



South Coast Air Quality Management District



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

October 9, 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/91830657613>

Zoom Webinar ID: 918 3065 7613 (applies to all)

Teleconference Dial In
+1 669 900 6833

One tap mobile
+16699006833,,91830657613#

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 3):

- 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]

 - Jed Dearborn*
Cassidy & Associates
pgs 5-10
 - Mark Kadesh*
Kadesh & Associates, LLC
pgs 11-14
 - Gary Hoitsma*
Carmen Group
pgs 15-17
 - Ross Buckley*
California Advisors, LLC
pgs 18-19
 - Paul Gonsalves*
Joe A. Gonsalves & Son
pgs 20-25
 - David Quintana*
Resolute
pgs 26-28

- 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]

- 3. End-of-Year Summary Report on State Legislature’s and Governor’s Actions during 2020 Legislative Session
(No Motion Required)
Staff will provide an end-of-legislative-year summary report on the actions of the state Legislature and Governor, including those relating to the budget and South Coast AQMD bills of interest.

 - Philip Crabbe III & Denise Peralta-Gailey*
Public Affairs Managers
Legislative, Public Affairs & Media

ACTION ITEM (Item 4):

- 4. 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]

<u>Bill#</u>	<u>Author</u>	<u>Bill Title</u>
H.R. 7822	Blunt Rochester	Public Health Air Quality Act

Lisa Tanaka O’Malley
Senior Public Affairs Manager,
Legislative, Public Affairs & Media

pgs 29-55

OTHER MATTERS:

- 5. 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)

6. **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.

7. **Next Meeting Date** – Friday, November 13, 2020 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 Stacy Day at (909) 396-2495, or send the request to sday@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 Stacy Day at (909) 396-2495 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to sday@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.



To: South Coast Air Quality Management District
From: Cassidy & Associates
Date: September 23, 2020
Re: September Report

HOUSE/SENATE

The House and Senate are both in session this week. Bills to be considered by the House include:

H.R. 4447 – Clean Economy Jobs and Innovation Act
H.R. 6210 – Uyghur Forced Labor Prevention Act
H.R. 6270 – Uyghur Forced Labor Disclosure Act
Continuing Resolution for FY21 Appropriations (CR)

H.R. 4447 has a number of provisions of interest to SCAQMD, including methane leak detection and mitigation, diesel emissions reductions, and environmental justice. We expect this bill to pass by the end of the week on a party-line vote due to opposition from the Trump Administration. The Senate is aiming to pass their version of an energy bill by the end of the month as well. After the Senate passes their bill, the House and Senate will have a brief window of opportunity, post-election to enact a compromise package.

Senate floor time this week will be spent confirming several judicial nominations. Much of the Senate's attention from now through the election, however, will be focused on the Supreme Court vacancy after the passing of Justice Ruth Bader Ginsburg. Senator Majority Leader McConnell has made it clear that he will work to fill the vacancy as soon as possible, with President Trump confirming that he will announce his nominee this week. The two early frontrunners are:

Barbara Lagoa: Judge on the United States Court of Appeals for the Eleventh Circuit. Before her appointment in 2019, Judge Lagoa was a Justice on the Supreme Court of Florida. She also served as District Judge on the Florida Third District Court of Appeals and as an Assistant United

States Attorney for the Southern District of Florida. Judge Lagoa earned her B.A., *cum laude*, from Florida International University and her J.D. from Columbia Law School.

Amy Coney Barrett: Amy Coney Barrett was confirmed as a judge on the U.S. Court of Appeals for the Seventh Circuit in October 2017. She is a Notre Dame Law School alumna and has taught as a member of the Law School's faculty since 2002.

With respect to appropriations, the House passed all of their appropriations bills before the August recess, but the Senate has yet to act on any appropriations measures. The House bill for EPA appropriations includes \$90 million for Diesel Emissions Reduction Act (DERA) grants, an additional \$450 million in emergency DERA grants for COVID relief, and \$57.3 million in targeted airshed grants to be focused on the ten most heavily polluted areas in the country. The House passed a CR through December 11, and we expect the Senate to pass it soon and the President to sign it into law. Depending on the electoral outcome in November, a large omnibus spending package for the remainder of FY 2021 will pass in December or early next year.

EPA Administrator Wheeler delivered remarks to the American Enterprise Institute today, where he discussed environmental achievements during the Trump Administration. He specifically highlighted actions that the EPA has taken to reduce greenhouse gases, address air quality, superfund sites, and water quality. His full prepared remarks can be found [here](#).

On September 6th, Secretary Brouillette authorized federal intervention during the California grid reliability emergency by signing a 202(c) emergency order. The order and request letter can be found [here](#).

Cassidy and Associates support in September:

- Identified provisions of interest in energy bills moving in both chambers.
 - Prepared to advance SCAQMD priorities via Committee staff and CA delegation.
 - Strategized with SCAQMD on best approach to ensure priorities are included in compromise legislation.
- Strategized with SCAQMD on identifying federal funds through DERA, TAG, or other sources to assist the district with COVID related expenses.
 - Engaged in ongoing discussions with House and Senate Committee staff to include increased funding for these programs in COVID relief and appropriations legislation.
- Built support for legislation from Sens. Cornyn and Sinema to ensure “special districts” are eligible for federal funding.
 - We remain in constant contact with Hill staff to ensure that this bill is on the table in COVID relief negotiations.

IMPORTANT LEGISLATIVE DATES

Sept. 30

- SCOTUS Vacancy Hearings
- Continuation of negotiations for new COVID-19 package
- Fiscal 2020 funding expires, as well as other major programs:
 - National Defense Authorization Act (\$735.8 billion)
 - Surface Transportation Authorization (FAST Act - \$64.1 billion)
 - National Flood Insurance Program (\$30.4 billion)
 - National Institutes of Health Authorization (\$36.5 billion)
 - Every Student Succeeds Act (\$26.1 billion extends automatically for one year if Congress doesn't act)
 - Workforce Innovation and Opportunity Act (\$10 billion)
 - Childcare and Development Block Grants (\$2.7 billion)
 - Federal Communications Commission Authorization (\$339.6 million)
 - America's Water Infrastructure Act sewer overflow and other grants (\$240 million)
 - Runaway and Homeless Youth Programs (\$127.4 million)
 - VA Authorities, including health care, homelessness (\$69 million)
 - Immigration programs, including E-Verify and EB-5 investor visa

Nov. 30 – Dec. 31

- Temporary Assistance for Needy Families
- Community Health Centers
- Medicare Programs

PANDEMIC RESPONSE PROGRAMS AND AUTHORITIES

FDA Issues Emergency Use Authorization for Convalescent Plasma as Potential Promising COVID-19 Treatment, Another Achievement in Administration's Fight Against Pandemic

FDA issued an emergency use authorization (EUA) for investigational convalescent plasma for the treatment of COVID-19 in hospitalized patients as part of the agency's ongoing efforts to fight COVID-19. Based on scientific evidence available, the FDA concluded, as outlined in its decision memorandum, this product may be effective in treating COVID-19 and that the known and potential benefits of the product outweigh the known and potential risks of the product.

This action follows the FDA’s extensive review of the science and data generated over the past several months stemming from efforts to facilitate emergency access to convalescent plasma for patients as clinical trials to definitively demonstrate safety and efficacy remain ongoing.

The EUA authorizes the distribution of COVID-19 convalescent plasma in the U.S. and its administration by health care providers, as appropriate, to treat suspected or laboratory-confirmed COVID-19 in hospitalized patients with COVID-19.

Research Update

Prevalence of Underlying Medical Conditions Among Selected Essential Critical Infrastructure Workers: CDC released an MMWR on the [Prevalence of Underlying Medical Conditions Among Selected Essential Critical Infrastructure Workers](#) in 31 states during 2017 and 2018. High prevalences of underlying medical conditions increase risks for severe COVID-19 illness among home health aides, other health care support workers, and nursing home, trucking, and transit industry workers. For all essential workers, and particularly those at high risk because of underlying medical conditions, prioritization of exposure controls and health care access is needed to reduce the potential for SARS-CoV-2 exposure and prevent and treat underlying conditions.

End Date/Program

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)

IMPORTANT DATES: ELECTIONS

2020 ELECTION CALENDAR

JANUARY

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DECEMBER

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Democratic Caucus	Democratic Primary	Democratic Convention	VP Debate
Republican Caucus	Republican Primary	Republican Convention	Presidential Debate
		Election Day	politicopro.com

DATE	STATE	DEMOCRAT	REPUBLICAN
February 3	Iowa	Caucus	Caucus
February 11	New Hampshire	Primary	Primary
February 22	Nevada	Caucus	—
February 29	South Carolina	Primary	—
March 3	Alabama	Primary	Primary
	American Samoa	Primary	Primary
	Arkansas	Primary	Primary
	California	Primary	Primary
	Colorado	Primary	Primary
	Democrats Abroad	Primary	—
	Maine	Primary	Primary
	Massachusetts	Primary	Primary
	Minnesota	Primary	Primary
	North Carolina	Primary	Primary
	Oklahoma	Primary	Primary
	Tennessee	Primary	Primary
	Texas	Primary	Primary
	Utah	Primary	Primary
	Vermont	Primary	Primary
	Virginia	Primary	—
March 8	Puerto Rico	—	Primary
March 10	Hawaii	—	Caucus
	Idaho	Primary	Primary
	Michigan	Primary	Primary
	Mississippi	Primary	Primary
	Missouri	Primary	Primary
	North Dakota	Primary	Primary
	Washington	Primary	Primary
March 14	North Mariana	Caucus	—
March 17	Arizona	Primary	Primary
	Florida	Primary	Primary
	Illinois	Primary	Primary
	Ohio	Primary	Primary
March 24	Georgia	Primary	Primary
March 29	Puerto Rico	Primary	—
April 4th	Alaska	Primary	—
	Hawaii	Primary	—
	Louisiana	Primary	Primary
	Wyoming	Caucus	—
April 7	Wisconsin	Primary	Primary
April 28	Connecticut	Primary	Primary
	Delaware	Primary	Primary
	Maryland	Primary	Primary
	New York	Caucus	Primary
	Pennsylvania	Primary	Primary
	Rhode Island	Primary	Primary

DATE	STATE	DEMOCRAT	REPUBLICAN
May 2	Guam	Caucus	—
	Kansas	Primary	—
May 5	Indiana	Primary	Primary
May 12	Nebraska	Primary	Primary
	West Virginia	Primary	Primary
May 19	Kentucky	Primary	Primary
	Oregon	Primary	Primary
June 2	District of Columbia	Primary	—
	Montana	Primary	Primary
	New Jersey	Primary	Primary
	New Mexico	Primary	Primary
	South Dakota	Primary	Primary
June 6	Virgin Islands	Caucus	—
July 13 - 16	Democratic Convention (Milwaukee, WI)	—	—
August 24 - 27	Republican Convention (Charlotte, NC)	—	—
September 29	First Presidential Debate (South Bend, IN)	—	—
October 7	Vice Presidential Debate (Salt Lake City, UT)	—	—
October 15	Second Presidential Debate (Ann Arbor, MI)	—	—
October 22	Third Presidential Debate (Nashville, TN)	—	—
November 3	2020 Presidential Election	—	—

South Coast AQMD Report for the October 2020 Legislative Meeting covering
August/September 2020

Kadesh & Associates

August: With expiration of Federal support for Unemployment Insurance (UI) of \$600/month expiring at the end of July, expectations were for that issue to be the driver of a COVID/stimulus compromise between the House's HEROES Act at \$3.5t and the Senate's \$2t HEALS Act package of bills. [See prior report for details.] However, compromise was not reached and the Administration used executive action to deploy a smaller \$300/month fix to UI benefits. The House issued a revised schedule for the fall and both House and Senate were largely adjourned in August, with the House returning once to vote on a funding and policy package for the US Postal Service. As of mid-August, House and Senate Appropriations Committee staffs turned their attention from further work on individual FY21 Appropriations bill to working on a Continuing Resolution (CR) to fund the government into the next fiscal year which starts on October 1. Senate Republicans floated a \$1.1t so called "skinny" COVID/stimulus bill in the hopes of drawing the House into a compromise.

S. 178, which is largely similar to executive actions being attempted by the Administration included:

Liability Reform – Provides necessary liability protections for non-profits, hospitals, churches, schools, and businesses from opportunistic litigation. Individuals and businesses who operate in good faith and follow the guidance of their state or local public health officials will have safe harbor during this unprecedented pandemic.

Education Funding – Includes \$105B to help get students back to school and provide for the continued learning of all students in elementary, secondary, and higher education: \$70B for elementary and secondary schools. Of that, 1/3 goes out immediately to these schools, both private and public. 2/3 goes to schools re-opening in person; \$29B for higher education; \$5B for the Governors Emergency Education Relief Fund; and \$1B for the Bureau of Indian Education and outlying areas.

Testing Funding – Provides \$16B for testing, contact tracing, mitigation and surveillance of COVID-19 in states.

Vaccine Preparation – Provides \$29B for vaccine, therapeutics, and diagnostic development, as well as vaccine distribution.

PPP Second Draw – Provides a second draw of PPP loans capped at \$2 million for businesses with 300 or fewer employees and revenue losses of 35% or more. The provision uses \$100B in unobligated funds and approximately \$160B in new funds.

Unemployment Insurance – In line with the President's recent executive order, the bill provides a federal plus-up of \$300 for pandemic unemployment insurance until December 27, 2020.

USPS Funding – Provides assistance to the postal service by converting the \$10B loan to USPS in the CARES Act to a grant.

Continuing Resolution – Includes a CR for government funding until December 18, 2020.

September: The revised House schedule for September included:

- Week of September 14 – Strength in Diversity Act, Equity and Inclusion in Education Act, Pregnancy Workers’ Fairness Act, and a resolution condemning all forms of anti-Asian bias and bigotry related to the COVID-19 pandemic.
- Week of September 21 – MORE Act (marijuana decriminalization legislation that would also expunge records of nonviolent federal cannabis convictions), *legislation from the Energy and Commerce Committee and Science, Space, and Technology Committee that would invest in energy innovation and clean energy development.* The House may also take up intelligence agencies reauthorization legislation.
- Other items during the month – Appropriations legislation (CR), flood insurance extension (the current extension expires in September), surface transportation reauthorization (FAST Act expires at the end of September).

Of most interest to South Coast AQMD, September saw the House acting on H.R. 4447 – Clean Economy Jobs and Innovation Act which included a number of provisions and amendments of great interest and benefit to South Coast AQMD. On September 24 the House passed H.R. 4447 mostly along partisan lines with a 220-185 vote, where seven Republicans joined Democrats in supporting the measure. Similarly, most of the amendments added to the bill were from the Democratic side of the aisle. Green groups like Earthjustice and the League of Conservation Voters got behind H.R. 4447, despite concerns over some fossil-fuel friendly language as well as investments in nuclear energy.

Murkowski Optimistic on Senate Energy Bill: Senators [Lisa Murkowski](#) (R-Alaska) and [Joe Manchin](#) (D-W.Va.) are working to move their energy innovation package to the floor in the waning days before the November 3 election. Senator Murkowski has indicated that the Senate could resume consideration of the American Energy Innovation Act ([S. 2657](#)) the last week of September. The measure will likely require unanimous consent from all Senators to advance on the floor. Senator Joe Manchin (D-W.Va.), the Energy and Natural Resources panel’s ranking member and a co-sponsor of the legislation, echoed Murkowski’s comments, saying the pair are working through issues with Republicans, including an impasse on building codes. Manchin yesterday predicted the odds of getting the legislation enacted this year at 75%.

House Oversight Panel Highlights Climate Bills: The House Oversight and Reform panel packaged a half-dozen bills to boost federal climate planning and increase resilience to rising sea levels and other climate impacts. The bills have little chance of advancing this congressional session, but offer a roadmap for legislation many Democrats hope to pursue if they win control of the Senate in the November election. Oversight and Reform’s fourth climate change hearing, held by its Subcommittee on Environment, brings to a close a series of such hearings launched after Democrats took control of the House two years ago.

Avoiding a shutdown, funding the federal government by CR: H.R. 8337, the CR which included funding the federal government through December 11 passed the House on 9-22-20 by a vote of 359-57. The Senate will hold a final vote as early as 9-29-20 on the House-passed legislation. The Senate voted 93-2 to advance the bill on 9-24-20. The measure reflects an agreement between Democrats and Republicans over farm and food aid programs and a one-year extension of the Surface Transportation Act and would avert a government shutdown that would begin Oct. 1.

COVID/Stimulus – next and final package: No further action has occurred on a COVID/stimulus package (as of 9-25-20), though Senate Republicans trimmed the skinny bill down to \$500b. This revised version of the previous Senate GOP “skinny” bill includes:

- \$300 federal supplement to state-determined unemployment benefits (extended until December 27, 2020)
- Liability Protection
- Continues to provide \$105B for education funding—\$70 billion for K-12 and \$29 billion for postsecondary education, maintaining formula based on the number of FTE students.
- Modifications of authorities for small business loans under Paycheck Protection Program including the simplified loan forgiveness provisions and second draw provisions included in the HEALS package with subsequent modification re gross receipts proposed by Sen. Rubio
- Appropriations for Health and Human Services
 - \$29B to prepare for and respond to COVID, including development of countermeasures and vaccines, therapeutics and diagnostics, purchase of vaccines,
 - \$16B for testing, contact tracing, surveillance, containment and mitigation to monitor COVID

Among provisions that are not in the new version that were in the previous Republican HEALS package:

- Workforce funding
- Direct payments
- Funding for state and local governments
- Funding for Health Care Provider Relief Fund
- New, temporary COVID SBA Sec 7 low interest loan program
- Funding for NIH

The Senate returned to Washington in mid-September and attempted to pass this very pared-down COVID relief bill. This effort failed and, as of now, the only pending COVID relief legislation is the HEROES Act passed by the House in May. The House considered H.R. 4447 – Clean Economy Jobs and Innovation Act.

Pending Business: The House has passed a CR keeping the federal government open through December 11. The Senate is expected to pass that CR before the end of the fiscal year on September 30. There is still hope that a smaller package of COVID/stimulus aid will pass the Congress. The House has passed all but two of its annual appropriations bill; bills for Homeland Security and funding for the Legislative Branch remain unresolved. The Senate has not passed any of the FY21 appropriations bills and it appears unlikely there will be any meaningful movement on these bills prior to the election. Instead, Senate Appropriations will likely post its bills online sometime in October and use those draft bills to begin informal conference talks with the House. This approach has been done before for individual bills, but – if it happens – this would be the first time all 12 bills move this way.

Kadesh & Associates Activity Summary-

- COVID/stimulus legislation – funding for special districts, including a special appeal to South Coast AQMD's Congressional offices to be included in what may be the last such effort before the election, possibly to be voted on the last week of September.
- H.R. 2 – the “Moving Forward Act,” -- The underlying bill included House Transportation & Infrastructure’s (T&I’s) surface transportation reauthorization (“INVEST in America Act”) and a version of Representative DeSaulnier’s Clean Corridors Act.
- H.R. 4447 – Clean Economy Jobs and Innovation Act amendments
- FY21 Appropriations – DERA, TAG and Sec. 103/105
- Continuing Resolution
- Rep. Eshoo’s Smoke Planning and Research bill
- Rep. DeSaulnier’s Clean Corridors bill (included in H.R. 2)
- Look Ahead discussion and draft memo for South Coast AQMD staff

Contacts:

Contacts included staff and House Members throughout the CA delegation, especially Leadership and Appropriators who were targeted.

###



Carmen Group
I N C O R P O R A T E D

To: South Coast AQMD Legislative Committee
From: Carmen Group
Date: September 24, 2020
Re: Federal Update -- Executive Branch

August-September Highlights: During the months of August and September, Congress and the Administration danced around several important legislative matters always mindful of these looming deadline dates: The Sept. 30th end of the fiscal year; the Nov. 3rd elections; the Jan. 3rd end of the 116th Congress; and the January 20th presidential inauguration. Of these, as is usually the case every two and four years, the elections loom the largest, as incentives to wait for a new president and a new Congress always weigh in heavily. Looking ahead to October and beyond, as if partisan temperatures weren't already high enough, a Supreme Court confirmation fight is sure take up a lot of oxygen on Capitol Hill and throughout Washington in the pre-election weeks ahead. Here is a quick rundown:

Annual Appropriations: By midsummer if not before, it became manifestly apparent that the divided Congress, working with a potentially lame duck administration, would be unable to complete the annual appropriations process under regular order in time for the end of the fiscal year and before the members could see clearly the post-election landscape. So, as September came to a close, agreement was reached to pass and approve a stopgap continuing resolution (CR), keeping federal programs funded at current levels through December 11.

Transportation Reauthorization: Concurrently as part of the CR, agreement was also reached in late September – as expected -- to punt the long-term reauthorization of the FAST Act surface transportation law for one full year to Sept. 30, 2021. This required a separate nearly \$14 billion general fund transfer to keep the Highway Trust Fund solvent for that period of time. This sets up next year as major decision time (no matter which party wins the White House) for legislation on transportation -- and infrastructure -- and climate – and all they entail for SCAQMD priorities in clean energy, advanced vehicle technologies, emissions reductions, and so much more.

COVID Relief: For most of August and September, the early summer high hopes for a fourth major COVID Relief bill slowly dissipated amid strong partisan divides over the size and make-up of such a bill. Democrats held firm in their insistence that the bill must include large new amounts of funding for state and local governments which Republicans largely opposed. Numerous attempts were made to bridge the gap without success, and it began to appear that no deal would be possible till after the election. But as Congress' adjournment loomed in late

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September, the House’s “Problem Solvers” Caucus – a bipartisan group made up of 25 Democrats and 25 Republicans -- put out their blueprint for a compromise bill that sparked renewed interest in a possible deal, even though the details of their proposal did not have leadership support on either side. Shortly thereafter, as several vulnerable Democratic members in tight races voiced their constituents’ concern over continued inaction and President Trump urged Republicans to “go higher,” in the amount of money they would accept in a deal, Speaker Pelosi abruptly signaled that new more positive talks were afoot with the Administration to reach a pre-election compromise.

Energy Legislation: At the end of September, the House passed the Expanding Access to Sustainable Energy Act (HR 4447) on a largely party-line vote of 220-185, with only 7 Republicans voting yes and 18 Democrats voting no. While the bill includes many provisions supported by SCAQMD, it faces a veto threat from the Administration and no chance of being brought up in the Senate. A more bipartisan energy bill – sponsored by Sens. Murkowski (R-AK) and Manchin (D-WV) – was deemed near ready as of late September for Senate floor consideration and many energy advocates would hope it could be passed before or after the election and reconciled with the House bill by the end of year. Despite good intensions on all sides, this seems doubtful for a variety of reasons. A safer bet is that energy legislation will be high on the agenda for the newly elected president and Congress beginning next year.

Special Districts Legislation: During August and September, we continued to monitor and engage in advocacy efforts for special districts legislation (HR 7073 and S 4308), bills designed to ensure that special state and local governmental entities like SCAQMD would be eligible to directly receive funding from future federal Coronavirus relief funds targeted to states and local governments. The late September news that talks on a pre-election COVID deal were back on track spurred renewed hope that a special districts provision could be included in a final COVID relief bill.

Federal Agency Roundup

USDOT BUILD Grants: In September, the U.S. Department of Transportation announced the investment of \$1 billion through the FY 2020 round of BUILD grants (formerly known as TIGER grants). Grants were awarded to 70 projects in 44 states under a competitive process supporting roads, bridges, transit, rail, ports, and intermodal transportation. Environmental sustainability was one of seven criteria used in making the award decisions where the maximum project award was \$25 million. Two grants were made in California: \$20 million for the Stockton Diamond Grade Separation in Stockton, and \$16 million for the SR99 and Commercial Avenue Interchange Project in Tulare.

FAA Airport Grants: In September, the Federal Aviation Administration announced \$1.2 billion in airport safety and infrastructure grants under the Airport Improvement Program (AIP) to 405 airports in all 50 states and six U.S. territories. Among the 28 grants in California were projects at the Los Angeles International, Long Beach (Daugherty Field), Whiteman, John Wayne (Orange County), Bob Hope (Burbank) and Riverside Municipal airports.

FTA Bus Grants: In August, the Federal Transit Administration announced the award of \$464 million for newer and cleaner buses and bus infrastructure, including 96 projects in 49 states under the Bus and Bus Facilities Program. Among these projects were five in California addressing bus needs in Butte County, Kern County, Solano County, Monterey County, and the City of Davis.

EPA in Settlement with Daimler Over Emissions Cheating: In September, the EPA, the U.S. Justice Department and CARB announced a proposed settlement with German automaker Daimler AG and its American subsidiary Mercedes-Benz, resolving alleged violations of the Clean Air Act and California law. Daimler will pay \$875 million in civil penalties after defeat devices were found in Daimler's vehicles in the wake of the similar Volkswagen scandal. This amounts to the second largest civil penalty in the history of the Clean Air Act.

EPA Action on Guidance Documents: In September, the EPA announced its final rule to establish consistent requirements and procedures for the issuance of guidance documents. The rule 1) establishes the first formal petition process for the public to request that EPA change, add or withdraw a guidance document; 2) ensures that these agency documents are developed with appropriate review and are accessible to the public; and 3) allows public participation in the development of guidance documents.

EPA Collaborates with Boys Scouts on Environmental Education: In August, the EPA signed an agreement with the Boy Scouts to create a special award program challenging scouts to earn multiple environment-related merit badges in the areas of earth sciences, outdoor activities and public health. To earn the EPA award, scouts must also participate in an environment/public health community service project for six hours.

Wheeler Defends EPA Record: Just in time for election season, EPA Administrator Andrew Wheeler delivered two major speeches (Sept. 3rd at the Nixon Library in Yorba Linda, CA, and Sept. 21st at the American Enterprise Institute in Washington, DC) defending the Trump Administration's record on environmental issues. Among his themes were celebrating the signing of the Clean Air Act and the creation of the EPA in President Nixon's first term (50 years ago) and declaring that, in the last three years under the current Administration, "air pollution in the country fell by 7 percent" and that "EPA data points to 2020 air quality as being the best on record."

Outreach: Relevant contacts included the deputy assistant secretary for policy at the Department of Transportation and Republican staff at the Senate Environment & Public Works Committee on transportation reauthorization; Republican staff at the House Energy and Commerce Committee on energy legislation; and the offices of targeted Republican House members in Texas, Missouri and Indiana and the field coordinator of the California Special Districts Association on special districts legislation.

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CALIFORNIA ADVISORS, LLC

South Coast AQMD Report
California Advisors, LLC
October 9, 2020 Legislative Committee Hearing

General Update

Midnight on August 31st marked the constitutional deadline for the 2019-20 legislative session. This year's session was filled with unprecedented challenges given the ongoing global pandemic. While the Legislature was constantly forced to adapt, they were able to work on several important issues before they adjourned. However, the end of session did include some interhouse fighting and legislative gamesmanship.

This was highlighted when one Republican Senator tested positive for COVID-19 and potentially exposed the rest of his caucus. Per local health guidelines, all but one Republican Senator was required to self-quarantine for the last few days of the session. The Senate allowed these members to participate and vote remotely from their Sacramento residences. However, this new system presented an endless amount of technical challenges and significantly impacted the pace of business. Due to the prolonged breaks in the Senate, several bills in both houses did not meet the constitutional deadline to pass. Even the last bill they brought up before midnight they had to rush to begin the roll call vote just seconds before the clock struck 12:00 A.M.

The month of September has seen the focus shift to whether the Governor will sign or veto the bills on his desk. However, the Governor was slower to act on bills this year. He had to address issues related to the ongoing global pandemic, historic wildfires, and rolling blackouts all within the last few weeks. The Governor even admitted at a press conference that he still had hundreds of bills on his desk with just a week before the September 30th deadline.

Lastly, there have been ongoing rumblings around the Governor calling for a special session to deal with the outstanding issues such as COVID-19, wildfires, or any number of issues that the state is facing. To date, there have not been any concrete updates on this front, but the Governor has said that he is "open to it" if necessary. One issue that could force the Legislature to come back before the new session starts would include the pending budget trigger cuts. When the state was crafting the budget in June, it relied on billions of dollars coming to the state before October from the federal government. It appears that those trigger cuts will automatically be enacted and could last several months before any assistance reaches California.

Executive Order:

On September 23rd, Newsom announced that he signed an executive order to require that by 2035 all new cars and passenger trucks sold in California must be zero-emission vehicles. As part of the order he included that medium- and heavy-duty vehicles shall be 100 percent zero emissions by 2045 where feasible. The executive order instructed several state agencies including CARB,

PUC, and California Transportation Agency to work on implementing this mandate. In addition, Newsom mentioned that he would work with the Legislature to end the issuance of new hydraulic fracturing permits by 2024.

Elected Officials Contacted on Behalf of South Coast AQMD:

California Advisors met with the following legislators or their offices on behalf of the South Coast AQMD:

Governor Newsom (SB 895)

Senate:

Bob Archuleta (SB 895, EFMP), Ben Allen (EFMP), Patricia Bates (EFMP), Steve Bradford (EFMP), Ling Ling Chang (EFMP), Maria Elena Durazo (EFMP), Lena Gonzalez (EFMP), Bob Hertzberg (EFMP), Connie Leyva (EFMP), Melissa Melendez (EFMP), Holly Mitchell (EFMP), John Moorlach (EFMP), Mike Morrell (EFMP), Anthony Portantino (EFMP), Richard Roth (EFMP), Susan Rubio (EFMP), Henry Stern (EFMP), Tom Umberg (EFMP)



Joe A. Gonsalves & Son

Anthony D. Gonsalves

Jason A. Gonsalves

Paul A. Gonsalves

PROFESSIONAL LEGISLATIVE REPRESENTATION

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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 – September 2020

DATE: Thursday, September 24, 2020

The Governor is slowly working his way through the few hundred bills that made their way to his desk at the end of session. Thus far, he signed bills intended to provide relief for those who are working during COVID-19, specifically bills related to workers' compensation, employee notifications related to infection, and an expansion of family leave.

Meanwhile, legislators have returned to their districts and are preparing for the November 3 election. While California began casting most of its ballots by mail years ago, there is a lot of uncertainty about how campaigning in the era of COVID-19 will play out. As always though, the California ballot is brimming with propositions in this Presidential election year.

The following will provide you with a legislative update of interest to the District:

NOVEMBER 2020 BALLOT INITIATIVES

Proposition 15: Split Roll Tax

Proposition 13 (1978) limited property taxes for residential, commercial, and industrial properties by basing taxes on the purchase price of the property rather than current market value. Proposition 15 would "split" the property tax roll allowing commercial and industrial properties worth more than \$3 million to be assessed at current market value. This change would go into effect in 2022 but is delayed until 2025 for those properties where more than 50% of the tenants are small businesses.

Prop. 15 is expected to raise between \$6.5 billion and \$11.5 billion in new tax revenue with 60% allocated to local governments and 40% to K-12 schools and community

colleges. Democrats and public employee unions have long bemoaned the provisions of Prop. 13 which had serious impacts on local government funding. Having raised some \$20 million in support of the measure, public employee unions hope that Prop. 15, which continues to protect residents but increases the tax burden of businesses, will be palatable to voters who have historically been very wary of any change to Prop. 13.

Last Friday, Governor Newsom endorsed Prop. 15 while rejecting other proposals to tax high income earners in California. This could be a much needed boost to the proponents of Prop. 15 which is currently polling at 51% support and 40% opposition among likely voters.

At the same time, opponents led by the Small Business Roundtable are hoping sympathy for small businesses forced to close due to the pandemic will tip the scales in their favor. With \$5 million in their campaign account and tens of millions more ready for independent expenditure, Prop. 15 will likely be one of the most hard fought measures on the November ballot.

Proposition 22: Classifying Gig Economy Workers

In 2018, the California Supreme Court made its landmark “Dynamex” decision (Dynamex), changing the rules governing when a worker is an independent contractor, and when they are an employee. The upshot of the decision is that the standards established by Dynamex make it far harder to classify a worker as an independent contractor. The distinction is very important as employees are entitled to the minimum wage, overtime pay, unemployment insurance, and workers’ compensation.

In 2019 the Legislature passed AB 5, which effectively carved some industries and some business relationships out of Dynamex. While subsequent legislation has expanded the exemptions in AB 5, many industries continue to seek an exemption.

For app-based companies like Uber, Lyft, Postmates, and Doordash, this issue is life and death. These companies have historically classified their drivers/deliverers as independent contractors. Shortly after AB 5 passed, they qualified Prop. 22 for the ballot. Prop. 22 would treat drivers for these companies as independent contractors. While the measure would guarantee better compensation and healthcare, it falls short of what would be required if drivers were classified as employees.

Prop. 22 will be another big money fight on the ballot. The companies listed above have dumped a whopping \$180 million into the campaign. Meanwhile, the opponents, particularly the Teamsters Union, have raised just shy of \$5 million. While organized labor could invest more heavily in the fight via independent expenditure before the election, they will be forced to prioritize between Prop. 22 and Prop. 15.

Proposition 24: The California Privacy Rights Act (CPRA).

This initiative comes just two years after the California Consumer Privacy Act of 2018 (CCPA), was pulled off the ballot in exchange for a legislative compromise. The CCPA, as negotiated and passed by the Legislature two years ago provides rights to consumers to know the types of data being collected about them, the right to request that this data be deleted and the right to request that this data not be sold.

Among its provisions, Prop. 24 builds upon the CCPA and establishes an enforcement agency known as the California Privacy Protection Agency to implement the law and impose fines on businesses for violations. The initiative also contains a provision that prohibits the Legislature from adopting any future laws that reduce the privacy of Californians. This provision is concerning to the business community as it essentially blocks any future attempts to amend California privacy statute.

The coalition opposing Prop. 24 is particularly interesting because it contains both privacy/consumer advocacy groups and entities from the advertising and internet industry. Privacy and consumer protection groups oppose the initiative because they do not believe it goes far enough in protecting consumer privacy, while the advertising and internet industry have concerns that the initiative's broad changes come at a time when businesses are still learning to comply with the CCPA of 2018.

Proposition 16: Affirmative action.

Prop. 16 would reverse California's voter-approved 1996 ban on affirmative action (Prop. 209). Prop. 209 prohibits public universities, schools and government agencies from using race or sex in their admissions criteria, hiring and contract decisions. While introduced earlier in the year, Prop. 16 was placed on the November ballot by legislators in the months following the murder of George Floyd. While proponents of the measure are well funded, recent polls have indicated that only 31% of likely voters supported Prop. 16 compared to 47% who oppose.

Proposition 20: Criminal Justice

In 2009, federal judges ordered California to reduce overcrowding in its prison system. In 2011, newly re-elected Governor Jerry Brown, facing both the court order and a massive state budget deficit, championed AB 109 which transferred the "supervision" of some felons to Counties and made it easier for some to qualify for parole. In an effort to further reduce prison populations, Governor Brown backed Proposition 47 in 2014. Prop. 47 made certain theft-related crimes misdemeanors instead of felonies. Most notably, theft involving property worth \$950 or less is considered a misdemeanor under Prop. 47.

The provisions of Prop. 47 were not well received by some retailers and by some in law enforcement. Assemblymember Jim Cooper, a career police officer and candidate for Sacramento County Sheriff, has championed Prop. 20 which would change the provisions of Prop. 47 to make it easier to once again prosecute certain acts of retail theft as a felony. The measure also makes changes to Prop. 56 (2016) which loosened certain parole restrictions for non-violent offenders.

Prop. 14: Stem cell research.

Prop. 14 would re-fund the California Institute for Regenerative Medicine, the state's stem cell agency, by allowing it to issue \$5.5 billion in bonds for research, training and facilities construction.

Proposition 17: Parolee voting.

Prop. 17 would restore the voting rights of all people on parole if they've completed their state or federal prison terms.

Proposition 18: Voting age.

Democrats in the Legislature have made a number of changes to elections, including allowing online voter registration and increased reliance on mail-in balloting coupled with the ability to allow campaign workers to return your ballot. While there are legitimate arguments for these changes, they have thus far helped increase voter turnout among Democrats. Prop. 18 was also passed by Democrats in the Legislature and would allow 17-year-olds to vote in primary elections if they would turn 18 before the general election.

Proposition 19: Property tax transfers.

Prop. 19 would allow people age 55 and older, and victims of wildfires and other disasters, to keep lower property tax rates when they move to new homes.

Proposition 21: Rent control

Backed by the Aids Healthcare Foundation, Prop. 21 would allow local governments to impose rent control on certain properties. Prop. 21 is strikingly similar to a 2018 measure rejected soundly by voters. Governor Newsom, who negotiated a statewide rent control law with legislators, property owners, realtors, and tenant groups last year, is opposing Prop. 21.

Proposition 23: Kidney Dialysis

Among other things, Prop. 23 would require a physician to be on site at a dialysis clinic when patients are being treated. Prop. 23 is another round in a running labor dispute between the two companies operating most dialysis clinics in California, and the union who has been attempting to organize their workforce since 2016. That union, SEIU-UHW, has lobbied several bills and a failed 2018 ballot measure at the companies while their dispute is ongoing.

Proposition 25: Money Bail

In 2018, the Legislature passed and the Governor signed SB 10 (Hertzberg), which would end the use of money bail in California in favor of pre-trial assessments of a defendant's likelihood to be a flight risk. The bill was hard fought and controversial in the Legislature with the bail industry defending its right to exist vigorously. Prop. 25 extends that fight to the November 2020 ballot.

AB 617: CARB

The California Air Resources Board has approved the first three Community Emissions Reduction Programs within the South Coast Air Quality Management District under Assembly Bill 617.

Residents living in three communities heavily impacted from high levels of air pollution sources including ports and inland warehouse traffic will breathe cleaner air thanks to the local plans approved yesterday. The plans were developed under the requirements

of AB 617, requiring community-driven action to identify, monitor and reduce air pollutants of specific concern to each community. The plans approved are for:

- Wilmington, Carson, West Long Beach Community
- East Los Angeles, Boyle Heights, West Commerce Community
- San Bernardino, Muscoy Community

Wilmington, Carson, West Long Beach

Some of the key strengths for the Wilmington, Carson, West Long Beach CERP are the rules for flaring and equipment used at refineries, fence-line monitoring at refineries and incentives for port related equipment. Other recommended actions to strengthen implementation are for the Air District, CARB, and steering committee to work together to prioritize strategies and utilize enforcement feedback.

East Los Angeles, Boyle Heights, West Commerce

The East Los Angeles, Boyle Heights, West Commerce Community CERP will focus on a railyard Indirect Source Rule, new technologies to help target incentives and enhanced enforcement for trucks.

San Bernardino, Muscoy

A key strength of the San Bernardino, Muscoy Community CERP is the focus on a warehouse Indirect Source Rule, air monitoring at concrete batch and asphalt plants and air filtration at schools. It will also conduct quarterly idling sweeps for neighborhood truck traffic.

The community emissions reduction programs were developed through a partnership between the South Coast Air Quality Management District and community steering committees for each of the three communities, which include community residents, local businesses, air district representatives and other stakeholders to develop the specific emission reduction strategies included in each of the programs.

To address the requirements of AB 617 (C. Garcia, 2017) CARB developed the Office of Community Air Protection (OCAP). Its role in supporting the development of community emission reduction programs is to establish program guidelines, called the Community Air Protection Blueprint, and to coordinate the overall process to ensure the requirements of AB 617 are met.

Approval of these three South Coast Air Basin plans bring the total Board-approved number of community emission reduction programs under AB 617 to seven. Generally, reduction strategies in community emission reduction programs target emissions of pollutants of concern, and emission sources of concern that are identified in collaboration with community residents. The types of sources have included:

- Heavy-duty trucks and passenger cars
- Residential energy use
- Urban sources
- Industrial and agricultural sources including pesticides
- Oil and gas operations

Many of the strategies included in the three approved programs will take focused coordination between multiple public agencies. These include ports, agencies involved in making land use decisions for large facilities, and agencies that can influence vehicle traffic or routing as well as truck idling activity, among others. Those include CARB, SCAQMD, and other state and local agencies.

2020 LEGISLATIVE CALENDAR

Sept. 30 - Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1

Oct. 1 - Bills enacted on or before this date take effect January 1, 2021.

Nov. 3 - General Election.

Dec. 7 - 2021-22 Regular Session convenes for Organizational Session at 12 noon.

Jan. 1, 2021 - Statutes take effect

RESOLUTE^{*}

To: South Coast Air Quality Management District
From: David Quintana, Esq.
Date: Sep. 25, 2020
Subject: Legislative Update

❖ Important Dates

- Sept. 30 – Last day for the Governor to sign or veto bills passed by the Legislature.
- Oct. 1 – Bills enacted on or before this date take effect January 1, 2021.
- Nov. 3 – General Election.
- Nov. 30 – Adjournment sine die at midnight
- Dec. 7 – 2021-22 Regular Session convenes for Organizational Session at 12 noon.

- ❖ **Cap-and-Trade Generates \$474 Million in August.** The California Air Resources Board (CARB) reported that the results of the quarterly cap-and-trade auction held on August 18 generated \$474 million in revenue, a significant leap from the \$25 million raised in the May auction that prompted many policymakers and advocacy groups to discuss revising the cap-and-trade program.

California fuel consumption remains below 2019 levels due to COVID-19-related travel restrictions, despite an uptick in May. Rebounding gas consumption could increase participation in the third and fourth quarter cap-and-trade auctions and secondary market sales. California's summer heatwave also increased power consumption from carbon-emitting sources by 6.6%, despite lower industrial demand.

Assemblymember Eduardo Garcia (D-Coachella Valley), a non-voting member of the CARB board, commented at a New York Climate Week event that "We may have to revisit the cap-and-trade system" and has indicated that California must take more action to get on track to meet its 2030 climate goals.

- ❖ **Governor Issues Executive Order Banning Gas Vehicles by 2035.** Governor Newsom issued [Executive Order N-79-20](#), establishing a state goal that 100 percent of in-state sales of new passenger cars and trucks be zero-emission by 2035, that 100 percent of medium-and heavy-duty vehicles in the state be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks, and that the state transition to 100 percent zero-emission off-road vehicles and equipment by 2035, where feasible.

The Executive Order directs CARB to issue new regulations to implement the order, in addition to working with GO-Biz, the PUC, the Energy Commission, DOF, the State Transportation Agency, local agencies, and the private sector to develop a Zero Emissions Vehicle Market Development Strategy by January 31, 2021.

CARB is also tasked to use existing authorities to accelerate the deployment of affordable fueling and charging options for zero-emission vehicles. This deployment is to be done "in ways that serve all communities and in particular low-income and disadvantaged communities." CARB must also develop and propose strategies to continue the State's current efforts to reduce the carbon intensity of fuels beyond 2030 with consideration of the full life cycle of carbon.

Moderate Democrat Pushes Back Assemblymember Jim Cooper (D-Elk Grove) followed the Governor's announcement with a series of comments on twitter pointing out that electric vehicles remain unaffordable for his constituents and many Californians. He has also criticized the Administration and state agencies for failing to prevent the black outs that occurred over the summer, noting that he did not believe that the state's grid could handle the strain of more electric vehicles. Cooper's commentary follows comments he made in an August letter to several prominent environmental advocacy groups, where he accused them of promoting policies that "systematically drive racial economic inequities and fuel environmental racism."

- ❖ **Chair of Assembly Transportation Committee Urges CEC for more Hydrogen Stations.** On August 21, Assemblymember Jim Frazier (D-Fairfield), chair of the Assembly Transportation Committee, sent a letter to California Energy Commissioner Patty Monahan regarding the 2020-2023 Investment Plan Update of the California Energy Commission's Clean Transportation Plan. Frazier encouraged the Energy Commission to fully allocate the \$20M for hydrogen refueling infrastructure in order to meet the goal of having 200 stations by 2025. He also advocated for the Commission to more fully incorporate hydrogen electric vehicles into the development of California's clean transportation future.

Frazier's letter was also signed by fellow members of the Assembly Transportation Committee, Tom Daly (D-Anaheim), Kansen Chu (D-Milpitas), Patrick O'Donnell (D-Long Beach), Tyler Diep (R-Westminster) and Vince Fong (R-Bakersfield), as well as Senator Richard Roth (D-Riverside), who serves on the Senate Transportation Committee.

❖ Election Watch

Moderate Democrats elect Blanca Rubio (D-Baldwin Park) as their new leader. Rubio will take over the position from Assemblymember Joaquin Arambula (D-Fresno), who was in the position for a year following Assemblymember Jim Frazier (D-Fairfield).

State Assembly Races – 80 Seats (61 Democrats, 17 Republican, 1 Independent, 1 Vacancy). 76 of the 80 seats are contested. Many of the incumbents are facing weak challenges, with a few notable races.

- Incumbent races to watch:
 - AD 42 – Mayes (Ind) v. Kuttyuk (R)
 - AD 59 - Jones-Sawyer (D) vs Martinez (D)
 - AD 68 – Choi (R) v. Fox (D)
- Open Seats:
 - AD 13 – Villapudua (D) v. Miller (D)
 - AD 25 – Lee (D) v. Brunton (R)
 - AD 33 – Smith (R) v. Herrick (R)
 - AD 37 – Bennett (D) v. Cole (R)
 - AD 38 – Valladares (R) v. Volotzky (R)
 - AD 57 - Calderon (D) v. Martinez (R)
 - AD 67 – Carlos (D) v. Seyarto (R)
 - AD 72 – Dierdre Nguyen (D) v. Janet Nguyen (R)
 - AD 73 – Rhinehart (D) v. Davies (R)
 - AD 78 - Davis (D) v. Ward (D)

State Senate Races – 40 Seats (29 Democrats, 11 Republican). 20 of the 40 seats are contested. Several powerful senators are termed out (Beall, Hill, Jackson), which will bring new faces and a possible change in the dynamics of the body. Though the Democrats will defend the supermajority.

- Incumbent races to watch:
 - SD 29 – Chang (R) v. Newman (D)
 - SD 37 – Moorlach (R) vs Min (D)

- Open Seats:
 - SD 3 – Eggman (D) v. Ridenour (R)
 - SD 13 – Becker (D) v. Glew (R)
 - SD 15 – Cortese (D) v. Ravel (D)
 - SD 17 – Laird (D) v. Nohrden (R)
 - SD 19 – Limon (D) v. Michaels (R)
 - SD 23 – Medina (D) v. Ochoa Bogh (R)

- ❖ Asm. Eduardo Garcia: RESOLUTE worked with South Coast AQMD staff and Chairman Eduardo Garcia to facilitate conversations regarding AB 617 stakeholder meetings.
- ❖ Sen. Henry Stern: RESOLUTE engaged in conversations with Chairman Henry Stern’s staff regarding SB 633 and ideas regarding the introduction of zero emissions legislation in 2021.

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

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

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.

Recommended Position: SUPPORT WITH AMENDMENTS

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/epa_oig_20200331-20-n-0128_0.pdf

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

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Health Air
5 Quality Act of 2020”.

6 **SEC. 2. HEALTH EMERGENCY AIR TOXICS MONITORING.**

7 (a) MONITORING.—Not later than 120 days after the
8 date of enactment of this Act, the Administrator shall
9 carry out a program to administer or conduct, pursuant
10 to authority provided under the Clean Air Act (42 U.S.C.
11 7401 et seq.), including section 114 of such Act (42
12 U.S.C. 7414), the best available form of fence-line moni-
13 toring of stationary sources of hazardous air pollutants
14 that are on the list developed under subsection (c).

15 (b) PUBLICATION OF RESULTS.—The Administrator
16 shall publish and maintain the results of all fence-line moni-
17 toring conducted under the program under subsection (a)
18 on the website of the Environmental Protection Agency
19 for a period of at least 5 years.

20 (c) LIST OF SOURCES.—

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

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

1 Agency's Office of Inspector General Report
2 #20-N-0128 (March 31, 2020); and

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

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

8 (A) emits at least one of the pollutants de-
9 scribed in paragraph (3);

10 (B) is—

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

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

15 (II) a chronic non-cancer hazard
16 index that is above 1 based on the
17 most recent National Air Toxics As-
18 sessment; or

19 (ii) in a source category with—

20 (I) a cancer risk that is at least
21 50-in-1 million;

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

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

3 (C) is—

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

7 (ii) required to prepare and implement
8 a risk management plan pursuant to sec-
9 tion 112(r) of the Clean Air Act (42
10 U.S.C. 7412(r)) and had an accidental re-
11 lease required to be reported during the
12 previous 3 years pursuant to section 68.42
13 or 68.195 of title 40 Code of Federal Reg-
14 ulations (as in effect on the date of enact-
15 ment of this Act).

16 (3) POLLUTANTS.—The pollutants described in
17 this paragraph are ethylene oxide, chloroprene, ben-
18 zene, 1,3-butadiene, and formaldehyde.

19 (d) METHODS AND TECHNOLOGIES.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), in carrying out the program under sub-
22 section (a), the Administrator shall—

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

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

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

4 and

5 (ii) Method TO-15; and

6 (B) for each of the 10 stationary sources
7 on such list that either emit the greatest volume
8 of pollutants described in subsection (c)(3), or
9 cause the greatest health risk as determined by
10 the Administrator based on a residual risk as-
11 sessment performed pursuant to section
12 112(f)(2) of the Clean Air Act (42 U.S.C.
13 7412(f)(2)) or based on the most recent Na-
14 tional Air Toxics Assessment due to such emis-
15 sions individually, as a group, or cumulatively
16 with all hazardous air pollutants emitted by
17 such sources, and for any other stationary
18 source on such list for which application of the
19 methods described in subparagraph (A) alone
20 will not be sufficient to monitor and report any
21 such pollutants that are emitted by such sta-
22 tionary source, employ—

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

1 pollutant concentrations along an open-
2 path; or

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

7 (2) UPDATES.—

8 (A) METHOD 325A AND METHOD 325B.—If
9 the Administrator determines it necessary to
10 update Method 325A and Method 325B to im-
11 plement this section, the Administrator shall
12 update such Method 325A and Method 325B
13 not later than 90 days after the date of enact-
14 ment of this Act.

15 (B) NEW TEST METHOD.—If the Adminis-
16 trator determines it necessary to approve a new
17 test method to implement this section, the Ad-
18 ministrator shall finalize such a method not
19 later than 1 year after the date of enactment of
20 this Act.

21 (e) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Administrator shall re-
23 port on the results of the program carried out under sub-
24 section (a), including—

1 (1) the results of fenceline monitoring imple-
2 mented under the program under subsection (a);

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

6 (3) whether the Administrator proposes to con-
7 tinue fenceline monitoring at any or all of the sta-
8 tionary sources on the list developed under sub-
9 section (c)(1), or to implement fenceline monitoring
10 of any additional stationary sources as determined
11 under subsection (f).

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

18 (1) ensure compliance of such stationary
19 sources with existing emission standards under sec-
20 tion 112 of the Clean Air Act (42 U.S.C. 7412);

21 (2) prevent accidental releases; or

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

1 (g) DETERMINATION REGARDING EMISSION FAC-
2 TORS.—Not later than 3 months before the program
3 under subsection (a) terminates, the Administrator shall
4 complete an evaluation and promulgate a determination
5 whether any existing emission factors must be updated to
6 better reflect or account for the results of fenceline moni-
7 toring data collected pursuant to Method 325A or 325B
8 or the program under subsection (a).

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$73,000,000 for fiscal year 2021.

12 **SEC. 3. COMMUNITY AIR TOXICS MONITORING.**

13 (a) REGULATIONS.—Not later than one year after the
14 date of enactment of this Act, the Administrator shall pro-
15 mulgate regulations pursuant to section 112(d) of the
16 Clean Air Act (42 U.S.C. 7412(d)) for each source cat-
17 egory described in subsection (b), that—

18 (1) require all sources in such source category
19 to implement the best available form of continuous
20 emissions monitoring and fenceline monitoring to as-
21 sure compliance with the emission standards for haz-
22 ardous air pollutants;

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

1 dental releases and provide for effective emergency
2 response;

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

7 (4) require a root cause analysis and con-
8 sequences if such corrective action level is exceeded.

9 (b) SOURCE CATEGORIES.—The source categories de-
10 scribed in this subsection shall include each category or
11 subcategory of major sources or area sources containing—

12 (1) at least one of the stationary sources of
13 hazardous air pollutants that are on the list devel-
14 oped under section 2(c);

15 (2) major sources or area sources identified in
16 the most recent National Emissions Inventory of the
17 Environmental Protection Agency as emitting ethyl-
18 ene oxide, chloroprene, 1–3 butadiene, benzene, or
19 formaldehyde;

20 (3) chemical, petrochemical, or plastics manu-
21 facturing sources or marine vessel loading oper-
22 ations; and

23 (4) any other major sources of fugitive haz-
24 ardous air pollutant emissions for which the Envi-
25 ronmental Protection Agency is subject to a court-

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

6 (c) DETERMINATION OF BEST AVAILABLE FORM OF
7 MONITORING.—The Administrator, in consultation with
8 the Office of Air Quality Planning and Standards, the Of-
9 fice of Enforcement and Compliance Assurance, and the
10 Office of Environmental Justice, shall, for purposes of the
11 regulations promulgated pursuant to subsection (a), deter-
12 mine the best available form of continuous emissions mon-
13 itoring and fence-line monitoring and shall ensure the
14 methods required are at least as stringent as Method
15 325A and Method 325B.

16 (d) METHODS AND TECHNOLOGIES.—For all sta-
17 tionary sources in the source categories under subsection
18 (b), the Administrator shall, in the regulations promul-
19 gated pursuant to subsection (a)—

20 (1) require application, implementation, or em-
21 ployment of—

22 (A) Method TO-15 or optical remote sens-
23 ing technology to provide real-time measure-
24 ments of air pollutant concentrations along an
25 open-path; or

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

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

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

13 (B) to protect the public health.

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

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$17,500,000 for fiscal year 2021.

4 **SEC. 4. CRITERIA POLLUTANT/NAAQS MONITORING NET-**
5 **WORK.**

6 (a) DEPLOYMENT OF NCore MULTIPOLLUTANT
7 MONITORING STATIONS.—The Administrator shall re-
8 quire the deployment of an additional 80 NCore multi-
9 pollutant monitoring stations.

10 (b) DEADLINE.—Not later than 12 months after the
11 date of enactment of this Act, the Administrator shall en-
12 sure all NCore multipollutant monitoring stations required
13 to be deployed under subsection (a) are installed and inte-
14 grated into the air quality monitoring system established
15 pursuant to section 319 of the Clean Air Act (42 U.S.C.
16 7619).

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

23 (d) LOCATIONS.—

24 (1) VULNERABLE POPULATIONS.—

1 (A) CENSUS TRACTS.—The Administrator
2 shall ensure that at least 40 of the NCore
3 multipollutant monitoring stations required
4 under subsection (a) are sited in census tracts
5 that each meet one or more of the following cri-
6 teria:

7 (i) The rates of childhood asthma,
8 adult asthma, chronic obstructive pul-
9 monary disease, heart disease, or cancer
10 are higher than the national average for
11 such condition in the census tract.

12 (ii) The percentage of people living
13 below the poverty level, that are above age
14 18 without a high school diploma, or that
15 are unemployed, is higher than the na-
16 tional average in the census tract.

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

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

1 (v) There is a higher than average
2 population in the census tract of vulnerable
3 or sensitive individuals who may be at
4 greater risk than the general population of
5 adverse health effects from exposure to one
6 or more air pollutants for which national
7 ambient air quality standards have been
8 established pursuant to the Clean Air Act
9 (42 U.S.C. 7401 et seq.), including in-
10 fants, children, pregnant women, workers,
11 the elderly, or individuals living in an envi-
12 ronmental justice community.

13 (B) LIMITATION.—Not more than 1 of the
14 NCore multipollutant monitoring stations de-
15 scribed in subparagraph (A) may be sited with-
16 in the same metropolitan statistical area, mu-
17 nicipality, or county.

18 (2) SITING DETERMINATIONS.—In determining
19 and approving sites for NCore multipollutant moni-
20 toring stations required under subsection (a), the
21 Administrator shall—

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

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

7 (C) prior to making siting determinations,
8 provide public notice of proposed siting loca-
9 tions and provide an opportunity for public
10 comment for at least 30 days thereafter—

11 (i) in the Federal Register, by email
12 to persons who have requested notice of
13 proposed siting determinations; by news re-
14 lease; and

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

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

19 (1) in coordination with the States, complete an
20 assessment, which includes public input, on the sta-
21 tus of all ambient air quality monitors that are part
22 of Federal, State, or local networks and used for de-
23 termining compliance with national ambient air
24 quality standards to determine whether each such
25 monitor is operational; and

1 (2) report to Congress, and publish on the pub-
2 lic website of the Environmental Protection Agency,
3 a list of all non-operational monitors and an accom-
4 panying schedule and plan to restore all such mon-
5 itors into full operation within one year.

6 (f) FUNDING.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated to carry out
9 this section \$61,000,000 for fiscal year 2021.

10 (2) USES.—The Administrator—

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

13 (i) directly to deploy NCore multi-
14 pollutant monitoring stations required
15 under subsection (a); or

16 (ii) make grants under section 105 of
17 the Clean Air Act to State and local gov-
18 ernments for deployment and operation of
19 such NCore multipollutant monitoring sta-
20 tions; and

21 (B) shall use at least 5 percent, but not
22 more than 10 percent, of amounts made avail-
23 able to carry out this section to perform main-
24 tenance and repairs necessary to restore to op-
25 eration to currently non-operational monitors

1 located in nonattainment areas for ozone or
2 PM_{2.5}.

3 **SEC. 5. SENSOR MONITORING.**

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

11 (b) **POLLUTANTS.**—Each sensor deployed pursuant
12 to subsection (a) shall measure ozone, PM_{2.5}, or sulfur
13 dioxide. The Administrator shall determine which pollut-
14 ant or pollutants to monitor based on the pollution sources
15 affecting the area in which the sensor is to be deployed.

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

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

21 (2) have, or are substantially impacted by, sig-
22 nificant emissions of ozone, PM_{2.5}, or sulfur diox-
23 ide; and

1 (3) are not part of an area designated as non-
2 attainment under the Clean Air Act for the air pol-
3 lutant or pollutants to be monitored.

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

10 (e) DETERMINATION AND INSTALLATION.—Not later
11 than 6 months after one year of monitoring with sensors
12 deployed pursuant to subsection (a) has been completed,
13 the Administrator shall determine whether data from the
14 sensor or sensors deployed in a census tract or county
15 show air pollution levels during such year reached 98 per-
16 cent of the national ambient air quality standard for any
17 of the air pollutants described in subsection (b), and not
18 later than 6 months after such determination, the Admin-
19 istrator shall ensure that Federal Reference Method mon-
20 itors or Federal Equivalent Method monitors are installed
21 and in operation within the census tract or county for each
22 pollutant that reached or exceeded the 98 percent level.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$2,500,000.

1 **SEC. 6. ENVIRONMENTAL HEALTH DISPARITIES RESEARCH**
2 **GRANT PROGRAMS.**

3 (a) CENTERS OF EXCELLENCE ON ENVIRONMENTAL
4 HEALTH DISPARITIES RESEARCH GRANTS.—The Direc-
5 tor of the National Institutes of Health, in coordination
6 with the National Center for Environmental Research at
7 the Environmental Protection Agency, shall carry out a
8 Centers of Excellence on Environmental Health Dispari-
9 ties Research grant program. Such program shall estab-
10 lish and support no fewer than 10 research centers with
11 5 year awards to—

12 (1) conduct basic and applied research on envi-
13 ronmentally driven health disparities;

14 (2) establish, develop, or expand collaborations
15 with other researchers and organizations involved in
16 environmental health disparities and affected com-
17 munities;

18 (3) disseminate scientific knowledge to other re-
19 searchers and members of affected communities;

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

24 (5) other activities, as determined by the Direc-
25 tor.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this pro-
3 gram \$15,000,000 for each of fiscal years 2021 through
4 2026.

5 **SEC. 7. DEFINITIONS.**

6 In this Act:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Environ-
9 mental Protection Agency.

10 (2) ACCIDENTAL RELEASE.—The term “acci-
11 dental release” has the meaning given such term in
12 section 112(r) of the Clean Air Act (42 U.S.C.
13 7412(r)).

14 (3) AREA SOURCE; EXISTING SOURCE; HAZ-
15 ARDOUS AIR POLLUTANT; MAJOR SOURCE; NEW
16 SOURCE; STATIONARY SOURCE.—Except as otherwise
17 provided, the terms “area source”, “existing
18 source”, “hazardous air pollutant”, “major source”,
19 “new source”, and “stationary source” have the
20 meaning given such terms in section 112(a) of the
21 Clean Air Act (42 U.S.C. 7412(a)).

22 (4) COVID-19.—The term “COVID-19”
23 means the novel coronavirus disease 2019 that is the
24 subject of the declaration of a public health emer-
25 gency by the Secretary of Health and Human Serv-

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

3 (5) METHOD 325A.—The term “Method 325A”
4 means the Air Emission Measurement Center pro-
5 mulgated test method titled “Volatile Organic Com-
6 pounds from Fugitive and Area Sources: Sampler
7 Deployment and VOC Sample Collection”.

8 (6) METHOD 325B.—The term “Method 325B”
9 means the Air Emission Measurement Center pro-
10 mulgated test method titled “Volatile Organic Com-
11 pounds from Fugitive and Area Sources: Sampler
12 Preparation and Analysis.”

13 (7) METHOD TO-15.—The term “Method TO-
14 15” means the test method titled “Determination of
15 Volatile Organic Compounds (VOCs) In Air Col-
16 lected In Specially-Prepared Canisters And Analyzed
17 By Gas Chromatography/Mass Spectrometry (GC/
18 MS)” published in Compendium of Methods for the
19 Determination of Toxic Organic Compounds in Am-
20 bient Air, Second Edition.

21 (8) NCORE AND SLAMS.—The terms “NCore”
22 and “SLAMS” have the meaning given such terms
23 in section 58.1 of title 40, Code of Federal Regula-
24 tions (as in effect on the date of enactment of this
25 Act).

1 (9) SYNTHETIC AREA SOURCE.—The term
2 “synthetic area source” has the meaning given “syn-
3 thetic minor HAP source” in section 49.152 of title
4 40, Code of Federal Regulations (or successor regu-
5 lations).

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