

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT
CALIFORNIA

For the Agenda of: October 28, 2004

To: District Board of Directors

From: Larry Greene, Air Pollution Control Officer

Subject: District Position on the California Performance Review (CPR) Recommendation Regarding the Elimination of the Air Resources Board.

RECOMMENDATIONS Oppose the elimination of the Air Resources Board, as recommended by the California Performance Review (CPR).

WHAT IS CPR? The CPR was created and its mission was spelled out by the Governor in his State of the State address on January 6, 2004 and in his Executive Order of February 10, 2004. In the Executive Order, he created the California Performance Review to conduct a focused examination and assessment of California state government. Based on that examination and assessment, CPR's mandate was to formulate and recommend practical changes to government agencies, programs and operations to reduce total costs of operations, increase productivity, improve services and make government more responsible and accountable to the public. More than 250 state employees from all areas of state service worked on developing specific recommendations to make those things happen.

The CPR Commission was named June 28, 2004 and is comprised of 21 leaders from state and local government, the business and labor communities, and public policy experts, representing a broad range of interests and many years of combined experience. The CPR Commission has submitted its recommendations to the Governor, who has directed the Commission to conduct public hearings throughout the state to gather testimony.

ARB ELIMINATED? Among other recommendations, CPR has recommended abolishing 119 boards and commissions and eliminating or consolidating their functions - including a recommendation to eliminate the Air Resources Board and turn the agency into a division of the proposed new "Department of Environmental Protection."

RATIONALE FOR ELIMINATION Although there is no rationale within the CPR document that relates specifically to the elimination of the ARB, the "CPR found that the current organization of Cal-EPA has four key problems:

- 1. The current framework for environmental regulation lacks accountability.** Responsibility for environmental and public health protection is divided between 16 legislatively created independent boards and commissions, including: the Air Resources Board, the Integrated Waste Management Board, the Water Resources Control Board and the regional Water Resources Control Boards. The members of these boards and commissions are not accountable to the Secretary or the Governor. As a result, it is difficult to implement a coherent environmental protection policy.
- 2. Environmental decisions do not reflect an integrated understanding of different types of pollution.** Because each board or commission is responsible for a specific type of pollution, decision-makers do not focus on how their choices

**RATIONALE FOR
ELIMINATION
(cont.)**

affect other areas of the environment. For instance, MTBE, a gasoline additive created to reduce air pollution, resulted in severe water pollution in the Santa Monica and Lake Tahoe basins.

3. **There is significant overlap in jurisdictional functions within Cal-EPA.** For example, the Department of Toxic Substances Control and the regional Water Quality Control Boards both have jurisdiction over cleaning up certain hazardous materials in the land and water. This duplication wastes resources and makes responsibilities unclear.
 4. **Environmental programs are dispersed throughout government.** Responsibility for water quality, waste management, and responding to environmental emergencies are still split between the Department of Health Services, the Resources Agency and Cal-EPA. " (CPR Report, Vol. 3, Ch. 6)
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**DISTRICT'S
CONCERNS WITH
ARB ELIMINATION**

Contrary to the findings of the CPR, the District staff believes the California Air Resources Board provides a model for good government and should not be eliminated. Our conclusion is based on the extremely open public process for developing policies and regulations employed by the Board, the broad representation and accountability provided by Board members from different areas of the state, the Board's strong record of accomplishment in developing and adopting clean air laws, the Board's ground-breaking research program on air quality and public health, and the international reputation enjoyed by the Board for its strong emphasis on advanced technologies and cutting-edge air pollution control efforts. The following will elaborate on some of these points.

**ARB HAS AN OPEN
PUBLIC PROCESS**

Decisions made by CARB are made in open public meetings before the media and anyone attending the meeting or viewing the meeting on the web. All meetings are recorded and transcripts are available to the public. Individuals testifying before the board have the opportunity to directly address the decision makers before actions are taken with their issues and concerns. Regulations are only brought to the board for a decision after a lengthy public hearing process involving one or more workshops and public comment periods. Removing this tremendous access to decision makers on air quality issues would not be in the best interest of air quality and public health.

**ARB HAS BROAD
REPRESENTATION /
ACCOUNTABILITY**

The SMAQMD has begun an effort to install a permanent Sacramento representative on the CARB Board. Except for this significant issue, the CARB Board does represent the diverse population and air quality problems in California. The Board has vital expertise in air quality and health since five of the members are local elected officials who are members of local air quality districts and one member is a physician. Board members also have vital expertise in meteorology, chemistry, physics and law. All board members are direct appointments of the Governor and are accountable to the Governor and the people of California.

**ARB IS
ACCOMPLISHED**

The Board's strong history of success ranges from adopting strong health-based state air quality standards; technology-forcing tailpipe controls on vehicles including the Lower Emission Vehicle Program; aggressive controls on gasoline and diesel fuels; the "Diesel Risk Reduction Program" and subsequent regulations to control diesel emissions from municipal garbage trucks, emergency back-up generators, portable generators, trucks and buses; and the development of the ground-breaking zero emission vehicle program.

**ARB's RESEARCH &
DEVELOPMENT**

The research funded by CARB on air pollution and health informs not only regulatory development in California, but around the world. A very recent example is the recently concluded 8-year "Children's Health Study" (CHS). The CARB Board had the foresight and wisdom to begin a groundbreaking research project on children's exposure to air pollution eight years ago, the Children's Health Study (CHS). This program was almost certainly the world's finest research project aimed at identifying the damage done to children's health by ozone, soot and other contaminants. This study shows for the first time that children breathing air pollution at levels found in major cities in Southern California slows lung growth significantly, leading to life-long vulnerability to diseases

CARB has built its reputation over 40 years of leadership in air quality science and regulation. CARB is well respected as a leader in promoting development and deployment of advanced technologies such as electric and hybrid-electric, natural gas, and fuel cells.

CONCLUSION

California has the worst air quality in the nation. This is not just another environmental issue; it is a public health crisis that needs strong leadership and commitment on behalf of public health. The California Air Resources Board has a strong history of leadership in protecting air quality and public health in California and staff believes ARB should continue to provide this leadership unabated into the future.

RESPECTFULLY SUBMITTED,

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