

## MINUTES

### NACAA BOARD OF DIRECTORS AND COMMITTEE CHAIRS' VIRTUAL SUMMER MEETING

JULY 28, 2020

#### Welcome and Review of Agenda

The NACAA Board of Directors and Committee Chairs convened their meeting at 11:00 a.m. EDT. NACAA Co-Presidents Rick Brunetti (KS) and Charlene Albee (Reno, NV) welcomed everyone. Other NACAA Board Members present during the meeting included Elizabeth Bisbey-Kuehn (NM), Mark Buford (Mount Vernon, WA), Bob Colby (Chattanooga, TN), Mike Dowd (VA), Steve Flint (NY), Jayme Graham (Pittsburgh, PA), Garry Kaufman (CO), Christine Kirby (MA), Frank Kohlasch (MN), Ali Mirzakhaili (OR), Michelle Walker Owenby (TN), Rollin Sachs (Kansas City, KS), Richard Stedman (Monterey, CA) and Erik White (Auburn, CA). Committee Co-Chairs present, who are not also Board Members, included Tad Aburn (MD), Alberto Ayala (Sacramento, CA), Jack Broadbent (San Francisco, CA), Darcy Bybee (MO), Stu Clark (WA), Kelly Crawford (DC), Gail Good (WI), Heidi Hales (VT), Merlyn Hough (Eugene, OR), Craig Kenworthy (Seattle, WA), Michelle King (Louisville, KY), Matt Mosier (Indianapolis, IN), Wayne Natri (Los Angeles, CA), Ursula Nelson (Tucson, AZ), Kevin Stoner (NE), and Sam Rubens (Akron, OH). NACAA staff present included Miles Keogh, Nancy Kruger, Mary Sullivan Douglas, Karen Mongoven, Stephanie Steigman and Monique Faye. The meeting agenda is attached.

#### Executive Director's Report

NACAA Executive Director Miles Keogh provided an update on the state of the association, including financial and operational issues, as well as an overview of recent and upcoming activities. NACAA has moved from a budget deficit to a surplus due to lower costs in rent and a forgivable loan obtained through the Paycheck Protection Program. The surplus will help to cushion the association going forward. The NACAA staff is operating effectively via telework and is learning how to maximize opportunities afforded by online platforms such as Zoom. The association will also revamp its website. Most members cannot travel this year so the association will have to make a "strategic pivot" toward more online activities. Participation on committee conference calls has expanded significantly. NACAA membership has held steady over the past year. Among its public policy activities, NACAA successfully achieved broad membership consensus in preparing and submitting an *amicus* brief "in support of neither party" in appellate litigation challenging EPA's "SAFE Vehicles Rule Part 1."

#### Critical Issues

##### *Ozone NAAQS Proposal*

Wayne Natri (Los Angeles, CA) and Tad Aburn (MD), Co-Chairs of the NACAA Criteria Pollutants Committee, advised the group that NACAA had submitted its final comments to EPA on the proposed decision on the PM NAAQS Review and that EPA had recently announced its proposed decision on the Ozone NAAQS Review: to retain the current standards without

revision. Wayne explained that he and Tad find the process that led to the proposed ozone NAAQS decision, like that leading to the proposed PM NAAQS decision, to be flawed and, therefore, they would like NACAA to comment on those flaws. They asked the Board members and other committee co-chairs for their thoughts and perspectives. During the discussion, those who spoke supported the approach outlined by Wayne and Tad and, generally, emphasized that NAAQS are the foundation of the work state and local air agencies do and, therefore, it is important that NACAA comment on the flaws, how they degrade the process and the need for EPA to return to a thorough, credible NAAQS review process that does not prioritize efficiency over the protection of public health.

#### *Highway Heavy-Duty Vehicle Low NO<sub>x</sub> Rulemakings*

Erik White (Auburn, CA) and Steve Flint (NY), Co-Chairs of the NACAA Mobile Sources and Fuels Committee, reported to the group on two important ongoing efforts related to controlling NO<sub>x</sub> from highway heavy-duty (HD) vehicles. First, Erik briefed the members on the California Air Resources Board's (CARB) proposed "Heavy-Duty Omnibus Regulation," on which public comments are due on August 25 and a public hearing will be held on August 27. NACAA sent a letter of support to CARB last year as the state was preparing its proposed rulemaking and will now submit written comments and provide oral testimony on the proposal, based on the comments NACAA submitted to EPA in February 2020 on the agency's Advance Notice of Proposed Rulemaking (ANPRM) on the Cleaner Trucks Initiative (CTI), supporting approval of CARB's proposal as well as one national program to reduce HD NO<sub>x</sub>, provided the national program preserves all the reductions and other benefits of CARB's program. Next, Steve briefed the group on EPA's CTI, advising them that he, Erik and Nancy Kruger (NACAA) had been recently advised by EPA's Office of Transportation and Air Quality that the proposed rule is no longer on track for September; instead, Administrator Wheeler has decided to take more time to develop the proposal (a new schedule for release of a proposal has not been announced). Among the reasons for the delay is that the Administrator would like there to be more engagement with stakeholders. Accordingly, NACAA will reach out to EPA leadership to schedule a meeting to present NACAA's views based on the February 2020 comments on the ANPRM.

#### ED Contract

Miles Keogh (NACAA) informed the Board that per the conditions of the Executive Director contract, he is at the end of the initial three-year term of work for NACAA. Miles noted that the contract renews automatically unless actions, as allowed by the contract, are taken by either party to discontinue it. The Executive Director's performance (along with the rest of the staff's) is reviewed annually by the Compensation Committee, which is comprised of the NACAA Executive Committee and the Co-Chairs of the Program Funding Committee. That review is generally conducted and concluded before September 30 each year. The Board voted unanimously to approve that the Compensation Committee 1) discuss any minor modifications to the Executive Director's contract before September, concurrent with that review and 2) provide its recommendations to the Board for consideration and a vote.

#### NACAA's Ad Hoc Committees; Equity Issues

Recognizing that racial and equity issues have become enormously important in the national dialogue in 2020, Miles Keogh opened a wide-ranging discussion about how NACAA might engage and invest in these areas, in furtherance of its mission and to drive value to the members. He presented a memorandum that outlined some suggestions about how the association might explore best practices in furthering racial justice and equity. He then asked the Board members and committee chairs for input in two areas: 1) what their agencies are

doing in this area, with examples of what has worked and what has not and 2) suggestions for how the association should engage going forward.

There was broad agreement that it is very important for the association to meaningfully engage in these issues. In response to a question, Miles confirmed that NACAA has not released a public statement in support of the Black Lives Matter movement. Many members expressed the opinion that NACAA should develop a statement on racial justice and equity issues, and some offered to provide examples of statements that their own agencies have released. Members suggested a number of specific issues for which a conversation about racial equity would be valuable; examples include air monitoring, inspections and enforcement, grants and investments and improving stakeholder engagement in diverse areas. Several members also suggested that NACAA modify its mission and vision statement to expressly include the furtherance of racial justice and equity among its organizational goals. In addition, many members supported investigating the possibility of developing some type of clearinghouse that would showcase resources and “best practices” in these areas.

Miles summarized the key takeaway points from the discussion as follows: 1) drafting an organizational statement in support of racial equity would be valuable; 2) the association should consider developing tools and resources and ways to leverage “best practices” in this area; and 3) equity issues should not be a focus of any one committee, but something in which all NACAA Committees should be involved. He committed to developing a draft statement and noted that he would appreciate advice and examples from members as this effort moves forward.

Miles next shifted the discussion to NACAA’s *ad hoc* Committee on Resilience and Sustainability. He noted that the Committee’s charter will soon expire and it might be difficult to continue due to limits on staff resources. Before the Fall Board Meeting, Miles will work with the Committee Co-Chairs – Michelle King (Louisville, KY), Matt Mosier (Indianapolis, IN) and Jaclyn Palermo (OR) – to develop a recommendation on whether to continue or disband the Committee or adopt some other path moving forward.

#### Updates on Nominations for the 2021 NACAA Board of Directors

Richard Stedman (Monterey, CA) and Ali Mirzakhali (OR), Chairs of the NACAA Local Agency Nominating Subcommittee and State Agency Nominating Subcommittee, respectively, reported to the group on their efforts, with their Subcommittee colleagues, to prepare local and state slates of NACAA officers and directors for the fall 2020 election.

#### Development of Agenda for NACAA’s 2020 Virtual Fall Meeting

Miles Keogh led a discussion about the development of the agenda for the NACAA Fall Membership Meeting, which will be held in October 2020 and will again be a virtual meeting due to the ongoing pandemic. He noted that the 2020 Spring Membership Meeting, also held via webinar, went very well but was very expensive. The officers have authorized NACAA charging a nominal registration fee for the next meeting.

Miles reviewed a list of possible topics for sessions and the members briefly discussed several of them. They agreed it would be worthwhile to include topics related to diversity and equity. Other topics could include the impacts of the COVID-19 pandemic on agencies and air quality.

## Critical Issues

### *Appropriations Recommendations*

Craig Kenworthy (Seattle, WA), Co-Chair of the NACAA Program Funding Committee, thanked outgoing Co-Chair Eddie Terrill (OK) for his service to the committee and welcomed incoming Co-Chair Kelly Crawford (DC). He provided a status report on congressional activity related to FY 2021 appropriations. He also described a proposed NACAA recommendation for FY 2022 appropriations, which is similar to the associations' position over the last few years (adjusted for inflation). The Board would be asked to vote to approve the position so that the Co-Chairs and NACAA staff can transmit it to Congress and others in the form of testimony, letters and other communications.

The proposed recommendation includes three parts:

- An increase of approximately \$90 million above the FY 2020 amount (\$228 million), for a total of \$318 million. In FY 2004, state and local air grants were \$228.5 million, which is approximately the same amount they have been for several years, including FY 2020. If adjusted for inflation, level funding from FY 2004 is approximately \$318 million in today's dollars, which is about \$90 million more than current amounts. NACAA's messaging would emphasize the fact that the recommendation represents level funding from over 15 years ago, adjusted for inflation, and that additional grants are essential to address increased responsibility and long-standing state and local budget shortfalls.
- State and local air agencies should have flexibility to target the grants toward the highest priority activities in their areas.
- Funding for fine particulate matter (PM<sub>2.5</sub>) monitors should continue to remain under Section 103 authority, so that matching funds are not required, rather than shifting it to Section 105.

Kelly Crawford reported that Congress may be considering FY 2021 COVID-related stimulus funding that could include additional resources for state and local air agencies. NACAA's recommendations have been requested by Congressional staff and others. She outlined a NACAA recommendation for the Board's consideration, which is that stimulus funding related to COVID should increase the Section 103/105 grant amount to a total of \$400 million and that the additional funds (beyond those contained in regular appropriations legislation) should not be subject to Section 105 state and local matching requirements.

For example, if regular federal grants to state and local air agencies are \$228 million in FY 2021, the increased appropriation of \$87 million that NACAA recommended this year should be augmented with an additional \$85 million in one-year stimulus funding. That is, the FY 2021 amount would be increased by a total of \$172 million (bringing the overall amount of state and local air grants to \$400 million). The \$85 million in additional stimulus funds should not be subject to the Section 105 matching requirements.

If approved by the board, NACAA would provide the recommendations on COVID-related stimulus funding to those seeking NACAA's input.

The members agreed to vote on both positions (i.e., FY 2022 funding and COVID-related stimulus funding) as one measure. The state and local members of the Board voted separately and approved the positions unanimously, authorizing the Co-Chairs and staff to develop testimony, letters and/or other materials reflecting these points and to carry the message to Congress and others.

### *Climate Issues*

The NACAA Climate Change Committee Co-Chairs, Stu Clark (WA) and Alberto Ayala (Sacramento, CA), briefed the group on recent actions related to climate change by EPA, Congress, the courts and state and local governments. They highlighted a number of actions to reduce greenhouse gas (GHG) emissions driven by state and local agency leadership and detailed the federal efforts under the current administration that have largely been deregulatory. With its withdrawal from the Paris Agreement and with the Glasgow-hosted COP-26 in limbo, the Co-Chairs asserted that the U.S. government may no longer be a decisionmaker at the international stage. This may potentially leave representation and information-gathering to NACAA members. State and local governments face successes and lessons learned from GHG reduction policies that are important to share. They concluded by emphasizing the importance of continuing a vigorous climate change conversation in the association.

### NACAA Finances and Business

#### *NACAA Financial Reports*

Miles Keogh explained NACAA's financial reports and provided details about the current finances. The reports included information about the NACAA treasury account (i.e., non-grant funds) as well as NACAA's grant from EPA.

Miles also noted that the association had applied for and received a Paycheck Protection Program (PPP) loan that could be used to offset possible lost revenues because of reduced state and local budgets due to the coronavirus pandemic.

#### *NACAA Investments*

Miles provided information about the invested NACAA treasury funds. He noted that the association's investments made money this year in keeping with growth in the stock market.

#### *Future Meeting Dates and Locations*

Due to ongoing limitations caused by the coronavirus pandemic, NACAA will hold its 2020 Fall Membership Meeting and 2021 Winter Board Meeting virtually. It is likely the Fall Membership Meeting will be held over two days in mid-October 2020. The date for the Winter Board Meeting is still to be determined. Decisions about whether to hold the 2021 Spring Membership Meeting in person or virtually will be made later this fall.

### New Business

Bob Colby (Chattanooga, TN), Board member and Co-Chair of the Air Toxics Committee, announced that he will be retiring by the end of this year. The members expressed appreciation to Bob for his many years of service to the association.

### Adjourn

The meeting was adjourned at 4:35 p.m.

**FINAL AGENDA**

**NACAA  
BOARD OF DIRECTORS AND COMMITTEE CHAIRS'  
SUMMER VIRTUAL MEETING  
JULY 28, 2020**

**Tuesday, July 28, 2020**

- 11:00 a.m. – 11:15 a.m. Welcome and Review of Agenda  
*Charlene Albee (Reno, NV)*  
*Rick Brunetti (Kansas)*
- 11:15 a.m. – 11:50 p.m. Executive Director's Report  
*Miles Keogh (NACAA)*
- 11:50 p.m. – 12:20 p.m. Critical Issues
- Ozone NAAQS Proposal
  - Highway Heavy-Duty Vehicle Low NO<sub>x</sub> Rulemakings
- 12:20 p.m. – 12:30 p.m. ED Contract
- 12:30 p.m. – 1:00 p.m. Break
- 1:00 p.m. – 1:45 p.m. NACAA's Ad Hoc Committees; Equity Issues
- 1:45 p.m. – 2:00 p.m. Updates on Nominations for the 2021 NACAA Board of Directors  
*Richard Stedman (Monterey, CA)*  
*Local Chair, NACAA Nominating Committee*  
*Ali Mirzakhali (Oregon)*  
*State Chair, NACAA Nominating Committee*
- 2:00 p.m. – 2:30 p.m. Development of Agenda for NACAA's 2020 Virtual Fall Meeting
- 2:30 p.m. – 3:00 p.m. Break
- 3:00 p.m. – 4:00 p.m. Critical Issues
- Appropriations Recommendations
  - Climate Issues
  - Other Issues
- 4:00 p.m. – 4:30 p.m. NACAA Finances and Business
1. NACAA Financial Reports
  2. NACAA Investments
  3. Future Meeting Dates and Locations
- 4:30 p.m. – 4:45 p.m. New Business
- 4:45 p.m. Adjourn