

# **Appointment of New Members to the Assembly Bill 32 Environmental Justice Advisory Committee**

## **Resolution 22-7**

**March 10, 2022**

Agenda Item No.: 22-4-1

Whereas, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

Whereas, the Legislature enacted the California Global Warming Solutions Act of 2006 (AB 32, Statutes of 2006, Chapter 488; Health and Safety Code section 38500 et seq.), which declares global warming poses a serious threat to the economic well-being, public health, natural resources, and environment of California;

Whereas, Health and Safety Code section 38510 charges CARB with monitoring and regulating sources of emissions of greenhouse gases;

Whereas, AB 32 directs CARB to create a comprehensive multi-year program to reduce California's greenhouse gas (GHG) emissions to no greater than 1990 levels by 2020, maintain and continue reductions in emission of GHGs beyond 2020, and initiate the transformation required to achieve AB 32's long-range climate objectives;

Whereas, Health and Safety Code section 38652, subdivision (b) requires CARB, in adopting greenhouse gas regulations, to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, to design the regulations in a manner that is equitable and seeks to minimize costs and maximize the total benefits to California; ensure that activities taken to comply with the regulations do not disproportionately impact low-income communities; ensure that activities undertaken pursuant to the regulations complement efforts to achieve and maintain ambient air quality standards and to reduce toxic air contaminant emissions; consider the cost-effectiveness of the regulations; consider overall societal benefits; minimize administrative burden; and minimize leakage;

Whereas, AB 32 further directs the Board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions;

Whereas, section 38561, subdivision (a) of the Health and Safety Code directed the Board, on or before January 1, 2009, to prepare and approve a Scoping Plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions by 2020;

Whereas, section 38591, subdivision (a) of the Health and Safety Code directed the Board to convene an Environmental Justice Advisory Committee (Committee) of at least three members by July 1, 2007, to advise the Board in developing the scoping plan of emission reduction measures and any other pertinent matter in implementing the division;

Whereas, section 38591, subdivision (a) of the Health and Safety Code further directs that the Committee shall be comprised of representatives from communities in the state with the most significant exposure to air pollution, including, but not limited to, communities with minority populations or low-income populations, or both;

Whereas, section 38591, subdivision (b) of the Health and Safety Code directs the Board to appoint the Committee members from nominations received from environmental justice organizations and community groups;

Whereas, on January 25, 2007, the Board appointed a Committee of ten members and eleven alternates, to advise the Board in developing the initial Scoping Plan;

Whereas, on December 12, 2008, the Board approved the 2008 Climate Change Scoping Plan, and re-approved the Scoping Plan on August 24, 2011, following consideration of the Supplement to the Functional Equivalent Document;

Whereas, the initial Scoping Plan contains a mix of recommended strategies that combine direct regulations, market-based approaches, voluntary measures, policies, and other emission reduction programs calculated to limit California's GHG emissions to no greater than the 2020 statewide GHG emission limit and initiate the transformations needed to achieve AB 32's long-range climate objectives;

Whereas, Health and Safety Code section 38561, subdivision (h) requires CARB to update the State's scoping plan for achieving the maximum technologically feasible and cost effective reductions of GHG emissions at least once every five years;

Whereas, Executive Order S-3-05 and Governor Brown's Executive Order B-16-2012 (for the transportation sector) require reductions in GHG emissions to 80 percent below 1990 levels by 2050;

Whereas, on March 21, 2013, the Board conducted a public hearing to consider reconvening of the Committee to advise the Board in developing the First Update to the Climate Change Scoping Plan;

Whereas, at the public hearing held on March 21, 2013, the Board adopted Resolution 13-10 reconvening the Committee and appointing nine individuals to serve on the Committee;

Whereas, Resolution 13-10 delegated to the Executive Officer, and his or her designee, authority to select and appoint up to three additional Committee members from underrepresented regions of the State, including the Central Valley and the Inland Empire;

Whereas, on May 3, 2013, the Executive Officer signed Executive Order G-13-047, appointing three additional Committee members from underrepresented regions of the State, including the Central Valley and the Inland Empire;

Whereas, at the public hearing held on June 27, 2013, the Board adopted Resolution 13-31 appointing an additional member from the Imperial County to serve on the Committee;

Whereas, on May 22, 2014, the Board approved the First Update to the Climate Change Scoping Plan;

Whereas in April 2015, Governor Brown set a new interim statewide target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 and directed CARB to further update the Scoping Plan;

Whereas, at the public hearing held on September 25, 2015, the Board adopted Resolution 15-48 appointing four additional members to serve on the Committee;

Whereas, the Legislature enacted Senate Bill 32 (SB 32, Statutes of 2016, Chapter 249; Health and Safety Code section 38566), which affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030;

Whereas, the Legislature enacted Assembly Bill 197 (AB 197, Statutes of 2016, Chapter 250; Health and Safety Code sections 39510 et seq.), which declares that continuing to reduce greenhouse gas emissions is critical for protecting all areas of the State, but especially for the State's most disadvantaged communities, as those communities are affected first, and most frequently, by adverse impacts of climate change, including increased frequency of extreme weather events such as drought, heat waves, and flooding;

Whereas, in 2016, the State achieved the AB 32 GHG reduction target of returning to 1990 levels four years earlier than mandated;

Whereas, the Legislature enacted Assembly Bill 617 (AB 617, Statutes of 2017, Chapter 136; Health and Safety Code sections 39607.1 et seq.) required a new community-focused program to address criteria air pollutants and toxic air contaminants;

Whereas, on December 14, 2017, the Board approved the 2017 Climate Change Scoping Plan;

Whereas, the Legislature enacted Assembly Bill 398 (AB 398, Statutes of 2017, Chapter 135; Health and Safety Code sections 38501 et seq.) which required that the California Workforce Development Board present a report to the Legislature on strategies "to help industry, workers, and communities transition to economic and labor-market changes related to statewide greenhouse gas emissions reduction goals";

Whereas, the Legislature enacted Senate Bill 100 (SB 100, Statutes of 2018, Chapter 312; Health and Safety Code sections 399.11 et seq. and Public Utilities Code section 454.53), set a 2045 goal of powering all retail electricity sold in California and state agency electricity needs with renewable and zero-carbon resources and updates the state's Renewables Portfolio Standard to ensure that by 2030 at least 60 percent of California's electricity is renewable. SB 100 also requires the Energy Commission, Public Utilities Commission and CARB to use programs under existing laws to achieve 100 percent clean electricity and issue a joint policy report on SB 100 by 2021 and every four years thereafter;

Whereas, the electricity sector is critical to decarbonizing other sectors of the economy and expansion of the electricity sector's role must not result in disproportionate rate-payer impacts to low-income households;

Whereas, Executive Order B-55-18 set a new statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing greenhouse gas emissions;

Whereas, on October 8, 2018, the Intergovernmental Panel on Climate Change released a Special Report on Global Warming of 1.5°C that found that limiting global warming to 1.5°C and avoiding the worst impacts of climate change would require “rapid and far-reaching” transitions in land, energy, industry, buildings, transport, and cities;

Whereas, CARB initiated workshops in 2019 and 2020 to evaluate how to achieve deeper decarbonization across all sectors of the economy and released a report with a preliminary evaluation of how to achieve carbon neutrality in California developed under contract;

Whereas, the transportation sector is responsible for more than half of all of California’s carbon pollution, 80 percent of smog-forming pollution and 95 percent of toxic diesel emissions;

Whereas, Executive Order N-79-20 sets a goal that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035; a goal that 100 percent of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks; and a goal of the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035, where feasible;

Whereas, the Legislature enacted Assembly Bill 74 (AB 74, Statutes of 2019, Chapter 23) which appropriated monies for the California Environmental Protection Agency to contract for two independent studies to evaluate how to achieve carbon neutrality in the transportation sector by evaluating options for reducing both the demand and supply of petroleum fuels;

Whereas, Executive Order N-82-20 sets a goal of the State to conserve at least 30 percent of California’s land and coastal waters by 2030 and directed CARB, in coordination with relevant state agencies, to take into consideration the Natural and Working Lands Climate Smart Strategy and science-based data to update the target for the natural and working lands sector in achieving the State's carbon neutrality goal as part of the next Scoping Plan process;

Whereas, the transportation sector is responsible for more than half of all of California’s carbon pollution, 80 percent of smog-forming pollution and 95 percent of toxic diesel emissions;

Whereas, on April 23, 2021, Governor Newsom directed the Department of Conservation’s Geologic Energy Management Division to initiate regulatory action to end the issuance of new permits for hydraulic fracturing by January 2024. Additionally, Governor Newsom requested that CARB evaluate a pathway to phase out oil extraction across the state by no later than 2045;

Whereas, the latest science contributes even stronger evidence that the widespread impacts of climate change are occurring at a faster pace than documented in previous assessments, and that human beings are extremely likely to be the primary contributors to this phenomenon, further underscoring the urgent need to accelerate GHG emission reductions;

Whereas, from April 12, 2021 through May 3, 2021, the staff solicited applications for the Environmental Justice Advisory Committee, including posting a formal solicitation on the Board's Environmental Justice website;

Whereas, at the public hearing held on May 20, 2021, the Board adopted Resolution 21-8 appointing seven additional members to serve on the Committee;

Whereas, Resolution 21-8 also delegated to the Executive Officer, and his or her designee, authority to select and appoint additional Committee members needed to include representation from the underrepresented areas as discussed by the Board during the May 20, 2021, Board Meeting, including representatives from Bay Area, Inland Empire, Sacramento, San Diego, California Native American Tribes, and Labor;

Whereas, on July 22, 2021, and February 25, 2022, the Executive Officer signed Executive Orders G-21-240, and G-22-071, respectively, to appoint additional Committee members who represent underrepresented areas pursuant to Resolution 21-8;

Whereas, in March 2022, two Committee members resigned from serving on the Committee;

Whereas, based on nominations received for replacement of Committee members from the same organizations of the two resigning Committee members, staff propose two new members, Juan Flores and Matt Holmes, to serve on the AB 32 Environmental Justice Advisory Committee; and

Whereas, the Board finds that:

The proposed additional members of the Committee were nominated by environmental justice organizations and community groups; and

The Board further finds that the proposed additional members of the Committee are representatives from communities in the State with significant exposure to air pollution or a community with a minority population or low-income population, or both.

Now, therefore, be it resolved that the Board hereby appoints Juan Flores and Matt Holmes to serve on the Environmental Justice Advisory Committee.

Be it further resolved that pursuant to section 38591, subdivision (c) of the Health and Safety Code, the Board shall reimburse reasonable per diem and travel expenses, consistent with State travel policy, for advisory committee members from nonprofit organizations, for attendance at Committee meetings.