

**From:** [REDACTED]  
**To:** [Jacob Finkle](#)  
**Subject:** Comments of Acacia Jermany on Concepts to Amend the Air District's Permitting Rules in Response to Localized Differences in Air Quality and Permitting in Overburdened Communities  
**Date:** Saturday, May 29, 2021 11:07:05 PM

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Dear Mr. Finkle,

My name is Acacia Jermany and I am a resident of Rusdale in the City of East Oakland. I am writing these comments in response to your Concept Paper on how the Bay Area Air Quality Management District might amend its permitting rules to address the disparities in air quality between my community and the rest of the Bay Area. As someone who lives every day with the consequences of this environmental racism, I hope you consider and include my comments as you further develop these rule amendments.

### **Fully Analyzed Health Risks**

- I believe that cancer risk should be evaluated at a stricter level in all overburdened EJ communities all across the Bay Area through the District's permitting process.
  - While cancer risk is extremely concerning, I believe that risk of chronic and acute health impacts should also be evaluated.
  - It is alarming to me that the Concept Paper seems to give more concern to the impacts of stricter health risk screening requirements on polluting facilities than to the health benefits for me and my community.
- I am concerned about the effects of particulate matter as an extremely hazardous pollutant and I believe it should be properly measured and evaluated from any facility in [my community, all overburdened EJ communities all across the Bay Area] through the District's permitting process.

### **Authentic Community Engagement, Information, and Input**

- I want to be informed when a polluting facility will be opened or expanded in my community as well as of the impacts of existing polluting facilities in my community.
  - I also want to be provided the information I need to understand the facility's permit application, its actual measured pollution, and the health risks and impacts of that pollution.

- For existing polluters, I would also want to know their history of permit violations and anything that has been done to correct them.
    - All of this information should also be available online so that it can be easily accessible to the public.
- I want the opportunity to share my concerns and comments about any permit applications in my community with ample time to access and review permit information so that my comments may be better informed.
  - Further, my community needs to be given the chance to exercise some control over whether a polluter can move in or expand in our already overburdened neighborhood.
  - My community should be considered as real people rather than dots on a map and this should be reflected in the permitting process when determining where we live and how impacts to our health are evaluated.
    - Since our unhoused neighbors are part of our community, they should be similarly considered in the permitting process.

### **Accountability of Polluters and the District**

- I want polluting facilities to be held accountable for their pollution before and during the permitting process rather than after they have been given permission to pollute.
  - I am concerned about the District's long list of exemptions from permitting that allows facilities to pollute even without a permit and would like an explanation as to why these exemptions exist and why they have not been reconsidered in this Concept Paper.
    - For example, I recently learned from the District's draft Health Risk Assessment that the vast majority of the unacceptably high cancer risk from the AB&I Foundry in East Oakland comes from sources that for decades had been exempt from permitting under this regulation and thus were not required to be abated in any way.
- I support the Concept Paper's proposed next step of the District to advocate directly and support advocacy at the State level to require land-use entities to consider air quality in land use permitting decisions.

- I do not support the District's history of redirecting blame to land use entities for polluting facilities that the District also had permitting authority over, especially when those same land-use entities have cited the District's approval of air permits as a reason not to consider air quality.
- I believe that polluting facilities should not be given emissions credits when they have not yet answered for their past pollution in my community, and instead should be penalized much more severely when they violate permitting standards.
- I think it is unfair that proposals from community advocates have already been excluded from consideration this early in the rule development process.
  - I support consideration of mandatory on-site risk reduction at existing facilities, a cumulative impacts analysis, and a permitting moratorium as reasonable proposals to make the District's permitting process address the harms it has caused to my community.

### **Proper Use of CEQA to Protect My Community**

- I further believe that the District should comply with the requirements of the California Environmental Quality Act (CEQA) in its permitting process.
  - I think the District should update its CEQA Guidelines to health-protective levels so that polluters cannot mislead other agencies with the lie that their compliance with those Guidelines means they are not impacting my community's health.
  - I also think that the District should use the CEQA process in permitting of facilities in my community in order to require mitigation of air pollution and other environmental impacts before, rather than after, a permit to pollute is granted.
  - Furthermore, if the District refuses to consider a cumulative impacts analysis as part of its regular permitting process despite the multiple cumulative air impacts felt by my community, it should at least regularly use CEQA for permitting of facilities in my community to perform that analysis.

Thank you for taking the time to read my comments. I look forward to your response and

inclusion of my concerns into the next version of these rules.

Sincerely,

Acacia Jermany