

December 1, 2021

California Air Resources Board
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Re: EJAC Responses to Scenario Input Questions

Fifteen years after the passage of Assembly Bill 32, environmental justice communities continue to wait for the realization of the promise that California’s climate policy will benefit us. While some may point to the fact that California ‘met’ its 2020 GHG target as ‘progress,’ “air pollution and climate change continue to inflict disproportionate harm on Black people, Indigenous people and people of color. All clean air agencies have an obligation to focus regulatory attention on the communities that historically have borne the greatest burdens from air pollution and a changing climate, and who continue to do so today.”¹

No one recognizes the urgency of our climate crisis more than frontline community residents and environmental justice advocates, yet we urge CARB not to let the sense of urgency override the need to develop equitable solutions that will successfully engender a Just Transition. After the denial of our unanimous request for a six month extension of the Scoping Plan timeline in order to enable meaningful community engagement and the provision of technical assistance, the EJAC may continue to engage in CARB’s process as it proceeds. We want, however, to register our deep concern that CARB has abdicated its leadership role as envisioned by AB 32, by failing to conduct a rigorous process with meaningful community input to ensure the 2022 Scoping Plan can meet the critical moment in which we find ourselves.

1. Scenario Input Questions

While we appreciate the opportunity to weigh in on the scenario inputs, we are concerned that the process remains a black box and we are troubled by both the substance of, and process for answering, CARB’s Scenario Input Questions.

Procedural concerns. To date, CARB has not provided meaningful responses nor technical assistance to EJAC members and did not budget for this foreseeable expense, but rather

¹ National Association of Clean Air Agencies, “Improving Our Nation’s Clean Air Program: Recommendations from the National Association of Clean Air Agencies to President-Elect Biden’s and Vice President-Elect Harris’ Administration,” January 15, 2021.

approached the work with the EJAC in a deeply extractive manner. EJAC members have requested technical assistance to inform our answers to the Scenario Input Questions at every meeting since the inception of the 2022 EJAC. We sought the ability to provide CARB with technical, thoughtful, and robust answers that reflect environmental justice communities' needs and priorities. CARB responded by insisting that the EJAC had two options: (a) either submit responses by an arbitrary deadline or (b) get left behind while CARB proceeded to run the models. CARB continued to make demands of the EJAC while ultimately failing to provide substantive answers to our modest requests for additional information needed.

Substantive concerns. While the “no combustion” scenario in Scenario 1 incorporates some feedback from the EJAC and EJ organizations that have provided comment letters, it is not an “EJ scenario” -- it is flawed in that it pits California’s economy against environmental justice. We are seeking to model a scenario for a Just Transition to a regenerative economy, where no workers are left behind. For the EJAC, equity, environment and jobs must go together as a triple bottom line -- they should complement and support, rather than contradict each other. Workers facing the necessary phase out of fossil fuel and extractive industries that must also be involved in leading, and benefiting from, a Just Transition to a renewable energy-based economy. For CARB, this implies incentivizing and providing meaningful resources to research for innovations and investments in alternative materials and clean technologies that will not harm frontline communities. We will need to rethink that bigger projects are always better. We need to find high road jobs for multiple labor sectors and we must do it quickly. Many EJAC members feel that the scenario input questions are a red herring distracting us from the bigger questions that remain unanswered, such as how to ensure that all Scoping Plan policies meaningfully benefit environmental justice communities. Answering these questions is the EJAC's key task.

2. Need for Public Health and Equity Evaluation of Scoping Plans

We are appalled by CARB’s failure to evaluate the non-economic benefits and social equity impacts of past Scoping Plans, disaggregated by geography and race, despite the EJAC’s repeated requests for this evaluation. In order for the EJAC to move forward in an informed manner, we must have the answer to this foundational question: How effective, and how equitable, has the implementation of the previous four AB 32 Scoping Plans been? Has CARB succeeded in “ensur[ing] that activities undertaken to comply with the regulations do not disproportionately impact low-income communities” as required by AB 32?²

The Office of Environmental Health Hazard Assessments (OEHHA) published an Analysis of Race/Ethnicity in CalEnviroScreen 4.0 (October 2021) which shows “clear disparities with respect to the racial makeup of the communities with the highest pollution burdens and vulnerabilities. People of color, especially Latino and Black people, disproportionately reside in

² [AB 32 Global Warming Solutions Act of 2006](#).

highly impacted communities in California.” For instance, 745 out of 3,304 predominantly Latinx census tracts are highly burdened, compared to only 19 highly burdened tracts out of the 3,861 predominantly White census tracts.³

The data above presents a clear rationale and urgent need for a more rigorous and detailed health and equity analysis of climate policies than is currently planned for in the modeling process. In addition to data on emissions trends, we must have the data that identifies program impacts on health and equity. CARB should consult with OEHHA and work with the EJAC to organize a Public Health Hearing for the CARB Board and the general public, to ensure that prospective policies and technologies modeled in the 2022 Scoping Plan Update do not inadvertently worsen existing health inequities for disproportionately burdened communities of color.

CARB’s modeling process does not include a geographic and demographic equity analysis down to the census tract level, to assist in guiding our responses. A more granular geographic analysis of the impacts of CARB’s policies in the Scoping Plan, given the disproportionate location and impact of polluting facilities in BIPOC communities, is warranted and critically important to avoid furthering environmental racism.

Environmental justice communities are still bearing the brunt of local air pollution, missing the benefits of new opportunities, and threatened by the lack of resiliency coupled with disproportionate burdens from the escalating impacts of climate change. While some may point to the meeting of the 2020 target as progress, we remind everyone that the vision was always more than a simple carbon number.

3. Foundational Racism in the EJAC Process

The continued absence of California Indigenous representation on the EJAC while CARB continues to move forward, is indicative of CARB’s broader lack of interest in taking the time and making the effort necessary to address the ongoing legacy of racism and get this Scoping Plan process right for environmental justice communities.

In their *Letter and Action Plan for Racial Change at the California Air Resources Board*, Black staff members at CARB write: “During EJ coordination and outreach, there are constant attempts by CARB staff to discredit EJ leaders of color that they believe are too “difficult.” Message: EJ leaders of color, and by extension all POC, are difficult, uneducated, and do not deserve a seat at the table. The lived experiences of EJ leaders of color are considered illegitimate. CARB is not invested/interested in authentic engagement, and prefers to take a “band-aid” approach to EJ issues rather than a holistic one.”⁴

³ [Analysis of Race/Ethnicity and CalEnviroScreen 4.0 Scores](#), at pages 1, 5: Figure 4.

⁴ [A Letter and Action Plan for Racial Change at the California Air Resources Board](#), September 4, 2020.

California's climate policies were supposed to spur economic transformation, confront historic inequities, and maximize co-benefits for low-income communities of color in California. With our persistent addition to fossil fuels and some of the worst air quality in the country - exacerbated by a pandemic that showed just how far we are from confronting public health and economic inequalities - we have lost sight of that broader vision.

The 2022 Scoping Plan process is a critical opportunity to correct the course. We know the data—there are disproportionate impacts on the basis of race. Without changing course, the Scoping Plan will perpetuate existing disproportionate impacts on the basis of race. The EJAC looks forward to working with CARB and seeing the agency's effort to course correct to ensure the 2022 Scoping Plan is rooted in environmental justice principles in both substance and process.

Sincerely,

The Environmental Justice Advisory Committee

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