AAPS
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Participatory Sciences

Position statement on Louisiana Community Air Monitoring Reliability Act
13 December 2024

Community Air Monitoring Supports Collaborative Problem Solving

Summary: Recent state-level legislation in Louisiana obstructs the use of air pollution data generated by community organizations. This approach raises legal concerns and also is bad public policy. We recommend an alternative approach: that co-created community science data is encouraged and supported, rather than restricted, through partnerships among state and local agencies, community organizations and academic institutions.

Background

Community air monitoring projects have grown in number and sophistication over the past decade and now are a valuable supplement that fill critical gaps in monitoring programs operated by Federal, state and local professionals. Community science helps answer questions that require more and finer-scale data, and results in better understanding of air quality.

Community air monitoring is enabled by lower-cost air sensors and keen public interest in hyper-local measurements (including in residential areas, at schools and playgrounds, and in areas of potential pollution concerns, such as at the fence-line of a local industry). Often community air monitoring is a priority for underserved and overburdened communities to document and bring attention to environmental justice concerns.

Louisiana Legislation: An Attack on Community Monitoring of Air Pollution

In 2024, Louisiana enacted a state law (Louisiana Community Air Monitoring Reliability Act) that bans the gathering and use of data from lower-cost devices to allege the existence of possible violations by polluting industries, or the use of the data for enforcement purposes. Similar legislation has been introduced in at least one other state – West Virginia.

Banning the use of community-generated data for any purpose deprives the public, and government, of information that has significant value. While lower-cost devices are not necessarily equivalent to regulatory monitors (and are not used for regulatory purposes by EPA and most states), they generate data that does have value, including filling geographic gaps and highlighting local pollution hot spots that may justify further investigation and monitoring by government

agencies. If properly reported, the data can also inform communities about environmental conditions.

Legal and policy concerns with the Louisiana Legislation

There should not be a blanket exclusion for any use of community science data in enforcement cases. Data not collected with sophisticated monitoring equipment (i.e., Federal Reference Methods) can still have evidentiary value. One of the central roles of courts is evaluating the weight, relevance, and suitability of evidence on a case-by-case basis.

There are established rules (e.g., the Daubert standard) for what scientific data can be accepted in a court of law. These standards should be applied rather than simply ruling out all community science data. Moreover, monitoring technology is rapidly evolving, and using legislation to define suitability of certain monitoring approaches is unlikely to keep pace with technological development.

Outside of legal proceedings, community air monitoring data can be valuable to government agencies responsible for issuing permits or enforcement of environmental laws, by showing that a problem may exist that warrants further investigation. This data collection is a valuable resource that should not be taken away. Another important use for community air monitoring data is to demonstrate a need for additional state regulatory air monitors in a particular community or location. EPA has acknowledged this as a valuable contribution of community air monitoring.

The Louisiana law also raises serious constitutional concerns. Access to environmental data has been held to be a free speech issue; the law also implicates the First Amendment in dictating how community organizations can use community air monitoring data in public statements and how their reports must be designed. Best practices for data analysis and presentation are well known and might be encouraged informally, but the government has no business micromanaging the statements of its citizens.

A Better Approach: Building Capacity to Enhance Community Air Monitoring

Instead of limiting community monitoring, the U.S. The Environmental Protection Agency (EPA) and some state agencies are helping support, improve and use community air monitoring. EPA plays a crucial leadership role in encouraging use of "participatory science" to strengthen the nation's system of environmental protection, with a goal of "accessible, actionable information that improves environmental awareness and decision making." EPA has a set of broad principles to guide these efforts – good science, community involvement and informed decisions. EPA funding is used to build capacity for both community-led and state-led projects. In November 2022, EPA funded 132 projects across the U.S. to enhance air quality monitoring in communities, with emphasis on underserved and historically marginalized areas. This unprecedented funding

encourages groups to work together, including community-based nonprofit organizations, state/local/Tribal governments, and educational institutions.

A number of states are also demonstrating how to work productively with communities to improve air monitoring – through genuine partnerships in which the people in a community are involved and have a say in the monitoring projects. Promising examples include:

- *Minnesota* – is setting up neighborhood-scale air monitors in the Twin Cities metro area
- *New York* – funded a mobile air monitoring study in 10 disadvantaged communities
- *California* – supports local-scale monitoring in the Community Air Protection Program
- *New Jersey* – has web-based resources to support Community Science Air Monitoring
- *Massachusetts* – has three full-time staff that support community air quality monitoring
- *Oregon* – launched 4 pilot projects through the Community Air Action Planning program

Community-government partnerships (a recommendation of an insightful 2023 paper from the Georgetown University Climate Center) are proving to be an effective way to achieve success. We need to expand capacity for community-based air quality monitoring through investments (i.e., staff, funding and training) in state and local agencies, community organizations and academia. The bottom line is that trying to stifle the creation and use of community air monitoring data is short sighted and counterproductive. A better path forward is to support innovative community air monitoring programs.