor is operational; and

(2) report to Congress, and publish on the public website of the Environmental Protection Agency, a list of all non-operational monitors and an accompanying schedule and plan to restore all such monitors into full operation within one year.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $61,000,000 for fiscal year 2021.

(2) USES.—The Administrator—

(A) may use amounts made available to carry this section to—

(i) directly to deploy NCore multipollutant monitoring stations required under subsection (a); or

(ii) make grants under section 105 of the Clean Air Act to State and local governments for deployment and operation of such NCore multipollutant monitoring stations; and

(B) shall use at least 5 percent, but not more than 10 percent, of amounts made available to carry out this section to perform maintenance and repairs necessary to restore to operation to currently non-operational monitors

located in nonattainment areas for ozone or PM2.5.

SEC. 5. SENSOR MONITORING.

(a) DEPLOYMENT OF AIR QUALITY SENSORS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall deploy at least 1,000 air quality sensors, that each cost $2,000 or less, in census tracts or counties with per capita death rates from COVID–19 that are at least 10 percent higher than the national average as of the date of enactment of this Act.

(b) POLLUTANTS.—Each sensor deployed pursuant to subsection (a) shall measure ozone, PM2.5, or sulfur dioxide. The Administrator shall determine which pollutant or pollutants to monitor based on the pollution sources affecting the area in which the sensor is to be deployed.

(c) PRIORITY.—The Administrator shall give priority for deployment of sensors pursuant to subsection (a) to census tracts or counties that—

(1) lack SLAMS for the pollutant or pollutants that sensors would be deployed to measure;

(2) have, or are substantially impacted by, significant emissions of ozone, PM2.5, or sulfur dioxide; and

Commented [LTO14]: There is strong appreciation for recognizing the need for more investments in the NAAQS monitoring network. This funding is very much needed since funding for the SLAMS networks have stagnated while costs and quality assurance requirements have increased. Appropriations have been flat at $228.2M per year for the last several years.

10 to 15% would be more of an appropriate cost for maintenance and repairs per year for the air monitoring equipment, and additional money set aside for equipment replacement every 7 years.

Commented [LTO15]: Sensor deployment in general is good to provide information where there are gaps in air monitoring and would encourage that communication with the state/local agencies work together on communication of data. The AQ Informational Exchange group could be one such group to provide input to that.

Continued resources to sustain the low-cost sensor network should also be considered, if appropriate, pending the purpose and long-term outlook of this deployment such as guidance to siting for NAAQS sites.

(3) are not part of an area designated as nonattainment under the Clean Air Act for the air pollutant or pollutants to be monitored.

(d) CONTRACTS.—The Administrator shall contract with qualified nonprofit organizations and State and local air pollution control agencies to execute deployment of the monitors in a manner that will ensure representative measurement of ambient air quality, and provide the public with real-time online access to the data collected.

(e) DETERMINATION AND INSTALLATION.—Not later than 6 months after one year of monitoring with sensors deployed pursuant to subsection (a) has been completed, the Administrator shall determine whether data from the sensor or sensors deployed in a census track or county show air pollution levels during such year reached 98 percent of the national ambient air quality standard for any of the air pollutants described in subsection (b), and not later than 6 months after such determination, the Administrator shall ensure that Federal Reference Method monitors or Federal Equivalent Method monitors are installed and in operation within the census tract or county for each pollutant that reached or exceeded the 98 percent level.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 6. ENVIRONMENTAL HEALTH DISPARITIES RESEARCH GRANT PROGRAMS.

(a) CENTERS OF EXCELLENCE ON ENVIRONMENTAL HEALTH DISPARITIES RESEARCH GRANTS.—The Director of the National Institutes of Health, in coordination with the National Center for Environmental Research at the Environmental Protection Agency, shall carry out a Centers of Excellence on Environmental Health Disparities Research grant program. Such program shall establish and support no fewer than 10 research centers with 5 year awards to—

(1) conduct basic and applied research on environmentally driven health disparities;

(2) establish, develop, or expand collaborations with other researchers and organizations involved in environmental health disparities and affected communities;

(3) disseminate scientific knowledge to other researchers and members of affected communities;

(4) recruit and mentor investigators to conduct environmental health disparities research, including investigators from health disparities populations; and

(5) other activities, as determined by the Director.

Commented [LTO16]: South Coast AQMD's Air Quality Sensor Performance Evaluation Center known as AQ-SPEC is an effort to inform the general public about the actual performance of commercially available "low-cost" air quality sensors. One goal of the AQ-SPEC program is to catalyze the successful evolution, development, and use of sensor technology. (http://www.aqmd.gov/aq-spec).

Evaluating monitoring technology should be included with the Center of Excellence on Environmental Health Disparities as agencies like South Coast AQMD are conducting the work to develop air monitoring technologies to identify air toxic issues in communities most impacted by air pollution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this program $15,000,000 for each of fiscal years 2021 through 2026.

SEC. 7. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ACCIDENTAL RELEASE.—The term ''accidental release'' has the meaning given such term in section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)).

(3) AREA SOURCE; EXISTING SOURCE; HAZARDOUS AIR POLLUTANT; MAJOR SOURCE; NEW SOURCE; STATIONARY SOURCE.—Except as otherwise provided, the terms ''area source'', ''existing source'', ''hazardous air pollutant'', ''major source'', ''new source'', and ''stationary source'' have the meaning given such terms in section 112(a) of the Clean Air Act (42 U.S.C. 7412(a)).

(4) COVID–19.—The term ''COVID–19'' means the novel coronavirus disease 2019 that is the subject of the declaration of a public health emergency by the Secretary of Health and Human Serv-

ices pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 27, 2020.

(5) METHOD 325A.—The term ''Method 325A'' means the Air Emission Measurement Center promulgated test method titled ''Volatile Organic Compounds from Fugitive and Area Sources: Sampler Deployment and VOC Sample Collection''.

(6) METHOD 325B.—The term ''Method 325B'' means the Air Emission Measurement Center promulgated test method titled ''Volatile Organic Compounds from Fugitive and Area Sources: Sampler Preparation and Analysis.''

(7) METHOD TO–15.—The term ''Method TO–15'' means the test method titled ''Determination of Volatile Organic Compounds (VOCs) In Air Collected In Specially-Prepared Canisters And Analyzed By Gas Chromatography/Mass Spectrometry (GC/MS)'' published in Compendium of Methods for the Determination of Toxic Organic Compounds in Ambient Air, Second Edition.

(8) NCORE AND SLAMS.—The terms ''NCore'' and ''SLAMS'' have the meaning given such terms in section 58.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(9) SYNTHETIC AREA SOURCE.—The term ''synthetic area source'' has the meaning given ''synthetic minor HAP source'' in section 49.152 of title 40, Code of Federal Regulations (or successor regulations).

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116TH CONGRESS
2D SESSION

H. R. 7822

To protect clean air and public health by expanding fenceline and ambient air monitoring and access to air quality information for communities affected by air pollution; to require immediate toxic air monitoring at the fenceline of facilities with pollution linked to local health threats; to ensure the Environmental Protection Agency promulgates rules that require fenceline air monitoring in communities with air polluting industrial source categories; to expand and strengthen the national ambient air quality monitoring network; to deploy air sensors in communities affected by air pollution, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2020

Ms. BLUNT ROCHESTER (for herself, Mr. MCEACHIN, Ms. JAYAPAL, Ms. BARRAGÁN, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To protect clean air and public health by expanding fenceline and ambient air monitoring and access to air quality information for communities affected by air pollution; to require immediate toxic air monitoring at the fenceline of facilities with pollution linked to local health threats; to ensure the Environmental Protection Agency promulgates rules that require fenceline air monitoring in communities with air polluting industrial source categories; to expand and strengthen the national ambient air quality monitoring network; to deploy air sensors in communities affected by air pollution, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Health Air Quality Act of 2020''.

SEC. 2. HEALTH EMERGENCY AIR TOXICS MONITORING.

(a) MONITORING.—Not later than 120 days after the date of enactment of this Act, the Administrator shall carry out a program to administer or conduct, pursuant to authority provided under the Clean Air Act (42 U.S.C. 7401 et seq.), including section 114 of such Act (42 U.S.C. 7414), the best available form of fenceline monitoring of stationary sources of hazardous air pollutants that are on the list developed under subsection (c).

(b) PUBLICATION OF RESULTS.—The Administrator shall publish and maintain the results of all fenceline monitoring conducted under the program under subsection (a) on the website of the Environmental Protection Agency for a period of at least 5 years.

(c) LIST OF SOURCES.—

(1) DEVELOPMENT.—The Administrator shall develop a list of stationary sources of hazardous air pollutants that includes—

(A) the 25 high-priority facilities listed in Appendix A of the Environmental Protection

Agency's Office of Inspector General Report #20–N–0128 (March 31, 2020); and

(B) at least another 25 major sources or synthetic area sources.

(2) REQUIREMENTS.—The Administrator may include a stationary source on the list developed under paragraph (1) only if the source—

(A) emits at least one of the pollutants described in paragraph (3);

(B) is—

(i) located in, or within 3 miles of, a census tract with—

(I) a cancer risk of at least 100-in-1 million; or

(II) a chronic non-cancer hazard index that is above 1 based on the most recent National Air Toxics Assessment; or

(ii) in a source category with—

(I) a cancer risk that is at least 50-in-1 million;

(II) a total organ-specific hazard index for chronic non-cancer risk that is greater than 1; or

(III) an acute risk hazard quotient that is greater than 1; and

(C) is—

(i) classified in one or more of North American Industry Classification System codes 322, 324, 325; or

(ii) required to prepare and implement a risk management plan pursuant to section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) and had an accidental release required to be reported during the previous 3 years pursuant to section 68.42 or 68.195 of title 40 Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) POLLUTANTS.—The pollutants described in this paragraph are ethylene oxide, chloroprene, benzene, 1,3-butadiene, and formaldehyde.

(d) METHODS AND TECHNOLOGIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out the program under subsection (a), the Administrator shall—

(A) for each stationary source on the list developed under subsection (c)(1), employ, as necessary to monitor the pollutants described in

subsection (c)(3) emitted by such stationary source, at least—

(i) Method 325A and Method 325B; and

(ii) Method TO–15; and

(B) for each of the 10 stationary sources on such list that either emit the greatest volume of pollutants described in subsection (c)(3), or cause the greatest health risk as determined by the Administrator based on a residual risk assessment performed pursuant to section 112(f)(2) of the Clean Air Act (42 U.S.C. 7412(f)(2)) or based on the most recent National Air Toxics Assessment due to such emissions individually, as a group, or cumulatively with all hazardous air pollutants emitted by such sources, and for any other stationary source on such list for which application of the methods described in subparagraph (A) alone will not be sufficient to monitor and report any such pollutants that are emitted by such stationary source, employ—

(i) optical remote sensing technology to provide real-time measurements of air

pollutant concentrations along an open-path; or

(ii) other monitoring technology with the ability to provide real-time spatial and temporal data to understand the type and amount of emissions.

(2) UPDATES.—

(A) METHOD 325A AND METHOD 325B.—If the Administrator determines it necessary to update Method 325A and Method 325B to implement this section, the Administrator shall update such Method 325A and Method 325B not later than 90 days after the date of enactment of this Act.

(B) NEW TEST METHOD.—If the Administrator determines it necessary to approve a new test method to implement this section, the Administrator shall finalize such a method not later than 1 year after the date of enactment of this Act.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall report on the results of the program carried out under subsection (a), including—

(1) the results of fenceline monitoring implemented under the program under subsection (a);

(2) any enforcement, regulatory, or permitting actions taken based on such fenceline monitoring; and

(3) whether the Administrator proposes to continue fenceline monitoring at any or all of the stationary sources on the list developed under subsection (c)(1), or to implement fenceline monitoring of any additional stationary sources as determined under subsection (f).

(f) DETERMINATION REGARDING ADDITIONAL SOURCES.—Not later than 3 months before the program under subsection (a) terminates, the Administrator shall make a determination, and publish such determination in the Federal Register, on whether to add fenceline monitoring for any stationary sources to—

(1) ensure compliance of such stationary sources with existing emission standards under section 112 of the Clean Air Act (42 U.S.C. 7412);

(2) prevent accidental releases; or

(3) protect the health of the communities most exposed to the emissions of hazardous air pollutants from such stationary sources to the greatest extent possible.

(g) DETERMINATION REGARDING EMISSION FACTORS.—Not later than 3 months before the program under subsection (a) terminates, the Administrator shall complete an evaluation and promulgate a determination whether any existing emission factors must be updated to better reflect or account for the results of fenceline monitoring data collected pursuant to Method 325A or 325B or the program under subsection (a).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $73,000,000 for fiscal year 2021.

SEC. 3. COMMUNITY AIR TOXICS MONITORING.

(a) REGULATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall promulgate regulations pursuant to section 112(d) of the Clean Air Act (42 U.S.C. 7412(d)) for each source category described in subsection (b), that—

(1) require all sources in such source category to implement the best available form of continuous emissions monitoring and fenceline monitoring to assure compliance with the emission standards for hazardous air pollutants;

(2) for facilities in such source category that are required to submit risk management plans under section 112(r) of the Clean Air Act, to prevent acci-

dental releases and provide for effective emergency response;

(3) establish a corrective action level at the fenceline for at least the top 3 hazardous air pollutants that drive the cancer, chronic non-cancer, or acute risk for the source category; and

(4) require a root cause analysis and consequences if such corrective action level is exceeded.

(b) SOURCE CATEGORIES.—The source categories described in this subsection shall include each category or subcategory of major sources or area sources containing—

(1) at least one of the stationary sources of hazardous air pollutants that are on the list developed under section 2(c);

(2) major sources or area sources identified in the most recent National Emissions Inventory of the Environmental Protection Agency as emitting ethylene oxide, chloroprene, 1–3 butadiene, benzene, or formaldehyde;

(3) chemical, petrochemical, or plastics manufacturing sources or marine vessel loading operations; and

(4) any other major sources of fugitive hazardous air pollutant emissions for which the Environmental Protection Agency is subject to a court-

ordered or statutory deadline, engaged in a reconsideration proceeding, or subject to a court remand to, not later than 2 years after the date of enactment of this Act, review and determine whether to revise the emissions standards that apply to such sources.

(c) DETERMINATION OF BEST AVAILABLE FORM OF MONITORING.—The Administrator, in consultation with the Office of Air Quality Planning and Standards, the Office of Enforcement and Compliance Assurance, and the Office of Environmental Justice, shall, for purposes of the regulations promulgated pursuant to subsection (a), determine the best available form of continuous emissions monitoring and fenceline monitoring and shall ensure the methods required are at least as stringent as Method 325A and Method 325B.

(d) METHODS AND TECHNOLOGIES.—For all stationary sources in the source categories under subsection (b), the Administrator shall, in the regulations promulgated pursuant to subsection (a)—

(1) require application, implementation, or employment of—

(A) Method TO–15 or optical remote sensing technology to provide real-time measurements of air pollutant concentrations along an open-path; or

(B) other monitoring technology with the ability to provide real-time spatial and temporal data to understand the type and amount of emissions; or

(2) provide an explanation of why application of Method TO–15 or the technologies described in paragraph (1) is not necessary—

(A) to assure compliance with the emission standards established under the regulations promulgated pursuant to subsections (d) and (f) of section 112 of the Clean Air Act (42 U.S.C. 7412), as applicable; or

(B) to protect the public health.

(e) PRECAUTIONARY APPROACH.—In promulgating the corrective action level for each of the hazardous air pollutants described in subsection (a)(3), the Administrator shall take a precautionary approach to ensure that, if the monitored concentration at the fenceline hits a level that has potential to cause any person to experience impaired quality of life, become ill, or die from cancer or any other chronic or acute health impairment related to short- or long-term air pollution exposure (including any fetal exposure that begins in utero), that the facility must reduce its emissions to prevent such harm.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $17,500,000 for fiscal year 2021.

SEC. 4. CRITERIA POLLUTANT/NAAQS MONITORING NETWORK.

(a) DEPLOYMENT OF NCORE MULTIPOLLUTANT MONITORING STATIONS.—The Administrator shall require the deployment of an additional 80 NCore multipollutant monitoring stations.

(b) DEADLINE.—Not later than 12 months after the date of enactment of this Act, the Administrator shall ensure all NCore multipollutant monitoring stations required to be deployed under subsection (a) are installed and integrated into the air quality monitoring system established pursuant to section 319 of the Clean Air Act (42 U.S.C. 7619).

(c) MONITORING RESULTS.—Monitoring results from NCore multipollutant stations deployed pursuant to subsection (a) shall be used for purposes of comparison to national ambient air quality standards, and for such other purposes as the Administrator determines will promote the protection of public health from air pollution.

(d) LOCATIONS.—

(1) VULNERABLE POPULATIONS.—

(A) CENSUS TRACTS.—The Administrator shall ensure that at least 40 of the NCore multipollutant monitoring stations required under subsection (a) are sited in census tracts that each meet one or more of the following criteria:

(i) The rates of childhood asthma, adult asthma, chronic obstructive pulmonary disease, heart disease, or cancer are higher than the national average for such condition in the census tract.

(ii) The percentage of people living below the poverty level, that are above age 18 without a high school diploma, or that are unemployed, is higher than the national average in the census tract.

(iii) Two or more major sources (as defined in section 501(2) of the Clean Air Act (42 U.S.C. 7661(2))) are located within the census tract and adjacent census tracts combined.

(iv) COVID–19 death rates are at least 10 percent higher than the national average in the census tract.

(v) There is a higher than average population in the census tract of vulnerable or sensitive individuals who may be at greater risk than the general population of adverse health effects from exposure to one or more air pollutants for which national ambient air quality standards have been established pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), including infants, children, pregnant women, workers, the elderly, or individuals living in an environmental justice community.

(B) LIMITATION.—Not more than 1 of the NCore multipollutant monitoring stations described in subparagraph (A) may be sited within the same metropolitan statistical area, municipality, or county.

(2) SITING DETERMINATIONS.—In determining and approving sites for NCore multipollutant monitoring stations required under subsection (a), the Administrator shall—

(A) invite proposals from or on behalf of residents of a community for the siting of such stations in such community;

(B) prioritize siting of such stations in census tracts or counties with per capita death rates from COVID–19 that are at least 10 percent higher than the national average, as of the date of enactment of this Act or the date of the proposal; and

(C) prior to making siting determinations, provide public notice of proposed siting locations and provide an opportunity for public comment for at least 30 days thereafter—

(i) in the Federal Register, by email to persons who have requested notice of proposed siting determinations; by news release; and

(ii) by posting on the public website of the Environmental Protection Agency.

(e) REPORT.—Not later than 4 months after the date of enactment of this Act, the Administrator shall—

(1) in coordination with the States, complete an assessment, which includes public input, on the status of all ambient air quality monitors that are part of Federal, State, or local networks and used for determining compliance with national ambient air quality standards to determine whether each such monitor is operational; and

(2) report to Congress, and publish on the public website of the Environmental Protection Agency, a list of all non-operational monitors and an accompanying schedule and plan to restore all such monitors into full operation within one year.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $61,000,000 for fiscal year 2021.

(2) USES.—The Administrator—

(A) may use amounts made available to carry this section to—

(i) directly to deploy NCore multipollutant monitoring stations required under subsection (a); or

(ii) make grants under section 105 of the Clean Air Act to State and local governments for deployment and operation of such NCore multipollutant monitoring stations; and

(B) shall use at least 5 percent, but not more than 10 percent, of amounts made available to carry out this section to perform maintenance and repairs necessary to restore to operation to currently non-operational monitors

located in nonattainment areas for ozone or PM2.5.

SEC. 5. SENSOR MONITORING.

(a) DEPLOYMENT OF AIR QUALITY SENSORS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall deploy at least 1,000 air quality sensors, that each cost $2,000 or less, in census tracts or counties with per capita death rates from COVID–19 that are at least 10 percent higher than the national average as of the date of enactment of this Act.

(b) POLLUTANTS.—Each sensor deployed pursuant to subsection (a) shall measure ozone, PM2.5, or sulfur dioxide. The Administrator shall determine which pollutant or pollutants to monitor based on the pollution sources affecting the area in which the sensor is to be deployed.

(c) PRIORITY.—The Administrator shall give priority for deployment of sensors pursuant to subsection (a) to census tracts or counties that—

(1) lack SLAMS for the pollutant or pollutants that sensors would be deployed to measure;

(2) have, or are substantially impacted by, significant emissions of ozone, PM2.5, or sulfur dioxide; and

(3) are not part of an area designated as nonattainment under the Clean Air Act for the air pollutant or pollutants to be monitored.

(d) CONTRACTS.—The Administrator shall contract with qualified nonprofit organizations and State and local air pollution control agencies to execute deployment of the monitors in a manner that will ensure representative measurement of ambient air quality, and provide the public with real-time online access to the data collected.

(e) DETERMINATION AND INSTALLATION.—Not later than 6 months after one year of monitoring with sensors deployed pursuant to subsection (a) has been completed, the Administrator shall determine whether data from the sensor or sensors deployed in a census track or county show air pollution levels during such year reached 98 percent of the national ambient air quality standard for any of the air pollutants described in subsection (b), and not later than 6 months after such determination, the Administrator shall ensure that Federal Reference Method monitors or Federal Equivalent Method monitors are installed and in operation within the census tract or county for each pollutant that reached or exceeded the 98 percent level.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 6. ENVIRONMENTAL HEALTH DISPARITIES RESEARCH GRANT PROGRAMS.

(a) CENTERS OF EXCELLENCE ON ENVIRONMENTAL HEALTH DISPARITIES RESEARCH GRANTS.—The Director of the National Institutes of Health, in coordination with the National Center for Environmental Research at the Environmental Protection Agency, shall carry out a Centers of Excellence on Environmental Health Disparities Research grant program. Such program shall establish and support no fewer than 10 research centers with 5 year awards to—

(1) conduct basic and applied research on environmentally driven health disparities;

(2) establish, develop, or expand collaborations with other researchers and organizations involved in environmental health disparities and affected communities;

(3) disseminate scientific knowledge to other researchers and members of affected communities;

(4) recruit and mentor investigators to conduct environmental health disparities research, including investigators from health disparities populations; and

(5) other activities, as determined by the Director.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this program $15,000,000 for each of fiscal years 2021 through 2026.

SEC. 7. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ACCIDENTAL RELEASE.—The term ''accidental release'' has the meaning given such term in section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)).

(3) AREA SOURCE; EXISTING SOURCE; HAZARDOUS AIR POLLUTANT; MAJOR SOURCE; NEW SOURCE; STATIONARY SOURCE.—Except as otherwise provided, the terms ''area source'', ''existing source'', ''hazardous air pollutant'', ''major source'', ''new source'', and ''stationary source'' have the meaning given such terms in section 112(a) of the Clean Air Act (42 U.S.C. 7412(a)).

(4) COVID–19.—The term ''COVID–19'' means the novel coronavirus disease 2019 that is the subject of the declaration of a public health emergency by the Secretary of Health and Human Serv-

ices pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 27, 2020.

(5) METHOD 325A.—The term ''Method 325A'' means the Air Emission Measurement Center promulgated test method titled ''Volatile Organic Compounds from Fugitive and Area Sources: Sampler Deployment and VOC Sample Collection''.

(6) METHOD 325B.—The term ''Method 325B'' means the Air Emission Measurement Center promulgated test method titled ''Volatile Organic Compounds from Fugitive and Area Sources: Sampler Preparation and Analysis.''

(7) METHOD TO–15.—The term ''Method TO–15'' means the test method titled ''Determination of Volatile Organic Compounds (VOCs) In Air Collected In Specially-Prepared Canisters And Analyzed By Gas Chromatography/Mass Spectrometry (GC/MS)'' published in Compendium of Methods for the Determination of Toxic Organic Compounds in Ambient Air, Second Edition.

(8) NCORE AND SLAMS.—The terms ''NCore'' and ''SLAMS'' have the meaning given such terms in section 58.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(9) SYNTHETIC AREA SOURCE.—The term ''synthetic area source'' has the meaning given ''synthetic minor HAP source'' in section 49.152 of title 40, Code of Federal Regulations (or successor regulations).

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