

MEETING
STATE OF CALIFORNIA
AIR RESOURCES BOARD
ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE

ZOOM PLATFORM

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
COASTAL HEARING ROOM
1001 I STREET
SACRAMENTO, CALIFORNIA

THURSDAY, FEBRUARY 8, 2024

11:06 A.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER

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APPEARANCES

COMMITTEE MEMBERS:

Martha Dina Argüello (Remote)

Juan Flores (Remote)

Catherine Garoupa, PhD

Kevin Hamilton

Thomas Helme

Matt Holmes (Remote)

Luis Olmedo

Jill Sherman-Warne (Remote)

Sharifa Taylor (Remote)

BOARD MEMBERS:

Liane Randolph, Chair Gideon

Kracov (Remote) Cliff

Rechtschaffen (Remote)

STAFF:

Steven Cliff, PhD, Executive Officer

Edie Chang, Deputy Executive Officer, Planning, Freight, and
Toxics

Chanell Fletcher, Deputy Executive Officer, Environmental
Justice

Annette Hébert, Deputy Executive Officer, Southern California Headquarters & Mobile Source Compliance

Edna Murphy, Deputy Executive Officer, Internal Operations
APPEARANCES CONTINUED

STAFF:

Rajinder Sahota, Deputy Executive Officer, Climate Change and Research

Ellen Peter, Chief Counsel

Matt Botill, Chief, Industrial Strategies Division

Ashley Georgiou, Manager, Office of Environmental Justice, Tribal Affairs, and Border Relations (OEJTB)

Bobbi Ruch, Staff Services Analyst, OEJTB

ALSO PRESENT:

Patricia Ramos Anderson, League of United Latin American Citizens

Maria Arevalo

Michael Boccadora, Dairy Cares

Jack Fleck, 350 Bay Area

Amelia Keyes, Communities for a Better Environment

Tyler Lobdell, Food and Water Watch

Rita Loof, RadTech International

Tim Maddox, Service Employees International Union United Service Workers West

Jeremy Martin, Union of Concerned Scientists

Leslie Martinez, Leadership Counsel for Justice and Accountability

Gracyna Mohabir, California Environmental Voters

Armando Munoz, Service Employees International Union
United Service Workers West

APPEARANCES CONTINUED

ALSO PRESENT:

Brent Newell, Leadership Counsel for Justice and Accountability

Esther Portillo, Natural Resources Defense Council

Dan Ress, Center on Race, Poverty and the Environment

Faraz Rizvi, Asian Pacific Environmental Network

David Rodriguez

Stephen Rosenblum, Climate Action California

Sasan Saadat, Earthjustice

Phoebe Seaton, Leadership Counsel for Justice and Accountability

Michael Wara, PhD

Jan Warren

Brett Zeuner

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PROCEEDINGS

OEJTB MANAGER GEORGIU: Good morning, everyone.

Thank you for your patience. We are now at quorum, so I'd

4

like to begin the meeting today.

5

Welcome to the Assembly Bill 32 Environmental

6

Justice Advisory Committee meeting. My name is Ashley

7

Georgiou with the Air Resources Board, Manager of the

8

Office of Environmental Justice, Tribal Affairs, and 9

Border Relations. I have the pleasure of working

closely

10

with the staff and management team in supporting the EJAC.

11

We are really happy to have you here today and are looking 12

forward to the discussion.

13

This meeting is being held in Sacramento at the

14

CalEPA Headquarters Building and is open to the
public.

15

We also have participation today in Zoom. I would like
to

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16 begin with the EJAC member roll call. Please note that
we 17 have EJAC members that are joining us via Zoom
remotely.

18 And also, those count towards our quorum requirement per 19
Bagley-Keene requirements.

20 EJAC members if you could do me a favor. When
21 you state your name please say "here" or "present",
and 22 also state clearly whether you are here in the
room or

23 remotely participating. This information has also been posted
online for the public.

So we'll start with roll call.

Martha Dina Argüello.

EJAC MEMBER ARGÜELLO: Present and I am on Zoom.

OEJTB MANAGER GEORGIUO: Thank you.

4

Juan Flores?

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EJAC MEMBER FLORES: Present and I am on Zoom --

6

in the Zoom meeting.

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OEJTB MANAGER GEORGIUO: Thank you. 8 Angel Garcia

has resigned as of the first of

9

February.

10

Catherine Garoupa.

11

EJAC MEMBER GAROUPA: Here in the room.

12

OEJTB MANAGER GEORGIUO: Yep.

13

Kevin Hamilton?

14

John Harriel, Jr.?

15

Thomas Helme?

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EJAC MEMBER HELME: I am here in the room.

17

OEJTB MANAGER GEORGIUO: Thank you.

18

Matt Holmes.

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EJAC MEMBER HOLMES: Present, remote.

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OEJTB MANAGER GEORGIUO: Thank you.

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John Kevin Jefferson, III?

22

Mayor Rey León?

23

Luis Olmedo?

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Jill Sherman-Warne?

I saw her in Zoom, but we'll wait again.

Sharifa Taylor?

EJAC MEMBER TAYLOR: I'm here virtually in the meeting.

4

OEJTB MANAGER GEORGIU: Wonderful. Thank you,

5

Sharifa. Really appreciate that. And say this again,

6

Jill Sherman-Warne just in case?

7

And I will promote you to panelist, Jill, because

8

it looks like you are not currently.

9

Jill Sherman-Warne.

10

EJAC MEMBER SHERMAN-WARNE: Sorry. Yeah, I

11

wasn't -- I was -- that's why I was raising my hand up and

12

down. I am --

13

OEJTB MANAGER GEORGIU: Oh, no problem.

14

EJAC MEMBER SHERMAN-WARNE: -- Jill 15 Sherman-Warne.

I am present and I am remote.

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Thank you.

17

OEJTB MANAGER GEORGIUO: Thank you, Jill.

18

So we are at quorum. I would now like to switch

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to our housekeeping and meeting logistics, the fun
part of

20

every meeting. Before we jump into content, I will
cover

21

Zoom information, Spanish interpretation, and a few

22

critical details related to the Sacramento facilities.

23

For those who are participating in person,

restrooms are outside the door to the left and down the hall by
the drinking fountains. In case of an emergency, please exit out
the doors and proceed down the stairs. For members of the public
participating remotely, you will be able to raise your hand in
Zoom and speak during the 4 public comment period. We will be
providing advanced

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notice of when you should be raising your hand to be in

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queue to provide comments. When it is your turn, the host

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7 will ask you to unmute and after you push the unmute 8 button,
you may begin to speak at that time.

9

We will be switching off between commenters in

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the room and in Zoom and anticipate there will be a

lot of 11 participation in today's meeting. We intend

to give each

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commenter three minutes to speak, but we will let you know

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if that changes, based on the volume of comments. In the

14

event that star six does not work to unmute, we will be

15

able to assist you. We really appreciate you staying on

16

mute until it is your turn to speak to be respectful to 17

everyone's turn.

18

One really important part of today's meeting is

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to make sure that you state your name and affiliation,
if

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applicable, so that we know who is speaking both in
person

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and in Zoom. This will be particularly important for
our

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22

court reporter who is participating today and following 23 along in the conversation.

Q&A and chat functions in Zoom are turned off for participants. And now, I would really like to take the opportunity to introduce you to our two Spanish

Interpreters, Marc and Leticia. They are here online with us today. Can you please introduce yourself and provide

4

the translated information on this slide.

5

Thank you.

6

THE INTERPRETER: Good morning, Ashley. Good

7

morning everybody. We appreciate you have us here

today. 8 My name is Marc Gutierrez, one of your Spanish

9

interpreters, along with my partner Leticia Rena. We will

10

relay the same instructions here for our Spanish speaking

11

audience.

12

(Interpreter translated in Spanish). 13 THE INTERPRETER: Thank you, Ashley. Back to 14 you.

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OEJTB MANAGER GEORGIUO: For those who are

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participating in person, to prevent echoes, we request

17

that you click on the symbol next to the unmute button
as

18

seen in number one on this slide, next, select leave

19

computer audio as seen in number two, and also make
sure

20

to stay unmuted for the full duration of the meeting

to 21 avoid any background noise as seen in number

three on this 22 slide.

23

Marc, could you please provide those instructions
in Spanish.

(Interpreter translated in Spanish)

THE INTERPRETER: Back to you, Ashley.

OEJTB MANAGER GEORGIUO: Next, we will provide

instructions for you for the Zoom globe, as seen in number

4

one. Please choose your preferred language as English
or

5

Spanish, as seen in number two. Marc, please provide

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these instructions in Spanish.

7

(Interpreter translated in Spanish).

8

THE INTERPRETER: Back to you, Ashley.

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OEJTB MANAGER GEORGIUO: For those who are in the

10

room and need in-person translation services, please
don't

11

hesitate to raise your hand and a staff person will
assist

12

you and log in to Zoom. We also want to make sure that

13

you have the appropriate headset and that it's working

14

properly before begin speaking. Marc, please provide

15

these instructions in Spanish.

16

(Interpreter translated in Spanish).

17

THE INTERPRETER: Back to you, Ashley.

18

OEJTB MANAGER GEORGIUO: If, for any reason, you

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experience any technical Zoom issues during today's

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meeting, please contact Bobbi Ruch who is on the slide

21

here in person in Sacramento as well, and make sure
that

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22 you email her based on the email provided on this
slide.

23 We will do our absolute best to assist you.

 Today's meeting is being recorded just as a
reminder. We will post the EJAC meeting and events page
with the recording in the weeks to come. This is the same
website where you can find all of today's materials for the
meeting. Marc, can you please provide these 4 instruction in
Spanish.

5 (Interpreter translated in Spanish). 6 THE INTERPRETER: Thank
you, Ashley. Back to 7 you.

8 OEJTB MANAGER GEORGIUO: Thank you, Marc.

9 I will now turn it over to the co-chairs. And I
10 believe it's going to be Dr. Catherine providing us
with 11 the meeting agenda to.

12 EJAC MEMBER GAROUPA: Thank you, Ashley. Good

13 morning and welcome, everyone. We will start today
with

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introductions and opening remarks. Grateful to
welcome

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Chair Randolph and Dr. Steve Cliff to speak to us this

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morning and then co-chairs will also offer opening

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remarks.

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We will hear a report out about the third-party

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investigation from the June 2nd, 2023 EJAC meeting and
the

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incident that happened. We will then take a lunch
break

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from approximately 12 to 1:30. We will come back and

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discuss the Low Carbon Fuel Standard rulemaking, have

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public comment, take a break, and then next steps, and
closing remarks. And with that, I will pass to co-
chair Martha Dina Argüello for the EJAC meeting
agreements.

EJAC MEMBER ARGÜELLO: Good morning, fellow EJAC
members and Chair Liane and good to see you Dr. Cliff.

So I want to remind our fellow EJAC members both

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4 in the room and online what our meeting agreements are.
5 Pay attention to equity of air time. Be present. We can
6 be open and flexible in our approaches, be realistic about 7 our
ability to get through the full agenda. Always we
8 seek synergies in our work. We try to do yes and building
9 upon each other's work. We ask that we listen and be
10 compassionate and supportive. We reach for and inspire
11 inspiration and intuition. Look for ways to move
12 forward -- I'm sorry. Look for ways to move toward action 13
when possible, as well as looking forward. Respect the 14
agenda and trust the process. Share responsibility for --
15 and share responsibility for success.

16 Next slide. I think we're going to.

17 OEJTB MANAGER GEORGIUO: Yes. And we will begin 18 the
opening remarks with Chair Randolph.

19 CHAIR RANDOLPH: All right. Thank you. Good
20 morning, everyone. Thank you all for joining today's

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Environmental Justice Advisory Committee meeting.
This is

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the first meeting of 2024, so I wanted to take a
moment to

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kind of kick off the year and share a few thoughts.
Our work with EJAC is an integral part of supporting
our environmental justice and racial equity goals.

So, I wanted, on behalf of my colleagues on the Board,
to express our continued value of your insight and your
expertise as you do this ongoing work as an advisory
board to -- advisory body to the Board. EJAC plays a
critical role in helping to ensure that the Scoping Plan
considers the concerns of the State's most pollution
burdened communities and that implementation of the 8 Scoping
Plan and of AB 32-related work achieves those

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climate and public health and equity goals.

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We have certainly come a long way since the very

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beginning, the very first EJAC in 2009. EJAC

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recommendations have been a catalyst for CARB to engage in

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deeper, more constructive conversations to better define

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how the Scoping Plan and its implementation addresses

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environmental justice. Work doesn't stop after the

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adoption of the Scoping Plan, which we did in December of

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2022. The real work starts afterwards. And so that gives

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us a greater opportunity to engage with EJAC as we do that

19

implementation.

20

And EJAC has the opportunity to dig deep and

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provide us recommendations and thoughts on issues that its

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members have raised to the Board throughout the process.

23

So the Board and I will continue to focus on more equitable outcomes as we look at operationalizing

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racial equity, working with communities, trying to figure out

ways to mutually define success, and measure progress over time.

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Of course, our work with EJAC continues to be conducted through an open, transparent public process in compliance with all of our roles like the Open Meetings Act, so that communities -- community members have an opportunity to be part of these conversations. We want to make sure that the public has an opportunity to

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participate in EJAC meetings and feels welcome and feels a part of those Conversations. As Dr. Cliff shared in January at our -- the first CARB Board meeting of 2024, you know, our key priority is meeting the 2030 climate goals and the 2045 goal to be carbon neutral, but we need to do that in ways that improve public health and reduce disproportionate burdens. And so focusing on these goals is going to be a key part of the work in 2024.

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So I hope we can work collaboratively together,

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the Board and EJAC, and that EJAC can craft or
continue to

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craft actionable recommendations that help us achieve

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results. The EJAC charter provides a framework for

21

operationalizing the work and our collaboration. And I

22

know there's some thinking and conversation going on
about

23

ways that we can update the charter, make it more
effective and reflect the goals and visions of EJAC.

And

I think Dr. Cliff is going to be talking about that later,
but I do think that's an important conversation.

So I just wanted to take some time to demonstrate
my ongoing support for EJAC and the work that you're

4

doing. I also wanted to introduce you to my new Chief of

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Staff, Hazel Miranda. Those of you in the room had a chance
to meet her. Those of you remotely will, I'm sure,

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have a chance to meet her in person in the future as well.

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8 I want to make sure that she's available as a resource to
9 all of you in working with my office. If you need 10 anything
from me or my office, please feel free to reach 11 out to either me
or to Hazel.

12

Unfortunately, I have some other commitments, so

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after agenda item 2, I'm going to have to head out,
but

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I'm looking forward to hearing opening remarks from
others

15

as well, so thank you very much. Happy New Year,
although

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it's already February, and looking forward to working

17 together.

18

EXECUTIVE OFFICER CLIFF: Well, thank you, Chair

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Randolph, and to the co-chairs, and members. I want
to

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also express my deep appreciation for your commitment
to

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serving on this advisory body to the Board. I know
it's

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not always easy. I know it's a lot of work, and perhaps

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both frustrating at times and somewhat overly bureaucratic. We have -- we have certain requirements that we do follow as the Chair mentioned and we are always trying to strive to be better.

4

Luis, I understand coming in today you had a bit of a challenge even getting to the room and I apologize for that. We're always trying to do better. We never want you to feel unwelcome, and especially our VIPs not to feel unwelcome. So, thanks for flagging that. We will -- we will continue to work on this. We, obviously, have 8 more to do.

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And as the Chair shared, your role as a body is really important to our agency. You hear from my Board.

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I get this direction that environmental justice and integrating that into the Scoping Plan is -- and our AB 32

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implementation efforts is critical to ensuring those

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direct benefits to communities. I shared last
September

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at the joint meeting I think also in this room that we
as

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an agency continue to prioritize the integration of

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environmental justice and operate -- operate -- I
can't

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even say this word -- operationalization of -- thank

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you -- of racial equity into all that we do at CARB.

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Our discussions with EJAC here are an important

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part of integrating environmental justice, as well as

22

recognizing where more work can be done to ensure that

23

more equitable outcomes are realized by the most
overburdened communities.

CARB -- the CARB Board adopted the first EJAC
charter last year just about a year ago on March 15, 2023 at a
public meeting. And I'm really proud of the way we were able to
work together to develop that charter. I

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know that that took a lot of hard work a lot of

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discussions, but you came together to identify the goals

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and outline the collaborative framework for us to continue

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working together, and for your work as the Environmental

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Justice Advisory Committee. It also provides

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accountability and transparency to the work.

10

As we think about the charter, I want to draw

11

attention to how it frames your important role to help

12

integrate environmental justice into our AB 32

13

implementation efforts here at CARB. As such, we want to

14

work with you to make sure that discussions within EJAC

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reside within the scope of AB 32 per the statute and the

16

charter. I know there's a lot of interest in efforts to

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address environmental justice and operationalize racial

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18 equity. On our end, we can commit to keeping the EJAC
19 informed of our efforts to address environmental
justice

20 and operation -- operationalize rational equity. And
21 we'll make sure it's clear how the EJAC is -- and as
22 individual members of the public or non-profit
23 organizations can engage in these processes.

But we also want to make sure that for EJAC
discussions that we keep those conversations as focused as possible
on AB 32 and its implementation per that statute and the charter
that the Board adopted last year. I know that the Chair committed to
revisiting that charter in 18

4 months and has also committed to discussing the ongoing
5 operations of EJAC. To demonstrate our commitment to
6 that -- we'd like to have some informal check-ins with a
7 subquorum of EJAC members leading up to the joint EJAC, 8 CARB
Board meeting later this year.

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9 That will be an opportunity for us to discuss any 10
clarifications that are needed to help improve the
11 charter, as well as strengthen the foundation of our work.

12 I also want to just note, I'm always open to individual 13
meetings if that's of interest as well. I really
14 encourage the -- you know, and enjoy the opportunity to
15 have discussions, either where things are potentially 16
frustrating or where we can find common ground.

17 It's really important for me to support this
18 effort, so we can maintain our core values and charge
-- 19 and charge through this AB 32 statute. Given
the

20 respective communities that you represent and those that
21 we want to continue to serve, I want to make sure we're
22 collectively prepared with the goal of focusing on desired
23 outcomes and ensuring CARB is responsive to any specific
concerns or recommendations from the EJAC.

Thank you again. Good morning. Really

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appreciate your time and I look forward to working with you.
I'm now going to turn it over to the Deputy Executive Officer for
Environmental Justice, Chanell 4 Fletcher.

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DEPUTY EXECUTIVE OFFICER FLETCHER: So I just

6

wanted to say thank you, Chair Randolph and Dr. Cliff
for

7

your opening remarks and your commitment to the ongoing

8

EJAC. I've been out on maternity leave for a minute, so

9

if I haven't met you yet, I did want to say that I'm

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Chanell Fletcher, as Steve already mentioned, Deputy
over

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Equity, Communities, and Environmental Justice. I do
want

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to say a very special thank you to Deldi Reyes who is

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sitting right next to me. While I was out on maternity

14

leave, she was the Acting Deputy over Environmental

15

Justice. And I just really want to thank you for your

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16 leadership and for allowing me to spend time with my 17
newborn baby, who's now eight months, so I don't know
if 18 that's still newborn, but he's a newborn to me.

19 I also just want to welcome everybody that's in
20 the room, everyone that is on the screen. I do also
want

21 to send out an acknowledgment for those who are
22 attending -- so I know that we have Board Member
Kracov,

23 Shaheen, Takvorian, and Rechtschaffen, who, I think,
are listening at different points. I know that we
also have in the room deputies Edie Chang, Rajinder
Sahota, and Edna Murphy, and virtually, we have Deputy
Annette Hebert, as well as Chief Counsel Ellen Peter.

And I also want to acknowledge all the other CARB
4 staff that are listening in on this really important
5 conversation. I think as everyone has said, this is a
6 very important advisory body. I think that's why we are
7 all here. We want to hear this conversation. We want to

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8 be a part of what we all kind of collectively do. And so 9 I
really do look forward to the discussion today. I will 10 now turn
it over to Martha Dina for the next steps.

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EJAC MEMBER ARGÜELLO: Good morning. So, you

12

know, I think as stated earlier by the Chair and the

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Executive Officer, and certainly reflects what we at
the

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EJAC feel, that a key part of our job is to make sure
that

15

the voices of communities are not -- are included into
the

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Scoping plan and other -- and its implementation. And
I

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want to remind you that the California Legislature
called

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on CARB to ensure that the implementation of AB 32
would 19 not negatively impact already impacted
communities.

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And so we see that as our North Star as we enter

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21 into conversations, whether it's the Low Carbon Fuel
22 Standard or anything -- other than regulatory
 processes.

23 And so I welcome everyone and this is a hope for a
 very productive day. And I will hand it over to
 Catherine.

 EJAC MEMBER GAROUPA: Thank you, Martha Dina.

 This is Dr. Catherine. They and She pronouns.

 Along with wishing everyone a Happy New Year,
 also wanted to acknowledge that EJAC has now existed as a
4 permanent body for almost a year. And to honor everyone's
5 presence and the work that we've all collectively put in
6 to carve out this space for environmental justice, it's 7
 required -- the members of the EJAC, it's required CARB to 8
 work side by side.

9 The work that we do here requires support from so
10 many inside this room, in the virtual room, and
 outside of

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this room. And our item later this afternoon on the
Low

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Carbon Fuel Standard is an example of the collective
work

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that we have put in to make space and uplift
environmental

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justice perspectives. We welcome hearing from all and
it

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is our role to focus on environmental justice.

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I appreciate the acknowledgement that we are

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coming up on the update for the charter and that it
has

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been an enormous amount of work. As a permanent body
now

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looking at rulemaking, we have transitioned to a much

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different phase than we were in during the Scoping
Plan

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process and we need to look for measures that ensure

that 22 the work is equitable and sustainable. We had

concerns

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23 when the charter was adopted around whether the number of members
and the terms are sustainable. There are ongoing concerns
related to Angel Garcia's resignation about the interpretation
of section code 8701. We serve as individual members on this
body, and yet our organizations are being hit with a lot of
extra administrative work,

4 because we're being told that there's a conflict of 5 interest.

So hopefully, those are some things that we're 6 able to resolve
in the upcoming process.

7 And as we move into this new year, of course,

8 there's still much work left to be done. The Low Carbon

9 Fuel Standard is not finished. The Cap-and-Trade 10 rulemaking
is ongoing. We're looking towards Senate Bill

11 905 implementation. So a lot of really important issues.

12 And that's just skimming the surface, because there are 13 many
more that I could touch on.

14 But for me, I come into this new year with a the

15 question for myself for all EJAC members and for CARB

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16 staff and leadership how will we show up in this new
phase 17 and continuing to feel the urgency as we not
only are --

18 for decades have been inundated by unhealthy air pollution

19 in the San Joaquin Valley, but we're seeing extreme

20 weather events that are fueled by climate change happen

21 around us every day, which for me leaves me with the 22 feeling

that we always need to be moving further, faster,

23 and together as much as possible.

Ashley, can you confirm, has Kevin Jefferson
joined? Thank you.

OEJTB MANAGER GEORGIUO: No.

EJAC MEMBER GAROUPA: Okay. So our other
co-chair Kevin Jefferson unfortunately is ill and not
4 present, so I want to honor that as well. It would have
5 been great to have him here for opening comments and for 6 the
next item.

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7 But with that, I think we're done with opening 8 remarks and
we'll move to item number 3.

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EJAC MEMBER OLMEDO: Madam Chair, before we move,

10

I did want to make a remark ahead of the item number
11 three.

12

Okay. Thank you, Dr. Cliff, about the concerns

13

that CARB has in regards to providing a better pathway
for

14

the public. And I don't consider myself any more

15

privileged than anyone else. We should -- certainly,
the

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entire CalEPA needs to find ways to both secure and

17

protect the staff, the building, while providing the

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optimal customer service. I think the building gets a

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significant amount of resources that it needs to think

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about. What does that customer service look like?

That's

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not just for business -- for private business. In
fact,

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22 many agencies, local, State, and federal, not all, but
23 many have adopted very high standards for customer
service.

I also don't want to cast a shadow on this very
disheartening, disturbing situation that happened to Mr.
Jefferson. I did not go through the experience of feeling
discriminated. I only went through the experience of

4 having members of the security team not really know what 5 to do
with me, but I didn't feel discriminated. I felt

6 like they just didn't know. They generally didn't know.

7 I don't know if it was just a couple of people 8 that were in
suits, members of the security team. I 9 didn't see anybody in
badges on that desk and they just

10 weren't -- they just didn't know. That was the situation.

11 It wasn't that I -- they -- I -- actually, the one I told 12
them just give me a badge. I mean, it's just a public

13 meeting. And they took my advice, gave me a badge, and
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14 came up here, but they just didn't know. So I want to
15 make sure that this gets its own serious attention.
 And

16 my experience was different, but I went ahead and put
17 forward that recommendation.

18 EXECUTIVE OFFICER CLIFF: Do I just go, Ashley?

19 OEJTB MANAGER GEORGIUO: Yes, please, Dr. Cliff.

20 (Laughter).

21 EXECUTIVE OFFICER CLIFF: Sorry about that. I

22 just wanted to make sure. I was looking for a queue.

23 Thank you, Luis. I, you know, appreciate you, as I
 mentioned, flagging that. I will note that we tried
 to increase signage and make sure that those who are
 checking

 in are well aware, but we're always going to need to do better,
 so, yes, for all the public. But as I say, you know, especially
 for those who are volunteering to serve

4 on a body such as this, we want to make sure that you know

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5 where to go, that you have the clear path to get there and
6 that folks, you know, recognize that, you know, and get 7 you
here. So thank you for that discussion.

8 So this item, as Luis referenced, was related to 9 an incident
that happened last summer. And I shared with

10 this body yesterday a summary -- and it's posted
online, a

11 summary of the investigation -- third-party
investigation

12 regarding the incident that co-chair Kevin Jefferson
13 experienced when he approached the security desk here
in

14 our Sacramento Headquarters on June 2nd, and -- you
know,

15 as he was asking for help in finding this meeting
room.

16 That summary and the transmittal are on the

17 webpage, as I just mentioned, and there's a link in
the

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Zoom chat for those who are also interested in seeing it

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included on the slide. And in response to the account

20

provided by co-chair Jefferson during the June 2nd EJAC

21

meeting, the EJAC passed a motion requesting both an

22 investigation and release of a report and a follow-

up from 23 me, which I did at the September meeting.

Following the incident, we worked really close

with the California Environmental Protection Agency who oversees

the building and who has contracted with -- who contracted with a

third-party Shaw Law Group to conduct that investigation.

4

Immediately following the incident, CARB updated

5

our in-person meeting protocols in hopes of ensuring that

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visitors in our building feel welcome. That include --

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includes assigning multiple staff to greet visitors and

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placing physical signage in the area where meeting room 9 locations are.

10

And on behalf of the CARB leadership and our

11

team, we really deeply regret the incident that occurred.

12

As I shared on September 14 at the joint meeting, I'm

13

committed to ensuring that those engaging with us feel

14 safe coming in the building. That includes, of course,

15

our own staff or any visitors. We are a public building.

16

As Luis mentioned, we get significant resources on behalf

17

of the public and the public needs to feel safe, welcome, 18 and respected, so that we can work together and that there 19 is no fear of discrimination in any form.

20

And I'm aware that, you know, some are going to

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feel that this summary doesn't fully address the concerns

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raised at the June 2nd EJAC meeting. But it's important

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that we protect the confidentiality of those who are involved and part of that investigation.

So I'm going to, with that, just turn it over to the co-chairs to lead a discussion on this item, and I and my team will do our best to answer any questions that you have regarding that.

4

So thank you.

5

EJAC MEMBER GAROUPA: Thank you, Dr. Cliff. This 6 is

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Dr. Catherine again, again noting that unfortunately Kevin Jefferson isn't present today, which is unfortunate.

8

So I don't want to speak on his behalf, but I do

9

understand that he was interested in knowing whether the

10

changeover in the security was something that was already

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planned or if it was a result of this incident, if you 12 could speak to that.

13

EXECUTIVE OFFICER CLIFF: Yeah. Thank you for

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raising that. I did try and follow up with Kevin

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15 individually, but wasn't able to get ahold of him and
I'm

16 really sorry to hear he's not feeling well. At the
end of

17 last year, this building transitioned to State
ownership

18 from the prior ownership. And as a result of that, my

19 understanding is that the contract was put out to bid.

20 And per State contracting guidelines, the best bidder
was 21 selected for that. So the prior security team
is no

22 longer part of security here at -- in the CalEPA building

23 currently, and that, you know, that was a result of that
transition and the need to put that contract out for bid and
follow State contracting processes.

EJAC MEMBER GAROUPA: Thank you. So I have one
additional question and then I also want to encourage other EJAC
members to either raise their hand in the Zoom

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4 or put up their tent card in the room. Thank, Luis, for 5
modeling that. So in reading over the summary that was
6 provided via email and that was posted, it describes the
7 way that the investigation was conducted, but not
8 necessarily what the results are the outcome of that 9
investigation was, other than acknowledging that the 10 security
team has been switched and that there's increased 11 signage.

12

So I just wanted to clarify whether this is kind

13

of the conclusion of that investigation and this is
final

14

report or if we're expecting additional information.

15

EXECUTIVE OFFICER CLIFF: Yeah. This is the

16

final piece of that. We tried to lay out in detail the

17

process that was followed as part of that
investigation

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and this is included in that report. We -- the

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investigator, you know, assured those who were being

20

interviewed that confidentiality would be followed.

So we

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21 can't put out the report and be held true to that. And
22 that's important for any type of investigation of
this

23 type. This is similar to like an HR type investigation that we
would do internally and so that information would not be
released publicly.

Nevertheless, it was important to understand
those details and follow up as appropriate on any of those
things. And so the two main actions that came out of this 4 was a
commitment to de-escalation training for all

5 security professionals going forward, as well as the -- as
6 well as the practices that I mentioned for ensuring there
7 was better signage and that, you know, those who are
8 entering the building can do so without feeling unsafe and
9 are going to be correctly directed to where they need to 10 go.

11 EJAC MEMBER GAROUPA: Thank you. So I want to

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12 acknowledge Luis has his hand up in the room and then
13 Kevin Hamilton, we see you on Zoom. We'll come to
you

14 next.

15 Go ahead, Luis.

16 EJAC MEMBER OLMEDO: So my -- I've got two
17 questions actually. When I read this, it's not
exactly

18 clear. And, I mean, I'm not sitting in this EJAC --
I'm

19 not -- I don't work for government. I -- so what I've
20 learned in my career as an advocate and what I've seen
is

21 that government can be very risk averse. And this 22
synopsis looks very risk averse.

23 Now, when I just put myself in the situation
where unfortunately people of color have to prove themselves
more, because it's almost by default that there's going to be
doubt and suspicion. And incidents like these, it can serve many

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positive purposes. To be more clear, I think this was created
with that risk

4 averse. This is my interpretation. I'm not saying that
5 that's the pathway that CARB chose, but this looks very
6 indicative of let's run it through all these hands and
7 make sure -- let's wordsmith it and make -- right? 8 So at
the end of the day, I can conclude, by what 9 I read, something
happened. So the concern that Mr.

10 Jefferson brought was validated that there is a concern,
11 but I don't quite read in here, yes, there is an incident 12
that happened, and yes, we were wrong. It's not clear
13 here. And for those, as Mr. Jefferson explained, because
14 it -- I saw, you know, we were all here. And I could see
15 the fear in his eyes. Things could go really wrong in a 16
matter of a split second.

17 I think it's only fair that we just speak in
18 plain language. I think it brings more justice versus
--

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19 I mean, I can go 50/50 here. Something happened,
maybe

20 something didn't happen, the way that it was written,

21 because when I read it, it was like, yes, there is a

22 police log. Yes, something happened and the parties
are

23 seen in camera. There's nothing conclusive. And I
think that it's important.

I don't disagree with everything you said, Dr.

Cliff, about protecting those who were interviewed anonymously,
but I think the agency can do a better job in just accepting
responsibility, whether it was CARB's

4 responsibility or the security's responsibility. But

5 accepting this, an agency, something went wrong and just

6 being more -- just more forthcoming with it, because this

7 is an extremely -- its -- the synopsis -- I mean, there's

8 still -- and it might have been in a burden that the

9 language used, the wordsmithing got to such a point

10 where -- I mean, I think it could have just been -- it's

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11 not me that's going to make that decision. You have a 12
victim of that situation.

13

I'm just speaking as somebody as -- on the

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outside looking in. I would -- I don't know what Mr.

15

Jefferson is looking for, what's his expectation. As

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somebody on the outside not having gone through that,

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plain language would be straightforward, you know,
yes, we

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corroborate this incident. You know, I'm not putting

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words on it. And if it's inconclusive, well, then say

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that, right? I think this doesn't say that. It just
says

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there's these points and indicators that something

22

happened, but it's not clear. I would hope that if
Mr.

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Jefferson wants a full detail and explanation, you
know, minus the protection of those who volunteered
information, confidentially, I think -- I think it
would be a fair expectation that he be given the

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longer version of that, you know, on a one-on-one. I mean, whatever Mr. Jefferson think is good for him. So that would be my recommendation

4 and my comment.

5 EXECUTIVE OFFICER CLIFF: Thank you for that. 6 And I agree with you that as a stand-alone document, it 7 doesn't give the full context and picture. Mr.

8 Jefferson's description of the event is a matter of public record, so that was part of the investigation. My

10 response to that was a matter of public record at the

11 September meeting. And then this is just describing that

12 we did go through the full process -- CalEPA went through 13 the full process of that investigation and there was a

14 summary of that, which, you know, indicates that there --

15 that the police were called, and, you know, that there

16 was -- so that effectively corroborates that, you know,

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17 this situation that he described where there was the
18 threat of and that actually did happen that law
19 enforcement was called.

20 And as I said in September, you know, we're
21 deeply sorry for that event. I never want that kind
of a 22 situation to occur. The questions that Mr.
Jefferson

23 indicated, you know, as part of his concern whether there was
discrimination as part of that is part of what the investigator
was trying to accomplish in going through the various part of
that investigation.

What is important from my perspective is that we
know that the data and that the actual lived experiences

4 of people of color is that discrimination is a factor
in

5 these types of events. So what matters to us is
avoiding

6 that in the future, acknowledging that that occurs,
using,

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as you say, this type of an event as a learning
experience, and moving forward from there.

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I -- and I really -- you know, for a place like
CARB where we're trying to do this type of work
integrating racial equity into everything that we do,
and 12 to have an incident like that occur on our
watch, on my

13

watch was really upsetting. And I acknowledge that. And

14

I fully acknowledge that that occurred. So I agree with 15 you.

We're trying to be clear, and transparent, and

16

accountable, and hold true to what EJAC requested of us,

17

and -- but also ensure that we're holding true to the

18

parts of, you know, our requirements to not disclose that

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confidential information or, you know, to ensure the 20 privacy

of those who have been interviewed as part of 21 this.

22

So I'm sorry that it isn't more clear. I think

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that the investigator went through a really thorough process and tried to, you know, piece together the various parts of that. But it's not in dispute that security did

say we should call the police and that, in fact, the police were called.

4

So that, you know, is part of the -- you know, the finding of that investigation.

5

EJAC MEMBER OLMEDO: And, Dr. Cliff, I don't want

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to underplay what happen this morning as I was coming in. 7 This situation that happened to Mr. Jefferson

is -- I

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would say, it's -- when you're in the worst case scenario,

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right? They could always get worse. But it's like air

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quality, like why does maroon matter when you're in red

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already, right? It's the same situation. This is a worst

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case. That needs to be the red flag right there. You 13 don't

need to wait till it gets to the next level.

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Again, separate from this, because Mr. Jefferson

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has -- and I want to respect his opinions, his

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expectations from CARB. Separately, very fortunate
that

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calling the police wasn't the solution for me and
those

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members of the security team weren't impolite. They
just

19

didn't know. They pointed to an empty desk, which I
think

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is they were -- like I think that's where CARB was
sitting

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maybe perhaps at 11 o'clock, so they -- he just didn't

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know where to go from there. They were empty chairs 23
there. So there was an empty table there.

But I also want to say that it's not a CARB

problem separate from this. From the bigger picture, it's

a CalEPA problem and it might even be a California government

problem. How many buildings have the same scenarios and

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situations? Let's make it manageable. This 4 is not a CARB
building. It's a CalEPA building with

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boards, departments, and offices, right?

6

So as a -- so if -- positive advice trying to put

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something here in your consideration, the
consideration of

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the entire CalEPA and boards, departments, and
offices, I 9 recommend there be a meeting and figure
out how can you

10

maintain an open government, assure that there is some of

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the recommendations that are already being made, but I

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think it needs to be more than CARB. It's a CalEPA 13 building.

14

So I think -- I think you should -- my

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recommendation is you may want to seek, if you haven't

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already, have a table with everyone in it and figure
out

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what is a plan to assure this doesn't happen, because
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18 mean the worst thing that could happen is that it
happens

19 again as you're trying to say, you know, we're
addressing 20 it and then it happens. I mean, good
thing, you know,

21 police wasn't the solution for me, you know, but it could

22 have been for somebody else. Yeah, so thank you for

23 considering these -- my recommendations.

EXECUTIVE OFFICER CLIFF: Yeah, thank you. And I
agree, I'm glad police weren't a part of your interaction.
I will just say, and I appreciate the suggestion and I will take
that back, and we will have follow-up with

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CalEPA, the -- but in this case, you know, we are striving
to ensure that those who are coming to a meeting that
we

5

are hosting are -- know where to go and are, you know,

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able to get into the building and get to the room
safely.

7

So that is follow-up, you know, that CARB can

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take. And that is a -- you know, that's a CARB action.

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So I don't disagree and I appreciate you saying this is,

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you know, broader than CARB, but, you know, let's be

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clear. Like in this case, you know, CARB needs to make

12

sure that when Luis Olmedo comes in the building that like

13

he can get his badge and get to the room. You know, 14

that's a -- that's a -- that's an action that we can

take 15 and we'll make that happen.

16

EJAC MEMBER GAROUPA: Thank you, Luis and Dr.

17

Cliff. I want to encourage any other EJAC members who

18

would like to comment. We are just a few minutes away

19 from the lunch break, so please get yourself in the

queue.

20

Go ahead, Kevin Hamilton.

21

EJAC MEMBER HAMILTON: Hi and good afternoon.

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Thank your for your reply, Dr. Cliff. And I certainly
23 agree with my colleagues' comments.

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You had mentioned, and I'm pleased to hear, that
you are having anyone who works those front desks be
trained, and what we kind of -- what we call mental health first
aid with this de-escalation training. I would also recommend
that you have these folks all go through a
training in cultural sensitivity, competence, and
humility. If you don't have a module for it. We created
one for DHCS under contract about six years ago and I'm
happy to share that with you. And that is critical that
people understand. And cultural humidity -- humility is
all about the fact that we need to understand that we come
from different cultures. That means we don't know
everything you know and you don't know everything I know,
but we can learn present each other and we should be
learning from each other in those moments, moment to 14 moment.

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And if we allow something like this to start to

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escalate and happen, no one learns anything from anybody,

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except what they don't like, so -- and it just reinforces 18 that -- those kinds of feelings. So, I would really 19 recommend that you make that mandatory for these folks as 20 well.

21

The last thing I wanted to comment, and I had originally had asked for is a -- an explanation of how your existing policy for the front area, which I'm sure you have one, for the building had been amended to solve this problem. And so the addition of this training, I

22

23

assume is one of those pieces. Are there others that have been substantively changed in your building entry policies and procedures?

4

EXECUTIVE OFFICER CLIFF: Well, thank you for the 5 suggestion about the cultural sensitivity and humility 6 training. I know that

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we're interested in that. We'll be 7 following up, so you will
certainly get a call from us.

8 Regarding the policy changes. The -- as I mentioned, for 9
public meetings we're including signage, so that there's,

10 you know, better path finding signage, so that people know

11 where to go. And I -- you know, this morning we included 12

signage that showed where the room is, so that that -- I

13 saw those when I was coming in, because I actually didn't

14 know what room I was supposed to go to, despite the fact

15 that it's on my calendar I, you know, needed that, so I 16

appreciate having that.

17 I think that every time we're going to learn a

18 little bit more about that. We also are, as I
mentioned,

19 having the staff who are available downstairs to
welcome

20 those coming in. And that's something that, you know,
we

21 need to follow up on based on the experience that Luis

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mentioned. Those are the main things in terms of the -
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in terms of the training that we discussed, that will ultimately be part of requirements for security. I believe that the contract that went out may not have included all that information in it, because of the timing of the contract. But as I mentioned, CalEPA is committed to including the de-escalation - and I think you called it

4

mental health first aid. It's a term -- a term I've never

5

heard before, but I appreciate that - as a follow-up and

6

as a commitment going forward. So those are the main actions that change as a result.

7

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EJAC MEMBER HAMILTON: Okay. So it sounds like a

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good -- you know, you're making a good faith effort, but

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there's an old saying, if it's not in writing, it's not done, so it's -- you know, if there's not a written --

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some kind of a written direction document, step-by-step

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here's what you do or here's what has to happen there,

14

then what happens when you're not there? I mean, you'll

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be -- you're there now, but how long will you be there.

16

Hopefully for a good long while, but who knows.

17

EXECUTIVE OFFICER CLIFF: What do you know?

18

(Laughter).

19

EJAC MEMBER HAMILTON: And you -- you know, you

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want to leave this for posterity, not just for the moment.

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So I just think it's important to get these things down

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into, if you will, a charter-like document that allows

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that -- to ensures that it will continue and that there's no backsliding on this, just because a new person comes in.

Just throwing that out there.

EXECUTIVE OFFICER CLIFF: That's a great idea. No. Great idea.

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EJAC MEMBER HAMILTON: I don't want to take up

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any more -- yeah, I don't want to take up any more time 6 here.

7

EXECUTIVE OFFICER CLIFF: It's frightening me 8 that you're driving while you're on the meeting, by the 9 way.

10

EJAC MEMBER HAMILTON: I'm in the -- I'm going 11 into the parking structure right now.

12

EXECUTIVE OFFICER CLIFF: Okay. Fair enough.

13

(Laughter).

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EXECUTIVE OFFICER CLIFF: But I appreciate that

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suggestion and actually we are planning to conclude

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16 written documentation going forward, so that will be
part

17 of any of these meetings and that will be documented.
So

18 great suggestion.

19 EJAC MEMBER HAMILTON: Thank you.

20 EJAC MEMBER GAROUPA: Thank you, Dr. Cliff. And

21 I don't see any other hand raised, so I think we will
-22 oh, sorry. Tom, go ahead.

23 EJAC MEMBER HELME: Thanks. I'll try to make it
quick. Two questions. I have some experience in law enforcement
investigations. I was on the City of Modesto's Committee that
recommended getting a civilian review board and an independent
auditor. So I'm thinking of the question as far as this
investigation, is this

4 considered a public investigation, which would be
like,

5 for example, if I put in a public records request,
would

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6 I, you know, get a copy of, you know, a redacted
version
7 of more of the investigation's documents than we were
8 given in the summary? And if that is the case, I'm
9 wondering why it just wasn't, you know, made
available, if
10 it is a public document that the public would have a
right
11 to see even with the redactions of names and stuff.
12 And one other quick question, because of
13 experience that I've seen with, you know, problematic
14 officers that go from one department to another, is
there
15 any possibility that a new security company would
even be 16 hiring the same security guards that
might, you know,
17 still come to work for that company? Is there any --
has
18 anybody looked into that? Is that even a possibility?

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19 Those are my two questions.

20 EXECUTIVE OFFICER CLIFF: Thank you.

21 Regarding the first question, would this be

22 considered a public record? Like any personnel type

23 investigation, those would be protected under the PRA,

as I understand it, again, not -- I should just say

I'm not an attorney, so I can't speak definitively on

that, but

that's -- you know, typically those types of investigations that
are personnel related are not released under PRA.

4 To the second question, I really can't speculate.

5 I guess if I were to speculate, that, you know, the
same

6 guards could be hired by a different company. And so

I 7 don't think there would be anything prohibiting

that.

8 What I'm most concerned about is ensuring that as a matter

9 of follow-up, that anybody who is working in the building

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10 is trained appropriately, and that we avoid that type of 11
situation completely up front by having those who are
12 coming to the building know exactly where to go, and not
13 have problems where they aren't feeling welcome. And so,
14 you know, the -- it concerns me that Luis's experience
15 this morning --

16 EJAC MEMBER HAMILTON: Sorry, I can't hear 17 anything for some
reason. I got out of my car. I'll be 18 in there in a minute.

19 EXECUTIVE OFFICER CLIFF: -- was contrary to
20 that. And so, you know, we have more to do. That's
21 clear.

22 EJAC MEMBER GAROUPA: Thank you, Tom. I didn't
23 see you in the corner there, so thanks for calling
that out.

So now, seeing no raised hands from any EJAC
members online or in the room -- oh, okay. So one thing that I
am going to layer on as a request, in acknowledgment that Kevin
Jefferson isn't here today, I

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4 would defer to him how he would like to follow up, whether
5 that's at a future public EJAC meeting or with a subquorum
6 conversation. I don't want to predetermine that, but I
7 would like to leave that on the table in recognition that
8 the person that was involved in the matter in the
9 investigation isn't here to be able to speak to it. 10 Go
ahead, Luis, and then we'll close it out and 11 I'll pass it back
to Ashley.

12

EJAC MEMBER OLMEDO: So just real quick. And Dr.

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Cliff, you don't have to answer this question and I

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appreciate your acknowledgement that you're not an

15

attorney. When there is a personnel problem as an

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employer, you address it through the personnel
channels.

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This was both a personnel and a public matter. So I
would

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ask that perhaps consult legal, if this incident would

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have ended up in the worst possible situation. Get
the

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media involved. Get the police involved. Carrying the 21 body out. Is that a personnel matter?

22

You know, I think it would probably be fair,

23

given that you don't know and that maybe this is a good question, probably educational for us, is it a hundred percent a personnel matter? It involved a member of the public. So if it was treated only as a personnel problem, then I am worried that the public part of it wasn't -- may have been left out. I'm not saying that that's the case.

4

It just opens that question.

5

So if -- I don't expect an answer. I just -- you

6

know, we're in a space here -- I'm not an attorney.

7

EXECUTIVE OFFICER CLIFF: Sure.

8

EJAC MEMBER OLMEDO: You mentioned you're not an attorney.

9

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EXECUTIVE OFFICER CLIFF: I am not.

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EJAC MEMBER OLMEDO: But I think it would be fair 12
to get that answer.

13

EXECUTIVE OFFICER CLIFF: And thank you for that.

14

I -- without necessarily addressing that point
directly, 15 what I will say is that Mr. Jefferson's
account is a

16

matter of public record and we're not trying to discount

17

that at all. My point about the investigation is that it 18

involves both employees that were contracted at the time

19

by the building as well as CARB employees, is a personnel

20

matter. And so any follow-up is, you know, part of our 21 own
internal process, and that's why.

22

EJAC MEMBER OLMEDO: And I understand that how

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you address an employee after the situation, but you
have a public situation here. How you handle the
employee is a different. There's two different things
going on here.

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And I feel like they're being convoluted here. You have a personnel and a public situation, so I understand a hundred percent as an employer, the personnel matter, but

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also have a public matter here. So thank you.

5

EXECUTIVE OFFICER CLIFF: Thank you. 6 OEJTB MANAGER GEORGIUO:

Okay. I would like to 7 close out item three by saying a huge thank you to Dr. 8 Cliff for taking the time and to the EJAC members for your 9 comments as well.

10

We will, at this time, be taking a lunch break.

11

We will be back at 1:40. I just wanted to acknowledge

12

that we went just a little bit over time, so I want to

13

give folks enough time to have their lunch. So please

14

make sure you are back at 1:40. We do need quorum to

15 start back again this afternoon, so I really

appreciate

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the timeliness. Thank you all. See you at 1:40.

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(Thereupon a lunch break was taken.)

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AFTERNOON SESSION

(On record: 1:47 p.m.)

OEJTB MANAGER GEORGIOU: So maybe just a reminder

4 for those folks who are online, I see that you're starting

5 to raise your hand. Thank you so much for doing that and 6

getting in queue. I'll provide another reminder later.

7 But just for folks who are planners like me, we will be

8 doing kind of a last call for comments around 3:45, 4 9

o'clock, so please get in queue, and then we will call

10 your name accordingly. Really appreciate.

11 So Martha Dina, I think I will pass it off to you

12 then at this point, right?

13 EJAC MEMBER ARGÜELLO: We're doing public

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comments, right, or do we not have any in this

section? 15 OEJTB MANAGER GEORGIOU: No, discussion

first and 16 then we will move to public comment.

17

EJAC MEMBER ARGÜELLO: Okay. So we want to queue 18 up the

conversation around the Low Carbon Fuel Standard. 19 We have a

couple things. We are really going to discuss

20 where we are in terms of the resolution, but also I would

21 like to resubmit our Scoping Plan comments, because there

22 was so much about the Low Carbon Fuel Standard in that

23 comment. And my understanding is that those comments won't be

considered, those that we did for the Scoping Plan, and so I'd

like some clarification. Do we just resubmit them as part of

public comment to make sure it's within the 45-day period?

And then I really, you know, want to hand it over 4 to

Catherine and the other EJAC members to talk -- we're

5 going to talk about each item within our resolution to see

6 where we are and what answers we can get to some key 7

questions.

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8 EJAC MEMBER GAROUPA: Thank you, Martha Dina. 9 Before I take
over, did you also quickly want to mention 10 the Earthjustice
letter?

11

EJAC MEMBER ARGÜELLO: Yes. And that -- all of

12

you should have received a letter from staff to all
the

13

EJAC members with comments from Earthjustice that
reflect

14

many of the comments that we have been making for some

15

time. And we want to also submit those as part of our

16

record. And some key concerns are also -- key concerns

17

we've had throughout this process, that the time
allotted

18

is not sufficient, that I don't know that the concerns

19 that have been raised both by EJAC and many other

20

environmental justice advocates who've come before the

21

Board and our -- and the EJAC have not been fully answered

22

in terms of how -- how the low carbon fuel standard is

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23 going to be strengthened to reflect the needs of the people
living closest to those facilities.

EJAC MEMBER GAROUPA: Thank you, Martha Dina.

This is Dr. Catherine. So also to underscore from the
Earthjustice letter, so I think that was circulated to
EJAC members. Has it also been posted online?

4

OEJTB MANAGER GEORGIUO: Yes.

5

EJAC MEMBER GAROUPA: Okay. So it will be posted

6

online for people to be able to look at later. I want
to

7

make sure that we are explicitly uplifting the ask for
if

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this item goes before the Air Resources Board's Board
in

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March that it be approached as a non-voting item and
to

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postpone the vote at least until July, because there
is

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definitely a lot to consider and a lot of implications

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regarding the Low Carbon Fuel Standard.

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13 So as I mentioned this morning, we are just under
14 a year into being a permanent body and when we started
15 meeting, we had a lot to work out just in terms of
16 internal housekeeping and logistics. So I think
frankly
17 some folks were pretty surprised that we agreed to
take on
18 the Low Carbon Fuel Standard. But at least for the
work
19 that I do in the San Joaquin Valley, as an asthmatic,
I
20 definitely understood the upped significance of the
Low
21 Carbon Fuel Standard and the implications that it has
for 22 our communities, not just for the climate, but
also for
23 our incredibly severe air pollution problems. So this is a really
important rule and program. And unfortunately, I think on both
process and substance, we've progressed from

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bad to worse in terms of what came out in the Independent Statement of Reasons or the ISOR, as it will be referred to over and over again for people not familiar with the 4 jargon.

5

The ISOR presents a significantly different

6

scenario than was previously indicated in the SRIA

which 7 is the SRIA something that I'm not going to remember right

8

now, but somebody will help me later.

9

Staff -- anybody, SRIA.

10

ISD CHIEF BOTILL: Sure. Statement of Regulatory

11

Impact Assessment -- or Standardize Regulatory Impact

12

Assessment. Sorry.

13

EJAC MEMBER GAROUPA: There you go. In

14

September, of 2023, the Environmental Justice Advisory

15

Committee, or EJAC, had the opportunity to meet with the

16

CARB Board in our annual joint meeting and we opened a

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productive dialogue and asked a range of questions that

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have not been directly responded to including the eight

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point resolution that we will segue to in a couple of

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minutes. It's not clear yet when the item will be heard

21

by the Board, but at this point, there's no agreement to

22

holding an additional meeting with the decision-makers of

23

CARB before the final vote and we find that hugely concerning.

We also requested today that staff present to us, because the ISOR is a very detailed and complex document that not all of us have the opportunity to read through.

And even if we do, again, it's laden with a lot of

4

technical language that its helpful to clarify on. But we

5

were told that because CARB is in the 45-day public 6 comment period that that's not possible.

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7 So, we're also not clear on what types of
8 questions we can ask that will be responded to. We do
9 want to make space for that and we'll hear from staff what 10
they're able to speak to and what they are not. But

11 again, as each EJAC members that have full-time jobs, some 12 of
us multiple jobs, and a lot of other responsibilities,

13 it's not fair to expect us to be able to review the entire
14 document ourselves in a short time frame and find where 15 the
responses to our eight-point resolutions are.

16 Furthermore, there's a section that discusses
17 environmental justice in the ISOR that talks about --
that
18 the environmental justice community should be in
support
19 of the regulation, while overall what is in there is
20 actually tailored to industry. So I know we'll have a
21 range of speakers today and I would really like to
hear

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from industry what they actually don't like about this
23 regulation.

So in terms of the proposed regulation in the
ISOR, there is a heavy-handed analysis of the
environmental justice scenario that a coalition of groups put
together and recommended that implies that it's too costly and
we will have speakers in the public comment
4 section who are more expert and will be able to speak to
5 that. Again, from an air quality perspective, also really
6 concerned about the lack of modeling regarding air 7 pollution
impacts and what the potential impact is of

8

increased stringency of the program.

9

Also, very concerned that there will be

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pass-through costs that will disproportionately impact

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low-income households that are not available -- able to

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afford electric vehicles or may live in areas like
rural

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parts of the San Joaquin Valley, where there is not 14
adequate charging infrastructure to get them into
electric 15 vehicles.

16

So if staff could please pull up the resolution

17

at this point. What we're going to do for the next

18

several minutes is we're going to underscore and
repeat

19

the things that we asked for in our eight-point
resolution

20

and we've kind of divvied this up amongst ourselves.
So

21

thank you to the Carbon Markets Work Group members who

22

have met with me multiple times over the last couple
of 23 weeks to try to get prepared for today's
discussion.

So first, for resolution items 1 and 2, I'm going
to pass it to Kevin Hamilton.

EJAC MEMBER HAMILTON: There's the little green
light.

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(Thereupon a slide presentation).

4 EJAC MEMBER HAMILTON: So for resolution 1, which
5 is conduct and incorporate a full life-cycle
assessment of
6 all air pollution and greenhouse gas emissions for all
7 pathways and their implications for environmental
justice 8 communities.

9 As we work through the ISOR, which is a project
10 in this case, since the documented was delivered near
the
11 end of December and fell right into the middle of the
12 holidays, and then, of course, the rush at the
beginning
13 of January, has not really left us much time to analyze
14 this document in full. I believe it's 146 pages.

15 However, the EJ sector in this particular document gives
16 us virtually no help, or advice, or response to this at 17 all.
18 I do not see any life-cycle assessment that is complete
19 for all the pathways. I see new pathways being proposed.

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20 I see an opportunity for others to jump into the program.
21 In fact, it appears that staff are directly sending a
22 signal that as long as they enroll in this program before
23 2030, that their investments will be safe for at least 30 years.
And so it looks like on its face that we're bringing more people
in. It's on page 16, by the way.

There will be more people coming into the program, which we
really don't need. We want to shrink this program, right. We have
-- it's oversubscribed already and we're somehow sending a signal
to the market here that, hey,

5 make your investments now. They're safe for the next
30

6 years as long as you meet this threshold and this
7 timeline.

8 And we've been specifically told that that's not
9 the purpose of CARB's work. The markets will do what
they

10 will. CARB's work and the LCFS is focused at reducing
our

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11 reliance on non- -- on combustion energy. So while it
12 appears that 30 years out on 2030 would bring us to
2060,
13 which extend us beyond -- 10 years beyond the furthest
14 goal the either federal or State government has set for
15 reaching carbon neutrality, and then beyond the goal of
16 CARB to fully electrify its truck and light-duty
vehicle 17 fleet.

18 So we have real concerns about this. It doesn't
19 make sense to us. One of the solutions that have been
put
20 forward in the EJAC -- in EJ the section is the
21 ISOR recommends CARB increase incentives for light X
and
22 others for the next generation. Yet, the reality is
that
23 neither CARB nor any California agency can guarantee
budget funding without specific legislation and

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approval by the latest Governor. Considering the last
two

budget -- State budget cycles dependent on that strategy in any
evaluation is at best unreliable, at worst shouldn't be
considered at all.

4

At the same staff -- time, staff are attempting

5

to somehow put that forward as a panacea for the fact
that

6

as we move 10 years out in this program, and again

7

according to SRIA, we're going to see an increase in

8

gasoline prices by over a dollar a gallon. And yet, by

9

this same document, it infers that the people who will
own

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EVs will definitely be people who can afford to buy
them,

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and those who won't, will continue to drive gasoline

vehicles.

13

So quite obviously, you can infer from that,

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since this thing is full of assumptions anyway, I'll make

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the assumption that the burden of this is going to fall

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on - and again, this SRIA calls this out - disadvantaged

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and low-income community residents who can least afford

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it, who will also be suffering from the increased cost of

19

energy for electricity for their own homes, let alone
20 gasoline at the pump.

21

So this doesn't make any sense to me. It makes

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no sense from an environmental justice perspective and it

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doesn't pass the smell test under any reasonable person's look at this. So the old reasonable standard. So moving on. To conduct a full accounting of

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GHGs and air pollution emissions associated with pathways relying on production of fuel from livestock and dairy manure. I prefer to just think of it as livestock generally. We happen to have a lot of dairies in the valley, but this is actually much bigger than that when it comes to this particular biofuel source. So to date, we have no serious documentation of the methane emissions of the entire operation from start to finish.

This particular tool continues to focus only on the endpoint of the production of the gas rather than it's entire life cycle. Now, we can argue as to whether or not it matters for this -- for the program. But just because of good science and doing a good job to be transparent,

that information should be available so that everybody in the public and who is elected to represent their

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16 communities can take a look at it and objectively evaluate
17 it, and make decisions based on all the data rather than 18 this
sort of carved out piece.

19 So it appears -- and again, in consulting with my
20 friends Sebastien Biraud from LBNL, who's working with
 us
21 on our summation methane project down in Kern, and the
22 other members of that team who are attempting to do
23 measurements of methane from dairies by trying to find
 a downwind location on a given day, because no one
 will let us on one, which seems ludicrous on its face
 as well, they

 feel that there's been nothing done to correct the egregious
 error in these CI calculations by limiting the data pool in the
 animal waste sector to only the

4 production and not the supply side of the operation, a

5 true application of what I would consider and many junk

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6 science, that any credible peer review process would 7 condemn
as inadequately supporting its conclusions simply 8 because it
was already there.

9 So while that argument might hold some water if
10 whatever is there was natural and fixed concentrated
11 livestock facilities are neither. They are rapidly
12 growing and evolving in direct Congress with the fuel
13 production operations. Their impact has to be
 considered
14 in order to posit a final conclusion specific to its
15 outputs. This in turn has resulted in a lack of public
16 confidence in CARB's conclusions, because the critical
17 question at the beginning, does this make sense with 18
 regard to excluding that data, does not make sense to
 any 19 reasonable person.

20 So -- and in a statement that the LCFS supports
21 carbon capture and sequestration is equally
 concerning.

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The LCFS also supports the use of carbon capture and sequestration in connection with transportation fuel production and direct air capture with carbon sequestration projects. These capital-intensive projects

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are also supported by the federal government through 45 tax credits for CCS. This tech -- that's quote from the actual document on page 16 again. This technology is

4

still in its infancy and unproven as an actual solution

5

for our climate emission problems. The only true solution

6

is to reduce or eliminate the amount of carbon we emit.

7

Continued investments that use term's like

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"carbon neutral" and "reduced carbon intensity," imply

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that carbon emissions growth can continue as long as we

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have the con -- the technology to eliminate or reduce

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anything newly emitted. Well, we know that, in fact,
our 12 existing atmosphere and carbon inventory has
and continues

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to create one climate disaster after another.

14

Thank you for this opportunity.

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EJAC MEMBER GAROUPA: Thank you, Kevin.

16

So just connecting that last point to resolution

17

item number 7, which Juan will also speak to in a
moment, 18 so --

19

EJAC MEMBER HAMILTON: Sorry, I couldn't resist. 20 EJAC

MEMBER GAROUPA: No, you're totally fine.

21

Again, I just want to make sure we're helping connect the 22 dots

for

folks that haven't been as immersed in this as we 23 have, as

the

EJAC, over the last few months.

So next, I'm going to take on items 3, 4, and 5.

I'm going to do 3 and 4 first and then 5. Then I'll be
passing to Juan for 6 and 7, and then back to Martha Dina for 8,
and we'll both make some wrap-up comments.

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4 So resolution item 3 says, "Eliminate avoided
5 methane credits effective January 1, 2024. Number 4 says,
6 "Eliminate credit generation for pathways relying on the
7 production of fuel from livestock and dairy manure for
8 emissions reductions that otherwise would have occurred or
9 were legally or contractually required to occur."

10 So this section of the document has confusing and
11 tricky details that people who are experts and who
12 worked
13 on this for much longer than me shared that they had
14 to
15 read over and over again to really understand what is
16 written in there, and that what is provided before us
17 today differs significantly from what was previously
18 proposed by staff.

19 There's been a history in the program of double
20 counting benefits across multiple programs that
21 provide
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18 incentives for things like dairy digesters, and where,
at

19 first pass, the implication is that crediting is
phased

20 out by 2040 for projects or 2045 if projects are
21 associated with hydrogen production.

22 In fact, projects constructed before 2030 get up
23 to three 10-year periods of crediting and projects
used to power electric vehicles get up to three 10-
year periods of crediting, and can choose whatever
start date, which would allow for crediting through at
least 2060, as Kevin mentioned a minute ago.

We also have not seen any movement from staff to
4 initiate rulemaking on emissions from dairies pursuant to
5 SB 1383. So while that's not a explicit part of our
6 resolution, it is an interconnected and complementary 7 piece to
what we're asking for in items 3 and 4 that again 8 I want to
reiterate and get on the record.

9 Shifting now to item number 5 in the resolution,
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10 "Cap the use of lipid biofuels at 2020 levels, pending
an

11 updated risk assessment to determine phaseout
timelines

12 for high-risk, crop-based feedstocks." We are
producing

13 biofuels at a rate that's not sustainable, which has
14 serious implications for indirect land use changes
that

15 need to be more adequately modeled, especially because
16 we're seeing foreign grown soy crop pathways being
17 approved for massive biorefinery projects, which will
18 impact communities on the front lines of these
refineries.

19 The Air Resources Board should also take the
20 health benefits of biofuels that are asserted in the
ISOR

21 with a great deal of uncertainty, because the ISOR
relies

22 on a 2011 study instead of the more recent study
prepared
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by CARB in 2021. The air quality benefits documented in the older study are not found in the more recent study, which examines air quality benefits from the new diesel technology in engines that California now requires.

With that, I'm going to pass it over to Juan Flores for items 6 and 7.

4

EJAC MEMBER FLORES: Thank you, Dr. Catherine.

5

Thank you, everyone. This is Juan Flores. I'm on the 6 Zoom meeting.

7

On his opening remarks, Dr. Cliff noted how

8

bureaucracy sometimes has halted or make it even more hard

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to do our job as EJAC members. I might want to go a

10

little farther and say that bureaucracy had seemed to be

11

the mission of some CARB California. That instead of

12

moving for the welfare of community members and those

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communities more affected, they tried to create roadblocks

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in order for them to be able just to live in healthier places.

15

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So that's why on number 6 and 7, we're making a

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very direct ask. One is to prohibit -- number 6,

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"Prohibit enhanced oil recovery as an eligible

19

sequestration method. Community members have been clear

20

this is the new fracking. This idea of using

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sequestration methods to enhance oil recovery goes

against 22 everything that the State of California has been fighting

23

for the past decade, which is of -- what is that of moving away from fossil fuels into a just transition of renewable energies.

We're only trying to keep alive a zombie that is dying, an industry that has harmed our communities, and we

shouldn't allow that. And I really hope that CARB 4 staff

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makes it very clear on the LCFS that this is not the 5 way to move forward.

6

Number 7, we are also asking to not issue LCFS credits for carbon removal projects, such as direct air capture. Again, by doing this, are those communities that

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are most affected, the ones that are being left behind,

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the ones that are less title in the name of -- some staff

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members could claim in the name of the economy. There

12

isn't much that you can do with money without people. And

13

if you're killing our communities, we can do as much as we

14

can do for the economy, but it's not going to mean

15

anything.

16

And I'll leave it at that and I'll pass it back 17 to you, Dr. Catherine.

18

EJAC MEMBER GAROUPA: Thank you, Juan. And I'm

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actually going to pass it to co-chair Martha Dina to talk

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about resolution item 8 and make some overarching

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comments. And as we segue, also again want to invite

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other EJAC members if you have comments that you would

23

like to add to go ahead and put up your tent card or

raise your hand in the Zoom room.

Over to you, Martha Dina.

EJAC MEMBER ARGÜELLO: Again, I was hoping not to get muted.

4

So on number 8, the inclusion of aviation fuels, we recommend that we move up the timeline for interstate

5

jet fuel for 2028 to 2026. We also think that given the

6

very narrow approach that's presented in the -- in the

7

proposed regs that we have a two-year review on the 8 proposed

approach to jet fuel, so that we cannot get stuck 9 for too long

and not including all of aviation fuels.

10

And again, I want to reiterate the need for an

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11 expanded timeline meant -- as repeating as what Kevin
12 said, you know, Board members have not had a full
13 opportunity to understand these. Many of the Board
14 members are new and have not been around for other
15 discussions related to the Low Carbon Fuel Standard.
And

16 I don't know that we've given them collectively
between

17 CARB and EJAC -- well, I think EJAC has the tools that
18 they need to actually make a decision based on
protecting

19 public health, and reducing emissions, and setting
some

20 clear signals that this approach that continues to
21 incentivize larger herd size that continues to put 22
communities at risk is not the approach.

23 And so we very much need this extra time for Board members to
fully understand and also to give the opportunity for us to hear

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from staff how they're approaching the recommendations that the
EJAC has been making both here and through the Scoping Plan.

And with that, I'll hand it over to Catherine and
4 see if there's other questions from EJAC members.

5 EJAC MEMBER GAROUPA: Thank you, Martha Dina.

6 Also just a quick process check for folks that
7 are in the audience that are public commenters, please do
8 raise your hand, so that we can put you in the queue. So 9 in
the room, I see Luis you have your tent card up. Luis, 10 go ahead.

11 EJAC MEMBER OLMEDO: So I'm not going to repeat 12 what's
already been said. I just want to just provide to
13 you more of sort of a personal experience. 14 How many of
you live next to an airport -- I

15 mean, like neighbors to an airport on the table?

16 No one.

17 How many of you live near a military base within
18 a mile away -- within a mile away?

19 Yeah. Okay. How many of you enjoy the Blue
24
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Angels? Do you know what the Blue Angels -- everybody

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knows what they are? Okay. It's -- these -- they do all

22

kinds of aerial acrobats. Very sophisticated. Very

23

accurate. Our whole community enjoys it, so they spend -- they spend the fall with us. And interestingly enough, we have enormous amounts of desert, if you go from south to

north, right? You're not careful, you fly into Mexico. I don't know if there's any control whether, you know, there's a border or not, maybe not. But there's plenty of

4

desert.

5

But for whatever reason, you know, these

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aircrafts, helicopters, these aerial acrobats, they all

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continue to fly over my house. So if I was on Zoom, you

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might hear that thundering sound. And so around the

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neighborhood and in the schools that are in the

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neighborhood where I live, because we're in the pathway,

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my nose isn't that sensitive, but apparently everybody

12

else's nose is, and they complain of headaches. They

13

can't stand the smell of jet fuel, because they're --

14

they've got two neighbors. You know, we've got the

15

military base and we've got the municipal airport.

16

And just one thing that I just -- I can't get off

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my mind is I imagine this program at some point is going

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to sunset. I don't know if it has a deadline. But I

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think it would be better -- it would be a better fit.

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Now, I'm not coming in this fully, fully educated in all

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the intricacies of the Low Carbon Fuel Standard. But I

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was just thinking wouldn't it be better if it was a no

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carbon fuel standard, you know, instead of the Low Carbon

Fuel Standard.

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So I agree with the fact that these programs
should begin to transition as much as we are transition under
the Governor, Governor Gavin Newsom, under this
Legislature, under the current administration that said,

4 you know, we didn't go near zero-emission vehicles
after

5 2035. And I says -- we didn't say we almost zero
6 emissions. We want zero-emission vehicles will be sold
in

7 California beyond 2035. So, yeah, I think it's -- I
mean,

8 it's great to hear all the -- you know, I think we're
9 happening you sort of go from the low carbon to the no
10 carbon. But I think maybe there's a sort of a
11 transitional phase that needs to -- needs to exist
here.

12 And from what I'm hearing, I think that that's
13 kind of the direction of why these recommendations are
14 happening, you know. But that's it. That's the
personal

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15 story. I hope that these jet fuels go away soon, you
16 know, because it's -- or find different airspace. I
17 mean -- I mean, there are still going to be climate 18
pollutants, but at least they shouldn't be flying over
our
19 neighborhoods, you know.

20 EJAC MEMBER GAROUPA: Thank you, Luis. So we
21 still have a few more minutes to discuss this item as
EJAC
22 members. If there are any other EJAC members that want
to 23 comment, please raise your hand or put your tent
card up. Again, people in the public, if you would
like to comment, please raise your hand.

Sharifa, go ahead.

EJAC MEMBER TAYLOR: Sorry. I was struggling to
unmute for a moment. I guess I'll come on camera too, why
4 not.

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Yeah, so I guess what I wanted to say about this,

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as I was listening to everyone, was just the fact that
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we made these statements, because I know these are
from

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last year, is that what I feel like needs to be heard
is

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that you can't continue to invest in things that
aren't

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working that are prolonging technologies that continue
to

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harm our communities. And I feel like that's the
essence 12 of what I'm hearing. I really appreciate
what you just

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said, Luis, about like, you know, having like a no carbon

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fuel standard, as well as -- or thinking about that 15

concept within this rulemaking process.

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And so I remember when I was co-chair of the

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Committee saying, you know, like once we invest in
things

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like carbon capture and similar technology, we're not

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19 going to want to abandon the assets, right? And so
 that's 20 something we have to keep in mind is -- like
 as we're

21 doing the rulemaking is don't invest in something that you
22 won't want to abandon as you're creating a transitional
23 plan to something else or as you're thinking of the final plan,
you know, or as you're thinking of like we've seen evidence that
something doesn't work, because it's not
worked in the interim, like for the few examples of it that
exist now, you know, don't do something that doesn't work,
right?

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And so, yeah, I guess keeping like the successes

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of a technology and the failures, because there have
been

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those, in mind is what's very pertinent to me as we're

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thinking about this. And so I'm hoping that CARB is

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listening with listening ears and not just taking
notes,

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but actually absorbing what's being said, what's been said, and what's written down, so that people's lives are

actually changing and it's not just like collecting something else to be put in the administrative record.

13 And so that's all I have to say, I guess, about that. Thank you.

EJAC MEMBER GAROUPA: Thank you, Sharifa. 16 In the room, Tom, I see your tent card. Go 17 ahead.

EJAC MEMBER HELME: Yeah, kind of going off of Luis's personal story about the jet fuel, that was -- I was going to bring up something about, you know, the biojet fuel that they want to make in my community in Stanislaus County. And one of the points I was going to make is that I understand that replacing jet fuel with bio-jet fuel, that there's, you know, benefits to that. But the point that I was going to make is that

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in that community where they want to make it, nobody is taking a jet anywhere, so it's benefiting somewhere else.

And the point I wanted to make about that is, you 4 know, when we started this process and I, you know,

5 applied for the EJAC, and it was explained, you know, what

6 it was about, I remember specifically the explanation

7 being we want to fight climate change, but we need the

8 environmental justice perspective to make sure we're not

9 repeating the bad of the past in sacrificing certain 10

communities with the pollution to do other things that we 11 might see as progress.

12 And I can tell you on the ground in my community

13 that's exactly what's happening. I understand, you know,

14 the -- for lack of a better term, you know, going green,

15 fighting climate change. So, this is what it looks like

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in my community where, like I said, we want to fight climate change, but not do the same old things. So, there's facility. It's -- and I've said this before, so

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I'll try to make it maybe a little more brief this time, 20 but just for folks that haven't heard it.

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It's facility. It's an old ammunition plant, a Superfund site. There's a whole legacy of contamination

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that goes with that. Kids, you know, getting leukemia from the drinking water around the area years ago. And recently, with I think in good faith, local folks wanted

to bring what they've referred to as a green business to the area. So the initial promise was that somebody was going to come in and make these biofuels out of the ag 4 waste that folks are looking to do something with.

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That was the original plan. So they were not

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only given us space at this ammo plant, but made the manager of the ammo plant. So they get to decide who else gets to be a tenant there and what's done with the property and that kind of stuff. Recently, they made the announcement that using the local ag waste is not going to work out for whatever reason. The -- it's too hard. It's too complicated.

It's going to be too expensive. So after they're already kind of in the door, they say we're not going to be using local ag waste. We're going to have to be trucking in or bringing in by train animal fats, plant oils, tallow, other things like that being trucked in.

And this went up again to the local planning commission who rejected it, who voted it down. And they cited their main concerns were traffic and air quality,

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that this project would bring in at least 86 tanker trucks every day, added tanker trucks every day to the roads, that they -- quoting one planning commissioner, if you know the street there, that Clarabelle between Terminal and Rosell is parking lot half the time. And this project wants to put 86 more trucks in the road right there.

Now, this is all, you know, subsidies, government money, LCFS credits, all the programs that we're talking 4 about that's, you know, keeping this company alive and

allowing them to do this. So in the name of going green for climate, and like I said understandably replacing that jet fuel with biojet fuel, not going to -- not going to really benefit us. Hope it benefits Luis's community. But the bottom line is this project is going to

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increase air pollution in that area, a project that's
coming in the name of going green, fighting climate
change, sacrificing my community, once again same
old
pattern, so that we can do this.
This project is now going up to the Air District
for a permit. The CalEnviroScreen census tract that
this
facility is in a 95 percentile pollution burdened
census
tract. So you have this program that is helping site a
facility that will bring more air pollution for the
trucks
and the facility itself in the 95 percentile pollution
burdened community.
The census tract right across the street is the
one that I live in. It's a little better. It's only
88 23 percentile pollution burdened, according to

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CalEnviroScreen. This is a 70 percent Latino community, about 75 percent people of color live there. Like I said, this is a place with a legacy of being dumped on with the ammunition plant.

Since then, the ammunition plant has had other tenants that do, you know, oil and hazardous waste transfer site. Been cited by DTSC for violating

5 regulations. I even know somebody from the community who
6 used to work there a long, long time ago who told me 7 stories
about, they used to just go dump oil out in the 8 corner of
the field.

9 And so, that's what we're doing again. In the
10 name of progress, in the name of fighting climate
change,

11 I think everybody is in agreement of doing, we're
giving

12 money so that companies can open up facilities that
will 13 add pollution to places with a 95 percentile --
in the

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95th percentile in CalEnviroScreen for pollution burden.

It kind of makes me think what if -- what am I doing all this for? What am I supposed to tell community members that I've told, you know, oh, I go -- I deal with the State. I go to these meetings. I try to tell them this kind of stuff, and, you know, I have a feeling that they're just kind of looking when this place gets permitted and these trucks are coming in and out, they're going to be like, oh, I thought -- you know, I thought you were doing something about this. And I honestly don't know what to tell them.

I just wanted to make sure that I got everything. This is the same place, I'll just say, that also

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wants to -- that currently has an exploratory permit to look if the site can also be used to put carbon in the ground right down the road from a brand new neighborhood full of houses that they just built. And the people that bought those houses that are all finding this out now are not too happy that they weren't told about these facilities right down the street from where they just got

a new house.

And from what I was told when I asked about concerns about carbon pipelines is that the carbon is all going to be trucked in too, if, you know, this goes forward. It's not as of yet, but they're definitely trying. So this is a bunch of money that -- you know, taxpayer money that our government is giving through these programs in the name of going green and fighting climate change that are increasing pollution in disadvantaged,

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environmental justice communities with legacies of
pollution because we already have those polluting
plants

and sites, and it's just easier and cheaper to just
put

something new there, instead of, you know, finding a
wealthier neighborhood somewhere else to build new
stuff.

And I've had that conversation about some of,
well, don't you see the advantages of doing -- that's great.
Yeah, I see the advantages. Let's find another place to put this
stuff. That's all I have to say. Thank you.

EJAC MEMBER GAROUPA: Thank you, Tom.

So at this point, we've heard comments from all
of the EJAC members in the room, so I'm going to put
out a

last call for anyone -- any of the EJAC members on
Zoom or

anyone on the room who wants to add anything. I also
do

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want to ask, because we have Matt Botill here from Industrial Strategies Division in the room, and please excuse in advance, because I was very sick a few weeks ago. I was not able to make any of the prep calls, so I understood the feedback that because of the 45-day comment 13 period that staff was not available to present, but I'm still not clear on what types of questions you can answer. So I'm just going to ask if you can tell us where we can find direct responses to these resolution items just to start to try to test out what types of questions 18 you might be able to answer for us.

ISD CHIEF BOTILL: Thanks. Yeah, that's -- give 20 some feedback. Matt Botill, Division Chief, of the Industrial Strategies Division here at CARB. And so I am here to clarify any aspects of the staff proposal that we

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23 received -- -- that we released in December. So if there's
 requests, I can help clarify those. Any comments or requests
 for changes on the staff proposal do need to
 go into the 45-day docket for us to be able to consider those
 and -- as part of the rulemaking process.

And so, I am happy to talk real quickly about
 4 what we put in the staff proposal with respect to the
 5 Environmental Justice Advisory Committee's resolution. I
 6 understand it's a lengthy document. Kevin was right, 146 7
 pages. I don't know if he was spying my screen, because
 8 it's up right now, but we -- so we did an analysis of the
 9 items requested in the Environmental Justice Advisory
 10 Committee's solution for what it would mean in terms of
 11 greenhouse gas emission reductions, air quality benefits,
 12 and impacts and costs. That is on page 115 in the staff 13
 report, so in the -- in the ISOR.

14 There's also a description in the staff report of

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updates that we were proposing as part of the 45-day

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package to address many of the environmental justice

17 priorities that have been raised to us both through

the

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Scoping Plan process and then the various public
comments.

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We did hold community meetings last year on the Low
Carbon

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Fuel Standard. And some of that information is, I
think,

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on page 62 -- 64 of the staff report. So hopefully
that

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will help focus some of your reading on the staff
report.

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There were a couple of other things that I heard
too that I'd like to clarify, but before I do so, I'll hand it
back to Dr. Catherine. And if you want to go through comments,
then I can clarify those at the end.

EJAC MEMBER GAROUPA: Yeah. I mean, I think
actually because we've already kind of laid out stuff and

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we're, for the most part, reiterating things we've already

asked, I'm definitely interested in hearing your responses. I also just quickly wanted to note some folks

on the Zoom are just asking if you can speak a little bit

more slowly.

ISD CHIEF BOTILL: Thanks for the reminder.

EJAC MEMBER GAROUPA: So, Kevin, did you have a direct question or do you want to hear Matt's responses?

Yeah. Okay. So Kevin is going to add a question and then we'll go back to Matt. And, of course, any other 14 EJAC members who have questions, please raise your hand.

EJAC MEMBER HAMILTON: And this is in response to Tom's concern. My question is where in the ISOR does it

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17 create an incentive for an entity like this one who is
 18 looking at changing out an existing source with a
 cleaner
 19 source to instead make sure in short that they're not
 just 20 coming into the program because there's money
 in the
 21 program versus if these are -- and I don't know what class
 22 these trucks are, but if they're Class 8 trucks, for
 23 instance, there's plenty of production of Class 8 trucks at this
 point.

 So and again, they're planning ahead. I'm
 assuming not in one year, but over a number of years. So what
 would -- is there some kind of a means test where they have to
 show that there is not another alternative
 4 that is electric where -- that they could use that and
 5 should use that versus setting up themselves in the LCFS
 6 program with this combustible fuel. Was that clear 7 enough? I
 know it was a little muddy, but you're a smart

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guy, Matt.

(Laughter).

ISD CHIEF BOTILL: So if the question is around requirements within the LCFS, LCFS, as you know, is a regulation focused on reducing the carbon intensity of fuels. It does not place individual requirements on individual facilities with respect to the composition of its trucking fleet, for instance, or its criteria pollutant emissions. Those are the responsibility of other regulatory and permitting processes, but that's not contained within the Low Carbon Fuel Standard. Anything else?

EJAC MEMBER HAMILTON: Yeah, I was speaking more to the -- is the -- is that project adding to our knowledge about these alternative fuels or is it simply

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using one that's already there in lieu of a better solution, which is, of course, what the state is pushing for, which is converting completely to an electric

vehicle. Do they have to make a case for why they're not choosing that, but instead choosing to be in this program or that's not really under the purview of the LCFS itself.

That's somewhere else?

ISD CHIEF BOTILL: It's a fun game of microphone back and forth. So, the structure of the LCFS by its nature would encourage production of lower carbon intensive fuels and delivery into California, but it does

not, you know, have this analysis involved with individual facility, and whether or not, you know, it's more appropriate for that facility to pursue a different type

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of end fuel for instance. It does incentivize the lowest carbon fuels to be produced by those facilities, but it does not mandate a specific requirement that they consider a different alternative.

EJAC MEMBER HAMILTON: Okay. Thank you.

EJAC MEMBER GAROUPA: Yeah, of course, thanks, Kevin, for putting that question out there. So Matt, I think we'll go back to you now for the other points you wanted to clarify on.

No, you're fine. I was just passing it back to you, because you said there were a few other points you wanted to clarify.

ISD CHIEF BOTILL: Sure. Just a couple of quick points. So I did hear a couple of questions and

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statements about the air quality modeling done in the staff analyses. And there is information in the staff report that shows the criteria pollutant emissions benefits and emission releases associated with fuel production, transport, and end use. And that was part of the analysis that staff did for both the proposed scenario 7 that we put in the -- in the regulatory proposal as well as two alternatives that we analyzed for the staff report, and as well as an additional option that evaluated, which was the Environmental Justice Advisory Committee's resolution directing or asking for us to consider a number of policy interventions around biomethane, and crop-based 13 biofuels, and sustainable aviation fuel, and direct air 14 capture. So that is -- it is within the staff report and encourage folks to take a look at it.
I heard a concern and a comment about pass-through costs for the LCFS. And I think Kevin you

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referenced the SRIA. We did update that analyses in the

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staff report, so I'd encourage folks to take a look at the

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staff report and look at the direct cost analyses that we

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put into the staff report on the proposed scenario. We

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also looked at, and included an additional analyses of

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what would the overall transportation cost be between now and 2045, and, you know, across California with the deployment of increasing numbers of zero-emission vehicles

and lower carbon fuels. We estimated that transportation fuel costs could be roughly more than 40 percent lower in

2045 than they are in today's terms. So we updated that

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analysis to show how, with the policies like LCFS and

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other policies that CARB has adopted, we expect the prices

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that people pay to fuel their vehicles will go down over 7 time.

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I think you had had a comment that I just wanted to make sure I understood this one about the staff proposal relying on availability of other State funding.

EJAC MEMBER HAMILTON: Other incentive programs.

ISD CHIEF BOTILL: Other incentive programs. 13

EJAC MEMBER HAMILTON: Or funding period, not other State funding.

ISD CHIEF BOTILL: Okay.

EJAC MEMBER HAMILTON: Because CARB's funding is dependent on State funds. And the funding that's coming

from the tax on gasoline, so is that amount -- or tax on

uses of fuels in the program. I guess I'm not really clear. The tax is mainly on gasoline and energy production, right?

ISD CHIEF BOTILL: So the LCFS is not a tax.

It -- you know, it's --

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EJAC MEMBER HAMILTON: Fee.

ISD CHIEF BOTILL: So it --

EJAC MEMBER HAMILTON: It doesn't meet the
criteria of a tax. I got it.

ISD CHIEF BOTILL: Yeah. Right, so it puts a
regulatory requirement on the fossil fuel producers
that
are required to participate in the program. But I
just
note -- the point that I wanted to make on the funding
side is that in doing the analysis for the staff's
proposal, we did not assume any other State incentive
or
funding program would be necessary. You know, we have
to
make sure that we take a conservative approach to what
the
future would look like. And we didn't assume that
there
was access to any other, you know, State grant program
or

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funding to make the staff proposal pan out. So I just wanted to be clear about that.

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EJAC MEMBER HAMILTON: I'll make a note.

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ISD CHIEF BOTILL: The only other thing that I

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guess I will say is, you know, taking a look at my notes

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here, that we also -- in developing the analyses for the

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staff report, we relied on the life-cycle assessments and

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the carbon intensity values that we have developed with

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Low Carbon Fuel Standard over the course of the last

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decade or so. And those values are values that have been

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certified and verified through our program. And we use those as part of the analysis for this program. So they're -- those carbon intensity values are public. And

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the modeling tools, the analysis that we've done to arrive at those carbon intensity values are available. We've had a number of conversations I think over, you know, both the

October and September Environmental Justice Advisory Committee meetings on how we calculate those carbon intensity values. And that's it.

EJAC MEMBER GAROUPA: Thank you, Matt. Just out of curiosity, do you know in -- roughly how many CARB staff actually work on the Low Carbon Fuel Standard?

ISD CHIEF BOTILL: I can't give you a precise count off the top of my head. We have, I think, just north of maybe 20 staff at this point. And, you know, we

have, just like any program, turnover, so we've got a couple of vacancies as well.

EJAC MEMBER GAROUPA: Sure. Thank you for that.

So, I mean, I just wanted to acknowledge, obviously, this

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17 is a really complex program and really appreciate your
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18 you're only one staff person here to represent and
speak

19 to all of these different issues, so I do really
20 appreciate that. On the comment about the air quality
21 modeling, I also wanted clarify, since that was a
point

22 that I raised, it wasn't saying that you all didn't
23 analyze air quality impacts at all. It was what would
the impact of increased stringency of the program,
what benefits would we see in terms of criteria air
pollutants

and doing additional modeling on that.

ISD CHIEF BOTILL: Okay. No. Thank you for that
clarification. So we did, as part of the staff analyses,

4 look at a number of alternatives. And the alternatives

5 that we looked at, one, would be having a more stringent

6 program without any limitations on crop-based biofuels or

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biomethane coming into the program. There is information in the staff report about what the costs of that increased stringency would be, as well as the additional criteria pollutant benefits associated with that scenario.

We also included the analysis on what if we kept the stringency the same from what we put in the proposal, so a 30 percent carbon reduction by 2030 and 90 percent by 2045, but included limitations on biomass based diesel and volume limitations, included limitations on biomethane in the program consistent with the Environmental Justice Advisory Committee's resolution as well as limitations on direct air capture. And so that information is also in the staff report.

What we found through the analysis that we did is

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that if you are limiting these lower carbon fuels these alternative fuels, biomass based diesel, biomethane and you're limiting opportunities to credit direct air capture, you end up with more fossil diesel being used in the near term to meet the energy demands of the vehicle

fleet in California, roughly 300,000 or so heavy-duty trucks driving around. They need to be fueled. We have regulations that will push those vehicles into

zero-emission vehicles over time, but those will take time to take effect.

And so in the near term, you'll have a demand for liquid fuels to fuel those vehicles, and in our analysis, that demand gets met with either biofuels, biomethane, or fossil diesel, and criteria pollutants that come with the combustion associated with fossil diesel, so...

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EJAC MEMBER GAROUPA: Got it. Thank you, Matt.

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So I see two tent cards in the room, and in a few minutes

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we are scheduled to segue to public comment, so I would

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just -- and I have a couple of just quick concluding 15 comments. So I will pass it to Kevin and then Luis, and

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we will look to move to public comment.

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Go ahead, Kevin.

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EJAC MEMBER HAMILTON: Sure. And thank you for

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correcting my sloppy language on the incentives piece.

So 20 the incentives that the program creates now, the funding

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that it generates, is mainly put back into the program, is

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that not correct, to folks who want to get in the program

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or aren't in the program as incentives to keep producing or for new folks to come in and produce these fuels, would that be accurate?

ISD CHIEF BOTILL: Yeah. So under the program in its simplest terms you're either generating a deficit because your carbon intensity of your fuel is higher than the benchmark or you're generating a credit, because you have a lower carbon intensive fuel that's below the benchmark. If you're generating a deficit, you need to buy credits to be able to cover your deficits. So there's a transaction that happens between those that are producing these higher carbon intensive fuels and those that are providing lower carbon intensive fuels. That money doesn't actually touch the state. That's a -12 that's a purchase of credits by those higher carbon 13 intensive producers.

EJAC MEMBER HAMILTON: Through the market.

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ISD CHIEF BOTILL: Through the market, right. 16 And so that's how the financial incentives structure gets 17 set up, credit prices are determined by the markets.

Right now, I think they're roughly around 50 to 60 dollars a credit. And so your ability to generate revenue based on your low carbon fuel production is predicated on your carbon intensity of your fuel, how low it is, and your credit generation and the credit price that's on the markets.

EJAC MEMBER HAMILTON: So how much -- how much of that incentive funding has gone into the program to like CVRP, or access Clean Cars California -- I mean, Cars 4 All? How much of that incentive funding has gone into those programs, which are the primary programs to provide 4 incentives to residents in low-income and disadvantaged 5 communities to be able to purchase EVs? How much of that

honey from this program has gone into that program?

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ISD CHIEF BOTILL: So --

EJAC MEMBER HAMILTON: Has any of that money gone into that problem is probably a better question.

ISD CHIEF BOTILL: Fair question. So no, the money that goes into those programs, the low carbon transportation funding programs by and large comes from 13 Cap-and-Trade auction proceeds, so it comes from the

Cap-and-Trade Program. The revenue that comes from the auctioning of allowances under that program that go to the State that are appropriated by the Legislature. There's also been other appropriations made to those programs over the years, whether from the general fund or other fund sources, but not from the LCFS.

The LCFS does, however, have a mechanism in it, whereby the State's utilities are able to generate credits because of EVs charging on their utility network. And

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those credits that they generate, they obviously can sell for revenue and there are provisions in the LCFS regulation and they're also PUC decisions about how that revenue can be spent. Those -- that revenue has been directed towards, in the past, providing rebates for -- on-the-hood rebates for battery electric vehicles that you 4 might have heard of the Clean Fuel Reward Program at one 5 point in time.

EJAC MEMBER HAMILTON: Very aware of the program.

ISD CHIEF BOTILL: Right. And we put in additional provisions in the staff proposal in the 45-day proposal to also direct that funding in the future to zero-emission vehicle deployment, particularly in the medium- and heavy-duty space to help, you know, accelerate decarbonization of the vehicle fleet with zero-emission vehicles, and also to provide opportunities for that

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funding that the utilities generate to support additional

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transportation electrification projects, transit, other

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equity-focused projects. And so that's in the staff

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proposal to have the utilities focus the money that they

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generate from the credit sales on zero-emission vehicle

19 transportation electrification deployment and

particularly 20 focused on low-income and disadvantaged

communities.

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EJAC MEMBER HAMILTON: So again coming back to my

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original question, how much of it ends up in the EV

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programs for people to actually get EVs? Other than the

Clean Fuels Program that the IOUs are running through

CPUC, which is fading fast, we're not seeing that funding

land there. The EV infrastructure is great, but without vehicles

in these communities, we don't see that change happening there.

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What use is an EV charger if you don't have a vehicle to charge there.

We know we don't have enough of those, but it states here that the incentives can be used to bring those folks to EVs and that more incentive money needs to go to that. So would your anticipated pathway for that be through the energy side, through CEC and CPUC, rather than directly passing that money through CARB to its own programs.

And with regard to greenhouse gas funding, let's be real there, the Legislature decides how to divvy up that money. And in the past, we've seen that fund -- I'm not going to use the word "raided". I'll just kind of say it, but it is not all landing, and less and less of it seems to be landing in these programs, and, in fact, budgets have been cut for these programs, right? So

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again, to put that in this plan as a potential solution, it just seems disingenuous, because again history does not support that.

And at least that's on the face. And you can't really project that out across 20 or 30 years either, so...

ISD CHIEF BOTILL: And just -- I think what's an important point of clarification here is that the revenue that the utilities generate, because of EVs charging on their network, that goes to the utility. So it never goes into the State's, you know, accounts or appropriated by the Legislature. And so that funding it gets spent by the utilities. If they're IOUs, it's overseen by the CPUC.

If it's POUs, they have their own requirements under our regulation for how that money gets directed. There have been individual programs done by individual utilities to help support more EV rebates for low-income customers.

For instance, they are running some of those

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programs. And what we expect going forward, and I think this just probably makes sense to everybody here, is that as we get more light-duty battery electric vehicles growth into the future, as that becomes an increasing percentage of the vehicle population going forward, you're getting more charging happening on the utility side, you're -- they're generating more credits associated with that charging. And that creates an additional funding pool from the utilities to help support further transportation electrification, whether it's in the form of equity focused rebates or, you know, charging, or transit, for instance. And so there are provisions in the regulation and then there's work that the PUC does to help direct that funding.

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EJAC MEMBER HAMILTON: I don't want to take up any more time, but again I will say that is speculative. They can change their minds, regulations change, commissioners change, and governors change. So to use that again as an answer to our environmental justice concerns, I'm sorry, it just doesn't cut it. So I don't want to take up any more time with the other thing, but we have time for that.

EJAC MEMBER GAROUPA: Thank you, Kevin. We do want to quickly segue to public comment. We have Luis and then Tom.

EJAC MEMBER OLMEDO: So I just have some very general comments. The -- I was just thinking that just yesterday, we had a meeting in -- was it yesterday? I forgot. It yesterday or the day before. I had a meeting in one of the 617 communities. And those funds were intended to go towards mitigating projects that would help

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reduce emissions from community-identified emission sources. An over the last four or five years, they have a large inventory of paved parking lots. And this is like, you know, it's not that that's not important, but the major sources continue and we just blew through a lot of money.

I believe there's air districts and the Air Resources Board have the knowledge, the experience, and the community needs to be given more support. And so it just led me to think like in a way you're also creating -- and I guess it's staying true to the name, you know, like

Low Carbon Fuel Standard. So in reality, not exhausting total regulation, enforcement, and other tools, you're

basically almost creating new fuel alternatives, right? That's the -- that's -- but -- and in thinking through this and listening to you, it makes me wonder like what are the -- what is the checklist of considerations,

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because it doesn't seem like it's straightforward, right?

It seems that there are considerations. And is there a checklist of considerations? How much of those are based on sort of the human element. How much are those based on calculations? How much are those based on enforcement 15 rule -- regulations?

You know, because it doesn't seem like there's a clear path for me. Like I'm -- trying to get a handle of this is like people sitting in a work table in a work room coming up and designing these programs. Is it just calculations or is there other considerations, because it seems like we continue to create programs that somehow continues to incentivize the industry, right?

So I'm just wondering what's the logic? Is there a logic and -- or is it just straight out math, because it -- I mean, it's not easy for me to package it, but it's -- how much

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of it is the human element, how much is just straightforward math and what is the -- what is the percentage, you know, that you're achieving? Like what's 4 the metric? Okay, you have this program. If it's all

math, but if there's a human element to it, at the end of

the day what percentage? Like what goes into all these programs and is there a -- sort of a checklist?

ISD CHIEF BOTILL: So is there some master checklist that we all follow? No. We -- I think you all know this, you know, we spend time developing the State's

Scoping Plan Strategy that is informed by legislation and

Executive Orders. And that Scoping Plan that we went through in 2022 provides the overall kind of guiding light

when we come into developing individual regulatory proposals. And the most recent Scoping Plan focused on

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achieving carbon neutrality by 2045. And it also put in

place a series of recommendations around accelerating decarbonization, particularly between now and 2030 to put us on that pathway to carbon neutrality by 2045.

So we took the Scoping Plan, which was also done through a big public process. We had input from you all 22 and --

EJAC MEMBER OLMEDO: I'm sorry, I don't mean to interrupt you, it's getting very technical for me. So it's me. It's not you. Did you say carbon neutrality by 2045?

ISD CHIEF BOTILL: Yes.

EJAC MEMBER OLMEDO: But LCFS is not about carbon neutrality, right?

ISD CHIEF BOTILL: The LCFS is -6 EJAC MEMBER OLMEDO:
So I mean, am I
misunderstanding something here?

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ISD CHIEF BOTILL: LCFS is a regulation that will help reduce greenhouse gas emissions. We need to reduce 10 greenhouse gas emissions to be able to achieve carbon

neutrality. It is not the only policy that is necessary

to achieve carbon neutrality. There are other regulations

that are also - needed to help get us to carbon neutrality. So it's one in a suite of many.

EJAC MEMBER OLMEDO: So if we keep doing this for 20 years -- is there a sunset for this program, by the way?

ISD CHIEF BOTILL: No sunset for this.

EJAC MEMBER OLMEDO: So if you keep doing this, you're not going to achieve carbon neutrality. Am I understanding something here?

ISD CHIEF BOTILL: If you're asking does the LCFS

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guarantee we hit carbon neutrality, the answer is no, it does not guarantee that we hit LC -- carbon neutrality, but it is not

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EJAC MEMBER OLMEDO: That just kind of blew my mind here. Is -- has the State already figured that out or hasn't figured that out? I mean, I'm just saying if I knew that, I've got 20 years to figure out this program of how we go to invest in carbon neutral strategies. And it goes back to what I said it's not a Low Carbon Fuel Standard, it's a no carbon fuel standard, right? I mean, I'm just kind of blown away by this.

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ISD CHIEF BOTILL: The overarching strategy to get to carbon neutrality is in the State Scoping Plan. So

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happy to have a conversation about that at some other point in time. We're obviously here getting feedback talking to you all about the Low Carbon Fuel Standard.

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14 EJAC MEMBER OLMEDO: So, Matt, if you keep doing 15
this for 20 years, you're not going to achieve carbon
16 neutrality, right? I mean, it's just simple math? I'm -17 I
don't understand all the technical. And I admire you

18 for what you do, but I just want the simple math. If
you

19 keep doing this for 20 years, you're not going to
achieve

20 carbon neutrality. I mean, it's just a yes or no, I
mean.

21 ISD CHIEF BOTILL: So I'm not entirely sure what
22 you mean by keep doing this. If you mean if we keep
23 pushing forward on reducing carbon intensity of the
fuels, keep accelerating zero-emission vehicle
deployment, keeping pushing forward on renewable
electricity and our

SB 100 targets, push forward on reducing short-lived climate
pollutants, which are a major problem in the state and
internationally, and then also pursue carbon dioxide

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removal strategies, do the things that we've identified in the Scoping Plan, we can hit carbon neutrality. There's a 6 path to hit carbon neutrality.

EJAC MEMBER OLMEDO: Do those numbers exist? Did that math get done? Are they actuals or just projections?

ISD CHIEF BOTILL: The analysis is in the Scoping 10 Plan.

EJAC MEMBER OLMEDO: Who was it that said -- was it Einstein? I don't remember that quote very well, but it says -- I think it says -- is it states that the - I'll say it politely, you know, but I have to go back and

read it. But I think that -- I'm going to say it differently. The biggest inaccuracy in humanity is that people keep doing the same thing expecting a different result. And I almost feel like if you keep doing the same 19 thing, expecting a different result, it doesn't seem like -- I don't know, the math isn't adding up to us. But

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21 is there simple math? Is there simple math that we
22 understand this? Like is it in a -- like in a slide and
23 you're saying, you know, we have a thousand, I don't know,
gallons of carbon. And this is the simple math of how we're
going to reduce it to zero? Does that exist?

Matt, if it doesn't, it's -- you can come back at
a future meeting, you know, but I just -- I just want to know
the simple math. Yeah. And I'm willing to sit down

4 and be shown all of that.

5 Thank you.

6 EJAC MEMBER GAROUPA: All right, Tom. And then I
7 will wrap us up and we will go to public comment. So
if

8 you are in the audience and you have not raised your
hand

9 yet, please raise your hands on Zoom so that we can
add

10 you to the queue.

11 EJAC MEMBER HELME: Yeah, I wanted to say

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something real quick, because I realized I'd said something earlier and just wanted to clarify in case -
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for folks that were listening to the predicament that I was talking about. I mentioned how the planning commission voted down this facility being permitted. So people might have thought, oh, well, it's not happened, so what are you worried about? So they appealed and the city 19 council unanimously approved it. The difference between the planning commission being they don't run for office and they don't take donations, or contributions, and don't have to worry about that, whereas the city council members do have to worry about bringing in funding for their next reelection.

And I want to make one other point, I'm trying to

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head off some of the arguments that I've heard from others,
which is that, well, maybe they were not going to use trucks.
They might use train cars. I have a great

video if you'd like to see a train right by my house,
because I live, you know, within 75 yards of the train
track. If anybody would like to see a train, a
switcher

car, sitting there emitting. I have a great video for
you

and you can see if you'd want 15 more of those --
well,

it's 15 more cars, but that would obviously increase
the

amount of switcher cars you would need bringing those
in

and out. So I just wanted to mention that.

And one more last comment I kind of got

distracted while I was speaking, that kind of is
related

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to this morning. I know it's not related to LCFS, but I

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was literally getting a text from staff who are right now

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in neighborhood handing out fliers, going door to door

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letting people know about a meeting we're going to

have to 18 talk about this facility and what folks

think about it.

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And they had the sheriffs called on them. Now,

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luckily the sheriffs got there and they understood what --

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whoever called the cops didn't understand, which is that

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they were on the sidewalk, not blocking the sidewalk, not

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harassing anybody. So the sheriffs came and, you know, said, yeah, you're not doing anything wrong.

But just -- I just thought it was kind of

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interesting to kind of end on that note from the conversation
this morning that this is the stuff that we deal with in both
trying to not get polluting sources
added to our community to improve public health, but also,
you know, when we do stuff, we deal with that often, get
the cops called on you. They don't like, you know, what
you're -- what you're talking about.

And so that was the reason why maybe I left a couple things
out and got distracted because I was dealing with those messages
right at that moment.

And then one other note that I had written down
that I missed because I kind of added it, I tried to
write
down Chair Randolph's words verbatim this morning,
because going to my first point about what I was
told the purpose
of the EJAC was. I mean, she literally opened up with her
comments about the importance of this, about the

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importance of listening to EJ communities, about the importance of looking at what we're doing and it not increasing pollution in those communities. That's the whole reason why we have this Committee and why, you know, why you asked for our opinion.

So I didn't -- I wasn't quick enough to write it down word for word, but that was basically what she said, and that's what I was trying to say and I just don't see it happening.

Thank you.

EJAC MEMBER GAROUPA: So on that note, I do think we are better off as we work to increase dialogue and transparency. And as I noted earlier, the EJAC is barely into a year of being permanent, so I recognize there are always growing pains and we're all figuring how to work and be in dialogue together.

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So my last request of staff would be if you all 9 are available, and totally understand you probably can't

answer right now, but we are meeting again on March 15th

and we do plan to continue discussing this item, so it would be very helpful if you all can come back and present

on some more of the specifics about where the resolution

was integrated. Again, recognizing part of why people like Kevin Hamilton know that it's 146 pages is because

there are some of us that read all 146 pages and then there are some of us that frankly just don't have the time, the capacity, or just have basic questions about the

technical jargon. So it would be really helpful if we could continue the dialogue with you all on March 15th.

And I do want to underscore what everyone else

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has so eloquently spoken to, you know, really appreciate

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preparation and engaged dialogue from Carbon Work Group members and EJAC members generally that we are really looking to ensure that the transition off of fossil fuels

is just and that environmental justice communities have decreased burdens and increased benefits. So I want to reiterate the EJAC policy asks that CARB initiate 4 rulemaking on emissions from dairies pursuant to SB 1383

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and integrate all components of the EJAC resolution.

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And with that, I'm going to pass it back to

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Ashley to take us to public comment.

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OEJTB MANAGER GEORGIU: Thank you, Dr.

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Catherine.

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So just wanted to mention, we're item 5 on the

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agenda, which is our public comment period. We currently

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have 18 commenters total. We have five in the room,
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online. So we ask that everyone who is still
interested

in speaking, please raise your hand or sign up in the
room

if you have not done so already. We will switch off

between those who are in the room and those who are
Zoom,

starting with the room first. Each commenter will have
three minutes. So I'm going to stop sharing my screen,
so 19 we can pull that for you, so that you have the
timer.

Please, be as succinct as you can. I know it's

hard with something that is this complicated. We would
really appreciate that, so we can make sure that we
get to

everyone. Also, just a reminder for us as well as the
court reporter, please make sure that you do state

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your name and affiliation before you provide your question or comment. We'd really appreciate that.

So we will start in the room here with Sasan Saadat. And if I do mispronounce anyone's name, I

apologize about that in advance.

SASAN SAADAT: Thank you. Thank you, EJAC Board members, and staff, and everyone for your continued work on the rule. Sasan Saadat with Earthjustice.

So in our view, the root problems that we have been raising throughout the course of this rulemaking, a

glut of bogus credits that are tanking the credit price

and the program's lopsided support for polluting fuels over zero-emission pathways have either not been addressed

or gotten worse. Earthjustice was stunned to see the changes to the avoided methane crediting make a bad problem worse.

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Of course, we opposed staff's initial proposal

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presented during workshops to delay the phaseout in new

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pathways until 2030. But at least then CARB staff

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acknowledged a need to discontinue this practice. I

went 20 back and listened to the Board meeting and

pulled quotes

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where several Board members raised similar concerns about

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this delayed phaseout. Some Board members specifically

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called for in quotes "Tightening the data", for quote,

"Initiating rulemaking in 2024," or quote, "fear of allowing credits over a decade to create economic dependence."

To my knowledge, it's unprecedented for such a

major policy change to come without clear and public Board 4

direction, and indeed which runs counter to the clear 5 concerns of many Board members.

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And it's also worth mentioning that these run

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counter to the clear concerns of dozens of environmental

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justice residents who drove to Sacramento to tell CARB

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about how these fuels harm their livelihoods. And

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shockingly, this was not even acknowledged or recognized

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in the environmental justice section of the ISOR. Reading

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the ISOR, you could be mistaken to think CARB has never been made aware of these well-documented concerns.

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Similarly, we're unaware of the direction to

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include a certification scheme to trace crop fuels when

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the main publicly discussed recommendation from the EJAC

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and others was to set a cap on lipid fuels. Tracing the

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origins of lipids, as staff proposes, will not prevent the overconsumption of a globally fungible commodity. And

this idea was never workshopped and no environmental group asked for it. So we are alarmed also by the recent data, which shows soybean oil as gushing into California's programs at rates that already far exceed CARB's forecast in the ISOR, where they peak at volumes that are expected to be hit in 2026. These are major developments and major policy changes that have been made since September's Board meeting that the Board has not yet had the opportunity to publicly vet.

Beyond these policy disputes, Earthjustice and our partners have not been able to obtain basic input and output spreadsheets that undergird staff's justification

for their proposed scenario or rejecting the EJ scenario. We asked for this information. We know other public

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interest groups have, scientists, academics. And for our part at least, we've been told to submit a PRA to get this information, which we have now done.

But this is a major roadblock for us to be able to provide meaningful comments on the program in time for the February 20th comment deadline. And with a majority of the Board members voting officially on this rule for the first time, and so many major policy changes with profound environmental justice impacts at stake, we think the Board and the public needs another opportunity to

provide direction on this rule. We've therefore formally requested CARB hold an informational meeting this March to

allow further incorporation.
Thank you for your consideration.
OEJTB MANAGER GEORGIU: Thank you.

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Next, we have Gracyna Mohabir.

GRACYNA MOHABIR: Hi. Gracyna Mohabir with California Environmental Voters. Good afternoon.

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We appreciate the opportunity to comment on the work that the EJAC is doing on the LCFS reg updates and we'd like to voice concern for the fact that the EJAC's comprehensive EJ scenario eight-point resolution, as well as the concerns of EJ groups weren't reflected in the staff proposal from December. The future of our State's transportation is zero emission and we should be planning for that future.

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As such, we recognize that the dairy digester biogas is counterintuitive to these goals. By promoting offsets over reductions, this encourages major polluters to continue their status quo. Furthermore, this incentivizes the use of combustion fuels, which has

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frankly no role in this transition to zero emission.
Digester operations come at the expense of
disadvantaged communities, which we know are 18
disproportionately subjected to air and water quality
19 issues that are caused by these factory farms --
farms.

Sorry.

We're here to urge staff to reconsider the
recommendations put forth by the EJAC as well as EJ
groups.

Thank you.

OEJTB MANAGER GEORGIUO: Thank you very much.

Next, we have Akshita Sivakumar.

Okay. What about Michael Boccadoro.

MICHAEL BOCCADORO: Thank you. Michael Boccadoro
on behalf of Dairy Cares. And I will just reiterate our
offer to come and provide a thorough briefing to the EJAC
Committee. I've made this on numerous -- this request on

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numerous occasions. I'm making it again today. It's clear from the discussion here and some of the comments 9 made by EJAC Board members that there continues to be a flawed understanding of how our comprehensive dairy methane reduction programs work in California. We would love the opportunity to come provide a thorough briefing, 13 answer questions of the Committee members. I've made this

to no avail in the past.

I'm hoping the Environmental Justice Advisory Committee will reconsider, give us a few moments of your time to try and answer some questions, and hopefully correct some of the misperceptions about how our dairy farm families operate here in California. I cringe when I hear terms like "factory farms or "industrialized

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21 dairies". These are family owned and operated dairies
22 here in California. Its disrespectful to those
families

23 to call them anything other than family-operated dairies.

Some of our dairy farms are larger than you will
find in other states and they're smaller than you'll find

in many other states. We operate differently here in

California. We've recently read about comparisons between
California and Wisconsin dairies. It's comparing apples and

oranges. We operate in a much different climate.

5 There was Recent criticism that we have a lot of flush

6 dairies here in California. It's true. We do. Flush

7 dairies don't work in Wisconsin for a reason. Flush

8 dairies become ice rinks in Wisconsin in freezing

9 temperatures. You can't flush manure but it's a very 10

efficient way of managing waste in California, not

11 uncommon with how we manage waste in urban areas. We 12 flush

waste to a centralized location where we can manage 13 it.

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14 Contrary to popular myth, dairy digesters are not 15 increasing
pollution. They're dramatically decreasing it

16 and the facts bear that out. It's really important if
you

17 want to have a full understanding of how these
programs

18 operate that you invite us in, allow us to share

19 information, allow you to ask questions, and allow us
to

20 respond. So I respectfully request to be given that

21 opportunity at a future EJAC meeting.

22 Thank you.

23 OEJTB MANAGER GEORGIU: Thank you.

We do have Phoebe Seaton in the room next, but I
just wanted to make sure the Zoom queue is also ready.

We'll be starting in Zoom with Jan Warren after Phoebe Seaton.

PHOEBE SEATON: Thanks so much. Phoebe Seaton, 4
Leadership Counsel for Justice and Accountability. I

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think one of my colleagues is going to speak later, so I was just actually going to use my time for some just very specific clarifying questions to staff.

I did miss the early part of the meeting, so I'm not sure if you're going to be able to answer these questions, but I just -- I wanted to kind of clarify some, you know, potential ambiguity in the language. Sasan spoke to this as did Catherine.

The -- is our read correct that the updated draft regulations released on January 5th in the ISOR extend the possibility of a avoided methane crediting to 2059 for CNG and beyond for other technologies, including electric? So that's one question.

And then the follow-up is, if that's the correct read, what is the interaction between that kind of

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20 years or so, 40 years, of avoided methane crediting
for

21 livestock methane, and CARB's duty to directly
regulate

22 livestock methane?

23 OEJTB MANAGER GEORGIUO: Thank you.

So we will be transitioning to our Zoom
commenters starting first with Jan Warren.

Jan, we were -- will be unmuting you at this
point and you should be able to speak.

Jan.

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Well, let's move on to Amelia -- oh, Jan, one

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more time just checking to see if you are now unmuted.

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JAN WARREN: Yeah, I just -- I just got it.

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Did -- am I --

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OEJTB MANAGER GEORGIUO: Perfect. We can hear 9 you.

Thanks, Jan.

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JAN WARREN: It takes a while. Thank you. Jan

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Warren from Contra Costa County with Northern California 12 refineries.

And I just -- first of all, since I didn't know I was going to have this extra minute, I want to thank the Environmental Justice Committee, because this is so frustrating to me. I can't imagine how hard it is for you. This is the third one of these on LCFS that I've been too and it's tough. So we need to acknowledge that

the federal laws in this country are written by industry. They receive support by helping to create incentives that benefit the selling of their products. In 1978, a gallon of unleaded gasoline leave, believe it or not, was \$0.65 to \$0.71. And at that point, they were -- a wonderful energy tax act provided them with \$0.40 exemption by adding 10 percent ethanol all these years. And Ethanol is still receiving subsidies. Part of our concern with these programs you're

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developing. Ethanol is now thousand part of the gravy train for alternative fuels.

Looking at the Alternative Fuels Data Center website that I looked at today, and you're going to find 28 laws and incentives relating to biofuels. What guardrails does this revision include on crop-based fuels?

Instead of extensions, caps need to be put on biofuels and biogas. LCFS was supposed to move dollars towards electrification producing renewable electricity in larger amounts. There's way too much incentive to control the growth of these biogas and biofuel products. We saw the

same thing happen with Cap-and-Trade when it was extended.

It's very difficult, like the ethanol, to turn the spigot off. It's like a runaway train.

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Since 2020, the U.S. has been a net exporter of

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Petroleum. Fuels refined and exported are completely

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exempt. Roughly a third of the fuels refined in

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California are sold out of state. Emissions from refining

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and burning exported fuel are not taken into account.

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Biorefining is carbon intensive and uses more

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hydrogen per barrel than petroleum. The LCFS funnels

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money into biofuels that further pollute already

burdened communities. This proposal has no meaningful

guardrail -- safeguards against the risk of biofuels.

I continue to support the EJAC recommendations and their request for an extension. And I always like to close with who is harmed and who benefits.

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Thank you.

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OEJTB MANAGER GEORGIU: Thank you.

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Next up is Amelia Keyes. Amelia, your line has 7 been unmuted and you can begin to speak.

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AMELIA KEYES: Hi. Thank you. Thanks to EJAC 9 and to CARB for this opportunity. I'm Amelia Keyes and I'm an attorney with Communities for a Better Environment, an organization that represents EJ communities living 12 alongside petroleum refineries in Northern and Southern 13 California.

Throughout this rulemaking process, we've been asking CARB to place a cap on crop-based biofuels. We've told CARB that these combustion fuels will continue the long legacy of polluting our communities and will displace much needed opportunities to expand access to 19 zero-emission vehicles and other clean transportation 20 options.

Our communities are already experiencing the 22 consequences of biofuel expansion. Money from the LCFS is

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23 breathing new life into oil refineries in the Bay Area. The
 Marathon Martinez refinery, which had finally shut down after
 100 years of polluting the area, recently
 reopened to start producing renewable diesel. Phillips 66 in
 Rodeo has also recently converted to biofuels.

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I'll just highlight three major issues here with
 these biofuel conversions and the growth of biofuels. So
 first, these refining processes produce significant levels
 of local air pollution and new opportunities for health
 emergencies. Since reopening the Martinez refinery has
 had frequent flaring incidents, including an alarming
 incident this fall that spewed a powdery substance
 throughout the area that contained heavy metals.

Second, biofuel refining creates new climate
 risks that CARB has not fully acknowledged or measured
 in
 this rulemaking or elsewhere. In December, CARB
 approved

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a tier 2 fuel pathway application from Phillips 66 and Rodeo to produce renewable diesel from imported Argentinian soybean oil. This growing reliance on imports of virgin crop feedstocks is only increasing, and yet CARB has made no efforts to measure the particularly large risks of land use changes from South American feedstock markets.

Third, these biofuel refineries have obstructed the environmental safeguards that CARB relies on to justify incentivizing biofuels. A California court found that the Phillips 66 biofuel conversion project is in violation of the California Environmental Quality Act and requires the county to do a revised Environmental Impact Report.

Throughout this process, CARB has not stopped or paused approval of biofuel refinery -- biofuel pathways at

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this refinery, despite the refinery's violation of State 6 environmental laws.

So to wrap-up, by failing to place meaningful safeguards on biofuels, CARB has abandoned environmental justice communities in a catch-22, in which no agency, 10 neither State nor local, will take responsibility for the

environmental harms caused by these fuels.

Thank you.

OEJTB MANAGER GEORGIU: Thank you.

Jeremy Martin, your line has been unmuted.

JEREMY MARTIN: HI. Can you hear me? 16 OEJTB MANAGER

GEORGIU: Yes, we can hear you 17 great. Thank you.

JEREMY MARTIN: Yes. Thanks. My name is Jeremy

Martin. I'm from the Union of Concerned Scientists. And

thanks for the opportunity to comment and for all the 21 testimony from EJAC.

The Low Carbon Fuel Standard is badly out of

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balance. We've got way too many credits generated by vegetable oil based renewable diesel and manure biomethane based on exaggerated claims of their greenhouse gas

benefits. These fuels don't support the transition to a zero-emission future that's envisioned in the scoping plan and, you know, embraced by the Board and officials.

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So, unfortunately the proposal also won't

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stabilize credit prices, and -- where stable credit prices are necessary for the LCFS to continue to support

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electrification. As long as the proposal does not address

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the flood of credits from these renewable diesel and

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biomethane, it's just not going to -- it's not going to

work. I've written about this extensively in some recent

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articles, so I won't dwell on it here.

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But it also just doesn't make sense to ask

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California drivers to cover the costs of building
manure

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digesters all over the country at these huge CAFOs
very

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far from California or frankly to cover the cost of

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bidding up the price of vegetable oil on global

markets, 17 which is what announced, you know, what

the big run-up in

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renewable diesel amounts to.

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I also want to make a process point. I

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completely agree that the meeting in March should be
an

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informational meeting without a vote. The proposal
that

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we've got needs a great deal of work and we need more

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information to comment on it. I've been working on Low

Carbon Fuel Standard rulemakings now for 15 years or

so and I've been through a lot of them. And this

proposal --

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or this rulemaking process has some serious problems.

For one thing, the idea that we discussed in two years of workshops were suddenly dropped in the final proposal. The spreadsheets we need to evaluate the alternatives, in terms of how many volumes and credits are associated with different pathways, are not available.

I've asked for them. We've been told we can't have them.

So I encourage the Board to -- you know, to have an informational meeting, review the proposal, provide us the data we need to assess it, and then, you know, we need to fix it properly. We need sensible limits on how much vegetable oil is used to make fuel, we need to phase out avoided methane credits, and we need to rebalance the Low Carbon Fuel Standard so that it will support the zero-emission transportation future that's -- that we

need. So thanks again.

OEJTB MANAGER GEORGIUO: Thank you. Tim Maddox, your line is unmuted.

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Tim, we cannot hear you.

Okay. We'll move to --

TIM MADDOX: Can you hear me now? Can you hear 22 me?

OEJTB MANAGER GEORGIU: Oh, now I can hear you

Tim, yes.

TIM MADDOX: Okay. All right. Yes. My name is Tim Maddox and I'm an SEIU United Service Workers West member. I've worked at LAX for almost 30 years.

As an airport worker here, I want to share how every day we are exposed to jet fuel emissions and the chemicals that we deal with every day. And I'm really concerned about the environmental and health impact it's having on me, my family. I also live in Inglewood, which is just three miles east of LAX. And we live directly under the flight path that the aircraft go over. And, you know, we're constantly not only the air pollution, the fuel pollution, but the noise emission that we are hearing every day.

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And, you know, I have co-workers that have chronic illnesses because of this. Luckily, I have not gotten sick, but I know co-workers and friends who have asthma and respiratory problems, and also hearing problems caused by the loud noise I want to ask that jet fuel be included in the Low Carbon Fuel Standard. The airplanes need to be regulated to -- and thank you for your work that you are 21 doing there. And just as a worker, as many workers there 22 at LAX, we ask for your help in dealing with this problem.

OEJTB MANAGER GEORGIU: Thank you.

Next is Leslie Martinez. Leslie, your line has been unmuted.

LESLIE MARTINEZ: Hi, everybody. We're going to have a speaker in Spanish that needs translation.

THE INTERPRETER: Good afternoon. This is Marc

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your interpreter. Let me assist.

LESLIE MARTINEZ: Okay.

THE INTERPRETER: This is for Ms. Martinez, is that correct.

LESLIE MARTINEZ: No. This is going to be for Maria Arevalo from Pixley, California.

THE INTERPRETER: Maria Arevalo. Thank you.

(Interpreter communicated with witness in Spanish).

MARIA AREVALO(through interpreter): Good afternoon. My name is Maria Arevalo. I'VE lived in Pixley for 47 years now. And I'm here representing my community here in Pixley. In fact, there's a group here wanting to share our experience, our perspective. And I'm here, because I want to express to the Air Board and all

of those who are there to help care for this, which is our

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clean air and our clean water. I want to express that our comments have not been reflected in your documentation.

We've noticed that your proposals do not include our comments. And as far as we can tell, all of those who have come to ask for help, all of those from my community have come and discussed the contamination that we have in

our air, the ammonia that we're contaminated with. We feel that we've not been heard. You have not listened to us.

And we're here to ask for your help. We need your help. This smell, this ammonia smell that's contaminated our air, it's coming from a dairy digester 7 that lies just one mile north of Pixley and it's damaging 8 our health.

And this is coming from the dairy digester. It's in front of CALGreen. And they're the ones, of course, working with cattle waste and manure. They're the ones that are creating this ammonia contamination. And right

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in front of them they're bringing about or bringing in another company that's going to create hydrogen. And these two emissions, methane and hydrogen, just those two

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are going to continue hurting Pixley. In fact, those will 17 kill off our community here in Pixley. And you would be

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responsible for that. In my home, for example, we have to

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use an air machine without Albuterol, so that we breathe 20 our air at night.

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Three members of my family, that's a 26-year old

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son, 11-year old grandson, and myself 74 years old, we all

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have to use a mask that covers our nose and our mouth to breathe an Albuterol mask so that we can breathe at night. Our 11-year old boy, he is too young to have to deal with

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this problem. He has to clean a machine every three days so that he doesn't get an infection from using this machine, from which he has to breathe Albuterol to have

clean air. If not enough oxygen gets into his blood, blood doesn't get to his brain. And what's going to happen? He's not going to learn anything at school.

And that's the story in my entire community here in Pixley. That's the story here for everyone. Everyone is at risk of getting sick and that's why we need your help.

We need the Air Board help and the help of anyone

who's involved in cleaning our air and our water.

Thank you.

LESLIE MARTINEZ: Hi. And then I'm going to give my personal comment. I'm Leslie Martinez with Leadership Counsel.

Hi. My name is --

OEJTB MANAGER GEORGIUO: Go ahead, Leslie.

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MR. MARTINEZ: Okay. So Leslie with Leadership

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Counsel. You know, I just want to talk about I work with

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residents here in the San Joaquin Valley throughout

and 21 it's the same story that we hear again and

again.

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But another story that I think is important and I

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think is especially important for the EJAC to hear is

we are constantly being approached by CARB staff to

support in workshops, to support in bringing folks out

to give

public comment. And frankly like as an organizer and as a
lifelong resident of San Joaquin Valley, born and raised,

I'm -- I -- it's getting harder and harder to -- for folks

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to have faith in this agency as it continuously. We've

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seen them be ignored. We were told that the Scoping Plan 6

wasn't the correct place to bring up community concerns

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around the LCFS. We were told that, you know, it was too

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early at other parts of the LCFS. Every single residents

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bring concerns, they are ignored. They are not taken --

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they are not considered to be real data.

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I keep hearing data driven, data driven.

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Community experience is data driven. Community experience

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is an asthma bill that people can't pay. It's the cost of

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gas. And at the end of the day, that is -- that is an

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effect that you are all helping and you are all

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encouraging. And at the end of the day, we need to ensure

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that this program doesn't hurt communities and it doesn't

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hurt the communities who have already historically
been hurt by this agency for decades, by this
State.

It is -- it is a -- it is insane to me how the
place that has some of the worst air in California,
some of the worst poverty, where hospitals are
closing down

that this agency and staff has ignored any public health concerns
that have risen from community residents. I really ask that as
we move forward in this process, we

think through what message we're telling community members when
we ask them to show up, only to tell them that they're wrong, only
to tell them that their concern is not valid.

As we continue through this process, I really
encourage you to stop and really reflect as to how you
expect a community to continue to show up, and you
hear

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8 back from community, if you're only going to take the
good

9 things and not try to address their issues. I think
this

10 is a -- I think that the LCFS needs to -- is not ready
to

11 go to the vote and I definitely support all the EJAC

12 recommendations. And I really look forward to a time

13 where community residents' public health concerns are

14 actually addressed and not pushed to the side, because

15 they don't fit the narrative of reducing methane,
where I

16 would question the math that a lot of people taught.

17 Thank you so much.

18 OEJTB MANAGER GEORGIU: Thank you. 19 Next, we have
Tyler Lobdell. Tyler, you have 20 been unmuted.

21 TYLER LOBDELL: Great. Thank you. Are you able 22 to hear me?

Sorry.

23 OEJTB MANAGER GEORGIU: No, you sound great.

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Thank you.

TYLER LOBDELL: Okay, great. Yeah. Good afternoon. Tyler Lobdell and I'm a staff attorney with Food and Water Watch. And I just want to start by thanking you all for your time and for the really incredibly important work that you all are doing. So despite years of advocacy, voluminous evidence and analysis, and as was just alluded to, testimony from Californians harmed by CARB's extreme incentives for factory farm pollution, CARB staff have proposed LCFS 9 amendments that double down on the problem while 10 completely ignoring the adverse and disparate impacts 11 these perverse incentives are causing.

CARB staff has not only rejected this body's recommendations, as they pertain to factory farming and manure biogas, it has gone full throttle in the other direction. So I want to clarify something that it seems

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like has been raised a few times, and that is whether there's any sort of a phaseout of factory farm gas by 2040 18 or 2045, as some sources have characterized the proposal.

That's not what's happening here. Instead, CARB staff is proposing to supercharge the existing perverse incentives for mega dairies in the Central Valley to expand, to consolidate, and to produce as much climate pollution as possible so they can monetize it. The 2040, 2045 dates only apply to projects that fail to break ground essentially before 2030. Any project that goes

before that deadline is eligible for these perverse incentives up through 2060. And as was alluded to, it appears that biogas to electricity pathway is one of the

most inefficient and polluting type of fuel pathway in the

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program have no restrictions whatsoever, and thus appear eligible for perpetual lavish crediting. This is not a phaseout. In fact, this structure is designed to ramp up the pressure on factory farm gas developers to expand and build out as much as possible over the next five to six years to the detriment of community and environmental health. And unfortunately, that's really only half of it. Instead of recognizing that paying factory farms to pollute as much as possible is backward policy. CARB's expressed plan here is to entrench factory farms and their methane pollution as a foundational source of dirty hydrogen production in the future, but for

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non-transportation purposes. This proposal exposes that

CARB staff is working overtime to ensure that the largest

factory farms continue to pollute California communities

in perpetuity, and that they get paid to do so. And

through all of this, CARB staff willingly ignores the many

environmental and public health costs that have been raised for years now associated with factory farm gas fuels.

In the -- for example, in the uplifting environmental justice section of the ISOR, not a single mention of dairies, communities affected by large dairy pollution, or the scientific evidence that digested manure is worse for public health and the environment than the already dangerous factory familiar practices underlying 7 gas production.

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So with all this, again sincerely appreciate the
EJAC's work, hope that you demand Board members reject
this staff proposal that fails to take your
recommendations seriously, and Food and Water Watch
fully
supports Earthjustice's letter and the request
regarding
the March hearing, so that Board members and the
public
can have a meaningful change to revise this offensive
proposal.

Thank you.

OEJTB MANAGER GEORGIUO: Thank you. 18 Next is
Armando Munoz. We have unmuted your
line.

ARMANDO MUNOZ: Hi. Hello.

OEJTB MANAGER GEORGIUO: We can hear you.

ARMANDO MUNOZ: Can you hear me?

OEJTB MANAGER GEORGIUO: Yes.

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ARMANDO MUNOZ: Okay. Hi again today. Hi. Nice to meet you. My name is Armando Munoz and I'm a member from SEIU Local USWW. I've been working at the airport for the past 14 years. As a matter of fact, I've been living in the pathway of the airport for the past 28 4 years.

5 As an airport worker, I'm here to share how I'm
6 exposed every day to airline emissions. I am
concerned 7 about the environmental and health impact
it is having on 8 me and my family who work and live
near LAX as well.

9 Working at the terminals I'm always breathing airplane
10 emissions which has affected a lot of my co-workers'
11 health as well. A lot of my co-workers are getting asthma
12 and are able not to breathe normally. They have to use 13
devices when they get home.

14 I also live in the flight path for over a few
15 years, as I mentioned before. And I'm exposed to
these

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toxins not only as in my neighborhood, but as well as work

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where I live. It's -- my community has been affected.

We 18 have to do something about this. I ask that jet fuel be

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included in the Low Carbon Fuel Standard. Airplanes needs

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to be also regulated and held accountable to these 21

communities that they affected. And thank you for your

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time.

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OEJTB MANAGER GEORGIU: Thank you.

Next, we have Dan Ress. Dan, your line has been unmuted.

DAN RESS: Good afternoon. My name is Dan Ress and I am senior attorney for the Center on Race, Poverty, and the Environment, speaking today for my home in Kern 4 County and standing in solidarity with the EJAC and your 5 recommendations on the LCFS.

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I want to point out a few issues with both direct air capture and dairy digesters in the staff proposal.

Direct air capture, or DAC, is a means of removing ambient carbon dioxide from the atmosphere at great expense and profound energy burden. If the State decided to deploy DAC, it must be deployed only to offset those last emissions, for which we truly don't have other good options, given how expensive and energy inefficient it is. Transportation fuels are not in that category, so DAC has no business in this program. Yet, CARB staff have proposed to allow DAC projects anywhere in the nation to generate LCFS credits. As such, DAC projects receiving credits will not be carbon negative, because they will be

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offset by increased carbon intensity of California transportation fuels.

DAC projects that are not carbon negative offer no benefit, but rather sit as monuments to bad climate policy, billion dollar Rube Goldberg machines built at the expense of taxpayers and through the LCFS, people who drive cars.

Further, unlike many other programs in the LCFS has proposed, DAC is allowed to generate credits and other mandatory and voluntary climate crediting programs. As a result, DAC is likely to be double, triple, or even quadruple credited, such that it won't just fail to be carbon negative, but will, in fact, facilitate increased emissions through reductions that won't happen in multiple offset markets. Financing projects through the LCFS generally is effectively a regressive gas tax. Low-income communities of color, especially in rural areas like the

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Central Valley, are more likely to need cars for transportation, yet they're the least able to afford higher gas prices.

Tacking on DAC, which offers at best speculative climate benefits and at worst, as through the staff proposal and LCFS, serious climate harms and likely significant local harms, will only exacerbate injustice.

What's more, DAC projects, which do create local risks and harms are likely to be located in those same rural low-income communities of color that will be most burdened. And those same communities will be among the last to be able to afford electric vehicles, even as the

costs from the LCFS grow higher for gas buyers.

Because of disinvestment and environmental racism, some of these communities don't even have access

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to the electric grid, even if community members could somehow afford an expensive EV, yet they are asked to bear these costs.

A similar dynamic exists for dairy digesters, which offer no climate benefits and likely significant climate harms, severe local harms, yet increased gas costs for the same front-line communities that will be most burdened by the local environmental harms from the 9 program. That is unjust. That is a failure for climate and communities and that is something CARB must fix.

Thank you.

OEJTB MANAGER GEORGIU: Thank you.

Next, we have David Rodriguez. David, your line 14 has been unmuted.

David, we cannot hear you if you're speaking.

DAVID RODRIGUEZ: Hello.

OEJTB MANAGER GEORGIU: Hi, David. We can hear you now.

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DAVID RODRIGUEZ: Okay. Thank you.

Yes. My name is David Rodriguez. I live in Planada, California, which is in Merced County, part of 22 the Central Valley. And I've been living here since 1960.

Population a little bit over 4,000.

Hillcrest Dairy arrived in 2002 with over 3,000 cows. In 2012, they were out of compliance with Merced County with over 8,000 cows. Our town population is only over - a little bit over 4,000. And we've -- I've gone to the Board of Supervisors in Merced County to complain

with a group of citizens as well, but it goes and it falls on deaf ears. I've had the opportunity and pleasure to go up to Washington D.C. and speak with the EPA. I met a gentleman by the name of John Lucey, Robin Collin, Ron Snyder, Chitra Kumar, and other people and issue our complaints. I've sent a letter to Martha Guzman in 10

Regional[sic] 9 EPA and I received a letter from Sarah 11 Sharpe.

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12 But everything seems to fall on deaf ears and I
13 don't know -- I don't know why. The original program
of
14 the LCFS was to reduce carbon intensity by 10 percent
in
15 California by 2020. I don't believe that has been
done.
16 CARB was also required to perform the analysis of the
17 incentive-based program, but it also blocked the
agency
18 from implementing any new regulations for reducing the
19 emissions until 2024.
20 So here we are talking about the same problems we
21 had in the past. I know California has allocated 350
22 million to build digesters. Digester programs would
23 undercut the State's overarching environment goals and
public health priorities. California regulators have
not adequately evaluated the program's threat to local
air and

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in small round communities.

So we implore your help. Just like Pixley and other small towns, our population is about 97 percent

Latinos, half of them probably don't even speak English, but they do suffer just like the rest of us. And I implore your help with every department that pertains to

clean air and water.

Thank you for your time.

OEJTB MANAGER GEORGIUO: Thank you.

I just wanted to make sure everyone in the room knows, we have seven commenters left in Zoom.

Our next commenter is Stephen Rosenblum.

Stephen, your line has been unmuted.

STEPHEN ROSENBLUM: Yeah. Thank you very much.

I appreciate your all waiting so long in this session.

It's been a long day for you all. My name is Steven

Rosenblum. I'm a member of Climate Action California.

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It's an organization that fights for cleaning up the environment and trying to fight for climate change. And I think the members of the EJAC really understand the issues quite well. As some of you have pointed out, you have data from your communities, and that's much better than modeling input, which CARB uses. As was pointed out by one of your members, if you have a model and it has bad data going into it, you're going to

get wrong information out of it. And that's what CARB uses for the LCFS. They used it for Cap-and-Trade. They used it for the GREET for evaluating fuels.

If they put bad data in those models, they're going to get wrong answers, and that's what we're seeing.

For example, the avoided emissions credit for methane is based on an assumption that burning this methane from cows

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is going to somehow help the climate. If, as one of your members pointed out, he wanted a yes or no answer as to whether we're going to get to zero, the only way we're going to get to zero carbon is by stopping burning carbon, regardless of where it comes from. And that means we have to transition to renewables like wind and solar and battery storage. And stop with all these ideas about biofuels and ag methane.

So I just wanted to talk specifically about some of the issues raised on this. Mr. Boccadoro claims that Boccadoro that we -- we're calling them names when we say that these factory farms are not factory farms. We just heard from this gentleman where there's 8,000 cows. I can't see how you could call that a family farm. A family farm means to me a farm with a husband and a wife and two

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23 kids and they're taking care of some cows. There's no way
they're going to take care of 8,000 cows. That's a far -that's a
factory not a farm -- a family farm.

And then besides the environmental and air
pollution, these farms also produce water pollution, flies,
ammonia, smells as other people have pointed out. 4 So it's a lot
more than just the hydrogen part, the
5 methane part of it.

6 With regard to biofuels, they're not a solution. 7 As was
mentioned, there's two refineries in the Bay Area
8 now being proposed to go into full production of renewable 9
diesel. If they use soybean oil as their input, they're
10 going to be using 45 percent of the total soil crop of the
11 United States. That will convert that food cropland into
12 fuel cropland and that's not taken into account of in the
13 indirect land use conversion.
14 OEJTB MANAGER GEORGIUO: Thank you, Stephen. 15 Your time is up.

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16 Our next commenter is Rita Loof. Rita, your
17 microphone has been unmuted.

18 RITA LOOF: Good afternoon. Rita Loof, Director 19 of
Environmental Affairs for RadTech International.

20 RadTech is the trade association for ultraviolet electron
21 beam light-emitting diodes, UV/EB/LED industry. We are a
22 national non-profit dedicated to education in industries
23 like auto body shops, printing, fingernail polish, and dental
applications.

Unlike conventional inks and coatings, UV/EB/LED
products do not evaporate. Instead, they are specifically
formulated to react to energy, and therefore no volatile organic
compounds are generated. UV/EB/LED processes are 4 also all electric
and do not produce NOx, SOx, and 5 greenhouse gases.

6 My comments today are related to appendix B,
7 local actions of the AB 32 Scoping Plan specifically
on
8 page three, which mentions that AB 32 directs CARB to

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ensure that the greenhouse gas emission reduction programs

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and incentives direct public and private investment toward

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the most disadvantaged communities in California and

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provide an opportunity for small businesses and other

13 institutions to participate in and benefit from

statewide

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efforts to reduce greenhouse gas emissions.

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I wanted to make EJAC aware that some of the

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policies at the local level are actually having the

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opposite effect of what the Scoping Plan envisioned.
As

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an example, the SCAQMD permitting rules act as a
barrier

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to the implementation of clean technologies in 20

manufacturing. Businesses who go above and beyond

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regulatory requirements get no benefit whatsoever.

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Currently, the SCAQMD fee rule does not even have a

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category for low VOC materials. And the clean materials have to pay the same amount of fees as the polluting materials. Businesses get no credit for removing equipment that burns fossil fuels and convert to electric equipment.

It reminds me of the Spanish phrase, (spoke in Spanish), which loosely translated means the just pay for the sins of the sinners.

AB 32 envisions a partnership between the environmental justice community and the business community to achieve emission reduction of greenhouse gases. And organizations like ours, share CARB's vision for greenhouse gas reductions, but it's hard to feel like a participant when we're not even allowed equal access to the community steering committees. So we hope that we can partner with you in the future and thank you so much.

OEJTB MANAGER GEORGIU: Thank you.

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Next, we have Brent Newell. Brent your line has 16 been unmuted.

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BRENT NEWELL: Good afternoon. My name is Brent

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Newell and I represent Leadership Counsel for Justice and

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Accountability.

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I'd like to make two points this afternoon.

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First, with regard to Senate Bill 1383, the Legislature

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was quite direct and unambiguous in directing CARB that it

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shall adopt regulations to limit methane from manure management. The Legislature did not give CARB discretion to disregard that unambiguous mandate. CARB shall do it.

Yet, the Executive Officer of CARB, Dr. Steven Cliff, in -- on September 28th told the Board that -- to initiate that rulemaking.

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4 Instead, CARB is doubling down on avoided methane 5 crediting
and abandoning its 2040 phaseout. The

6 Legislature did not give CARB the authority to use the Low

7 Carbon Fuel Standard as this gigantic incentive machine

8 for hydrogen production, for stationary source fuel, and 9 for
running the Low Carbon Fuel Standard after 2030.

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My second point is that Matt Botill tried to walk

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back the massive pass-through cost gas tax that's

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happening here to pay for biomethane fuels to pay for

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these biodiesel fuels. What is unambiguous in the
ISOR is

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that the cost of credits that oil companies will have
to

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pay is more than \$120 billion cumulatively through the
16 program.

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Now, they're not going to absorb that cost.

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CARB's ISOR tries to walk back the complexity of gas

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prices and so on and tries to gaslight the public, and
say

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20 that the overall cost to drive for Californians will
go
21 down because of the LCFS. You know, averaging out the
22 cost doesn't make that pass-through cost go away.
Rather,
23 those communities that can't afford electric vehicles
will pay for that \$128 billion cost at the pump. Now,
CARB needs to listen to the EJAC. Thank you.

OEJTB MANAGER GEORGIOU: Thank you.

Next, we have Brett Zeuner. Brett, your line has
been unmuted.

4 BRETT ZEUNER: Hello. Thank you for the
5 opportunity to speak. My name is Brett Zeuner and I'm
6 speaking today as an individual and a resident of
7 California calling in from Los Angeles. My experience
and
8 perspective on these issues are informed both by my
lived
9 experience as well as my work experience. As a program

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manager at the Foundation for California Community
Colleges, where I manage the implementation of a
regional
ZEV incentive program and support community-led
outreach
and engagement with our college students and CBO
partners.

But today, speaking as a member of the public, I
wanted to just emphasize something about green
hydrogen.

And when I say green hydrogen, I'm referring to hydrogen
fuel produced with solar, wind, or geothermal
electricity, and responsibly sourced water. I don't say
renewable electricity, because even that term has become
polluted, pun intended. And I think there's huge
potential for cleaning up heavy- and medium-duty
transportation and air travel, and the science supports
that.

But I'm concerned, after reading the LCFS

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updates, that we might destroy the prospect of truly green hydrogen really becoming a thing in this State and possibly the country, if we fail to distinguish truly green and clean forms of hydrogen from those made with

4 other methods and feedstock. Instead, green hydrogen is
5 lumped into the ambiguous term "renewable hydrogen",
6 which

7 would include hydrogen produced through electrolysis
8 powered by biomass-generated electricity for example.

9 It appears that LCFS also fails to distinguish
10 electrolyzed hydrogen from that produced through
11 catalytic

12 cracking and steam reformation of biomethane and
13 biomethane being that from landfills and the dairy
14 digesters we've heard so many voice concerns. And I
15 guess

16 I'm not fully -- or I guess I'm looking for some sort
17 of

18 reasoning for why we are not separating truly green and
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clean forms of hydrogen from those produced from methane.

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And I think we could maybe do an olfactory exercise. If

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you've driven by like a huge CAFO or dairy farm and just

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think about that smell that you smell when you drive by

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and then think about when you're at the ocean and the

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smell you smell there. And saying that the hydrogen

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produced from both those ourselves is both the same, I

22 think just going off smell, you know that's not

true. So 23 hopefully that depiction helps us think

about that.

But by pitting green hydrogen against biomethane and other sources, I really think we're going to harm the innovation. And I don't think we'll look back on this and be proud of ourselves when we explain it to our children. So I hope that we can differentiate, and distinguish, and

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use words to mean what we mean. So thank you so much.

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OEJTB MANAGER GEORGIUO: Thank you, Brett. 6 Next is Esther Portillo. Your line has been 7 unmuted.

ESTHER PORTILLO: Okay. I think I'm on. I'm 9 unmuted.

Good afternoon, EJAC members. Thank you for your 11 time and dedication in addressing this important issue.

My name is Esther Portillo. I'm representing the Natural Resources Defense Council, NRDC. We would like to provide the following public comment on the LCFS Program and 15 elevate our continued concerns. We'll be providing our 16 official comment letter to CARB later this month.

In our view of the ISOR, our recommendations continue to be the same and we urge that CARB make the needed changes to the LCFS Program to ensure that California has the ability to reduce climate emissions and protect communities. We strongly believe that if the ISOR staff recommendations were to be adopted, the LCFS program

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would continue to contribute to poor local air and water quality and perpetuate environmental injustices by over-incentivizing livestock, biomethane, and other problematic combustion fuels. This comes at a significant detriment to the climate, the food system, the environment, and environmental justice communities.

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These problems must be addressed through

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improvements to the LCFS. NRDC calls on CARB to take the

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following steps to ensure that the LCFS supports climate

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targets and commitment to environmental justice.

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Number one, correct the over-crediting of livestock biomethane by 2024 and open a new proceeding to

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address agriculture emissions in their own right. 11

Extending to 2040 as recommended by staff is not a

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feasible alternative.

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Number two, implement a cap on all lipid-based

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feedstocks and develop an updated CI score for the
fuels

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associated with those feedstocks. CARB's proposal to

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certify feedstocks versus inability does nothing at
all to

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address the problem, and feedstocks are fungible, and
use

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of large volumes from certified sustainable sources

will still incentivize production from

unsustainable sources to fill the vacuum.

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Number three, eliminate LCFS credits for captured

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carbon that is usual -- that is utilized for enhanced

oil recovery, EOR, in alignment with SB 1314.

And number four, continue and enhance electric
transportation provisions in the LCFS. Additionally, we
recommend capacity credit issue and redirecting unused fuel
station funding for EV charging.

Number five, the credited hydrogen -- require

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that credited hydrogen be produced only with zero carbon electricity adhering to the three pillars of additionality, deliverability, and hourly matching. We also highly recommend that the CARB March meeting be only informational and no vote. The LCFS can be a tool for driving forward the transition to a cleaner, healthier, and safer transportation sector, but only if CARB ensures LCFS pathways are aligned with California's climate and environmental justice priorities. We urge CARB to make transformative changes to the LCFS programs that will protect communities and our progress on climate. Thank you. OEJTB MANAGER GEORGIUO: Thank you.

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Next, we have Michael Wara. And just to flag, Michael is our second to the last commenter we have on Zoom, so last call for folks who want to provide comment.

Michael, your line is unmuted.

DR. MICHAEL WARA: Thank you very much for the opportunity to comment. My name is Michael Wara. I am the Director of the Climate and Energy Policy Program at Stanford University. However, my comments today are my own personal opinion and not those of Stanford or the

Woods Institute.

I'd just like to reinforce comments that were made earlier by Jeremy Martin with regard to the transparency and procedural issues with this rulemaking. We worked extensively to provide analysis that the Air Resources Board did not feel they had time to do to

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7 evaluate both a cap on crop-based biofuels and earlier 8
phaseout of book and claim crediting for confined animal 9
feeding operation methane.

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We found that those did not result -- in using

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CARB's model, that those did not result in
unacceptable

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outcomes in terms of CARB's other stated objectives
for

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the program. Unfortunately, in the new rulemake -- and
we 14 also found significant problems with CARB's
model, which

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CARB subsequently fixed. Unfortunately, the current -- in

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the current rulemaking, CARB has not released any of the

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information necessary to evaluate the alternatives that

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they are proposing or the ones that they reject. And

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while I understand that there's a Public Records Act

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request that's been filed, it's just not going to be

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possible to really evaluate and comment on the proposal,

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22 given the position that CARB has taken with respect to
23 specifically input and output files for the CATS modeling that
supports the rulemaking. Without those files, we cannot provide
informed comment on the rule.

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I would note that the CARB conclusions with
respect to the EJ community proposals are quite different than
the results that we found in our modeling. And
that's especially why we want to understand the
assumptions that ARB is incorporating into their analysis
in order to provide, you know, comprehensive and high
quality feedback on the proposal. Thank you very much for 8
taking the time today to have this meeting and for 9 listening and
hanging on for the extensive public comment. 10 OEJTB MANAGER
GEORGIOU: Thank you.

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Next, we have Patricia Ramos Anderson. Your line
has been unmuted
PATRICIA RAMOS ANDERSON: Hello. My name is

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14 Patricia Ramos Anderson. And I'm part of the League of
15 United Latin American Citizens and most importantly
also
16 defensoras. I live in Santa Nella, but more
importantly I
17 have been -- I was raised with my family in the
Central
18 Valley. What's very key is that CARB and with LCFS
when
19 we were informed of a meeting, there had not been --
for
20 the 20 years prior to that until 2020-21 when I
attended
21 this first meeting by phone, there had not been
meaningful
22 community engagement and letting people know about
these
23 meetings, bilingual, no translators, no information up
until then. We forced that issue. That was an issue
that was brought to the attention.

And when you don't have meaningful community

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4 engagement, you are just saying we did this meeting. I posted
5 it in newspaper and that was it. No, that's not
6 how it works. There have been health impacts of this type
7 of business. More importantly, the public health was
8 never -- it was never held into consideration when you're
9 adopting a program that's going to impact these
10 communities and not have a process to address those
11 issues. More importantly, CARB and the LMS pro -- FS
12 program did not even acknowledge the existence of the
13 comments of the public at every faction of the process and
14 wouldn't even recognize them in their own reports of their
15 key points and issues that are being brought upon to this
16 committee and others.

17 This was horrible for government to not provide
18 and show that, for the public was finally getting
19 involved, because they would -- never had the
20 opportunity.

21 But more important, it's the public health. You never
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19 discussed what public health impacts were already
existing

20 in these communities and then continue to impact them
with 21 this new type of business.

22 What about a community environment, clean air?

23 No, there was no accountability in this whole process
with the CARB with this LCFS. They would not even
recognize the public residents' comments or even
acknowledge their existence or their key points, never
including them in any reports or documents, and that's
the taxpayer money. The same individuals that you're
impacting their communities

4 are taxpayers that you're using at the State to give
these

5 folks to make their health and their lives worse.
That is

6 public funds being misused not for the benefit of the
7 public best interest, but for the benefit of self-
profit

8 of these business programs that give them all these
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write-offs.

We cannot afford to contaminate the air, put the health risk of communities at -- for the gain of others profits that don't even lift -- live in these communities.

In closing is that we need to hold them accountable, LCFS,

not fund them until we have plans that have the voice for 15 the community, are there at the table and is documented. 16 Thank you very much for your time. We are taxpayers. We

are there.

Thank you.

OEJTB MANAGER GEORGIU: Thank you.

Our last commenter for today is Jack Fleck.

Jack, your line has been unmuted

JACK FLECK: Hi. Yes. My name is Jack Fleck.

I'm with 350 Bay Area.

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And I'm looking at the Low Carbon Fuel Standard's dashboard, and I can't help but notice that it has six million tons of credits for electric -- electricity, but it has 20 million tons of credits for biomethane, renewable diesel, biodiesel, and ethanol. Now, none of those latter products are going to get us to a hundred percent zero-emission transportation system and a lot of people have been mentioning that the low-income people

that need charging in their homes, which they don't have

it, because they live in apartments or they live in communities where electricity is hard to get, these are

the kind of things that the LCFS should be subsidizing to

make sure that we move as quickly as possible in an equitable way to make sure that everybody can get an affordable electric vehicle. And this is the only way we're going to get to a zero-emission transportation

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system.

All of these other things are digressions. They aren't going to get us there and I would urge you to not vote -- not vote on this in March, because the whole program needs to have a very thorough transformation as a number of speakers have said. So those are my points. Thank you very much.

OEJTB MANAGER GEORGIU: Thank you.

Okay. So that is the end of our public comment. Period. We don't have any more raised hands or folks in the room. I did want to note that we are actually ahead

of schedule. Happy to report that. So talk to the co-chairs and if our court reporter is amenable to this, we did have Item 6 on the agenda slated as a break, but

what we're proposing is that we move on to next steps and

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5 closing remarks, because they are anticipated to be very 6 brief
as I understand it.

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So, Jim, if there's any concerns, if you could
raise your hand or add it in the chat, just let us
know, 9 because I want to be respectful of your time
as well.

10 THE COURT REPORTER: If you can hear me, I'm 11 fine. You can
just push forward.

12 OEJTB MANAGER GEORGIUO: Thank you so much for 13 the
confirmation.

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DR. CATHERINE GAROUPA: So this is Dr. Catherine
and then I'll pass it to you, Martha Dina. I just
again

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want to close kind of how we started the day which is
thanking everyone for their presence, thanking all of
the

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public commenters and pointing to our next meeting on
Friday, March 15th, where we will look to discuss low

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20 carbon fuel standard and possibly a brief item on Cap
and

21 Trade as well. So thank you, everyone, and definitely
22 more work to continue with.

23 Martha Dina.

EJAC MEMBER ARGÜELLO: I want to thank the public
comments. They -- you know, again, we do listen to your
comments. And you provide a really important perspective for us.
And, you know, I -- well, I want to -- I'm trying to close on a
positive note, but I -- but I do think what

4 a lot of the public commenters said about sort of our

5 inability to sort of -- to communicate clearly with CARB 6 and
to be heard about these key issues that we've been

7 raising for a number of years around the Low Carbon Fuel

8 Standard I think continues to be one of the biggest

9 challenges. And I really hope the Board hears us and

10 listens to both experts, and -- you know, the experts and

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11 the lived experience of the impacts of the policies, 12 right?
That's -- they're also experts and they should not 13 be
discounted.

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And so we hope the Board listens to the community

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and to the EJAC and postpones this decision, because

we 16 need -- we need to be serious here about the

kind of

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transformation that we need, so that our communities do

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not continue to be the sacrifice zones. And with that, 19 that's
all I have to say for today.

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OEJTB MANAGER GEORGIU: Thank you, Martha Dina.

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I was just looking in the Zoom and I do see that we
have

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one more commenter, but I just wanted to say that we
did

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close the public comment period. So, if at all
possible, we can have that part of the discussion on
March 15th.

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EJAC MEMBER ARGÜELLO: Do folks mind having them
present now, it's one last speaker, or is that like against the
rules?

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OEJTB MANAGER GEORGIUO: No, not against the
rules. Just want to be mindful of everyone's time. So
if
everyone is good with that, we can have one less
commenter -- one last, I should say.

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EJAC MEMBER ARGÜELLO: Yeah.

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OEJTB MANAGER GEORGIUO: All right. We have one 9 more
commenter. Your line has been unmuted.

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FARAZ RIZVI: Yeah. Hi. Thank you all and thank
you for giving me the opportunity to comment really
quick.

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My colleague was here earlier but had to leave due to
some

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personal commitments. But my name is Faraz Rizvi. I'm

14 with the Asian Pacific Environmental Network.

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And, you know, I want to share that, you know,
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coming from an environmental justice organization, our members are Asian immigrants and refugees that live next

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to the Chevron Richmond Refinery and the Wilmington

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refineries. The pollution of the refiner spews into

our 20 neighborhoods. They're disproportionately

families of 21 color and lower income. And this is due

to a history of

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State sanction, racist land use and housing policy.

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Our APEN youth and young adults came to

Sacramento to testify about the LCFS. They couldn't join on this call today, but I want to experience -- I want to express their great shock, disappointment, and despair with the staff's most recent proposal and Initial

Statement of Reasons.

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Our concerns are, as we've repeatedly stated,

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first, the exact Steam Methane Reformer, SMR, process that

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currently produces pollution and excessively flares next

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to oil refineries will now receive artificially inflated

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LCFS credits when paired with over-valued factory farm gas

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that pollutes in the Central Valley, all of under the

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guise of so-called renewable hydrogen. This form of

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so-called renewable hydrogen is truly a sophisticated form

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of environmental racism that exacerbates cumulative

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pollution in two communities with one crediting pathway.

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Second, no EJ community supports crop-based

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biofuels. Yet, we have approached this rulemaking with an

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extremely reasonable proposal to merely cap crediting and

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pending an updated risk assessment to determine phaseout

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18 timeliness for high-risk crop-based fuels like soybean
oil.

19 Third, our communities are still stuck in gas fueled
cars.

20 So when CARB avoids a more nuanced approach that
addresses

21 the root causes of sinking credit prices, and simply

22 cranks up the standard stringency, it adds to the

23 pass-through costs at the pump. I know no one likes

to hear that, and I promise you we're coming from a
perspective that really is looking to emphasize
environmental justice when it comes to this policy.

CARB staff are proposing again for our
communities to take the hit for this program, but this
4 time to their pocket books. So we thank the EJAC for
5 their time and their LCFS recommendations, because these
6 are really important to emphasize environmental justice
7 when it comes to one of California's most, you know, 8 massive
climate programs.

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Thank you and thank you for letting me speak.
EJAC MEMBER GAROUPA: Thank you, Faraz. And
again -- thank you, Faraz, and again to all of the
public
commenters. I think with that we can close the meeting
and see you back on March 15th everyone.
OEJTB MANAGER GEORGIU: Thank you.
(Thereupon the Air Resources Board, Environmental
Justice Advisory Committee meeting adjourned
at 4:19 p.m.)

CERTIFICATE OF REPORTER I, JAMES F. PETERS,
a Certified Shorthand
Reporter of the State of California, do hereby certify:

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That I am a disinterested person herein; that the foregoing California Air Resources Board Environmental Justice Advisory Committee meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand

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Reporter of the State of California, and was thereafter

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transcribed, under my direction, by computer-assisted transcription;

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I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand

15 this 22nd day of February, 2024.

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JAMES F. PETERS, CSR

Certified Shorthand Reporter

License No. 10063

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