

**Assembly Bill 32 Environmental Justice Advisory Committee (EJAC)
October 11, 2024, Public Meeting**

Meeting Minutes

Committee Member Attendees:

1. Dr. Catherine Garoupa
2. Kevin Hamilton

Virtual:

3. Martha Dina Arguello
4. Juan Flores
5. Thomas Helme
6. Matt Holmes
7. Kevin Jefferson III
8. Jill Sherman-Warne
9. Rey Leon
10. Luis Olmedo

Committee Members not in Attendance:

11. John Harriel Jr.

CARB Staff Attendees:

- Chanell Fletcher
- Karina Jhaj
- Ashley Georgiou
- Bobbi Ruch
- Joseph (JT) Eden

Other Attendees:

- Jane Harrington, Leading Resources (Facilitator)
- Eric Douglas, Leading Resources (Co-Facilitator)

Meeting Minutes

Agenda Item #1: Housekeeping and Logistics

A quorum of EJAC members was reached at 2:03 pm and the public meeting began. The facilitator provided general housekeeping and logistics information and conducted EJAC member roll call. 10 EJAC members were present; 1 was absent.

Agenda Item #2: Introduction and Opening Remarks

- **Welcome from CARB and acknowledgement of CARB participation.**

Deputy Executive Officer Chanell Fletcher provided opening remarks. She shared highlights of the September 12, 2024, Joint EJAC/CARB Board Meeting. She stated that the second 15 Day Changes for LCFS are out and have been sent to all of EJAC. She stated that CARB Staff are currently working on updating the responses to EJAC's LCFS Recommendations based on the new changes. She also noted the current status of the EJAC charter revisions. She stated that an EJAC Charter subgroup has met once on October 8th with both CARB staff and the EJAC subgroup presenting their proposed changes. In response to the EJAC Charter subgroup's proposed changes, CARB Staff are drafting a memo to send out.

- **EJAC Co-Chairs to provide opening remarks including ground rules, meeting agreements, and an agenda overview.**

EJAC Co-Chairs Martha Dina Argüello, Kevin Jefferson III, and Dr. Catherine Garoupa provided opening remarks. Dr. Garoupa asked Deputy Executive Officer Fletcher whether CARB would be sending a second document that mapped the EJAC recommendations and how they are connected to the 15-day changes. CARB's Deputy Executive Officer Fletcher confirmed there would be a second document based on the second round of 15-day changes.

Agenda Item #3: September 12, 2024, Joint EJAC/CARB Board Meeting Debrief

- **EJAC to debrief on outcomes from the Low Carbon Fuel Standard, Cap-and-Trade, and Carbon Capture, Use and Storage and Direct Air Capture Joint EJAC/CARB Board Meeting discussion and provide considerations for future meetings.**

Dr. Catherine Garoupa opened with an expression of gratitude to EJAC and CARB members who contributed to the joint meeting. She pointed out that as other members have said, LCFS changes have gotten weaker than the initial CARB Staff proposal. She expressed interest in moving towards livestock methane rulemaking and focus on developing community protections in implementing SB 905. She shared frustration with the directive that EJAC needs to go to the legislature as EJAC's role is meant to be purely advisory. She would like clarity from CARB leadership on their vision for and commitment to environmental justice.

Deputy Executive Officer Chanell Fletcher invited Deputy Rajinder Sahota to speak about the Low Carbon Fuel Standard. Rajinder Sahota shared that the amendments or 15-day changes do not weaken anything that was in the 45-day or the first 15-day revisions. The amendments clarified that after the regulation comes into effect, the 2-year crediting period would begin, and what the transition from the existing regulation to the new regulation would look like. She stated that nothing in the Amendments would preclude CARB from regulating the sector in the future.

In reference to the Cullenward¹ document that was recently released, Rajinder Sahota from CARB shared that CARB did review that document and that nearly every topic mentioned had been addressed during the April 10, 2024, CARB workshop. She encouraged all attendees and EJAC members to review that April 10th presentation. She also addressed the suggestion for a supply and stock of fuel to avoid price hikes and volatility, stating that a bill for this made it through Assembly and Senate. It will move forward to reconciliation and if it passes through that process next week, then the governor is expected to sign it. She shared that a review of the fuel pricing data over the past five years revealed that over 82% of pricing increases were due to pricing policies under the control of the oil companies and the producers of that fuel, and not from environmental regulations or taxes. The two-week special session is aiming to gain transparency into that process to avoid some of those cost spikes.

Dr. Catherine Garoupa clarified that her comment was in reference to the LCFS SRIA that was issued and the 15-day changes that have occurred since then. She also stated that there are conversations around facilitating a just transition around refineries in California and that there is an actual cost to the LCFS.

Kevin Hamilton shared that EJAC's LCFS resolution was well received by CARB.

Matt Holmes stated that the meeting was very productive and provided insight into what CARB may believe to be possible. There does seem to be selective responsiveness from CARB and suggested the development of a system to keep track of the different issues discussed in those sessions. He also stated that he would like to see more dialogue between Board Members and the authorities from the communities EJAC is representing as they are the experts on these issues.

Agenda Item #4: EJAC Charter Revisions Discussion and Next Steps

Karina Jhaj, the EJAC Lead from CARB, opened by providing an overview of the proposed EJAC Charter revisions. She emphasized that these are CARB's initial ideas, and they want this to be a collaborative process with EJAC.

The Facilitator provided an overview of the proposed revisions from EJAC.

¹ <https://ww2.arb.ca.gov/sites/default/files/2024-10/KC-Paper-16-Californias-Low-Carbon-Fuel-Standard.pdf>

Kevin Hamilton advised that the EJAC sub quorum has developed more recommendations which will be sent to the other EJAC members for review. Feedback on those recommendations can be submitted to the sub quorum via email. A vote on the revisions will be on the November EJAC Public Meeting agenda.

CARB advised that final revisions should be submitted within the next two and a half weeks.

The Facilitator invited EJAC to provide additional input or clarifying questions.

Luis Olmedo asked for clarification regarding the revision to extend the EJAC member appointment term from 36 months to 72 months, inquiring whether the term would begin at the adoption of the charter. Ashley Georgiou, CARB staff, clarified that the current charter states that the term is 36 months from the March 2023 charter adoption. CARB would need clarification from EJAC whether the requested revision of the term would begin upon adoption of the new charter, but the assumption is it would be 72 months as of when the Charter Revisions are adopted

Luis Olmedo inquired whether a representative of EJAC is present independent of their affiliation or as part of their affiliation. He expressed concern that, if the members are meant to be a representative of their affiliation, that could potentially cause a conflict of interest.

Luis Olmedo also requested clarity regarding who can utilize the Office of Environmental Justice.

Jill Sherman-Warne requested a copy of CARB's bylaws. Deputy Director Chanell Fletcher advised that they will obtain a copy of the bylaws and will send them to Jill as well as the rest of the EJAC members.

Kevin Jefferson III suggested that EJAC have the same number of members as CARB's board. CARB currently has 16 board members, 4 of which are non-voting members. He stated that it would be instrumental to have members from the Senate and Assembly as well as legislative oversight.

Matt Holmes expressed a desire to have the charter reviewed by the Department of Justice or to at least have an oversight review from the parent agency. He suggested that communicating in that way could filter into the other sister agencies to structure their advisory committees and could also protect CARB from implementing a charter that isn't compliant with state law.

Jill Sherman-Warne suggested adding a revision regarding the stipend, as she hasn't received her stipend since June. Deputy Executive Officer Chanell Fletcher expressed a desire to discuss this in a one-on-one meeting with Jill as soon as possible. CARB has been tracking the per diem payments and their records reflect that they are current, so they are concerned that Jill has not received her payments.

Rey Leon stated that the revision language regarding the increase in EJAC members does not mention the previously discussed desire to see more engagement with the

Native American community in California. He'd also like the committee to consider involving alternate members in a more intentional way. He also recommends considering the development of workshops and tours to provide education of the environmental justice's history and impacts. The workshop could be formatted as a six-session environmental justice university that is open to the community.

Martha Dina Argüello advised that she is in support of the revision of increased members, stating that they need more representation from Southern California, specifically San Diego and Los Angeles. She also suggested that to successfully recruit and retain EJAC members, the EJAC needs to feel like a space where its members are making a difference. It would also be helpful to communicate with other agencies that have EJACs to share lessons learned.

Dr. Catherine Garoupa expressed support for increasing EJAC membership, as well as having better geographic representation and deepening the bench.

Kevin Jefferson III expressed support of Rey Leon's idea for an environmental justice university. Rey Leon would like this topic to be added for discussion at a future meeting. The Facilitator advised that this consideration might be taken to the sub quorum. Deputy Executive Officer Chanell Fletcher asked Rey Leon and/or Kevin Jefferson III to clarify whether this is something to be discussed beyond the charter. Kevin Jefferson III responded that they would like this to be added to the charter. Martha Dina Argüello invited Kevin Jefferson III and Rey Leon to reach out to her separately to further discuss this as she is currently working on something similar and feels this should happen as a movement rather than an item for CARB.

Juan Flores supported Martha Dina Argüello's desire to make this item an environmental justice movement rather than an item to present to CARB as CARB may not have funds for something like this and could then reject it. The Facilitator reiterated that these ideas should be brought to the sub quorum.

Deputy Executive Officer Chanell Fletcher stated that the succession planning and deepening the bench that has been discussed makes a lot of sense. She advised that CARB has a tight budget and there is currently a deficit in the state of California. As part of the governor's plan to address that deficit, their budget will be cut by 8%. This cut will significantly impact their operations and staffing. She emphasized that this is just a draft of the charter revisions, and CARB anticipates working through a lot of these ideas in subgroup meetings.

Kevin Jefferson III stated that the EPA has billions of dollars available to environmental justice through governmental partnerships. He suggested that CARB consider using some of those funds as well as funds from CARB's enforcement department. Deputy Director Chanell Fletcher responded that CARB is not opposed to working with EJAC to pursue funding opportunities. She advised that their enforcement department is affected by the budget cut as well, and a lot of their funding is given back to the communities with CARB taking as little as possible. There was no additional discussion or comments provided.

Agenda Item #5: EJAC Discussion on the Cap-and-Trade Program and Recommendations

Dr. Catherine Garoupa opened by providing an overview of the process that led EJAC to this point as well as an overview of the draft document of the proposed resolution.

The Facilitator invited the EJAC members to provide comments regarding the proposed recommendations.

Kevin Jefferson III suggested adding the elimination of the pesticides that are banned worldwide as well as the elimination of the critical use exemptions.

Rey Leon stated that he would like to have a conversation about what plans exist from CalEPA and have it be more representative of the demographics of the State of California.

Kevin Hamilton commented that items one through ten have been covered, but with the addition of the other two items, he can't push for the recommendations to be approved today. The last two items are critical; one is a carbon sink and the other is a carbon emitter. He is unsure how EJAC can protect one while also ensuring that the other complies with its requirements of Cap-and-Trade.

Jill Sherman-Warne suggested referencing Governor's Executive Order B-10-11.

Kevin Jefferson III inquired whether item number ten alludes to the elimination of indirect emissions. Dr. Catherine Garoupa advised that item number four addresses indirect emissions, specifically where it says, "pollution that increases the volume or concentration from mobile pollution sources." Kevin Jefferson III recommended adding the term "indirect emissions" in that item, along with a description of how those are being eliminated. Dr. Catherine Garoupa stated that feedback will be taken back to the workgroup for further discussion.

Matt Holmes asked if there is a whereas clause that mentions local land use authorities or provides firm guidance to local land use authorities. Dr. Catherine Garoupa stated that she's not immediately aware of such language and asked Matt Holmes to suggest specific whereas language. Matt Holmes would like to further brainstorm on this topic.

Dr. Catherine Garoupa advised that she will take the feedback received back to the workgroup and work on ways to incorporate it prior to the November meeting. There was no additional discussion or comments provided.

Agenda Item #6: Public Comment

Public comment was taken, and 5 members of the public provided comment.

Please see the recording for the comments: [AB 32 Environmental Justice Advisory Committee Meeting / California Air Resources Board](#)

Agenda Item #7: Next Steps and Closing Remarks

Martha Dina Argüello thanked the public for their comments. She also thanked her fellow EJAC members, specifically Dr. Catherine Garoupa, for all the hard work in getting the committee to this point. Kevin Jefferson III also expressed appreciation for all the work that EJAC has done. Juan Flores and Rey Leon also thanked Dr. Catherine Garoupa for her leadership. Dr. Catherine Garoupa responded with gratitude for the affirmations and for everyone who participates and contributes to this important work. She stated that the aim is to adopt the Cap-and-Trade resolution at the next meeting. At that meeting there will also be an agenda item for speakers on pesticides, and there will be space to debrief the board vote that will happen on the Low Carbon Fuel Standard. The Facilitator advised that the next EJAC Public Meeting will take place on November 14, 2024.

The meeting was adjourned at 4:18 pm.