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February 25, 2022

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California Air Resources Board
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VIA EMAIL

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cc: Chanell Fletcher, Deputy Executive Officer – Environmental Justice, CARB

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cc: Trish Johnson, Staff Air Pollution Specialist – Environmental Justice, CARB

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RE: Environmental Justice Recommendations and Framework for CARB Scoping Plan

To Rajinder Sahota and the AB 32 Environmental Justice Advisory Committee,

As the California Air Resources Board (CARB) develops the 2022 Climate Change Scoping Plan, a blueprint guiding more than twenty years of climate action, we urge you to follow Governor Newsom’s directive to put California on the path to a coordinated phase out of polluting industries and fossil fuels, and ensure that the communities most harmed by the fossil fuel industry are first in line to benefit from the transition to clean, zero-emissions energy. Our communities live alongside the state’s largest polluters, including oil refineries, dirty gas-fired power plants, warehouses, transportation hubs, and industrial agriculture. From the neighborhood oil fields in South Los Angeles to the backyard refineries in Richmond, we breathe the consequences of CARB’s climate policies. For decades, CARB has failed to effectively regulate industrial pollution in our neighborhoods, letting big polluters off the hook through cap-and-trade accounting gimmicks like allowance banking and offsets.

Now, the oil industry is lobbying for billions in public subsidies to build ineffective carbon capture, utilization, and sequestration (CCUS) technology on fossil fuel infrastructure. Without a plan to phase down emissions from massive industrial polluters, CCUS will only further extend the life of otherwise defunct oil refineries, dirty gas-fired power plants, and other polluting industrial facilities. Capitulating now to legacy polluters not only guarantees that already overburdened communities will continue to be environmental sacrifice zones, but also worsens the cumulative climate crisis for all Californians.

We are at a critical juncture. We have experienced the worst drought in a century, the hottest summer after the hottest decade ever, and record wildfires. The most recent IPCC report¹ makes it clear that unless we make steep reductions in greenhouse gas emissions, global warming thresholds of 1.5°C and 2°C will be exceeded. The decisions that are made now will determine whether we have a safe and healthy future for all Californians. The dangerous impacts of both climate change and pollution fall most heavily on disadvantaged communities of color, particularly Black, Brown, Indigenous, Asian Pacific Islander, and low-income communities.

We, the undersigned environmental justice organizations, are calling on CARB to develop a Scoping Plan that is guided by rigorous health equity analyses, cuts at least 80% of carbon emissions by 2045 through direct controls, includes dedicated strategies for significantly reducing co-pollutants, and ensures that the communities most harmed by the fossil fuel industry are first in line to benefit from the transition to clean, accessible energy.

We further recognize and echo the process concerns raised by members of the CARB AB 32 Environmental Justice Advisory Committee (EJAC), including the timeline constraints imposed on EJAC members to develop adequate recommendations that are ground-truthed in community experiences. As the EJAC puts forth its best efforts to provide Scoping Plan recommendations to CARB, we offer the following framework for capturing recommendations, as well as specific substantive recommendations based on the EJAC Scenario Modeling Input Recommendations from November 2021, *as a starting point* for the Committee. We welcome you to adopt what is useful and to modify these frameworks and recommendations as you see fit.

I. Structural Framework for Capturing Scoping Plan Recommendations

There are current legal mandates to help ensure that the Scoping Plan prioritizes direct emissions reductions, does not further harm disadvantaged and low-income communities, and considers social costs. AB 32 mandates the design of a Scoping Plan “in a manner that is equitable, seeks to minimize costs and maximize the total benefits.”² AB 197 requires CARB to “consider the

¹ Working Group I Contribution to the *Sixth Assessment Report of the Intergovernmental Panel on Climate Change: The Physical Science Basis*. (2021). <https://www.ipcc.ch/report/ar6/wg1/>.

² California Assembly Bill 32 (2006): https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB32

social costs of the emissions of greenhouse gasses”, including “impacts to public health.”³ In order to comply with these legal mandates and to ensure maximum health equity benefits of climate solutions, the development of the Scoping Plan and each of its strategies should be informed by robust and comprehensive health equity analyses. These additional health equity analyses should serve to inform the CARB Board and the public about the public health threats, benefits, and costs of the potential strategies within the Scoping Plan, and should be relied upon to select the strategies that will advance health equity and positive environmental justice outcomes.

The blank table in Appendix A⁴ is an offering of a structural framework and template that captures key components of an equitable Scoping Plan from our perspective. We hope this is useful to the EJAC as it determines how to put forth its recommendations to CARB. We also welcome other environmental justice organizations and interested groups to utilize and build upon this framework in offering recommendations to CARB. Our main goals in using this framework are to: 1) ensure that CARB is complying with key statutory mandates, such as SB 32, AB 398, and AB 197, in the creation of the Scoping Plan; 2) ensure the selection and prioritization of various strategies within the Scoping Plan are informed by health equity analyses; 3) ensure additional health equity analyses are conducted in the implementation of each strategy; 4) be clear about what percentage of emissions can be cut directly *without* use of market mechanisms, CCUS, and other carbon neutral technologies; and 5) provide suggestions for how the proposed policies can be implemented in a way that does not increase burdens to disadvantaged communities, but rather yields benefits.

II. Substantive Environmental Justice Recommendations for the Scoping Plan

The below table is a non-exhaustive starting point of sector-by-sector policies and associated equitable implementation recommendations for the Scoping Plan. We offer these for the EJAC’s consideration and potential adoption as part of the EJAC’s own recommendations to CARB.

³ California Assembly Bill 197 (2016): https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB197

⁴ See end of this document.

Table Summary of Direct Emission Reduction Strategies

Sector	Legal Requirements (Partial List of Statutes)	Proposed Policy (What)	Direct Emissions Reductions (% or MMT) ⁵	Equitable Implementation of Policy (How)
Transportation	AB 32, AB 197, SB 375	<p>100% light-duty vehicle sales are ZEV by 2035.</p> <p>100% medium- and heavy-duty vehicle sales are ZEV by 2035.</p> <p>30% VMT reductions to get to 11% transit ridership.</p> <p>Increase MPO GHG reduction target to 25% by 2035.</p>	<p>28.5% GHGs are light-duty vehicles cut.</p> <p>7.8% of State GHGs from heavy-duty vehicles cut.</p>	<p>Policy signals for transit investments to implement CAPTI and CTP.</p> <p>Increased funding for ZEV equity programs for disadvantaged communities.</p> <p>Increased SB 375 targets.</p> <p>Increased VMT reduction targets with policy signals to help with accountability.</p> <p>Ensure equity throughout Advanced Clean Car proceedings.</p>
Refineries	AB 197, SB 32, AB 32	Direct the state to plan, coordinate, and manage the phase down of oil refining by 2045.	7% of state GHGs cut.	<p>By 2024, in collaboration with impacted workers and communities, adopt an interagency plan with regular milestones to manage the decline of California oil refinery production of gasoline, diesel, and other fossil fuels, reflecting California’s plans to decarbonize transportation.</p> <p>Create a robust multi-year safety net for fossil fuel workers and impacted communities.</p>
Oil/gas Extraction	AB 32, AB 398, AB 197, SB 32	Direct the state to phase out oil and gas extraction by 2030.	4% of state GHGs cut.	<p>Adopt statewide comprehensive health and safety setbacks of at least 3200ft. for new and existing wells.</p> <p>Facilitate a mandated, managed phase decline of extraction.</p> <p>Ban rework permits & consider policies such as severance taxes to facilitate phase out.</p>
Industrial	AB 197, SB 32, SB 596	Prioritize investments in clean innovative technologies to reduce process emissions and material emissions to reach	SB 596 calls for cuts in GHG emissions to at least 40 percent below the 2019 average levels by	Channel investments into Research & Development, pilot programs, etc. to reduce maximum levels of emissions directly from both materials used and from the manufacturing process.

⁵ Emissions reduction estimates are derived from CARB’s Greenhouse Gas Inventory and E3’s *Achieving Carbon Neutrality in California* report.

		at minimum 72% electrification & green hydrogen sources combined.	December 31, 2035 for the cement sector.	<p>Facilitate incremental industrial electrification to reach 100% clean energy sources by 2045, including through industry electrification via renewables and direct hydrogen combustion via dedicated clean Hydrogen pipelines (not biomass or RNG based).</p> <p>Ensure any switched fuels and new technologies/materials used do not increase local air pollution in disproportionately burdened communities.</p> <p>Apply best available control technologies to reduce pollution in the interim until 100% zero-emissions facilities are achieved.</p> <p>Start this transition in disadvantaged communities first.</p>
Electricity	SB 100, SB 350, PUC 454.51(a), E.O. B-55-18	<p>The Scoping Plan should support a target of no more than 30 MMT, as referenced in the CPUC's RESOLVE sensitivity analysis.</p> <p>The Scoping Plan should encourage additional analyses of deeper decarbonization such as a 15 MMT target.</p>	17% of State GHGs cut.	The Scoping Plan should strongly support the CPUC and CAISO in locationally-targeted planning and procurement now to retire emitting resources, with priority for disadvantaged communities and those adjacent, such as the Los Angeles Basin and the San Joaquin Valley.
Agriculture (incl. pesticides)	AB 32	<p>Directly reduce emissions from pesticides and their application, especially those chemicals identified by Californians for Pesticide Reform and Pesticide Action Network as priority.⁶</p> <p>Transition large-scale, resource-intensive, and polluting factory farms to agroecological models.</p>	8% of state GHGs cut.	<p>100% reduction in agricultural energy emissions.</p> <p>Include an ambitious pesticide reduction target to 1) reduce the use of synthetic pesticides by 50% by 2030 and 2) reduce the use of hazardous pesticides by 75% by 2030, starting with organophosphates, fumigants, paraquat and neonicotinoids.</p>

⁶ Pesticide Action Network and Californians for Pesticide Reform comment letter to CARB for 2022 Scoping Plan Update Natural and Working Lands Scenarios Technical Workshop. https://www.arb.ca.gov/lispub/comm2/bccomdisp.php?listname=nwl-2021-scen-ws&comment_num=70&virt_num=69.

Buildings (residential & commercial)	SB 350, AB 197, SB 32	<p>Transformative and comprehensive energy efficiency upgrades, prioritizing low-income communities and disadvantaged communities.</p> <p>100% sales of electric appliances by 2030.</p> <p>All gas end uses should be retired by 2045.</p>	11% of state GHGs cut.	<p>Ensure the \$922 million proposed in the Governor’s January budget is adopted to go toward a new CEC Equitable Building Decarbonization program for incentives and a direct install program targeted toward low-income residents to provide heat pumps for cooling, energy efficiency, and building insulation and sealing. This program must enable holistic building upgrades, offer inclusive household eligibility by prioritizing those most vulnerable, engage in community partnerships and effective state and local coordination, and include strong tenant protections and anti-displacement measures in order to be just and equitable. Furthermore, this program should be connected to other clean energy and efficiency programs where possible, such as the Low-Income Weatherization Program (LIWP), in addition to existing and emerging bill protections plans to ensure that low-income residents do not see even higher utility bills due to any home upgrades.</p> <p>Additionally, ensure that the Building Energy, Equity and Power (BEEP) Coalition’s Energy Justice Framework statement⁷ & Listening Sessions report’s recommendations are incorporated into EJAC’s recommendations to address the multiple social, economic, housing, and health impacts of plans to decarbonize the building stock by centering on the needs of renters, low- and middle income households, and workers. The Listening Sessions report will be released in March 2022.</p>
All Sectors	N/A	N/A	TOTAL state GHG cut directly (not including Industrial) = 83.3%	N/A

We hope the information in this letter is valuable to the EJAC as it provides its recommendations to CARB. We look forward to working with the EJAC to refine and build out these sector-specific strategies so that the Scoping Plan includes the most equitable emissions reduction policy recommendations to date. Thank you for your attention and consideration of this framework and our suggestions for the draft Scoping Plan.

⁷ Building Energy, Equity and Power (BEEP) Coalition, *Energy Justice Framework statement*, https://docs.google.com/document/d/1iSN-_TSSjKd9-9yXi7xNkvYgEC0-XDs4heDXTEms30/edit.

Sincerely,

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Ari Eisenstadt
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Appendix A: Blank Template Table Summary of Direct Emission Reduction Strategies

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Transportation				
Refineries				
Oil/gas Extraction				
Industrial				
Agriculture (incl. pesticides)				
Buildings (residential & commercial)				
All Sectors	N/A	N/A	TOTAL state GHG cut directly = % or MMT	N/A