

AB 32 Environmental Justice Advisory Committee (EJAC) Meeting

Date: March 15th

Time: 10:30am – 4PM

Attendees (in person): Dr. Catherine Garoupa, Angel Garcia, Thomas Helme, Kevin Jefferson, Chanell Fletcher, Trish Johnson, Sierra Maciorowski

Attendees (virtual): Sharifa Taylor, Martha Dina Argüello, Luis Olmedo, Matt Holmes, John Harriel, Jr., Kevin Hamilton, Juan Flores, Mayor Rey Leon, Jill Sherman-Warne, Ambreen Afshan, Destiny Rodriguez on behalf of Board member Kracov, Faviola and Leticia (interpreters)

Disclaimer: Notes are intended to be high-level and may not capture every detail. Live notes will be taken during the meeting where possible, and will be revised afterwards to ensure clarity.

Action Items:

CARB:

- **CARB** will incorporate minor language edits from Kevin Hamilton into the Charter
- **CARB** will share revised Scoping Plan Implementation activities with EJAC with lead division

EJAC

- **EJAC Co-Chairs** will consider whether the EJAC should request for CARB to send information on Scoping Plan implementation activities for the first quarter of 2024

Action Items from Previous Meetings:

EJAC:

- ~~EJAC members~~ to submit written comments on the draft charter by email to Trish Johnson and CC the Co-Chairs by March 7th
- ~~Next EJAC Meeting:~~ Hybrid meeting held at Bay Area Metro at 375 Beale Street in San Francisco. The finalized agenda and Bagley-Keene notice will be posted by Friday March 3rd.

CARB:

Administrative

- ~~CARB~~ will send out the notes from this EJAC meeting and will send out a reminder to EJAC members with the Co-Chairs' deadline of March 7th and instructions for submission of written comments
- ~~CARB~~ will schedule the next meeting with Ad Hoc sub quorum to discuss written comments and revise the draft of the charter.
- ~~CARB~~ will schedule a meeting between March 15 and March 23 with the Ad Hoc sub quorum to prepare for the March 23 Board meeting

Charter

- ~~CARB will assess whether the EJAC must have specific seats dedicated to certain interests (i.e. labor)~~
 - **CARB:** Confirmed that at this point, we do not need to have specific seats dedicated to certain interests and the Charter acknowledges the ongoing intent for regional representation for EJAC. This may change dependent on Board or EJAC discretion.
- ~~Board Member Gideon Kracov may follow up with the Chair regarding the EJAC charter~~

Follow up from Feb 27 EJAC meeting

- ~~CARB will follow up regarding the Scoping Plan Resolution, and share the specific language as it relates to social cost of carbon and climate vulnerability metric in hopes this addresses the question regarding added public health analysis language~~
 - (Sent in email from Trish Johnson on March 2nd. Subject: Follow-up to 2/27 EJAC meeting)
- ~~CARB will share a written update regarding the Scoping Plan presentation~~
 - (Sent in email from Trish Johnson on March 14th Subject: Tomorrow's 3/15 EJAC Meeting, 10:30am-4pm)
- ~~CARB Legal will develop FAQs for transparency requirements~~

Prep for March 15 EJAC meeting

- ~~CARB, to the extent possible, will share Scoping Plan implementation activities with proposed timelines, staff contacts, and listservs for the next EJAC meeting~~

Notes:

2023 CARB Rulemaking Activities

- CARB: One of the requests that CARB received from the Co-Chairs was for information about rulemaking and implementation activities related to the 2022 Scoping Plan. This document is meant to provide high level information regarding proposed timing of the implementation activities, and share more on the scope of climate work. A lot of our Board items do shift. While they are listed here in certain quarters; these time periods may change. CARB will make every effort to inform Co-Chairs and the EJAC of changes as they occur. When an item goes to the Board, it is already in the rulemaking process. This process can take years to develop a rule and bring it to the Board. The ability to provide input and make significant changes to these items may be limited given where they are at in the rulemaking process. If EJAC members are interested, CARB could offer a training to learn more about the rulemaking process. Where possible, we have included links to websites in the document for further clarity.
 - Quarter 1: On-Road Aftermarket Parts Procedure Specific to Electric Vehicle Conversions
 - Quarter 2: Advanced Clean Fleets, On-Road Motorcycle Emissions Standards and Test Procedures, Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities
 - Quarter 3: Small Containers of Automotive Refrigerants Regulation, Low Carbon Fuel Standards Regulation, Zero Emission Off-Road Forklift Regulation

- Quarter 4: Fiscal Year 2023-24 Funding Plan for Clean Transportation Incentives
- CARB: The next section covers implementation activities that are currently in the public engagement process. There is more room here for input because we are still within the public engagement process of the rulemaking.
 - Quarter 1: AB 1757 – Natural and Working Lands Advisory Committee, Cement Decarbonization, Interagency Oil and Gas Methane Task Force (interagency)
 - Quarter 2: Indoor air guidelines related to building decarbonization, cap and trade regulation informal workshops ongoing, zero-emission space and water heater measure
 - Quarter 3: SB 1075 for hydrogen, SB 905 for Carbon Capture, Utilization, and Storage (other boards, departments, and offices are involved)
- EJAC Co-Chair: Appreciate the two tables separating out items that are going to the Board and items undergoing public engagement. This information can inform what EJAC does as a committee this year and how the charter is approached. Do all rules always take 1-2 years for rulemaking, or does it vary for different rules? Which division and/or staff people does each of these rules involve?
- CARB: Timeframes do depend; if a rule comes from the Governor’s Office, that may have a different timeframe than something that is in statute. We can update the document to include the divisions that are the lead at CARB. For staffing, we want to make sure that we give the right staff contact information for working groups, versus members of the public, and make sure that listservs are accessible when they are available. The listservs are the best way for members of the public to stay engaged.
- EJAC Co-Chair: EJAC members should think about which rules we should be involved with, and how to balance the regulatory work with what we need as a committee to accomplish that work.
- EJAC Member: The AB 1757 interagency working group on Natural and Working Lands (NWL) was one of the recommendations from our EJAC working group on Natural and Working Lands. I am concerned that it seems focused on abstract environmental issues rather than human contexts, and that it is working on a short timeframe. It is unrepresentative of the state of California now; it will need to consult with this EJAC to be effective and inclusive.
- EJAC Member: When we talk about quarters, are we talking about calendar year quarters or fiscal year?
- CARB: Calendar year.
- EJAC Member: I want to recommend that we extend the calendar so we can get information on the first quarter of next calendar year. We need to have agenzized approaches we use to provide input. We have a lot of work ahead to determine how to interact with these items in a timely fashion.

EJAC Governance

- EJAC Co-Chair: Curious whether members have specific areas they would like to focus on. For context on this conversation, at the December CARB Board meeting, we presented and committed to bringing a Charter before the Board in March. We convened an Ad Hoc sub quorum with thorough additional conversations. This is a watershed moment to establish a permanent committee and to show that the process is working. Catherine Garoupa made edits to the background and goals sections which were mostly accepted. CARB agreeing to keep us at

13 members and change rules for alternates are important changes, and we have a commitment from the Chair to revisit this Charter in 18 months.

- EJAC Co-Chair: A lot of work has gone into this document, but at the end of the day, we were able to create a document that has a definitional lens, a legal lens, and covers permanence. We've come to some agreements, and this is the beginning of something good.
- EJAC Co-Chair: The only difference I see between the documents (clean copy versus redlined) is that one says 8 meetings and one says 11 meetings. The work that the EJAC will have between those meetings is the rulemaking process.
- CARB: It has been a pleasure working with the Ad Hoc sub quorum on this document. It has taken a lot of work, and it has been a model of how we can accomplish this ongoing EJAC together. On our end, we want to be transparent and accountable. The number of minimum meetings in this charter is 8 and 1 joint CARB / EJAC board meeting. The Chair agreed to change the number of members on the ongoing EJAC to 13 members.
- Board Member: We should think about how we present this to the Board to set a good foundation. This has been good work.

Reappointment and Selection

- EJAC Member: Last meeting, I asked about the reappointment process. I see that this draft has updated language around reappointments. That statement is great, but doesn't answer the question from last meeting. Is my previous question being considered—why would a sitting EJAC member would not be reappointed?
- CARB: This clarifying language is meant to say that there is no automatic reappointment of members; when a term ends, they must submit an application to be reappointed. The criteria for that reappointment are included in the language around qualifications of members. Outside of the criteria listed there, CARB may not be able to address why someone is reappointed or not because the situation is hypothetical.
- EJAC Member: If someone who is seeking reappointment is not reappointed; would they get an explanation of why they are not getting reappointed? It is a fairly prestigious committee, so someone may be upset if they are not reappointed. I am not sure if that has happened in the history of EJAC before. How do we explain that to someone if it happens?
- CARB: We don't know of someone not being reappointed in the EJAC's history so far.
- EJAC Member: Okay, hope that this can be considered.
- EJAC Co-Chair: If you do not meet the criteria for removal, then it seems like you should meet the criteria for reappointment. Everyone that has attempted to be reappointed has been reappointed over the years.
- EJAC Member: Hypothetically, if there is a good batch of new people seeking appointment, it seems like there is a possibility that people who are already on the EJAC might be switched out for new members.
- EJAC Co-Chair: It seems like we have some basic language in the Charter; reappointing members is the purview of CARB. Do you think we should consider this issue further, or did you want language changed in the Charter?
- EJAC Member: Adding language might not be necessary for this version of the Charter. There might be people who are new and interested in joining.

- EJAC Member: Seems like the reappointment process will be the same as the normal appointment procedure. Removal seems to be based on EJAC recommendations, missing meetings, or Board decisions based on reasonable cause, which is vague, but usually means not doing your job. That does not include based on a policy decision that someone doesn't like.
- EJAC Member: Should there be anything mentioned about an interview process?
- EJAC Co-Chair: At one point we did solicit applications and interview people. I think that was a good process; the Co-Chairs worked based on good instructions from the EJAC during meetings.
- EJAC Member: I think it was a good process, and helped the members decide. I don't know if we need to add language to the Charter.
- EJAC Co-Chair: We would be creating an Ad Hoc sub quorum selection group that sets the guidelines. That committee will do that work. You could be a part of that committee. It doesn't have to be in the Charter because that work would be done within the selection committee.
- CARB: We can think through that partnership, and I like that idea for collaboration. Ultimately, CARB staff make recommendations to the Board for appointments. We can partner with the EJAC, perhaps as the Co-Chair stated by creating an Ad Hoc selection sub quorum.
- EJAC Member: There's nothing in writing that says that CARB must meet with EJAC and an Ad Hoc sub quorum to discuss. Maybe language needs to be added to the Charter for that.
- CARB: If it were going in writing in the Charter, that might delay adoption as we would need Legal review. If we add this language, we may not have a Charter ready for the March Board meeting.
- EJAC Co-Chair: Keeping the legal review timeframe in mind, and that this is our first charter—I don't want us to start policing ourselves or make excess commitments. I would encourage members to consider whether the edits they recommend are changes that must be in this version of the charter, or if they could be included in future iterations.
- EJAC Co-Chair: In the Ad Hoc, we did talk about an Ad Hoc selection sub quorum meeting. Maybe an Ad Hoc sub quorum could be included in the list of who will be consulted.
- EJAC Member: Personally would not suggest that CARB Board would have final approval of any EJAC Member. Would like to think that the EJAC will be consulted in these decisions, and that this will not be a roadblock for moving forward. The law says the Boards have the ultimate authority to make these decisions.
- EJAC Member: We've made concerns known about not representing the breadth of California in this committee. I know that this will be an iterative process, and it's important that we acknowledge the goodwill from the Board and that there is a partnership right now between this advisory committee and the current Chair.
- EJAC Member: Completely fine with voting to approve this, and we can use our voices on the committee in the future regarding the selection issue. Don't have any reason to believe that there will be an issue with CARB on this.

Alternates and Absences

- EJAC Co-Chair: Appreciate that the development of this Charter was a consultative process, and want to express gratitude to the Chair, OEJTC, and Board Member Kracov. Want to ask whether members need to have an alternate, or if it is at the discretion of members?

- CARB: All members of the EJAC and alternates are approved by the CARB Board or through delegation by the Executive Office. Nominations must come from environmental justice or community organizations.
- CARB: Last year, there was confusion around proxies. This time, we want it to be clear on when alternates can and cannot join meetings as participants, and on per diem. If people don't have an alternate now, people can add an alternate in the future.
- EJAC Co-Chair: Propose focusing on goals and membership. From CARB staff, my understanding is we may not have the ability to make substantive edits if we want the Charter to be presented to the Board meeting.
- CARB: The Ad Hoc sub quorum worked with CARB to developed a draft Charter, brought it to the February EJAC meeting for feedback, then the Ad Hoc sub quorum worked with CARB to incorporate feedback, and are now bringing it back to the EJAC meeting. If further substantive changes are made within the Charter, we would need to allow additional time for legal review, then schedule another EJAC meeting. If that needs to happen, we would likely need to use the March Board meeting to provide an update on the work being done, rather than the presentation of a final Charter.
- EJAC Member: Thought the number of excused absences is too high given the number of annual meetings. Allowance for missing five meetings seems too high; three seems like a better number, given that there are 8 meetings.
- EJAC Member: I agree.
- EJAC Member: I appreciate everything that the Co-Chairs have done. Happy to hear this back and forth. Are we voting on this before or after lunch?
- CARB: The plan is to have EJAC members discuss, have public comment, take a lunch break, then come back at 2PM to resume discussion on EJAC governance and call for a vote.
- EJAC Member: I feel good about having an 18-month check-in to reassess the Charter. I hope we don't feel like we need to make everything perfect now; we can see how things are working and see if we want to recommend changes at 18 months.

Detailed Language Edits

- EJAC Member: In paragraph 4 of background, it says three iterations of the Committee have been convened; it should say four iterations. Last sentence in 7(a)(ii) – would suggest changing to “include and benefit”, since that is the language in statute with indirect benefits. Benefit is what has been missing. In 7(a)(iii), “convene and facilitate discussions” should replace “convene conversations”. We're supposed to provide advice to the Board, not just have conversations.
- EJAC Co-Chair: Agreed.
- EJAC Member: I want to thank the Co-Chairs and everyone who has led us for bringing us this far. I'm glad to hear the commenter be supportive of our permanency. I want to thank the Chair for supporting us this far, and I know that we want to put everything in the document now. But in fairness to all of us, we have hit a sweet spot. We can test drive it, and see how it goes. A few months from now, we can see how it is going. I want to thank Chanell, Board Member Kracov, Trish, Steve Cliff, and everyone else who has been involved in developing this. Without everyone doing their part, this wouldn't be possible. Let's get this done quickly, before anyone changes their minds.

- EJAC Member: My proposed language edits should be minor, but if this will hold up getting the Charter approved today, I am open to holding them and saving them for further discussion once we are established.
- CARB: Those simple language edits can be made without issue today.

Public Comment

- Mike Bullock, Oceanside, CA – Genocide is happening of the entire human race. The Secretary-General of the UN has called it a Code Red climate emergency. I don't see the urgency. I was glad to see that the EJAC charter allows for advice on the Global Warming Solutions Act. That is what you should be doing. Think of what could happen if EJAC members all came up and told CARB how they need to do better. I grew up in a trailer park, and it smelled bad there – I worked as a systems engineer and eventually learned what global warming is. Stabilizing the climate means avoiding destabilization. Each issue should have its own headline, rather than being smaller components. I don't understand why you are concurrently working on statements to CARB to improve their work regarding the Solutions Act. Your job is to read that latest Scoping Plan. The gasoline tax is extremely regressive and harmful in terms of environmental justice.
- Evan Edgar (Edgar & Associates): I plan to stand at the Board meeting and support EJAC permanency. EJAC had a lot of good recommendations that I agree with (on NWL, more organic compost, lifecycle analysis of pesticides). AB 1012 will ensure that CARB must ensure the carbon intensity of ZEV batteries. The question is how we implement things. As EJAC becomes permanent, I want to work together on how we can implement these laws. We don't have any policy or legislation on the sourcing of materials of lithium and cobalt from around the world. We're looking for your support as we move forward on supply chain due diligence.

Lunch from 12:45-2PM

EJAC Governance

- EJAC Co-Chair: In December, when the Scoping Plan was adopted, we committed to a March adoption of a Charter. It is largely built from the guiding principles that we were already operating under as an EJAC. It has been developed in a robust process that involved updates to background and goals, removal of term limits to ensure institutional knowledge is maintained, and keeping 13 members going forward to ensure continued representation of the state. The Chair and Board have committed to revisiting the Charter in 18 months, so thank you to the Chair, Board Member Kracov, and others who have contributed to this process. The goal for the Charter was to set baselines and minimums for things like the frequency of meetings; as necessary, we can always have more. I am in support of minor language edits and look to CARB staff to see if we can adopt those changes without altering the timeline. The current process does not allow for an additional meeting to make substantial changes to the document.
- CARB: The CARB team has worked closely with the Ad Hoc sub quorum and Board Member Kracov on this Charter. We hear the need to consult with the EJAC regarding EJAC member selection and want to make sure we are consulting with the EJAC about selection of members. We propose that we will work closely with the Co-Chairs on this topic and plan to discuss the topic at the 18-month check-in.

- EJAC Co-Chair: In this process, we've had bi-weekly Co-Chair-CARB meetings and Ad Hoc sub quorum meetings, and we've developed a good working relationship. I believe that in this working relationship, we'll be able to work through these issues when they come up. The Co-Chairs will back it up and force the issue as we work together and find solutions.

Motion called to adopt EJAC charter, and seconded.

Vote:

Ayes: Angel Garcia, Dr. Catherine Garoupa, Jill Sherman-Warne, John Harriel, Jr., Kevin Hamilton, Juan Flores, Kevin Jefferson, Martha Dina Arguello, Matt Holmes, Mayor Rey Leon, Sharifa Taylor, Thomas Helme, Luis Olmedo

The motion passes unanimously.

EJAC Participation at the March Board Meeting

- EJAC Co-Chair: The Ad Hoc sub quorum will meet between now and March 23rd and determine more of the logistics. The discussion on this item today is a high-level discussion. One of the agenda items at the Board meeting will be presenting this charter to the Board, and a Board vote on appointment of members. Would be helpful to hear any important issues that the EJAC would like to be included in the presentation to the Board.
 - Catherine Garoupa will plan to be at the Board meeting in person. Martha Dina Arguello will be able to speak by Zoom in the morning.
- CARB: The Board meeting will be a hybrid meeting held on Zoom and in person at the CalEPA headquarters in Sacramento. The Board meeting will start at 9am. There are a few short items before the adoption of the Charter and appointment of members, so everyone is advised to arrive early in the day.
- EJAC Member: Eager to hear someone address the Natural and Working Lands issue which was moved to the Natural Resources Agency, since that is a crucial component of the Scoping Plan that was not adequately addressed in Scoping Plan modeling. We have a responsibility to keep pushing on this issue, and ensure that the AB 1757 working group actions are advised by this group.
 - EJAC Co-Chair: Agreed.
 - EJAC Member: Agreed; would like to continue the discussion around Natural and Working Lands, since it is impactful around agricultural land and sustainability in Stanislaus County. The implementation of how our recommendations will work out is important.
- EJAC Member: Do we have a sense of what items will be covered by EJAC Co-Chairs in the presentation?
- EJAC Co-Chair: We will be presenting about the adoption of the Charter, which we're asking the Board to vote on. You can give us feedback about what should be included in the presentation before the next Ad Hoc meeting as well.
- EJAC Co-Chair: There are a lot of things that are included in the Scoping Plan, and we could start to think ahead so we have a sense of what the priorities will be.
- EJAC Member: The Department of Pesticide Regulation is looking into developing an Environmental Justice Advisory Committee; we have the opportunity to be an example.

- EJAC Member: The CalEPA has other advisory bodies like this, and we should be thinking about all-inclusive best practices. The NWL advisory committee is thinking of updating communities about decisions every seven years, and we learned that that doesn't work here. Not everyone has people who have been around for so many years – we need to take advantage of what we have here.

Next EJAC Meeting

- EJAC Co-Chair: Perhaps we should include something about activities that are not rulemaking in the next EJAC meeting. That meeting has not been scheduled, but it'll be at least a month or longer before the next meeting since the last two have come in quick succession.
 - CARB: Note, the Scoping Plan implementation activities document includes all climate activities coming up in 2023, this includes rulemakings and non-rulemaking activities such as AB 1757 Natural and Working Lands workgroup, Interagency methane task force, etc.
- EJAC Co-Chair: It sounds like we'll want to do a report-back from the March 23rd Board Meeting. Would like to have further discussion on the rulemaking calendar and determine what our priorities are. And third, to collect what is beyond the regulatory process.
 - CARB: Note, see above regarding "what is beyond the regulatory process."
- EJAC Co-Chair: Maybe the Ad Hoc sub quorum can also take on combing through the recommendations for the 2022 Scoping Plan Update for topics that we want to keep working on. One of the things that we're conscious of now that we are permanent is finding ways to engage with staff that allow us to be seen as a technical resource, rather than a space for community engagement. I hope that we have support, and it has felt like we have support, from Board members and key staff to make that possible. We want to build that into our meetings and into Ad Hoc meetings.
- EJAC Member: Agreed. At our next meeting, since we're still in the first/second quarter of the year, and this is our first year of the ongoing EJAC, now is a good time to consider how we want to work in the off-season of the Scoping Plan document.
- EJAC Co-Chair: Seems like now we're at the point where we need to decide sub-committees, dividing up work between the 13 members, and how we go about this. It will go beyond the Ad Hoc sub quorum.
- EJAC Co-Chair: Is that an agenda item for next time, or for now?
- EJAC Co-Chair: For next time, and we can talk before then.
- EJAC Co-Chair: The cap-and-trade working group has been engaged in regularly conversation and has made a lot of progress in that work group. Because EJAC is permanent now and because this is a fast-moving conversation, I'm very interested in the conversation of how we move forward. This work group has been very important, but is also a huge workload that is not sustainable. Want us to be balanced about how much we can commit to. We started the Scoping Plan process with 21 members and 7 work groups, and we now have 13 members and single day meetings instead of two-day meetings. This work has required significant and unsustainable time commitments. To be a fully bodied committee, we will need to have conversations about how to approach this workload and how to balance commitment and capacity.

- EJAC Member: I look forward to working with everyone and considering how we can engage with Tribes and tribal land concerns about NWL.
- EJAC Co-Chair: We have been efficient, so I'm okay with ending early.
- EJAC Co-Chair: This is a testament to our ability to work together as human beings.
- EJAC Co-Chair: The EJAC has never had adequate resources to step into what it means to actually be an advisor. The better resourced, the better the problem-solving. This is an important investment that CARB is making in terms of shifting how it does things. If we support the work in this way, it could shift a lot of practices within CARB.
- EJAC Co-Chair: I had a long conversation with someone at EPA, and she emphasized that there is now a large budget for environmental justice issues. It is time to sit back and do the math and figure this out, and then have that conversation. We hear a lot; how do we go from conversation to reality? Let's get that conversation to reality.

Public Comment

- Jason Meggs: I worked on environmental justice issues at CARB for most of a decade. Would like to meet with one of the Co-Chairs to share some important information and be of service.
- Board Member Susan Shaheen: I am a new Board Member at CARB, and happy to sit in on this meeting. I want to offer my interest and support to this group. Very interested in seeing what your goals and objectives are, and where you might be focusing in subcommittees. I love the sentiment of seeing how the EJAC can be of help to the staff at CARB, and I look forward to engaging with all of you. Please see me as a researcher and scholar in this area, and not just as a Board Member.
- Ignacio Fernandez, Senior Advisor on Climate Policy for Southern California Edison. Want to reiterate our support for the EJAC, and note that we have not missed a meeting. We are encouraged by the expeditious process and how rapidly this draft charter has developed. We wish you the best and are ready to support technically in any areas that relate to our capacities. We have a local public affairs team, and you can all reach out to us.