

MEETING

STATE OF CALIFORNIA

AIR RESOURCES BOARD

ZOOM PLATFORM

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

BYRON SHER AUDITORIUM

1001 I STREET

SACRAMENTO, CALIFORNIA

FRIDAY, APRIL 28, 2023

9:00 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

Senator Henry Stern

Susan Shaheen, PhD

Diane Takvorian

Supervisor Nora Vargas

STAFF:

Steve Cliff, PhD, Executive Officer

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

Chanell Fletcher, Deputy Executive Officer, Environmental
Justice

APPEARANCES CONTINUED

STAFF:

Edna Murphy, Deputy Executive Officer, Internal Operations

Rajinder Sahota, Deputy Executive Officer, Climate Change and Research

Craig Segall, Deputy Executive Officer, Mobile Sources and Incentives

Cari Anderson, Chief, Freight Transportation Branch, Transportation and Toxics Division (TTD)

Heather Arias, Division Chief, TTD

Paul Arneja, Air Pollution Engineer, In-Use Control Measures Section, Mobile Source Control Division, MSCD

Analisa Bevan, Assistant Division Chief, MSCD

Tony Brasil, Chief, Transportation and Clean Technology Branch, MSCD

Ian Cecere, Senior Attorney, Legal Office

Craig Duehring, Manager, In-Use Control Measures Section, MSCD

David Hults, Assistant Chief Counsel, Legal Office

Lucina Negrete, Assistant Division Chief, MSCD

Sydney Vergis, Division Chief, MSCD

Alex Wang, Senior Attorney, Legal Office

INDEX

	<u>PAGE</u>
Call to Order	1
Roll Call	1
Opening Remarks	2
Item 23-4-2 (continued)	
Board Discussion and Q&A	3
Motion	103
Vote	104
Public Comment	105
Adjournment	106
Reporter's Certificate	107

PROCEEDINGS

1
2 CHAIR RANDOLPH: All right. Good morning. The
3 April 28th public meeting of the California Air Resources
4 Board will come to order.

5 Board Clerk, will you please call the roll.

6 BOARD CLERK GARCIA:

7 BOARD MEMBER BALMES: Here.

8 BOARD CLERK GARCIA: Mr. De La Torre?

9 BOARD MEMBER EISENHUT: He was here.

10 BOARD CLERK GARCIA: Mr. Eisenhut?

11 BOARD MEMBER EISENHUT: Here.

12 BOARD CLERK GARCIA:

13 BOARD MEMBER FLOREZ: Florez here.

14 BOARD CLERK GARCIA: Garcia?

15 Mr. Guerra.

16 BOARD MEMBER GUERRA: Guerra here.

17 BOARD CLERK GARCIA: Hurt?

18 BOARD MEMBER HURT: Present.

19 BOARD CLERK GARCIA: Kracov?

20 BOARD MEMBER KRACOV: Here.

21 BOARD CLERK GARCIA: Dr. Pacheco-Werner?

22 BOARD MEMBER PACHECO-WERNER: Here.

23 BOARD CLERK GARCIA: Mr. Perez?

24 BOARD MEMBER PEREZ: Here.

25 BOARD CLERK GARCIA: Dr. Quirk?

1 BOARD MEMBER QUIRK: Quirk, here.

2 BOARD CLERK GARCIA: Senator Stern?

3 Dr. Shaheen?

4 Ms. Takvorian?

5 BOARD MEMBER TAKVORIAN: Here.

6 BOARD CLERK GARCIA: Supervisor Vargas?

7 Chair Randolph?

8 CHAIR RANDOLPH: Here.

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

11 CHAIR RANDOLPH: All right. Thank you.

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

16 For safety reasons, please note the emergency
17 exit to the rear of the building through the foyer. In
18 the event of a fire alarm, we are required to evacuate
19 this room immediately and go down the stairs to the lobby
20 and out of the building. When the all-clear signal is
21 given, we will return to the auditorium and resume the
22 hearing.

23 A closed captioning feature is available for
24 those of you joining us in the Zoom environment. In order
25 to turn on subtitles, please look for a button labeled

1 "CC" at the bottom of the Zoom window as shown in the
2 example on the screen now. I would like to take this
3 opportunity to remind everyone to speak clearly and from a
4 quiet location, whether you are joining us in Zoom or
5 calling in by phone.

6 Interpretation services will be provided today in
7 Spanish. If you are joining us using Zoom, there is a
8 button labeled "Interpretation" on the Zoom screen. Click
9 on that interpretation button and select Spanish to hear
10 the meeting in Spanish. If you are joining us here in
11 person and would like to listen to the meeting in Spanish,
12 please speak to a Board assistant and they will provide
13 you with further instructions.

14 (Interpreter translated in Spanish)

15 THE INTERPRETER: Thank you, Madam Chair and
16 Board members.

17 CHAIR RANDOLPH: Thank you.

18 So we finished our public comment on this item
19 yesterday and so we're going to be picking up with where
20 we left off with this Board item. After this Board item,
21 we will have open public comment on items not on the
22 agenda, so at that time, I'll ask for the clerk to provide
23 instructions regarding open public comment.

24 Okay. So we are picking up Agenda Item 23-4-2.
25 The proposed Advanced Clean Fleets Regulation. We heard

1 all the public commenters on the item yesterday and we're
2 here to have questions, comments, and to consider the
3 proposed resolution. So hopefully everyone wrote down
4 their questions and comments from yesterday. I know I
5 did. So I will ask any Board members if they have any
6 questions to kick things off?

7 BOARD MEMBER TAKVORIAN: Sure. If nobody wants
8 to go first.

9 (Laughter).

10 CHAIR RANDOLPH: Well, I certainly have some, so
11 you can start, and then I'll go.

12 BOARD MEMBER TAKVORIAN: Well, good morning. I'm
13 just waiting for a little bit more coffee to kick-in, but
14 we'll see what -- how we can do.

15 (Laughter)

16 CHAIR RANDOLPH: At least we didn't start at
17 8:30.

18 BOARD MEMBER TAKVORIAN: Yes, we didn't. Thank
19 you, Chair. We're all grateful.

20 So it's hard to figure out how to say how
21 grateful I think our communities are for the amazing work
22 that's been done over these decades and that brought us to
23 this point. And yesterday was a historic day with the
24 adoption of the locomotive rule. And today I believe will
25 be another historic day.

1 I -- without indicating how long I've been doing
2 this, it has been a long road and we did our first health
3 survey in Barrio Logan and National City almost 30 years
4 ago and determined that 60 percent of the households had
5 children with asthma or with asthma symptoms. So that was
6 one of our first indicators that there was a problem. And
7 20 years ago, I think some of you will remember this, we
8 were fighting for diesel filters. So not fast-forward to
9 today when we're saying we can transition the entire
10 heavy-duty fleet to zero emission is pretty amazing and
11 it's a hugely long time and kids have been born and grown
12 up and had their own kids in that time period. So it's
13 hard to have waited that long, but I know that a lot of
14 people are not here today, but I really want to appreciate
15 everyone who has stayed the course in the communities and
16 continued to really demand that we have clean air to
17 breathe and that kids have a healthy place to grow up.

18 And I know that a lot of the CARB staff, and I
19 won't try to name everybody, have been working on this for
20 a really long time. So all of you, I just want you to
21 know that I think the community members really appreciate
22 your work even. If they don't know your names, they know
23 that you're working hard. I appreciate it. And just in
24 the six years that I've been here, I feel like we've
25 really made tremendous strides, so huge gratitude to

1 everyone.

2 I want to say that I support this rule. I'm
3 going to vote for it. I appreciate that the health
4 benefits have been put up as number one. And I think in
5 the whole way that the rule is constructed, it has -- it's
6 resulting in amazing number of health benefits with fewer
7 emergency room visits, and deaths, and incidences, and
8 you're estimating like \$26 billion in health benefit
9 costs. That's tremendous. And combined with those --
10 with the locomotive rule, I think we're really making a
11 huge dent.

12 I think health is really also considered, as
13 you're focused on, as we're focused on the right
14 priorities, which is drayage first, because if we're
15 looking at disadvantaged communities, we're looking at the
16 places where diesel, heavy-duty trucks are the most
17 prominent. And we know that this -- that our
18 communities -- disadvantaged communities where there are
19 ports and warehouses are the places where we have these
20 diesel trucks. So I think the priorities are absolutely
21 correct.

22 I also want to say that I very much appreciate
23 that you've acknowledged that this rule doesn't do it all,
24 that we are on a path. We've been on a path for a long
25 time, that this is a continuation of that path. I think

1 you heard yesterday from residents from National City that
2 the auto carriers are a huge problem there. You heard
3 that in the first hearing. We've talked about it a lot.
4 About half a million vehicles come through the National
5 City marine terminal. It's less than a mile from the
6 elementary school. It's less than half a mile from the
7 nearest residence. Sixty thousand trucks per year carry
8 those. And for them to be not included would not be
9 acceptable. I understand from talking with staff that a
10 good number of those are probably included in the
11 high-priority fleets, but I also appreciate that in the
12 resolution, we're asking that those -- that the analysis
13 be done in the coming years, so that we can evaluate how
14 they and other, like small fleets, can be included as
15 well.

16 I want to say that I am concerned, as others have
17 raised, about the fact that there are challenges, I think,
18 at the border. And I hope that -- I don't think it
19 belongs necessarily in the rule or in the resolution, but
20 I hope to say to my colleagues that -- and the Chair that
21 we can really focus on how we can meet those challenges.
22 They're not that dissimilar to others that have been
23 raised related to infrastructure, but we are crossing an
24 international border. But we also have enormously high
25 levels of PM and diesel particulate pollution there at the

1 border, and in whoever's wisdom, we keep building more
2 housing there. So we're creating an EJ community and so
3 we have to address it, even though we don't believe that
4 that's the -- you know, the smartest move.

5 So I also just want to add that we have been
6 working with the port to reach out to small fleets and
7 really folks are very excited. I did not expect that
8 honestly. I didn't expect as positive a response as we've
9 gotten from some of the truck drivers, but they have been
10 very positive. They want help. And I've been talking to
11 staff and I feel like we have a lot of resources that we
12 can provide to folks. We just have to get out there with
13 the right trusted messengers to give that information to
14 them.

15 It also gives me hope about smaller fleets. And
16 while I know we're focusing on the high-priority fleets of
17 50 and above, I think that there are smaller independent
18 truckers that are really open to and interested in moving
19 in that direction.

20 So this is a beginning. This isn't the end, and
21 I think you made that super clear in the -- in the
22 resolution. So I'm really excited to hear from my
23 colleagues and move this forward, because it's way
24 overdue, but it's really done in a right way. So again, a
25 lot of gratitude and pride that we can all be here today

1 to make this enormous change that's really going to save
2 lives. So thank you so much.

3 I don't have any questions.

4 CHAIR RANDOLPH: Okay.

5 (Laughter).

6 CHAIR RANDOLPH: I got you covered.

7 All right. Dr. Quirk.

8 BOARD MEMBER QUIRK: Yes. The -- I have lots of
9 questions. First of all, I say I'll be enthusiastically
10 supporting the resolution. I think my colleague, Ms.
11 Takvorian, brought up some great points, but I think that
12 there were a number of things brought up that I have
13 questions about.

14 The first one is you would think, based upon the
15 testimony, that only people in poor communities who are
16 Black and Brown, have problems with our toxic air.
17 Nothing could be further from the truth. If you breathe,
18 you have problems with our toxic air. And even if you
19 live right on the coast, eventually you go inland to shop
20 or whatever, toxic air is a problem for everyone. It's
21 particularly been a problem for me. My family moved to
22 Pasadena when I was a teenager. I developed asthma and
23 eventually COPD, Chronic Obstructive Pulmonary Disorder.
24 And then when I got COVID six months ago, it just ravaged
25 my lungs, because they were already damaged --

1 significantly damaged by our toxic air.

2 And it's for everybody. I mean, I was in
3 Pasadena, not a particularly poor community when I got it.
4 I raised my kids in Hayward, and -- on the Bay Area, which
5 has relatively clean air, but still we live near freeways
6 and other sources of toxics air. And my son Ian developed
7 asthma. So toxic air is for everyone. And, in fact, my
8 lungs have been ravaged to the point where this is now my
9 oxygen supply, which I need whenever I go walking, not
10 even running, just walking. And it's basically started by
11 our toxic air.

12 So this is -- I can't tell you how important this
13 is. And we all -- what was brought up yesterday over and
14 over again was, well, automobiles are -- deliver a lot of
15 toxic air. Diesel trucks running on diesel fuel certainly
16 do as an ex -- a tremendous amount of damage to our air,
17 to our breathing, to our lungs. So that just emphasizes
18 how important it is that we go forward with this today.

19 So a number of questions were asked. Several
20 people said we should reject it or we should delay. And
21 my question for staff is, and my understanding is, we
22 really can't do that without delaying for a year or more.
23 Could staff -- you know, we can't simply say bring this up
24 next month when we have this or that question that was
25 raised answered. My understanding is we can't really do

1 that unless we're going to delay for significantly more
2 than that. Would staff like to respond?

3 MSCD DIVISION CHIEF VERGIS: Thank you, Dr.
4 Quirk. Sydney Vergis, Division Chief for the Mobile
5 Source Control Division.

6 You're absolutely right. Today is an up or down
7 vote before the Board. Any changes would result in the
8 need to go back to the drawing board in terms of the
9 process for developing a regulation. We've had a lot of
10 additional process between the first and this Board
11 meeting, which puts us up against -- pretty tightly
12 against OAL deadlines. So today --

13 BOARD MEMBER QUIRK: Okay.

14 MSCD DIVISION CHIEF VERGIS: You're correct,
15 today is an up or down vote.

16 BOARD MEMBER QUIRK: Right. And the amount of
17 delay, we're talking about a year or so?

18 MSCD DIVISION CHIEF VERGIS: It would -- it would
19 depend, I think, on the overall process, but we're talking
20 about a substantive delay where we would go back and
21 restart the regulatory process.

22 MSCD DIVISION CHIEF VERGIS: Yeah.

23 BOARD MEMBER QUIRK: So that's a long, long time.
24 So we really have to do this today.

25 Now, there were others questions, and I'm new

1 here, and undoubtedly there's a lot of people who've been
2 watching these proceedings and still are. What is a
3 15-day change and is there any capability to do that today
4 were someone to bring up a concern?

5 CHAIR RANDOLPH: Can I -- can I just jump in
6 really briefly? I'll let staff answer kind of the process
7 around --

8 BOARD MEMBER QUIRK: Okay.

9 CHAIR RANDOLPH: -- the 15-day changes, but I
10 think it's -- you know, one thing that's important to note
11 is sort of we, as a Board, would have to decide that
12 something was significant enough to warrant a 14-day
13 change and that could not be -- I'm sorry, 15-day change,
14 and could not be addressed in implementation. And so I
15 think that's something important to keep in mind. There
16 are some of the issues that have been raised that will
17 be -- there will be some opportunities to address in
18 implementation.

19 And so do you want to just give a quick summary
20 of the 15-day change process?

21 EXECUTIVE OFFICER CLIFF: Yes, Chair Randolph.
22 This is Steve Cliff. So a 15-day change is essentially
23 any amendment to the initial rule that would need to go
24 back out for public comment. That amend -- any amendment
25 that would go back out for public comment would be need to

1 be related to the initial rule, so it would have to be
2 within scope of the proposed rulemaking. And then it
3 would go back out for a minimum of 15 days for public
4 comment. We just shorthand that as a 15-day comment
5 period -- or 15-day reg change.

6 And as the Chair said, anything that would go
7 back out would need to be not only related to the
8 regulation, but it would have to be significant enough to
9 rise to that sort of an amendment. In terms of whether or
10 not any sort of amendment in any rulemaking could be done,
11 it depends, as Dr. Vergis said, on the scope of any
12 change, how hard or easy that is. So, for example, if an
13 amendment were to change the emissions benefits, then a
14 new analysis would likely need to be associated with that,
15 including any environmental analysis under CEQA. So the
16 scope of a change is not always easy to answer. And as
17 the Chair indicated, generally speaking from the things
18 that we've heard, these are -- these are not so much
19 policy considerations, but implementation considerations.

20 And then I will just note finally in the
21 resolution, there is a report back to the Board. We've
22 already been directed to come back with the Zero-Emission
23 Truck Rule in 2028. So there will be a report back on the
24 status of implementation, and, you know, to the extent
25 that amendments would be necessary, we could tackle those

1 in that process.

2 BOARD MEMBER QUIRK: Okay. Thank you. So it is
3 possible for a 15-day change, if it's essentially not
4 substantial is the impression I'm getting.

5 So there were a number of people who were
6 concerned about the ability to -- and I don't think this
7 is necessarily correct, but they were concerned that this
8 would prevent them from producing methane in -- well, not
9 so much prevent them from producing methane in sewage
10 treatment plants or in treatment of organic waste, as
11 being able to use it. And they were very concerned that
12 they wouldn't be able to use the produced -- the renewable
13 methane, renewable natural gas in trucks and for those
14 purposes.

15 Now, there was also a point brought up, which I
16 buy into, which is, you know, it would be really great to
17 use the methane to produce fertilizer and industrial
18 processes, but right now that's, you know, pie in the sky.
19 We haven't reached that point. I think that would be a
20 higher and better use of methane than using it in trucks
21 and also would have the advantage of produce -- not
22 producing pollution in those renewable natural gas trucks.

23 Nonetheless, it's very much the case now that
24 that's the way we need to get rid of this produced
25 methane. And we don't have those alternatives, so I think

1 we should work for them. And they -- the people who were
2 concerned about this asked that we add references to SB
3 1383 and 1440 to the resolution. So my question to staff
4 is does this resolution in any way prevent the use of --
5 well, let me put it this way, finding the use for
6 renewable natural gas, because we do need -- when we
7 produce this methane, whether it be at sewage treatment
8 plants or methane being produced at landfills, we do need
9 to have a place to put it. So do you have -- could staff
10 address this issue of how we find a good use for the
11 produced methane?

12 CHAIR RANDOLPH: I can actually jump in here
13 really briefly and then staff can add their thoughts. As
14 I -- this was an issue that I also mentioned in my opening
15 comments. I do think it is important to recognize that
16 facilities like wastewater treatment plants and landfills
17 are subject to 1383 requirements. They need to capture
18 the gas produced from their facilities as they're
19 processing waste. And we want to make sure there is a
20 market for that. We -- and as -- to your point, we want
21 to make sure that it is being for the highest and best use
22 and combustion vehicles that have the option to transition
23 to zero -- a sector that has the option to transition to
24 zero, this gas could be used for other sectors that don't
25 have an opportunity to transition to zero.

1 So we did include language in the resolution that
2 referenced the concerns about 1383. And we specifically
3 stated that we need to work with other agencies, and with
4 sanitation agencies, and air districts on this issue. The
5 last sentence of the resolution directed staff to work on
6 that. And I thought the language as written made it clear
7 that we wanted staff to work on both 1383 and
8 implementation and 1440 implementation, but we are
9 happy -- some people apparently didn't read it that way,
10 so I'm -- we were -- we are Happy to add 1383 and in front
11 of 1440 in the last sentence -- the very last sentence of
12 the 34-page resolution that we're considering.

13 (Laughter).

14 CHAIR RANDOLPH: But also I do think it's
15 important to really kind of circle back on this issue.
16 Like, we don't want it to get lost. It's something we
17 know we need to work on. It's really important to meet
18 our methane reduction goals as mandated by the Legislature
19 in 1383. So I think having a check back in with staff
20 specifically on this issue in a few years I think would be
21 a good idea to see what progress we've made in that
22 interim period. So I think doing a check-in in 2025 makes
23 a lot of sense, because that's sort of before -- several
24 years before the wastewater fleets need to transition, but
25 also gives us some time to work with our other agencies

1 and outside stakeholders to see what kind of market
2 development options we would have for RNG.

3 So I'll turn it over to Dr. Cliff, because he and
4 I did talk about this, and what our potential options
5 were. So I'll kick it over to you for any additional
6 thoughts.

7 EXECUTIVE OFFICER CLIFF: Great. Thank you,
8 Chair Randolph. So I heard two things: one, to add SB
9 1383 prior to SB 1440 in that currently last sentence; and
10 then to add a report back on progress that would include,
11 you know, any actions that are necessary that this Board
12 or others might need to take in order to achieve these
13 goals.

14 So I think I could -- I could read into the
15 record some amendments for consideration. And what I
16 would do is direct the Board members to that last
17 paragraph on the last page of the resolution so we can all
18 follow along as I read.

19 I also -- I want to make -- we noticed a typo in
20 the CNRA, Natural Resources Agency, so I'll read that
21 correctly too.

22 So the paragraph, as amended, would say, "Be it
23 further resolved, that consistent with the latest Scoping
24 Plan, the Board recognizes that successful implementation
25 of the food waste diversion requirements and methane

1 emissions reductions mandated by SB 1383 are critical to
2 the State's climate goals. The Board further recognizes
3 that multiple reliable uses for non-fossil biomethane will
4 be needed for successful implementation. The Board
5 recognizes the need for coordination meetings with other
6 State agencies such as CEC, CPUC, State Water Resources
7 Control Board, CalRecycle, CDFA, CNRA, and other relevant
8 stakeholders, such as the California Association of
9 Sanitation Agencies and the California Air Pollution
10 Control Officers Association, to implement SB 1383 and SB
11 1440. As such, the Board directs staff to prioritize
12 policy discussions related to...", and this is new, "...SB
13 1383 and SB 1440 implementation, and discussions on how to
14 transition biomethane into hard-to-decarbonize sectors or
15 as a feedstock to produce hydrogen, or FCEV..." -- that's
16 fuel cell electric vehicle fuel -- "...and to produce
17 electricity to charge BEVs to achieve the SB 1383 target".

18 Then the last sentence would read, "The Board
19 further directs staff to report to the Board by the end of
20 2025 on progress for alternative uses of biomethane,
21 including identifying any appropriate regulatory actions
22 as needed".

23 BOARD MEMBER KRACOV: Chair, I was going to read
24 the whole thing into the record and now I don't have to.
25 This is great.

1 (Laughter).

2 BOARD MEMBER QUIRK: All right, well, that's
3 excellent that the Chair and I were thinking the same
4 direction.

5 Yes, putting -- using renewable natural gas for
6 fertilize -- to create fertilizer means that we don't need
7 to keep fossil methane going for that purpose, and -- as
8 well as the use in industrial purposes. Electricity just
9 doesn't always work for everything. So having that as an
10 option or creating hydrogen to give you an even more
11 intense flame for certain industrial purposes, I mean,
12 this is -- this is the way to go. And I'm very pleased
13 that the Chair and staff are already anticipating this,
14 and we have a lot of work to do to make sure it happens.

15 We don't want to be caught in a circumstance
16 where several years from now, there's no place for this to
17 go. And that -- you know, as long as we're using organic
18 material, we're going to be producing methane and we have
19 to have a place for it to go. So this is -- there's a lot
20 of work ahead of us to make sure it goes to the right
21 place that causes minimal disruption to the market and is
22 the right and highest best use. And I'm very pleased to
23 hear all of this.

24 One thing that I was very concerned about is the
25 utilities, particularly electrical utilities, but other

1 utilities as well, talking about their emergency vehicles
2 and the -- their concerns about their ability to respond,
3 whether or not, for example, certain trucks are going
4 to -- certain types of trucks will be available as EVs and
5 also just having the infrastructure to make sure that they
6 can charge them if -- but even if the charging takes a
7 long time, and perhaps we'll have batter -- well, there's
8 a lot of technological answers to these concerns for the
9 utilities. Batteries that can charge more quickly,
10 because a lot of their concerns are just having to take
11 the vehicles off the road, the ability to have the right
12 type of vehicle, et cetera. And I know we're going to be
13 relooking at this prior to 2028, when we can look at it
14 again. I don't think there's any particularly need to
15 change anything right now, because we simply don't know
16 what technologies will be available, but it's just
17 something that we need to keep our eye on. Perhaps the
18 Chair, or the President, or the staff have some comments.

19 MSCD DIVISION CHIEF VERGIS: Sure. Thank you for
20 the comment and concern, Dr. Quirk. So Sydney Vergis
21 again, Division Chief.

22 So between the first and the second Board
23 meeting, taking the Board's direction, we certainly spent
24 a lot of time with different utilities. And so you will
25 see a number of substantive changes that were made between

1 the proposal that was brought before the first Board
2 Meeting and the proposal today. One thing you said that I
3 really wanted to echo is that you're certainly correct
4 that there's technology options available. And, in fact,
5 one thing is that plug-in hybrid electric vehicles will
6 count the same as zero-emission vehicles up until 2035
7 under the reg. So there are a number of options
8 available.

9 So just to highlight a couple of the major
10 changes made to accommodate utilities and those unique
11 concerns. One of them is if the jurisdiction has 10 or
12 fewer vehicles, they're exempt until 2027. They now have
13 the option to use the ZEV milestone schedule, so a utility
14 can pick compliance options. They can either pick a
15 percent of purchase requirement or percent of fleet
16 requirement. And this will provide additional time for
17 work trucks and specialty vehicles.

18 We've also added in a number of flexibilities
19 that have been introduced as a result of our meetings with
20 utilities. Of course, there's the ZEV purchase exemption
21 when ZEVs are not available, there's the daily usage
22 exemption. You can buy a internal combustion engine, if
23 mileage or hours of operation for ZEVs aren't suitable for
24 replacement in the fleet. The mutual aid provision has
25 been relaxed substantively. We're not proposing to

1 provide early access to this exemption, if you only have
2 25 percent of ZEVs in your fleet and follow that proposal
3 or that threshold was 75 percent of your fleets before one
4 could get access to this exemption. Intermittent snow
5 removal pur -- vehicle purchases are now exempt until
6 2030. And if a back-up vehicle is needed, we have a
7 provision for that as well.

8 BOARD MEMBER QUIRK: Excellent. Again, I didn't
9 want the public to get the impression that we hadn't spent
10 much time being concerned that we're able to -- that we
11 haven't damaged the ability of our utilities to respond to
12 electrical outages, et cetera. And I know the utilities
13 will continue to be concerned, until they see that
14 technology come online. With the reviews that we plan in
15 the future, I think that we have quite well addressed
16 this. I think it's important that the public hear about
17 all of this directly in this hearing. And I'm very
18 pleased with the direction we're going.

19 Some of these changes, the utilities are telling
20 us they're not a big help, others probably are. But
21 nonetheless, we'll be monitoring this, making sure the
22 technology is available, that, for example, the
23 emergency -- that there are hybrid vehicles available for
24 emergency use, et cetera. So there's a lot that we have
25 to monitor to keep on going. And I think that we're in --

1 we're in as good shape as we could be. And it's important
2 not to -- how can I say, not to exempt a whole class of
3 vehicles, because -- for whatever reason, that we should
4 be looking at all vehicles, and then hopefully creating
5 markets, which will give us the kind of options that we
6 need in the future to meet these emergencies.

7 So I think that staff has done an excellent job
8 and I think that's -- I think we're in good shape in that
9 area, and particularly with looking at reviews should the
10 technology not be available, but I think that there's a
11 very good chance it will be.

12 The final concern -- well, a number of people
13 raised the question about drayage trucks that are going
14 more than 400 miles a day. There's certainly net
15 technology. And one of the speakers said that they
16 would -- they would be required to buy electric vehicles
17 for any new vehicles starting January 1, 2024. And, of
18 course, there aren't, to my knowledge anyway, no 400-mile
19 available drayage trucks. And can staff talk to that
20 issue?

21 TTD CHIEF ARIAS: Yes, Dr. Quirk. This is
22 Heather Arias, Transportation and Toxics Division Chief.
23 Thank you for inquiring about the drayage service from the
24 valley.

25 Actually, the good news is there is some fuel

1 cell trucks that will meet that range. There are however
2 infrastructure issues that we would acknowledge with that.
3 To first answer your first question, would they have to
4 have zero as new in 2024? The answer is yes, if they need
5 that to continue operations. So fleets such as the fleet
6 that was here yesterday has a large fleet, over 60 trucks,
7 and we would expect them to be able to utilize their
8 combustion trucks for quite some time to meet the service
9 needs that they are currently experiencing.

10 But when they decide they need to turnover any of
11 those trucks -- say they've met the SB 1 requirement and
12 they need to buy new, they will need to buy zero. The
13 good news is, as I mentioned, there are fuel cell trucks
14 available now that can meet that range and can make it
15 both to Port of Oakland and the Port of LA. The issue is
16 the infrastructure in between. Right now, there are two
17 fueling stations down at San Pedro ports. As of
18 September, we expect to see two more in the Bay Area next
19 to the Port of Oakland. And we know that CEC is currently
20 considering funding several stations throughout the
21 valley. If, in fact, they choose those funding sources,
22 they -- we expect them to be up and running by next
23 summer. So within a year, we anticipate the drayage
24 fleets would be able to buy the hydrogen fuel cell truck
25 that's upwards of 500-mile range and be able to fuel

1 anywhere from the Port of Oakland all the way down to San
2 Pedro and several pots in between.

3 BOARD MEMBER QUIRK: Okay. As the owner of a
4 hydrogen vehicle, I can assure you that the CEC cannot be
5 depended upon to do this. We were supposed to have 200
6 fuel -- hydrogen stations by this time and we have less
7 than a hundred. And I can assure that they don't all --
8 they aren't all up all the time. I have to always check
9 before I go to one of the stations. I live in Union City
10 and my choice is either to go take a half hour journey to
11 Hayward or a half hour journey to southern Fremont.

12 We need to put pressure on the CEC, on the Energy
13 Commission, to really make sure that, A, those stations
14 are put up, and B, that they have hydrogen. There's no
15 point in having this rule if the trucks really -- I'm just
16 not optimistic that the infrastructure is there. And I
17 think we need to put pressure on the Energy Commission to
18 make sure it is there, and not only that the stations are
19 there, but the hydrogen is there, because again, these
20 stations run out of hydrogen all the time.

21 I have a hydrogen vehicle.

22 TTD CHIEF ARIAS: And on that front, Dr. Quirk --

23 BOARD MEMBER QUIRK: Go ahead.

24 TTD CHIEF ARIAS: -- we have some great news too
25 to share that I'm hoping that Assistant Division Chief

1 Analisa Bevan might be able to sure with the Board that's
2 recent new from the Governor.

3 MSCD ASSISTANT DIVISION CHIEF BEVAN: Hi. This
4 is --

5 BOARD MEMBER QUIRK: Good.

6 MSCD ASSISTANT DIVISION CHIEF BEVAN: Hi. This
7 is Analisa Bevan, zero-emission infrastructure specialist
8 for CARB and Assistant Chief Mobile Source Control
9 Division. We have signed a zero-emission infrastructure
10 joint agency statement of intent with the Energy
11 Commission, the CPUC, Caltrans, CTC, CalSTA, and DGS and
12 GO-Biz -- I'm trying not to leave anybody. We have eight
13 agencies committed to working together to make sure that
14 we have the infrastructure needed to support this
15 regulation and other zero-emission vehicle regulations
16 as they're implemented and adopted.

17 And what that means is that we're in regular
18 communication about planning and the need of -- the timing
19 needs of the infrastructure. We're doing joint
20 stakeholder engagements, so we're talking to fleets as a
21 panel of agencies. We're exchanging data and making sure
22 that we're working in coordination, equity issues as well,
23 around implementation of these regulations. So CEC is
24 very aware of the needs for the hydrogen stations and the
25 timing that's needed. In addition to the solicitations

1 that they have out for heavy-duty hydrogen stations now,
2 we're also in coordination with GO-Biz around the ARCHES
3 proposal for federal funding for a suite of projects that
4 will include production, distribution, and stations around
5 hydrogen, all up and down the state.

6 So there is a much more coordinated effort in
7 place to ensure that we have the infrastructure that we
8 need.

9 BOARD MEMBER QUIRK: All right. Forgive me for
10 being skeptical, but I've had a hydrogen vehicle for five
11 years and they keep on telling me, oh, there will be more
12 stations near you. I haven't -- not only me, but I'm
13 seriously thinking about just going electric. But
14 unfortunately, there isn't much charging for those of us
15 who rent a lot -- rental, you can't -- when you live in a
16 rental building, an apartment building, charging is a lot
17 more difficult than when you live in a home that you own,
18 and -- but even that can be a problem.

19 So we just have to make sure that the
20 infrastructure is there for electric and the
21 infrastructure is there for hydrogen, so that we -- when
22 people get these vehicles, that they're able to charge
23 them.

24 So Madam Chair, would it be possible to ask for a
25 report back in a year or so as to where we are on electric

1 and hydrogen infrastructure?

2 CHAIR RANDOLPH: So here's the -- here's the
3 suggestion I was going to make, and this actually relates
4 to a couple different kind of implementation issues, which
5 is, you know, we know that we have an exemption process
6 for things like vehicle availability and for
7 infrastructure. And as this discussion highlighted, you
8 know, we need to understand how things are actually
9 happening out in the field. And so I guess I have a
10 question for staff. Is there an opportunity -- you know,
11 we've gone through this couple of years reg process. We
12 had a lot of workshops and a lot of interaction. My
13 question is how do we keep that going? How do we keep the
14 communication happening between the fleet owners and
15 staff, so we understand what's happening in terms of
16 vehicles, what's happening in terms of infrastructure, so
17 that we can figure out what implementation adjustments we
18 need to make, and use that information for staff to decide
19 if and when they need to come back before 2028 based on
20 conditions on the ground. So staff, could you kind of
21 address that?

22 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

23 CHIEF BRASIL: Yeah, one of the -- this is Tony Brasil,
24 Branch Chief, Transportation and Clean Technology Branch.

25 One of the things we did in the past, I think, is

1 what we're going to be doing here. We had a truck
2 regulations advisory committee comprised of the regulated
3 fleets looking at all kinds of different issues and
4 started that as soon as we could after the Board adopted
5 the rule to, one, improve outreach abilities and to be
6 able to address some of these issues that may be coming up
7 and how -- and how they get handled in implementation,
8 because we -- that's where we kind of work out some of the
9 details.

10 So I envision that we would use that process
11 here. We've actually already started some discussion with
12 some fleets on, you know, having one specific to public
13 fleets and their options and how that would work.

14 One of the things we tried to do in the
15 regulation is also effectively take a lot of the
16 responsibility on trying to identify the trucks
17 specifically for fleets, so they don't have to do it
18 themselves. One of the things that is not in the
19 regulation, but is clearly part of our mission is to try
20 to make this as smooth a transition as we can and
21 providing fleet owners all the information that they need
22 on planning for infrastructure, the vehicles types that
23 are out there, and how they can comply with the reg
24 requirements are all part of that effort. So that's
25 something that we'll be working towards. And I imagine

1 we'll be doing these public meetings on these different
2 issues. We haven't figured out the details as to how to
3 organize it yet.

4 CHAIR RANDOLPH: Okay. I think -- I think that's
5 an important step. We do have language in the resolution
6 about coming back in 2028. And 2028 will actually be kind
7 of before compliance deadlines for some of the fleets. So
8 I do think that's probably a good -- I think if we come
9 back too soon, there won't be that much sort of different.
10 So staff can kind of continue to work with the fleets and
11 this advisory group. And if there are issues that are --
12 you know, rise to the level that they need some Board
13 interaction, staff can bring them to our attention. But
14 we know for sure that there will be an opportunity for a
15 more full check-in in 2028. So I think -- I think that
16 will address that concern.

17 So, Dr. Quirk, do you have any other questions or
18 can I move on to our next Board member?

19 BOARD MEMBER QUIRK: Well, I would just like to
20 thank you and staff for responding to the concerns of the
21 people who came and spoke, and supporters, and the people
22 who are concerned about their ability to move forward.
23 It's important that we not only have regulations, but we
24 make sure that they're attainable. And that means working
25 hard with other agencies to make sure the infrastructure

1 is there and making sure that the manufacturers have the
2 ability to give us the technology for the fleets.
3 Otherwise, this, you know -- if we find out in a few years
4 that we can't do these things, then we're in deep trouble.
5 So we have to make sure the infrastructure is there, the
6 technology is there. I know some of my fellow Board
7 members want to reopen the question about how we put
8 regulations on the people who develop these technologies,
9 that those need to be revisited now that we have changed
10 the deadlines for how soon we expect the fleets to be
11 upgraded. So it's very important that we continue to do
12 this. If it's appropriate, I'd like to move the
13 resolution.

14 CHAIR RANDOLPH: I'll ask for a motion after
15 everybody has had a chance to --

16 BOARD MEMBER QUIRK: Oh, okay. Fine.

17 CHAIR RANDOLPH: Yeah.

18 Okay. All right.

19 BOARD MEMBER QUIRK: Sounds good.

20 CHAIR RANDOLPH: Board Member Hurt.

21 BOARD MEMBER HURT: Thank you, Chair.

22 Well, this regulation is exciting, but very
23 complicated. Clearly from my vantage point, I am -- I'm
24 thankful and I understand that great care has been taken
25 by the staff to create a regulation that will be effective

1 for necessary market change without being too ambitious to
2 be ineffective.

3 But it's not lost on me that this regulation is
4 really challenging because of not only the many unique
5 sectors that are covered in the fleet rule and where the
6 market is in those different sectors. We heard it
7 yesterday in the many public comments. And I believe and
8 understand all of you when you say that this is tricky and
9 it's going to be hard. And I'm similarly focused on the
10 infrastructure piece and where we are in innovation, and
11 availability, and the grid needs. The list is long. And
12 I applaud the staff for continuing that public
13 conversation since our last meeting. That's why we have
14 such refinement, and positive provisions, and exceptions.

15 But I think we're going to have to continue that
16 conversation. And so I think I was going in the similar
17 vein as an earlier speaker and the Chair that I actually
18 think we have to continue the conversation with diverse
19 industry specific working committee creation. And I'm
20 think about the old Truck and Bus Rule and the committee
21 that was created. And I'm thinking about small cities,
22 small business, drayage, electric utilities just to name a
23 few of the people that need to be at the table. And I
24 would even suggest maybe one or two Board members to be a
25 part of that committee.

1 I am sympathetic to the fleets who are really
2 concerned about the costs and whether the full job can be
3 done with the current technology, and all the anxiety that
4 it brings, but let's keep it real and honest that this is
5 the way the community has felt on a daily basis. With the
6 health impacts from their built environment and the trucks
7 that go through their community, the anxiety of the health
8 and poor air quality that's been created, I think we have
9 to rebalance those impacts and that's what this regulation
10 is doing.

11 Change is not easy, and it's not free, and we're
12 coming out of a worldwide pandemic, so we're going to have
13 to keep just having difficult conversations around
14 infrastructure and grid delivery. And I think it's
15 important to highlight that everything that we're doing is
16 really riding on infrastructure, and the utilities swiftly
17 moving to connect -- and I'm thinking about PG&E in the
18 Bay Area and other like utilities that, you know, you all
19 are going to have to get your staff together in order for
20 this rule to really make sense. And I don't think the
21 utilities want to be in the history books as the cog in
22 the wheel of progress. So I plead for all of you to not
23 fumble on implementation. I think this rule sets it up
24 for all of us to be really successful and move into the
25 future. But again, the utilities are going to have to

1 implement and they're going to have to make this a
2 reality.

3 So this brings me to my first question. I'm
4 wondering what staff is envisioning for future changes or
5 pathways to additional exemptions or further tailoring of
6 this rule, if approved. And I'm -- and I'm wondering if
7 these are things that can happen before that check in the
8 year of 2028. It sounds like maybe that's possible. But
9 what if the data shows that there's insurmountable
10 difficulty, the infrastructure failures are present,
11 there's truck unavailability or there's safety concerns,
12 how are we going to pivot on to meet those concerns,
13 because they are real?

14 MSCD DIVISION CHIEF VERGIS: Thank you, Board
15 Member Hurt. Sydney Vergis, Division Chief.

16 So you're absolutely right, The Board resolution
17 does include a commitment to report out to the Board
18 regarding ACF implementation. As you've heard in the
19 meantime, we will be working with fleets on
20 implementation, including outreach and implementation
21 support. And should the kinds of issues, you know, that
22 we've heard from you and other Boards, start to emerge, we
23 will and, in fact, in past similar regulations, we have,
24 you know, come back to the Board with any needed changes.

25 BOARD MEMBER HURT: So at any time that can

1 happen.

2 MSCD DIVISION CHIEF VERGIS: (Nods head).

3 BOARD MEMBER HURT: Okay. I'm also thinking a
4 little bit about the administrative burdens with all of
5 these exceptions. And I was thankful to hear that there
6 are more FTEs in the hopper to meet the challenge with --
7 yeah, fingers crossed. But I hope that we can be very
8 transparent and create an objective process. I know, even
9 at a city level, we're always, well, how did you come to
10 that decision, and how did we, you know, how to react?
11 And so just the way that that could be streamlined by
12 being as objective as possible I think is really
13 important. And we're going to have to be really hyper
14 vigilant on that customer service so to speak, right, of
15 making sure that we respond quickly and adequately, so
16 that we can really realize the full potential of the rule.

17 I was really on the fence about this next
18 comment, but I think it's important to put out there that
19 I understand that we're waiting till 2028 to kind of do an
20 update. And it sounds like maybe some people are
21 interested in an update sooner, but I would even say an
22 annual update, just even where we are on infrastructure,
23 anything related to this ACF that this rule is dependent
24 on, I think it's important for the public and the Board to
25 know where we are.

1 And maybe it's not necessarily a fleet -- truck
2 fleet information, maybe it's just infrastructure and
3 where we are, so that we can all be connected and
4 understand. And I would say it's a mechanism too to keep
5 all of us accountable to how we're doing and how other
6 agencies and other stakeholders who are part of this
7 transformation.

8 And then I guess, you know, another hat that I
9 think about and that I wear is I'm a Vice Mayor of a city.
10 And I'm wondering if staff can explain how they're
11 contemplating sharing the progress of this rule at all
12 levels of government, because we are all required to be a
13 part of this working. And I'm thinking of land use rules
14 and permitting in my cities. And how -- you know, I'm
15 glad to see the multi-agency statement that was put out a
16 few days ago. But I'm wondering what public platform
17 would people like myself, the regions, how would they
18 share and get information about this buildout with
19 charging, and fueling, and infrastructure, as an example?

20 CHAIR RANDOLPH: I have a question -- Board
21 Member -- this was an idea Board Member Takvorian had,
22 which I thought was a good one to raise, which is, you
23 know, every year in November we do the funding plan. And
24 I'm just wondering if that's an opportunity for Analisa to
25 kind of provide sort of a, you know, an update of like

1 here's how many chargers we have. You know, have kind of
2 a -- sort of a piece of that staff report for that funding
3 plan that would just kind of say here's the state of play
4 out in the world right now.

5 MSCD ASSISTANT DIVISION CHIEF BEVAN: I think
6 that's an interesting idea and one that I'd want to run
7 past the California Energy Commission, for example, in
8 terms of the timing, whether that aligns with their
9 funding plan schedule and with the reports that they put
10 out. So, for example, they have a 21-27 report that is
11 looking over the electric vehicle charging for light-duty
12 and heavy-duty. And I'm not sure I have in my head
13 exactly when the next round of that is due, but that would
14 be a great piece to report out on. And similarly, the SB
15 643 report, which will look at heavy-duty hydrogen
16 availability, from production, through distribution, to
17 uses, that's due in December of this year, so aligning
18 with their report out. So I wouldn't -- I would want to
19 make sure that we were aligning in a way that gives the
20 most up-to-date information. But I can certainly work on
21 that.

22 CHAIR RANDOLPH: Yeah, I think that makes sense.
23 I think -- I think, you know, one opportunity is to, you
24 know, provide a memo to the Board about, you know, passing
25 along those kind of reports, but also there could be an

1 opportunity, as we think about existing actions that the
2 Board takes, where we know we're coming -- you know, you
3 all are coming to the Board with an item. And that's why
4 sort of the funding plan jumped -- you know, jumped to
5 mind, because that's a -- that's a conversation where
6 we're -- that's a Board item where we're having the
7 conversation that would lend itself to the inclusion of
8 some of that information and data.

9 So I guess I will suggest to staff that you all
10 think about that. I'm not sure it's something we need to
11 memorialize in the resolution specifically, but I think
12 it's pretty clear, you know, that the Board feels like it
13 does need -- you know, want to know what's kind of
14 happening in real time on an annual basis and so think
15 about kind of ways to do that, as efficiently as possible.

16 BOARD MEMBER HURT: Yeah, I definitely don't want
17 us to be siloed, because we're all going to have to work
18 together and collaborate.

19 So kind of going back though to my earlier
20 question about how local and regional government agencies
21 interact and ensure that land use regulation and
22 permitting were not barriers, but a part of the process,
23 how are we going to -- how do you all contemplate
24 exchanging that information?

25 MSCD ASSISTANT DIVISION CHIEF BEVAN: Yeah, so

1 the GO-Biz office has been working with local
2 jurisdictions directly on permitting issues and has been
3 working across the state to assess what the status of
4 permitting processes are for chargers and for hydrogen
5 stations, and then also helping individual -- those who
6 are trying to put in infrastructure, navigate the
7 permitting process.

8 So they've taken a -- really a lead on that and
9 we can certainly connect folks through that process.

10 BOARD MEMBER HURT: Thank you. I think it's good
11 just publicly to state that they're in the lead -- or the
12 lead agency carrying that.

13 And I guess maybe one last thing I'll say is, you
14 know, California is a world leader in what is it the
15 fourth, fifth largest world economy and we didn't get to
16 this place by feet dragging or not embracing kind of the
17 entrepreneurial spirit and evolving innovation, and we've
18 been effective to system changes. That would not have
19 happened without strong policies like this. And so I am
20 absolutely going to support this rule.

21 And I do hear folks that say, you know, please be
22 realistic, the time is not now. But it makes me think of
23 kind of our shared history and the many times well-meaning
24 people have used this as a reason not to do something.
25 And I think about some of our social policy debates. And

1 I get that this is a technical based policy, but it stands
2 the same that we can't keep delaying progress and
3 maintaining the status quo, because communities and
4 families really are striving to breathe clean air.

5 So those are my comments. Thank you.

6 CHAIR RANDOLPH: All right. Thank you.

7 Senator Stern.

8 SENATOR STERN: Thank you, Chair. Am I coming
9 through okay?

10 CHAIR RANDOLPH: Yes.

11 SENATOR STERN: Okay. Great. I've been
12 listening with bean interest this morning as well as
13 yesterday throughout the voluminous comments and the
14 diverse range of stakeholders in the room. I do
15 appreciate everyone weight in.

16 While I don't have a vote to be casting as an ex
17 officio appointee from the Senate, I, as a signatory to a
18 letter from many, many members of the Legislature, a
19 co-author of many pieces of legislation, and major budget
20 actions sent your way, I just want to take, I guess, some
21 small bit of equity in this huge accomplishment here, as a
22 legislator, to say we're with you. And this regulation's
23 time has, indeed, come. And we deeply appreciate not just
24 the advocacy but the staff technical work, the
25 thoughtfulness, and the sort of dynamic nature of this

1 regulation to be able to operate in an environment where
2 there are some elements of unpredictability. But one
3 thing I always find quite predictable in these kinds of
4 rulemakings is that people throw up their hands and say we
5 can't do it.

6 I will say I'm disappointed, especially after all
7 the work that's gone into accommodating and providing that
8 flexibility, that we still have detractors not just
9 seeking changes here in the rulemaking today, or
10 exemptions, or delays, but also coming to the Legislature
11 to try and undercut this regulation is unacceptable at
12 this point. The consensus is there. So especially to
13 some of -- to Board Member Hurt's point about the critical
14 nature of local government, in this -- in this race to
15 save our state, our people, and our whole planet, the
16 advocacy from municipal utilities, special districts,
17 water districts to seek some kind of special treatment
18 here that belies like the actual technology they use or
19 the trucks that are actually available to do this work
20 seems to me to be undercutting a lot of their very public
21 mandates of their elected mayors, and city councils, and
22 boards. So I'm concerned about that effort and I'll be
23 vigilantly watching.

24 I was -- I was encouraged to see that the only
25 legislation moving on this front right now is actually

1 just a consideration of public safety factors and other
2 issues that may involve municipal utilities or emergency
3 services and the like. I think actually staff has met
4 those requirements that are anticipated. But you can be
5 assured that part of my mandate here that I see as an ex
6 officio is to keep an eye on things and to give the market
7 some time to work.

8 You know, I wanted to offer a suggestion. I know
9 there's been talk about technology reviews and trying to
10 find other sort of moments to reassess. I've very
11 skeptical of undercutting any market certainty by
12 providing -- you know, by requiring too premature of a
13 look-back. I mean, technology reviews that we're talking
14 about in '28 are very important, but they also -- you
15 know, the kind of -- the demand we're hearing I think for
16 say annual or what the Chair called more real-time
17 reporting are quite valid. No doubt. But that's very
18 different than a sort of feasibility assessment before
19 you've even given a regulation time to take hold.

20 So I think it's important to distinguish those
21 two processes right now. And I -- what I'm hearing from
22 staff and maybe you all can clarify, but either in the
23 annual spending report or I also was thinking about SB
24 1145, which we just passed last year and sent to the
25 Governor and signed it, which asked the -- which asked

1 CARB to set up a dashboard that would provide more
2 real-time data, not just to municipal leaders, the mayors
3 and city council members, and vice mayors who ends -- who
4 end up sort of being the first line of communication say
5 to a local water district, or to a municipal utility, or
6 on a permitting issue, that bill says CARB has got to set
7 up a dashboard to look at progress on greenhouse gas
8 emissions.

9 Now, one thing we might consider is to make that
10 dashboard a little more granular and perhaps a little more
11 integrated, multi-agency, so to reflect perhaps the recent
12 memorandum signed between the agencies, to look at say
13 pending permits out there that have not yet been granted,
14 to look at sort of infrastructure deployment goals as
15 well. So something to consider going forward if we want
16 to maybe expand upon SB 1145 and really have that
17 dashboard to say, you know, this is how many new
18 heavy-duty charging stations we're shooting for and here's
19 where we are today. And every day that one new one goes
20 up, it will be a celebration. I'd like to even get a
21 notification, if I could on that dashboard, and say -- so
22 we can all root along as the public and push our
23 government officials to get going. When you see a
24 stalling of say a -- you know, an EV charging station that
25 makes sense, you know, the people should know that that's

1 stalling. So something to consider in lieu of say a
2 premature sort of feasibility assessment before this
3 regulation has got off the ground.

4 I really do appreciate the attention to detail
5 and the sort of transformative demand of this regulation.
6 We're not interested in incrementalism, and frankly our
7 lungs can't afford it. Our SIP is deficient because of
8 this. Justice is still unattainable. And frankly, we're
9 going to fall behind in the global competition, I think,
10 for zero-emission technology unless we push the envelope.

11 The detraction here reminds me a lot of
12 light-duty and AB 1493 early regulation and implementation
13 where people threw up their hands and said there simply
14 won't be any cars, and we'll just run out, and everyone is
15 going to be stuck in lines. And the -- that sort of
16 doom-saying obviously has not played out when you're
17 seeing the most dramatic transformation in transportation
18 we've seen since the invention of the automobile itself in
19 the last few years, particularly because of the California
20 Air Resources Board's vigilance, determination, and not
21 blinking when this kind of pressure comes.

22 It's a lack of imagination. And when you look at
23 the market opportunities from the folks at Forum talking
24 about whole new EV charging technology, and charging
25 stations, sharing relationships, to the demands of the

1 ports and the applications out there that are very
2 exciting in the ARCHES application, where we don't even
3 have to just rely on municipal utilities. It may make
4 sense actually to diversify and allow a little more
5 competition in hydrogen infrastructure. If, for instance,
6 our local utilities aren't stepping up, why not let some
7 third parties try to build their own infrastructure and
8 get going.

9 So I'm excited about all those applications
10 coming in. I think it's going to be a period of
11 renaissance of great transformation, but I think you've
12 built the sort of fairness into this rule that I think
13 we've shown in spades from the Legislature as well to the
14 trucking industry. The useful life exemption from SB 1 is
15 still a crook in my craw. To delay this dirty and aging
16 fleet this long and let it last is a legacy of deal that I
17 don't think was necessary. But if everyone is going to
18 stick with it here and we're going to see this rule
19 through, then we'll stick to that deal too.

20 But as soon as this becomes sort of devolution
21 into, you know, legislative undercutting or litigation,
22 you know, I think all options have to be on the table then
23 to rethink the whole nature of this sort of well cobbled
24 together, but very surgically assembled deal. You can't
25 pull one piece out and expect others not to fall out too.

1 So those are my comments. I hope the Board will
2 continue to charge ahead with the mandate they've been
3 given from this visionary Governor and from our
4 Legislature going our part as well. And I think when it
5 comes to the funding and the infrastructure work, as I
6 said yesterday on the locomotive rule, open arms, a
7 willingness to be pushing the envelope on thins like
8 permit streamlining that folks like me have not
9 necessarily been comfortable with in the past, when we
10 talk about things like CEQA reform, or ministerial
11 permitting, or issues even around uniformity between PUC
12 issuances and local and Coastal Commission. I think we
13 have to be looking though at that unified approach that we
14 dipped our toe in that water with AB 205 last year and a
15 sort of unified permitting structure with CNRA. And I
16 hope we'll look to that again.

17 And should we need additional assistance, I
18 think, Madam Chair, we'll be -- we'll be looking to you
19 just like you made clear in the hearing before the
20 Legislature to note those barriers. And even if you can't
21 solve them yourself, I think this interagency approach, we
22 will solve them. So let's take ownership of that as we
23 celebrate this win today, that I hope comes to fruition,
24 and I do appreciate your time.

25 CHAIR RANDOLPH: All right. Thank you, Senator

1 Stern.

2 Board Member De La Torre.

3 BOARD MEMBER DE LA TORRE: Thank you. As much as
4 I thanked staff yesterday for the locomotive thing, I know
5 this is much more complicated. We are in this space
6 regularly and I want to start by acknowledging the other
7 pieces in this sphere. So we did the Omnibus Truck and
8 Bus Rule. We did ACT. Now, we're doing the ACF. We're
9 going to double back to the ACT, because we didn't have
10 this when we did that, so they have to sync up. So we
11 have to get back to the supply side. This is the demand
12 side. And I know that we're in sync in the early years,
13 but I do want to make sure that we -- and I'm not saying
14 tomorrow.

15 (Laughter).

16 BOARD MEMBER DE LA TORRE: -- need to revisit ACT
17 as soon as makes sense just for those market signals. And
18 again, I know that we're in sync in the beginning, but we
19 are going to start to -- the two are going to start to
20 diverge, so we need to bring them back in sync.

21 I -- speaking of ACT, yesterday I was very
22 disappointed to hear Volvo speak in opposition. They were
23 one of the ones who were telling us to do the ACF when we
24 did the ACT. And then to come here yesterday and say that
25 this wasn't good, it was amazing. I was at the ribbon

1 cutting for Volvo LIGHTS. We gave them money to do this
2 work. And they're out there selling it, and then they
3 come here and tell us that we -- that this can't be done.
4 It's just -- I'm perplexed and not too happy about that
5 coming from a company that has been engaged. Very
6 disappointing.

7 I also want to say to the folks who came back
8 today and the ones that are listening about this
9 regulation, the 50 Fleet Rule, the number of 50 that we
10 talked about in the fall. We're not going to change that.
11 But I do want to -- I want to emphasize that there are
12 other for us, namely the Heavy-Duty Smog Check Program.
13 I've talked to my colleagues about this. I really believe
14 that is an avenue to take care of those smaller dirtier
15 fleets that are out there and getting them to clean up.

16 How? Because they're going to be smog checked
17 every year. They're not going to get their renewal at DMV
18 if they're not clean. And we're going to start getting an
19 incredible amount of data next year. We're getting some
20 this year, but 2024 and 2025, we're going to have massive
21 amounts of data, real-time data on the trucks that are on
22 our roads. And if you're dirty, our Enforcement Division
23 is going to come after you. So I want to emphasize that
24 that's another piece of this. We're not voting on today.
25 It already happened. But that is nother tool for those

1 communities that are impacted with those dirty trucks,
2 like the one I live in, dirty trucks roll in on the 710
3 Freeway that I see -- I'm driving behind them all the time
4 or I can see from my porch -- my front -- the front of my
5 house I can see the heavy-duty, trucks because they're
6 tall and I certainly can see when they're smoking.

7 And so there is this other tool that we have to
8 address that piece. I mean, there's no limit. It can be
9 50 or more, or it can be one, whatever. But if it's
10 dirty, we can go after it. And we are going to have this
11 incredible amount of data of where these trucks are, where
12 they're driving, and know what the impact is in
13 communities like the ones that many people spoke about.
14 So I just wanted to emphasize that that's a thing that's
15 outside of this, but absolutely part of the overall
16 impact.

17 I also wanted to be optimistic a little. In the
18 fall, we're going to revisit -- as was mentioned, we're
19 going to revisit the Low Carbon Fuel Standard, see about
20 those credits, and how that system works. There's going
21 to be a lot of this discussion in that context as well,
22 because of the incentives that we provide, because of the
23 things that we're doing through that program. There's
24 going to be some overlap here too. We're going to have to
25 narrow that scope of the LCFS to make sure that it's doing

1 the things that we need it to do. We may have been a
2 little too ambitious a few years ago when we expanded
3 those. So now we're going to contract them, just so, you
4 know, folks know what I'm talking about.

5 So the IRA is another note of optimism. That
6 money is going to start flowing from the federal
7 government to California. A bunch of it is tax credits,
8 but a lot of it is also money that's going to come through
9 California. And the rough rule of thumb is California
10 gets about 10 percent. So if you see the IRA dollar
11 amounts, just think about roughly 10 percent is going to
12 come to us, and we need to put it into this effort, the
13 charging infrastructure, those issues that we were just
14 talking about.

15 The wastewater section, the folks who came up,
16 and the Chair has already addressed. We realize that some
17 of our policies are not in sync right now. We're moving
18 forward and we see -- I think the most important thing is
19 the acknowledgement that we see it and we're working to
20 try to jibe all of our policies to make sure that we are
21 using that fuel for the highest best use, that those
22 investments were there are sunk costs are respected, so
23 that they can make back their money or make it worth while
24 economically. But when that time, these extensions that
25 we're granting are over, you're going to have to switch.

1 That is not an option. Exemption -- flat out exemptions
2 are not an option.

3 And so it's really important -- as a former city
4 council member, I am very sensitive to decisions that were
5 made. You know, maybe at some point your public works
6 director thought natural gas was a great idea. It's not
7 going to be. So get your costs back, make sure that
8 investment is made worthwhile, and then you're going to
9 switch over to zero.

10 And so that is my pivot to the biggest annoyance
11 of yesterday, which was the CNG thing. They referenced
12 the 2027 certified engines. There are none. I'm sitting
13 here right now. There are no 2027 certified engines. So
14 to throw that out there as if it's a thing is just
15 disingenuous. Second, because we've been hearing this
16 over, and over, and over again, on our website you can go
17 right now, we have a whole section called ZEV exemptions
18 require cleanest engines. Check it out. Because we've
19 been hearing it for so long, it's even on our website. It
20 isn't just our debate. It's on our website. And yet,
21 somehow that was twisted in knots.

22 This is a zero-emission regulation. Any fossil
23 fuel is not by definition zero emission. So why are we
24 spending so much time, and I'm having to spend time,
25 talking about it? Very frustrating.

1 And I'll closeout with this. We have 135 models
2 already delivered of different ZEV vehicles of all
3 classes. That's more than CNG, as staff mentioned in the
4 presentation. So this technology that's allegedly not
5 ready is already ahead of something that's been around for
6 decades. It's already ahead. To me, if they think that
7 they are viable, then this sure as hell is viable, if
8 we're ahead of them on ZEVs.

9 So again very, very frustrating that that's even
10 something we have to spend time on. But the path to
11 market transformation can be bumpy, can be hard, but I'm
12 really, really proud that we're doing it today. It's not
13 the first. It's -- we're kind of in the middle, but we're
14 going to keep doing it, because we don't have an
15 alternative. For all of you who live in communities that
16 are impacted, we hear you, and we're going to continue to
17 find ways to clean up the air for you and your families.

18 Thank you.

19 CHAIR RANDOLPH: Thank you.

20 Dr. Balmes.

21 BOARD MEMBER BALMES: Thank you, Chair Randolph.

22 And I'll start out with a bunch of thank yous. I
23 want to thank staff for their hard work, especially in
24 response to the various charges we gave you last fall. I
25 really appreciate the effort to deal with my concerns and

1 other concerns. And I know how much work that's been
2 involved. I want to thank all the stakeholders, both from
3 the trucking side and from the communities, especially
4 from the communities, who are impacted for coming and
5 making sure you hold our feet to the fire about protecting
6 the health of your communities. And I want to thank my
7 previous Board members for bringing up a lot of the topics
8 that I will -- was planning to bring up, so I can make --
9 be shorter.

10 So I have overall support and pride about this
11 regulation for both climate mitigation and public health
12 benefits. I mean, talk about co-benefits, this particular
13 rule gets both sides of that benefit equation, as strong
14 as we can. And I think it's just as important this
15 locomotive rule we did yesterday, especially to try to
16 improve the air quality and health of low-income
17 communities of color, which are most burdened by diesel
18 emissions.

19 The implementation though is going to be hard and
20 it must be successful. We can't blow this. So I
21 appreciate my fellow Board members' concerns about regular
22 updates, so that the Board, as well as the staff, our feet
23 are held to the fire to make sure that we can make --
24 we're making this work.

25 And so I have concerns on sort of both ends of

1 this rule, the need to do more to reduce diesel emissions
2 and concerns about feasibility in certain sectors. So
3 I'm -- I'll start off by saying that I'm pleased that
4 we're moving the hundred percent ZEV purchase date up to
5 2036. I think that was a really nice change after the
6 initial proposal in the fall. And I like the California
7 engine requirement. And as Mr. De La Torre has brought
8 up, I am concerned that some of the dirtiest trucks are in
9 the smaller fleets. So I think the Heavy-Duty Inspection
10 Rule, which you highlighted is, you know, really key.

11 You know, the 2028 Zero-Emission Truck Measure
12 that is in the rule, and I really appreciate, and that
13 we're now also going to make an important sort of
14 feasibility review and update, I think, you know, we have
15 to get that rule right. We also have to integrate AC 2
16 coming up with ACF. It's got to be as smooth as possible.
17 We have to have the supply side and the user side as
18 integrated as possible.

19 And so one issue I have here is truck retirement.
20 You know, I like the drayage part of the rule a lot, but
21 multiple people brought up that 13th year requirement. So
22 I have question to staff. I don't know that really means,
23 so could that -- I think I'm not the only Board member in
24 that regard. Could you explain the 13th year requirement
25 that lot of public agencies complained about?

1 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

2 CHIEF BRASIL: So this is Tony Brasil, Branch Chief,
3 Transportation and Clean Technology.

4 So in the State and local government default
5 requirement is to purchase ZEVs on their own schedule.
6 The rule does have language saying that if you're going to
7 ask for an exemption to buy an internal combustion engine
8 vehicle, that that vehicle be 13 years, and in part to
9 close the loophole. Because one of the other things we're
10 doing is we're going to be posting online. Here's the
11 vehicles that you can buy as combustion without even
12 asking us, because they're not available as zero emission.
13 And as the zero emission ones do become available, we're
14 going to put it out for six months that, hey, this is
15 changing in six months to allow the public fleets to go
16 ahead and complete their purchases they already plan to
17 not disrupt their process, but we don't want them to
18 necessarily use that as an opportunity to then replace a
19 bunch of internal combustion engine trucks, knowing that
20 the ZEVs will soon be available.

21 BOARD MEMBER BALMES: Thank you, Mr. Brasil. But
22 several people said it would keep them -- that they wanted
23 to purchase ZEVs earlier and that's what I didn't quite
24 get.

25 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

1 CHIEF BRASIL: Right. And so that is one -- because some
2 of these changes were paired with giving them access to
3 the ZEV milestone option. Anybody that replaces trucks in
4 seven to 10 years would actually do fewer ZEVs under that
5 options, can keep buying combustion, and that 13-year
6 thing doesn't apply at all. So if it's -- if it's a
7 concern for them, I would expect them to use the milestone
8 option. And honestly that's -- kind of that option was
9 created expressly for that purpose that we would minimize
10 changes to their normal fast replacement cycles that some
11 of the longer haul fleets do for example, to make sure
12 that they don't keep their dirty trucks any longer than
13 they have to.

14 BOARD MEMBER BALMES: So I now understand. Thank
15 you. But I think, you know, if I'm, as a Board member,
16 having problems with this, I can understand that this is a
17 communication issue. So I think we need -- this is part
18 of the implementation. We need to do, you know, an
19 incredibly good job at communicating all the ins and outs
20 of -- and it's -- and it's going to change. I kind of
21 like the idea, I think from CCEEB, about a dashboard. I
22 don't know how much work that's -- you know, it's easy to
23 say, oh, let's have a dashboard. I don't know how much
24 work that would be, but it does sound like a good idea.

25 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

1 CHIEF BRASIL: Yes. And it becomes a resource issue. And
2 I think some of --

3 BOARD MEMBER BALMES: No, I understand.

4 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

5 CHIEF BRASIL: Some of the things we already are planning.
6 And one of the things we did discuss was infrastructure
7 was really the biggest topic. And so one of the things we
8 did discuss and actually had in the language was that we
9 would be posting online the number of exemptions that
10 would be offered under the infrastructure provision and
11 how many trucks. We took the language out of the
12 regulation, because we can do that anyway.

13 BOARD MEMBER BALMES: Right.

14 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

15 CHIEF BRASIL: So there's really no reason to state it
16 there. So I think we'll move forward with that. With the
17 Advanced Clean Truck Regulation, we are posting all of the
18 model year sales as they get reported by the
19 manufacturers. And then with reporting next year, we will
20 have a lot of information about the fleets, which
21 compliance options they're using, and how they're choosing
22 to comply, and of course, the communication, making sure
23 they understand their options is going to be a critical
24 piece to that. So we will have a lot of information. But
25 how we, I guess, make that available I think might depend

1 on the way we approach it.

2 BOARD MEMBER BALMES: Yeah. Thank you. Thank
3 you.

4 And I just want to add my support for the
5 technical advisory group concept that I think the Chair
6 has already mentioned. So we should -- I think that would
7 be helpful. You mentioned infrastructure and, you know,
8 I'm pleased we'll be working with our sister agencies on
9 infrastructure. We have to. I thought the analogy to the
10 Manhattan Project that was made yesterday is not that far
11 off. I mean, this is a huge lift. And so I'm personally
12 skeptical that we can pull it off. I'm hopeful. I want
13 to be optimistic like Mr. De La Torre. I sort of believe
14 it when I see it. And it's not just us. It's truly the
15 whole state government, executive office, and Governor,
16 the Legislature, and all the agencies. I just want to
17 underscore that it's going to be huge.

18 So I'll just end up with a couple concerns I have
19 about feasibility in certain sectors. And I'll be anxious
20 to see what staff -- how staff responds. So, you know, I
21 was -- I met with the construction sector just this week,
22 and they brought up some issues that I thought are -- were
23 reasonable for us to be concerned about, you know, maybe
24 in the post-rule implementation. But, you know, no power
25 on-site. A lot of constructions sites. And they need a

1 lot of power. They were telling me that there really
2 aren't ZEV, you know, battery power packs that were good
3 enough for their -- available now. They mentioned, you
4 know, certain specific vehicles like water trucks, which
5 aren't even considered trucks by us in terms of our
6 regulations, and, you know, how are they going to, you
7 know, power them, for example. So -- and I think ag also,
8 there's some issues in terms of, you know, off-road ag
9 vehicles. And I just thought -- I'd like to hear some
10 comments about how we're going to deal with those issues
11 down the -- down the road.

12 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
13 CHIEF BRASIL: Okay. So in those -- there's -- I do have
14 a prop here, I guess, I could display. Nobody has a real
15 crystal ball, I've got a plastic one.

16 (Laughter).

17 BOARD MEMBER BALMES: Good touch.

18 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
19 CHIEF BRASIL: At the heart of that issue, the time will
20 tell a little bit. Right now, you know, we are aware that
21 that there is plug-in hybrid electric truck that's being
22 sold. It's not certified for California yet, but it's
23 being sold in the United States and we expect it to be
24 here next year. And so that one operates just like a
25 conventional truck and can fuel in all the same places.

1 So all of those issues go away, if that's available for
2 the category that they need.

3 I think broadly given the way the rule is
4 structured, every fleet has the opportunity to use that
5 ZEV milestone option. The construction ones would
6 generally have a 2027 start date of 10 percent. They can
7 focus on their easier trucks like their foreman trucks and
8 some other ones potentially in their fleet.

9 And then the infrastructure issues. Also we're
10 seeing a lot of -- there are fuel cell trucks already
11 available. And we're seeing that manufactures are
12 bringing more to market, so if they do come available in
13 the next year or so, it's quite likely that they would fit
14 that application, and then the fueling concerns and timing
15 would be much less of an issue. And then it's again where
16 are the stations and are they in places that they can use
17 them?

18 And I guess one other thing is we're already
19 seeing these, lack of a better term, temporary charging
20 solutions coming in containers, battery banks that can
21 connect to the grid at relatively lower draw, but can then
22 fuel trucks very quickly. And so there are other
23 mechanisms that we think the market will be bringing that
24 will potentially provide solutions, and -- to a large
25 degree. And we know if we're not right, then we have

1 opportunities to make adjustments, because these aren't
2 things that are going to happen overnight.

3 BOARD MEMBER BALMES: Thank you, Mr. Brasil.

4 And then the last item is somewhat related, which
5 is rental companies have also spoken to me. And I realize
6 they came to us late in the game and we've already -- I
7 think staff has already made some effort to accommodate
8 their concerns. But I do think that that's another
9 post-rule implementation issue is maybe to work out some
10 better arrangements with rental companies in terms of
11 electric vehicles, because they were complaining to me
12 that, you know, there's not a market for them, like
13 construction, for example. I don't know if you have any
14 comments about that.

15 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
16 CHIEF BRASIL: I'll simply add that, yeah, one, we'll
17 definitely look at that issue more closely as time will
18 give us some clues, but also the implication is, depending
19 on what we do on the next rule, might actually change the
20 market to favor them, because past rules on diesel, for
21 example, has meant that fleet owners have gotten rid of
22 their dirty equipment and relied on rental cleaner
23 equipment to meet their requirements. And so depending on
24 the market that they're in, in construction we also see
25 that when new projects are done for CEQA purposes, a lot

1 of projects need to be done with cleaner equipment, and so
2 the rental market is potentially a solution there. So it
3 depends again on the -- on the narrow -- which segment
4 we're referring to.

5 BOARD MEMBER BALMES: So thank you, Mr. Brasil,
6 for your thoughtful responses to my queries.

7 And I'll just end by saying I'm very proud to be
8 supporting this rule.

9 CHAIR RANDOLPH: All right. Thank you.

10 Board Member Guerra.

11 BOARD MEMBER GUERRA: Thank you very much, Chair.
12 And also in the manner here of my seatmate, I'm going to
13 start off with a lot of thank yous. Because as a new
14 Board member, this was a lot to take in.

15 (Laughter).

16 BOARD MEMBER GUERRA: And either -- you know,
17 I've been telling folks that, you know, there's either --
18 it's either, you know, tactical or comical to come in at
19 this point in the process.

20 But I want to first start off by thanking both,
21 you know, my colleagues on the Board, the previous Board
22 members who have taken this monumental rule to where we
23 are today, and all of the staff as well that have taken
24 the time to help me understand, and educate me, and at
25 least inform me, and go through some of the major

1 questions in a very complex rule here, a very expansive
2 one also that is the -- that meets the goal -- the goal,
3 as Board Member De La Torre said, is to get to zero
4 emission. That is the -- what we're trying to achieve, to
5 achieve the maximum air qualities through achieving zero
6 emission.

7 I also want to thank a lot of the community
8 members who have engaged in this from across the state.
9 I -- obviously, here, locally, I want to thank my local
10 Sacramento region -- greater Sacramento region members
11 that have engaged, but also I had an opportunity to talk
12 to many folks who came here from far off places and took
13 the time to stay the night, to watch the full Board
14 hearing and I appreciate you.

15 (Spoke in Spanish).

16 BOARD MEMBER GUERRA: And then for all the folks
17 who, you know, -- whether they were supportive, or opposed
18 to it, or neutral with very large concerns -- I don't
19 think I had a single person that was neutral with no
20 concerns or light concerns --

21 (Laughter).

22 BOARD MEMBER GUERRA: -- but neutral with large
23 concerns, you know, because it's that level of engagement
24 I think that's going to get us to a final -- working
25 this -- working this rule, and the work that we're doing,

1 the ongoing work to the final product.

2 I will -- I've tried to organize my thoughts
3 here. And first, let me talk about, you know, just why
4 we're doing this again. It's -- it is the critical health
5 impacts -- the critical health impacts that are affecting
6 everyone. And I'll speak for my region here that even if
7 the heat island effect that is complicated by two freeways
8 and the emissions that are occurring in the Meadowview
9 area between I-5 and 99 are impacting that community.

10 A soon as the winds pick up, they affect the Sac
11 Land Park, all the way up to Roseville and Placerville.
12 And I remember as a kid when we used to burn the rice
13 fields and Placerville, which was nowhere close to, you
14 know, the wet waters of the causeway, was -- smelled like
15 you were at a camp fire. All of that because of just the
16 effects of the air. Air does not have a political
17 boundary. And so the issue of addressing air quality is
18 one of everyone's -- of a public sector concern -- of
19 everyone's concern, particularly those who, like in my
20 community, who are homes were built in -- at a time before
21 even double pained windows was a thing. And so when we
22 had difficult days of bad emissions, you can -- you can
23 smell that inside the household. You can face those
24 impacts inside the household. And there is no place for
25 retreat.

1 And even now we're to looking for federal
2 funding, we received one -- thank you, Congresswoman
3 Matsui -- to create Health Safety Zones in our communities
4 centers. Now, what kind of travesty is that that our
5 communities are in a place where we have to have clean air
6 centers for our kids, so that they can have a place to
7 play. So to me, I certain that as the focal point here.

8 And I'll be -- I'll be contrarian here. I'm
9 actually an optimist, not only as a member of the Capital
10 Optimists, Sacramento Optimists Club, but an actual -- you
11 know, but an optimist --

12 (Laughter)

13 BOARD MEMBER GUERRA: -- you know. And I -- as
14 an engineer, I do try to be a realist, but you have to be
15 an optimist, I think. And one of the things about the
16 creed that I like is to think only the best, to work only
17 for the best, and to expect only the best. And while that
18 is a motto whatnot, it should help us drive a solution.

19 And so I know that there are a lot of issues that
20 we have to resolve here. But I want -- I think of this as
21 an optimist. And, you know, thank you, Mr. Brasil, for
22 taking the time, because I think -- and Dr. Cliff, because
23 I, you know, was very critical about, well, how are we
24 going to achieve this and where are we going to do it, and
25 the breakdown of this is a phased approach. This isn't

1 happening next week. We're voting it -- on it today.
2 We're all going to go home this weekend, but this isn't
3 happening on Monday, so -- and to that effect, I think one
4 of the slides showed that -- you know, that some of the
5 legacy trucks are going to be around for 20 decades, you
6 know, 2042. So it's a -- it is not an overnight issue.
7 And in that time, that's 20 years of emissions. So I
8 think that's an important factor to ground us here on how
9 this rule is coming about.

10 Having said that, let's go right into some of the
11 issues. Number one, I concur, and I won't belabor the
12 point, that we do need to have a better implementation
13 stakeholder process. Implementation will be key. And I
14 would like to, you know, one, concur with the -- I heard
15 of the rental issue, and particularly for cities with
16 large airports, the rental issue is a unique market, so --
17 but I'll leave it at that. I think there's more
18 discussion.

19 But the two areas where I feel very sensitive and
20 I want to thank Board Member De La Torre for really
21 pushing hard on local jurisdictions early on, and getting
22 a lot of that work ahead, and thinking for how we -- how
23 we move that. But, you know, even Sacramento being one of
24 the larger cities, it still doesn't have the staff
25 resources and capacities to look at either drawing down

1 grants sometimes or looking at the multiple, you know,
2 implementation issues that are happening. So the smaller
3 cities begin to have Challenges. And I thank our team,
4 because I feel like the fact that they're across the
5 street, there's a little bit of benefit that they get
6 from. But I think that implementation to help local
7 governments is going to be key. And having a local
8 government, whether it's the cities, counties, munis, or
9 special districts, some of them just are not at the scale
10 where they have the staff to be able to do this. So
11 stronger together.

12 If we can have this federal, local government
13 working group or stakeholder process, I don't -- I don't
14 think that -- I don't want to dictate how it works out,
15 but I just think that's going to be important. Not only
16 that, but that's because so many constituents work in
17 local government, particular in these areas, and when you
18 think about schools and local governments, they will be
19 later the future adopters. If they start using
20 zero-emission vehicles at work, when they go to think
21 about what their purchase is going to be and they've
22 become comfortable with the technology, that's going to
23 lead to a ripple effect. So let's think about not local
24 governments as a bureaucracy or an entity, but as people
25 who will be future adopters. And there are constituents,

1 there are people that they're in our districts.

2 The second group that I'd like to make sure that
3 we convene or work through is just the challenges with
4 rural communities, the air attaining zone, where I
5 represent is not only urban here -- and for those who
6 joined last night, you know, this is the great part of the
7 urban Sacramento, but it's suburban and very largely
8 rural. And so we -- and having grown up in an ur -- in an
9 area where, you know, when you're out -- when you're out
10 in the country, you know, they're -- you kind of have to
11 fend for yourself, and access to infrastructure can be a
12 challenge.

13 And I can see where electricity can be an issue,
14 and so the advancement, and figuring out how we address
15 those challenges for the rural communities, when there is
16 not power out there. You know, when I worked on a ranch
17 and had to go and go, you know, check on a -- on a water
18 pump, you know, that was out off of -- to get to -- to get
19 there, I had to go through a levee road, there's no power
20 lines out there, right? That was an old diesel water pump
21 and whatnot.

22 And so we're moving, we're advancing, but I think
23 we need to be thoughtful about the implications to rural
24 communities. And that's where I do think that if there
25 are -- when there are -- and because again I'm being an

1 optimist here -- when there are advancements, particularly
2 with hydrogen, that's a huge -- that changes the game in
3 rural areas and that -- in places where you don't have
4 that level of infrastructure.

5 So that -- I'm using that as a spin-off point to
6 where I want to hone a little bit here, and that is on the
7 last paragraph of the resolution that has gone through, I
8 think, four iterations. And I'm going to ask for one
9 slight change on that, one more change on that resolution
10 here, because I think it's important not only that the
11 sister agencies are working on this, I know personally
12 here in our region we're trying to have this conversation
13 about our solid waste, you know, agencies, and how we look
14 at, you know, biomethane being able -- to transition that
15 biomethane into feedstock for hydrogen.

16 One of the biggest challenges that we continue to
17 hear is the issue with Cal/OSHA and the CalARP rules. And
18 so I know it says stakeholders, but I would feel much more
19 comfortable to be able to add Cal/OSHA onto that group of
20 entities, because we need to make sure that -- and from
21 what I understand, that seems to be a consistent challenge
22 in a bureaucracy.

23 And I don't mean that in a pejorative way, but in
24 a bureaucracy that is -- that is engaged in whether we
25 move forward in producing our own local hydrogen. And I

1 see that as such a huge opportunity where we could produce
2 local hydrogen from methane that's already happening in
3 jurisdictions and in cities that are already growing, and
4 methane is going to only grow because of that, that we be
5 able to immediately convert that into a fuel that can
6 support the heavy-duty sector, that can support the rural
7 sector that has challenges right now with the
8 infrastructure.

9 And the faster we move in that direction, I think
10 we're going to be able to support those rural communities.
11 We're going to be able to support the industrial and
12 manufacturing sector. I saw that there was a comment
13 letter regarding this and I hope staff will respond to
14 that as well.

15 So on that aspect -- so I don't know, Madam
16 Chair, if that's an allowable add. It's a very small add
17 to add Cal/OSHA as part of it.

18 CHAIR RANDOLPH: That certainly would be
19 appropriate.

20 BOARD MEMBER GUERRA: Well, thank you very much.
21 I appreciate that. And it's consistent with -- like I
22 said, with the Scoping Plan here. So moving forward here,
23 I do have some very small questions here. And Mr. Brasil,
24 I think you'd mentioned that we had talked about this, but
25 I wanted to get some clarification. When it comes to

1 leasing and when a car or a vehicle is leased, and this
2 came about from the, you know, specialty equipment, it's
3 not considered a new purchase, but if someone buys out at
4 least, rather than leasing it again, because they figured,
5 you know, we're just going to -- we're using it all the
6 time, we're just going to keep it, is that considered a
7 new purchase, and if not, can we have that clarified?

8 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

9 CHIEF BRASIL: Yeah. So we've actually received that
10 comment as one of the written comments. And when we
11 looked at the language more closely, that slight nuance
12 isn't covered. But in the final statement of reasons, we
13 will explain that whether you are renewing the lease,
14 which is in the reg language, it's not a new purchase, and
15 whether you actually buy it out to keep the vehicle, it's
16 still the same vehicle. It's not -- it's doesn't count as
17 a new purchase. So it doesn't change their compliance
18 strategy and that doesn't require any new action.

19 BOARD MEMBER GUERRA: Perfect. Okay. Great.

20 Well, thank you very much. I appreciate that.

21 And I had no -- you know, I think that if we can
22 just clarify it, that would be good.

23 The -- you know, and then this -- the last
24 question I had here that, you know, I think a couple of
25 the Board members alluded to, and it was at the end of the

1 meeting regarding when an exemption occurs. And it was --
2 and it dawned on my, and I'd like some clarification here,
3 you know, whether the rule when an exemption is given --
4 and there's many folks who have said we shouldn't even
5 give exemptions. Let's point that aspect out. But when
6 an exemption is given does the rule, you know, create a
7 potential outcome or a perverse outcome - and again, this
8 is all speculative - that someone might be allowed to
9 purchase say a dirtier legacy truck that meets the 2024
10 Omnibus Rule, and in this time frame right now where we
11 don't have infrastructure?

12 So, I guess, you know, maybe if you could talk to
13 that effect -- or speak to that, because the issue comes
14 down to the hot issue of natural gas, whether it's
15 renewable or whatnot, but are we, in fact, creating this
16 perverse opportunity for an older diesel engine to be able
17 to be purchased in this time frame?

18 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
19 CHIEF BRASIL: So with the purchase -- the two purchase
20 exemptions that you can buy internal combustion engine are
21 either based on the daily mileage or the vehicle is simply
22 not available as a zero-emission or near-zero being the
23 plug-in hybrid version, then you can buy combustion, so
24 that you don't keep your older dirty truck. And it does
25 have to be a California certified engine. So meeting the

1 federal standard isn't sufficient. It has to be one of
2 the Omnibus engines. It has to be a new engine. So
3 that's the cleanest available here in the United States.

4 BOARD MEMBER GUERRA: Okay. And moving forward,
5 as you begin to implement this, what -- how would staff
6 respond to, if we saw all of a sudden, you know, folks
7 using the extension -- fleets using the exemption and
8 beginning to purchase more and more of those legacy
9 trucks -- or legacy vehicles versus a cleaner option,
10 because the Omnibus Rule essentially is technology
11 neutral. What -- I mean, how would -- how is staff going
12 to respond to that? What's your thought process in
13 addressing -- in addressing that?

14 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
15 CHIEF BRASIL: Yeah. So I might be missing the nuance of
16 the -- I guess of the concern.

17 BOARD MEMBER GUERRA: Yeah, I mean, say -- when
18 you start -- when we start issuing exempt -- exemptions
19 here, if we start seeing a pattern -- and again this is --
20 again, I apologize, because it's my -- I'm new here, so
21 I'm not sure how you guys issues exemptions or whatnot.
22 But when you start seeing a pattern, how would the staff
23 respond to that situation? Like, would you bring back a
24 rule? Would you see that or --

25 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

1 CHIEF BRASIL: Yeah, I might be -- let me give a stab at
2 it. I mean, when somebody is buying an engine in
3 California under the Omnibus Regulation, it has to be
4 certified to the standard, and that means that there's a
5 lot of emissions controls associated with that. And the
6 test methods are actually different to address --

7 BOARD MEMBER GUERRA: Sure.

8 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
9 CHIEF BRASIL: -- the entire polluting kind of thing.

10 And so manufacturers can sell engines above and
11 below the average, as long as they meet the average. And
12 then over time, that average gets much tighter, so that in
13 2027 then they have to actually be below a certain bar.
14 And again, they can still average to keep that.

15 So when somebody is buying an engine, they are
16 buying an engine that's already under a regulation. To
17 us -- so whether you're buying the engine that's below or
18 above the average, a truck owner won't necessarily know
19 that --

20 BOARD MEMBER GUERRA: Um-hmm.

21 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

22 CHIEF BRASIL: -- and it's not necessarily easy for them
23 to determine. But that's a compliance mechanism that the
24 Board deemed was actually necessary to set the standards
25 where they were, as part of the Omnibus Regulation.

1 BOARD MEMBER GUERRA: Okay.

2 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

3 CHIEF BRASIL: And then in that case, that engine is much,
4 much cleaner than anything that exists today, even -- you
5 know, the Truck and Bus requirements was 2010 or better
6 for diesel. So that's what's in California today. But an
7 Omnibus engine is generally going to be 90 percent lower.

8 BOARD MEMBER GUERRA: No. Yes, I mean, clearly,
9 we -- the rule is intended to do that. And I guess in the
10 spirit of what I hope to do and on -- or hope that this
11 occurs is we're taking every positive step forward as we
12 get to zero emission to find the cleaner options or
13 opportunities without being too technology specific
14 sometimes, because we want -- we want to see who can get
15 out there and provide the best option. But so that -- so
16 that raises a concern.

17 And, you know, again, I apologize if it's -- it
18 was at the end of the meeting last night. It was -- by 7
19 o'clock, I think all of us were a little -- a little
20 dazed. And so I'm going off -- a little off the cuff
21 here, but I'd like to, you know, continue to revisit this
22 and see where -- how -- I'd like -- I guess maybe it's
23 better to explain it, as -- as we start issuing
24 exemptions, I'd like to start tracking and seeing which
25 types they are and understanding, you know, what the

1 options are that people are -- that fleets are using or
2 choosing.

3 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
4 CHIEF BRASIL: Right. And I guess I want to -- and maybe
5 the nuance is so they -- part of the discussion I heard
6 yesterday was, hey, somebody could produce an engine above
7 the standard that's going to be dirty and there's going to
8 be these emissions because of some flexibility in the --

9 BOARD MEMBER GUERRA: Um-hmm.

10 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
11 CHIEF BRASIL: -- in the regulation -- in the Omnibus
12 Regulation, but the Omnibus Regulation specifies that if
13 you're going to emit any higher than that average, you
14 have to make it up a different way.

15 BOARD MEMBER GUERRA: Yeah.

16 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
17 CHIEF BRASIL: So it really is neutral and it's not
18 actually higher as was -- as was construed yesterday.

19 BOARD MEMBER GUERRA: Sure. Okay.

20 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH
21 CHIEF BRASIL: I don't know if that was the nuance.

22 BOARD MEMBER GUERRA: No, I appreciate that. The
23 problem with the average though, and I'll just leave it at
24 this and I won't -- I mean, it's more maybe an opinion
25 then. If you use the average and you get clean trucks,

1 but then you buy a dirtier truck that's maybe heavier
2 dirty, because you're using the average, wherever that
3 dirty truck is moving around, it's impacting that
4 community. And that was our conversation around why we
5 really wanted to move on electric school buses in our --
6 in our region here was because they're driving around
7 neighborhoods. And we wanted to move immediately to
8 something that was zero emission.

9 So that's more of a, I guess, a talking point
10 than the -- or an opinion that I'd like to see, but --
11 anyways, thank you. I appreciate that. Thank you for
12 indulging me. I know that that was -- that was something
13 that came off at the end.

14 The last thing I'll say here is, you know, I
15 appreciate the joint letter that came about. And we
16 are -- this is a Board that's charged with air quality
17 with the public health, but I do not want us to lose
18 site -- just like we had a major focus on equity, I do not
19 want us to lose sight about also ensuring that we're
20 looking at the economic strength of our communities. And
21 making sure that we are working -- and GO-Biz's aspect
22 involved in this. I met with one of the employment
23 training panel folks yesterday. Serendipitously, they're
24 meeting next door, and the State with -- to making sure
25 that we're also creating the solutions here.

1 I mean, it would be a shame if we set this high
2 standard, we create a market, we actually do everything
3 we're doing, but all of the production, all of the
4 manufacturing, all of the economic benefits to that are
5 done in another state and not here for our folks. So that
6 leakage I think we need to figure out how to address.

7 I am an optimist. I feel -- I know this will
8 work. I've -- but we have to make sure that we're hitting
9 those points and that -- through the stakeholder process,
10 and then engage -- finding our own local solutions.

11 And with that, I'm very proud to support the --
12 and support this initiative moving forward, Chair.

13 Thank you.

14 CHAIR RANDOLPH: All right. Thank you.

15 Board Member Kracov.

16 BOARD MEMBER KRACOV: Thank you, Chair. And
17 congrats, Vice Mayor Guerra. You changed a resolution in
18 your second Board meeting.

19 (Laughter).

20 BOARD MEMBER KRACOV: It took me a year and a
21 half to do that.

22 Well, this has been a journey, and it does look
23 like between ACT and Advanced Clean Fleets that we're at
24 the -- I'll call it the end of the beginning.

25 Thank you, Sydney Vergis, Heather Arias, Craig

1 Duehring, Paul Arneja, Lucina Negrete, Craig Segall, and
2 so many others, and especially Tony Brasil. I learned so
3 much from all of you. And now Tony, if this rule passes,
4 you can cut off your beard.

5 (Laughter).

6 BOARD MEMBER BALMES: I like his beard.

7 (Laughter).

8 BOARD MEMBER KRACOV: Sandy Berg and I had the
9 opportunity to work closely with you coordinating
10 workshops on the 1383 organic waste issues, the commercial
11 availability and infrastructure aspects of the rule. And
12 I miss Sandy today.

13 But these efforts, I think, made the rule better,
14 helped us gain the trust and the ear of stakeholders. And
15 when I look back at the early comments of the regulated
16 industry, of the municipal fleets, of the public safety
17 utilities, we really did a lot to satisfy your initial
18 concerns. I think any honest assessment will show this,
19 that we really did. This is an ambitious rule for sure,
20 especially the 2036 zero emissions sales deadline, which I
21 will now forever call the Ray Pingle date.

22 (Laughter).

23 BOARD MEMBER KRACOV: But in its final form, it
24 is pragmatic and it rolls out over decades. So thank you
25 Chair Randolph, Dr. Cliff for seeing the value of Board

1 member participation, for utilizing our energy, our
2 experience and our relationships to improve this rule.
3 And I hope that it can be a model for how this Board works
4 with staff and the stakeholders in the future.

5 So drayage comes first. So count me in. Count
6 the South Coast Air Quality Management District in, Dr.
7 Shen, if she is still here, to do whatever we can,
8 whatever humanly possible to get the word out, to get
9 drayage right. Drayage is going to be an important early
10 barometer about the success of this rule.

11 On organic waste and wastewater biomethane, I
12 think Dr. Quirk, Vice Mayor Guerra, and the Chair have
13 covered it. I'm a hundred percent supportive of that last
14 paragraph in the resolution, especially the revised,
15 revised, revised, revised, version.

16 (Laughter).

17 BOARD MEMBER KRACOV: But we all need some
18 genuine reflection here. We are way behind on SB 1383,
19 which is our key Short-Lived Climate Pollutant Strategy.
20 So let's honestly reflect why is that?

21 Lord knows, I've done some self-reflection these
22 last months, especially after reading the rhetoric on my
23 Twitter feed. So I challenge the stakeholders find
24 coherent solutions, be accountable, reach for compromise.
25 That's what we've been looking for the hole time. And to

1 me, that's how the rule reads and what the last paragraph
2 of our resolution stands for. The resolution identifies
3 in other areas the work to come, particularly the 2028
4 Zero-Emission Truck Measure that's in our State
5 Implementation Plan. That one is going to focus on the
6 hundreds of thousands, maybe a million trucks, that are
7 not a part of this rule. A recollection for the SIP is
8 that the measure requires mandatory useful life
9 requirement for these trucks, unless we figure out
10 something else. And yes, our four times a year, truck
11 smog check tool will help inform that as Board Member De
12 La Torre emphasized.

13 Count me in, count our Board in as we work to
14 develop that 2028 Zero-Emission Truck Measure. And please
15 know that I'm interested in how the ACF Rule we approve
16 today will affect the composition of the smaller fleets.
17 We don't want the big operators to clean up their fleets
18 under ACF only to sell their dirty old diesel trucks into
19 the secondary market for the small fleets that are not a
20 part of this rule.

21 I'm also very interested in some of the
22 cradle-to-grave issues here. In particular, let me speak
23 to battery recycling and reuse. We need standards in
24 place for producer responsibility, safe standards for how
25 we recycle, how we reuse. And I know there's some pending

1 legislation on this. I'm not in the weeds on that, but
2 the back end currently is too unregulated, too much of a
3 wild west. We need responsible regulation and, in my
4 opinion, we need it soon.

5 Finally, I'm very excited about the recent ZEV
6 infrastructure joint agency statement of intent with The
7 Energy Commission, Public Utilities Commission, the
8 Governor's GO-Biz office, the Transportation Agency,
9 Transportation Commission, Caltrans, and General Services,
10 and I guess maybe Cal/OSHA too. My prior Board member
11 colleagues covered all this. This is the work of our
12 lifetimes, colleagues, all of us. And I imagine 10 years
13 from now, when we look back -- when we look back to this
14 day, when we look back on all the work to come, when Dr.
15 Cliff's hair is all gray, that we can say that California
16 changed the world, that we can say that California did
17 this right.

18 So thank you, Chair.

19 CHAIR RANDOLPH: All right. Thank you.

20 Dr. Pacheco-Werner.

21 BOARD MEMBER PACHECO-WERNER: Thank you, Chair.
22 When I joined this Board, my oldest son was still a baby.
23 And I thought about the impact this work would have on
24 him. Today, I know we are making a positive impact, not
25 only in the future of my sons, but of the sons and

1 daughters of countless families around California, who
2 paid the price of dirty trucks on our roads for too long.

3 I want to respectfully disagree with some of my
4 fellow Board members, and only because I have done
5 specific research on this. Even the air is unequal. Let
6 me say this again. Even the air is unequal. Those who
7 live in wealthier communities have more resources, green
8 space, and built environment to protect them from the
9 harmful impacts of dirty trucks that others do not. And
10 we see it in differences in emergency visits and
11 hospitalizations due to respiratory issues for people who
12 live closer to freeways and truck traffic.

13 This will improve their lives first and foremost
14 and we should all be very proud of that. I want to thank
15 all of the stakeholders who joined us hearings, to
16 meetings, and through their letters. For some, this may
17 feel like we have reached the end. I want you all to know
18 that for me this is just the beginning. I am committed to
19 making this rule a success.

20 I invite all stakeholders who have raised
21 concerns about infrastructure, grid preparedness, and
22 supply chain to now partner with California, specifically
23 everyone in the joint agency statement. As I looked
24 around my neighborhood when I left to come to this meeting
25 with nearly everyone having rooftop solar now, I reflected

1 on the struggles of solar when we first began that journey
2 as a State. While there have been little and big bumps
3 along the way, the transformation is clear and there is no
4 turning back. The ZEV milestone option was mentioned and
5 I hope those impacted stakeholders who have concerns about
6 availability of vehicles will engage staff on this option.

7 I also hope you will now be a partner in ensuring
8 implementation works for all of us. To echo Senator
9 Stern's comments, we all need to be good faith actors from
10 here on out, for all of the concessions and exemptions we
11 have carved out to be where we are. Make no mistake, the
12 time for putting public health second to the economy is
13 over and it is all about how we make the transition work
14 together from here on out. I look forward to your
15 partnership in this exciting new landscape for California,
16 the nation, and the world.

17 To those stakeholders that feel left out of the
18 regulation with the lack of inclusion for small fleets and
19 class of vehicles, I want you to know that many of us here
20 will continue to keep you top of mind, whether it be
21 through inclusion of smaller fleets and incentive funding,
22 in future rulemakings as we have outlined in this
23 resolution, and through our enforcement efforts that have
24 been mentioned by Board Members De La Torre and Kracov.
25 This is a three-legged stool. And all of the efforts in

1 each must be equally strong to make this transition a
2 success.

3 To the staff, I want to extend my gratitude for
4 your diligence and hard work to go back after the first
5 hearing and to take our input and that of countless
6 stakeholders to write the regulation we see before us
7 today. I want to thank you Craig, Syd, Tony, Paul and the
8 team for engaging me on issues of equity and maximizing
9 the public health benefit in this rule.

10 I want to specifically thank Analisa Bevan for
11 putting up with me on the infrastructure concerns. I am
12 sure that she what instrumental in the joint agency
13 statement and will be a key ally to all who are concerned
14 on infrastructure.

15 Thank you to our Executive Officer and staff who
16 have been doing some, pun intended, heavy-duty work,
17 looking globally to find existing technologies that fit
18 with the successful implementation of this rule.

19 In addition, a quick shout-out to previous Board
20 members Sandy Berg and Dan Sperling who asked some key
21 questions that led us to thoughtful regulation before us.

22 To the partner agencies in the joint statement, I
23 hope you -- I hope to be a partner with you in equity.
24 Ensuring the resource gathering and allocation will be
25 focused on those projects that need it the most, those

1 that would not naturally exist by industry decision-making
2 and in the geographies that currently have the most grid
3 challenges. That is embedding an equity in policies and
4 implementation.

5 I know it will not -- no doubt require tough
6 decisions to make it happen and thinking differently about
7 utilities, permitting, and funding. Please see me as a
8 partner in this endeavor as I'm happy to be a champion for
9 infrastructure.

10 I support the report back of progress that was
11 mentioned before. And I think to Vice Mayor Guerra's
12 comments about the needing to know about the impact of our
13 exemptions. I support the report back through memos of
14 essential changes being made through staff as well Board.
15 And I also support the report back on ZEV infrastructure,
16 especially given the amount of resources that are being
17 made available to invest in this in the coming years. We
18 owe the public an answer as to what is being done with
19 this once-in-a-lifetime funding.

20 I support the work group ideas that have been
21 raised and I hope there will be opportunities for Board
22 members to be engaged in those as well.

23 I do have two questions to staff and relating to
24 some of my comments. Right now, what are the plans -- you
25 know, for the public to know, what are the plans right now

1 as we think through incentive programs to both help the
2 transition of the fleets that are part of this regulation,
3 as well as the smaller fleets who may want to, for various
4 reasons, purchase ZEVs now? And then a second question
5 kind of related to this. For those concerned about the
6 lack of inclusion of smaller fleets and other types of
7 fleets, can you please tell us more about when we should
8 expect to hear back about the pollution reductions that
9 have resulted as part of our enforcement regulation and
10 incentive efforts?

11 Thank you.

12 MSCD DIVISION CHIEF VERGIS: Thank you for the
13 question. I can help with the first part related to your
14 question about funding for smaller fleets. There's kind
15 of a two-tiered answer for that. Thanks to the leadership
16 of Board Member Kracov and Board Member Hurt, we engaged
17 with working with stakeholders on the Carl Moyer VIP
18 Program, which is specifically targeted to those smaller
19 fleets and ensuring that they would have streamlined
20 access to attaining incentives within the Moyer VIP
21 program.

22 Under the HVIP Program, in this past year, as
23 part of the funding plan process, the Board, you know,
24 renewed or doubled down on its effort to ensure that HVIP
25 funding would remain targeted to smaller fleets. So the

1 good news is that the HVIP funding options are very much
2 aligned with ACF and very much targeted to smaller fleets.

3 There are a number of other smaller pilot
4 programs, like our ISEF Program that's intended to look at
5 trying to fine innovative financing mechanisms for those
6 smaller fleets that are interested in trying to get a
7 zero-emission option into their fleet.

8 And I believe you had a second question, but I
9 got lost in my train of thought.

10 BOARD MEMBER PACHECO-WERNER: Oh, yeah, Just
11 when we -- should we expect to hear back about the
12 pollution reductions and probably around the SIP? But,
13 you know, just wanted to know when we should expect to
14 hear back about pollution reductions that have resulted as
15 part of our enforcement regulation and incentive efforts.

16 MSCD DIVISION CHIEF VERGIS: Certainly, as part
17 of the incentive efforts, we will report back annually in
18 terms of how much -- how far incentive programs have gone
19 in terms of getting those reductions in the field. And
20 then you're absolutely right, as part of the SIP process,
21 when you hear updates on that, you also get to hear about
22 the progress that we've made, but how much, of course,
23 farther we have to go.

24 CHAIR RANDOLPH: All right. Thank you, Dr.
25 Pacheco-Werner.

1 Board Member Eisenhut.

2 BOARD MEMBER EISENHUT: Thank you, Chair. Just
3 for the record, I don't propose to offer any amendments.

4 The -- I -- my comments I think I could
5 characterize as process. I think we are -- having
6 listened to the comments of my fellow members were aligned
7 on policy and most of this discussion, as I would describe
8 it, involves forward process. And so -- and my issues,
9 the ones that I contemplated after hearing the testimony
10 and thought about this last night, my issues have almost
11 all been addressed by other Board members. But I want to
12 also my comments anyway just in support of those.

13 And the first has to do with a review. And I
14 think I heard that the Chair indicate a support for a 2025
15 review process. Although I've heard a variety of dates, I
16 would -- I endorse the 2025 number should that be the
17 target with the potential for annual embedded in that --
18 in that request.

19 CHAIR RANDOLPH: Can I just -- Board Member
20 Eisenhut, I just want to clarify the couple dates we've
21 been talking about.

22 BOARD MEMBER EISENHUT: Okay.

23 CHAIR RANDOLPH: So there is already in the
24 resolution at 2028 --

25 BOARD MEMBER EISENHUT: Right.

1 CHAIR RANDOLPH: -- update on implementation.
2 There is a 2025 date that we just added to the resolution
3 related to the question of renewable natural gas in 18 --
4 sorry, 1383 implementation. I think the concern with
5 making that 2025 update too broad is that the rule will
6 really have just gotten just barely getting started. That
7 said, I do think there's a lot of interest in some
8 reporting back on how our infrastructure efforts and
9 vehicle availability efforts are going. And I think we
10 should sort of defer to staff about how best to report
11 back, you know, try to combine it with an existing Board
12 item, or a memo, or a process that doesn't create too much
13 staff burden, because frankly I think their time is better
14 spent with the work groups and with the stakeholders
15 trying to work through all of this stuff and figure out
16 how to report back to us is -- as sort of expeditiously as
17 possible.

18 But then as we move towards 2028 and beyond, then
19 I think we can think about, okay, like the rule is really
20 going to be going fast and furious, and we want to make
21 sure that the Board is understanding how that work is
22 being done. So that's kind of what I'm thinking.

23 Back to you.

24 BOARD MEMBER EISENHUT: Thanks -- thank you for
25 the clarity. I -- and I just want it on the calendar that

1 its a matter of discussion and interest from the Board
2 that there -- that there are interim reports, whatever
3 those dates are.

4 And there have been references to the parallel of
5 the Manhattan Project. And there is one notable -- well,
6 there are a number of notable differences, but --

7 (Laughter).

8 BOARD MEMBER TAKVORIAN: Don't make me have to
9 state it.

10 (Laughter).

11 BOARD MEMBER EISENHUT: But the Manhattan Project
12 was done in secret. And I think our process needs to be
13 very, very transparent. And in hearing the comments and
14 in listening to the comments yesterday, there are -- there
15 were a number of alternative truths expressed. And I
16 think some of those were intentional and some of those
17 were a basis of misinformation. And I'm very supportive
18 of Tony Brasil's continuation of the workgroups and the
19 possibility of a dashboard. I'll leave that one open.

20 But with regard to the workgroups, I think it's
21 important that those -- that the work of those groups not
22 be siloed. That to the extent they represent an industry,
23 there be open conversations, reports even that flow out of
24 those workgroups back to the industry, so that the members
25 of that group -- the members of the industry have an

1 opportunity to share in the same information that the
2 workgroups share. I think there's a danger in workgroups
3 that they arrive at a different place than the balance of
4 the industry. And so we need to continue in a very
5 transparent and open way as we move through this process.
6 And those are my comments about the workgroups.

7 And then finally, on the methane on the -- on the
8 continuing use of finding better ways to use methane from
9 our waste digesters, I just want to add that I hope that
10 dairy digester methane is included in that conversation.
11 So that would -- that's my ask as we move forward.

12 Well, there's one more. And that Dr. Balmes
13 indicated a continuing interest in construction in ag, and
14 in leasing enterprises as folks who need to be included
15 potentially in workgroup efforts having expressed interest
16 in a variety of concerns. And I support those comments by
17 Dr. Balmes.

18 Thank you

19 CHAIR RANDOLPH: All right. Thank you.

20 BOARD MEMBER GUERRA: Madam Chair, if I could
21 also associate myself with the last comment regarding the
22 ag support and that of produce and other products that
23 need to use that process as well.

24 CHAIR RANDOLPH: All right. Thank you.

25 Okay. Supervisor Vargas.

1 BOARD MEMBER VARGAS: Thank you, Chair. And
2 thank you to my colleagues and everyone on this particular
3 item.

4 I just want to say first and foremost, thank you
5 for all the work and the testimony that people have
6 provided. And I want to say thank you to the CARB team
7 for ensuring that -- including SB 1383 items were
8 addressed in the process, so I appreciate that.

9 I also, I mean, want to -- I'm very grateful for
10 the public engagement, especially folks who were able to
11 join from San Diego. There's a lot of work that the CARB
12 team has done, but it has been done with our community's
13 input, so I'm very grateful for that. Everything -- I --
14 everything that my colleagues have stated, I support. I
15 just wanted to say that I am going to be supportive of
16 this regulation today. Absolutely believe like all of you
17 that everyone deserves to breathe clean air, not matter
18 what your zip code is.

19 But as someone who represents the border region,
20 I also want to make sure that we're continuing to look at
21 developing, you know, and supporting new technologies and
22 market advancements that really produce cleaner mobility
23 systems. And I think for the San Diego region in
24 particular, it also means opening up a new binational
25 dialogue round our shared climate goals with Mexico and

1 Baja California. I think that's critical as we're moving
2 forward. And I am sure my colleagues from the region
3 would support that as well.

4 But I really want to say thank you, Chair
5 Randolph and the CARB team for supporting and advancing
6 the binational conversation on the clean fleets and
7 infrastructure. I have heard directly from our colleagues
8 on the other side of the border and they were just very
9 grateful that CARB has been so open.

10 And I'm also grateful for the joint statement and
11 the other State agencies that are also providing
12 assistance to ensure that we continue to build the
13 necessary strategies and partnerships, so that we can
14 transition at all corners of our state.

15 I want to mention that Baja California Governor
16 Marina del Pilar and Secretary of the Economy and
17 Innovation Kurt Honold have been true partners in this
18 process and they are also helping us and find solutions as
19 we're trying to address this. I'm going to do everything
20 I can to continue to work with our Baja California
21 partners. And I'm really glad to share that we're
22 committing to form a binational committee -- that we've
23 had a conversation about forming a binational committee
24 where we can advance the work on the ground and work to
25 build the necessary infrastructure and from the

1 California -- State of California side.

2 And in addition to that, I also -- one of the
3 other hats I wear is I'm on the Executive Committee for
4 CSAC. And so I'm grateful that we have been able to have
5 CSAC's perspective and for us to continues -- really
6 continue to encourage that we work with the local
7 governments to ensure that they have the support that they
8 need as we're moving forward, both on their investments,
9 broad implementation, and access to new sources. So
10 obviously, you know, no one agency can do this work alone.
11 And we're going to have to continue to work
12 collaboratively.

13 I think as my colleague Diane Takvorian said, you
14 know, this is something that has been 10 years in the
15 making. And so seeking opportunities for new pilots and
16 locals of government to engage is really important.

17 And then last, but not least, I do want to just
18 say a couple words and...

19 (Spoke in Spanish).

20 BOARD MEMBER VARGAS: So with that, I'm happy to
21 support the regulation and again thank you so much. And
22 my apologies for not being there in person, but know that
23 I -- I listened to all of the testimonies yesterday and
24 have been very engaged in this process as it is extremely
25 important not only for our binational region, our region,

1 but the State, and our country. So thank you for
2 everything that you all do.

3 CHAIR RANDOLPH: Thank you, Supervisor Vargas.
4 Supervisor Perez.

5 BOARD MEMBER PEREZ: Thank you, Madam Chair.
6 I -- when I got the phone call, as one of the
7 newest members here on CARB, by the Governor, I was
8 wondering what I getting myself into.

9 (Laughter).

10 BOARD MEMBER PEREZ: Knowing that I already sit
11 on two other air quality management districts and do I
12 have the time to juggle a third one, specifically, such a
13 large one. Obviously, you represent the state of
14 California. But I appreciate being here, because I've
15 learned so much in just this one meeting here and
16 appreciate all the points that have been made by staff,
17 all the great work that you've done. I think it's amazing
18 what you cover in such a short amount of time, even though
19 my understanding it's been a couple of years, but that's
20 still a pretty much very short time to get where we are
21 today, in my opinion. And to get us here, I think it's
22 amazing what you've been able to do.

23 As well as my colleagues that are here and your
24 words of wisdom, your thoughts are impressive and they
25 helped guide me. And those Board members that are no

1 longer here to have gotten us to this point, I think it's
2 also amazing.

3 And obviously to the to the community, the
4 community that is here today and folks that are Zooming
5 in, or online, or drove from as far out as I heard
6 yesterday from Imperial County and National City to be
7 here with us all the way in Sacramento. I think that's
8 impressive as well. And I think it's important that you
9 continue to do what you do on behalf of our communities.

10 And so a lots been said already, and I think I'm
11 probably the last one to speak here. But I will say that,
12 you know, there's never a dull moment working with Gideon.

13 (Laughter).

14 BOARD MEMBER PEREZ: And I do get a chance to sit
15 with him on South Coast Air Quality Management District,
16 and now I have a chance to sit with him here as well. But
17 being a member of AQMD -- South Coast AQMD, you know, when
18 we talk about the issue of equity and the fact that, in
19 our neck of the woods, especially the Inland Empire and
20 now the Coachella Valley being non-attainment, and knowing
21 that we have 17 million residents that are suffering from
22 the worst air pollution in the country, and knowing that
23 80 percent of smog emissions are from mobile sources, I
24 think it's incumbent upon us, as members of this Board, as
25 well as other air quality management districts, that we

1 continue to hone in on the issue of equity, and knowing
2 that ultimately the air pollution hurts everyone, but by
3 far hurts communities of color. And we need to do our
4 best to do more.

5 And I can appreciate the concerns that you've
6 heard from industry, and as well as from CSAC, and from
7 utilities, whether that be issues of budget constraints,
8 issues of timelines, concerns around infrastructure
9 upgrades, the purchasing of vehicles, compliance reports,
10 the list goes on, and on, and on, emergency vehicles, I
11 can appreciate those concerns, but I also can see how,
12 through staff and through this Board, we will be flexible.
13 And we must vote on this today and I'm not going to be the
14 one that's going to get in the way.

15 (Laughter).

16 BOARD MEMBER PEREZ: That is for sure.

17 You know, we do have implementation
18 considerations. But at the end of the day, this is the
19 right thing to do. And with that said, Senator Stern
20 brought up the brilliant idea, and it's been said already
21 and I'll reinforce it once again, about a public
22 dashboard. And the reason for that is because not only to
23 hold ourselves accountable, but the world is watching.
24 Our communities are watching. The United States of
25 America is watching California. The international

1 community is watching us as we speak. So I think it is
2 incumbent upon us to be transparent and have some sort of
3 effort where we're consistently messaging and providing
4 data, information for folks to see our progress.

5 I like the idea of continuing or moving with
6 efforts of a congressional delegation to continue to push
7 for funding. I think my colleague here, Mr. De La Torre,
8 mentioned the need for more infrastructure dollars.
9 Obviously, that's the case, especially when it comes to the
10 small moms and pops operators, we can't forget the small
11 businesses. We can't leave them behind. And the more
12 that we can reinforce the need for funding and incentives
13 at the State level, and the federal level, the better.
14 And I think that that is critical. Ultimately, I really
15 appreciate the fact that we will have updates along the
16 way, obviously 2028 and 2025. Thank you for clarifying
17 that, but more so on an ongoing basis. That's going to be
18 critical. And hopefully, eventually get to the point
19 where we can do that on an annual basis.

20 And I think a lot's been said already. And I
21 just want to say that I will be supporting these efforts
22 today. And it feels good to be part of history and now I
23 know why I'm here.

24 Thank you, Madam Chair.

25 CHAIR RANDOLPH: Thank you so much, Supervisor

1 Perez. Okay. We do have one more Board member comment
2 and that is Dr. Shaheen who is online.

3 BOARD MEMBER SHAHEEN: Thank you so much, Chair
4 Randolph. And my apologies for not being able to join you
5 today. I'm Chairing a Transportation Research Board
6 Meeting here in Irvine California today.

7 I was able to meet with many stakeholders as part
8 of reviewing the ACF and also able to listen to feedback
9 from a range of stakeholders yesterday in the commentary.
10 And I'm greatly inspired by this new rule and our ability
11 to address public health and welfare with it.

12 I, too, think it's paramount that we address
13 issues associated with clean air and societal equity. I
14 am no stranger to putting technology on the ground in my
15 work as a researcher and understand how challenging it is
16 to make change happen. And we do face many challenges
17 with this. I definitely hear the voices of industry. I
18 understand that this is aggressive, that we need to focus
19 on infrastructure. We have concerns about the grid, the
20 overall impacts on the industry, and the aggressive
21 timeline, but time is of the essence. There's people who
22 are suffering and that is very, very clear.

23 So I am very committed to seeing this move
24 forward, but in partnership with all of the key
25 stakeholders across the state in looking at ways to

1 advance our understanding and knowledge of successes and
2 things that don't work so well, and making sure that
3 everyone is on board. We're all lifting this up together
4 and we're not leaving this to industry to figure out. And
5 I don't think that's the plan. I think the plan is to
6 continue to revisit this in 2025 and 2028. And I'm
7 hearing such a strong commitment across the Board in Board
8 members' comments that we're really going to encourage
9 ongoing discussions about this. And I think that's what's
10 going to lead us to success. And I offer up any expertise
11 that I have to CARB staff and others in terms of piloting
12 innovative ideas and how we can advance that
13 understanding. I think incentives and funding are
14 critical, but I also think research is going to be very
15 critical to understanding this alongside data.

16 So I just wanted to call in and wish you all well
17 and absolutely proud to be part of making history today
18 and let you all know that I intend to vote for ACF.

19 So thank you.

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

21 And thank you to all of my colleagues for their
22 great questions and comments. I actually crossed all my
23 questions off the list, because throughout the
24 conversation, they were all addressed.

25 This is an absolutely transformative rule to

1 clean our air and mitigate climate change. And I'm so
2 proud to be here with my colleagues to work on this and
3 advance this forward. We all know there's a lot of
4 challenges, but those challenges aren't going to be
5 tackled unless we move forward. No one is going to build
6 infrastructure in the abstract, so we need to adopt this
7 rule, move forward, get it going, and work through all of
8 these implementation challenges with the fleets that are
9 subject to the rule, with our sister agencies, and solve
10 these problems as we work through implementing the rules.
11 If not now, when? Let's get going and move this forward
12 today. So I'm really pleased to hear all the support from
13 my colleagues.

14 I want to again thank staff for all of their
15 incredible work on this rule. It has been years in the
16 making and really appreciate the detailed work, the
17 continued engagement. I want to thank my colleagues,
18 current and former, particularly former Board Members Dan
19 Sperling and Sandy Berg. As folks mentioned, they asked
20 some really good questions at the first go-round for this
21 and really stimulated a lot of conversation. And, in
22 particular, Sandy Berg led a workshop and really provided
23 a lot of thought leadership with staff and with
24 stakeholders to work through some of these issues, so I
25 really appreciate that.

1 Also, I want to give a shout-out to our former
2 Executive Officer Richard Corey, who also led the efforts
3 to get this work started. And it's just a reminder that
4 all of this work it takes years and it takes consistent
5 policy work to move this forward. So I really appreciate
6 those who have been in the trenches working on this for
7 years, particularly community members, right, community
8 members who have been bearing this burden and who have
9 been advocating for progress for years.

10 And I am super pleased to be able to ask for a
11 motion to adopt the resolution with the amendments that we
12 discussed earlier to add the language proposed or read by
13 Executive Officer Cliff, as well as the additional --
14 addition of Cal/OSHA suggested by Board Member Guerra.
15 And so do I have a motion to approve Resolution number
16 23-13?

17 BOARD MEMBER TAKVORIAN: So moved.

18 BOARD MEMBER FLOREZ: This is Dean Florez. I'd
19 like to move it.

20 CHAIR RANDOLPH: Okay. Board Member Florez
21 moved.

22 And then Board Member Takvorian --

23 BOARD MEMBER TAKVORIAN: It seems to be my role,
24 I'll second.

25 CHAIR RANDOLPH: -- seconded.

1 So clerk, would you please call the roll.
2 BOARD CLERK GARCIA: Yes.
3 Dr. Balmes?
4 BOARD MEMBER BALMES: Proudly, yes.
5 BOARD CLERK GARCIA: Mr. De La Torre?
6 BOARD MEMBER DE LA TORRE: Yes.
7 BOARD CLERK GARCIA: Mr. Eisenhut?
8 BOARD MEMBER EISENHUT: Yes.
9 BOARD CLERK GARCIA: Senator Florez?
10 BOARD MEMBER FLOREZ: Florez aye
11 BOARD CLERK GARCIA: Mr. Guerra?
12 BOARD MEMBER GUERRA: Guerra aye.
13 BOARD CLERK GARCIA: Ms. Hurt?
14 BOARD MEMBER HURT: Hurt aye
15 BOARD CLERK GARCIA: Mr. Kracov?
16 BOARD MEMBER KRACOV: Yes.
17 BOARD CLERK GARCIA: Dr. Pacheco-Werner?
18 BOARD MEMBER PACHECO-WERNER: Yes.
19 BOARD CLERK GARCIA: Mr. Perez?
20 BOARD MEMBER PEREZ: Supervisor Perez aye.
21 BOARD CLERK GARCIA: Dr. Quirk?
22 BOARD MEMBER QUIRK: Aye.
23 BOARD CLERK GARCIA: Dr. Shaheen?
24 BOARD MEMBER SHAHEEN: Aye.
25 BOARD CLERK GARCIA: Ms. Takvorian?

1 BOARD MEMBER TAKVORIAN: Enthusiastically yes.

2 BOARD CLERK GARCIA: Supervisor Vargas?

3 BOARD MEMBER VARGAS: Vargas yes.

4 BOARD CLERK GARCIA: Chair Randolph?

5 CHAIR RANDOLPH: Yes.

6 BOARD CLERK GARCIA: Madam Care the motion
7 passes.

8 (Applause).

9 (Cheering).

10 CHAIR RANDOLPH: All right. Thank you.

11 All right. Thank you. Now, we are not done with
12 our meeting yet.

13 We will now move to open comment. For those who
14 wish to provide a comment regarding an item of interest
15 within the jurisdiction of the Board that is not on
16 today's agenda. The clerk will call on those who have
17 submitted a request-to-speak card. And if you are joining
18 us remotely and wish to comment, please click the
19 raise-hand button or dial star nine now.

20 Will the Board clerk call on those who have
21 raised their hand or signed up to speak, if any, again on
22 items that are not on today's agenda.

23 BOARD CLERK GARCIA: I see no one with their
24 hands raised. No commenters at this time

25 CHAIR RANDOLPH: Okay. All right. Well, on that

1 note, thank you, and the April 28th, 2023 CARB Board
2 meeting is now adjourned time

3 (Thereupon the Air Resources Board meeting
4 adjourned at 11:36 a.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

