

MEETING
STATE OF CALIFORNIA
AIR RESOURCES BOARD

ZOOM PLATFORM

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
BYRON SHER AUDITORIUM
1001 I STREET
SACRAMENTO, CALIFORNIA

THURSDAY, MARCH 23, 2023

9:04 A.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

APPEARANCES

BOARD MEMBERS:

Liane Randolph, Chair

John Balmes, MD

Hector De La Torre

John Eisenhut

Senator Dean Florez

Assemblymember Eduardo Garcia

Eric Guerra

Davina Hurt

Gideon Kracov

Tania Pacheco-Werner, PhD

V. Manuel Perez

Bill Quirk, PhD

Susan Shaheen, PhD

Diane Takvorian

STAFF:

Steve 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 and Mobile Source Compliance

Edna Murphy, Deputy Executive Officer, Internal Operations

APPEARANCES CONTINUED

STAFF:

Rajinder Sahota, Deputy Executive Officer, Climate Change and Research

Craig Segall, Deputy Executive Officer, Mobile Sources and Incentives

Ellen Peter, Chief Counsel

Ambreen Afshan, Environmental Justice Program Manager, Executive Officer (EO)

Shawn Daley, Manager, Aftermarket Diesel and Off-Road Section, Emissions Certification and Compliance Division (ECCD)

Dana Grubaugh, Senior Attorney, Legal Office

Trish Johnson, Staff Air Pollution Specialist, Office of Environmental Justice, Tribal Affairs, and Border Relations, EO

Robin Lang, Division Chief, ECCD

Michael Logue, Air Resources Engineer, Aftermarket Diesel and Off-Road Section, Aftermarket Parts Certification and Audit Branch, ECCD

Christine Maddox, Staff Air Pollution Specialist, Chemical Analysis and Emissions Research Branch, Mobile Source Laboratory Division (MSCD)

Abigail May, Senior Attorney, Legal Office

Mike McCarthy, Vehicle Program Specialist, ECCD

Randy Reck, Attorney, Legal Office

ALSO PRESENT:

Martha Dina Argüello, EJAC Co-Chair, Physicians for Social Responsibility - Los Angeles

Veronica Aguirre, Central California Environmental Justice Network

APPEARANCES CONTINUED

ALSO PRESENT:

Eric Barnes, Motorcycle Council of America, Specialty Vehicle Institute of America, Recreational Off-Highway Vehicle Association

Dan Bogard, General Motors

Harvey Eder, Public Solar Power Coalition

Evan Edgar, Edgar Associates

Sean Edgar, Cleanfleets.neet

Juan Flores, EJAC Member, Center on Race, Poverty, and the Environment

Tom Fulks, Karma Automotive

Kevin Hamilton, EJAC Member, Central California Asthma Collaborative

Matt Holmes, EJAC Member, Little Manila Rising

John Kevin Jefferson III, EJAC Co-Chair, Urban Releaf

Rey León, EJAC Member, The LEAP Institute

Jasmin Martinez, Central Valley Air Quality Coalition

Maxine Mendenhall, California Environmental Voters

Luis Morales, Specialty Equipment Market Association (SEMA)

Brent Newell, Central Valley Air Quality Coalition

Cynthia Pinto-Cabrera, Central Valley Air Quality Coalition

Ruben Rodriguez, Central California Environmental Justice Network

Catherine Garoupa, PhD, EJAC Co-Chair, Central Valley Air Quality Coalition

APPEARANCES CONTINUED

ALSO PRESENT:

Christine Wolfe, California Council for Environmental and
Economic Balance

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PROCEEDINGS

1
2 CHAIR RANDOLPH: All right. Good morning. The
3 March 23rd, 2023 public meeting of the California Air
4 Resources Board will come to order. Board Clerk, will you
5 please call the roll.

6 BOARD CLERK GARCIA: Yes.

7 Dr. Balmes?

8 BOARD MEMBER BALMES: Here.

9 BOARD CLERK GARCIA: Mr. De La Torre?

10 Mr. Eisenhut?

11 BOARD MEMBER EISENHUT: Here.

12 BOARD CLERK GARCIA: Senator Florez?

13 BOARD MEMBER FLOREZ: Florez here.

14 BOARD CLERK GARCIA: Assembly Member Garcia?

15 Mr. Guerra?

16 BOARD MEMBER GUERRA: Guerra, here.

17 BOARD CLERK GARCIA: Ms. Hurt?

18 BOARD MEMBER HURT: Hurt, present

19 BOARD CLERK GARCIA: Mr. Kracov?

20 BOARD MEMBER KRACOV: Here.

21 BOARD CLERK GARCIA: Dr. Pacheco-Werner?

22 Dr. Pacheco-Werner?

23 BOARD MEMBER PACHECO-WERNER: Here.

24 BOARD CLERK GARCIA: Thank you.

25 Mr. Perez?

1 Dr. Quirk?

2 Senator Stern?

3 Dr. Shaheen?

4 BOARD MEMBER SHAHEEN: Here.

5 BOARD CLERK GARCIA: Ms. Takvorian?

6 BOARD MEMBER TAKVORIAN: Here.

7 BOARD CLERK GARCIA: Supervisor Vargas?

8 Chair Randolph?

9 CHAIR RANDOLPH: Here.

10 BOARD CLERK GARCIA: Madam Chair, we have a
11 quorum.

12 CHAIRPERSON RANDOLPH: All right. Thank you.

13 I'll begin with a few housekeeping items. We are
14 conducting today's meeting in person as well as offering
15 remote options for public participation both by phone and
16 in Zoom.

17 Anyone who wishes to testify in person should
18 fill out a request-to-speak card available in the foyer
19 outside the auditorium. Please turn it into a Board
20 assistant prior to the commencement of the item. If you
21 are participating remotely, you will raise your hand in
22 Zoom or dial star nine, if calling in by phone. The Clerk
23 will provide further details regarding how public
24 participation will work in just a moment.

25 For safety reasons, please note the emergency

1 exit to the rear of the room. In the event of a fire
2 alarm, we are required to evacuate this room immediately
3 and go down the stairs to the lobby and out of the
4 building. When the all-clear sign is given, we will
5 return to the auditorium and resume the hearing.

6 A closed captioning feature is available for
7 those of you joining us in the Zoom environment. In order
8 to turn on subtitles, please look for a button labeled
9 "CC" at the bottom of the Zoom window as shown in the
10 example on the screen now. I would like to take this
11 opportunity to remind everyone to speak clearly and from a
12 quiet location, whether you are joining us in Zoom or
13 calling in by phone.

14 Interpretation services will be provided today in
15 Spanish. If you are joining us using Zoom, there is a
16 button labeled "Interpretation" on the Zoom screen. Click
17 on that interpretation button and select Spanish to hear
18 the meeting in Spanish. If you are joining us here in
19 person and would like to listen to the meeting in Spanish,
20 please notify a Board assistant and they will provide you
21 with further instructions. I want to remind all of our
22 speakers to speak slowly and pause intermittently to allow
23 the interpreters the opportunity to accurately interpret
24 your comments.

25 (Interpreter translated in Spanish).

1 CHAIR RANDOLPH: Thank you. I will now ask the
2 Board Clerk to provide more details on today's procedures.

3 BOARD CLERK GARCIA: Thank you, Chair Randolph.

4 Good morning, everyone. I will be providing
5 additional information on how public information --
6 participation, excuse me, will be organized for today's
7 meeting.

8 We will first be calling on any in-person
9 commenters who have turned in a request-to-speak card and
10 then we will be calling on commenters who are joining us
11 remotely. If you are joining us remotely and wish to make
12 a verbal comment on one of today's Board items or during
13 the open comment period at the end of today's meeting, you
14 must be using Zoom webinar or calling in by telephone. If
15 you are currently watching the webcast on CAL-SPAN, but
16 you wish to comment remotely, please register for the Zoom
17 webinar or call in. Information for both can be found on
18 the public agenda for today's meeting.

19 To make a verbal comment, we will be using the
20 raise-hand feature in Zoom. If you wish to speak on a
21 Board item, please virtually raise your hand as soon as
22 the item has begun to let us know you wish to speak. To
23 do this, if you are using a computer or tablet, there is a
24 raise-hand button, and if you are calling in on the
25 telephone, dial star nine to raise your hand. Even if you

1 previously indicated which item you wish to speak on when
2 you registered, you must raise your hand at the beginning
3 of the item, so that you can be added to the queue.

4 And for anyone giving verbal comments today in
5 Spanish and requiring an interpreter's assistance, please
6 indicate so at the beginning of your testimony and our
7 translator will assist you. During your comment, please
8 pause after each sentence to allow for the interpreter to
9 translate your comment into English.

10 When the comment period starts, the order of
11 commenters will be determined by who raises their hand
12 first. We will call each commenter by name and will
13 activate each commenter's audio when it is their turn to
14 speak. For those calling in, we will identify you by the
15 last three digits of your phone number. We will not show
16 a list of remote commenters, however, we will be
17 announcing the next three or so commenters in the queue,
18 so you are ready to testify and know who is coming up
19 next. Please note, you will not appear by video during
20 your testimony. I would also like to remind everyone to
21 please state your name for the record before you speak.
22 This is especially important for those calling in by
23 phone.

24 For multiple commenters calling in from the same
25 location, prior to the sign-up closure of the item you

1 wish to speak on, we ask that you send an email to
2 cotb@arb.ca.gov with a subject line that includes, "remote
3 group commenters", and the agenda item number you wish to
4 speak on. Please also include the following information
5 in the body of the email: the name of the user or account
6 whose raised hand the group is under, so we can easily
7 identify the group leader; a list of remote commenters
8 including first and last name and the order they will be
9 called upon; and lastly, please identify if any of the
10 commenters in the group will need a Spanish translator's
11 assistance.

12 We will have a time limit for each commenter and
13 we'll begin the comment period with a two-minute time
14 limit, although this could change at the Chair's
15 discretion. During public testimony, you will see a timer
16 on the screen. For those calling in by phone, we will run
17 the timer and let you know when you have 30 seconds left
18 and then when your time is up. If you require Spanish
19 interpretation for your comment, your time will be
20 doubled.

21 If you wish to submit written comments today,
22 please visit CARB's send-us-your-comments page or look at
23 the public agenda on our webpage for links to send these
24 documents electronically. Written comments will be
25 accepted on each item until the Chair closes the record

1 for that Board item.

2 And if you experience any technical difficulties,
3 please call (805)772-2715 so that an IT person can assist.

4 Thank you. I'll turn the microphone back to
5 Chair Randolph now.

6 CHAIR RANDOLPH: Thank you so much.

7 Okay. The first item on the agenda is item
8 number 23-3-1, the proposed ozone attainment plan for
9 Western Nevada County. If you are here with us in the
10 room and wish to comment on the item, please fill out a
11 request-to-speak card as soon as possible and submit it to
12 the Board clerks. If you are joining us remotely and wish
13 to comment on this item, the click raise-hand button or
14 dial star nine now. We will first call on in-person
15 commenters followed by remote commenters when we get to
16 the public comment portion.

17 Dr. Cliff, would you please summarize the item.

18 EXECUTIVE OFFICER CLIFF: Thank you, Chair
19 Randolph. Over the last few months, the Board has
20 approved four attainment plans for the 70 ppb 8-hour ozone
21 standard. These include ozone attainment plans for South
22 Coast and Coachella Valley, Ventura County, San Joaquin
23 Valley, and Mojave Desert.

24 Before you today, is the Western Nevada County
25 ozone attainment plan for the 70 ppb 8-hour ozone

1 standard. Over the past decade, ozone levels in Western
2 Nevada County have improved in response to NOx and ROG
3 emissions reduction strategies adopted by the District and
4 CARB that have provided reductions not only in the
5 non-attainment area, but also in the upwind contributing
6 areas. Continued implementation of these programs will
7 provide the reductions needed for attainment of the 70 ppb
8 ozone standard in Western Nevada County by 2026. The
9 northern Sierra Air Quality Management District approved
10 the attainment plan on February 27, 2023.

11 CARB staff concluded that this plan meets the
12 requirements of the Clean Air Act and recommend that the
13 Board adopt the attainment plan and forward it to U.S. EPA
14 as a revision to the California State Implementation Plan.

15 This concludes my summary of item. Thank you.

16 CHAIR RANDOLPH: Thank you.

17 Board Clerk, are there any commenters for this
18 item?

19 BOARD CLERK GARCIA: We have no commenters for
20 this item.

21 CHAIR RANDOLPH: All right. I will now close the
22 record on this agenda item. The Board has before them
23 Resolution number 23-8. Do I have a motion and a second?

24 BOARD MEMBER HURT: Move approval.

25 BOARD MEMBER BALMES: Second.

1 CHAIR RANDOLPH: Clerk, will you please call the
2 roll.

3 BOARD CLERK GARCIA: Dr. Balmes?

4 BOARD MEMBER BALMES: Yes.

5 BOARD CLERK GARCIA: Mr. De La Torre?

6 BOARD MEMBER DE LA TORRE: Yes.

7 BOARD CLERK GARCIA: Mr. Eisenhut?

8 Mr. Eisenhut?

9 Senator Florez.

10 BOARD MEMBER FLOREZ: Florez, aye.

11 BOARD MEMBER EISENHUT: Yes.

12 BOARD CLERK GARCIA: Thank you.

13 BOARD MEMBER FLOREZ: Florez, aye.

14 BOARD CLERK GARCIA: Thank you. Noted.

15 Mr. Guerra?

16 BOARD MEMBER GUERRA: Guerra, aye.

17 BOARD CLERK GARCIA: Mr. Hurt?

18 BOARD MEMBER HURT: Aye.

19 BOARD CLERK GARCIA: Mr. Kracov?

20 BOARD MEMBER KRACOV: Yes.

21 BOARD CLERK GARCIA: Dr. Pacheco-Werner?

22 BOARD MEMBER PACHECO-WERNER: Yes.

23 BOARD CLERK GARCIA: Mr. Perez?

24 Dr. Quirk?

25 BOARD MEMBER QUIRK: Aye.

1 BOARD CLERK GARCIA: Dr. Shaheen?

2 BOARD MEMBER SHAHEEN: Aye.

3 BOARD CLERK GARCIA: Ms. Takvorian?

4 BOARD MEMBER TAKVORIAN: Aye.

5 BOARD CLERK GARCIA: Supervisor Vargas?

6 Chair Randolph?

7 CHAIR RANDOLPH: Yes.

8 Madam Chair, the motion passes.

9 CHAIR RANDOLPH: All right. Thank you.

10 CHAIR RANDOLPH: The next item on the agenda is

11 item number 23-3-2, proposed California Smog Check

12 Performance Standard and Modeling Program Certification

13 for the 70 parts per billion 8-hour ozone standard.

14 Again, if you are here with us in the room and wish to

15 comment, please fill a request-to-speak card. If you are

16 joining us remotely, click the raise-hand button or dial

17 star nine now.

18 Dr. Cliff, will you please summarize the item.

19 EXECUTIVE OFFICER CLIFF: Thank you Chair

20 Randolph.

21 In 2015, U.S. EPA lowered the 8-hour ozone

22 standard from 75 to 70 parts per billion. For ozone

23 non-attainment areas above a specified population

24 threshold and classified as moderate or above states must

25 submit a State Implementation Plan revision that either

1 demonstrates and certifies that their existing light-duty
2 smog check programs meet the federal requirements or
3 amends state smog check programs to align with federal
4 requirements.

5 In order to certify existing programs, states,
6 including California, were required to conduct performance
7 standard modeling following EPA guidance and use of EPA's
8 On-Road Emission Estimate Modeling Tool.

9 Staff's analysis of the eight applicable ozone
10 non-attainment areas, shows that California's Smog Check
11 Program meets federal Smog Check Program requirements for
12 all areas. In addition -- in addition to the program
13 components captured in this analysis, California's Smog
14 Check Program has other stringencies that are not
15 reflected at the -- in the federal model, such as
16 requiring inspections of vehicles above 8,500 pounds gross
17 vehicle weight rating, but below 14,000 pounds, and
18 advanced testing criteria using on-board diagnostics that
19 are aimed at reducing fraud. CARB staff regularly
20 coordinates with staff at the Bureau of Automotive Repair
21 to maximize effectiveness when implementing California's
22 Smog Check Program.

23 The certification before you today is applicable
24 to the South Coast Air Basin San, San Joaquin Valley,
25 Coachella Valley, Western Mojave Desert, San Diego County,

1 Sacramento metro, Eastern Ken, and Ventura County for the
2 70 ppb ozone standard. The certification also applies to
3 San Diego County and Eastern Kern for the 75 ppb ozone
4 standard as needed due to recent reclassifications. These
5 eight areas are all classified as serious or above for the
6 ozone standards.

7 During the 30-day public comment period for this
8 item, one comment was received that was related to smog
9 check more generally and not specifically related to the
10 item being considered by the Board today.

11 CARB staff recommends that the Board adopt the
12 California Smog Check Performance Standard Modeling and
13 Program Certification for the 70 ppb and 75 ppb 8-hour
14 ozone standards for the nonattainment areas previously
15 mentioned. Staff also recommends that the Board direct
16 the Executive Officer to submit the this certification to
17 U.S. EPA as a revision to the California State
18 Implementation Plan.

19 This concludes my summary of the item.

20 Thank you.

21 CHAIR RANDOLPH: All right. Thank you.

22 We will now hear from the public who signed up to
23 speak. Board Clerk, are there any commenters?

24 BOARD CLERK GARCIA: No commenters for this item.

25 CHAIR RANDOLPH: All right. I will now close the

1 record on this agenda item. The Board has before them
2 Resolution Number 23-9. Do I have a motion and a second?

3 BOARD MEMBER DE LA TORRE: I move.

4 BOARD MEMBER BALMES: Second.

5 CHAIR RANDOLPH: Clerk, will you please call the
6 roll.

7 BOARD CLERK GARCIA: Dr. Balmes?

8 BOARD MEMBER BALMES: Yes.

9 BOARD CLERK GARCIA: Mr. De La Torre?

10 BOARD MEMBER DE LA TORRE: Yes.

11 BOARD CLERK GARCIA: Mr. Eisenhut?

12 BOARD MEMBER EISENHUT: Eisenhut, yes.

13 BOARD CLERK GARCIA: Senator Florez?

14 BOARD MEMBER FLOREZ: Florez, aye.

15 BOARD CLERK GARCIA: Mr. Guerra?

16 BOARD MEMBER GUERRA: Aye.

17 BOARD CLERK GARCIA: Ms. Hurt?

18 BOARD MEMBER HURT: Aye.

19 BOARD CLERK GARCIA: Mr. Kracov?

20 BOARD MEMBER KRACOV: Yes.

21 BOARD CLERK GARCIA: Dr. Pacheco-Werner?

22 Dr. Pacheco-Werner?

23 BOARD MEMBER QUIRK: Dr. Quirk?

24 BOARD MEMBER QUIRK: Aye.

25 BOARD CLERK GARCIA: Dr. Shaheen?

1 BOARD MEMBER SHAHEEN: Aye.

2 BOARD CLERK GARCIA: Ms. Takvorian?

3 BOARD MEMBER TAKVORIAN: Aye.

4 BOARD CLERK GARCIA: Chair Randolph?

5 CHAIR RANDOLPH: Yes.

6 BOARD CLERK GARCIA: Madam Chair, the motion
7 passes

8 CHAIR RANDOLPH: Okay. Thank you.

9 The next item on the agenda is Item number 23-3
10 proposed delegation of authority to the Executive Officer
11 to consider proposed amendments to mobile source
12 regulations. If you are here with us in the room and wish
13 to comment on this item, please fill out a
14 request-to-speak card. If you are joining us remotely,
15 please click raise-hand button or dial star nine now. We
16 will start with in-person commenters followed by remote
17 commenters when we get to the public comment portion of
18 this item. Dr. Cliff, would you please summarize this
19 item.

20 EXECUTIVE OFFICER CLIFF: Thank you, Chair
21 Randolph. As you know, the Board is authorized to adopt,
22 amend, and revoke emission standards and test procedures
23 for new motor vehicles, but the Board may also expressly
24 delegate that authority to the Executive Officer.

25 Staff recommends that the Board delegate to the

1 Executive Officer for a limited period of time specified
2 powers to adopt, amend, and revoke emission standards,
3 test procedures, and compliance test procedures for new
4 on-road motor vehicles. Specifically, staff recommends
5 that the Board authorize the Executive Officer to exercise
6 that delegated authority to provide manufacturers
7 additional compliance flexibility to meet the requirements
8 of newly enacted regulations while also ensuring that
9 flexibility does not reduce the emissions benefits of
10 existing mobile source regulations. Staff proposes that
11 the delegation of such powers would terminate as of
12 December 31st, 2023.

13 This concludes my summary of the item.

14 Thank you.

15 CHAIR RANDOLPH: Thank you. Board Clerk, do we
16 have public commenters on this item?

17 BOARD CLERK GARCIA: No commenters for this item.

18 CHAIR RANDOLPH: It looks like we have one.

19 Did you submit a card?

20 Okay.

21 Your mic is not on.

22 MS. WOLFE: Thank you. Okay. My name is
23 Christina Wolfe, from the California Council for
24 Environmental and Economic Balance. Good morning.

25 Our understanding is that the proposed resolution

1 would temporarily delegate authority to CARB staff to
2 amend a significant mobile source regulation in a manner
3 other than the formal public rulemaking process. This is
4 a major change in CARB's processes. CCEEB believes that
5 the formal public rulemaking process is critical to
6 ensuring transparency in allowing the interests of all
7 parties to be considered by a State appointed board. If
8 the resolution is adopted today, the public needs to be
9 assured that the Administrative Procedures Act will be
10 followed in all subsequent actions stemming from the
11 resolution including a formal public hearing.

12 Thank you.

13 CHAIR RANDOLPH: Thank you.

14 Board clerk, any other commenters?

15 BOARD CLERK GARCIA: Yes. We also have one hand
16 raised in Zoom. A phone number ending in 373, I have
17 activated your microphone. Please go ahead and state your
18 name for the record.

19 HARVEY EDER: Am I being heard?

20 BOARD CLERK GARCIA: Yes, you are.

21 HARVEY EDER: Yes. Okay. Thank you. Good
22 morning. My name is Harvey Eder speaking for myself and
23 for the Public Solar Power Coalition. And we've been
24 involved in litigating with you all over plans and whatnot
25 for decades. Our concern is the Low Carbon Fuel Standard,

1 which we've heard this in the last few years has been like
2 a -- like a \$10 billion price tag and pushing so-called
3 renewable natural gas, and basically fossil fuels is the
4 same thing like the District going in a few years to
5 trying to get the trucks on natural gas and not looking at
6 particulate matter, PM, which is what 80, 90 percent of
7 the body count is.

8 So I also want to say this, we participated in
9 these meetings way, way back, 15 years ago, when this was
10 being implemented and we tried to bring some of this stuff
11 up and we weren't allowed to talk. It's a violation of
12 the Brown Act public process and whatnot. Also, we've had
13 trouble getting into your meetings for the past year. And
14 this is a considerable problem, so -- and for -- we ought
15 to be using flaring numbers, which is five, 10 percent
16 versus emitting methane into the atmosphere. It's numbers
17 have gone up and that's -- it stifles solar electric and
18 solar hydrogen, electric fuel cells. And that's not good,
19 and it's because of your policy.

20 And anyway, we've got more to say. And I'm glad
21 we got a chance to talk. We'd called on this before
22 and -- oh, we followed what was online and we used that
23 number and then we had to go --

24 BOARD CLERK GARCIA: Eighteen seconds.

25 HARVEY EDER: -- in again to change the code to

1 get in. All right. Thank you. Bye.

2 BOARD CLERK GARCIA: Thank you.

3 CHAIR RANDOLPH: All right. Thank you.

4 Board Clerk, are there any other commenters?

5 BOARD CLERK GARCIA: No other commenters at this
6 time.

7 CHAIR RANDOLPH: I will now close the record on
8 this agenda item.

9 The Board has before them Resolution 23-15. Do I
10 have a motion and a second?

11 BOARD MEMBER DE LA TORRE: I'll move.

12 BOARD MEMBER HURT: Second.

13 CHAIRPERSON RANDOLPH: Clerk, will you please
14 call the roll.

15 BOARD CLERK GARCIA: Dr. Balmes?

16 BOARD MEMBER BALMES: Yes.

17 BOARD CLERK GARCIA: Mr. De La Torre?

18 BOARD MEMBER DE LA TORRE: Yes.

19 BOARD CLERK GARCIA: Mr. Eisenhut?

20 BOARD MEMBER EISENHUT: Yes.

21 BOARD CLERK GARCIA: Senator Florez?

22 BOARD MEMBER FLOREZ: Florez, aye.

23 BOARD CLERK GARCIA: Mr. Guerra?

24 BOARD MEMBER GUERRA: Aye.

25 BOARD CLERK GARCIA: Ms. Hurt?

1 BOARD MEMBER HURT: Aye.

2 BOARD CLERK GARCIA: Mr. Kracov?

3 BOARD MEMBER KRACOV: Yes.

4 BOARD CLERK GARCIA: Dr. Pacheco-Werner?

5 BOARD MEMBER PACHECO-WERNER: Yes.

6 BOARD CLERK GARCIA: Dr. Quirk?

7 BOARD MEMBER QUIRK: Aye.

8 BOARD CLERK GARCIA: Dr. Shaheen?

9 BOARD MEMBER SHAHEEN: Aye.

10 BOARD CLERK GARCIA: Ms. Takvorian?

11 BOARD MEMBER TAKVORIAN: Aye.

12 BOARD CLERK GARCIA: Chair Randolph?

13 CHAIR RANDOLPH: Yes.

14 BOARD CLERK GARCIA: Madam Chair, the motion
15 passes.

16 CHAIR RANDOLPH: All right. Thank you.

17 The next item on today's agenda is item number
18 23-3-4, consideration of appointment of members to the
19 Assembly Bill 32 Environmental Justice Advisory Committee,
20 and consideration of adoption of the EJAC charter.

21 If you are here with us in the room and wish to
22 comment on this item, please fill out at a request to
23 speak card as soon as possible and submit it to a Board
24 assistant. If you are joining us remotely and wish to
25 comment, please click the raise hand button or dial star

1 nine now. We will first call on in-person commenters
2 follows by remote commenters when we get to the public
3 comment portion of this item.

4 When AB 32 was signed into law 2006, it included
5 a provision directing CARB to convene an Environmental
6 Justice Advisory Committee to advise the Board in
7 developing the Scoping Plan and any other pertinent
8 matters related to the implementation of AB 32.

9 CARB convened the first EJAC in 2007, and EJAC
10 members played an important role in development of the
11 first Scoping Plan. CARB has reconvened the EJAC for each
12 update to the Scoping Plan.

13 In May 2021, CARB reconvened the EJAC to advise
14 the Board on the development of the 2002 Scoping Plan
15 update. Over the course of the update process, CARB held
16 over 30 Environmental Justice Advisory Committee meetings
17 and the Board held two joint meetings with the EJAC. In
18 December of last year, the Board approved the most
19 ambitious Scoping Plan to date to achieve carbon
20 neutrality and reduce anthropogenic emissions 85 percent
21 from 1990 levels by 2045.

22 The Scoping Plan includes over five dozen
23 recommendations from the Environmental Justice Advisory
24 Committee and includes a commitment to initiate a
25 multi-agency discussion to systematically evaluate and to

1 plan for an equitable transition that reduces the demand
2 and supply of petroleum fuels.

3 This commitment would not have happened without
4 continued engagement between EJAC and the Board on the
5 development of the Scoping Plan. We, on this Board, share
6 the commitment to address environmental justice and
7 advance racial equity by prioritizing emissions reductions
8 in the communities most affected by pollution and ensuring
9 benefits to disadvantaged communities. This commitment is
10 only realized through meaningful engagement and
11 involvement with environmental justice communities, which
12 is why since the beginning of the 2022 Scoping Plan
13 update, I have repeatedly committed to establishing an
14 ongoing permanent EJAC.

15 Continued engagement with the EJAC following the
16 adoption of the 2022 Scoping Plan presents an important
17 opportunity for the EJAC to advise CARB on the
18 implementation of climate policy and work with us to
19 ensure that benefits intersect with the most burdened
20 communities.

21 The ongoing EJAC represents frontline communities
22 throughout the state and is tasked with elevating the
23 concerns of residents from the state's most
24 pollution-burdened communities including tribal
25 governments. This continued engagement will help support

1 our efforts to integrate environmental justice,
2 equitable -- equity, and accountability, and sustained
3 engagement in the develop -- in the implementation of the
4 Scoping Plan.

5 So today, we will consider the appointment of
6 EJAC members and their alternatives -- alternates to an
7 ongoing EJAC and hear about the process to draft the EJAC
8 charter.

9 Dr. Cliff, would you Please introduce this item?

10 EXECUTIVE OFFICER CLIFF: Thank you, Chair
11 Randolph. As you mentioned, continued engagement with the
12 on going EJAC will help CARB ensure the integration of
13 environmental justice in our AB 32 implementation efforts.
14 Continued engagement with the EJAC will also help us as we
15 continue our work toward a future where race is no longer
16 a predictor for life outcomes.

17 As I shared in January, one of our top priorities
18 is to embed racial equity into all that we do. As part of
19 this work, we are making every effort to ensure that
20 environmental justice and frontline community concerns are
21 prioritized and addressed in the state's effort to address
22 climate change. We see the ongoing EJAC's role to advise
23 the Board on pertinent matters in implementation of AB 32
24 as one of the many ways that CARB will address
25 environmental justice and advance racial equity as the

1 Scoping Plan is implemented.

2 I will now ask Trish Johnson of the Office of
3 Environmental Justice, Tribal Affairs, and Border
4 Relations to begin the staff presentation.

5 Trish.

6 (Thereupon a slide presentation).

7 STAFF AIR POLLUTION SPECIALIST JOHNSON: Thank
8 you, Dr. Cliff, and good morning, Chair Randolph and
9 members the Board.

10 Today, I'll be presenting the consideration of
11 appointment of members to the AB 32 Environmental Justice
12 Advisory Committee, or EJAC, and consideration of adoption
13 of the EJAC's charter.

14 --o0o--

15 STAFF AIR POLLUTION SPECIALIST JOHNSON: During
16 my presentation, I'll provide a background on the AB 32
17 Environmental Justice Advisory Committee, the proposed
18 members for appointment, the process to develop the
19 proposed EJAC charter including the EJAC mission
20 statement, charter goals and charter sections, and then
21 I'll turn it over to EJAC members to speak directly with
22 the Board. Once that's complete, I'll share staff's
23 recommendation.

24 --o0o--

25 STAFF AIR POLLUTION SPECIALIST JOHNSON: AB 32

1 directed CARB to convene Environmental Justice Advisory
2 Committee to advise the Board in developing the Scoping
3 Plan and any other pertinent matter in implementing the
4 Act. The Advisory Committee shall be comprised of
5 representatives from communities in the state with the
6 most significant exposure to air pollution, including, but
7 not limited to, communities with minority populations or
8 low income populations, or both. AB 32 also directed CARB
9 to provide reasonable per diem for attendance at Advisory
10 Committee meetings by Advisory Committee members from
11 nonprofit organizations.

12 --o0o--

13 STAFF AIR POLLUTION SPECIALIST JOHNSON: Pursuant
14 to Assembly Bill 32, CARB convened the first Environmental
15 Justice Advisory Committee in January 2007 to advise it on
16 the development of California's initial climate change
17 Scoping Plan and other AB 32 program areas. AB 32 directs
18 CARB to update the Scoping Plan at least once every five
19 years. Therefore, the Committee was reconvened in 2013,
20 2015, 2017, and 2021 to advise CARB on the development of
21 Scoping Plan updates. The 2021-2022 EJAC, which is the
22 most recent EJAC, held more than 30 meetings over the span
23 of a year, as well as organized community toxic tours and
24 facilitated community engagement workshops to develop over
25 200 recommendations which helped shape the 2022 Scoping

1 Plan.

2 --o0o--

3 STAFF AIR POLLUTION SPECIALIST JOHNSON: In 2021,
4 the Chair committed to active engagement with the EJAC
5 following the adoption of the 2022 Scoping Plan. As noted
6 by the Chair, active and ongoing engagement with the EJAC
7 post-Scoping Plan adoption presents an important
8 opportunity for the EJAC to advise on the implementation
9 of climate change policy, which is where the benefits
10 intersect with communities. This Board meeting is the
11 start of implementing the Chair and CARB's commitment to
12 an ongoing EJAC. This ongoing EJAC will advise on the
13 implementation of the Scoping Plan.

14 --o0o--

15 STAFF AIR POLLUTION SPECIALIST JOHNSON: A subset
16 of members from the 2021-2022 EJAC are being proposed to
17 serve on the ongoing EJAC. The members represent
18 communities in the state with the most significant
19 exposure to air pollution, including, but not limited to,
20 communities with minority populations or low-income
21 populations, or both. The members reflect geographic
22 diversity and representation from non-profit organizations
23 and a California Native American tribe. In addition to
24 the proposed 13 EJAC members, staff is also proposing
25 seven alternate EJAC members.

1 --o0o--

2 STAFF AIR POLLUTION SPECIALIST JOHNSON: The EJAC
3 and CARB worked together to develop the proposed EJAC
4 charter. Through an EJAC subquorum, which included Board
5 Members Kracov, EJAC co-chairs, a subset of EJAC members,
6 and CARB staff, the initial charter was drafted. The
7 draft charter was discussed at two public EJAC meetings
8 held this year refined by the EJAC subquorum, and
9 unanimously approved by the EJAC at the second meeting.

10 --o0o--

11 STAFF AIR POLLUTION SPECIALIST JOHNSON: The
12 proposed EJAC charter includes the mission of the EJAC,
13 which is to advise the Board on environmental justice
14 considerations and prioritize racial equity as it relates
15 to the development of the Scoping Plan and the
16 implementation of AB 32. The EJAC will also engage with
17 community members to ensure that those who are impacted by
18 the climate crisis engage with CARB.

19 The mission statement also includes language
20 regarding CARB's requirement to convene an EJAC per AB
21 32, as well as CARB's intention to convene an EJAC in
22 regard to environmental justice as the agency endeavors to
23 meet its required greenhouse gas emission reduction goals
24 and to incorporate to the extent possible the
25 environmental justice priorities identified by the EJAC.

1 disclaimers, AB 32 statutory language, EJAC mission
2 statement, CARB and EJAC goals, EJAC meetings, membership,
3 roles and responsibilities, decision-making, transparency
4 requirements, records, principles for collaboration and
5 meeting agreements, effective date and amendments,
6 acknowledgement and approval of the charter, and
7 resources.

8 --o0o--

9 STAFF AIR POLLUTION SPECIALIST JOHNSON: Now, I'd
10 like to introduce members of the EJAC subquorum that
11 drafted the charter, including the EJAC co-chairs. I'll
12 start with Martha Dina Argüello.

13 MARTHA DINA ARGÜELLO: Good morning. I'm very
14 excited to be here. I'm very excited to be back from
15 sabbatical. And we were very excited about having gotten
16 this far with the charter. And we are contin -- we
17 continue to be committed to bringing that -- the credible
18 voice of impacted communities and our shared experience to
19 the goal of addressing climate change and ensuring
20 environmental justice communities do not continue to bear
21 the burdens of air pollution and climate impacts. We're
22 looking forward to this evolution in how the environmental
23 justice and health advocates can engage with CARB via the
24 permanent EJAC to work toward our common goals. We look
25 forward to working with the new board members.

1 And as the longest serving member of the EJAC, I
2 am deeply heartened to see how we have evolved, how the
3 strong partnerships have been established with CARB staff
4 and the Office of Environmental Justice and other
5 sections. And my colleagues will highlight some of the
6 ways that we are deepening that collaboration that moves
7 beyond a performative to actually engage with staff and
8 communities in moving for -- more for democratizing that
9 process, so that we can center the voices of communities
10 and workers.

11 I want to thank Chair Randolph and Member Kracov
12 for setting the tone for what it looks like to be open,
13 and listening, and engaged. I is to thank the EJ staff
14 who, in many ways, are there on the frontlines with us in
15 this process. And as advocates, we recognize that
16 speaking up is not always easy and it is not always
17 comfortable, but we bring our full selves to this work of
18 achieving environmental and climate justice. We bring
19 deep experience and knowledge, passion, intelligence,
20 commitment, and radical hope that change is possible, that
21 we can actually protect communities and workers while we
22 address climate a change.

23 We want to continue to create a brave space for
24 transformation while engaging in the regulatory process
25 that -- so we can center justice and -- in the

1 implementation of the Scoping Plan. And we look forward
2 to deeper and more authentic engagement with staff in each
3 of those divisions. We have started to see some of that
4 certainly with the building decarbonization work and in
5 others. And so again, it's -- we come to this new process
6 really excited and deeply committed. And we see hope and
7 promise in how we are working and building the
8 relationship between the EJAC, and the CARB Board, and
9 staff. And with our charter, I think that first order of
10 business is done and I will hand it over to my fellow EJAC
11 members.

12 (Thereupon a slide presentation).

13 DR. CATHERINE GAROUPA: Thank you, Martha Dina
14 and good morning, everyone. I'm Dr. Catherine Garoupa,
15 Executive Director of the Central Valley Air Quality
16 Coalition or CVAQ, which is celebrating 20 years of
17 working to restore clean air to the San Joaquin Valley,
18 unceded Miwok and Yokuts land. I'm also proud to serve as
19 an EJAC co-chair with Martha Dina and Kevin Jefferson.

20 Welcome to the new Board members and thank you
21 for the opportunity to co-present this morning. It's an
22 honor to represent the Environmental Justice Advisory
23 Committee and to work in solidarity with my esteemed EJAC
24 colleagues.

25 As a brief refresher, just a year ago, we were

1 still coming out of the pandemic and starting to have
2 in-person meetings while being virtual for a vast majority
3 of the time that we were meeting as a committee. And
4 despite those challenges, we engaged in a robust
5 consensus-building process to generate the recommendations
6 that we put before you, demonstrating the tenacity and the
7 resilience of this group. As we speak, the San Joaquin
8 Valley, particularly low-income communities and
9 communities of color, are continuing to be inundated by
10 the climate crisis through catastrophic flooding in places
11 like Corcoran, Alpaugh, and Allensworth. So I want to
12 keep them in mind as we consider this important business
13 today.

14 I have two slides that I wanted to briefly share,
15 because, for myself and many scholars and practitioners of
16 environmental justice, it's important that we achieve both
17 adequate representation and that we change the
18 distribution of benefits and burdens fundamentally.

19 So first to briefly speak to participation and
20 engagement. There are definitely much newer and more
21 modern versions of this, but this is kind of a classic
22 original tool that we use in community development to try
23 to conceptualize really complex social interactions that
24 are difficult to measure, but really to speak to the fact
25 that the idea of having a seat at the table by itself is

1 not adequate, right; that we ideally are moving up that
2 later from informing in consultation to really working in
3 partnership, having delegated power, and citizen control
4 where appropriate.

5 So we at EJAC have talked significantly about
6 striving for co-design, recognizing that it's not always
7 possible, that, at a minimum, we would like to at least be
8 consulted and collaborate, and where possible, we do want
9 to work towards co-design for better outcomes.

10 If we could go to the next slide, please.

11 --o0o--

12 DR. CATHERINE GAROUPA: Also, again keeping in
13 mind, that it's about changing the outcomes for our
14 communities. It's about shifting the distribution of
15 resources and prioritizing communities that for decades
16 have been disenfranchised and disinvested in. We live in
17 a state, a country, and a globe where our reality is that
18 a very small percentage of people have a hugely
19 disproportionate share of the resources and we have many
20 unhoused, unfed, insecure people that is not for lack of
21 resources. It's for the way that the resources are
22 distributed. So an approach towards quality simply is not
23 enough. We have to strive for equity, which recognizes
24 that we don't all start from a level playing field, and
25 that we have a history of racism and settler colonialism

1 that we have to confront and address in the work that we
2 do every day. And that when we as EJAC members come in to
3 speak and represent communities, we want an equity-based
4 approach, and we also want space to explore and discuss
5 opportunities for liberation, because while we want to
6 reform the system, in some places the system has to
7 fundamentally change. We can take the slides down now.

8 Thank you.

9 So I also just briefly wanted to touch on how the
10 values for us as environmental justice representatives
11 really are embodied in the components of the charter. So
12 representation, as I just spoke to, is really important
13 and matters to us and so we really appreciate the
14 agreement to not set term limits for EJAC members,
15 recognizing there is a natural amount of turnover that
16 happens, but that we're also incredibly fortunate to have
17 people like Martha Dina, and Kevin Hamilton, and Rey León
18 who have served on multiple iterations of the EJAC and
19 that their historical and institutional knowledge is
20 essential to our success as a movement. We really want to
21 honor and respect our elders and intergenerational
22 leadership and ensure that there's diverse representation
23 of EJ issues.

24 We are a big state and we know that this is a
25 really big undertaking. It's also important to underscore

1 that environmental justice as a movement is not a
2 monolith. There are many different formations and EJAC
3 would never position ourselves to say that we speak for
4 all of EJ or all communities. We merely seek to create
5 space for that dialogue.

6 And the goals that we've put into the charter
7 really represent the foundation that we're creating for
8 permanence. It's an opportunity to reinforce
9 environmental justice principles for us to create a space
10 for productive dialogue, inquiries, and innovation amongst
11 ourselves with your staff and with you all as the leaders
12 of this agency. And I've found in my work as a geographer
13 that a transdisciplinary approach that centers the most
14 impacted fundamentally leads to better outcomes.

15 We know we have a huge scope in front us. And I
16 think I speak for all of us when I say we're ready to roll
17 up our sleeves. Before we pivot into what comes next, we
18 did want to take the opportunity to spend just a couple of
19 minutes reflecting on and sharing some of the successes
20 that we've enjoyed so far. And so with that, I'm going to
21 pass it to my colleagues Juan with Center on Race,
22 Poverty, and the Environment, and Matt with Little Manila
23 Rising to provide some examples before myself and Martha
24 Dina offer some brief closing comments.

25 Thank you.

1 JUAN FLORES: Good morning, Madam Chair and Board
2 members. As always, it's a pleasure to be here with you
3 all. I thought that perhaps this morning I would turn a
4 little bit and really quick about the importance of the
5 EJAC. And the importance of the Environmental Justice
6 Advisory Committee doesn't lie on who their members or --
7 who the members are. With all the respect to my
8 colleagues, I mean, I -- we all have expertise, but truly
9 the importance of the EJAC lies on the plurality, and the
10 diversity, and the immensity of problems that our
11 communities face every day. These are communities of
12 low-income and communities of color.

13 And sometimes we run the risk of trying to see
14 everything with a single lens or trying to cluster all
15 decisions by regions, right? I'll give you an example of
16 the Central Valley, which is a region that I live on. And
17 we tend to see the Central Valley as a whole, as just one.
18 But the reality is that we are so different even within
19 county boundaries, right? If you look at Kern County, we
20 have the issues of pesticides, and oil extraction, and
21 operations of oil. If you look at Tulare County, then you
22 would -- which is just north of Kern County, then you're
23 moving to a different world, which is mega-dairies and
24 pesticides, right?

25 And this is something that I wanted to highlight

1 from what Dr. Catherine Garoupa White was sharing earlier,
2 which is the diversity of these issues. And this is
3 perhaps over we, the EJAC members, come into play and the
4 importance that we might have, and it's the expertise that
5 we have on every single one of these areas. I don't think
6 none of us claim to be experts on everything, but each one
7 of us have our own expertise and niches that we work on,
8 and that people trust us to represent them.

9 And I think this is also very reflective on the
10 working groups that we have had. The working groups of
11 the EJAC have proven to be channels of improved dialogue
12 between EJAC members and communities with staff members of
13 CARB and even you Board members. We have been able to
14 strengthen comments to fix issues within the Scoping Plan.
15 And I think that's always what the community members are
16 looking at for us to truly voice our concerns and for you
17 to listen to them.

18 And I think this is the other and the greatest
19 importance of the EJAC, which is community members, right?
20 They trust us, the advocates, to become a channel, a
21 bridge between them and you, the enforcers, the regulators
22 of the protection of their communities. So as you all
23 make this important decision today of make EJAC permanent,
24 I would like you to reflect on that, on this historic step
25 that you're taking on truly giving communities a voice at

1 the table, to truly give communities a voice at your
2 meetings. Community members struggle every day, right,
3 from economic issues, environmental issues. And it's hard
4 for them to be here with you on your meetings on a regular
5 basis, but they trust that through the EJAC their voices
6 are going to be heard, their faces are going to be seen,
7 and that they're not going to forget it in the -- in the
8 history.

9 So again, thank you. And with this, I'll pass it
10 back to Matt who is in the room with you.

11 MATT HOLMES: Thanks Juan. Good morning,
12 everybody. Matt Holmes, State and federal policy advisor
13 with Little Manila Rising. I also work with the
14 California Environmental Justice Coalition. Both Little
15 Manila and the Justice Coalition, we work to center the
16 history of white violence and white supremacy that makes
17 this the most unfair state in the country. I think we can
18 all agree that it's super gross to be rolling around in a
19 ton of money in California and have so many people living
20 out of doors, and just remind everybody this morning that
21 the people that never leave the environment are the most
22 environmentalist among us.

23 And so that while we're to strive for equity, as
24 Dr. Catherine keeps reminding us, I'm here to say thank
25 you, like Martha Dina, for actually taking us seriously

1 and seeing us as a resource as we work to really bring to
2 center the kind of input from communities that doesn't
3 normally find a home in the middle of the regulatory and
4 policy-making process. I'm grateful that we've managed to
5 build a practical relationship with you all. I feel like
6 I know staff better than some of my family members. And I
7 feel like I'm here more than I'm home. Maybe that's --
8 maybe that's something to work on.

9 But I'm also here today to talk about how this is
10 really an example and a model for the advisory ritual
11 across the Protection Agency and the Resources Agency.
12 I'm specifically here to talk about AB 1757 and the
13 Interagency Working Group. Chair Randolph helped kick off
14 the initial meeting of the Natural Resources Agency's
15 Interagency Working Group on Natural and Working Lands.

16 You guys will recall from September and December,
17 the recommended -- recommendation from the Environmental
18 Justice Advisory Committee that the natural and working
19 lands scenario be referred out, that it be delegated to
20 the Natural Resources Agency that have the core competency
21 to actually look at really all the nuanced scenarios that
22 go into investing in the people and the places that make
23 California California.

24 Lots of times it might be easier to show
25 something on a spreadsheet as a GHG reduction when you

1 don't see all the different ways, all the co-benefits of
2 investing in people and places. Fortunately, the
3 Legislature agreed with us and passed a bill creating this
4 Interagency Working Group. And so I'm really just here to
5 speak on how this environmental -- the advisory group is a
6 model for all these other advisory groups. I serve on the
7 Delta Stewardship Council Environmental Justice Advisory
8 Group that is working on the Delta, our greatest piece of
9 green infrastructure for sequestering GHGs naturally for
10 free, so long as we stop poisoning it.

11 And so just to -- just to encourage everyone to
12 track how this -- how what you're doing here with EJAC is
13 having ripple effects across the agency and across the
14 Resources Agency, and to hopefully continue to support us
15 as members of these advise -- like Juan, and Angel, and
16 myself, who all serve on different advisory groups across
17 the state, all of which come back to this AB 32 portfolio
18 that you guys have the responsibility of providing
19 oversight for.

20 So thank you for betting on us and giving us some
21 time to work with you a little bit longer and I hope to
22 see you in some of the other settings where, you know,
23 your writ has an -- has an impact.

24 So thank you.

25 DR. CATHERINE GAROUPA: Thank you, Matt and Juan.

1 So just to try to briefly skim over some of the work that
2 we've done that has contributed to better outcomes, many
3 of us participate in the BEEP Coalition, which has been
4 actively engaged with staff on the building
5 decarbonization front and working to improve
6 recommendations and engagement there.

7 I've helped co-facilitate a cap-and-trade work
8 group that has engaged in dialogue with many stakeholders,
9 including the Independent Emissions Market Advisory
10 Committee to discuss and explore the concept of no trade
11 zones. We were able to increase ambition on vehicle miles
12 traveled. We advocated hard for community protections as
13 a part of the regulatory process for carbon capture use
14 and storage. And these are just to highlight a few. The
15 recommendations that EJAC generated and an infographic we
16 used to summarize our recommendations were included in
17 your board packet today.

18 As Trish mentioned, we also facilitated webinars
19 on natural and working lands and community concerns
20 related to carbon capture use and storage. We held
21 several very successful community engagement events to
22 hear from the most impacted neighborhoods, community tours
23 where feasible and capacity allowed, and on September 1st,
24 we a joint dialogue with you all as a Board and as EJAC
25 that was one of the most productive conversations

1 personally that I've ever participated in my 17 plus years
2 of working on these issues at the Air Resources Board.

3 At that September 1st meeting, we really tried to
4 focus in on the four priority issue areas, a fossil fuel
5 and refinery phaseout, the topic of natural and working
6 lands, carbon markets which includes Cap-and-Trade and
7 also the Low Carbon Fuel Standard, as well as carbon
8 capture use and storage. So while we still have a lot of
9 work ahead of us in terms of determining our priorities, I
10 want to recognize that we have established already
11 priority areas and engaged in dialogue with you all that
12 has helped to move the conversation forward as we work
13 towards co-design, actionable commitments, and adequate
14 resources to support this work.

15 I also want to appreciate the commitment to
16 coming back in 18 months and reviewing where we're at and
17 making sure that the charter is aligned with the goals
18 that we've set.

19 So I want to reiterate the deep gratitude for the
20 Office of Environmental Justice under the leadership of
21 Deputy Executive Officer Chanell Fletcher, the
22 participation of Board Member Kracov, the leadership of
23 Chair Randolph and our ad hoc subcommittee members, which
24 included the co-chairs, as well as Juan, Matt, and Luis
25 Olmedo with Comite Civico.

1 The charter process is exemplary of a
2 collaborative two-way dialogue for better outcomes. And
3 the slides that I discussed earlier hopefully encourage us
4 all to continue to strive to deepen engagement and
5 invent -- advance equity by reducing the burdens and
6 increasing the benefits for environmental justice
7 communities. So this is a moment -- a watershed moment
8 for environmental justice and something that I'm honored
9 and proud to celebrate with you all and with EJAC
10 Committee members.

11 And with that, I'm going to pass it to Martha
12 Dina as our longest standing EJAC members to close us out
13 on this item. Thank you.

14 MARTHA DINA ARGÜELLO: I don't know what to add.
15 I think my colleagues have said it perfectly. We're
16 excited, ready to work, deeply committed, and really
17 grateful for the opportunity and excited as I look at the
18 new Board members and all the opportunities that we have.

19 And with the right resources and commitment from
20 staff and Board, I hope we can, you know, really, you
21 know, change how we do things. I was trying to come up
22 with something a little more elegant way, but we have to
23 do things differently to address the challenge of climate
24 change, and we bring that loving challenge to all of you.

25 Thanks.

1 STAFF AIR POLLUTION SPECIALIST JOHNSON: Thank
2 you, Committee members.

3 To conclude, staff recommends that the Board
4 approve the proposed resolution, which includes the
5 members and alternates to serve on the AB 32 Environmental
6 Justice Advisory Committee, and approval of the proposed
7 EJAC charter.

8 Now, I'll turn it back to Chair Randolph.

9 CHAIR RANDOLPH: All right. Thank you. It's
10 time for public comment on this item.

11 Board members, will -- I mean, sorry, Board
12 Clerk, will you please call the commenters.

13 BOARD CLERK GARCIA: Yes, we have one in-person
14 commenter for this item.

15 Evan Edgar.

16 EVAN EDGAR: All right. I should know this by
17 now. Board members, EJAC members, my name is Evan Edgar,
18 Edgar Associates. I've been involved with all the Scoping
19 Plans and all the EJAC committees over the last year and
20 we stand with EJAC. We support a lot of the
21 recommendations. We need them for the ongoing Scoping
22 Plan implementation to advise CARB on key issues.

23 The key issues I've been working with EJAC on
24 about the ZEV batteries. There's three things we've got
25 to do with the ZEV batteries. One is the carbon

1 footprint, number two is end-of-life recycling, and number
2 three is sourcing and supply chain due diligence. Within
3 the EJAC recommendations, they supported all these
4 comments. What the Leg. Analyst's Office said is that in
5 the report in January you need an implementation plan.
6 And We've been to a joint legislative hearing about having
7 the Scoping Plan implemented. So as part of the
8 implementation plan, let's rollout the California Battery
9 Directive.

10 A year ago, the European Battery Directive was
11 approved and then -- that's what I've been promoting for
12 the last year in person. So with the carbon footprint,
13 there's a bill, that's your AB 1012, Qirk-Silva, that
14 requires CARB to have the carbon footprint for ZEV
15 batteries. We know that ZEV batteries aren't zero
16 emissions. They're 62 to 90 on the carbon scale. I did
17 the report on it. I submitted it to your staff, so please
18 support AB 1012. Number two on end-of-life recycling,
19 there is no condition. So we have \$9 billion being
20 invested in ZEV technologies. No end-of-life recycling.
21 What happens to those batteries? EJAC wanted to do
22 something about that.

23 There's a bill this year, SB 615, the Allen bill,
24 we look for CARB to support that.

25 And the third and most biggest one is sourcing

1 and supply chain due diligence. So many reports about
2 lithium and cobalt mining. I submitted reports to EJAC.
3 EJAC had two recommend -- recommendations that we do not,
4 you know, put on disadvantaged communities in the Congo
5 and the Lithium Valley. So it's very important that
6 nobody is taking this bill on yet, but we need to source
7 out the real earth minerals. We can't mine our way out of
8 climate. We can't dig up the Congo and dig up South
9 America for lithium ion -- lithium batteries. And there's
10 no control on that. We can't mine our way out of climate
11 change. We just can't do that.

12 BOARD CLERK GARCIA: Thank you.

13 And then we also have two remote commenters.
14 That will be John Kevin Jefferson the III and then
15 followed by a phone number ending in 373.

16 John, you should be able to unmute and begin.

17 JOHN KEVIN JEFFERSON III: Hello. My name is
18 Kevin Jefferson. I am a co-chair with Martha and Dr.
19 Catherine. I'm happy to be here. I do apologize for not
20 being in attendance. I am also a co-chair of the Bay Area
21 Air Quality Management Air District's Environmental
22 Justice Advisory Council.

23 And just a couple simple things. I want to thank
24 Chair Randolph, Member Kracov, and also Chanell from the
25 Office of Environmental Justice for their due diligence in

1 continuing to work with us to make this process go a
2 little bit smoother, but more importantly to work
3 hand-in-hand with us. And what we're working on simply is
4 a partnership for synergy on the process to change the
5 reality to the much needed liberation.

6 It's simple. We are all human beings on this one
7 earth. We share the same resources, but currently in very
8 unequitable ways. Through synergy and partnerships, I
9 believe that we can work together to bring some equality
10 amongst all of us human beings on this one simple planet.
11 We have a lot of work to do. So the full EJAC team is
12 much needed. I would highly suggest that we have enough
13 members to do the work and also the budget to do the work.
14 This is a tremendous effort. We have a lot of work to do,
15 but we absolutely look forward to the continued
16 partnerships with the Board, with the chairs, and also the
17 air districts. I thank you and talk to you.

18 BOARD CLERK GARCIA: Thank you.

19 Phone ending in 373, please state your name for
20 the record and you can begin.

21 Phone number ending in 373, you may need to dial
22 star six to unmute.

23 HARVEY EDER: Okay. Hello. Am I being heard?

24 BOARD CLERK GARCIA: Yes, are you.

25 HARVEY EDER: Okay. Thank you. My name is

1 Harvey Eder. I'm speaking for myself and for the Public
2 Solar Power Coalition, and like-minded people and
3 entities.

4 We brought this to the EJAC Committee. Forty
5 years ago -- in '80, '81, we worked as a consultant to the
6 PUC on -- they had \$180 million solar financing for solar
7 thermal. And they -- we participated in that with turn
8 and whatnot. And we had an earmark of 10 percent for low
9 income. We were consultants to Commissioner Grimes, who
10 was the first Black Commissioner at the PUC, and whose
11 ancestor in Boston worked with the Underground Rail Road,
12 was arrested, had to do time, and he ended up organizing
13 the 54th, which the movie Glory was about, okay?

14 We did the low income solar equity program and it
15 was -- it was to leverage all the different programs that
16 were coming out then as different ones are coming out now,
17 and with the concept of actual ownership, decision-making,
18 control. So when -- you're talking about equity, it has
19 to include that. And so far, it hasn't been. Like all
20 these plants going in, and this and that, I heard they had
21 an earmark of 40 percent for low-income communities.
22 We're talking about equity though. Equity
23 unfortunately -- maybe fortunate, I don't know. The more
24 money you've got, the more resources you've got, the more
25 power you have, and decision-making control, and political

1 and economic system.

2 BOARD CLERK GARCIA: Thirty seconds.

3 HARVEY EDER: Our system is being threatened now.
4 Anyway, we've got more to say, but this should be
5 included. The definition of equity has to include of the
6 sustainable technologies and the transition, ownership,
7 control, decision-making. Public solar power. Twenty
8 percent of power in the U.S. is public, the rest is -- we
9 have the largest mini-system in LA. We've got a district
10 system. We got rid of the nuclear. Doing solar up in
11 Sacramento. So we've got to get things going.

12 BOARD CLERK GARCIA: Thank you.

13 And it looks like we have one more hand in Zoom
14 that went up. That will be Kevin Hamilton.

15 Kevin, I have activated your microphone. Please
16 unmute and begin.

17 KEVIN HAMILTON: Thank you. I just wanted to
18 thank members of the Board, and the Chair, and my EJAC
19 Chairs for all their hard work on getting the permanent
20 EJAC into place, getting everything organized, and
21 following through on all of the promises that were made.
22 I think this is a new day going forward and I'm very
23 excited about it. I think with this new Advisory Group
24 augmenting the existing Advisory Groups, and the -- to the
25 Board and as a link to the community, and ensuring the

1 community voices are represented in the actions related to
2 the climate rules and regulations of CARB as they develop,
3 I think it's going to benefit all of us. And I just
4 wanted again to say thank you for the appointment and the
5 appointment of my alternate, Kimberly McCoy.

6 And that's about it. Thank you very much.

7 BOARD CLERK GARCIA: Thank you. And it looks
8 like we have one additional hand that went up. That's Rey
9 León. Rey, I have activated your microphone. Please
10 unmute and begin.

11 REY LEÓN: Buenos Dias. Thank you for that.
12 This is Rey León. Mayor León here in Huron on the
13 westside. And I just want to say thank you, Board. Thank
14 you, staff -- ARB staff. Thank you, Trish. You know,
15 we've been working very well together, very effectively,
16 very productive, and I think the outcome has been
17 something very positive for all of our communities that
18 have been undermined. I mean, there's a lot of work to be
19 done, but it definitely can't be done without setting in
20 place the policies, programs, and processes that can
21 uplift the priority population where we live, where we
22 work.

23 You know, I'm the Mayor of my home town, but I
24 don't live in the new part of town. I live the part town
25 where I grew up which is he oldest part of Huron. And so

1 on a daily, I see the struggle of farmworkers and their
2 plight to live, to improve their quality of life while
3 they are able to ensure that the food chain in our State
4 and country is maintained.

5 You know, and that's really why I do this,
6 because that's who I come from and that's where I'm at.
7 And we need to make sure that California is for everyone,
8 where everyone can breathe clean air, and drink clean
9 water, and have access to healthy green spaces, and not
10 have to deal with industrial pollution and be undermined,
11 especially when many times our folks don't have health
12 insurance.

13 So thank you all for your collaboration. Thank
14 you to my colleagues for sticking in there, the
15 leadership, our co-chairs, our fearless leaders that, you
16 know, take the extra time and help make it happen. Thank
17 you all. Gracias. And come to Huron. We'll see you
18 here. Adios.

19 BOARD CLERK GARCIA: Thank you.

20 And that concludes the commenters for this item.

21 CHAIR RANDOLPH: All right. Thank you.

22 Before I turn it over to the Board members for
23 comments, I just wanted to take a moment to thank -- first
24 of all, to lift up the incredible work and dedication of
25 Deputy Executive Officer Chanell Fletcher, who has really

1 had such wisdom and dedication to this process, and just
2 really appreciate her work, and Board Member Kracov, who
3 also put a lot of time and thoughtfulness into the work,
4 and then, of course, the EJAC members themselves, and the
5 co-chairs, and the members of the subquorum that helped
6 really dig in deep and try to figure out what the best
7 structure would be and what makes the most sense. So I
8 really appreciate all their work.

9 Okay. So I'm going to turn it over to Board
10 members for comments. So Board Member Kracov.

11 BOARD MEMBER KRACOV: Thank you, Chair. And
12 sorry, I can't be with you today. I'm here in Pepperdine
13 Law School in Malibu, which by the way is a beautiful
14 place if we ever want to do a remote Board meeting. Boy,
15 it's just beautiful here today in Malibu. But sorry, I
16 couldn't be up there, especially to meet some of the new
17 Board members, but wanted to thank you, Chair, for giving
18 me the opportunity to work on the EJAC charter. I just
19 want to do a couple shout-outs and then say a word or two.

20 I want to thank the EJAC leadership Martha
21 Argüello, Dr. Garoupa White, who really had a
22 collaborative and focused approach to this charter, which
23 was really so helpful and the other members, Kevin
24 Jefferson. We heard today from Juan, and Matt, Luis
25 Olmedo, also from Kevin H., Kevin Hamilton, and then, of

1 course, Mayor Rey, and really all 13 members. I want to
2 thank staff so much, Ambreen and Trish who facilitated all
3 of the meetings, you know, an especially Chanell Fletcher.
4 I can't tell you how many calls we had about this to try
5 to get over the finish line and how meaningful she was to
6 getting it done, and also the support of Dr. Cliff as
7 well. It was really important throughout the process.

8 And more than anybody, really Chair Randolph, who
9 was busy taking phone calls and working through issues on
10 this from her trip to Japan. So her leadership was
11 shining all the way across the Pacific Ocean on this thing
12 the last few weeks to get it through.

13 Colleagues, you know, I think we did set up a
14 foundation last year, where EJAC meaningfully moved the
15 needle on our Scoping Plan. Dr. Garoupa White, you know,
16 ticked through a few of the substantive issues that were
17 EJAC prioritize that made it into our plan. We also
18 showed how we could have excellent facilitated meetings,
19 that September meeting, between our Board and the EJAC,
20 that we can make the EJAC process work. We did show that
21 last year. We set an example really on how to do it
22 right.

23 So now we're going to have this charter. I'd
24 like us to be build on that foundation, when it comes to
25 our key climate work. What I've told EJAC is we want EJAC

1 to be focused. We want EJAC to be relevant when it really
2 matters. We want EJAC when it really matters to actually
3 be part of the discussion on our climate work. I think we
4 set the example for that last year and I think this
5 charter sets us off on good path. So I want to thank
6 everyone and look forward to hearing from the rest of the
7 Board members on this.

8 CHAIR RANDOLPH: Thank you.

9 Board member De La Torre.

10 BOARD MEMBER DE LA TORRE: Thank you. Thanks,
11 Gideon. Absolutely want to thank you for your involvement
12 and your work with the group. I want to thank the EJAC
13 itself. You know, I know it's a lot of meetings. I
14 attended several during the Scoping Plan process. There
15 were many. They were long, so I appreciate that you are
16 putting in that work. That helps inform what we do.
17 Chanell, thank you. I've also been on many calls with
18 Chanell and meetings with Chanell as this process moves
19 along. Trish in all those meetings, you're there helping
20 everything move along.

21 I want to just say two things, one, to
22 acknowledge how precedent-setting this is. And it reminds
23 me of the God Father of EJ, Dr. Robert Bullard, who's at
24 Texas Southern University and what he told me a few years
25 ago, which is California is at least 10 years ahead of

1 everybody else on environmental justice. And that's not
2 patting ourselves on the back, that's not saying we're
3 done, but this reminds me of that, that here we are doing
4 something that isn't being done anywhere else.

5 And second, the importance of prioritization and
6 the efforts by the EJAC in the recent past. And I go back
7 over 10 years when we did the spending plan for the
8 climate investments, where we had EJAC meetings in
9 Northern California and Southern California, and the EJ
10 communities came together, talked to each other, set
11 priorities, and those priorities were reflected in the
12 spending plan that we approved here at CARB. So that kind
13 of collaboration has always yielded results.

14 And I know that with this teamwork that we have
15 going on, that it will continue. So thank you all for
16 being part of it and I look forward to whatever the next
17 couple of years are going to bring as we do our different
18 regulatory processes.

19 Thank you.

20 CHAIR RANDOLPH: Thank you.

21 Board Member Hurt.

22 BOARD MEMBER HURT: Thank you, Chair. Thank you,
23 Board Member Kracov and the team that's really worked hard
24 to formalize this group. And benefiting the Scoping Plan
25 with lived experiences in the community is absolutely

1 essential. So I'm really glad that we're at this place
2 and this moment. I also want to applaud Deputy Fletcher
3 and the team there for all the hard work on formalizing,
4 and all the challenging pieces of the charter, and the
5 makeup of the body, and all the ongoing equitable
6 community engagement that's really necessary.

7 And I'm equally thankful, and I send my gratitude
8 to the members of EJAC for continuing on. I know you all
9 have dedicated a lot of your time and passion into the
10 work over many years. We heard 17. I'm sure the numbers
11 start to go up with a lot of folks. And you have all
12 provided meaningful recommendations, and information, in
13 what is a complicated process of creating the Scoping
14 Plan. And it's very evident that you call care about your
15 communities greatly. And we appreciate that you're
16 putting all this extra work.

17 And I just want to highlight like this is one
18 of -- undoubtedly, one of the most pressing issues of our
19 time is climate change and it's truly the defining crisis
20 of our time. So everybody needs to be at the table,
21 especially community. And I would say here in America we
22 have a unique strain of also social and economic
23 inequality, which is really important that we have a
24 diverse set of members on our EJAC, so that we can really
25 come up with creative solutions, so that we can support

1 everybody.

2 And I don't want to muck up disagreement, so
3 don't panic folks, but I do have a suggestion on page five
4 of the charter, and I'm hoping that we can include
5 explicit language that ensures that the representatives
6 will not only be representatives from communities in the
7 state with the most significant exposure to air pollution
8 and reflect quote/unquote, the diversity of the state, but
9 that we explicitly say we want a committee comprised of
10 racial and gender diversity. I think with additional
11 diversity, we come with diverse lived experiences that
12 will serve this body well. And I'm reminded that what
13 diversity or underrepresented can be defined as can change
14 based upon the people who sit in these seats. So I want
15 it to explicitly state that we have racial and gender
16 diversity.

17 And I'll just conclude with I really liked what
18 Kevin Hamilton said earlier. He said this is a new day,
19 and I agree this is a new day.

20 Thank you.

21 CHAIR RANDOLPH: Thank you.

22 Dr. Balmes.

23 BOARD MEMBER BALMES: Thank you.

24 And now that I'm the longest serving member of
25 the Board, even before Mr. De La Torre, this is a new day

1 and I really appreciate it. Many of my Board members have
2 already said what needs to be said, but I'll just add to
3 my -- now I consider friends and colleagues in the EJ
4 community, Martha Dina, Catherine, Juan, Matt, both
5 Kevins, Rey, thank you, really thank you. You guys
6 have -- and gals have worked hard to make this new day
7 happen. And we couldn't have done this without you,
8 obviously. And I look forward to the collaborative
9 co-design that you're looking for, which I also am looking
10 for with regard to our climate change policies.

11 I also want to acknowledge Chair Randolph's
12 leadership here. She promised to set up a permanent EJAC
13 and here we are. So thank you, Chair Randolph. That's --
14 it's one of the most important examples of your leadership
15 of the agency so far.

16 And, of course, Deputy Executive Officer
17 Fletcher, you know, without her leadership in the
18 Environmental Justice -- is it a Division -- of our
19 agency, we also wouldn't be here. I greatly appreciate
20 her leadership.

21 And I have to give a shout-out to Trish. Trish
22 and I have worked together on environmental justice issues
23 for a while now. And it's just -- I said this to her
24 during my briefing, but to see her grow into a
25 semi-leadership position has been great.

1 And what I must most want to say today is, you
2 know, I have not been as involved with EJAC as I might
3 have wanted to be, because I feel like I have my hands
4 full with AB 617 Consultation Group. And now, Vice Mayor
5 Hurt and I both have our hands -- so we have four hands
6 full with AB 617 Consultation Group.

7 And I hope that this -- the model of getting a
8 charter agreed on and sort of a refocusing of the EJAC
9 community -- Committee will be a model for AB 617
10 Consultation Group, which is also a very important
11 advisory committee that -- group that we have helping us
12 move forward with environmental justice initiatives at
13 CARB.

14 And I -- just the last comment is I really like
15 what Matt said about this -- about EJAC is a model for
16 other State agencies to use. So I hope that that will
17 happen, Matt.

18 Thank you.

19 CHAIR RANDOLPH: Sorry. Board Member Takvorian.

20 BOARD MEMBER TAKVORIAN: Thank you, Chair. I
21 wish I could be there with you all today for this historic
22 moment that's really been 15 years in the making. There's
23 certainly so many people to acknowledge. Really all of
24 the members of the EJAC since 2007 have contributed to the
25 evolution of the importance of environmental justice at

1 CARB and to the development of the Scoping Plans, but
2 really all of that work would have been meaningless if the
3 2022 EJAC and the CARB staff who presented today had not
4 taken on both the EJAC recommendations for the 2022
5 Scoping Plan, and the development of the charter, and the
6 framework for the permanent EJAC.

7 So this is an enormous amount of work that has
8 been done in a relatively short period of time, 30
9 meetings in 2022. And I want to agree with others in
10 saying that that September joint meeting with the Board
11 was one of the most effective that I've experienced. I
12 think these conversations have often been difficult, but
13 they're really necessary, because they're about saving
14 lives. And I really appreciate that they've always been
15 respectful and that the co-chairs, Martha Dina, Catherine,
16 Kevin, and the members who spoke today, Juan, Matt, Kevin,
17 Rey, are all part of that development of collaboration and
18 challenge really.

19 We all need to be challenged in order to do the
20 right thing. And I very much appreciate Member Kracov's
21 work in these last few months to assist with the
22 development of the charter. I know that was tough work,
23 but really needed to be done. And I really want to
24 applaud you, Chair, for your commitment to taking this
25 historic step and for announcing it many months ago, so

1 that we all had this North Star that we were focusing on;
2 that our staff, Chanell, Trish, Ambreen, for the work
3 you've done to really make it happen with that vision that
4 the Chair gave us.

5 I think the input of the EJAC members is critical
6 to the implementation of the Scoping Plan and all of the
7 many rules and policies that are incorporated into it.
8 This action is not only long overdue, but it's critical
9 for CARB to realize our environmental justice and racial
10 equity goals, as Dr. Cliff mentioned. It's never made
11 sense to me that the EJAC's role would be limited to the
12 development and -- of the Scoping Plan and the updates of
13 the Scoping Plan. The experience, and the wisdom, and the
14 expertise that you all have is needed on a continuous
15 basis to ensure that the Scoping Plan goals and actually
16 those of the State of California are all accomplished.

17 So I'm happy to move approval of the resolution
18 to appoint the EJAC members and the charter at the
19 appropriate time. It's an honor to do so and gratitude to
20 everyone one who's made this happen.

21 CHAIR RANDOLPH: Dr. Shaheen.

22 BOARD MEMBER SHAHEEN: Thank you. So I'm a new
23 Board member and I can't tell you how delighted I am to
24 have this be one of the first items I get to comment on
25 and approve. I remember as a young scholar after recently

1 finishing my PhD, attending some of the very early EJAC
2 meetings, when we were taking on climate in this state.

3 And so hearing the vision and support of the
4 Board and the staff for this item has just made me so
5 proud to be a member of this Board and to see us leaning
6 into the co-creation of strategies together as a community
7 with all of the leadership of EJ. So I think the
8 leadership of the CARB Board is really clear that we need
9 to move forward together on all of these issues and I --
10 bringing about the charter, we do so.

11 I had the pleasure of attending the hybrid public
12 meeting last week and got a chance to listen in to the
13 conversations. And I'm really, really excited to lean in,
14 and be a resource to the group, and all of their
15 activities that go forward. I was really excited to hear
16 that a lot of the goals are focused on carbon markets and
17 LCFS, along with storage capture addressing refineries,
18 and also natural land use. So really excited about those
19 goals and my gratitude to Deputy Fletcher, to Trish
20 Johnson, to Chair Randolph and to Board Member Kracov for
21 their leadership on this. So I'm just thrilled. So
22 congratulations to all of you almost. We haven't voted
23 yet.

24 CHAIR RANDOLPH: Thank you.

25 Dr. Pacheco-Werner.

1 BOARD MEMBER PACHECO-WERNER: Thank you, Chair.
2 You know, I just really want to thank everyone for getting
3 to this process. And I look forward to seeing these
4 concise recommendations of the EJAC and upcoming important
5 matters that I know we have this year, and that we'll need
6 that voice to present us those things that are important
7 for us to consider in our rulemaking process.

8 I do want to echo Board Member Hurt's comments
9 around membership, and like the spirit of membership,
10 around racial diversity. And I would go a step further in
11 terms of thinking through, you know, having an opportunity
12 for the current members to think through the spirit of the
13 membership as a mentorship opportunity as well, so that
14 people, you know, filling those chairs, you know, in the
15 next decade could be people that are the ones, you know,
16 currently living the lived experience and the ones that
17 are disproportionately impacted.

18 I know that back in 2018, the CalEnviroScreen did
19 a race, ethnicity, and age impact analysis on -- you know,
20 on those impacted communities. I think that's a good
21 starting point to think about, and I know that the current
22 group is already doing such fantastic work to bring up
23 really important issues to our Board and to the state at
24 large. So thank you and thank you, Chair and staff, and
25 Board Member Kracov for getting this to the finish line.

1 Really appreciate you.

2 CHAIR RANDOLPH: Board Member Guerra.

3 BOARD MEMBER GUERRA: Thank you, Chair. And
4 first, let me start off by thanking you for your
5 leadership in this effort and also for Board Member Kracov
6 for making this a reality here. And I will say, as a new
7 Board member, just being amazed, and impressed, and
8 more than anything proud of the intentionality that the
9 work here that's before us, it shows very much
10 deliberateness with very purposeful work and excited that
11 at the State level this is happening. I know we've gone
12 through this now at the City of Sacramento and making sure
13 that our governance includes the conversation about racial
14 equity and also gender equity. So I do support the
15 comments of Board Member Hurt in this when appropriate.

16 And I know that, you know, this is -- this is
17 the -- something that's historic, and so I know like any
18 charter things will be, reviewed and there will be
19 opportunities to make sure that we have -- that we include
20 every aspect of what we're attempting to do here.

21 I punched up here to speak really to -- just to
22 say thank you to the staff, thank you to the EJAC members.
23 And I couldn't miss the opportunity to also thank my
24 carnal, my paisano Mayor Rey León. I know I've watched
25 his work for over 20 years. I know Board member De La

1 Torre over here has, and so -- and I encourage him to come
2 out and check out our youth that are electrifying a 1964
3 lowrider, you know.

4 (Laughter).

5 BOARD MEMBER GUERRA: But with that, I do again
6 want to thank the deep involvement and effort that's been
7 here. Thank you to the staff and everyone. So thank you,
8 Madam Chair.

9 CHAIR RANDOLPH: All right. Thank you. I know
10 Board Member Kracov wanted to say a couple words as well,
11 but I just wanted to briefly kind of talk about kind of
12 going forward and how we think about the membership of the
13 EJAC going forward, because as some of the members noted,
14 it's so important to have this deep experience. You know,
15 so many members have been through numerous Scoping Plans
16 and so having that experience is important. But I also
17 think there is an opportunity to spend the next few years
18 thinking about finding kind of those young people who are
19 really engaged in this work too and who are out there, as
20 Dr. Pacheco-Werner mentioned with their lived experience
21 as well.

22 And so I hope all of you current members will be
23 thinking about succession. I think all of us in
24 leadership roles are always thinking about that. And so I
25 encourage EJAC members to be thinking as well about

1 sharing this opportunity with young people, and, you know,
2 bringing them to the meetings in the -- in the hopes that
3 when it comes time for new application processes in three
4 years that there will be an opportunity to bring in some
5 younger folks as well. Not that you all aren't young, I'm
6 just saying.

7 So -- and then also, you know, I do think we, as
8 a Board, who make these appointments and our staff who
9 does the -- sort of helps work with community to do these
10 recruitments, you know, does need to have an eye on
11 ensuring that the group reflects the full diversity of our
12 state.

13 I'm not sure we need to actually modify the
14 language itself of the charter, but I do think that that
15 is kind of a call to action for us to make sure that as we
16 are doing the work of finding folks to engage in this
17 work, either as formal members of the EJAC or even as just
18 people we want to get to know and hear from in our work as
19 we visit communities. A lot of us have the opportunities
20 to talk to residents and activists, and so ensuring that
21 we're hearing from that full diversity I think is a daily
22 responsibility of all of us.

23 And as the State evolves in its continued work in
24 this area, and as the federal government evolves in its
25 continued work, because I know that it's going to have

1 some guidance for us going forward in the future, perhaps
2 when we do the 18-month check-in we can think about
3 formalizing some of those efforts in the language itself.

4 Okay. I am going to turn it over to Board Member
5 Kracov to closeout Board comments.

6 BOARD MEMBER KRACOV: Yeah. I don't have much to
7 add and definitely want those comments from the Chair to
8 sink in for a second. But there is -- of all the thank
9 yous, there's one that I forgot to mention. It's a
10 19-page document and there's a groups of folks that looked
11 over this word by word more carefully than anybody, and
12 they certainly should be uplifted here. And as somebody
13 with a bar card, I should not forget this, but, of course,
14 we've got to thank the lawyers at CARB who were
15 instrumental in getting this done. How could we not thank
16 the lawyers. So thank you Ellen Peter, Shannon, and
17 Abigail. We show the best traits of legal counsel,
18 responsiveness to the client, flexibility, but also
19 protecting CARB and making sure the whole thing was legal
20 with a nice ribbon on it. So thank you to the lawyers at
21 CARB. Sorry to chime in there, but I forget that, Chair.

22 CHAIR RANDOLPH: All right. Thank you, Board
23 Member Kracov.

24 All right. Do I have a motion?

25 BOARD MEMBER BALMES: I think Board Member

1 Takvorian already moved the motion.

2 BOARD MEMBER HURT: And I'll second.

3 CHAIR RANDOLPH: Okay. We have a motion and a
4 second. Clerk, will you please call the roll.

5 BOARD CLERK GARCIA: Yes.

6 Dr. Balmes?

7 BOARD MEMBER BALMES: Decidedly yes.

8 BOARD CLERK GARCIA: Mr. De La Torre?

9 BOARD MEMBER DE LA TORRE: Aye.

10 BOARD CLERK GARCIA: Mr. Eisenhut?

11 BOARD MEMBER EISENHUT: Aye.

12 BOARD CLERK GARCIA: Senator Florez?

13 BOARD MEMBER FLOREZ: Florez, aye

14 BOARD CLERK GARCIA: Mr. Guerra?

15 BOARD MEMBER GUERRA: Guerra, aye.

16 BOARD CLERK GARCIA: Ms. Hurt.

17 BOARD MEMBER Hurt: Aye.

18 BOARD CLERK GARCIA: Mr. Kracov?

19 BOARD MEMBER KRACOV: Yes.

20 BOARD CLERK GARCIA: Dr. Pacheco-Werner?

21 BOARD MEMBER PACHECO-WERNER: Yes.

22 BOARD CLERK GARCIA: Dr. Quirk?

23 BOARD MEMBER QUIRK: Aye.

24 BOARD CLERK GARCIA: Dr. Shaheen?

25 BOARD MEMBER SHAHEEN: Aye.

1 BOARD CLERK GARCIA: Ms. Takvorian?

2 BOARD MEMBER TAKVORIAN: Absolutely yes. Thank
3 you.

4 BOARD CLERK GARCIA: Chair Randolph?

5 CHAIR RANDOLPH: Yes.

6 BOARD CLERK GARCIA: Madam Chair, the motion
7 passes

8 CHAIR RANDOLPH: All right. Thank you so much.

9 BOARD MEMBER PEREZ: Supervisor Perez is on the
10 line as well and I vote yes as well.

11 BOARD CLERK GARCIA: Thank you, Perez. Noted.
12 Good afternoon.

13 CHAIR RANDOLPH: All right. Thank you,
14 Supervisor Perez.

15 Okay. The last item on today's agenda is Item
16 number 23-3-5, proposed amendments to the procedures for
17 exemption of add-on and modified parts for on-road
18 vehicles and engines specific to electric vehicle
19 conversions. If you are here with us in the room and wish
20 to comment on this item, please fill out a
21 request-to-speak card as soon as possible and submit it to
22 a Board assistant. If you are joining us remotely and
23 wish to comment on this item, please click the raise-hand
24 button or dial star nine now. We will first call on a
25 in-person commenters followed by remote commenters when we

1 get to the public comment portion of this item.

2 The current aftermarket part procedure, which was
3 adopted on June 29th, 2021, provides a pathway for
4 manufacturers of aftermarket parts to receive an
5 exemption from the anti-tampering prohibitions in Vehicle
6 Code section 21156[SIC] for add-on and modified parts or
7 other modifications that may effect -- affect emissions.
8 The amendments to this procedure that are being proposed
9 today are designed to clarify the application and review
10 process for electric vehicle conversions in order to help
11 facilitate their introduction into the California
12 marketplace.

13 Dr. Cliff, would you please introduce the item.

14 EXECUTIVE OFFICER CLIFF: Thank you, Chair
15 Randolph.

16 In order to sell, offer for sale, advertise, or
17 install add-on or modified parts for on-road vehicles and
18 engines in California, a manufacturer must be granted an
19 exemption from California's anti-tampering law codified in
20 Vehicle Code section 27156. These parts are commonly
21 referred to as aftermarket parts and are marketed to
22 consumers to add performance or style to their
23 emissions-compliant vehicles.

24 The purpose of Vehicle Code section 27156 is to
25 ensure that use of an aftermarket part does not reduce the

1 effectiveness of a required motor vehicle pollution
2 control device and emissions from the modified or altered
3 vehicle continue to comply with the existing State or
4 federal standards for that model year of the vehicle being
5 modified or converted. The changes to the aftermarket
6 evaluation procedure that were adopted in 2021 were
7 intended to clarify, streamline, and update the CARB
8 processes for evaluating the impact of an aftermarket part
9 on vehicle emissions prior to issuing a Vehicle Code
10 section 27156 exemption.

11 An electric vehicle conversion is a set of parts
12 that converts a previously certified gasoline-, diesel-,
13 or alternative-fueled vehicle to an electric vehicle, or
14 EV. EV Conversions are unique when compared to other
15 aftermarket parts as they completely replace the existing
16 combustion engine rather than being used in conjunction
17 with it.

18 The unique nature of an EV conversion was not
19 specifically addressed by the current procedures as these
20 did not account for issues and criteria that are specific
21 to EV conversions. The proposed amendments help to
22 clarify, simplify, and streamline the application process
23 for a manufacturer of EV conversions by clearly
24 identifying the requirements for these types of
25 conversions to receive a Vehicle Code section 27156

1 exemption.

2 I will now ask Shawn Daley of the Emissions
3 Certification and Compliance Division to begin the
4 presentation.

5 Shawn.

6 (Thereupon a slide presentation).

7 ECCD AFTERMARKET DIESEL & OFF-ROAD SECTION

8 MANAGER DALEY: Thank you, Dr. Cliff, Chair Randolph and
9 members of the Board. As stated, my name is Shawn Daley
10 and I will walk through the item.

11 We will now discuss the proposed amendments to
12 the procedures for exemption of add-on and modified parts
13 for on-road vehicles/engines specific to electric vehicle
14 conversions.

15 --o0o--

16 ECCD AFTERMARKET DIESEL & OFF-ROAD SECTION

17 MANAGER DALEY: We are proposing modifications to the
18 existing procedures for exemption of add-on and modified
19 parts for on-road vehicles and engines hitherto referred
20 to as procedure, adopted June 29th, 2021 and are amending
21 the sections of the California Code of Regulations in
22 which this procedure is incorporated by reference, Title
23 13, Sections 2222(e) and 2224(b). These changes are
24 specific to aftermarket electric vehicle conversion kits
25 and are intended to clarify and streamline the application

1 and review process, as well as provide additional
2 flexibility and clearly identify what evaluation criteria
3 apply to EV conversions. These EV conversions which
4 include both battery and hydrogen fuel cell conversions
5 completely replace the existing combustion engine of a
6 vehicle and the resulting converted vehicle has no source
7 of regulated emissions.

8 The proposal does not include any new
9 requirements, but rather is a restructuring and
10 simplification of existing requirements while protecting
11 California's emission benefits achieved via the Air
12 Resources Board certification programs and standards.
13 These changes are necessary and urgent to ensure EV
14 conversions have a clearer path to market as the existing
15 procedure does not account for the unique nature of EV
16 conversions and is creating unnecessary confusion and
17 stumbling blocks for EV conversion manufacturers
18 attempting to sell product in California.

19 --o0o--

20 ECCD AFTERMARKET DIESEL & OFF-ROAD SECTION
21 MANAGER DALEY: To take a step back and explain why we
22 have this evaluation procedure, the California Vehicle
23 Code prohibits a modification such as the use of an add-on
24 and modified part, or aftermarket parts as they will be
25 referred to for the remainder of this presentation, to a

1 designed to assess a variety of aftermarket parts and EV
2 conversions are assessed by these procedures. However, EV
3 conversions are unable to fully realize the intended
4 benefits of the 2021 procedure due to their unique
5 consideration as compared to other types of aftermarket
6 products. To remedy this issue, staff is proposing
7 modifications that will further be discussed later in the
8 presentation.

9 --o0o--

10 ECCD AFTERMARKET DIESEL & OFF-ROAD SECTION

11 MANAGER DALEY: The procedure is designed to assess the
12 impact of a device on the emission compliance of the
13 vehicle or engine. The entire structure, requirements,
14 application process, et cetera, reflect this.

15 Furthermore, the procedure uses criteria that are
16 applicable and necessary when evaluating general
17 aftermarket parts but are relevant when assessing EV
18 conversions. Additionally, the procedure does have
19 specific categories associated with requirements for many
20 other types of aftermarket parts, but EV conversions are
21 placed into a catch-all category for parts that do not fit
22 into any other category, rather than their own category
23 with tailored requirements. They are not recognized as
24 unique by the current procedure.

25 EV conversions that have no source of regulated

1 requirements of the procedure to EV conversions. It is
2 equally critical to ensure that the evaluation criteria
3 and other criteria are tailored to the unique
4 considerations of EV conversions. It is important to
5 ensure that the modifications to the procedure simply
6 reorganize, streamline, simplify, and clarify the
7 requirements that are pertinent to EV conversions and add
8 no additional requirements.

9 Finally, it is of utmost importance to allow EV
10 conversion applications to be structured based on criteria
11 that are relevant to the review and approval of such
12 products. This in turn will likely result in fewer
13 broader applications and fewer associated fees for the
14 same vehicle coverage obtained with multiple applications
15 under the current procedure. However, it is equally
16 important not to undermine the requirements for other
17 types of aftermarket parts and to recognize that although
18 the requirements are ill-suited when assessing EV
19 conversions, they are well suited to assessing other types
20 of aftermarket products.

21 --o0o--

22 ECCD AFTERMARKET DIESEL & OFF-ROAD SECTION

23 MANAGER DALEY: I will now discuss the proposed
24 amendments. Staff has restructured the procedure to
25 increase clarity and specificity relative to the

1 application, evaluation process, and label requirements.
2 Changes clearly identify what constitutes an EV conversion
3 for the purposes of the procedure to avoid confusion from
4 manufacturers of other types of aftermarket parts.
5 Definitions for EV, EV conversions, fuel-fired heaters,
6 and hybrid electric vehicles have also been added to the
7 procedure to improve clarity.

8 Currently, the procedure requires applications to
9 be structured by criteria that are necessary and valid
10 when assessing other types of aftermarket parts, but to
11 contribute little technical value when assessing EV
12 conversions. For example, applications must be structured
13 based on original vehicle or engine manufacturer,
14 emissions standards, engine configuration, et cetera.
15 Since the engine and associated parts are removed from the
16 vehicle in the case of an EV conversion, criteria such as
17 these are moot when assessing EV conversions. Therefore,
18 staff is proposing criteria relevant to EV conversions in
19 the form of vehicle groupings based on weight class and
20 attributes. For example, an EV conversion kit that would
21 be appropriate for a big rig is unlikely to fit or work
22 for a smaller passenger car. Furthermore, additional
23 flexibility is provided as manufacturers may choose
24 alternative vehicle groupings that are more applicable to
25 their specific product. These changes are expected to

1 facilitate application submittal and review, provide for
2 potentially broader applications, and facilitate product
3 to market.

4 --o0o--

5 ECCD AFTERMARKET DIESEL & OFF-ROAD SECTION

6 MANAGER DALEY: Since the proposed amendments are simply
7 restructuring, streamlining, and clarifying the existing
8 procedure, and there are no additional requirements, there
9 are no anticipated costs, adverse impacts, or disbenefits.

10 Furthermore, participation in this program is
11 voluntary from a perspective that no company is forced to
12 do business in California. A business would presumably
13 choose to participate in California marketplace if it
14 believed doing so would be financially advantageous, in
15 which case this procedure would apply.

16 The proposed amendments are not expected to have
17 a direct impact on emissions, as no new requirements are
18 imposed. The streamlining and clarification process is
19 expected to facilitate EV conversion applications that may
20 in turn lead to more total EV conversions.

21 Additionally, there may be fewer broader
22 applications and associated fees as a result of the
23 modifications to the procedure, which may result in a
24 modest cost benefit to EV manufacturers. However, it is
25 difficult to predict market changes based on the proposed

1 changes to the procedure as many considerations factor
2 into an EV conversion manufacturer's business decision.

3 --o0o--

4 ECCD AFTERMARKET DIESEL & OFF-ROAD SECTION

5 MANAGER DALEY: While the aftermarket parts program does
6 not recognize emission reductions and only grants
7 exemptions that allow sales in California, the removal of
8 each internal combustion engine and subsequent replacement
9 with an EV conversion kit reduces emissions on a
10 vehicle-by-vehicle basis. Therefore, the proposed
11 amendments may have a small but unquantifiable air quality
12 benefit. No jobs are expected to be created or
13 eliminated, including those for small businesses, and no
14 effects are predicted for State agencies. Based on CARB's
15 review, it is certain that the proposed amendments will
16 not result in any significant adverse impact on the
17 environment, and this activity therefore is exempt from
18 the California Environmental Quality Act.

19 Because the proposed amendments are not
20 anticipated to have an impact on emissions, there are no
21 anticipated environmental justice impacts. These
22 amendments would preserve the emissions reductions
23 targeted by CARB's existing regulations for all
24 communities, including environmental justice areas.

25 --o0o--

1 ECCD AFTERMARKET DIESEL & OFF-ROAD SECTION

2 MANAGER DALEY: Staff's public outreach included meetings
3 with interested parties and releasing draft language for
4 comment. Staff met with 11 manufacturers of EV
5 conversions and the draft language was distributed to over
6 5,000 stakeholders via email notification. Comments were
7 received during the development and rulemaking process and
8 some suggestions were incorporated into the final language
9 proposed here today. Staff received no comments during
10 the 45-day comment period leading up to the Board hearing.

11 --o0o--

12 ECCD AFTERMARKET DIESEL & OFF-ROAD SECTION

13 MANAGER DALEY: Staff recommends adoption of the proposed
14 amendments to Title 13 Sections 2222 and 2224, and the
15 incorporated procedure. Thus, we are not recommending any
16 15-day changes.

17 Thank you.

18 CHAIR RANDOLPH: Thank you so much. We will now
19 hear from the public who signed up to speak on this item.
20 Board clerk, are there any members of the public who have
21 signed up to speak?

22 BOARD CLERK GARCIA: Yes. We have one remote
23 commenter. That's Eric Barnes. So Eric, I've activated
24 your microphone. Please unmute and begin.

25 ERIC BARNES: Good morning, Chair Randolph and

1 Board members. My name is Eric Barnes. I'm with the
2 Motorcycle Industry Council, the Specialty Vehicle
3 Institute of America, and the Recreational Off-highway
4 Vehicle Association. We recognize that CARB doesn't
5 currently have regulations or requirements for on-highway
6 motorcycles or off-highway vehicles regards to electric
7 vehicles or zero-emissions vehicles. But we would like
8 staff to consider, you know, if not now, but when
9 appropriate the inclusion of on-highway motorcycles and
10 off-highway recreational vehicles in this opportunity for
11 aftermarket conversions. And we look forward to working
12 with staff on this.

13 BOARD CLERK GARCIA: Thank you.

14 All right. And then we had a few more hands go
15 up. So next we will hear from Luis Morales, Tom Fulks,
16 and Dan Bogard. So Luis, I've activated your microphone.
17 Please unmute and begin.

18 Luis Morales, if you'd like to speak, please
19 unmute and begin.

20 LUIS MORALES: Hi. My name is Luis Morales. I
21 represent the Specialty Equipment Market Association, also
22 known as SEMA. We represent over 7,000 automotive
23 aftermarket companies. And our goal is to assist those
24 companies to succeed through different programs and
25 services. Several of those companies are the ones that

1 develop the complete aftermarket packages that convert
2 existing gas-powered and diesel-powered vehicles into full
3 battery electric vehicles.

4 We are seeking clarity on a couple of action
5 items in that proposal. We are specifically seeking
6 clarity on the vehicle coverage section of the proposal.
7 Is there an expectation for the manufacturers to identify
8 the specific range of the vehicles or is it only necessary
9 to identify one or more of the five vehicle categories.

10 Number two, we're also seeking clarity on the
11 existing emissions equipment section of the proposal.
12 This section states that the Executive Officer will make a
13 determination that the conversion kit will not quote,
14 "Reduce the effectiveness of the emissions control
15 systems", end quote. This section further discusses that
16 the vehicle meeting applicable emission standards will
17 become irrelevant when the EV conversion is done. We
18 propose that this section gets striked out as it can -- as
19 it brings up confusion for the proposal

20 Thank you very much.

21 BOARD CLERK GARCIA: Thank you.

22 Tom, I have activated your microphone. Please
23 unmute and begin.

24 TOM FULKS: Yes. Hello. Madam Chair, Board
25 members, my name is Tom Fulks with Mightycomm. I'm here

1 speaking today on behalf of Karma Automotive. It is a
2 passenger vehicle OEM based in Irvine with 250 full-time
3 workers with a factory in Moreno Valley with about 50
4 full-time workers.

5 Karma supports wholeheartedly these amendments to
6 the rule. We really appreciate your staff spending so
7 much time and due diligence investigating this. Karma
8 went through quite a bit of pain with the -- under the old
9 rule getting it's two powertrain conversion technologies
10 certified. And this is really going to be beneficial, we
11 believe, to the entire state, in that it is going to help
12 fill a segment of the heavy-duty market that right now is
13 experiencing quite a shortage of product and that's the
14 Class 2b through Class 5 segment. Karma is focusing on
15 the Class 4 segment, which is the shuttle bus segment,
16 work trucks, bucket trucks. These fleets will all be
17 obligated under the coming Advanced Clean Fleet Rule. And
18 it's important to provide product to fleets that are going
19 to be required to comply. So again, Karma tips its hat to
20 your staff. They came out to the factory, spent a good
21 amount of time investigating. And we really appreciate
22 the innovation in this policy.

23 Secondly, I'd like to plant a seed that we need
24 to start working on innovation with the HVIP Program as
25 well, because HVIP provides half as much money for

1 conversions as it does for original OEM product. And
2 again, there's a dearth of product within that mid-range
3 section.

4 So thank you very much and we'll sign off.

5 BOARD CLERK GARCIA: Thank you.

6 Dan, I have activated your microphone. Please
7 unmute and begin.

8 DAN BOGARD: Hello. My name is Dan Bogard and
9 today I'm representing General Motors Company
10 headquartered in Detroit, Michigan, a global auto
11 manufacturer committed to positively impacting communities
12 where its customers live and work.

13 In California, GM works with over 300 suppliers
14 and more than 200 dealers. In 2022, GM delivered for sale
15 more than 180,000 vehicles in California. GM appreciates
16 CARB's willingness to clarify, simplify, and streamline
17 the application process for electric vehicle conversions
18 under California law. GM has long participated in the
19 aftermarket parts performance business, connects and --
20 connect and cruise crate engine powertrain systems. Our
21 premium packages offer the dependability and confidence of
22 Chevrolet performance.

23 While these systems have historically been
24 performance internal combustion engines and transmissions,
25 there may be exciting alternatives on our shared path to a

1 zero-emissions future. At the annual Special Equipment
2 Market Association shows in 2019, 2020, and 2021, concept
3 vintage Chevrolet vehicles with electric powertrains were
4 on display exploring the possibility of an electric
5 connecting cruise package.

6 Under the current California rule, certifying the
7 aftermarket parts for an electric vehicle conversion is a
8 complicated process. Each end-use case requires its own
9 application. For applications to install EV conversions
10 in older vehicles, elements of the CARB Executive Order
11 application are logistically challenging to complete.
12 Maintaining the current procedure would likely limit the
13 market for electric vehicle conversions in California.
14 Electric vehicle conversions are an exciting opportunity
15 for GM's aftermarket and performance parts business.

16 Customers are excited about opportunities to
17 electrify beloved classic cars and trucks to commercial
18 trucks fitted with specialty equipment. The proposal
19 streamlines the CARB certification process so that GM can
20 bring EV conversions to the California market for cars,
21 trucks, and big trucks. GM encourages CARB to adopt the
22 proposed amendments to streamline the application process
23 for electric vehicles.

24 Thank you.

25 BOARD CLERK GARCIA: Thank you. And that

1 concludes the commenters for this item.

2 CHAIR RANDOLPH: Thank you. Staff, are there any
3 issues raised in the comments that you would like to
4 address.

5 DEPUTY EXECUTIVE OFFICER HEBERT: This is Deputy
6 Executive Officer Annette Hebert. Just a couple of
7 things.

8 One on the motorcycle piece, we will be coming to
9 the Board later this year with an update to the motorcycle
10 regulations in general, which also include electric
11 vehicles. The motor vehicle evaluation of aftermarket
12 parts is separate from this particular piece, but we
13 believe it's within our discretion to look at if some
14 wants to convert to EV conversion. But I think after we
15 go through that process later this year that refines some
16 of the motorcycle regulations overall, we'll be in a
17 better position to propose if there's any changes
18 necessary there.

19 Some of the SEMA comments, just to echo this is
20 probably one of the fastest Board items I've ever put
21 together in my 33 years. Obviously, we put it together
22 very quickly, but we did work with industry obviously
23 diligently. You heard that. And we believe that we have
24 a process in place that will streamline everything. And
25 the things that SEMA brought up, we believe is still

1 within the administrative discretion. So we should be
2 able to work with them on administrative discretion
3 without delaying this rule from becoming final, because
4 obviously our desire is to get this final as quickly as
5 possible, so those companies wishing to do EV conversions,
6 which obviously is a really good thing for the environment
7 and the companies, not to delay the process. You know, we
8 would propose speeding expeditiously on this one.

9 CHAIR RANDOLPH: All right. Thank you very much.
10 I will now close the record on this agenda item. However,
11 if it is determined that additional conforming
12 modifications are appropriate, the record will be reopened
13 and a 15-day Notice of Public Availability will be issued.
14 If the record is reopened for a 15-day comment period, the
15 public may submit written comments on the proposed
16 changes, which will be considered and responded to in the
17 Final Statement of Reasons for the regulation. Written or
18 oral comments received after this hearing date, but before
19 a 15-day notice is issued will not be accepted as part of
20 the official record on this agenda item. The Executive
21 Officer may present the regulation to the Board for
22 further consideration, if warranted. And if not, the
23 Executive Officer shall take final action to adopt the
24 regulation after addressing all appropriate conforming
25 modifications.

1 Okay. Board Members, do you have any questions
2 or comments?

3 Mr. Guerra.

4 BOARD MEMBER GUERRA: Thank you very much, Madam
5 Chair. First, thank you to all of our staff for putting
6 this together. And just to say that, you know, this is
7 very forward thinking in the sense that as conversions
8 particularly for, you know, those vehicles that have --
9 where the chassis and the utility vehicle might actually
10 be more cost effective than purchasing a new one, getting
11 ahead of this and creating that feasibility and by
12 reducing the permitting or the streamlining of it I think
13 is thinking ahead of what's to come.

14 And the only reason I really punched up to move
15 this item - Madam Chair, I'll move this item - is because
16 I was moved by these young leaders from South Sacramento
17 who are looking -- working right now to electrify, as I
18 mentioned earlier, a 1964 Super Sport Impala. And, you
19 know, thinking about, you know, my -- when I was a
20 teenager, I was more interested in how I can add a chrome
21 Edelbrock carburetor onto a motor.

22 But I think that, you know, something like this
23 while maybe not controversial or whatnot, this is where
24 our young people, particularly who live in an EJ
25 community, next to an industrial corridor, are seeing, you

1 know, the impacts of air quality, but yet they want to
2 take a decision on.

3 So with that, Madam Chair, I'll move the item and
4 encourage any of our staff to come check out the
5 leadership that our young people are doing out there in
6 our community.

7 CHAIR RANDOLPH: All right. Do I have a second.

8 BOARD MEMBER BALMES: Second.

9 CHAIR RANDOLPH: All right. Clerk, would you
10 please call the roll.

11 Oh, did you have a comment? Sorry.

12 BOARD MEMBER DE LA TORRE: Thank you. One of the
13 OEMs was talking about how they're trying to do these
14 conversions with their older vehicles. I recently saw
15 some foreign OEMs are also taking some of their classic
16 1980s cars and doing them as electric vehicles, which I
17 think is pretty cool. And then in California is the
18 epicenter of classic car conversions to zero. There are
19 multiple in Southern California. The Chair and I have
20 talked about this. And right now, they have to get scraps
21 from wrecked EVs to take those motors and those battery
22 packs from a wrecked vehicle to put into a converted cool,
23 you know, old car.

24 So this opens the door to have the equivalent of
25 crate motors. I don't know what the equivalent is in EV

1 talk, but a crate motor and a crate battery back that
2 could be sold aftermarket, and folks can just, you know,
3 do what Councilmember Guerra just mentioned.

4 So I really look forward to what this can yield
5 by getting out of the way. One of the things that I tell
6 people all the time, particularly in the heavy-duty space
7 is, zero is zero. We don't regulate zero. You want to
8 get CARB off your back go to zero. And so this is, I
9 think, a step in that direction. There's still a
10 regulation obviously that we're doing here today, but I
11 look forward to the day where we're just getting rid of
12 some of these things because they're no longer needed over
13 time.

14 Thank you.

15 CHAIR RANDOLPH: Thank you. And I did notice
16 that one of our EJAC members wanted to speak on this item.
17 Mayor Rey, do you still want to speak.

18 BOARD CLERK GARCIA: Let me activate his
19 microphone. Okay. It should be --

20 REY LEÓN: I just said yes to silence. And no, I
21 just wanted to share that there's other efforts. I know
22 in San Diego in Chicano Park there's an effort to try to
23 convert a lowrider into an electric lowrider. So I'm
24 calling on them e-lowriders. And I think it would be a
25 beautiful thing, because they get youngsters engaged like

1 back in the day when they would focus on their vehicles
2 and essentially become mechanical engineers and in a very
3 organic way. And if we could expose them to the
4 technology and the parts that they need, so that they
5 could innovate their vehicles and be able to cruise green
6 and cruise clean in process, we're getting kids engaged in
7 what we identify as stamped, right? So I think it's a
8 beautiful thing. And if I was a Board member, I'd say
9 aye.

10 Thank you.

11 (Laughter).

12 CHAIR RANDOLPH: Thank you so much. Okay. We
13 have a motion. Did I hear a second?

14 BOARD MEMBER BALMES: Yes

15 CHAIR RANDOLPH: Okay. We have a motion and a
16 second. Board clerk, will you please call the roll.

17 BOARD CLERK GARCIA: Yes.

18 Dr. Balmes?

19 BOARD MEMBER BALMES: Yes.

20 BOARD CLERK GARCIA: Mr. De La Torre?

21 BOARD MEMBER DE LA TORRE: Aye.

22 BOARD CLERK GARCIA: Mr. Eisenhut?

23 BOARD MEMBER EISENHUT: Yes.

24 BOARD CLERK GARCIA: Senator Florez?

25 BOARD MEMBER FLOREZ: Florez, aye.

1 BOARD CLERK GARCIA: Mr. Guerra?

2 BOARD MEMBER GUERRA: Guerra, aye.

3 BOARD CLERK GARCIA: Ms. Hurt?

4 BOARD MEMBER HURT: Aye.

5 BOARD CLERK GARCIA: Mr. Kracov?

6 Mr. Kracov?

7 Dr. Pacheco-Werner?

8 BOARD MEMBER PACHECO-WERNER: Yes.

9 BOARD CLERK GARCIA: Mr. Perez?

10 BOARD MEMBER PEREZ: Aye.

11 BOARD CLERK GARCIA: Dr. Quirk?

12 BOARD MEMBER QUIRK: Aye.

13 BOARD CLERK GARCIA: Dr. Shaheen?

14 BOARD MEMBER SHAHEEN: Aye.

15 BOARD CLERK GARCIA: Ms. Takvorian?

16 BOARD MEMBER TAKVORIAN: Yes. And let me just
17 say Vuelta Verde is happening in San Diego in Chicano
18 Park. So come on down and you can get a ride in a green
19 lowrider zero emission. Thanks, Rey.

20 BOARD CLERK GARCIA: Chair Randolph?

21 REY LEÓN: Awesome.

22 CHAIR RANDOLPH: Yes.

23 BOARD CLERK GARCIA: Madam Chair, the motion
24 passes.

25 CHAIR RANDOLPH: Okay. Great. Thank you. We

1 will now move to open public comment for those who wish to
2 provide a comment regarding an item of interest with the
3 jurisdiction of the Board that is not on today's agenda.
4 The clerk will call on those who have submitted a request
5 to speak card. If you are joining us remotely and wish to
6 comment, please click the raise hand button or dial star
7 nine now. Will the Board clerk please call on those who
8 have signed to speak or who raised their hand?

9 BOARD CLERK GARCIA: Yes. We have one in-person
10 commenter. That's Sean Edgar.

11 SEAN EDGAR: Good afternoon, Chair Randolph and
12 Board members, Sean Edgar. I'm the Director of
13 cleanfleets.net based here in Sacramento. Thanks for the
14 opportunity to address the Board. It's good to see Deputy
15 Executive Officer Hebert today, because sh'e one of the
16 few folks here in the room that has enjoyed the breadth of
17 implementation of the on-road rules that I've had the
18 privilege to work on for the last 23 years.

19 So my brief presentation today would just to
20 encourage the Board. Today was a louder discussion about
21 inclusion and outreach. And also as it relates to diverse
22 opinions, one of the key items that's coming up before you
23 next month Advanced Clean Fleets is arguably one of the
24 largest, most challenging, and yet-to-be-funded mandates
25 that this Board is handing out. And I would just going

1 back -- walking down memory lane briefly, in all of the
2 on-road regulations that I've worked on for the last 23
3 years, part of the Board discussion has been trying to
4 regularly monitor and shepherd along the process. And in
5 some cases that's been better than the -- some regulations
6 have been better than others on that.

7 Specific to the waste hauler regulation in 2003,
8 the Board was talking about annual reports. And I know
9 that there was one annual report done in 2004, and then it
10 went pretty silent for about 15 years and it was left on
11 the regulated community to kind of figure it out on their
12 own.

13 Seeing that this item, the ACF that's coming up
14 before you has so many different buckets, and I'll talk
15 about two of those buckets for a minute. The first is the
16 infrastructure. We know that it's going to take multiple
17 agencies. Mr. De La Torre is a student of history. I
18 appreciated your conversation about father of EJ when you
19 talked about father. Dr. Teller. It took that kind of
20 effort for the Manhattan project to be successful. It
21 took huge communication.

22 And then second item is HVIP. You all are
23 collecting metrics from your contractor on HVIP on how
24 electric vehicles are performing. That should be
25 transparent. And all of that should encourage in a big

1 work group and we should have regular meetings on that.

2 Thank you.

3 BOARD CLERK GARCIA: Thank you.

4 And then it looks like we currently have four
5 remote commenters. That's Cynthia Pinto-Cabrera, a phone
6 number ending in 373, Brent Newell, Ruben Rodriguez, and
7 then -- okay. Hands are still going up. I'll just read
8 off a couple more, Veronica Aguirre, Jasmin Martinez, and
9 Mariello Vazquez.

10 So Cynthia, I have activated your microphone.
11 Please unmute and begin.

12 CYNTHIA PINTO-CABRERA: Good morning, Chair
13 Randolph and members of the Board. Cynthia Pinto-Cabrera,
14 an asthmatic Madera County resident and Policy Coordinator
15 with the Central Valley Air Quality Coalition, or CVAQ.

16 The San Joaquin Valley has a long history of
17 failing to meet health protective standards for the deadly
18 pollutant that is known as PM2.5. And despite this long
19 history of carbon the Valley Air District continued to use
20 modeling and calculations that not only discount the lived
21 experiences of community residents, especially those in
22 our EJ communities, but these model -- this model also has
23 yet to demonstrate real results.

24 We are still in a public health crisis rooted in
25 racist practices that have placed our communities of

1 color, low-income communities next to pollution sources,
2 and practices that have silenced us. And these practices
3 still continue today with a notable example of being
4 denied the opportunity to be heard in front of this Board
5 despite commitments made to host annual updates on valley
6 air -- clean air efforts.

7 Staff presented to this Board a memo depicting a
8 picture that provides a false sense that we will meet our
9 clean air standards in time and memo that was not shared
10 with us for over a month despite regular meetings with
11 staff. We are still in the worst -- we're still
12 experiencing the worst levels of air pollution in the
13 nation. We have adult residents who have never known a
14 clean San Joaquin Valley. We have normalized severe
15 health problems like heart and lung diseases that are
16 twice that of the national averages.

17 We need real solutions that are focused on direct
18 emissions and strong enforcement. For these reasons, we
19 urge CARB to continue to support community-led solutions
20 that center on protecting our health and continue to work
21 on equitable processes that ensure community voices are
22 represented. And we hope to see a public facing update
23 this year. We look forward to improved collaboration with
24 CARB that leaves behind historically racist practices and
25 prioritizes people over profit.

1 Thank you.

2 BOARD CLERK GARCIA: Thank you.

3 Phone number ending in 373, I have activated your
4 microphone. Please state your name for the record and you
5 can begin.

6 HARVEY EDER: Hello. Am I being heard?

7 BOARD CLERK GARCIA: Yes, you are.

8 HARVEY EDER: Thank you.

9 My name is Harvey Eder. I'm speaking for myself
10 and for the Public Solar Power Coalition, et cetera.

11 Several things. You folks received the plans for
12 22 that you incorporated into your Scoping Plan. The
13 Scoping Plan was basically shut down by the Legislative
14 Analysts. We incorporated it by reference in the 19-page
15 Legislative Analyst's report from the 6th of January this
16 year. And they said that you'll never meet by 2030 your
17 plans or by 2045. You did not put specifics.

18 Now, what we put in the Solar New Deal based
19 after the Sunshot Program, which is modeled after the
20 Moonshot - that's how we got to the moon in the sixties -
21 to bring solar down cost effective with no benefits, tax
22 credits, and all this stuff with fossil fuels. And that
23 was done and they're still making advances. You know, we
24 put this into the record and we put in the progress
25 reports from March of '16 before the draft '16 plan was

1 written. CARB, you all did nothing. The District did
2 nothing. NEPA did nothing.

3 Okay. We were run out of court trying to put all
4 this stuff in the Scoping Plan after -- in September, and
5 they were going to purge it and send it back to us with no
6 copies in December by the FBI and the federal marshals.
7 We're trying to get copies of that tape. We've asked you.
8 We need to get this as exculpatory evidence and they're
9 now going back into plans thirty years ago we filed in
10 '92, and --

11 BOARD CLERK GARCIA: Thirty seconds.

12 HARVEY EDER: -- also there was -- a new law was
13 written and apparently there's all kinds of misinformation
14 going out There was the 95th and there was -- then there
15 was redress by '91 and '92 document from the South Coast.
16 And it was not -- it had no dry days. It was not
17 included. There's other things. This was a big thing,
18 because in 84 we had the Olympics and we're going to get
19 that in the Olympics in '28. And we've got to work with
20 of city LA, and the County, and other folks. And anyway,
21 they had a 94/95 plan. These were written and they were
22 purged. They were not signed.

23 BOARD CLERK GARCIA: Thank you.

24 HARVEY EDER: This has never happened before and
25 the documents written --

1 BOARD CLERK GARCIA: Brent Newell. I've
2 activated your microphone. Please unmute and you can
3 begin.

4 BRENT NEWELL: Good morning, Madam Chair, members
5 of the Board. My name is Brent Newell and I'm an attorney
6 representing the Central Valley Air Quality Coalition. I
7 want to knowledge and thank many of the Board members for
8 your strong commitment to environmental justice.

9 I call on your commitment to follow through on
10 the Board's resolution adopting the 2018 PM2.5 plans for
11 the San Joaquin Valley. In that resolution, the Board
12 directed staff to update the Board annually in a public
13 meeting on the implementation of those plans. I want to
14 emphasize the need for a Board agenda item devoted to an
15 update on the status of the plan to attain the 2012 annual
16 PM2.5 standard, and I have three points on that.

17 First, the San Joaquin Valley consistently has
18 had the highest 2012 annual PM2.5 design values compared
19 to any other air basin in the United States. And the most
20 recent design value of 17.8 micrograms per cubic meter is
21 150 percent of the standard. That does not bode well for
22 an attainment deadline of December 31st, 2025.

23 Second, the Executive Officer withdraw the plan
24 for the 2012 standard from EPA consideration after EPA
25 proposed disapproval on several significant substantive

1 grounds. In addition, EPA flagged the racially disparate
2 impacts in the valley and CARB's obligation to provide
3 necessary assurances that the Plan complies with Title 6
4 of the Civil Rights Act.

5 And third, this Board needs to hear an update on
6 and provide an opportunity for the public to engage in
7 that process. The Board needs to monitor implementation
8 of arguably the most important attainment plan your Board
9 has adopted, given the massive public health impacts
10 associated with long-term exposure to PM2.5, the impending
11 failure of that plan to attain the standard on time by
12 2025, and CARB's history of failing to attain other
13 standards by those deadlines up until now.

14 Thank you very much.

15 BOARD CLERK GARCIA: Thank you.

16 Ruben, I have activated your microphone. Please
17 unmute and you can begin.

18 RUBEN RODRIGUEZ: Buenos dias. Can you guys hear
19 me?

20 BOARD CLERK GARCIA: Yes, we can.

21 RUBEN RODRIGUEZ: Awesome. Buenos Dias.

22 (Interpreter communicated in spanish
23 with witness).

24 RUBEN RODRIGUEZ (through interpreter): Good
25 morning. Thank you so much for this opportunity. My name

1 is Ruben Rodriguez. I am an organizer with the
2 environmental community action group -- with Central
3 California Environmental Justice Network.

4 THE INTERPRETER: Central California -- yes.

5 RUBEN RODRIGUEZ: Thank you for that.

6 RUBEN RODRIGUEZ (through interpreter): I speak to
7 you from the lands of the Yokut Tachi also known as the
8 Central Valley. I'm here today to talk to you about the
9 continuing lack of progress regarding PM2.5. Even though
10 here we are fighting to save future generations, you only
11 give us two minutes to try to explain our positions.

12 RUBEN RODRIGUEZ: Yeah. And also the translation
13 is not being done properly, so I also want you guys to
14 note that.

15 THE INTERPRETER: Thank you. I have -- I'm
16 having a hearing issue right now, but go ahead I'll do as
17 best as I can and also speak loudly.

18 RUBEN RODRIGUEZ (through interpreter): So
19 particulate matter of 2.5 or less contributes to terrible
20 health damages for us. It causes asthma, heart issues,
21 pulmonary issues, and even premature death. These are the
22 realities of the residents of this valley. And this is
23 due to your negligence and your lack of action. Maybe
24 some of you might find offense in my comments, but I
25 remind you that these feelings are reactions to the

1 reality that we are living. Several counties in the
2 valley have the number one cause of death is asthma for
3 many of the residents of the Central valley. We need real
4 solutions and to give priority to people and not
5 corporations who are the ones who are killing us.

6 It's important for you to listen to your
7 communities and listen to the shared and human experiences
8 of these communities. The report of the American Lung
9 Association's says the following, that the Central Valley
10 is one of the most polluted places to live in within the
11 nation. It's time to take this -- it's time to take this
12 issue seriously. I remind you that this particular matter
13 is killing us.

14 BOARD CLERK GARCIA: Thank you.

15 Thank you. That concludes your time.

16 RUBEN RODRIGUEZ (through interpreter): And it's
17 time to --

18 RUBEN RODRIGUEZ: At the beginning of the -- at
19 the beginning of the comment, you guys stated that if you
20 were providing your comment in Spanish, you would be given
21 more time.

22 BOARD CLERK GARCIA: That's correct. Your time
23 was doubled and the time is up. Thank you.

24 Veronica, I have activated your microphone.
25 Please unmute and begin.

1 VERONICA AGUIRRE: Good morning, Chair Randolph
2 and directors. My name is Veronica Loya Aguirre. I am
3 also with Central California Environmental Justice
4 Network. I work as a community organizer. And I am also
5 a member of the community of Avenal. Avenal being in the
6 County of Kings, which is ranked as number 3 in one of the
7 most -- I'm sorry. Did I lose you?

8 BOARD CLERK GARCIA: We can hear you. Go ahead.

9 VERONICA AGUIRRE: Oh. Okay. I'm sorry. I
10 wasn't. I'm live in the County of Kings, which is, what,
11 number three of the eight counties in the San Joaquin
12 Valley that are the most polluted for PM2.5 in the nation.
13 I can't -- you know, the people before me, my colleague,
14 and others that spoke before me, they gave you all some
15 really excellent points and I'd like to piggyback off of
16 them, but one thing that I do want to -- really want to
17 stress is that I really do believe that we need real
18 solutions to prioritize people over profit and recognize
19 community lived experiences.

20 Community lived experience are from those that
21 live right next to these sources of pollution, like Avenal
22 living right next to a dump within hundreds of feet from
23 schools, homes, community buildings, medical centers. We
24 have Kettleman City that has a toxic waste dump right
25 there. We have oil fields in Coalinga, Huron with

1 pesticides.

2 We need solutions, solutions based off of what
3 people are living with. And this -- and it needs to be
4 heard. We need action. We need to hold those agencies
5 that are -- that are responsible for coming up for -- with
6 solutions accountable, because things are not being done.
7 Systems are broken and everything is just okay. Okay is
8 not a acceptable, acceptable for those that live right
9 near there and we look to you to help us -- to help us
10 make changes that are going to -- that are affecting
11 lives -- that are affecting lives in all these
12 communities.

13 Thank you.

14 BOARD CLERK GARCIA: Thank you.

15 Next, we will hear from Jasmin Martinez and than
16 Maxine Mendenhall.

17 So Jasmin, I've activated your microphone.
18 Please unmute and begin.

19 JASMIN MARTINEZ: Good afternoon. I'm Jasmin
20 Martinez, a Kern County resident and Coalition Coordinator
21 with CVAQ. I'm speaking today to seek accountability for
22 lack of progress in reaching PM2.5 attainment for the San
23 Joaquin Valley. Our plan must realize direct reductions
24 from the ammonia in agriculture to our oil industry
25 emissions. When CARB supported advocate findings of

1 fundamental issues with emission reduction credits
2 program, I expected significant oversight of the valley's
3 oil industry through additional enforcement and proposed
4 top stationary source review. Years later, this has yet
5 to happen.

6 Our fundamental right to clean air has been
7 violated for decades and still has a right to public
8 process. The California Air Resources Board did not host
9 its regular annuals updates to the public and the Board.
10 As 2022 was ending, CVAQ and advocates asked about the
11 update timeline from CARB staff. We were told a process
12 would kick off early in the new year once it was finalized
13 district with the district. We followed up in the January
14 meeting and still were given no updates on the annual
15 update about progress and to provide public comment.

16 When we set meetings with CARB staff to check in
17 on the plan, we were only given 25 minutes for each and it
18 feels like are fighting to be heard by CARB when we could
19 be using that energy to work together. It was frustrating
20 later -- to later learn that CARB had sent a memo
21 internally to Board members earlier this year with no
22 plans to host annual update.

23 We are way overdue for a 2022 annual update on
24 the valley's PM2.5 attainment progress and one should be
25 scheduled as soon as possible. I also urge CARB to plan

1 appropriately for preparing a separate 2023 annual update
2 later this year. We need a strong -- a solid and stronger
3 commitment from CARB when it comes to robust community
4 engagement. And we must maintain our sense of urgency to
5 reach attainment. There should be transparency and
6 clarity to the public on future engagement opportunities
7 to provide input on aggressive measures needed to meet and
8 exceed PM2.5 attainment, starting with the 2022 annual
9 update.

10 Thank you.

11 BOARD CLERK GARCIA: Thank you.

12 Maxine, I have activated your microphone. Please
13 unmute and you can begin.

14 MAXINE MENDENHALL: Hi. Good morning to the
15 Chair and members of the Board. My name is Maxine and I'm
16 an ambassador for California Environmental Voters. And
17 I'm a resident of my hometown Bakersfield. I'm here
18 because this year the CARB Board -- I'm sorry -- did not
19 provide the ability for Central Valley community members
20 to make our voices heard when it comes to our air quality.
21 The plans provided by the CARB Board emphasized that our
22 air is improving, meeting clean air requirements, and
23 we're reaping the health benefits. And this just isn't
24 the reality.

25 Here's my year in review. In the last year, my

1 retired grandfather with lung cancer had to move out of
2 state per doctor's orders because our air is so unhealthy.
3 In the last year, I've been saving money to leave my home
4 town, my friends and family, in part because of how
5 detrimental the air has been to my health since I
6 developed asthma in high school. I cannot run, dance, or
7 do any strenuous activity without the use of an inhaler.
8 In the last week, I've seen in the news that Bakersfield
9 has the worst year round PM2.5 pollution in the U.S. Our
10 air is not safe. We are not experiencing the health
11 benefits from our air. Our air is dangerous and deadly.
12 Currently, the profits or large polluters in ag and oil
13 are placed above the health of Central Valley citizens.

14 I would like to call upon CARB and the San
15 Joaquin Valley Air Pollution Control District to provide
16 more transparency and room for public input on our air.
17 We need greater enforcement of current protections and a
18 shift in focus from polluters profits community health.

19 Thank you for your time.

20 BOARD CLERK GARCIA: Thank you. And that
21 concludes the commenters for this item.

22 CHAIR RANDOLPH: Thank you.

23 Board Member De La Torre.

24 BOARD MEMBER DE LA TORRE: I just wanted to
25 clarify and I'm going to say it in Spanish, because it was

1 said in Spanish. I'll repeat it in English

2 (Spoke in Spanish.)

3 BOARD MEMBER DE LA TORRE: I just re-emphasized
4 what our practice is, regardless of the time limit that we
5 have here in our meetings, two or three minutes, whatever
6 it is, the public always has the option to write us their
7 comments of whatever length. And the Board receives those
8 ahead of the Board meetings, so that is always an option.
9 The time here is obviously to help us in our
10 deliberations, but that is only part of the input that we
11 receive ahead of the actions that we take. So I want to
12 emphasize that to the public particularly in Spanish,
13 because it was said that we're only giving them that.
14 That is not the case. We are giving them plenty of
15 options to communicate with us. Thank you.

16 CHAIR RANDOLPH: Okay. That is the end of the
17 open agenda items. We will now adjourn to closed session
18 as indicated in the public notice for today's meeting.
19 The purpose of the closed session is for Board members to
20 confer with or receive advice from legal counsel regarding
21 pending litigation listed on today's public agenda.

22 After closed session, the Board will reconvene in
23 this auditorium to adjourn the meeting.

24 Thank you.

25 (Off record: 11:32 a.m.)

1 (Thereupon the meeting recessed
2 into closed session.)

3 (Thereupon the meeting reconvened
4 open session)

5 (On record: 12:25 p.m.)

6 CHAIR RANDOLPH: Okay. Welcome back to the Air
7 Resources Board March 23rd meeting. We have reconvened
8 after closed session and no reportable action was taken
9 during that closed session, so this meeting of March 23rd
10 is now adjourned.

11 (Thereupon the Air Resources Board meeting
12 adjourned at 12:25 p.m.)

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