

June 8, 2017

VIA ELECTRONIC MAIL

Mr. Victor Douglas
Board of the Bay Area Air Quality Management District
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, California 94105

Dear Mr. Douglas and the Directors of the Bay Area Air Quality Management District:

Several communications have been made to the Air District conveying the critical health protection and benefits conferred by Rule 12-16 – and the corresponding hazards and costs should it not be implemented. On May 31, 2017, as health experts, we spoke before the Board on behalf of many health professionals on this matter and were heartened that the Board acted to prepare a final EIR that addresses these health issues. We commend this move toward historically important refinery emission caps for near and far-reaching health and climate protection.

Alarming, it has come to our attention through the June 8 letter from CBE and other public interest groups that alterations have been made to Rule 12-16. These changes will markedly weaken the rule's ability to protect health and health equity for Bay Area residents, especially in disadvantaged communities. With potentially enormous health consequences at stake, last-minute alterations such as these negate the public processes that CEQA protects. We therefore urgently ask the Board to:

- Ensure the final EIR includes a full health assessment of the No Project Alternative. Since the alterations potentially *worsen* current health protections, the health impacts of proposed new language (if it is not removed) also need to be included.
- Remove the “Carbon Intensity Neutrality” exemption loophole;
- Keep original refinery-specific cap calculations, as they are reasonable and targeted toward effective health protection; do not use the newly inserted calculations;
- Remove loophole language such as “Permitted Future-Operational Sources” which would radically increase polluting permissions and Rule 12-16-302 “Adjustment of Reported GHG Emissions” which would allow refineries to circumvent the caps by exempting emissions related to energy and pollution control measures; and
- Honor the public process that produced Rule 12-16 by keeping only the changes to the Final EIR and Rule agreed to on May 31, 2017.

Without these assurances, Rule 12-16 weakens rather than strengthens existing health protections, especially for disadvantaged vulnerable local communities.

Respectfully,

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| Robert M. Gould MD | President, Physicians for Social Responsibility, SF Bay Area Chapter Associate Adjunct Professor, Program on Reproductive Health and the Environment, UCSF School of Medicine |
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