

BROOKINGS

Report

Climate policy, environmental justice, and local air pollution

Meredith Fowlie, Reed Walker, and David Wooley, Tuesday, October 20, 2020

At this very moment, thousands of communities throughout the United States are being exposed to unhealthy levels of air pollution. The regulatory framework designed to safeguard our air quality is failing to adequately address local air pollution problems, particularly in low income communities and communities of color located near pollution sources. This is the unfinished business of the Clean Air Act (CAA). At the same time, climate change is predicted to have disproportionate impacts on low-income, marginalized communities (USGCRP, 2018).

Climate change has become a defining economic issue. It is also, fundamentally, a social justice issue. Investments in climate change mitigation and adaptation could reduce – or increase – social and environmental inequalities in the United States, depending on how climate policies are designed and implemented. A more effective and inclusive response to local air pollution hotspots in historically disadvantaged communities will be politically important for any serious federal or state climate policy initiatives.

In this paper, we look to a jurisdiction that has been working to combine stringent climate goals with unprecedented emphasis on social justice and local air quality. Starting with the Global Warming Solutions Act of 2006, California has positioned itself on the leading edge of policy innovation in this space. We review the California experience to date, drawing on the legislative and regulatory lessons that could inform policy efforts elsewhere. Under the Global Warming Solutions Act, or AB 32, tensions quickly surfaced as government agencies endeavored to address climate change and local air pollution — two fundamentally different problems — under the same regulatory framework. Disagreements about stakeholder participation, the appropriate scope of policy emphasis, and the role of market-based greenhouse gas (GHG) regulations all posed conflict.

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Negotiating these challenges led to important policy refinements, many of which have been codified in new legislation. Assembly Bill 617 (AB 617) was designed to directly address ongoing issues of local air pollution in disadvantaged communities, recognizing that the existing provisions under AB 32 and the Clean Air Act were insufficient. AB 617 is not a climate change policy, rather an important companion bill that was designed in direct response to frustrations with the initial climate policy framework. Although it is too early to tell whether California's AB 617 policy experiment will succeed in delivering substantial and durable improvements in local pollution hotspots, the process so far has forced deliberation on environmental justice (EJ) issues, bringing local pollution problems into the light of public debate. It is also advancing a form of accountability politics, asking important questions about how public agencies are succeeding and where they are falling short.

Concerns about air pollution hotspots and the marginalization of disadvantaged communities in the policy process are not unique to California. These environmental justice concerns span all 50 states. In this respect, the California experience could guide policy innovation in other states and/or at the federal level. California's policy experiment-in-progress has focused attention on gaps in pollution controls and safeguards that affect local communities and weaken the overall effectiveness of state climate and clean air plans.

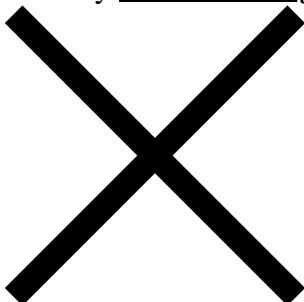
California's joint implementation of an ambitious climate change policy agenda together with a targeted effort to mitigate inequities in both pollution exposure and policy participation could serve as a model for other jurisdictions. In the context of federal policy, we believe there are several potential avenues to address systemic pollution exposure burdens in marginalized communities: amendments to the CAA; new legislation outside

the CAA; EPA rulemaking; or programmatic actions supported by congressional appropriations. Although we focus primarily on the federal policy arena, much of the discussion is applicable to state legislation and agency actions on EJ. There is no reason why a new federal administration could not, one way or another, begin to address persistent inequity of air pollution exposure in low income neighborhoods and communities of color in the United States.

Read the full report and complete recommendations [here](#).

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