
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No:	AB 2453	Hearing Date:	June 13, 2018
Author:	Eduardo Garcia		
Version:	April 26, 2018		
Urgency:	No	Fiscal:	Yes
Consultant:	Brandon Darnell		

Subject: Air pollution: schools.

Note: This bill has been referred to the Committees on Education and Environmental Quality. A "do pass" motion should include referral to the Committee on Environmental Quality.

SUMMARY

This bill authorizes a school or school district located in a community with a high cumulative air pollution exposure burden to work with an air pollution control district or an air quality management district to identify school sites for air quality adaption efforts and to be eligible for a community emissions reduction program grant to implement air quality mitigation efforts.

BACKGROUND

Existing law:

- 1) Requires, under the Leroy F. Greene School Facilities Act of 1998, the State Allocation Board (SAB) to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. (Education Code Section 17070.10)
- 2) Provides that a school district is eligible to receive an apportionment for the modernization of a permanent school building that is more than 25 years old or a portable classroom that is at least 20 years old. A school district is eligible to receive an additional apportionment for modernization of a permanent school building every 25 years after the date of the previous apportionment or a portable classroom every 20 years after the previous apportionment. (EC Section 17073.15)
- 3) Specifies that a modernization apportionment may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school. The improvement may only include the cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment,

- or abatement of hazardous asbestos, seismic safety improvements, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology. A modernization grant may not be used for costs associated with acquisition and development of real property or for routine maintenance and repair. (EC Section 17074.25)
- 4) Specifies that a modernization apportionment may also be used for the cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high-performance schools. (EC Section 17074.25)
 - 5) Requires the Air Resources Board (ARB) to develop a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden.
 - 6) Requires, by October 1, 2018, the developed strategy to include criteria for the development of community emissions reductions programs (CERPs), and requires the criteria to include, but not be limited to:
 - a) An assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants.
 - b) A methodology for assessing and identifying the contributing sources, including, but not limited to, stationary and mobile sources.
 - c) An assessment of whether an air district should update and implement the risk reduction audit and emissions reduction plan for any facility to achieve emissions reductions commensurate with its relative contribution, if the facility's emissions either cause or significantly contribute to a material impact on a sensitive receptor location or disadvantaged community.
 - d) An assessment of the existing and available measures for reducing emissions from contributing sources.
 - 7) Requires, by July 1, 2019, an air district to deploy community air monitoring systems in communities identified by the process described above that have high exposure burdens for toxic air contaminants and criteria air pollutants.
 - 8) Defines disadvantaged communities, for investment opportunities related to Greenhouse Gas Reduction Fund investments, based on geographic socioeconomic, public health, and environmental hazard criteria.
 - 9) Defines sensitive receptors as schools, daycare centers, hospitals, and other locations an air district or ARB may determine.

ANALYSIS

This bill authorizes a school or school district located in a community with a high cumulative air pollution exposure burden to work with an air pollution control district or an air quality management district to identify school sites for air quality adaption efforts and to be eligible for a community emissions reduction program grant to implement air quality mitigation efforts. Specifically, this bill:

- 1) Expressly states as declaratory of existing law that a modernization apportionment may be used to limit pupil exposure to harmful air pollutants by updating air filtration systems.
- 2) Authorizes a school or school district located in a community with a high cumulative air pollution exposure burden to do both of the following:
 - a) Work with an air pollution control district or an air quality management district to identify school sites for air quality adaptation efforts.
 - b) Be eligible for a grant as part of a community emissions reduction program to implement air quality mitigation efforts, including, but not limited to, either of the following:
 - i) Air filter upgrades or installations.
 - ii) Vegetation buffer planting.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “A joint investigation from the Center for Public Integrity and Reveal from the Center for Investigative Reporting found the one in 11 public schools in America is within 500 feet of freeways, truck routes, and other roads with significant traffic, putting roughly 4.4 million students in harm’s way. Students of color and students who qualify for free and reduced priced lunches are more likely to be in high-risk areas. For example, 15 percent of schools with more than three-quarters students of color are located near a busy road, versus just four percent of schools with more than where the demographics are reversed.

In addition to school siting guidance to reduce pollution exposure (SB 352, Escutia, 2003), studies have examined the effectiveness of interventions for existing schools sited near a major source of pollution. The United States Environmental Protection Agency has identified several best practices, including indoor air filtration and vegetative barriers, and the South Coast Air Quality Management District has studied specific air filters to determine the best available technologies for reducing air pollutants in classrooms.”

- 2) ***School modernization.*** The construction and modernization of public kindergarten through grade 12 (K-12) facilities are funded by a combination of state and local general obligation bonds, developer's fees and local assessments such as Mello Roos community facilities districts. The school facilities program provides a per-pupil grant for the construction of new schools that requires a 50 percent local match. Modernization funds are provided for the rehabilitation of

permanent buildings that are at least 25 years old and portable buildings that are at least 20 years old and require a 40 percent local match. Among other things, modernization funds can be used for efficiency and environmental improvement projects, including improving indoor air quality. Proposition 51, approved by voters in November 2016, provides \$3 billion for modernization projects. As noted by the Assembly Education Committee analysis, according to the Office of Public School Construction, which administers the school facility program(SFP), an air filtration system is an authorized use of modernization funds.

- 3) ***Children’s Health and Air Pollution.*** As described in the Assembly Health Committee’s analysis, “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. Eighty percent of a child’s alveoli, where the transfer of oxygen to blood occurs, develop after birth, and lungs and alveoli aren’t fully developed until adulthood. Children are also generally more active than adults and are outside for more hours per day on average, increasing their exposure to air pollution. The Southern California Children’s Health study tracked 1,759 children between the ages of 10 and 18 from 1993 to 2001 and found that the decrease in lung function associated with growing up in polluted areas was similar to that of children raised in households with parents who smoked. A follow-up study of 863 children in the same area between the years of 2007 and 2011, when air quality had significantly improved compared to the period from 1993 to 2001, found that the population studied had significantly greater lung function than the first study cohort, demonstrating the impact that air quality improvements can have on human health. Pollution exposure also increases the probability that children will develop other respiratory symptoms or suffer from impaired development of their nervous, endocrine, and immune systems. These health risks are often disproportionately concentrated in low-income areas and communities of color. A 2015 study on school campuses in the Sacramento region found that increased student exposure to emissions from road traffic was positively correlated with the percentage of the student population that was non-white or low income.”
- 4) ***Community Emissions Reduction Programs (CERPs).*** By October 1, 2018, Air Resources Board (ARB) is required to develop a strategy for the development of CERPs, including identification of communities with high cumulative exposure burdens to toxic air contaminants and criteria air pollutants, a methodology for assessing and identifying responsible stationary and mobile sources, and assessments of the options available to air districts to reduce pollution. By July 1, 2019, air districts are required to deploy air monitoring systems in communities identified by the process. According to the Assembly Natural Resources Committee analysis, “the first year of CERP implementation will include roughly 10 communities across the state. Currently, communities being considered for CERPs do not have the explicit ability to apply for funds to mitigate air quality in community schools. This bill would clarify the ability of schools and school districts to apply for air pollution mitigation funding as part of a CERP.”

SUPPORT

American Academy of Pediatrics

California School Employees Association
Comite Civico Del Valle, Inc.
Environmental Defense Fund

OPPOSITION

None received

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