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MEMORANDUM

Date: February 28, 2022
To: Deldi Reyes, Director of the Office of Community Air Protection, California Air Resources Board (CARB)
From: Mindy Meyer, Lead Facilitator/Mediator, Sacramento State – Consensus and Collaboration Program (CCP); Lisa Ballin, Lead Facilitator/Mediator, CCP; Dave Ceppos, Director, CCP
Subject: Assembly Bill (AB) 617 Consultation Group (CG or Group) Stakeholder Discussion

Background, Purpose and Process for Discussions

Founded in 1992 as a program of Sacramento State and the McGeorge School of Law, CCP specializes in providing neutral, third-party facilitation, public engagement and strategic planning and visioning. We focus exclusively on diverse and complex policy topics and challenges to support multi-interest, multi-stakeholder conversations and ideally to help said parties reach mutually beneficial outcomes.

Between January 6 and 13, 2022, CCP conducted discussions with 7 CG members representing all of the stakeholder groups that comprise the CG (academia/research, air districts, environmental justice (EJ) partners, and industry). The purpose of the discussions was to:

- Develop an understanding of CG group dynamics,
- Identify the sources and nature of tensions and/or challenges within the CG, and
- Explore possible process design solutions to assist the CG to productively move forward.

Using a standard set of questions, the CCP facilitator (Ms. Mindy Meyer), described the purpose of the process and CCP's neutral role, the intended outcomes from the discussions, and immediate and longer-term next steps.

The following sections present:

- Direct **findings** and sentiments expressed in the discussions,
- CCP's professional **analysis** of the findings, and
- CCP's **recommendations** on optimal next steps.

Commonly, the purpose of this process is to identify aggregate "themes and trends" from participant responses and more specifically, to identify topics where there are commonalities or conversely, differences that may benefit from discussion and reconciliation. As such, this report does not attribute specific comments to individuals. Similarly, information presented does not represent a statistical or numeric representation of stakeholder input. It reflects the variety of input received and spans the range of perspectives that were shared. Typically, CCP will use qualitative terms to illustrate relative levels of agreement or disagreement (e.g. "a small minority of...", "a significant majority of..."). Given the small sample set of interview participants and CCP's professional responsibility to protect speaker confidentiality in any assessment process, CCP has avoided the use of such qualitative terms for this

report. Lastly, there were some statements made during the interviews that were particularly illustrative; these are presented below as exact quotes and in “quotation marks”

FINDINGS - SUMMARY OF INTERVIEWEES’ COMMENTS

Why Consultation Group Members Serve

The CG members interviewed had varying reasons for participating. As mentioned above, the purpose of this assessment was not to identify consensus, but to share the spectrum of views. Nonetheless, in this regard, every person interviewed strongly and passionately stated their primary purpose for participating in the CG was to advance AB 617 to reach its full potential. Even when other reasons for serving were not satisfied, this one factor was sufficient to continue their participation in the Group. While there was agreement on this overarching purpose, members interviewed had differing ideas of how to achieve it. Below are the various objectives to achieve this overall goal:

- Legislative Intent/EJ Equity and Involvement. Assure AB 617 implementation is consistent with the legislative intent to protect, inform, and empower EJ communities. Focus on emissions and exposure reductions and improved public health in the most disproportionately impacted and disadvantaged communities. Corollaries to this objective include:
 - Bring current information to EJ communities that have historically been “left in the dark.”
 - Highlight rural EJ communities that have minimal, if any, air monitoring or sampling.
- Address Statewide Elements of AB 617. Inform CARB about areas outside of disproportionately affected communities that also have toxic air contaminant hot spots and EJ concerns. Strengthen CARB’s role in oversight of regional air districts that are under-resourced.
- Achieve Emissions Reductions. Make a proactive contribution to problem solving, including the exploration of innovative programs. Address “nuts and bolts” issues such as how to monitor air quality, implement reductions, etc. Advocate to hold pollutant sources accountable.
- Information Sharing - “Sit next to others with different perspectives.” Discuss best practices, apply from one area to another, share knowledge.

Interviewees identified additional interests and benefits of serving on the CG, such as networking opportunities, information and data sharing, and expertise and resources brought by other members. The CG also builds an understanding of different organizations and groups that are addressing the nexus between air pollution and public health, risks, hazards, and data improvements.

Perceived Purpose of CG Meetings

While several of the members interviewed were able to share their perception of the CG’s purpose, there was a collective feeling that there is not a shared sense of purpose amongst the members. Part of this may be associated with how the purpose may have evolved, but part of this also seems attributed to not experiencing a cohesive sense of purpose. Below are the range of descriptions shared on the purpose of the CG Meetings:

- Advise CARB on Implementation of AB 617. The CG provides a forum for representatives of various stakeholder groups (listed above) to contribute their expertise and offer their perspectives on how to achieve the intended benefits of AB 617. It is intended to bring stakeholders together in a way that’s meant to create a neutral, safe space for difficult

conversations in furtherance of AB 617 implementation. Some CG members felt that they were given an opportunity to provide input that would be communicated to high-level decision-makers within CARB. Additionally, in the absence of legislative mandates regarding roles for various AB 617 participants other than CARB and air districts, the CG assists in identifying roles and responsibilities of residents, community-based organizations (CBO), businesses, cities, counties, and State agencies.

- Evolution of Purpose. Several CG members interviewed felt the Group’s purpose has evolved over time. The following presents specific examples of how varying members perceive this change:
 - The original purpose was to bring EJ communities to the table for discussions they have not previously been included in. Now it is a conglomeration of different stakeholders moving together to achieve the underlying purpose of AB 617 and determine its implementation.
 - The CG’s original purpose was to assist in developing consistent statewide AB 617 implementation. Over time, as Community Steering Committees (CSC) have been established, the intent has become to share best practices.
 - When the CG first started, other government agencies (e.g., California Environmental Protection Agency, Department of Toxic Substances Control) attended meetings to provide current data and to help develop understanding of the nexus between air emissions and public health. Interviewees indicated the Group no longer focuses on these topics nor receives these updates.
 - The CG’s original purpose was to collect and incorporate input from community members about AB 617 implementation. It has become a venue for non-constructive criticism of the AB 617 process.

Perceived Role of CARB in the CG

- Convener/Designer – CARB is the “center” of the CG. Its role is to design and run the Group in the absence of specific consultation requirements or guidelines set forth by AB 617.
- Informer/Listener - CARB’s roles during the meetings are to inform the Group about the latest developments, provide data, listen to stakeholders, and incorporate feedback in a balanced and fair way.

Perceived Role of CG Members

- Voice Different Perspectives – CG members provide CARB feedback and advice and recommend priorities for CARB’s efforts. They speak on behalf of the communities and organizations they represent and provide different perspectives in order to have well-rounded discussions.

Group Challenges/Tensions

- Lack of Standing – Some CG members expressed frustration that their recommendations do not carry the weight of a formal advisory body to the CARB Board. They seek a formal structure for the CG that is approved and recognized by the Board and that allows and supports the CG

preparing written recommendations for the Board’s consideration, and a commitment that said input will be agendized and considered by the Board in a public manner.

- Membership – Some CG members believe that the Group needs more air districts and/or industry representation, including members to represent truck drivers, ports, and warehouses.
- Meeting Design/Process
 - Frequency – Meetings used to be too infrequent; conflict builds up and blows up when there is too much time between meetings.
 - Demonstrating Impact – CG members do not know if or what impact the group has. It is unclear how their feedback is used and what information is carried forward. This causes some CG members to question the value of their time spent at meetings.

Hearing from CARB how their feedback is used, and a rationale for when the feedback is not used, would demonstrate the members’ impact in the process and the value of their time spent participating in meetings. Additionally, it helps the Group understand what feedback is helpful to the process.

- Agenda Setting – The CG has struggled to determine how meeting agendas should be set. Community groups desire co-leadership with CARB in setting the agenda. Other stakeholder representatives would like to have a voice in agenda setting. In prior meetings, disagreement about how the agenda was set has led to meeting discussions veering off topic and a “slow and painful process.”
- Hinderances to Participation and Discussion – Some discussions have been dominated by a few strong voices. Other members have not participated as much as they would like because they feel there is not an opportunity to “get a word in,” or equal time/attention is not given to all stakeholder perspectives, and/or they do not feel the meetings provide safe space to voice their perspectives. Some CG members also do not feel comfortable asking others to unpack or explain their input. The perception that CG meetings are not safe spaces, has decreased interest by some groups in becoming part of the CG. The perception stems from past experiences in which aggressive responses to feedback were made.

Diverging from the agenda is a hinderance to participation by those who must consult with their represented organizations prior to making statements at the meeting. For some, the value of participating is diminished if an agenda is not clearly set, or if the CG spends too much time talking about process. Off-topic discussions have tended to repeat prior discussions.

- Virtual Format – Although a virtual meeting format has provided opportunity for additional participation, it lacks relationship-building elements that occurred during in-person meetings (e.g., discussions and story-sharing during breaks). The virtual format has also reduced participation by local groups and has compartmentalized public comment periods.
- Meeting Topics – Some members see the dialogue as centering around local arguments playing out on a broader scale, rather than sharing of best practices. Those members

who are not part of a CSC or are more interested in statewide elements of AB 617, are less interested in local issues.

- Disparate Perspectives. Interviewees shared the same ultimate goal of realizing the potential of AB 617, however, they expressed different perspectives on how to best implement AB 617. Interviewees noted that tensions around this disagreement are expected, particularly given the importance of the underlying purpose of reducing air emissions and exposure and the associated health impacts. Some expressed that stakeholder representatives in the Group are having a difficult time listening to understand, rather than for debate.
- CSC Authorities – There is a lack of clarity on designated authorities at the CSC level. And thus, understanding who has authority within the framework of the CSCs has been a central point of contention in past CG discussions. In addition, communities want to have more authority in CSCs to address impacts on local health. Some may believe air districts do not want to share their decision-making role. Air pollution and public health experts believe their expertise is necessary in the process and welcome community involvement.
- Tensions Among Air Districts, EJ Communities, and CARB – Anger has built up over time in disenfranchised communities about disproportionate air quality impacts. The EJ community is frustrated that AB 617 program development and implementation are not moving quickly enough, is not seeing desired results, and feel they are not being heard or valued. Air Districts believe they are doing everything they can, but face capacity and resource limits. CARB is caught in the middle of this tension.

Some members of the EJ community believe CARB should play a more active role in AB 617 implementation and enforcement. They would like CARB to exert more oversight, for example, by interceding when local efforts are out of alignment with the intent of AB 617 and conducting audits to daylight when insufficient progress is made by air districts.

Some CG members believe that community advocates have an unrealistic understanding of CARB's authority and mission, but also believe that CARB staff has not always listened to and validated community input. These members expressed that some CARB staff have been too "engineering oriented" and appear tired of the process.

CG Member Recommendations

- Meeting Structure and Standing
 - Formalize the CG as a standing CARB committee with approved membership and official purpose:
 - Members must apply and be selected or appointed by the CARB Board.
 - Compensate members and reimburse expenses.
 - Publicize committee recommendations. Track which recommendations are implemented, and which are not, with a rationale as to why recommendations were moved forward or not.
 - Run CG meetings more like a formal advisory panel, which receives presentations and gives feedback and advice that is formally considered by the body the panel advises.
 - Give CG more input about CARB's budget decisions.
 - Add local businesses representation (e.g., a shipyard environmental health representative).

- Establish facilitator and attendee roles.
- Find community interns and other local assistance to support CG members' efforts.
- Hold regular meetings.
- Meeting Design/Process
 - Agenda
 - Provide a specific agenda with tasks that can be completed in the allotted meeting time.
 - Set out specific objectives at the beginning of each meeting.
 - Make sure the meeting structure and agenda allow for open discussion. While people want conversations to stay on track, there is an awareness that sometimes back and forth conversations can open the door to understanding. It is important that those moments are recognized. People do not want a structure so rigid that it cuts off productive conversation.
 - Provide time for an open-ended discussion of general concerns.
 - Meeting Materials - Provide meeting materials sufficiently in advance.
 - Road Map and Accomplishments - Provide a long-term plan for future meetings and acknowledge the group's progress at each meeting.
 - Information from CARB - Provide regular updates and information and present success stories of air districts and community residents working together.
 - Discussion Format - Use chat or asynchronous features or breakout rooms where people can speak more freely.
 - Facilitation Expectations and Recommendations - Interviewees were asked to provide their expectations of the facilitation team and to share any recommendations.
 - Need a strong facilitator who will enforce meeting agreements.
 - Explain role of facilitator, let people know facilitator may jump into the conversation.
 - Build safer spaces where all can share. Create an atmosphere that fosters communication and keeps it from digressing into confrontation.
 - Allow all voices to be heard. Involve those who are quiet.
 - Watch out for circular conversations.
 - Echo and ask people to explain more about their recommendations.
 - Provide space and listen for moments when people begin to hear and understand each other. Allow back and forth in conversation; do not cut off in order to keep to the agenda.
 - Design presentations to account for different learning styles.
 - Make sure that there is a process to provide answers to substantive questions that cannot be answered in the moment.
 - Let people know they are valued.
 - Recognize that we are lucky to have CARB setting up these conversations. Focus on the good will everyone has for this project.

- Charter - Some CG members are aware that development of a charter was previously initiated. They felt it would be helpful to revisit and complete a charter in order to establish understanding of, and agreement around, the CG's purpose and operating structure.

CCP ANALYSIS

The following reflects CCP's interpretation and professional judgement of the findings.

Group Cohesion

- As expressed in the beginning of this document, there is a powerful, common goal shared by CG members and CARB to support the successful and effective implementation of AB 617. This creates an opportunity to build group cohesion. In addition, Group members see the value of having multiple stakeholder perspectives around the table and value the expertise brought by others and with appropriate agreements on how meetings can / should be run, this can foster more commonality between them.
- While some members understand the CG's purpose, the Group lacks a common understanding of, and agreement about, the CG's purpose and the roles of CARB and Group members.
- Some CG members do not experience the CG as a safe space to participate in the AB 617 process. The tensions are a result of the lack of shared CG norms, culture, and governance. As the CG contains a wide variety of stakeholder types, it follows that the CG is comprised of individuals that come from different work, social and economic cultures. Special attention needs to be paid to creating a shared culture for the CG. While this may take time from content discussions, it will improve the functionality of the CG. This is an ongoing effort to develop share group norms.

Deep Seated and Historical Tensions and Associated Impacts

- In some ways, tensions in the group and associated hesitation by some to participate are deep-seated and based on historical experiences that go back decades. These tensions may be exacerbated by activities and meetings outside of CG meetings, but nonetheless percolate up and impact how dynamics play out within the CG meeting. This is compounded by the lack of established purpose and process for CG meetings. Creating a safe space where all feel comfortable and welcome to voice their thoughts and ideas, and the group benefits from robust sharing, requires building trust over time.
- Central, foundational questions about CG and AB 617 authorities will keep surfacing if they are not addressed.

Supporting CG Members

- Members serve for a variety of reasons. When those reasons are unmet, it can create a level of dissatisfaction that erodes engagement that ranges from reduced meeting participation to absences to resignation. It is incumbent upon CARB and the Chair to understand why members participate and where possible, facilitate meaningful and satisfactory participation.

RECOMMENDATIONS

Build Group Cohesion

- Create a safe space for conversation during CG meetings through effective, mutually agreed on facilitation approaches and processes.
 - Employ a facilitation approach and establish, mutually understood and agreed on structures and processes that sets a welcoming, collaborative tone, while tamping down on aggressiveness that surfaces in the conversation (if any). It is important that the facilitator understand the history that people are bringing into the meetings. Discussions conducted to date between the facilitator and members, and reflections from CARB staff, have been helpful towards that end. Provide necessary resources for the facilitator to communicate with Group members between meetings if issues arise that warrant further discussion.
 - Build trust through transparency and process.
 - Develop a Work Plan for that lays out a plan for upcoming meetings and associated milestones. This will allow for proper sequencing of topics and is helpful to build a shared timeline for discussion topics. We recommend starting with a Work Plan that sets a timeframe for review of the People’s Blueprint by the CG.
 - Preplanning needs to take place in advance of all meetings and each meeting should have an articulated purpose and objectives for each agenda item.
 - Send meeting materials sufficiently in advance of meetings (1-2 weeks)
 - Finish a charter. Create an ad hoc committee to update the current draft and then bring the updated charter to the CG for consideration and ratification.
 - Include: purpose, members, roles and responsibilities, agenda-setting, decision-making, and collaborative process.
 - Provide update of relevant CARB activities to CG at each meeting.
 - Track and report outcomes at each meeting. Provide a rationale for why input was used or not.
- Address differences in understanding that impede the Group’s progress, including:
 - CARB’s authority and limits of authority under AB 617.
 - The scope and range of community member and air district authorities within CSCs permitted within the AB 617 legislation.
 - How legislative intent and the legislation itself factor into AB 617 implementation.
- Build a shared group culture with recognized norms.
 - Meeting agreements and a charter assist in this process. As has been previously introduced, such “rules of engagement” enforce acceptable and unacceptable behavior, roles, responsibilities, etc. by members, the facilitator, CARB and the general public. They create necessary shared-meaning on how meetings and the process should run which absent such information, does not provide any “guideposts” on how all participants and staff should comport themselves.
- Continue to embrace opportunities to recognize the work of the CG.
 - Communicate the tangible ways the CG’s feedback is used by CARB.
 - Continue to find opportunities to say thank you and highlight CG wins and successes.

Addressing Tensions

In order to truly address tensions, it is imperative to create an environment for trust. Building trust is a multi-layered process that takes significant time. It is primarily centered in developing strong and resilient relationships. Any opportunity to build relationships within the CG and between the CG and CARB staff should be taken. It is also often non-linear and organic. The steps above addressed at building group cohesion are the building blocks that create the conditions to develop relationships so trust can grow and develop.

Supporting Consultation Group Members

As mentioned above, the CG members serve for a variety of reasons some of which are satisfied through their engagement in the process and some that are not. Find and schedule opportunities to check in with CG members on an ongoing basis to identify these interests to maintain and enrich participation and overall satisfaction. Further, reporting back to the CG how CG members' input is used and providing a rationale when it is not used is a critical feedback loop in the process. This feedback can concretely show CG members their impact and provide learning opportunities for them on the types of input that are helpful and in alignment with process needs.