



Councilmember Dan Kalb

19 JUN 27 PM 2: 39

CITY OF OAKLAND

CITY HALL - ONE FRANK H. OGAWA PLAZA, 2<sup>ND</sup> FLOOR - OAKLAND - CALIFORNIA 94612

## AGENDA MEMORANDUM

---

To: Rules & Legislation Committee  
From: Council President Pro Tem Dan Kalb  
Date: June 27, 2019  
Subject: Resolution in Support of AB 836 (Wicks)

Colleagues on the City Council and Members of the Public,

We respectfully urge your support for the attached Resolution, which we have submitted with the attached Fact Sheet and text of the bill, and Assembly Floor analysis:

**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 836 (WICKS) THAT WOULD ESTABLISH A GRANT PROGRAM, TO BE ADMINISTERED BY THE CALIFORNIA AIR RESOURCES BOARD (ARB), TO CREATE A NETWORK OF CLEAN AIR CENTERS TO MITIGATE ADVERSE HEALTH IMPACTS DUE TO WILDFIRES AND OTHER SMOKE EVENTS, PRIORITIZING AREAS WITH A HIGH CUMULATIVE SMOKE EXPOSURE BURDEN**

Respectfully submitted,

A handwritten signature in black ink that reads "Dan Kalb".

Dan Kalb, Council President Pro Tem

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**DRAFT**

City Attorney's Office

19 JUN 27 PM 2:39

# OAKLAND CITY COUNCIL

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

INTRODUCED BY COUNCIL PRESIDENT PRO TEMPORE DAN KALB

**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 836 (WICKS) THAT WOULD ESTABLISH A GRANT PROGRAM, TO BE ADMINISTERED BY THE CALIFORNIA AIR RESOURCES BOARD (ARB), TO CREATE A NETWORK OF CLEAN AIR CENTERS TO MITIGATE ADVERSE HEALTH IMPACTS DUE TO WILDFIRES AND OTHER SMOKE EVENTS, PRIORITIZING AREAS WITH A HIGH CUMULATIVE SMOKE EXPOSURE BURDEN**

**WHEREAS**, in the past few years, wildfires in California have burned over 1.5 million acres of public and private forest land and destroyed over 24,000 homes; and

**WHEREAS**, the 2017 and 2018 wildfires demonstrated how catastrophic wildfire events impact the quality of air for residents, even those who live hundreds of miles away from the burned area, including here in Oakland; and

**WHEREAS**, this toxic air often contains elevated levels of wood smoke and contaminants from burned structures, vehicles, and consumer products, causing negative health impacts especially among children, the elderly, and individuals with existing respiratory problems; and

**WHEREAS**, according to the Centers for Disease Control and Prevention (CDC), people who have heart or lung diseases, chest pain, or asthma are at higher risk from wildfire smoke, and older adults are more likely to be affected by smoke due to their increased risk of heart and lung diseases; and

**WHEREAS**, children are more likely to be affected by smoke because their airways are still developing, and they breathe more air per pound of body weight than adults; and

**WHEREAS**, Assembly Bill (AB) 836 (Wicks) was introduced to create a network of clean air centers to mitigate adverse health impacts due to wildfires and other smoke events; and

**WHEREAS**, AB 836 would direct the California Air Resources Board (ARB) to develop guidelines, in consultation with air districts, cities, counties, public health agencies, school districts, and other stakeholders, to identify clean air centers for the public to access during emergency air quality events; and

**WHEREAS**, AB 836 would and establish a grant program to retrofit ventilation systems to create the network of clean air centers, prioritizing applicants located in communities with high cumulative exposure burden; and

**WHEREAS**, AB 836 would provide better coordination in local communities and healthier indoor environments during emergency smoke events, filling a gap in the current wildfire smoke response efforts in affected communities and help mitigate adverse health effects from air pollution; and

**WHEREAS**, AB 836 is sponsored by Bay Area Air Quality Management District and supported by the American Lung Association and the American Academy of Pediatrics; now, therefore, be it

**RESOLVED:** That the Oakland City Council hereby endorses AB 836 and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California



## **THIS BILL**

---

AB 836 will create a state program in consultation with air districts and local cities and counties to designate ventilated spaces for the public to access during emergency air quality events and create an incentive program for identified facilities to retrofit air filtration systems and become clean air centers.

## **THE ISSUE**

---

In the past few years, wildfires in California have burned over 1.5 million acres of public and private forest land and destroyed over 24,000 homes.

The 2017 and 2018 wildfires demonstrated how catastrophic wildfire events impact the quality of air for residents, even those who live hundreds of miles away from the burned area. This toxic air, which often contains elevated levels of wood smoke and contaminants from burned structures, vehicles, and consumer products, can travel the length of the state, causing negative health impacts to children, elderly, and individuals with existing respiratory problems.

The health impact of such wildfire smoke can be devastating. According to the Centers for Disease Control and Prevention (CDC), people who have heart or lung diseases, chest pain, or asthma are at higher risk from wildfire smoke. The CDC also notes that older adults are more likely to be affected by smoke due to their increased risk of heart and lung diseases. Moreover, children are more likely to be affected by smoke because their airways are still developing and they breathe more air per pound of body weight than adults.

## **SOLUTION**

---

AB 836 has two components. It will:

- Direct the state agency to develop guidelines, in consultation with air districts, cities, counties, public health agencies, school districts, and other stakeholders to identify clean air centers
- Establish a grant program to retrofit ventilation systems to create a network of clean air centers.

This bill will prioritize applicants located in a community with high cumulative exposure burden for the retrofit grant program.

With public health concerns from contaminated air quality, AB 836 would provide better coordination in local communities and healthier indoor environments during emergency smoke events. It will fill a gap in the current wildfire smoke response efforts in affected communities and help mitigate adverse health effects from air pollution.

## **SUPPORT**

---

- Bay Area Air Quality Management District (Sponsor)
- American Lung Association

## **CONTACT**

---

Samantha Huynh  
Office of Assemblymember Wicks  
[Samantha.Huynh@asm.ca.gov](mailto:Samantha.Huynh@asm.ca.gov)  
(916) 319-2015



19 JUN 27 PM 2:39

Home

Bill Information

California Law

Publications

Other Resources

My Subscriptions

My Favorites

**SB-44 Medium- and heavy-duty vehicles: comprehensive strategy.** (2019-2020)

SHARE THIS:



Date Published: 06/19/2019 09:00 PM

AMENDED IN ASSEMBLY JUNE 19, 2019

AMENDED IN SENATE MAY 01, 2019

AMENDED IN SENATE APRIL 25, 2019

AMENDED IN SENATE APRIL 11, 2019

AMENDED IN SENATE MARCH 21, 2019

AMENDED IN SENATE MARCH 07, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

**SENATE BILL**

**No. 44**

**Introduced by Senator Skinner**

**December 03, 2018**

An act to add Section 43024.2 to the Health and Safety Code, relating to vehicular air pollution.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 44, as amended, Skinner. Medium- and heavy-duty vehicles: comprehensive strategy.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature.

The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, upon appropriation from the Greenhouse Gas Reduction Fund, Program funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects, including, but not limited to, technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology.

This bill would require the state board, no later than January 1, 2021, and at least every 5 years thereafter, in consultation with the Department of Transportation, the State Energy Resources Conservation and Development Commission, and the Governor's Office of Business and Economic Development and in collaboration with relevant stakeholders, to update the state board's 2016 mobile source strategy to include a comprehensive strategy for

the deployment of ~~medium-~~ *medium-duty* and heavy-duty vehicles in the state for the purpose of bringing the state into compliance with federal ambient air quality standards and reducing motor vehicle greenhouse gas emissions from the ~~medium-~~ *medium-duty* and heavy-duty vehicle sector. The bill would require the state board to recommend reasonable and achievable goals, based on specified factors, for reducing emissions from ~~medium-~~ *medium-duty* and heavy-duty vehicles by 2030 and 2050, respectively, as part of the comprehensive strategy. The bill also would require the state board to include other specified information in the updates to the 2016 mobile source strategy. The bill would authorize the state board to establish a process to identify ~~medium-~~ *medium-duty* and heavy-duty vehicle segments that can more quickly reduce motor vehicle emissions, consistent with the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, with a beachhead market analysis.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** The Legislature finds and declares all of the following:

- (a) Diesel-fueled trucks are responsible for 33 percent of statewide oxides of nitrogen emissions annually. These same trucks emit more particulate matter than all of the state's powerplants.
- (b) People who live near freeways and busy roadways are at high risk for exposure to these health-threatening air pollutants emitted by these medium- and heavy-duty vehicles.
- (c) In 1998, the State Air Resources Board identified diesel particulate matter as a toxic air contaminant based on published evidence of a relationship between diesel exhaust exposure and lung cancer.
- (d) Diesel particulate matter also contributes to noncancer health effects, like premature death, hospitalizations, and emergency department visits for exacerbated chronic heart and lung disease, including asthma, increased respiratory symptoms, and decreased lung function in children.
- (e) Children are particularly vulnerable to the negative effect of diesel because they have higher respiration rates than adults and this can increase their exposure to air pollutants relative to their body weight.
- (f) Children exposed to high levels of diesel exhaust are five times more likely than other children to have underdeveloped lungs.
- (g) Increased respiratory symptoms, such as cough wheeze, runny nose, and doctor-diagnosed asthma, have been linked to traffic exposure.
- (h) Studies have shown that children who live in high-density traffic areas have higher rates of doctor visits for asthma and increased use of asthma medication than children who live near low-density traffic areas.
- (i) Reducing emissions of these pollutants can have an immediate beneficial impact on air quality and on public health.
- (j) The largest source of the state's greenhouse gas emissions comes from the transportation sector, accounting for nearly 50 percent of statewide emissions.
- (k) While diesel-fueled trucks and buses make up just 3 percent of the vehicles on the state's roads, they produce 23 percent of greenhouse gas emissions from the transportation sector.
- (l) Nearly all of the diesel-related air quality challenges can be attributed to old diesel-fueled trucks still operating on California's roads, which has prompted the State Air Resources Board to take actions to address these air quality challenges, making some progress in moving California toward cleaner medium- and heavy-duty vehicles, including, but not limited to, the following measures:
  - (1) The On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Section 2025 of Title 13 of the California Code of Regulations), adopted on September 28, 2006, requires nearly all diesel-fueled trucks and buses that operate in California to be upgraded or replaced with 2010 model year engines or equivalent by January 1, 2023.
  - (2) The In-Use Off-Road Diesel-Fueled Fleets Regulation (Section 2025 of Title 13 of the California Code of Regulations), adopted on July 26, 2007, aims to reduce diesel particulate matter and oxides of nitrogen emissions from existing off-road heavy-duty diesel vehicles operating in California, such as vehicles used in construction, mining, and industrial operations.

(m) However, the state must take additional actions to effectively reduce health-threatening criteria air pollution and climate-threatening greenhouse gas emissions by outlining a clear path to convert medium- and heavy-duty vehicle segments, as well as off-road equipment, to cleaner technologies and fuels.

(n) Actions to reduce pollution and greenhouse gas emissions may include, but are not limited to, vehicle replacement, improved engine efficiency, fuels replacement, mode shifting, and operational efficiencies, including changes to vehicle deployment schedules.

(o) Providing consistent, multiyear funding is imperative to ~~reduced~~ reduce emissions of criteria air pollutants and greenhouse gases associated with medium- and heavy-duty vehicles where this technology is commercially available but still costs a premium and to help support commercialization paths for new technologies that are not currently market ready.

**SEC. 2.** Section 43024.2 is added to the Health and Safety Code, to read:

**43024.2.** (a) (1) No later than January 1, 2021, *and at least every five years thereafter*, the state board, in consultation with the Department of Transportation, the State Energy Resources Conservation and Development Commission, and the Governor's Office of Business and Economic Development and in collaboration with relevant stakeholders, shall update the state board's 2016 mobile source strategy to include a comprehensive strategy for the deployment of medium duty and heavy-duty vehicles in the state for the purpose of bringing the state into compliance with federal ambient air quality standards and reducing motor vehicle greenhouse gas emissions from the medium duty and heavy-duty vehicle sector. The state board shall recommend reasonable and achievable goals for reducing emissions from medium duty and heavy-duty vehicles by 2030 and 2050, respectively, as part of the comprehensive strategy based on factors that include, but are not limited to, the state's overarching emissions reduction goal established in Section 38566, the goals established in the California Sustainable Freight Action Plan completed in response to Executive Order No. B-32-15, technological feasibility, and cost-effectiveness.

(2) The state board's updates to the mobile source strategy shall include both of the following:

(A) An identification of policies that provide advantages to fleets that reduce greenhouse gas emissions earlier than required by law.

(B) The coordination of plans for the attainment of federal ambient air quality standards with relevant greenhouse gas emissions reduction goals.

(b) In developing the comprehensive strategy, the state board shall do all of the following:

(1) Seek to maximize the reduction of criteria air pollutants.

(2) Identify regulation that could improve market acceptance, spur technology advancements, and reduce technology costs.

(3) Identify research needs to address any data gaps.

(4) Identify areas where the state should coordinate with other state agencies, districts, utilities providers, and technology providers to implement measures identified as part of the comprehensive strategy.

(5) Identify benefits to low-income communities and communities disproportionately impacted by diesel pollution.

(6) Identify policies that provide advantages to fleets that reduce greenhouse gas emissions early.

(c) The state board, through a public process, may establish a process to identify medium duty and heavy-duty vehicle segments that can more quickly reduce motor vehicle emissions, consistent with the state board's three-year heavy-duty vehicle investment strategy required pursuant to the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, established pursuant to Section 39719.2, with a beachhead market analysis.

(d) *The state board shall submit the updated mobile source strategy to the relevant policy and fiscal committees of the Legislature.*

~~SEC. 3. Upon appropriation by the Legislature, moneys, including, but not limited to, moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code, shall be available to the State Air Resources Board for programs established pursuant to the California Clean Truck, Bus,~~

~~and Off-Road Vehicle and Equipment Technology Program, established pursuant to Section 39719.2 of the Health and Safety Code, to support the commercialization and deployment of medium and heavy duty vehicles that reduce emissions of greenhouse gases.~~

ASSEMBLY THIRD READING 19 JUN 27 PM 2:39  
AB 836 (Wicks)  
As Amended May 20, 2019  
Majority vote

**SUMMARY:**

Establishes a grant program, to be administered by the California Air Resources Board (ARB), to provide funding for the retrofit ventilation systems to create a network of clean air centers to mitigate adverse health impacts due to wildfires and other smoke events. Requires ARB to prioritize applications where the project is located in an area with a high cumulative smoke exposure burden.

**Major Provisions**

- 1) Provides qualified applicants for the incentive programs shall include but need not be limited to schools, community centers, senior centers, sports centers and libraries.
- 2) Directs ARB to develop guidelines for the incentive program in consultation with local air districts, cities, counties, public health agencies, school districts and other stakeholders.
- 3) Requires guidelines to address all of the following:
  - a) Location of the applicant.
  - b) Size of the applicant's facility.
  - c) Facility ventilation characteristics that could provide healthier indoor air quality.
- 4) Directs ARB to prioritize the following applicants for the program:
  - a) A project that is located in an area with a high cumulative smoke exposure burden.
  - b) Within areas with a high cumulative smoke exposure burden, a local school with at least 40% low-income students.
- 5) Specifies that money for the incentive program will be available upon appropriation by the Legislature.

**COMMENTS:**

Wildfires expose populations to a number of environmental hazards, e.g., fire, smoke, and the byproducts of combustion of wood, as well as plastics and other chemicals that can be released from burning structures and furnishings. Particulate matter (PM) exposure is the principal public health threat from short-term exposures to wildfire smoke. The effects of smoke range from eye and respiratory tract irritation to more serious disorders, including reduced lung function, bronchitis, exacerbation of asthma and heart failure, and premature death. Studies have found that short-term exposures (i.e., days to weeks) to fine particles, a major component of smoke, are linked with increased premature mortality and aggravation of preexisting respiratory and cardiovascular disease. Children, pregnant women, and elderly are also especially vulnerable to smoke exposure. In addition, fine particles are respiratory irritants. Exposures to fine particles

can also affect healthy people, causing respiratory symptoms, transient reductions in lung function, and pulmonary inflammation.

Air pollution, particularly ozone and particulate pollution, poses significant risks to human health, including premature death, reproductive harm, asthma, lung cancer, cardiovascular disease, and more. Air districts have occasionally received funding through enforcement actions that have been used to upgrade ventilation systems of schools near freeways to reduce particulate exposure. In 2008, the South Coast Air Quality Management District partnered with the University of California, Riverside's Center for Environmental Research and Technology on a pilot project to research the efficacy of 15 different air filtration technologies. The study findings identified technologies capable of removing over 90% of ultrafine particulate matter, and the best performing units have subsequently been installed in 72 schools and related facilities across the district since 2008. In schools without modern mechanical central air systems, stand-alone filters that re-circulate air in classrooms can be an effective means of improving air quality if windows and doors are closed. This work has been funded on a project-by-project basis using fees assessed for pollution violations in the district, and there is a persistent and ongoing need to update facilities to mitigate pollution exposure.

The bill requires ARB to administer a new grant program, the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program for the retrofit of ventilation systems to create a network of clean air centers in order to mitigate the adverse public health impacts due to wildfires and other smoke events.

**According to the Author:**

AB 836 will create a state program that would identify ventilated spaces that would be accessible to the public and establish an incentive program that provides funding for identified facilities to improve their air filtration systems to become clean air centers. This bill aims to address the lack of response plans and create a network of facilities where the public can access in events of an emergency air quality situation.

**Arguments in Support:**

The California Chapter of the American Academy of Pediatrics, the American Lung Association in California, and others in support highlight that smoke from California's recent wildfires caused significant health impacts to vulnerable populations—such as children, the elderly, and those with existing respiratory problems—across the state. The supporters state that this bill will address the need to provide clean air spaces to California's vulnerable populations.

**Arguments in Opposition:**

None received

**FISCAL COMMENTS:**

- 1) Unknown cost pressures, depending on the size of the grant program, likely in range of \$25 million to \$30 million per grant cycle to run a statewide program (GF or special fund).

Although filtration costs are highly dependent on the nature of existing HVAC systems, estimated costs for filtration equipment for a large common area, i.e., school gyms, libraries, community centers or multipurpose rooms, are approximately \$20,000 to \$30,000. Estimated costs to retrofit an HVAC system with on air filtration system in a school

including all the classrooms is estimated to range from \$80,000 (elementary schools) to \$200,000 (high schools).

- 2) ARB administrative costs of approximately \$500,000 (3 PY) to develop guidelines and administer the grant program (GF or special fund).

**VOIES:**

**ASM NATURAL RESOURCES: 11-0-0**

**YES:** Friedman, Flora, Chau, Eggman, Cristina Garcia, Limón, Mathis, McCarty, Melendez, Muratsuchi, Mark Stone

**ASM APPROPRIATIONS: 18-0-0**

**YES:** Gonzalez, Bigelow, Bloom, Bonta, Brough, Calderon, Carrillo, Chau, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Maienschein, Obernolte, Petrie-Norris, Quirk, Robert Rivas

**UPDATED:**

VERSION: May 20, 2019

CONSULTANT: Achintya Madduri / NAT. RES. / (916) 319-2092

FN: 0000964