

JOINT MEETING
STATE OF CALIFORNIA
AIR RESOURCES BOARD
AND
ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE

ZOOM PLATFORM

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

THURSDAY, SEPTEMBER 14, 2023

4:05 P.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

Eric Guerra

Gideon Kracov

Supervisor V. Manuel Perez

Susan Shaheen, PhD

Diane Takvorian

Nora Vargas

ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE:

Martha Dina Argüello, Co-Chair, Physicians for Social Responsibility, LA

Dr. Catherine Garoupa, Co-Chair, Central Valley Air Quality Coalition

Juan Flores, Center on Race, Poverty & the Environment

Kevin Hamilton, Central California Asthma Collaborative

Thomas Helme, Valley Improvement Projects

Matt Holmes, California Environmental Justice Coalition

Luis Olmedo, Comité Civico Del Valle

APPEARANCES CONTINUED

ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE:

Jill Sherman-Warne, Native American Environmental
Protection Coalition

Sharifa Taylor, Communities for a Better Environment

LEAD MEDIATOR/FACILITATOR:

Martine Watkins

STAFF:

Steve Cliff, PhD, Executive Officer

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

Annette Hebert, Deputy Executive Officer, Southern
California Headquarters and Mobile Source Compliance

Edna Murphy, Deputy Executive Officer, Internal Operations

Rajinder Sahota, Deputy Executive Officer, Climate Change
and Research

Sydney Vergis, PhD, Deputy Executive Officer, Mobile
Sources and Incentives

Ellen Peter, Chief Counsel

STAFF:

Matt Botill, Chief, Industrial Strategies Division

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

Dana Grubaugh, Senior Attorney, Legal Office

Meena Kaypour, Attorney, Legal Office

APPEARANCES CONTINUED

STAFF:

Radhika Majhail, Chief, Environmental Justice and Equity Branch

Abigail May, Senior Attorney, Legal Office

Johnnie Raymond, Air Pollution Specialist, OEJTB

Deldi Reyes, Director, Office of Community Air Protection

INVITED GUEST SPEAKER:

Michael Wara, PhD, Stanford University

ALSO PRESENT:

Patricia Ramos Anderson, League of United Latin American Citizens

Maria Arevalos

Suncheth Bhat, EV Realty

Neil Black, California Bioenergy, LLC

Chris Bliley, Growth Energy

Michael Boccadoro, Ag Energy Consumers

Adam Browning, Forum Mobility

Todd Campbell, Clean Energy

Daniel Chandler, 350 Humboldt

Steve Compton, Sevana Bioenergy

Tom Conlon, Transition Sonoma Valley

Casey Coward, Service Employees International Union,
United Service Workers West

APPEARANCES CONTINUED

ALSO PRESENT:

James Duffy

Evan Edgar, California Compost Coalition

Mikayla Elder, Electric Vehicle Charging Association

Cassandra Farrant, AMP Americas

Sara Gersen, Earthjustice

Woody Hastings, The Climate Center

Jovan Houston, Service Employees International Union

Jamie Katz, Leadership Counsel for Justice and
Accountability

Ryan Kenny, Clean Energy

Mauro Libre

Jeanne Merrill, Center for Food Safety

Kathy Moreno

Colin Murphy, University of California, Davis Policy
Institute for Energy, Environment, and the Economy

Brent Newell, Leadership Counsel for Justice and
Accountability

Zaray Ramirez, Leadership Counsel for Justice and
Accountability

Nicole Rice, California Renewable Transportation Alliance

Maria Romero, Service Employees International Union,
United Service Workers West

Phoebe Seaton, Leadership Counsel for Justice and
Accountability

Sean Trambley, American Biogas Council

APPEARANCES CONTINUED

ALSO PRESENT:

Floyd Vergara, Clean Fuels Alliance America

Sam Wade, Coalition for Renewable Natural Gas

Jan Warren, Interfaith Climate Action Network of Contra
Costa County

LaDonna Williams, All Positives Possible

INDEX

| | <u>PAGE</u> |
|--|-------------|
| Call to Order | 1 |
| Roll Call | 1 |
| Opening Remarks | 3 |
| Joint Discussion of Implementation of CARB's AB 32 Climate Programs | |
| Chair Randolph | 8 |
| Executive Officer Cliff | 10 |
| OCAP Director Reyes | 16 |
| Facilitator Watkins | 17 |
| Staff Presentation | 20 |
| EJAC Presentation | 36 |
| Q&A and Comments | 54 |
| Dr. Michael Wara | 71 |
| Joint Discussion | 81 |
| EJAC Presentation | 105 |
| Sam Wade | 129 |
| Cassandra Farrant | 131 |
| Phoebe Seaton | 133 |
| Michael Boccadoro | 135 |
| Sean Trambley | 136 |
| Ryan Kenny | 139 |
| Mikayla Elder | 141 |
| Jeanne Merrill | 142 |
| Evan Edgar | 144 |
| Adam Browning | 145 |
| Suncheth Bhat | 147 |
| Floyd Vergara | 149 |
| Mauro Libre | 150 |
| Zaray Ramirez | 153 |
| Kathy Moreno | 154 |
| James Duffy | 154 |
| Patricia Ramos Anderson | 156 |
| Chris Bliley | 158 |
| Brent Newell | 159 |
| Jan Warren | 161 |
| Woody Hastings | 163 |
| Daniel Chandler | 164 |
| Casey Coward | 165 |
| Maria Romero | 167 |
| Nicole Rice | 168 |
| Tom Conlon | 170 |
| Colin Murphy | 171 |

INDEX CONTINUED

| | <u>PAGE</u> |
|------------------------|-------------|
| Neil Black | 173 |
| Jovan Houston | 174 |
| Todd Campbell | 176 |
| Steve Compton | 177 |
| LaDonna Williams | 179 |
| Sara Gersen | 180 |
| Maria Arevalos | 181 |
| Jamie Katz | 183 |
| Closing Remarks | 185 |
| Adjournment | 189 |
| Reporter's Certificate | 190 |

PROCEEDINGS

1
2 CHAIR RANDOLPH: All right. Good afternoon.
3 Welcome to the September 14th joint meeting of the
4 California Air Resources Board and the Environmental
5 Justice Advisory Committee.

6 CARB Board Clerk, would you please call the roll
7 of the CARB Board members.

8 BOARD CLERK GARCIA: Yes. Dr. Balmes?
9 Mr. De La Torre?

10 BOARD MEMBER DE LA TORRE: Here.

11 BOARD CLERK GARCIA: Mr. Eisenhut?

12 BOARD MEMBER EISENHUT: Here.

13 BOARD CLERK GARCIA: Senator Florez?

14 BOARD MEMBER FLOREZ: Here.

15 BOARD CLERK GARCIA: Assemblymember Garcia?
16 Mr. Guerra?

17 BOARD MEMBER GUERRA: Here.

18 BOARD CLERK GARCIA: Ms. Hurt?

19 Mr. Kracov?

20 Dr. Pacheco-Werner?

21 Supervisor Perez?

22 BOARD MEMBER PEREZ: Here.

23 BOARD CLERK GARCIA: Senator Stern?

24 Dr. Shaheen?

25 BOARD MEMBER SHAHEEN: Here.

1 BOARD CLERK GARCIA: Ms. Takvorian?

2 BOARD MEMBER TAKVORIAN: Here.

3 BOARD CLERK GARCIA: Supervisor Vargas?

4 Chair Randolph?

5 CHAIR RANDOLPH: Here.

6 BOARD CLERK GARCIA: Madam Chair, we have a
7 quorum.

8 CHAIR RANDOLPH: All right. Thank you. Now, I
9 will ask CARB staff member Johnnie Raymond who has been
10 supporting the Office of Environmental Justice Tribal
11 Affairs and Border Relations to call the roll of the
12 Environmental Justice Advisory Group.

13 OEJTB AIR POLLUTION SPECIALIST RAYMOND: Thank
14 you.

15 Martha Dina?

16 MARTHA DINA ARGÜELLO: Here.

17 OEJTB AIR POLLUTION SPECIALIST RAYMOND: Dr.
18 Catherine?

19 DR. CATHERINE GAROUPA: Here.

20 OEJTB AIR POLLUTION SPECIALIST RAYMOND: Thomas
21 Helme?

22 THOMAS HELME: Here.

23 OEJTB AIR POLLUTION SPECIALIST RAYMOND: Matt
24 Holmes?

25 Luis Olmedo?

1 LUIS OLMEDO: Here.

2 OEJTB AIR POLLUTION SPECIALIST RAYMOND: Jill
3 Sherman-Warne?

4 JILL SHERMAN-WARNE: Here.

5 OEJTB AIR POLLUTION SPECIALIST RAYMOND: Sharifa
6 Taylor?

7 SHARIFA TAYLOR: Here.

8 OEJTB AIR POLLUTION SPECIALIST RAYMOND: Kevin
9 Hamilton?

10 Angel Garcia?

11 Kevin Jefferson?

12 John Harriel, Jr.?

13 Juan Florez?

14 JUAN FLOREZ: Here.

15 OEJTB AIR POLLUTION SPECIALIST RAYMOND: Mayor
16 Rey León?

17 MAYOR REY LEÓN: Here.

18 OEJTB AIR POLLUTION SPECIALIST RAYMOND: And we
19 have a quorum.

20 CHAIR RANDOLPH: All right. Thank you. Okay. I
21 will now take a moment to address a few housekeeping
22 items. We are conducting today's meeting in person with
23 remote options available to the public by phone and in
24 Zoom.

25 EJAC members may attend this meeting remotely in

1 accordance with Government Code Section 11123.5 and some
2 Board members may also attend remotely in accordance with
3 Section 11123(b)

4 Anyone who wishes to testify today in person
5 should fill out a request-to-speak card available in the
6 foyer and turn it in to a Board assistant prior to the
7 commencement of the item. If you are participating
8 remotely, you will raise your hand in Zoom or dial star
9 nine, if calling in by phone. The Clerk will provide
10 further details regarding how public participation will
11 work in just a moment.

12 For safety reasons, please note the emergency
13 exit to the rear of the room through the lobby. In the
14 event of a fire alarm, we are required to evacuate the
15 room immediately and go down the stairs to the left of the
16 elevator and out of the building. When the all-clear
17 signal is given, we will return to the hearing room and
18 resume the hearing.

19 A closed captioning feature is available for
20 those joining us in the Zoom environment. In order to
21 turn on the subtitles, please look for a button labeled
22 "CC" at the bottom of the Zoom window as shown in the
23 example on the screen now. I would like to take this
24 opportunity to remind everyone to speak clearly and from a
25 quiet location, whether you are joining us in Zoom or

1 calling in by phone.

2 Interpretation services will be provided today in
3 Spanish. If you are joining us using Zoom, there is a
4 button labeled "Interpretation" on the Zoom screen. Click
5 on that interpretation button and select Spanish to hear
6 the meeting in Spanish. If you are joining us here in
7 person and would like to listen to the meeting in Spanish,
8 please notify a Board assistant and they will provide you
9 with further instructions. I want to remind all of our
10 speakers to speak slowly and pause intermittently to allow
11 the interpreters the opportunity to accurately interpret
12 your comments.

13 (Interpreter translated in Spanish).

14 CHAIR RANDOLPH: I will now ask the Board Clerk
15 to provide more details on today's procedures.

16 BOARD CLERK GARCIA: Thank you. Good afternoon,
17 everyone. My name is Lindsay Garcia and I'm one of the
18 CARB Board clerks. I will now provided some information
19 on how public participation will be organized for today's
20 meeting.

21 We will first be calling on any in-person
22 commenters who have turned in a request-to-speak card and
23 then we will be calling on commenters who are joining us
24 remotely. If you wish to make a verbal comment at the end
25 of today's meeting, you must be joining using Zoom webinar

1 or calling in by telephone. If you are currently watching
2 the webcast on CAL-SPAN, but you wish to comment, please
3 register for the Zoom webinar or call in. Information for
4 both can be found on the public agenda for today's
5 meeting.

6 To make a verbal comment, we will be using the
7 raise-hand feature in Zoom. Please virtually raise your
8 hand to let us know you wish to speak. To do this, if you
9 are using a computer or tablet, there is a raise-hand
10 button. And if you are calling in on the telephone, dial
11 star nine to raise your hand. Even if you previously
12 indicated which you wished to speak when you registered,
13 you must still raise your hand so that you can be added to
14 the queue.

15 If you will be giving your verbal comment in
16 Spanish and require an interpreter's assistance, please
17 indicate so at the beginning of your testimony and our
18 translator will assist you. During your comment, please
19 pause after each sentence to allow for the interpreter to
20 translate your comment into English.

21 When the comment period starts, the order of
22 commenters will be determined by who raises their hand
23 first. We will call each commenter by name and will
24 activate each commenter's audio when it is their turn to
25 speak. And for those calling in, we will identify you by

1 the last three digits of your phone number. We will not
2 show a list of commenters, however, we will be announcing
3 the next three or so commenters in the queue, so you are
4 ready to testify and know who is coming up next. Please
5 note, you will not appear by video during your testimony.
6 I would also like to remind everyone to please state your
7 name for the record before you speak. This is especially
8 important in the remote -- if you are calling in remotely.

9 We will have a time limit for each commenter.
10 The normal time limit is two minutes, though this could
11 change based on the Chair's discretion. During public
12 testimony, you will see a timer on the screen. For those
13 calling in by phone, we will run the timer and let you
14 know when you have 30 seconds left and then when your time
15 is up. If you require Spanish interpretation for your
16 comment, your time will be doubled.

17 And if you wish to submit written comments today,
18 please visit CARB's send-us-your-comments page or look at
19 the public agenda on our webpage for links to send these
20 documents electronically.

21 If you experience any technical difficulties,
22 please call (805)772-2715, so that an IT person can
23 assist. This number is also noted on the public agenda.

24 Thank you. I'll turn it back to Chair Randolph
25 now.

1 CHAIR RANDOLPH: Okay. Thank you. As the Board
2 Clerk mentioned, there will be an opportunity to provide
3 public comment at today's meeting. And that opportunity
4 will take place following the presentations and joint
5 discussion between the Environmental Justice Advisory
6 Committee and CARB Board members.

7 So if you're with us here in the room and wish to
8 get in the queue to comment at the end of the joint
9 discussion, go ahead and fill out a request-to-speak card
10 as soon as possible and submit it to the Board assistant.
11 And if you are joining us remotely and wish to make a
12 comment, go ahead and click that raise hand button or dial
13 star nine now.

14 Assembly Bill 32 directed the California Air
15 Resources Board to convene an Environmental Justice
16 Advisory Committee to advise the Board in developing a
17 Scoping Plan and any other pertinent matters related to
18 implementation of AB 32. The Environmental Justice
19 Advisory Committee is comprised of environmental justice
20 and community leaders from throughout the state. They
21 play a critical role in addressing concerns of residents
22 from the state's most pollution-burdened communities.

23 This is the first joint meeting of the Board and
24 EJAC since both bodies adopted the EJAC charter earlier
25 this year. These meetings provide a critical opportunity

1 to elevate priorities identified by the EJAC to the Board
2 and build upon and complement EJAC meetings that occur
3 throughout the year.

4 I'm looking forward to this conversation this
5 evening. It offers the Board an important opportunity to
6 hear directly from the EJAC and develop a shared
7 understanding of the challenges and the opportunities that
8 are lie -- that lie ahead for all of us. We all share a
9 commitment to address the current climate crisis in a way
10 that benefits communities the most impacted by both
11 pollution and the impacts of climate change, and I'm
12 looking forward to a productive discussion.

13 As we work together, we do so with a shared
14 understanding of the scope of the Environmental Justice
15 Advisory Committee. It is an advisory body required by
16 statute to advise the Board on the Scoping Plan and
17 matters related to implementing the Global Warming
18 Solutions Act, which is AB 32. EJAC's mission, as
19 described in that charter that was adopted by both CARB
20 and EJAC, is to advise the Board on environmental justice
21 considerations, prioritizing racial equity related to the
22 implementation of AB 32, and pertinent matters related to
23 both the Scoping Plan updates and implementation.

24 I want to acknowledge the interests of the EJAC
25 in supporting CARB's goal to be a workplace free of

1 discrimination, particularly in light of the events of
2 June 2nd that so negatively impacts EJAC co-chair Kevin
3 Jefferson. As you will hear from Executive Officer Cliff,
4 this matter will be addressed through an investigation
5 that is currently underway. And I've also asked Dr. Cliff
6 to share some highlights of CARB's efforts to integrate
7 equity, particularly racial equity, internally at CARB.
8 Staff have committed to regularly update the Board on
9 these efforts. And most of the members of the Board have
10 recently participated in a training on racial equity.

11 I appreciate that we have the opportunity to get
12 an update from Dr. Cliff, particularly since those
13 internal operational issues around workforce and internal
14 operations are not really part of the statutory role of
15 the EJAC. But Dr. Cliff came on board since our last
16 joint meeting, and I think it's a perfect opportunity to
17 hear from him directly about how he is working to
18 implement the Board's direction to do our work with equity
19 as guiding principle.

20 Dr. Cliff.

21 EXECUTIVE OFFICER CLIFF: Thank you, Chair
22 Randolph. I'm honored to be here, as you mentioned, at my
23 first joint meeting with the AB 32 Environmental Justice
24 Advisory Committee and CARB Board members since my
25 appointment as Executive Officer a year ago this week.

1 It's Tuesday just in case anyone wants to know. In
2 January of this year, I shared my priorities to implement
3 our ambitious climate and air pollution reduction
4 policies, regulations, and programs to tackle the state's
5 climate emergency.

6 I know that you'll recall that I also provided an
7 overview of our plans to integrate environmental justice
8 and racial equity into all that we do, which was
9 reiterated in the March 2023 Board meetings. In keeping
10 with that commitment, I want to take this opportunity to
11 acknowledge the experience of EJAC Co-Chair Kevin
12 Jefferson on June 2nd when he asked the security guards
13 for assistance in finding his meeting room in this
14 building. Kevin described in the EJAC meeting that
15 afternoon that he asked for help and was threatened with
16 the police.

17 We immediately, through CalEPA, initiated a
18 third-party independent investigation into the incident in
19 the lobby on June 2nd. Although the report is not yet
20 final, we expect it soon to be and will share the public
21 findings. In addition, CARB is examining our own
22 protocols for meetings with external visitors and will
23 adopt process improvements to eliminate barriers to
24 accessing and participating in our meetings.

25 I want to pause here and reflect on my own

1 learnings about racial equity. In March of shared with
2 you our plans to provide training to the workforce on
3 implicit bias and on structural racism and the tools to
4 address it. The events of June 2nd are a snapshot that
5 formed one piece of a larger more complex picture.
6 Through my learning, I've realized that we live in a
7 society in which the privilege I hold as a white man means
8 that I don't have to worry that if I lose my temper or act
9 frustrated in front of those in positions of authority
10 that I will be threatened by police. I don't have to
11 explain my dress, or appearance, or make my case for why I
12 belong.

13 Kevin, I don't know if you're on. We have spoken
14 directly back in late June, but I want to reiterate that
15 I'm very sorry for your experience that day, but more
16 generally in the ways in which is signifies structural
17 inequities in our society overall.

18 When the investigation is complete, we will
19 announce a suite of recommendations to ensure we provide
20 meaningful, equitable access to our physical spaces and
21 that we will do our part to make sure that our space is
22 welcoming and inclusive for you and everyone.

23 Chair Randolph, you asked me to share a few
24 highlights our work to integrate racial equity throughout
25 CARB. Since my priorities presentation to the Board in

1 January, we have committed to updating our 2016 Civil
2 Rights Policy and External Discrimination Complaints
3 Process. This is the key policy that applies to CARB
4 programs and activities and provides a complaint process
5 for any member of the public who believes they have been
6 discriminated against in the implementation of CARB
7 programs. While this policy is very important and can
8 benefit from updates, CARB is implementing and developing
9 additional work to incorporate environmental justice into
10 specific programs, including through the development of
11 racial -- the racial equity lens.

12 We must also be proactive in assessing the equity
13 impacts of our major actions, including regulations, and
14 policy decisions. We will do this by asking a set of
15 questions, such as who benefits from and who is burdened
16 by a particular action or policy.

17 CARB's racial equity lens is being piloted and
18 learnings from the pilots will support updates as it is
19 expanded in its use. Making the use of tools like the
20 racial equity lens part of our everyday practice is how we
21 work towards being an affirmatively anti-racist
22 organization. Staff are introduced to the racial equity
23 lens through a six-hour training called advanced racial
24 equity -- advanced racial equity at CalEPA. Over 30
25 percent of the staff have taken this training and it's

1 mandatory for all CARB managers.

2 CHAIR RANDOLPH: Dr. Cliff, apparently the
3 translation channel is not working, is that correct?

4 Sorry.

5 BOARD CLERK GARCIA: We'll take a quick technical
6 break.

7 (Technical difficulties).

8 CHAIR RANDOLPH: All right. It looks like it has
9 been resolved. So sorry, Dr. Cliff, go ahead.

10 EXECUTIVE OFFICER CLIFF: Thank you. Apologies
11 for the technical difficulties. I was mentioning that
12 staff are introduced to the racial equity lens through a
13 six-hour training called Advanced Racial Equity at CalePA.
14 Over 30 percent of staff have taken this training and it's
15 mandatory for all CARB managers. Over 60 percent of
16 managers have already taken the training as well as many
17 Board members. In addition to this programmatic work,
18 CARB's Diversity and Racial Equity Task Force is made up
19 of CARB staff and is focused on internal equity for the
20 workforce.

21 DARE is working on a three-part training on
22 microaggressions. Whether focused internally or outward,
23 our work is grounded in our vision for racial equity and a
24 racial equity framework that is available on our webpage.
25 In March, I shared our plans to develop a model for

1 meaningful community engagement and I'm pleased to share
2 that we will have in-person workshops later this year with
3 the community leaders who are helping us refine that
4 model.

5 For today's meeting, we will hear presentations
6 from CARB staff, EJAC co-chairs, and their invited guest
7 speakers in support of a well-rounded discussion on
8 critical climate and air quality topics. The Board and
9 EJAC will discuss the presentations and implementation of
10 the CARB climate programs, including EJAC's
11 recommendations to the Board on the LCFS regulation
12 update. The Board and EJAC may also discuss Cap-and-Trade
13 Program regulation updates, Senate Bill 905 carbon capture
14 utilization and sequestration requirements, and natural
15 and working lands, with a focus on the process moving
16 forward and considerations for how and where collaboration
17 can take place so as to support the EJAC as it develops
18 its advice to the Board.

19 I look forward to a productive discussion and the
20 continued work with the EJAC in the months and years to
21 come. I will now turn it over to my colleague, Deldi
22 Reyes, Director of the Office of Community Air Protection,
23 who is speaking on behalf of Deputy Executive Officer for
24 Racial and Environmental Justice, Chanell Fletcher.

25 Deldi.

1 OCAP DIRECTOR REYES: Thank you, Dr. Cliff. Good
2 afternoon, EJAC members and CARB Board members. My name
3 is Deldi Reyes. I'm the Director of the Office of
4 Community Air Protection and I'm acting today for Deputy
5 Executive Officer Chanell Fletcher. Dr. Cliff has shared
6 a few highlights of CARB's work to advance racial equity.
7 I know Chanell would want to share the news that under her
8 leadership, we are launching a new Office of Racial Equity
9 within the Environmental Justice and Equity Branch in our
10 Executive Office. CARB's Office of Racial Equity adds to
11 our capacity within CARB to advance racial equity. Staff
12 in this office will work at all levels within the
13 organization, partnering internally and externally to
14 address environmental injustices, and advance racial
15 equity in the achievement of our mission.

16 Dr. Cliff also highlighted the critical topics
17 that will be addressed in our joint discussion this
18 afternoon. One of the major responsibilities of the
19 Office of Environmental Justice, Tribal Affairs, and
20 Border Relations is the support of the now ongoing
21 Environmental Justice Advisory Committee.

22 I want to lift up the efforts of the new team in
23 OEJTB that includes Branch Chief Radhika Majhail, Manager
24 Ashley Georgiou, team members Bobbi Ruch, Meghan Kaff, and
25 Orji Ezieme, and in particular EJAC Coordinator Johnnie

1 Raymond. You'll hear more from Johnnie about OEJTB's role
2 in supporting EJAC in just a moment. But first, I'd like
3 to introduce Martine Watkins, who will facilitate today's
4 discuss between the EJAC and the Board. Martine is lead
5 mediator and facilitator with the Consensus and
6 Collaboration Program at California State University,
7 Sacramento.

8 Martine.

9 FACILITATOR WATKINS: Thank you. Well, good
10 evening, everybody. As was mentioned, my name is Martine
11 Watkins. I'm here with Sac State and it's a pleasure and
12 honor to be here. I'm honored to facilitate today's
13 meeting and this vita discussion on the implementation of
14 California Air Resources Board's Assembly Bill 32 climate
15 programs where CARB and EJAC converge to chart a new path
16 forward.

17 As was mentioned, equity is a guiding principle.
18 And this commitment to equity is the critical threat that
19 runs through the deliberation on LCFS, cap-and-trade,
20 carbon capture, and sequestration. The desired outcomes
21 of today's meeting is for me to facilitate a meaningful
22 dialogue and inquiries between the Board, EJAC, and the
23 staff, and to hear from the public, and to ultimately to
24 collaboratively chart a path forward.

25 As your facilitator, I'm committed to ensuring

1 our time together is productive and inclusive. We have a
2 full agenda and I will diligently manage the time and do
3 all that I can to create an environment that allows for
4 everybody to participate and to contribute meaningfully.

5 So the sequence of discussion topics are as
6 follows. For the next hour, we will hear presentations by
7 CARB and EJAC co-chairs as well as have a brief
8 presentation from guest speaker Michael Wara. At
9 approximately 5:30, we will transition to the joint
10 discussion. We will then plan for a short 20-minute break
11 and return at approximately 7 p.m. for public comment and
12 closing remarks. We will support the discussion as was
13 mentioned by monitoring hands in the room and on Zoom.
14 The Board Clerk will have a list of people signed up as
15 was said to speak in the room and the Chair will organize
16 a queue of Board members as well.

17 Before we begin each section, I will remind folks
18 of the approximate timing that has been allotted for that
19 agenda item and will give gentle reminders, if needed, so
20 that we are able to get to all the items on tonight's
21 agenda. Of course, we will be flexible based on the
22 conversation and are certainly committed to not cutting
23 off the joint discussion or public comment too short.

24 I would also like to remind folks that we'll keep
25 in mind that the comments could be around two minutes.

1 We'll likely have about three minutes for both in person
2 and on Zoom, but that will be up to the Chair and the
3 Board's direction.

4 We have a few agreements that were shared and
5 have been a part of EJAC as far as I was made aware of how
6 we'd like to approach our time together, and those are as
7 follows: to approach our time together with mutual
8 respect, curiosity, and mindfulness; to be present and
9 courteous with electronics as well as any side
10 conversations in the spirit of mutual respect; to provide
11 equity of air time and to be mindful to allow others to
12 speak; and all ideas and points of view are valued and
13 naturally it's acceptable to not agree on points and
14 approach it from an open-minded solutions-oriented
15 perspective.

16 As mentioned, we have a full agenda this evening
17 and limited time, so please, if possible, be as distinct
18 with your comments. And in addition to that, if you have
19 something you want to add to the discussion, it's okay to
20 say ditto, or duplicate so-and-so's comments in brevity.

21 And at this point, I would like to just briefly
22 close by saying your active participation is truly vital
23 to achieving the outcomes of tonight's meeting. And I, as
24 I mentioned, am here to support the discussion. And I
25 want to thank you for entrusting me to guide us through

1 tonight's meeting.

2 So we'll go ahead, at this time, and transition
3 to our presentation. I'd like to now introduce the two
4 CARB staff presentations. One will frame the work being
5 done with EJAC and the other will provide information on
6 the Low Carbon Fuel Standard rulemakings, including next
7 steps and milestones. And I will now hand it to Johnnie
8 Raymond and then Matt Botill.

9 (Thereupon a slide presentation).

10 OEJTB AIR POLLUTION SPECIALIST RAYMOND: Okay.
11 Thank you. Greetings. My name is Johnnie Raymond and I
12 am lead staff -- CARB lead staff and liaison to the AB 32
13 Environmental Justice Advisory Committee. I was lead
14 staff with the original EJAC back in 2007, and just
15 recently reassigned to work with the EJAC in may of this
16 year. So it's kind of a coming home for me to work with
17 my colleagues again on EJAC.

18 --o0o--

19 OEJTB AIR POLLUTION SPECIALIST RAYMOND: This
20 slides provide an outline of my presentation. First, I
21 will provide an EJAC background and summarize the charter
22 work. Next, I will cover the 2023 EJAC meeting schedule
23 followed by slides on CARB EJAC support.

24 --o0o--

25 OEJTB AIR POLLUTION SPECIALIST RAYMOND: When the

1 CARB and EJAC members, as well as provides accountability,
2 transparency, and outlines the working relationship as it
3 relates to governance for the ongoing EJAC.

4 --o0o--

5 OEJTB AIR POLLUTION SPECIALIST RAYMOND: In 2023,
6 EJAC has been busy. EJAC has met five times thus far. We
7 have today's joint meeting with a regular EJAC public
8 meeting tomorrow here in Sacramento. To round out the
9 year, we have two additional meetings tentatively planned
10 in October and November respectively.

11 --o0o--

12 OEJTB AIR POLLUTION SPECIALIST RAYMOND: We have
13 dedicated resources, people, and funding to work with EJAC
14 as part of our commitment to equity and environmental
15 justice. As you can see, CARB's budget for EJAC-related
16 activities spans across several CARB programs. CARB
17 support of the EJAC, as led by OEJTB, includes
18 contributions from six staff and managers at least part of
19 their time. Additionally, we rely on six points of
20 contact in key divisions throughout CARB to support EJAC.

21 --o0o--

22 OEJTB AIR POLLUTION SPECIALIST RAYMOND: CARB
23 will continue to support an ongoing EJAC. We look forward
24 to working collaboratively in developing priorities. We
25 anticipate EJAC will set priorities for 2024 and determine

1 key topics for focus for meetings next year.

2 CARB staff recently posted an online summary of
3 past EJAC meetings in 2021 to 2022 to support EJAC's
4 desire to analyze past recommendations and progress. The
5 goal will be to build on progress made in areas requiring
6 further focus as determined by EJAC.

7 The EJAC plans to have continued dialogue on
8 climate programs the LCFS, Cap-and-Trade, SB 905, and
9 natural and working lands. The 2024 EJAC meeting schedule
10 and plan is seen here. EJAC will keep to a minimum of
11 eight EJAC meetings plus the annual joint meeting with the
12 Board. Next year's joint meeting will be held on
13 September 12th, 2024. Please save the date.

14 This concludes my staff presentation. Thanks for
15 your time. I would now like to pass it back to Martine.

16 FACILITATOR WATKINS: Thank you. And I will pass
17 it right to Matt Botill for a presentation at this time.

18 (Thereupon a slide presentation).

19 ISD CHIEF BOTILL: Good afternoon, everybody. My
20 name is Matt Botill. I am the Industrial Strategies
21 Division Chief here at the California Air Resources Board
22 and I oversee the Low Carbon Fuel Standard program. It's
23 my pleasure to be here today to provide some more
24 information about the program and about our rulemaking
25 process.

1 Next slide, please.

2 --o0o--

3 ISD CHIEF BOTILL: You probably recall this slide
4 from the 2022 Scoping Plan process. And what it shows is
5 that California is the midst of a rapid transition to
6 cleaner fuels and carbon neutrality and that we have just
7 a short amount of time, just a little over 25 years, to
8 transition from today's significant fossil fuel usage to a
9 future that uses much cleaner fuels and technologies.

10 This slide helps to put the State's climate goals
11 into perspective and helps to illustrate our past success
12 as well as the challenge ahead of us. The graph shows
13 annual emissions from 2000 to 2020 and California's
14 statutory GHG emission reduction targets for 2020, 2030,
15 and now 2045.

16 Next slide, please.

17 --o0o--

18 ISD CHIEF BOTILL: Last year, the Board approved
19 the 2022 Scoping Plan update, which assessed progress to
20 the 2030 greenhouse gas target and charted a path to
21 achieving carbon neutrality by 2045. Many of the
22 strategies that we're using to address climate change and
23 achieve carbon neutrality are the same strategies that
24 will also drastically improve air quality. Because
25 transportation emissions, primarily from the use of fossil

1 fuels, are our single biggest source of greenhouse gas
2 emissions and poor air quality, we are working hard to
3 increase the number of zero-emission vehicles on the road
4 and deploy cleaner fuels. If we're successful in meeting
5 the clean fuel and vehicle goals identified in the Scoping
6 Plan, we expect we'll be able to reduce fossil fuel use by
7 94 percent by 2045.

8 And I want to emphasize this point, that even
9 with an unprecedented and rapid transition to
10 zero-emission vehicles and clean fuels, we'll still have
11 some remaining demand for liquid fuels in the
12 transportation system, given the legacy combustion
13 vehicles, aviation, and also potentially some off-road
14 vehicles that will continue to operate in the State into
15 the future.

16 The Board has already taken steps towards the
17 goals identified in the Scoping plan by adopting
18 regulations, such as Advanced Clean Cars II, Advanced
19 Clean Fleets, Advanced Clean Trucks, Innovative Clean
20 Transit, and others, that promote and hasten the
21 deployment of low- and zero-emission vehicle technologies.

22 The LCFS is part of that overall transportation
23 decarbonization story. It provides the economic
24 incentives to produce the cleaner fuels like electricity,
25 hydrogen, and biofuels needed to displace fossil fuels and

1 reduce transportation sector emissions.

2 --o0o--

3 ISD CHIEF BOTILL: The program has been in place
4 since 2011. And since its inception, it has helped to
5 reduce the carbon intensity of California's transportation
6 fuel by 12.6 percent. This carbon intensity metric is the
7 measure of how much CO2 and other greenhouse gases are
8 released per unit of fuel throughout the whole lifecycle
9 of that fuel from the production of the fuel to its end
10 use.

11 The LCFS ha supported the displacement of over 25
12 billion gallons of petroleum fuels with lower carbon
13 alternatives. In 2011, Californians were consuming almost
14 3.6 billion gallons of fossil diesel annually. By 2022,
15 that number had declined to almost two billion gallons of
16 fossil diesel. And in the first quarter of this year, we
17 past and important milestone, where over 50 percent of the
18 diesel used in the state came from non-fossil resources.

19 There's a similar story playing out on fossil
20 gasoline, where we've seen a drop of almost 900 million
21 gallons of annual fossil gasoline use. This has occurred
22 over a period where vehicle and economic activity has
23 continued to grow in California.

24 Without these alternative fuels, we risk
25 returning to higher levels of fossil fuel use and missing

1 out on the important climate and air quality benefits it
2 provides the state.

3 Next slide, please.

4 --o0o--

5 ISD CHIEF BOTILL: So I wanted to provide some
6 more general information on how the LCFS works on
7 displacing fossil fuels and reducing emissions. It works
8 by establishing an annual declining carbon intensity
9 target for transportation fuels used in California. It's
10 represented by those little dots and the black line on the
11 graph above. The lower carbon --

12 (Lights dimmed).

13 ISD CHIEF BOTILL: Setting the mood. Very good.

14 (Laughter).

15 ISD CHIEF BOTILL: The lower the carbon --
16 carbon -- lower carbon a fuel is, the more credits can be
17 generated in program per volume of fuel.

18 Entities with high carbon fuels generate deficits
19 and they need to purchase credits to comply with the
20 annual target. Each fuel that generates credits in a
21 program has to go through an evaluation by CARB staff and
22 a third party to validate the fuel is, in fact, low
23 carbon. This evaluation happens initially at the
24 application stage and on an ongoing basis after the fuel is
25 reported and the entity starts generating credits in the

1 generated a growing share of annual LCFS credits in the
2 last few years and is now the second largest credit
3 generator behind renewable diesel. And much of this
4 electricity is now zero carbon electricity from solar and
5 wind. Biomethane has also increased in volume over time
6 and successfully displaced almost all the fossil CNG
7 currently used in transportation in California.

8 --o0o--

9 ISD CHIEF BOTILL: Our team -- our LCFS team is
10 evaluating ways to update the regulation to help the State
11 reach its GHG reduction and carbon neutrality goals. To
12 take the next step in the rulemaking process, CARB staff
13 released the Standardized Regulatory Impact Assessment,
14 commonly referred to as the SRIA, just last Friday,
15 September 8th.

16 The SRIA is a preliminary evaluation of the
17 economic impacts of updating the LCFS and is one of the
18 required pre-rulemaking activities. It is not an actual
19 regulatory amendment proposal and updates to the LCFS will
20 not be complete until the Board adopts and OAL approves
21 updates to the LCFS.

22 For the next step in the process, staff is
23 planning to release a specific rulemaking proposal later
24 this year, evaluating the following key components:

25 First and foremost, increasing the stringency of

1 the program to keep the pressure on to reduce our
2 dependence on fossil fuels; next, strengthen the program's
3 equity provisions to promote investment in disadvantaged,
4 low income, and rural communities; supporting electric and
5 hydrogen truck refueling; strengthening our signal to
6 decarbonize jet fuel; incentivizing more production of
7 clean fuels needed in the future, such as low-carb
8 hydrogen; and supporting methane emission reductions and
9 deploying biomethane for best uses across transportation
10 and potentially other sources.

11 --o0o--

12 ISD CHIEF BOTILL: In preparation for the 45-day
13 proposal and to support the SRIA, our staff ran some
14 high-level scenarios to look at what LCFS updates may
15 result in. We're going to continue to iterate on these
16 scenarios as part of the 45-day proposal. But what I'm
17 showing here are the results of the scenario we modeled
18 targeting a 30 percent carbon intensity reduction by 2030
19 and a 90 percent carbon intensity reduction by 2045. This
20 scenario also reflects implementing the Advanced Clean
21 Cars II, Advanced Clean Trucks, and ACF Regulations
22 adopted by our Board. It gives a snapshot -- this chart
23 gives a snapshot of how this scenario would support the
24 continuing ramping of clean fuels to displace fossil fuels
25 over the coming decades.

1 Through 2045, staff expects the makeup and volume
2 of electricity and hydrogen used in ZEVs in the program
3 would significantly increase. You'll also notice that
4 biodiesel and renewable diesel are still likely needed --
5 are still likely to be needed for remaining internal
6 combustion engine trucks in 2045, although the vast
7 majority of credits will support zero-emission refueling.

8 Biomethane from various sources, such as
9 landfills and dairy operations are reflected on this chart
10 as well. If you look very, very closely -- it's hard to
11 see in the -- in the bright light, but the orange colors
12 on the graph represent the biomethane in 2024 and 2045.
13 This represents roughly seven percent of the total diesel
14 fuel volumes in 2024 and then declines to one percent by
15 2045 under staff's analysis. This reflects the broader
16 deployment of ZEVs that is occurring, as well as the
17 transition of RNG combustion out of the transportation
18 sector consistent at the policy direction in the 2022
19 Scoping Plan and the Board-adopted ACF Resolution.

20 The increase in hydrogen use by 2045 will be
21 primarily in hydrogen vehicles deployed in the medium- and
22 heavy-duty vector. And lastly, you'll notice an increase
23 in alternative jet fuel volume as we work to decarbonize
24 the aviation sector, which is another goal identified in
25 the Scoping Plan.

1 All things considered, this gives a sense of the
2 scale of this move away from fossil fuels, the majority of
3 support going to zero-emission technology and an ongoing
4 role for alternative low-carbon fuels as part of the
5 transition.

6 --o0o--

7 ISD CHIEF BOTILL: As we deploy clean fuels and
8 technologies, we'll see significant reductions in criteria
9 pollutant emissions, particularly in disadvantaged
10 communities and communities impacted by transportation.
11 This slide shows just the fuels side benefit that we
12 analyzed as part of the LCFS SRIA, but we know the
13 outcomes from both cleaner vehicle technologies and fuels
14 will result in great health benefits than shown here.

15 As part of the Scoping Plan process, we estimated
16 almost 200 billion in annual health savings from achieving
17 carbon neutrality. And in 2022, OEHHA released a report
18 showing some of the greatest beneficiaries of reduced
19 emissions, particularly from cutting diesel emissions from
20 trucks, are going to be communities of color and
21 disadvantaged communities.

22 --o0o--

23 ISD CHIEF BOTILL: As part of both the Scoping
24 Plan process and during individual regulatory items, the
25 Board has consistently commented on the importance of

1 increasing ZEV infrastructure deployment in California in
2 order to support the growing number of ZEVs called for by
3 our regulation -- our regulations. The LCFS has and will
4 continue to address the ZEV infrastructure buildout in
5 California.

6 Currently, the program provides credits for the
7 unused capacity of light-duty electricity or hydrogen
8 refueling stations, to encourage this new infrastructure
9 to be built while consumer demand increases across the
10 state. To date, the program has approved applications for
11 3,800 fast charging electricity supplies -- stations and
12 nearly 70 hydrogen stations. To help address the call for
13 more help on infrastructure by the Board and others,
14 particularly for the medium- and heavy-duty ZEV fueling,
15 CARB staff are considering two main concepts as part of
16 the upcoming rulemaking: first, a new infrastructure
17 crediting provision for medium- and heavy-duty refueling
18 for ZEVs, and second, an extension of the existing
19 light-duty vehicle provisions with a focus on equity
20 projects.

21 --o0o--

22 ISD CHIEF BOTILL: And while we haven't released
23 a formal staff proposal yet, we have already conducted
24 extensive engagement to inform the upcoming release. So
25 far, staff has held nine workshops and two community

1 meetings to gather input on potential amendments to the
2 program. I won't read all of the points here, but the
3 input has been valuable and informative to staff's
4 thinking on regulatory concepts. We know there's a lot of
5 opportunity with the LCFS and we want to send the right
6 signals to support the clean transportation future we
7 need.

8 --o0o--

9 ISD CHIEF BOTILL: And lastly on timing, we only
10 have about six years until 2030. And given the recent
11 influx of federal dollars for climate action and the
12 relatively long lead times that exist for building clean
13 fuel production, we want to make sure we're moving quickly
14 to update the LCFS and provide opportunities for that
15 federal money to flow to California.

16 Leveraging these federal dollars now means less
17 financial burden is placed on Californians in the future,
18 and so we're looking to make the regulation effective in
19 2024. To meet this goal, we plan to release the
20 regulatory proposal later this year and expect to bring
21 the LCFS proposed regulations to the Board for a vote in
22 the first quarter of 2024.

23 And with that, I'm done. I want to say thank you
24 for inviting me to speak today. I will look forward to
25 the dialogue and answering questions you may have.

1 FACILITATOR WATKINS: Thank you. I want to thank
2 you thank you for your presentation and notify the Board
3 that we will pause for questions after the next
4 presentation. So if you can please hold your questions,
5 at which time we'll pause and we'll acknowledge you first
6 at that time.

7 Okay. So now we'll go in -- ahead into our
8 presentation from our EJAC co-chairs on LCFS, including
9 resolution language with recommendations. So that will be
10 with our co-chairs Dr. Catherine on the LCFS
11 recommendations. Later and after the LCFS guest speaker,
12 we will hear from co-chairs presentation by Martha Dina
13 and John Kevin Jefferson, III on the Cap-and-Trade, Senate
14 Bill 905, and natural and working lands.

15 As a reminder about the flow, as mentioned, we
16 will pause for initial comments, reflections, or questions
17 after the EJAC co-chair presentation on LCFS and then turn
18 to our guest speaker Michael Wara on his presentation on
19 LCFS, and then back to the co-chairs for the remainder of
20 the presentation on Cap-and-Trade, SB 905, and natural and
21 working lands.

22 So at which time now, I would like to hand it off
23 to Dr. Catherine.

24 Excuse me, Martha Dina.

25 (Thereupon a slide presentation).

1 tapping into the immense knowledge that exists in
2 low-income communities. And so we take our job very
3 seriously. And for over the number of years that we have
4 been engaged, we have been asking for information that
5 would allow us to make those judgments, things like
6 adaptive management, and tools to actually make this
7 program agile and be able to make real-time changes when
8 things aren't working.

9 And so we take that very seriously. We're very
10 excited about being able to meet with the Board today and
11 engage on the Low Carbon Fuel Standard. And I -- you
12 know, also on many other issues that are going to come
13 before the regulatory process within the AB 32 context.
14 And with that, I'm going to hand it over -- oh, yes.

15 So next slide.

16 (Laughter).

17 --o0o--

18 MARTHA DINA ARGÜELLO: So I think with each of
19 the -- and I did not add the last Scoping Plan, because I
20 was gone when that happened and so somehow it's very foggy
21 in my head. Each time we've asked for a number of things,
22 and that is a full life-cycle assessment, health impact
23 assessments of the regulatory -- of the regulations that
24 are being promulgated through AB 32 and data, so that we
25 can actually evaluate the program. The program should be

1 evaluated not because programs are running well, but
2 because the air is getting better and eventually health is
3 getting better. And it's -- so we will continue to remind
4 CARB that it's the California Air Resources Board and it's
5 not -- the "C" does not stand for just for carbon. And I
6 think that that's a really important element to continue
7 to remember as we develop our regulations.

8 And the other is as we decide to innovate and
9 find solutions, we should find those that are actually
10 rooted and centered on justice, because AB 32 was never
11 rooted and centered on justice. We exist, our Committee
12 exists, because there was an acknowledgment of that. And
13 so as we move forward, we will certainly hold that very
14 close to our hearts that that is our job to ensure that
15 these programs do not have a negative impact. But also,
16 we want to be partners with you to figure out what a just
17 transition looks like, because no one has been able to
18 figure it out. And without that, we don't have a path
19 forward. And those just transitions should not rest on
20 expanding, and defending, and allowing the fossil fuel
21 industry to continue its infrastructure that is on the
22 backs, right?

23 And I've said this before, our communities are
24 the living embodiment of the externalities of the fossil
25 fuel industry. And we need public agencies that are

1 willing to start holding them accountable for the -- you
2 know, the uncalculable harm to the health of our
3 communities.

4 And so with that spirit, I want to hand it over
5 to Catherine.

6 DR. CATHERINE GAROUPA: Thank you, Martha Dina,
7 and good evening, Board members, Committee members, and
8 members of the public. My name is Catherine and I work
9 with the Central Valley Air Quality Coalition, or CVAQ for
10 short. As Martha Dina was just speaking to, one of my
11 goals in participating in EJAC is to ensure that the
12 State's climate strategies are not worsening air pollution
13 in the San Joaquin Valley, which is the most polluted air
14 basin in the United States for fine particles and one of
15 the most polluted for ozone, and also collectively to
16 strive for equity.

17 I've had the distinct pleasure of being the
18 Carbon Markets Work Group convener. And we started out as
19 the Cap-and-Trade Work Group. And about a year go, I'll
20 be honest, I was very reluctant when the Committee came to
21 us and said, oh, well, cap-and-trade and Low Carbon Fuel
22 Standard are both carbon markets. So could you please
23 combine them and take them both on, because I knew that
24 these were really big and important programs. And I've
25 seen firsthand how the Low Carbon Fuel Standard has

1 exacerbated air pollution problems in environmental
2 justice communities in the San Joaquin Valley. So I knew
3 that was not going to be a small undertaking.

4 What we're going to present to you and discuss
5 today is a critical survey that we conducted as a work
6 group and with our Committee members, as we made the
7 transition into being a permanent body. And so I really
8 want to appreciate the amount of work that we put in over
9 the last few months to help inform your decision making.
10 And I'm very proud of what we were able to accomplish in
11 such a short period of time.

12 I also recognize that California has incredible
13 significance as the fourth largest economy in the world,
14 and because we've positioned ourselves as leaders on
15 environmental issues. And programs like the Low Carbon
16 Fuel Standard absolutely have global implications. So
17 bearing in mind what we've seen just even over the last
18 few weeks in terms of floods, and fires, and droughts, are
19 we doing enough, are we moving fast enough as climate
20 impacts accelerate?

21 So again, this has been a huge undertaking and I
22 really want to thank the Carbon Markets Work Group team, a
23 whole bunch of other non-EJAC members and organizations
24 who also helped us with their technical expertise, and the
25 entire Environmental Justice Advisory Committee for

1 dedicating a significant amount of time to this in our
2 July and August meetings. We, as a Committee, have
3 leveraged tons of resources from our EJAC Committee
4 members, and from non-EJAC organizations, and outside
5 experts, and elevated important environmental justice
6 perspectives and implications to ensure that those are
7 meaningfully included.

8 We have also gotten support from Board Member
9 Kracov and the Chair. And I really want to appreciate and
10 apologize if I missed anyone, because when we're in
11 person, we actually can't see who's on the Zoom, but I
12 know that Board members Takvorian, Hurt, Balmes, and
13 Shaheen also sat in on parts of our EJAC meetings. And I
14 know that you all are very busy and working on a lot of
15 other things, and that there have also been a lot of CARB
16 staff who have listened in our meetings, and ISD staff,
17 Matt and Cheryl have made themselves available to us to
18 answer questions.

19 So as we mark this occasion of our first joint
20 meeting with EJAC being a permanent body, I really want to
21 acknowledge that we're at the beginning of a critical and
22 ongoing dialogue. And I appreciate the amount of time and
23 work that all parties have put into that.

24 I also want to underscore the ask from our
25 facilitator for decorum from public commenters today and

1 every meeting to focus on critiquing ideas and not people.
2 Personally attacks, name calling, and denying people's
3 lived realities should not be condoned, and that happened
4 to us in August EJAC meeting. I absolutely want to hear
5 from members of the public and engage in respectful and
6 professional dialogue.

7 So carbon markets is a complex and far-reaching
8 topic with a lot of implications. And our focus as EJAC
9 is on EJ communities that don't have the same resources as
10 industry. And we took an evidence-based approach in
11 developing the resolution that I'm going to start to walk
12 through now.

13 So next slide, please

14 --o0o--

15 DR. CATHERINE GAROUPA: As I've already
16 mentioned, we dedicated two meetings to having panel
17 discussions as the Environmental Justice Advisory
18 Committee. So I'm going to try to briefly highlight what
19 we learned during those meetings and weave in the points
20 of the eight-point resolution that we adopted that is in
21 front of you all today.

22 So in July and August, we had a lot of public
23 comments. We had a robust set of panelists and really
24 robust discussion as a Committee as well.

25 Next slide, please.

1 --o0o--

2 DR. CATHERINE GAROUPA: So we started with
3 orienting ourselves to the ultimate goal of the Low Carbon
4 Fuel Standard, which is to lower the carbon intensity of
5 fuels on our path towards electrification. So in theory
6 it's an elegant idea and then it becomes complicated by
7 human scientists thinking that we know exactly how to
8 measure everything. And so CARB staff assign a carbon
9 intensity to different types of fuels. And these scores
10 are important for guiding investment and sending market
11 signals.

12 The program no doubt generates significant
13 revenue for electrification. If I remember correctly, it
14 was something like \$4 billion last year alone, so I
15 understand that there is a lot of money involved in this
16 program. And overall, what we've found is that the
17 program does need recalibration to achieve our climate
18 goals and to address environmental justice concerns, and
19 that we can strive for win-win solutions. And I was glad
20 to already see some alignment today between our resolution
21 and what staff is recommending.

22 Next slide, please.

23 --o0o--

24 DR. CATHERINE GAROUPA: So from this -- the
25 theory that we started from, it's important to recognize

1 that according to CARB's own data where the credits have
2 been going towards has been heavily weighted towards
3 biofuels, recognizing that we're seeing that yellow slice
4 of the pie, electricity, starting to grow, which is
5 encouraging, but that also that hasn't necessarily been
6 the case over the history of the program.

7 Next slide, please.

8 --o0o--

9 DR. CATHERINE GAROUPA: So food for fuels is a
10 theory that a few decades ago was very popular but has not
11 panned out. And again, this is part of where we see
12 really significant global impacts in terms of things like
13 deforestation and waste by-products that are created in an
14 effort to create biofuels. Depending on the feedstock,
15 you'll have different kinds of impacts. So there's corn,
16 soy, and palm oil. I learned that corn's act -- corn
17 actually does something called corn sweat, which can
18 create a heat island effect when there are very large
19 plantations of corn. There are by-products that are
20 produced that create new waste streams. There's
21 overapplication of fertilizers. There are a lot of
22 implications when we consider the fuel life cycle of
23 biofuels.

24 So on the next slide, you'll see that --

25 --o0o--

1 DR. CATHERINE GAROUPA: -- two of the points for
2 our resolutions -- sorry, the next slide after that.

3 --o0o--

4 DR. CATHERINE GAROUPA: This is where I'm going
5 to start to weave in the points from the resolution that
6 we adopted. The first point being our ask to conduct and
7 incorporate a full life-cycle assessment of all air
8 pollution and greenhouse gas emissions for all of the
9 pathways in the Low Carbon Fuel Standard, with special
10 consideration for their implications for environmental
11 justice communities.

12 And then specifically about biofuels, crop-based
13 fuels, we recommend capping the use of lipid biofuels at
14 2020 levels until there can be an updated risk assessment
15 to determine a phaseout timeline for high-risk, crop-based
16 feedstocks based on just the very, again, brief summary of
17 some of the impacts that I just mentioned.

18 Next slide, please.

19 --o0o--

20 DR. CATHERINE GAROUPA: So confined animal
21 feeding operations, there's definitely a lot to say. I'm
22 going to comment on this, but I really wanted to start
23 this conversation with a brief overview from Carbon
24 Markets Work Group and fellow EJAC member Juan Florez with
25 Center on Race, Poverty, and the Environment who is on

1 Zoom.

2 JUAN FLORES: Thank you. (Inaudible)

3 MARTHA DINA ARGÜELLO: We can't here you.

4 DR. CATHERINE GAROUPA: Juan, we heard you start
5 to speak, but you're breaking up now.

6 Juan, we might be having issues hearing your Zoom
7 connection. If you don't have a strong internet signal,
8 you might want to try calling in the phone line, so that
9 we can hear you more clearly. So maybe what I'll do, so
10 you can do some tech troubleshooting in the background is
11 I'll make my comments on confined animal feeding
12 operations and then we'll come back to, Juan, and see if
13 your connection is stronger.

14 So confined animal feeding operations, or CAFOs
15 for short, unfortunately we have a lot of these in the San
16 valley. Roughly, half of the emissions are enteric and
17 they're unaddressed by something like a dairy digester.
18 So we're talking about cow farts and burps are letting out
19 a lot of emissions, not to mention things like truck trips
20 and other impacts from these large facilities.
21 Essentially, when you concentrate this number of animals
22 in that small of a space, you're producing waste streams
23 that are not sustainable for the local ecosystem and
24 you're negatively impacting local communities. And the
25 program as it currently exists is worsening the problem,

1 some of our panelist speakers about the unintended
2 consequences and missed opportunities of having such a
3 heavily weighted negative CI score for dairy biogas, so
4 much so that it's earning exponentially lower scores than
5 even electric vehicles, and wanted to acknowledge Phoebe
6 Seaton from Leadership Counsel for Justice and
7 Accountability for helping present this information to us,
8 who also reminded me that it was a large coalition of
9 groups that worked with her and helped her put this slide
10 deck together that she presented to us.

11 Next slide, please.

12 --o0o--

13 DR. CATHERINE GAROUPA: Her presentation also
14 called out that the way the program is currently designed,
15 one natural gas truck and three diesel trucks are getting
16 more credits than four electric trucks. So again, just
17 logically that's not the direction that we want to be
18 headed in.

19 Next slide, please.

20 --o0o--

21 DR. CATHERINE GAROUPA: So this is just a survey
22 of media coverage over the last year or so of this issue.
23 For people who want to learn more, I made sure that there
24 were live links that they -- that were clickable, because
25 again this is an incredibly complex and detailed-oriented

1 topic. So for people who are interested in learning more,
2 this is just a beginning -- a starting point for folks who
3 would like those resources.

4 Next slide, please.

5 --o0o--

6 DR. CATHERINE GAROUPA: So based on this
7 information, we adopted in our resolution these three
8 asks, conduct a full accounting of the emissions
9 associated with pathways that rely on the production of
10 fuel from livestock and dairy manure, eliminate avoided
11 methane credits effective January 1st, 2024, and limit
12 credit -- eliminate credit generation for pathways relying
13 on the production of fuel from livestock and dairy manure
14 for emissions reductions that otherwise would have
15 occurred or were legally or contractually required to
16 occur. And the numbering on there you'll notice is meant
17 to align with the original resolution, because I'm not
18 presenting them in order just for people who want to
19 track.

20 Next slide, please.

21 --o0o--

22 DR. CATHERINE GAROUPA: I'm not going to try to
23 summarize, because we have the benefit of having Michael
24 Wara here from Stanford who's going to present their
25 analysis of the EJ scenario. So mainly again wanted to

1 thank him for his analysis and underscore the fact that
2 there is the opportunity for a win-win in improving the
3 program and achieving equity goals.

4 For the next couple of slides, I'm going to pass
5 it back to Martha Dina to talk about aviation and marine
6 fuels.

7 MARTHA DINA ARGÜELLO: One of the things that
8 emerged through our engagement was that marine, aviation
9 fuels were left out. We were able to include that in our
10 recommendation and -- yeah, next slide.

11 --o0o--

12 MARTHA DINA ARGÜELLO: So this a sector that is
13 often ignored. It's an incredibly polluting sector.
14 We've been hearing from workers who are working in the
15 airports near the planes and listening to their stories
16 around the health impacts. And so we're really happy to
17 see that CARB wants to take on aviation and marine fuels,
18 whether you live near the airport or you live near the
19 ports, you understand what it means to have, you know,
20 that level of air pollution literally falling from the sky
21 on you. And then, you know, certainly throughout the
22 ports in California, Los Angeles, Wilmington, we've got to
23 do better. And so we're very excited.

24 Next slide.

25 --o0o--

1 MARTHA DINA ARGÜELLO: We're glad that you're
2 considering the inclusion of interstate jet fuel and
3 marine fuels as a deficit generator and providing the
4 analysis for this option as part of the Low Carbon Fuel
5 Standard.

6 Next slide.

7 --o0o--

8 DR. CATHERINE GAROUPA: Thank you, Martha Dina.
9 So one topic that I wanted to highlight, that again is one
10 that we did not adopt specific recommendations about in
11 our resolution, but we heard from Adam Browning of Forum
12 Mobility about equity issues. Specifically in his case,
13 he was talking about owner/operator drayage truck drivers
14 that do short trips to and from ports, that there are
15 equity issues in terms of them being able to afford the
16 upfront costs of trucks and also considerations in terms
17 of infrastructure. Once you have to rely on being able to
18 charge your truck what proximity those should be in and
19 ensuring that there's reliable infrastructure in order to
20 get these small independent owner/operators into these
21 trucks.

22 So this is an area that we would encourage
23 continued investigation and discussion, because we know
24 that there are still also equity issues in terms of the
25 costs of trucks and the need for charging infrastructure.

1 So definitely an area worthy of more attention.

2 Next slide, please.

3 --o0o--

4 DR. CATHERINE GAROUPA: And we're rounding it out
5 here with the last two components of our resolution
6 prohibiting enhanced oil recovery as an eligible
7 sequestration method and not issuing LCFS credits for
8 carbon removal projects such as direct air capture.

9 If the theory of direct air capture and carbon
10 removal is that we're trying to address legacy emissions,
11 it makes no sense then to use them as credit generators,
12 because then you're negating the fact that it's actually
13 carbon removal and you're just making everything equal and
14 equivalent, when clearly we need to reduce carbon
15 emissions more and faster. And as we've discussed, we
16 can't just solely focus on carbon.

17 So overall, the Low Carbon Fuel Standard Program
18 must be realigned to achieve its original intent and to
19 ensure environmental justice dairy digesters are a bad
20 investment and Band-Aid that obscures the numerous other
21 impacts of confined animal feeding operations. Regulating
22 methane from dairies is possible in other ways and we
23 would encourage CARB to do a better job of collecting data
24 and calibrating your models.

25 Fuels derived from food are not just -- were

1 sustainable. Issuing credits for carbon removal, like
2 direct air capture, would neutralize a project's ability
3 to result in negative carbon emissions, which again is the
4 espoused goal. And we particularly also want to pay
5 attention to the cost to low-income households via the gas
6 tax to make sure that it's not disproportionately
7 following on -- falling on low-income folks who have to
8 rely on an old dirty gas-guzzling car, because it's the
9 only way that they can get to services in a
10 transit-starved region like the San Joaquin Valley.

11 Last slide, please.

12 --o0o--

13 DR. CATHERINE GAROUPA: And this is the entire
14 resolution altogether again. Board members and Committee
15 members, you should have this in your packet to be able to
16 look at. In a few minutes, we will hear from Michael Wara
17 with Stanford about his analysis of the EJ scenario. At
18 this point, we did want to pause for additions from EJAC
19 members and any quick comments, questions, or responses
20 from the Board.

21 Maybe if I can ping just one last time if we can
22 try Juan with CRPE. Juan, if your are Zoom is working
23 now, if you want to speak.

24 BOARD CLERK MOORE: Excuse me. This is John
25 Moore, the Board Clerk. It looks like Juan Flores is no

1 longer on the call.

2 DR. CATHERINE GAROUPA: Okay. Well, let's open
3 it up to EJAC and Board members then.

4 FACILITATOR WATKINS: Thank you. And I want to
5 acknowledge, we have Sharifa Taylor with a question.

6 SHARIFA TAYLOR: It was a question for Matt, but
7 it's not related to what they were just talking about, so
8 I could wait till we do questions or is this that time?

9 FACILITATOR WATKINS: This is the time. We're
10 just going to briefly pause for some questions, comments,
11 or reflections knowing that we'll have the joint
12 discussion after Michael Wara's presentation, which is
13 coming up next.

14 SHARIFA TAYLOR: So this is actually time for
15 questions is what you're saying.

16 FACILITATOR WATKINS: Yes.

17 SHARIFA TAYLOR: Okay. Got it.

18 FACILITATOR WATKINS: Thank you.

19 SHARIFA TAYLOR: Sorry. I just wasn't sure.

20 Okay. So, yeah -- so thanks for presenting. It
21 was just more of could you repeat your -- the notes that
22 you were saying at the beginning of slide 7, because you
23 ran through them a smidge fast and I just wanted to make
24 sure I caught everything you were saying, especially
25 because you said something about either OAL or AOL, I

1 don't know. And I don't exactly know what that was, so I
2 wanted to capture all of what you were saying. I don't
3 know.

4 Yeah. Sorry. Yeah, that slide, but I didn't
5 know what you were saying for that slide, so I wanted to
6 hear it again. Thanks.

7 ISD CHIEF BOTILL: Sure. So OAL is the Office of
8 Administrative Law.

9 SHARIFA TAYLOR: Got it.

10 ISD CHIEF BOTILL: And after the Board votes on a
11 rulemaking proposal, if there are no more conforming
12 changes to the proposal, we compile the final regulatory
13 package and we send it to the Office of Administrative
14 Law. They review it and we hope approve it for entrance
15 into the Code of Regulations. And that becomes effective
16 with an approval date of an effective date. So they're a
17 final step in the rulemaking process. And I'm sure I've
18 got a band of lawyers over here that are willing to
19 correct me. That sums it up.

20 SHARIFA TAYLOR: Okay. So that's helpful too,
21 but I also wanted the rest of your notes from the -- when
22 you started that slide, because I didn't know what you
23 said.

24 ISD CHIEF BOTILL: Are you interested in like
25 timing and next steps or the general concepts that we're

1 now putting forward for the rulemaking proposal or both.

2 You want me to just read the whole slide notes again?

3 SHARIFA TAYLOR: I want you to start from the
4 beginning --

5 ISD CHIEF BOTILL: Sure.

6 SHARIFA TAYLOR: -- and then I guess you could
7 stop before the end. Sorry.

8 ISD CHIEF BOTILL: All right. So I'll start with
9 the process about the SRIA, or the standardized regulatory
10 impact assessment. That is what we released on Friday,
11 September 8th. And to reiterate, the SRIA, it's a
12 preliminary evaluation of the economic impacts of updating
13 the LCFS. And it's one of the required pre-rulemaking
14 documents. So it's something that we have to do early in
15 the process to look at economic impacts in a potential
16 regulatory update. It is not the actual regulatory
17 proposal. It's an evaluation. And that's the point that
18 I was making with respect to the rulemaking proposal.
19 It's coming out later this year and then we bring that
20 forward for a comment period. We have to do at least
21 45-day comment period, and then to the Board for a vote,
22 and then ultimately submittal to OAL. Those are some of
23 the major steps in the process.

24 And then the bullets that we have here on the
25 slide, these are the ones that I read. And these are some

1 of the key concepts that we are pursuing as part of the
2 rulemaking process, the updates.

3 SHARIFA TAYLOR: So I have a follow-up question
4 about what you said about the SRIA. So when you were
5 saying that it's an evaluation type document, who is
6 evaluating it? You guys are internally evaluating your --
7 the Low Carbon Fuel Standard yourself?

8 ISD CHIEF BOTILL: Good questions. No, we have
9 to submit it to the Department of Finance. By statute,
10 it's a document that we develop, we do this economic
11 analysis, and then we submit it to the Department of
12 Finance and they review it. And it is required when you
13 have a regulation that has a major economic impact, and
14 that's defined as over \$50 million or more in terms of
15 economic impact. And the LCFS, it is over that limit.

16 SHARIFA TAYLOR: And that's just for the State.
17 That's not like within CARB.

18 ISD CHIEF BOTILL: Any regulation, yeah, that has
19 that size of an economic impact.

20 SHARIFA TAYLOR: Okay. And then what did you say
21 after you explained what a SRIA was?

22 ISD CHIEF BOTILL: That it's not a formal
23 rulemaking proposal.

24 SHARIFA TAYLOR: I remember that --

25 ISD CHIEF BOTILL: Okay.

1 SHARIFA TAYLOR: -- because, yeah, that's why you
2 explained why. It was in evaluation and it was
3 pre-rulemaking. Yeah. So then you said you're like, oh,
4 here are the bullets and I'm not going to read that again,
5 and then what did you say?

6 ISD CHIEF BOTILL: So these bullets on the slide
7 are the concepts that we're pursuing as part of the
8 rulemaking efforts. So these are the broad themes of the
9 regulatory updates that we're pursuing

10 SHARIFA TAYLOR: Okay. Cool. Thanks.

11 FACILITATOR WATKINS: Thank you. We have a
12 question here from Kevin. Thank you.

13 KEVIN HAMILTON: Good afternoon. Kevin Hamilton
14 from Central California Asthma Collaborative. Thank you
15 for the presentation both Matt and EJAC co-chairs. A
16 couple of questions for Matt. You had talked about
17 kicking on the 45-day rule. What -- when were you calling
18 for that to start?

19 ISD CHIEF BOTILL: So that would be the proposed
20 regulatory text and the staff report that support the
21 proposed regulatory text. We have to release it for at
22 least a 45-day comment period.

23 KEVIN HAMILTON: Right. Like I said, when you --
24 I understand that.

25 ISD CHIEF BOTILL: I just wanted -- I just wanted

1 to clarify the title there.

2 KEVIN HAMILTON: Yeah, got it. A date for that
3 to --

4 ISD CHIEF BOTILL: Later this year.
5 (Laughter).

6 ISD CHIEF BOTILL: So we have -- again by
7 Department of Finance rules, they have 60 days with the
8 SRIA before we can release a Notice of Proposed Action and
9 a rulemaking proposal. So it can't come any sooner than
10 60 days from September 8th, if that makes sense?

11 KEVIN HAMILTON: No, it does and I'm familiar
12 with that timeline as well, but I'm more interested in the
13 date that you are proposing for the Board to take it for
14 regulatory action in January and the time that folks like
15 me and others who are at this table or not at this table
16 will have to review both the SRIA, 175 pages of highly
17 technical document. Great document for those us who love
18 this kind of stuff, but still taking it apart, you know,
19 is good for a month or so worth of action.

20 And then the staff report is doubtless going to
21 be more robust and, you know, we're going to need some
22 time for that. So I think January is pretty ambitious at
23 this point would be my opinion on that. I'm not asking
24 you to answer that. I'm just making a statement.

25 I do have a question regarding, you know, this

1 idea of cost or benefits coming up at \$2 billion across
2 this period, according to your table. And that has been
3 verified. You're -- so you feed DOF the information and
4 then they evaluate. Do you actually give them numbers?
5 You know, I never knew that. Do they come up with the
6 numbers or do you do and then they check the numbers based
7 on your work?

8 ISD CHIEF BOTILL: So the economic evaluations
9 that we put in the SRIA are done by CARB staff and we
10 compile that information and provide it to Department of
11 Finance.

12 KEVIN HAMILTON: And so the last thing, and I'll
13 drop this - well, kind of - is, you know, the anchor for
14 this whole thing is your carbon intensity, right? I mean,
15 that really is the basis for getting access to the
16 program, continuing to be part of the program. Would that
17 be a correct statement?

18 ISD CHIEF BOTILL: In terms of if you're a fuel
19 producer? I'm sorry, I missed the --

20 KEVIN HAMILTON: Yeah. If you want to
21 participate in this program, you have to produce a product
22 that meets the standard you've set, which is a negative --
23 I mean, a rapidly decreasing carbon intensity, which
24 hopefully drops into the negative, but at this point it's
25 still a little bit in the positive.

1 ISD CHIEF BOTILL: So there are parties that are
2 mandated by regulation to be in and those are the fossil
3 fuel providers, gasoline, diesel, predominantly. They
4 produce deficits, so they are in the program by
5 regulation. The fuel producers that provide alternative
6 fuels that have lower carbon intensities than the
7 benchmark voluntarily participate. And in order to
8 participate, they subject themselves to the regulatory
9 requirements, which include a thorough evaluation of
10 CARB -- by CARB staff of the carbon intensity of their
11 particular fuels.

12 KEVIN HAMILTON: So again, without that, you
13 aren't in program, right?

14 ISD CHIEF BOTILL: Right. Yeah, you can't do
15 credits under the LCFS unless you go through our
16 evaluation.

17 KEVIN HAMILTON: We kind of walked around that,
18 but we're in the same place here, I believe.

19 So given that, the last time again my reading of
20 the current work and maybe the -- that will be updated in
21 the CARB staff report, will be an updating of the
22 underlying formulas that you use called GREET, which is
23 kind of an entertaining name acronym, right? I don't know
24 who came up with that, but that was pretty good. And that
25 is based on a lot of assumptions that came out of, some in

1 the nineties, most in the aughts, and hasn't really been
2 updated over time to account for an add-in actual data
3 that we have to replace those assumptions. Would you
4 agree with that statement or would you say that's
5 incorrect?

6 ISD CHIEF BOTILL: No, we work really closely
7 with Argonne National Lab who develops the GREET model.
8 It's on its fourth iteration now and it gets routinely
9 updated as part of the program and we incorporate the
10 updated versions into the program.

11 KEVIN HAMILTON: Was the last update I believe
12 2016-17.

13 ISD CHIEF BOTILL: I'd have to check the dates,
14 but it has been updated since then to --

15 KEVIN HAMILTON: It's within your literature,
16 right, so I'm assuming that's correct, so --

17 ISD CHIEF BOTILL: Yeah.

18 KEVIN HAMILTON: -- working on close to, anyway,
19 seven or eight years out of date at this point.

20 ISD CHIEF BOTILL: And --

21 KEVIN HAMILTON: -- and do you update the entire
22 form base -- and use, you know, existing actual literature
23 on sort of what goes into it -- not sort of, but what goes
24 into it?

25 ISD CHIEF BOTILL: So we do plan to update -- and

1 I'm just getting a message from the staff. 2018 I think
2 is the most recent version of GREET 3 -- or the version
3 GREET 3.0 that is currently in the regulation and we do
4 intend to update it to GREET 4.0, which is more recent.
5 And my understanding of that process includes looking at
6 revised emission factors and information from the
7 scientific literature to be able to have updated
8 life-cycle analyses associated the greenhouse gases coming
9 from the transport, production, and use of fuel.

10 KEVIN HAMILTON: Yeah, I think --

11 CHAIR RANDOLPH: Can I interrupt. Sorry, Kevin.
12 Can I interrupt for two seconds. I was just wondering if
13 maybe we could -- for the benefit of the Board members who
14 haven't been to as many EJAC meetings --

15 KEVIN HAMILTON: Oh, sorry.

16 CHAIR RANDOLPH: -- and the carbon intensity
17 score and then back to you.

18 KEVIN HAMILTON: That would be great.

19 CHAIR RANDOLPH: All right. Go ahead, Matt.

20 KEVIN HAMILTON: So sorry. Been living in this
21 too long now.

22 (Laughter).

23 ISD CHIEF BOTILL: Yeah. Sure. So I touched on
24 this briefly in my presentation, but the carbon intensity
25 values that we assign to fuels that are being credited

1 under the program are developed using a life-cycle
2 analysis approach, which means CARB staff worked with the
3 fuel producers to understand the greenhouse gas emissions
4 that come from every stage of the fuel production process,
5 from initial feedstock generation, feedstock transport,
6 fuel production, and tailpipe emissions from use of that
7 particular fuel.

8 The GREET model is a model developed by one of
9 our national labs. It's been in use for, I think, over a
10 decade now. It's been updated multiple times. And that
11 model gives us information about the emissions for each
12 one of these stages of the fuel production process for
13 various different fuel types, so that we can estimate the
14 emissions impact of an individual fuel. There are other
15 ways to also have updated emissions and carbon intensity
16 values associated with each fuel as we have what's called
17 a Tier 2 evaluation process that gets really deep into A
18 specific fuel production process and it's individual
19 carbon intensities, and that sometimes requires
20 documentation from the fuel producers about energy
21 consumption, specific trip distances, specific feedstock
22 types. You know, it gets very bespoke and sometimes that
23 means adjustments to then what was done as part of the
24 GREET process.

25 So we have both of those options to be able to

1 get a very refined estimate of the carbon intensity of any
2 individual fuel that's coming into California.

3 KEVIN HAMILTON: It's very cool actually, but let
4 me just briefly ask one more thing, John, before you slip
5 in there. Oh, it's an interesting piece of calculus that
6 if I hadn't taken the class in college, I couldn't even
7 read, and I don't -- I couldn't do it, but I at least can
8 kind of get through it, but I -- and it relies on a --
9 quite a number of assumptions. So the example that I was
10 working through was a source of gas from lamb production
11 in New York and New Jersey that's transported to Ontario,
12 California via diesel truck and then harvested for
13 hydrogen.

14 And I was trying to figure out how that could
15 be -- have a negative carbon intensity. And I brought
16 this up in the public meeting and staff are going to get
17 into it, but I hadn't had a chance to get back with them
18 yet. But if that model actually suggested that has a
19 negative carbon intensity somehow -- and I couldn't figure
20 out what happened to the hydrogen at the other end by the
21 way or what they did with the carbon, but that they pulled
22 off it. So -- and that's just my lack of education at
23 that point, right? So I do need to meet with you guys.

24 But I -- when I look at that kind of thing, you
25 really have to wonder does this make sense, right? How

1 does it account for the fuel stops along the way in
2 different states with different regs about how oil is
3 actually harvested and then diesel fuel is created and was
4 transported to wherever they loaded it onto their trucks
5 and how can this model actually account for all of those
6 things in detail without making a lot of general
7 assumptions and, you know, where are those based on.

8 And so the idea of updating it and then being
9 really transparent about how it was built to me is
10 critical, because without that, you're not in this
11 program. So it really is -- and then when you see one of
12 the outliers, if you're doing studies - and John I think
13 can attest to this and others - where you have an outlier
14 like the dairy biogas that is so huge, hugely different
15 than anybody else, it makes you kind of question.

16 So what I note with the others is everybody is
17 in. Everybody that feeds that in the -- in the landfill
18 group from the -- where those trucks pick up garbage on
19 your curb and before that, that's all brought into their
20 formula. But as far as I can tell for livestock
21 especially, it's only the digester that's counted, not
22 what happens before the digester, in other words, what
23 happens on the lamb farm, what happens on the dairy farm,
24 whatever you're farming, goats, I don't give a damn what
25 it is, but it's producing this gas that's actually ending

1 up in these digesters.

2 So that's kind of problematic to me. And I
3 haven't had anybody actually adequately explain that.

4 ISD CHIEF BOTILL: Sure. So --

5 KEVIN HAMILTON: This meeting may not be the
6 place for it, but that's my concern.

7 ISD CHIEF BOTILL: There -- I think you did bring
8 it up --

9 KEVIN HAMILTON: Sorry to take so long.

10 ISD CHIEF BOTILL: -- at the August or the July
11 meeting. And I do want to say one thing that to our
12 knowledge, there isn't a fuel producer that is trucking
13 CNG from the east coast to California.

14 KEVIN HAMILTON: I pulled it from you --

15 ISD CHIEF BOTILL: Well --

16 KEVIN HAMILTON: -- from your permit records and
17 your records -- I shared it with you guys at that -- at
18 that public meeting.

19 ISD CHIEF BOTILL: The trip distances associated
20 with that would make it very uneconomical and the carbon
21 intensity would be high, because we do look at transport
22 mode and distance as part of the carbon intensity
23 evaluation. What may be happening is an injection of
24 biomethane into the pipeline in different a state. And if
25 that's the case, then what we look at is the energy needed

1 to compress and inject that biomethane into the pipeline.
2 And then the GREET model picks up the energy needed to
3 transport it to the pipeline.

4 KEVIN HAMILTON: But you don't look at how it was
5 created to begin with --

6 ISD CHIEF BOTILL: We do --

7 KEVIN HAMILTON: -- and the process for that --

8 ISD CHIEF BOTILL: So for --

9 KEVIN HAMILTON: -- and the emissions associated
10 with that.

11 ISD CHIEF BOTILL: For biomethane, we -- if it's
12 come from a waste-based resource, we look at what energy
13 is needed to capture that biomethane, process it,
14 potentially clean it up, pressurize it, and inject it into
15 a pipeline or use it in a transportation fuel. So
16 hopefully that --

17 KEVIN HAMILTON: So no, because --

18 FACILITATOR WATKINS: If I -- if I may interject
19 briefly. We a couple more clarifying questions. We're
20 running a little bit behind here at this point, but we
21 will have time for the joint discussion to have further
22 discussion. So if we have additional questions before our
23 presentation and joint discussion, we'll go ahead and look
24 to Diane at this time, please.

25 CHAIR RANDOLPH: Matt, could you just walk him

1 through the acronym really quick. What does it stand for?

2 ISD CHIEF BOTILL: GREET -- and actually, I don't
3 know what it stands for.

4 (Laughter).

5 ISD CHIEF BOTILL: G-R-E-E-T, yeah. It's been a
6 long time since I've actually looked at what is -- what it
7 stands for, yeah.

8 FACILITATOR WATKINS: Diane, please.

9 BOARD MEMBER TAKVORIAN: Are we read? Okay.

10 So I think that the conversation that Kevin has
11 started, that's not -- I have a lot of substantive
12 questions, but I kind of wanted to, one, acknowledge an
13 express gratitude for the EJAC and all of the work that
14 you all have done to get us here. And it's clear that the
15 LCFS has huge environmental justice implications. And
16 that it's something that the EJAC should be and is looking
17 at very seriously and deeply. So I really look forward to
18 that conversation as we look at what the impacts are.

19 I want to ensure -- so maybe this is more of a
20 comment than a question, that each of these nine
21 recommendations will be specifically responded to and that
22 we will have, as a Board, the opportunity to see those
23 responses, discuss those responses with staff and with the
24 EJAC again. I am a survivor of multiple Scoping Plans and
25 I feel like oftentimes all of this work and the

1 recommendations don't get the serious consideration that
2 they need. And it's clear that the EJAC has done a ton of
3 work to get these nine recommendations to be quite
4 specific. And I think, as a Board, my view is that they
5 deserve -- they the EJAC and they the recommendations
6 deserve very specific responses.

7 So I'm looking for not having a series of
8 conversations like the one that Kevin just had, not -- I
9 want to have those conversations, but I want them within
10 the context of how we're responding to each of those
11 requests. So it's more of a process question. And if
12 that's happening today, that would be lovely. I don't
13 think that's true. But when will that happen? Because I
14 really am not open to having a multiple hour conversation
15 where we talk all around this stuff and then there isn't a
16 specific set of responses that the Board can arrive at in
17 terms of a conclusion about these -- about these
18 recommendations. So I just feel like I want to know where
19 we're going when we start the trip. So that's where I am.

20 (Laughter).

21 FACILITATOR WATKINS: Thank you.

22 In the interests of time what we'll do is we'll
23 move forward with the presentation and note that we have a
24 hand raised here in the room and then also we'll check
25 with any individuals on Zoom after the presentation as we

1 enter into the joint discussion.

2 So we'll go ahead at this time transition now to
3 our presentation from Michael Wara.

4 BOARD MEMBER TAKVORIAN: And then will we get the
5 answer to that question?

6 FACILITATOR WATKINS: Possibly.

7 CHAIR RANDOLPH: Yes. Yeah, We can have --

8 BOARD MEMBER TAKVORIAN: All right.

9 CHAIR RANDOLPH: After the presentation and as
10 part of the joint discussion, I imagine there will
11 probably be a few process questions that come up, and so
12 at some point, we'll kick it to our Executive Officer who
13 can kind of share the conversation.

14 FACILITATOR WATKINS: Thank you. All right.

15 (Thereupon a slide presentation).

16 FACILITATOR WATKINS: So we'll now hear from
17 Michael Wara.

18 DR. MICHAEL WARA: All right. Can everyone hear
19 me? I hope so. My name is Michael Wara and I work at
20 Stanford University's Woods Institute for the Environment,
21 where I direct the Climate and Energy Policy Program. We
22 teach a class called Energy Justice in the Energy
23 Transition, and were asked by members of the environmental
24 justice community to simulate what we'll call the EJ
25 scenario for this presentation -- for the presentation.

1 I'll describe it more in detail later, but I just want to
2 acknowledge the team that worked on this. This is very
3 much a team effort and I'm so proud of all the work that
4 everyone contributed, post-docs, grad students,
5 undergraduates to the effort.

6 Next slide, please.

7 --o0o--

8 DR. MICHAEL WARA: Actually, just say in addition
9 that these are -- what I'm going to say tonight are --
10 reflect my personal views not those of Stanford University
11 or the Woods Institute for the Environment.

12 Next slide, please.

13 --o0o--

14 DR. MICHAEL WARA: So a little bit of context
15 setting. The CATS model, which we utilized is a model
16 that's been developed by ARB actually by Dr. Botill, I
17 believe. And it evaluates likely future transportation
18 fuel mix incentivized under the LCFS and basically by
19 finding the least cost solution to meet fuel demand in any
20 given year given a greenhouse gas constraint.

21 That can lead to incentives for alternate --
22 alternative fuels that potentially have local impacts to
23 EJ communities and also if the input data for the -- in
24 particular -- especially for assumptions regarding carbon
25 intensities are inaccurate can have potentially

1 problematic greenhouse gas implications as well. We
2 modeled -- but it's -- but it's the model we have. It's
3 the model ARB uses to Simulate Scenarios. And so we
4 really made an effort to work with ARB's tool and to try
5 to simulate a scenario that reflected two of the key asks
6 that are reflected in the set of principles that Dr.
7 Catherine articulated.

8 For our modeling work, we assumed a tightening of
9 the cap to 30 percent from 20 percent in 2030, which is
10 something that ARB has said that they're interested in
11 pursuing. That's part of their -- the work that -- also
12 that they modeled and we made two additional changes. We
13 ended avoided methane crediting immediately. And I should
14 just be clear, we don't end avoided methane crediting at
15 confined animal feeding operations, but we basically raise
16 the CI, the carbon intensity, to a level that is
17 equivalent -- roughly equivalent to what landfills get,
18 about 40 as opposed to minus 400 or so.

19 We also imposed a cap on biofuel crop feedstocks.
20 And in addition, we -- as many of folks may know, there's
21 a very large accumulated bank of credits. And in the ARB
22 modeling, at least the modeling that we had at the time we
23 did this work, the credits were never used. Those credits
24 result when reductions exceed, you know, supply credits to
25 the market exceed the demand for credits due to the

1 target. And we spend those banked credits in our
2 modeling. ARB maintains the bank throughout.

3 Next slide, please.

4 --o0o--

5 DR. MICHAEL WARA: So we have focused on model
6 outputs through 2030, rather than looking out to 2045.
7 The reason for that is that partly -- and I should -- I
8 should say substantially as a result of all of the efforts
9 that the Air Resources Board has put into via other
10 rulemakings, like the ones that Dr. Botill mentioned. You
11 know, the energy -- the transportation sector is in a
12 rapid -- place of rapid change, and looking out much
13 further than a decade, we think - and I'll emphasize that,
14 this is our view - starts to get pretty speculative. And
15 so we focused on kind of the nearer term and tried to
16 understand what the impact of changes would be over the
17 next decade or so. And with a focus on the SB 32 target
18 rather than the 2045 target.

19 We also took a careful look at ARB's assumptions
20 used in the model, right? Models are only as good -- this
21 kind of model is only as good as the assumptions. And we
22 found that in the early modeling work that ARB had done,
23 the assumptions were out of date in important ways. Most
24 significantly that the model assumptions did not really
25 incorporate all the hard work that ARB has been doing to

1 drive transformation in the electricity sector, as was
2 mentioned, especially Advanced Clean Cars II, Advanced
3 Clean Trucks, and Advanced Clean Fleets. ARB subsequently
4 has updated their own assumptions. And we've taken a
5 quick look at this. We haven't updated our modeling work,
6 but their updated assumptions largely match our -- what
7 I'd call our preliminary update. But we -- like I said,
8 we haven't updated our modeling work.

9 Next slide, please.

10 --o0o--

11 DR. MICHAEL WARA: So just a quick discussion of
12 the policy adjustments we made. As I mentioned, we
13 modified the avoided methane crediting from somewhere
14 between minus 300 and minus 450, depending on the end use,
15 to 40 in the model. This, you know, subsidizes -- this is
16 an important subsidy to confined animal feeding
17 operations. And many of the applications of the methane
18 that is produced from CAFOs are in hydrogen. And it
19 subsidizes the use of existing refinery steam methane
20 reformer capacity, rather than creating an incentive for
21 green hydrogen, which would be a zero on this chart.

22 Next slide, please.

23 --o0o--

24 DR. MICHAEL WARA: We also limited biofuel
25 feedstocks by imposing a cap at roughly the current level

1 of usage, 1.2 million diesel gallon equivalents. CARB has
2 previous suggested that virgin oils as a source of
3 biofuels is a real -- real and growing concern and we
4 agree. Additional -- you know, we think that an
5 additional 500,000 acres of land would be needed under the
6 baseline relative to our EJ scenario. And that land is
7 likely to come from places like the Amazon where there's
8 available land, where forests can be cut or burned and
9 then soy can be planted.

10 It's our view that this sort of a cap is
11 appropriate, especially given that indoor land use change
12 is not being -- is not being reconsidered as a part of
13 this rulemaking.

14 Next slide, please.

15 --o0o--

16 DR. MICHAEL WARREN: What do we find? With updated
17 assumptions, what we find broadly is that the EJ scenario
18 essentially, essentially a scenario that incorporates
19 these two ideas from -- that are -- that are -- that the
20 EJAC has proposed create reasonable credit prices and
21 consistency with CARB priorities, in particular, the
22 baseline credit prices are below \$200 in our modeling and
23 the EJ subsidies are modestly -- maybe substantially
24 increased.

25 And I think that's consistent with the broad

1 direction that CARB is taking in its other policymaking
2 with respect to transportation.

3 Next slide, please.

4 --o0o--

5 DR. MICHAEL WARA: In addition, the EJ scenario
6 has some positive impacts on local impact -- local
7 environmental impacts, in particular less biofuel
8 production, reduced -- which would imply reduced refinery
9 air pollution at refineries in California that are
10 producing biofuels, and lower volumes of dairy gas that
11 would imply, you know, less -- you know, potentially
12 reduced incentives for concentration within the dairy
13 industry.

14 Next slide, please.

15 --o0o--

16 DR. MICHAEL WARA: So another -- a key finding,
17 you know, we think is that this scenario may avoid
18 unintended impacts. It's going to reduce land conversion
19 emissions, forests to farms, for crop-based biofuels.
20 It's going to reduce the use of liquid biofuels that emit
21 local air pollutants in EJ communities. It's going to
22 reduce the use of hydrogen produced existing steam methane
23 reformers that emit local air pollutants. And I think
24 this is important to keep in mind, it's going to focus the
25 LCFS subsidy in areas that are likely to produce long-run

1 transportation of the transportation sector, including
2 electrification and electrolytic hydrogen as opposed to,
3 you know, gray hydrogen that's paired with methane credit
4 from a CAFO.

5 Next slide, please.

6 --o0o--

7 DR. MICHAEL WARAR: Another finding of our work
8 that I want to mention, and it's in the SRIA as well
9 pretty clearly - I think it's at page -- in the 50s, about
10 page 55 - is just the impacts on consumer costs. By 2030,
11 if the target is strengthened. By 2030, about a quarter
12 of light-duty vehicles are likely to be EVs under CARB
13 planning scenarios, but that means 75 percent are still
14 internal combustion engines. Most of EVs will be new cars
15 sold to more affluent customers. And the LCFS is passed
16 through to gas purchases.

17 Currently, the cost of the LCFS in gas prices is
18 about \$0.10 per gallon. It might be 12 -- between 10 and
19 12. If the credit price was \$200 today, the cost would be
20 \$0.26 a gallon. By 2030, especially if ARB increases
21 stringency, the credit price impacts and thus the impact
22 on gas purchases is going to be very large.

23 Next slide, please.

24 --o0o--

25 DR. MICHAEL WARAR: Our estimate is that it could

1 be between \$0.46 and -- sorry \$0.46 and \$0.69 per gallon.
2 ARB's own estimate is that in 2025, if these -- if the --
3 if the sort of changes that are envisioned are, in fact,
4 enacted, there could be a \$0.35 per gallon impact on
5 gasoline prices. And I just raise this issue, because I
6 think it really raises a broader equity concern about the
7 LCFS. The LCFS in practice is a way to tax, you know,
8 conventional fuels and push that money toward what should
9 be very innovative fuels. We should be concerned if the
10 fuels being subsidized are not, in fact, innovative, and
11 we should be concerned about the potential impacts as the
12 stringency of the LCFS is increased on low and moderate
13 income Californians.

14 Next slide, please.

15 --o0o--

16 DR. MICHAEL WARA: The other thing that really
17 emerged for us from our work is that ARB needs to
18 dramatically improve the measurement of methane emissions
19 from agriculture. SB 1383 sets a goal of reducing methane
20 emissions by 40 percent by 2030. Fifty-five percent of
21 the methane emissions today in California come from
22 agriculture, so you can't get to that 40 percent target
23 without targeting ag especially dairy and livestock
24 operations.

25 The current approach for estimating these

1 emissions is a two step process improving -- involving a
2 once in five year survey of herds in California and a 2005
3 personal communication with U.S. EPA regarding manure
4 management at CAFOs and consequent methane emissions per
5 head. We believe that something substantially more
6 accurate is required to know whether we are in compliance
7 with 1383, and -- or even on target to compliance with
8 1383.

9 And we would argue that before we think about,
10 you know, what -- you know, what ways to subsidize, what
11 the best way to subsidize, you know, better performance in
12 the ag sector should be that we actually teed to measure
13 what's going on, because we're not going to know where we
14 are, whether we're on track, and whether we have achieved
15 the target given the current methodology.

16 Next slide, please.

17 --o0o--

18 DR. MICHAEL WARA: Well, I pretty much said this.
19 We have some thoughts about how this might be achieved at
20 relatively low cost and with relatively low costs for
21 dairy operations. It's very doable, but it's -- and it's
22 important. Just as we have other major emitters report
23 under the mandatory reporting regulation, we need to do
24 something to better understand methane emissions in the ag
25 sector, if we really want to reduce them.

1 Next slide, please.

2 --o0o--

3 DR. MICHAEL WARA: So in conclusion, we updated
4 assumptions to reflect a rapidly changing -- regulatory
5 picture, and just note that EV adoption is critical to
6 LCFS planning. We have to get that right in our
7 assumptions or we will get the planning wrong. ARB has
8 updated their assumptions and the update is pretty similar
9 to what we did. It's probably based on better data than
10 we had at the time. Stanford modeling suggests the EJ
11 scenario could achieve the ARB goals while lowering
12 impacts to EJ communities, potentially improving the
13 climate outcomes as well.

14 The LCFS is a subsidy paid for by California gas
15 purchasers and we need to think hard as we update it,
16 especially in the context of dramatically strengthening
17 the target about the impacts on low- and moderate-income
18 households. And we can't improve what we don't measure.
19 There's an urgent need in the context of methane emissions
20 in California to better measure methane emissions in the
21 ag sector in order to achieve the 1383 goals.

22 Thank you very much.

23 FACILITATOR WATKINS: Great. Thank you. So at
24 this time, we are at our joint discussion portion of the
25 agenda. I will do a quick process comment and update.

1 We're anticipating the joint discussion for this
2 particular item to go until approximately 6:15. And just
3 to remind folks, if possible, to allow for as much input
4 from your colleagues, to keep your comments and questions
5 as succinct as possible. If we hear from as many folks as
6 we want and who wanted to speak, then we can always return
7 to you if we have additional time to do so, but knowing
8 that we also have to continue moving forward on the agenda
9 and getting to the next presentation, and we're already
10 about 15 minutes behind.

11 That said, I would like to now turn it to the
12 Chair before handing it over to Matt.

13 CHAIR RANDOLPH: Okay. I just wanted to note as
14 that last discussion indicated, you know, this is a very
15 complex, very detailed topic. This is the Board's first
16 opportunity to talk about it, so, you know, our EJAC
17 members are a little ahead of us in terms of detail. So I
18 think we are very much kind of in listening mode and
19 looking forward to the opportunity to ask questions both
20 of staff and Board members, or -- yeah, sorry, EJAC
21 members. And I will also note that the Board will also be
22 hearing this item on September 28th, so that will be
23 another opportunity to do a deep dive into this work, as
24 we move through this rulemaking process.

25 So I just sort of wanted to make a note of that

1 and turn it back to Martine to facilitate the discussion.

2 FACILITATOR WATKINS: Great. Thank you, Chair.
3 We'll go ahead and hand it now to Matt and then we'll
4 check to see if we have any on Zoom with a hand raised.

5 MATT HOLMES: Thank you. I'll try to be quick.
6 Nice to be here with the Board. I think we learn so much
7 in these sessions. I wish we did this more often. I find
8 that the Board is really a reservoir of knowledge, and I
9 feel like we could get a lot more traction if we spent a
10 little more time together, because you all know stuff that
11 we don't know. Some of us are coming from places that
12 have actually experienced these policies.

13 Well -- and then -- how about that?

14 I can go Park Ranger and just holler at you all.

15 And then I also want to thank staff. You know,
16 Matt's done like indefinite explanations of this stuff the
17 multiple committees that I'm on. And so, you know, I know
18 it's a tall order. It is a complex thing and I want us to
19 acknowledge that people like Matt and Rajinder Sahota will
20 save more California lives than I ever will with my anemic
21 advocacy career. So I want to make that clear, so that
22 when I take this out on LCSF -- LCFS, I'm not taking it
23 out on Matt and Rajinder.

24 You know, this -- I want to thank Kevin for
25 asking some really penetrating and earth-shattering

1 questions about how selective LCFS is and the masking of
2 significant input that are the only way to make it pencil
3 out. And, you know, Kevin has long hair, so maybe it's
4 hard for you all to believe him, but Michael doesn't, and
5 Michael sits in Stanford and he just -- he just reinforced
6 everything that Kevin said. He also pointed out how a
7 lack of rigor and a lack of monitoring can be used to ask
8 less questions and still justify an incentive that's based
9 on something called carbon intensity, modeling, and 2045
10 goals.

11 Those are administrative rituals at
12 administrative performance theater. And I'm of the
13 opinion that they run -- they contradict California
14 Government Code and the rule of law, which prohibits this
15 organization from spending California dollars to increase
16 burdens in overburdened communities.

17 And, you know, specifically Government Code
18 11135, it is illegal for CARB to increase burdens and we
19 see that happening routinely around dairy digesters. We
20 see that happening routinely around biogas and
21 cogeneration. I'm in Stockton where we're going to stack
22 up a million metric tons of Lassen County forests, where I
23 grew up, put them in a wood pellets pile to ship them to
24 Japan, because I guess they've got a different atmosphere
25 over there.

1 We are increasing burdens in overburdened
2 communities. These communities already die early than the
3 rest of the state. They have babies that weigh less from
4 day one. And I think there are -- you know, I remember a
5 conversation with Dean two years ago - I'll put you on the
6 spot - where Dean, we're like we can hit these carbon
7 goals just by reducing pollution, just by going back to
8 CARB's original mission that we are a public health agency
9 who protects people. But we heard earlier -- Martha Dina
10 didn't say it the way I say it, but it's really -- it's
11 really a shame that the California Air Resources Board
12 that saves millions of lives with things like the
13 catalytic converter has become sort of carbon tech bro
14 innovation hub, just throwing stuff against a wall. It's
15 a miscarriage of the mission. And I -- and I think
16 there's other ways to get this done. Matt's smart. He
17 can figure out something else. Promise.

18 FACILITATOR WATKINS: Thank you. I -- please
19 pardon me, I don't have an understanding of who might have
20 their hand raised on Zoom, so if there are any hands
21 raised -- oh, thank you. No hands raised.

22 Okay. Thank you. I just wanted to make sure I
23 was able to pause and acknowledge the folks participating
24 on Zoom.

25 Any other comments at this time?

1 Please.

2 BOARD MEMBER FLOREZ: Thank you. Okay. Well,
3 first, thanks to the EJ community for bringing Michael
4 Wara into the conversation. I think I've only read half
5 his stuff on Twitter, so it was actually nice to see him
6 live and in action.

7 I would only ask, Madam Chair, as we get together
8 again for our discussion at CARB, that on the CAFO issue
9 and on the dairy methane issue, that we do a little bit
10 more -- hopefully more concentrated discussion about where
11 that fits. I know that Kevin and I have talked more than
12 enough times about the transition from Chino to the
13 Central Valley. And then we've added this now to the
14 LCFS, which means, you know, in some sense scale is
15 important in order to kind of hit some of the goals in
16 LCFS. And scale is exactly what we don't need in the
17 Central Valley, because when you get scale, you get
18 concentration, you get mega means. Even if you took a
19 certain percentage of leakage of methane on something
20 small but something very large, that has some huge
21 implications for the communities living next door to some
22 of these entities.

23 I was -- you know, I think I -- the example I
24 always use is 300,000 residents in Bakersfield and 300,000
25 cows right next door. You know, those are the kinds of

1 things that I think sometimes we miss. And I was very
2 happy to see the EJ community included as a prominent
3 aspect. And I was super happy to hear Mike Wara talk
4 about agriculture's, you know, push, and it's impact on
5 the overall plan and what we need to do with agriculture.
6 Sometimes, I think we lose that a bit due frankly to the
7 LCFS and some of the things that that produces. And I was
8 called them the promise fuels, you know. But then we, in
9 some sense, to Matt's point, we chase carbon and we don't
10 chase at the source pollution as much sometimes when
11 we're -- when we're thinking about that. And sometimes
12 those goals get mixed and intertwined.

13 Carbon does not necessitate, you know, a clean
14 air health environment at certain points in time. And
15 then when we get to the LCFS Program, it becomes even more
16 troublesome from an incentive point of view, because I'm
17 not sure what we're chasing at this -- at that point with
18 the program, other than carbon, as a program. Other
19 programs we have here at CARB obviously do speak to
20 health. This one may or may not, so I'm really
21 interested. And as we explore that as a Board, to really
22 open that conversation up of what are we chasing
23 ultimately in this program, the LCFS, and ultimately what
24 are we incentivizing or disincentivizing? And in this
25 case, just listening to Kevin's conversation,

1 understanding that a little deeper and then trying to take
2 out some things from the program.

3 FACILITATOR WATKINS: Thank you.

4 Please, Chair.

5 CHAIR RANDOLPH: Thank you. And we can certainly
6 ask staff to kind of do a bit of a deeper dive at the next
7 meeting. You know, the dairy digester program is
8 structured to capture methane. And there's a lot of
9 discussion and debate about to what extent does the
10 program incentivize dairy consolidation or how much of
11 that is really just sort of the overall kind of market
12 pressures of a commodity with a thin margin. So I think
13 having a discussion about that at the next meeting would
14 certainly be useful and I'm sure Matt will be prepared to
15 do that.

16 Thanks.

17 FACILITATOR WATKINS: Great. Are there any
18 comments from anyone who hasn't spoken quite yet, at this
19 point? If not, we'll go ahead and return to Kevin.

20 KEVIN HAMILTON: On that end of it, just a
21 quick -- just a quick comment. I want to be very clear
22 here, that while I am concerned - and I don't think
23 anybody doubts my concern. I'm probably the only person
24 at this table that has hundreds of families that we take
25 care of in those communities and I have people in their

1 homes helping them create safer places and safe places to
2 breathe, which they absolutely need, because they all have
3 kids that are high risk or adults with asthma in their
4 households. So, make no mistake about that part of it.

5 But this is not an attack on a specific industry
6 by any stretch of the imagination. This is really my
7 concern that we're setting those industries up to fail.
8 We are providing a lot of funding and a lot of technology
9 and building that in the ground on these places where
10 people are operating an entity called a digester, who when
11 that goes away will walk away very wealthy. But that
12 dairy farmer, that lamb farmer, that goat farmer will
13 still be sitting there on that piece of land. And I
14 watched this happen in 2003, 2004 for those of us who were
15 around for the first wave of dairy digesters that went up.
16 And we realized this is not sustainable. They shut down
17 and they sat there sitting in fields around that property
18 for years.

19 Now, some of them have been rehabbed and
20 reoperating again, but some are still just junk metal
21 sitting out there on the ground. And coming from a
22 farming community and from a lineage of farmers who came
23 over here to this country originally and farmed until
24 20 -- maybe 40 years ago, and in Kansas as well as Ohio, I
25 don't have -- I love farmers and I love what they do, and

1 they innovate like crazy. And they are the -- they are
2 survivors by nature. But I really object to setting them
3 up, from what I see, as failure down the road as getting
4 stuck with this stuff.

5 Look at Matt's plan, by 2045, it cycles out
6 renewable fuel, renewable gas almost entirely as a fuel,
7 which means the money dries up as well. The idea of the
8 extension for dairies. I was on the 1383 dairy committee
9 and I was on the financing committee desperately looking
10 for a way to make this thing work and we could not find
11 it. It had to be underwritten at a really extreme cost by
12 both the State of California and by some insurance company
13 in Indiana or something. But they're the only one that
14 would take it. It's so risky.

15 But I just object to that and I want to make sure
16 that we've got all of our ducks in a row, so that that
17 doesn't happen, because those people are critical to our
18 economy. They're critical to feeding all of us. So I'm
19 going to speak -- I'm going to use your words, Michael. I
20 see you sitting there with that grin on your face, Mr.
21 Boccadoro. So -- and it is all true. But again, 2045,
22 look at the -- look at the graph. It's gone.

23 FACILITATOR WATKINS: Thank you. So we have a
24 comment here in the room and then we have a hand raised on
25 Zoom. So we'll acknowledge our comment here in the room,

1 then the hand raised on Zoom, and then we'll do a process
2 time check to see if we have time for additional comments.

3 So, please.

4 BOARD MEMBER SHAHEEN: Thank you. And I will be
5 as brief as possible. So I want to thank everybody for
6 your comments and all of the presentations. They're
7 extremely helpful to me as a new Board member trying to
8 digest a lot of information. No pun intended. I want to
9 ditto Diane's comments about process. There's a lot of
10 detail here in terms of resolutions that I would love to
11 understand better what the response is. Also really
12 concerned about timeline. There's a lot of information
13 and science to consume here with the SRIA being released
14 recently, as well as the upcoming regulatory proposal that
15 we'll have before us. So concerned about timeline.

16 I was very delighted to hear from Michael Wara.
17 I heard him present in a recent EJAC workshop. And I
18 think his emphasis on unintended consequences and impacts
19 is especially important that we take a lens towards
20 looking at that. Implications on the dairies and the
21 farmers I think is equally as important as looking at the
22 impacts on the communities themselves.

23 The one thing that I've been really focusing on
24 and a lot of the discussions I've been having this summer
25 on LCFS is the role of data. And a lot of discrepancy in

1 data that is being presented to me on herd size, on
2 emissions coming from the digesters. And so that's
3 something that I wanted to just level up as something that
4 concerns me, because models have a lot of black boxes. I
5 work with a lot of models myself, so there's a lot of
6 assumptions made.

7 But one of the things I tell my students is
8 garbage in, garbage out. So let's take a look at the data
9 and get a better understanding of herd size, because I'm
10 seeing studies and data that are very contradictory.

11 So thank you.

12 FACILITATOR WATKINS: Thank you. So we'll go to
13 our two hands raised here on Zoom. We'll start with
14 Hector and then we'll hear from Luis.

15 BOARD MEMBER KRACOV: Hi. Good evening. This is
16 Board Member Kracov. I'm here with Board Member De La
17 Torre who is a gracious host here at the Gateway Cities in
18 Paramount, California. Sorry we couldn't be with you
19 today, but it's a great discussion.

20 I had the opportunity -- the Chair has sort of
21 asked me to work with the EJAC a little bit over these
22 past months. We started with the charter and then working
23 through over the summer on some of the LCFS issues. So
24 I've had the opportunity, you know, to do a lot of
25 listening over the course of the summer, and, you know,

1 wanted to just summarize a little bit about what I've
2 heard from the EJAC during that time period on the topic
3 that we have here.

4 You know, first, I do want to acknowledge the
5 great work of all of our staff on these issues, the ones
6 I've been mostly directly working with, you know, Deldi,
7 and Johnnie, and Radhika, and Matt and, Cheryl, you know,
8 really a team effort along with the Chair's office and
9 Jamie Callahan. You know, the EJAC is now permanent. And
10 so making sure that we have a good working relationship
11 between EJAC and the staff from all the different
12 departments at our agency is really important. We're all
13 in this together. So continuing to improve that working
14 relationship and make it really healthy is a really
15 important goal. And we've done good things like having
16 folks from ISD come to the EJAC co-chairs meeting.

17 Little innovations like that I think have really
18 made a difference. And, you know, the leadership for that
19 has come from the top, from Chair Randolph, from Steve
20 Cliff. And I think it's working. I think we're seeing
21 that tonight with this presentation and it also has come
22 from the leadership of EJAC, Dr. Catherine, Martha
23 Argüello, Kevin Jefferson, in particular on the LCFS stuff
24 from Dr. Catherine, working really hard with our staff
25 over the summer in a productive, healthy, way which has

1 culminated, you know, with these, you know, eight
2 recommendations.

3 And I think this is exactly what EJAC should be
4 going and we're going to have to continue this work
5 together, not just on LCFS, but also on things like
6 Cap-and-Trade and 905. So we've set a healthy process
7 here. Dr. Wara, Mr. Cullenward and others have helped
8 along the way. And I think we're just pleased with the
9 process that has gotten us to here tonight.

10 I just want to summarize a little bit, if I can,
11 Chair, some of the things that I heard about the LCFS
12 topic from the participation in the EJAC. You know, one
13 of the things that I definitely learned is the tremendous
14 accomplishments of the program. You know, when I spoke to
15 Richard Corey just coming on as a Board member and asked
16 him, hey, what do you think the most important thing CARB
17 has done, you know, the biggest thing to your legacy, he
18 actually identified LCFS as the major policy effort that
19 has really had the most success. And I think there is,
20 you know, broad acknowledgment of that. So all those that
21 have worked on it, take a bow.

22 And I, as a new Board member, looking at LCFS
23 have a lot to learn. You know, I'm here with Hector.
24 We've been chatting a little bit tonight. And there's
25 Board members that have a lot more experience with that

1 and Board members that have been there a few years like me
2 and even the new ones, you know, we have to catch up here,
3 because we haven't had the issue come to us before. So
4 it's going to be a learning process.

5 But it seems that, you know, there is some good
6 alignment between the EJAC priorities and what staff has
7 put in the SRIA. Some things that I've heard that I just
8 want to flag very quickly is the inclusion of jet fuel and
9 deficits for at least airplanes flying within our state.
10 Those planes get a lot of credits for using sustainable
11 aviation fuel, but EJAC has indicated that it seems unfair
12 that they don't also get deficits, and that that should
13 really even out.

14 There's also been discussion about that with
15 marine fuel. And for me, coming from the South Coast, I
16 thought that was interesting and notable, because of
17 course, aircraft and marine vessels have a lot of impacts
18 both climate and other pollutants in our air basin. And I
19 think there's proposals around some of that in the SI --
20 SRIA, and I think EJAC was excited about that.

21 Another thing is electric vehicles. I'm not sure
22 to what degree LCFS has, you know, really moved the needle
23 on EVs so far, but it certainly has the potential to
24 really help meet our goals for medium- and heavy-duty,
25 which I think is in proposal as well, and I think EJAC

1 supports that. LCFS must support our climate goals,
2 particularly the Advanced Clean Fleets, maybe even
3 off-road too, fast charging infrastructure, public depots.
4 There's tremendous opportunity for LCFS to support our
5 goals on electric vehicles, especially medium- and head
6 heavy-duty, again coming from the South Coast. And that
7 was a real priority for EJAC that does seem to be
8 addressed in staff proposal.

9 As for the dairies, you know, this got a lot of
10 attention. There is I think a proposal in the SRIA to
11 phase out the avoided methane credit by 2040. So staff is
12 listening and we'll be discussing later on, you know,
13 exactly what that means. I heard a lot in EJAC about sort
14 of this exceptionalism with the dairies and the distortion
15 that is created by the lack of regulation. I learned at
16 EJAC that we pretty much regulate directly every other
17 significant source of methane in our State, either
18 directly or they have to pay expensive prices through
19 Cap-and-Trade, but not the dairy emissions. And this
20 exceptionalism, the EJAC spent a lot of time talking about
21 the distortions that that creates, the lack of regulation.

22 I also learned that 1383 did say that the dairies
23 could start to be regulated in 2024. And guess what,
24 we're coming close to that time period, aren't we? Also,
25 I learned during this process that, you know, CARB's own

1 report in 2022 on dairy livestock indicated that
2 monitoring and record keeping needed to be improved, and
3 that a regulatory approach may be necessary for that. And
4 I think Michael Wara identified that in his recommendation
5 number five tonight that CARB's own reporting and analysis
6 said that more record keeping, more monitoring is needed
7 to see how much this is working, not just for the methane
8 in the ponds, but also perhaps for the enteric emissions
9 as well. So there's going to be a lot more to learn on
10 dairies, but that's what I sort of pulled out from the
11 EJAC discussion.

12 As to biofuels, there was a lot of discussion
13 about lipids and this issue with the cap and a real
14 analysis and data, as Dr. Shaheen noted, is going to be
15 needed on things like land use impacts. And I know that
16 our staff is also looking at that and taking that really
17 seriously. So this has been a great process to learn from
18 the EJAC. And I know we're going to have more discussions
19 at the end of this month.

20 You know, the thing that you -- just to distill
21 it down, there is concern in the EJAC that when we focus
22 on a program that is looking just at carbon intensity,
23 that we have to be sure that that aligns with our other
24 priorities, our environmental justice priorities, our
25 criteria and air toxic priorities. Someone the other day

1 related to EJAC came to me and said they're concerned that
2 people may get LCFS credits for burning plastics as part
3 of our organics programs. I don't know where that falls
4 in, but we have to be sure that things like that align
5 with our State policies and only looking at carbon
6 intensity and not considering all these things that's what
7 I've learned and I think that the EJAC is trying to teach
8 us.

9 So I wanted to just summarize a little bit of
10 that, Chair, from the time that I spent over the summer,
11 and just really grateful to our staff, and to all of our
12 leadership, and to the EJAC leadership for a good healthy
13 process over the summer. And we're taking it seriously
14 and I know this is just going to get better and better as
15 we continue to work together with our permanent EJAC.
16 Thank you.

17 FACILITATOR WATKINS: Thank you. Thank you. So
18 we have three more folks who would like to speak to this
19 item. We're at about the time that we were going to get
20 to when we were going to go ahead and stop. So if you
21 can, just keep your comments very brief. And again, we
22 have another presentation and then an opportunity for
23 joint discussion on that presentation as well. So we'll
24 go ahead and acknowledge Luis who's had their hand raised
25 on Zoom.

1 LUIS OLMEDO: Thank you. I have a very brief
2 comment. I just -- I really found the Stanford
3 presentation -- I'm sorry if I didn't track names and all
4 that. I actually have limited technology at the moment.
5 But I thought he made some really great points and just
6 want to uplift again, you know, electrification. I always
7 find it surprising that -- it's almost like we're in this
8 vicious cycle. You know, like there's -- you know there's
9 a lot of mention of these black boxes, these design, these
10 models. And, you know, we all can, you know -- some might
11 know how they all come together, some might not you know.
12 I've sometimes seen it as there's a limited amount of
13 input into how these programs are being designed.

14 And so I would just encourage that we break that
15 cycle. It's not productive, you know, to end up in this
16 type of meetings having to say, well, this didn't work,
17 that didn't work. We should have thought about this,
18 should have thought about that. I appreciate that it
19 exists. I appreciate that it's being acknowledged and the
20 opportunity that things can be adjusted. But I think a
21 lot of this could more productively be avoided if there is
22 more meaningful engagement.

23 Like one ask that I do have, aside from the asks
24 that have already been made, is that this program, LCFS,
25 it should be common knowledge for environmental justice

1 communities and disadvantaged communities. We need to be
2 experts on how to implement them, not just read about
3 them, but implement them and design them, not after the
4 fact, but in the very beginning of it. And so I would
5 encourage more consultation. It would be great if the
6 Board would be -- you know, would help. You know, it's --
7 having metrics, having designs -- you know, I'm thinking
8 about AB 617 and how community air monitoring is like you
9 have to meet all these metrics including community. I've
10 seen a lot of more funding at the federal level, including
11 Department of Energy that are saying you have to have
12 community benefits agreements signed before you can access
13 these resources.

14 And I happen to believe, and I've seen it, that
15 communities can also build infrastructure in communities.
16 Why is -- are we -- like who is it that we're bringing
17 into these programs or selling these programs to, because
18 it seems like some really know how to use them, and they
19 become very complicated for others that could invest
20 moneys in California, could invest monies if our own
21 neighborhoods.

22 So I think there's a lot of opportunity to do
23 adjustments there. And as another example, like
24 electrification. The I dig into it, the more I research
25 into it, I realize most of moneys have gone to Wall

1 Street. And I'm going to borrow my colleagues Ryan's --
2 I'm sorry, Rey León's version of it. You know, as I said,
3 hey, it's all going to Wall Street and he says, yeah, we
4 need to make sure that some of that goes to our streets
5 too. So that's my -- that's my comment.

6 FACILITATOR WATKINS: Thank you very much.

7 So we'll have one more comment on this item.

8 We're going to switch it up a little bit and give folks a
9 break before we have the next item. So after this
10 comment, we'll identify the time, take a 15-minute break,
11 and then return for the next presentation.

12 So, please.

13 THOMAS HELME: Thank you. I'll try to make it
14 very quick. It was going to be a response to something
15 Dr. Shaheen had said, so I just wanted to get it in there.

16 First though, Gideon reminded me about plastic,
17 as someone that was just appointed to the Plastic
18 Pollution Reduction Committee. Can we get rid of all of
19 these, please.

20 (Laughter).

21 THOMAS HELME: Yeah. There's going to be a
22 picture of me with that in front of me too.

23 I read somewhere if you make a joke that people
24 will listen to you better, so that was the joke, now
25 listen.

1 (Laughter).

2 THOMAS HELME: What Dr. Shaheen said about
3 getting different information about herd size. We had a
4 conversation about this recently. We had the exact same
5 issue. Different workshops, depending on the interest I
6 guess represented. I heard different things about herd
7 sizes. I tend to look into Stanislaus County in the
8 Northern San Joaquin Valley, not because I don't care
9 about everybody else, but because that keeps me plenty
10 busy.

11 So just real quick, Stanislaus County has been
12 pretty steady number five in herd size in California.
13 Guess where the other four are, Tulare, Merced, Kings,
14 Kern County. Top 5 in the country, not the State
15 obviously. From 2017 to 2019, herd size -- the herd
16 number in Stanislaus County grew. So that's from
17 dairyherd.com. 2017 to 2019, the dairy size grew in
18 Stanislaus County. Guess what? There was a biodigester
19 in Stanislaus County before 2017.

20 Now, the argument that I heard is that, you know,
21 dairies with a dairy digester haven't applied for a larger
22 herd size, but other dairies in Stanislaus County after
23 one digester came into the county, were applying for
24 increased herd sizes.

25 And I was going to mention that -- well, I'll

1 leave it at that, because I said I'd keep it short. And
2 I'll get into the rest of the stuff when we talk about
3 carbon capture.

4 FACILITATOR WATKINS: Thank you. Okay. Let's
5 see, so we'll return around 6:35. Actually, we'll start
6 promptly at 6:35. That gives us a full 15 minutes for a
7 break and we'll return for the EJAC co-chair's
8 presentation. So enjoy your break and thank you so much
9 for your attention and your promptness in returning.

10 (Off record: 6:21 p.m.)

11 (Thereupon a recess was taken.)

12 (On record: 6:35 p.m.)

13 CHAIR RANDOLPH: Okay. Can everyone take their
14 seats, we're going to be starting in a moment. Yeah.

15 Okay. Can folks take their seats. We're going
16 to start the feed again. Okay. Actually, we need our
17 co-chairs, because they are next on the agenda.

18 Okay. I'll turn it over to your, Martine, and
19 you can get started.

20 FACILITATOR WATKINS: Great. Well, I just want
21 to say thank you all so much for coming back right at the
22 amount of time. I know it's a long evening and we're now
23 getting into the dinner hour and so we really appreciate
24 your promptness.

25 At this time, it's my pleasure to now transition

1 to your next presentation from EJAC co-chairs on
2 Cap-and-Trade, Senate Bill 905, and natural and working
3 lands. And I would like to hand it over to Dr. Catherine.

4 Oh, excuse me. Excuse me. It will be Martha
5 Dina, so if we can just hold for one moment while we wait
6 for her to return.

7 ISD CHIEF BOTILL: Chair, if I may, while we wait
8 for Martha Dina to come back, I just -- I wanted to take
9 an opportunity to really thank the EJAC and thank Dr. Wara
10 for his work on developing the EJ scenario to support the
11 EJAC's resolution. And I want to thank Board Member
12 Kracov for chiming in there and talking about the areas of
13 alignment that he sees between the work that we've done on
14 the SRIA and the public process on the LCFS and what the
15 EJAC has asked for in the past. So I just wanted to
16 express my gratitude. Thanks.

17 CHAIR RANDOLPH: Thank you for brining that up,
18 because I actually meant to ask if it is possible, I know
19 the EJAC wanted the EJ scenario sort of, you know, to have
20 CARB do some analysis around that. I kind of want to ask
21 you and the Executive Officer, is that something that we
22 could do. I know we couldn't do it as part of the SRIA
23 process, but is that something that we can incorporate
24 into this work?

25 ISD CHIEF BOTILL: Yeah. And, you know, as part

1 of the work that we did on the SRIA, we worked to update
2 the modeling to make sure that we included the vehicle
3 regs adopted by this Board in April. We updated the
4 modeling. We held a workshop a little over a month ago,
5 so working very hard to make sure that the model was ready
6 to be able to rerun and do additional analysis as part of
7 the staff proposal. And so we're more than happy to take
8 the assumptions and the inputs that the team at Stanford
9 developed that Dr. Wara developed, and that he worked on
10 with the EJAC and run that scenario as part of a staff
11 analysis for the upcoming proposal.

12 CHAIR RANDOLPH: Okay. That would be great.
13 Thank you.

14 (Thereupon a slide presentation).

15 FACILITATOR WATKINS: Great. Okay. Thank you.
16 We'll go ahead now and turn it over to Martha Dina.

17 MARTHA DINA ARGÜELLO: I think they're trying to
18 keep it cool in here. So we -- I lost my train of
19 thought. I'm like very protein starved, so bear with me.
20 So we wanted to queue up some of the upcoming rulemaking
21 that we will be engaging with.

22 Next slide.

23 --o0o--

24 MARTHA DINA ARGÜELLO: So certainly the
25 Cap-and-Trade Program. And I went back and was reading

1 all the EJAC recommendations from 2008, 2013, 2017. And
2 all of them consistently we have been asking for some
3 really basic things about all of the programs, but in
4 particular the Cap-and-Trade Program --

5 --o0o--

6 MARTHA DINA ARGÜELLO: -- was, you know,
7 questions about data to be able to evaluate the program.
8 And what we mean by data to evaluate the program, in terms
9 the of the mission of the EJAC. And what -- certainly I
10 see it as how do we advise you to make sure that we meet
11 that promise of AB 32 not to make things worse in our
12 community. So each team, we've asked for full cost
13 accounting. You know, I'ming at 2013 when we asked for
14 adaptive management that would give us the ability to --
15 in real-time to evaluate the program, and that was
16 scuttled. We don't -- you know, I would imagine that
17 industry didn't really want that. I was part of the
18 working groups and that was certainly what we were
19 hearing, that there was -- that we were saying we want to
20 know when there's increases in air pollution.

21 And to us it didn't matter if there was an
22 increase in air pollution in the Central Valley, because
23 there was a trade that happened or not. We felt it was an
24 important bit of data to have for us to be able to move
25 and adapt, but we decided not to finish that. Well, not

1 do not have. And it is -- it is unconscionable that that
2 continues to happen in so many different regulatory
3 processes. And we've certainly seen it on the Low Carbon
4 Fuel Standard.

5 Next slide.

6 --o0o--

7 DR. CATHERINE GAROUPA: Thank you, Martha Dina.
8 This is Dr. Catherine again, and thank you, everyone, for
9 sticking with us. This is definitely rich content and
10 material to wade through.

11 So like the Low Carbon Fuel Standard,
12 Cap-and-Trade is a market-based mechanism and we are
13 consistently hit over the head with the fact that this
14 program was not meant to address equity. At the same
15 time, the program at the very least shouldn't make equity
16 issues worse either, just because it wasn't designed to
17 address equity.

18 I had the honor of recently being on a panel
19 hosted by the Independent Emissions Market Advisory
20 Committee that advises CalEPA on the Cap-and-Trade Program
21 with Dr. Manuel Pastor a researcher who's done a lot of
22 different equity analyses, and he pointed out that from
23 the inception of the program, the environmental justice
24 stakeholders raised concerns with program design and that
25 because those issues were never addressed in the original

1 program design, that trust was lost, and needs to be
2 rebuilt when it comes to the Cap-and-Trade Program.

3 The Carbon Markets Work Group takes on
4 Cap-and-Trade as a topic and over the last couple of
5 years, we've engaged in a productive dialogue with
6 CalEPA's Independent Emissions Market Advisory Committee.
7 We've put forth numerous recommendations and submitted
8 comment letters, flagging concerns that there are too many
9 allowances in the system and the quality and quantity of
10 offsets are of great concern. We've also been pleased to
11 see ongoing analysis from thinkers at places like the
12 IEMAC into the concept of no trade zones, so that we can
13 ensure that we're not continuing to increase emissions in
14 some of our most overburdened neighborhoods.

15 We also regularly hear about these programs that
16 they're huge revenue generators and that the investments
17 go to disadvantaged communities, but we need more analysis
18 about whether that funding is going to industry incentives
19 in those communities or if it's actually directly
20 benefiting our low-income households and our environmental
21 justice communities.

22 So our work group is committed to continuing this
23 dialogue and putting forward recommendations for program
24 adjustments, such as reduced allowances, no trade zones,
25 and continued dialogue holding the tension that we would

1 prefer not to have the Cap-and-Trade Program at all, but
2 that if it -- we can say, no, we don't want this program
3 and also if you are going to have this program, here is
4 how it should function in order to be able to address
5 equity issues.

6 Next slide, please.

7 --o0o--

8 DR. CATHERINE GAROUPA: So similarly, this past
9 legislative cycle we saw Senate Bill 905 create some of
10 the enabling regulatory infrastructure to deploy carbon
11 capture use and storage projects, or CCUS for short.

12 Next slide, please.

13 --o0o--

14 DR. CATHERINE GAROUPA: The map on the right
15 shows California Natural Resources Agency assessment of
16 where there's carbon sequestration potential based on
17 existing infrastructure. And when I look at this map,
18 coming from a San Joaquin Valley perspective, I see lots
19 of bulls-eyes on communities that are the most impacted in
20 our region, places like McFarland, Delano, Bakersfield,
21 Madera, and Stockton all have bulls-eyes proposing these
22 types of projects, unleashing a multitude of hazards and
23 impacts on front-line communities. There are risks from
24 carbon capture at every step in the process from capture,
25 use, transportation, and storage.

1 At the recent SB 905 kick-off workshop, staff
2 acknowledged that the climate crisis is accelerating
3 faster than projected, and recognizing that these issues
4 are all interconnected, again if these projects get
5 credits under LCFS, we're not addressing legacy emissions,
6 which is a main argument driving investments in carbon
7 capture projects.

8 We're eager to see how CARB will take on through
9 the rulemaking process its responsibility to ensure that
10 there is no increase in co-pollutants from carbon capture
11 projects. And we continue to promote further attention
12 and investment in natural solutions such as ecosystem
13 restoration, more aggressive policies, and realignment of
14 the funding to ensure that it goes towards
15 electrification.

16 As I said, these are all interconnected issues,
17 so I look forward to hearing from EJAC colleagues Matt and
18 Tom on this issue after we conclude our presentation. And
19 with that, I'd like to pass it back to Martha Dina.

20 MARTHA DINA ARGÜELLO: So next to the map of
21 where the bulls-eyes are is a letter that's in your Board
22 package. And it's one of the first letters that was a
23 group letter that was written at the end of 2021, when we
24 began to see the modeling and to see this massive wave of
25 wishful thinking, because we waited too long, you know, we

1 delayed action and it's the fossil fuel industry who's
2 really been behind delaying that action on climate change,
3 and now, because we've waited too long, this concept of
4 that we have to pull carbon out of the air has become --
5 well, yes, we do, but how we do it and who bears the
6 burdens and the benefits of how we do that matter.

7 And this letter does map out some of the key
8 issues that we think are important in a regulatory
9 process. But like I said earlier, our communities are the
10 living embodiment of the externalities of the fossil fuel
11 industry and a failure to actually develop effective
12 regulations that protect people's health that say, you
13 know what, drilling for oil next to where people live not
14 a good idea for public health. Using carbon capture on
15 existing fossil fuel indu -- infrastructure that extends
16 the life of the thing that is causing the problem of
17 climate change is not a good idea, right?

18 But I get that if -- unless we are critical about
19 this concept of net zero versus real zero, then it's
20 attractive to say there may be this machine that in the
21 future is really going to suck up all this carbon, so you
22 don't have to worry. You don't have to change your
23 behavior and change the culture.

24 And so we are deeply concerned and we want the
25 Board to listen when we say you should not be commodifying

1 carbon. None of our policies and practice should allow
2 companies to commodify the thing that is actually
3 destroying the planet. I get that that is attractive,
4 because -- well, I understand why it's attractive, but it
5 is not the thing that's going to solve the climate crisis.

6 And so the letter does, you know, bring a lot of
7 communities, including indigenous communities, who
8 understand what it's like to have your land taken from
9 you, who understand what it means when you don't have
10 informed prior consent, and built -- it's also built on
11 our experience of a lot of false promises from the very
12 people who got us into the problem.

13 So we hope you read the letter. There's many
14 other comments. But it also was very hard for the
15 environmental justice community, whether it was 905 or
16 this letter, when we're like we see that it's happening,
17 whether we say it's bad or not, whether this many, many
18 scientists say that it's not working, and actually very
19 few of the carbon capture facilities are actually working
20 at the rate that they claim.

21 And it's not carbon neutral to produce them. It
22 takes a lot of energy. So what do you do when you see
23 this train coming at you and no matter what you do
24 upstream, it won't stop, right? Well, guardrails. But
25 guardrails for a speaking train don't work. And we saw

1 that with 905. They asked us what would the Environmental
2 Justice community like? We'd like for you not to do this,
3 because it's on the backs of our communities. That didn't
4 happen and we framed out some guardrails.

5 The first meeting about 905 was not whether we
6 should do this, right? Let's have a serious,
7 intellectual, scientific conversation that values
8 community knowledge about whether we should do this
9 practice or not before you start telling me don't worry,
10 we're going to mind the storage for a thousand years,
11 right? My organization cut its teeth on working on
12 nuclear issues. We do not do well with long-term
13 monitoring and things leak.

14 And so, you know, when you start to explain this
15 to -- you know, I explained this to my husband who is not
16 an environmentalist by any means and he's like you're
17 going to do what? So if he understands that there's no
18 logic to it, I usually say, okay, I've explained it well.
19 But we seem to not be able to get that point across with
20 the staff, that the modeling you've used and all these
21 other tools you've used privilege the incumbent economy,
22 not the one that we need to create for the future that we
23 know what fossil fuels do, right?

24 So I used to remember many regulatory processes
25 at CARB and other places that we don't want to pick

1 winners and losers in the economy, but you are essentially
2 picking winners and our communities are the losers by
3 allowing the industry to continue to commodify carbon and
4 tell us they're going to store it under the ground, and
5 that somehow the rock is an inert environment that won't
6 have any impact. We don't know that. And we certainly
7 know about the seismicity issues.

8 So I don't know what else to say, because I feel
9 like I'm already blue in the face, but we really hope we
10 have a serious conversation about using methods that are
11 tried and true, and actually build long-term
12 sustainability like regenerative agriculture, like
13 different ways of managing our cows, and using trees and
14 other ways to naturally sequester, and that we upload
15 those upfront before we start investing billions of
16 dollars in false promises and creating a whole new market
17 for that carbon, because we know what it's like when we
18 created a whole new market methane from cows.

19 Thanks.

20 Two more slides. I forget.

21 Next slide.

22 --o0o--

23 MARTHA DINA ARGÜELLO: This is my -- well, I've
24 already talked about this three times. We need to start
25 being serious about health impact assessment for the

1 regulations, full life-cycle assessment. And we're happy
2 that we're actually going to start meeting with the health
3 effects folks and others, so that we can understand how
4 these processes are being made, but we knew through the
5 Scoping Plan process that most of your modeling will still
6 privilege this old economy. And until we get serious
7 about figuring out what that next things is that isn't
8 based on fossil fuels, like the hydrogen rainbow, that
9 we're not going to get to real solutions.

10 Next slide.

11 --o0o--

12 MARTHA DINA ARGÜELLO: Adaptive management. You
13 know, the first time I saw the database of adaptive -- how
14 many of you have seen it? It was created there for a
15 little skinny minute, but it was never live. It actually
16 mattered to be able to see what was happening with air
17 pollution in real-time compared to the trading program.
18 It would have given as a tool to say, wait, oh, it could
19 have shut us up, because, oh, look, it's working or it
20 could have proven our point. Either way, it would have
21 been a good idea to finish it and make it public.

22 Next slide.

23 --o0o--

24 MARTHA DINA ARGÜELLO: Matt.

25 MATT HOLMES: Yeah. Thanks for letting me update

1 everybody on this, you know, just on the carbon capture
2 issue. There -- I understand the house is on fire and we
3 also want to do something and be super proactive about
4 forestalling this global climate instability. I'm sort of
5 a pessimist. I don't know that we have it in us to make
6 the cultural changes we need to care for each other and to
7 not lose huge populations around this planet. So I am all
8 in on magical engineered solutions. I can give you -- I
9 can give you all my pinky toes for that.

10 And I really -- I really like have met people in
11 this process that I want to believe in, but, you know,
12 this -- at the end of the day, this comes down to plumbers
13 and pipefitters stabbing pipe that can hold on to saline
14 injection fluid or gaseous methane, and you're going to
15 give them this highly energetic super critical CO2. And,
16 you know, it's funny. You look at the models for all the
17 ruptures, they just happen to point straight up away from
18 everything that they could possibly cause damage to.

19 I was really shaken when I was in a meeting in a
20 webinar with a really scrupulous project developer, and I
21 said what happens when it leaks into the estuary? You
22 know, carbonic acid. I don't know anything about science,
23 but I was a substitute teacher. And when you're not a
24 smart teacher, they give you an easy project to implement
25 with people. So it was the dumb one where you blow in the

1 cup and it's got a pH indicator.

2 So I knew that and I asked that question. And
3 they said, oh, yeah. It will never leak, because, you
4 know, the rocks -- see the rocks are flat and it won't go
5 through the rocks. It was like bro, you drew that. Like
6 I've seen rocks. You know, they're not all the same.
7 They're not all -- they're not all horizontal and perfect
8 caps.

9 And by the way, we have 3,700 abandoned and
10 unidentified oil and gas wells in the Sacramento, San
11 Joaquin Delta. And when we're at our symposium in
12 Stockton, you know, we have a carbon promoter saying none
13 of those goes deep enough. Those are never -- those are
14 never below 3,000 feet. Most of them are below 5,700
15 feet. So this was a person gaslighting a very real
16 concern in a very public forum and nobody called them on
17 it. We sat in that same symposium when the Department of
18 Energy Director said CCS makes zero sense on a refinery.
19 The whole room clap, clap, clap. Still in the book,
20 right?

21 So, you know, it's that kind of cognitive
22 dissonance that start to creep up on me that we're
23 actually going to do something that's even more dangerous
24 than the problem we're trying to solve. When I say to the
25 carbon utilization and storage partnership folks what

1 happens when this leaks into the estuary, they go, well,
2 we studied those on brownfields and impaired landscapes.
3 Well, this is the largest estuary on the west coast in
4 both North and South America, Marine Mammal Act, Migratory
5 Bird Act, Civil Rights Act implications. Golly, maybe we
6 should do a study.

7 We had to -- we had to strong arm DOE to pay for
8 a study. They found 40 grand. They found 40 grand to
9 look at a service transport model. They should have found
10 \$400,000 to go find all those oil and gas wells and cap
11 them and replace them. I'm sure some of that money is out
12 there.

13 So it was -- when I saw the if experts -- excuse
14 me. I'm spitting. When I saw the experts run out of
15 knowledge and run out of runway, it was really unsettling
16 And when we went to Mendota, some of you were there and we
17 said to these folks, hey, guess what, there's tons of
18 money to fund this biomass plant to resurrect it and bring
19 it back to life. You shut it down as community advocates.
20 The industry shut it down because it didn't pencil out,
21 but we've got perfect welfare to just invent pollution to
22 maybe catch it and the longest non-attainment Clean Air
23 Act basin in the country. And these folks were like, you
24 know what, I'd like -- I'd like an ambulance. I'd like a
25 sidewalk. I'd like street lights. We were told we don't

1 deserve those things. We don't deserve schools. But
2 there's hundreds of millions of dollars for something.
3 What a trip.

4 So it was really unsettling and I think CARB
5 staff -- I remember some of the monitoring people being
6 caught off guard by that. And so I don't -- I know I'm
7 not alone in it having lots of unanswered questions. And
8 if you're not answering my questions, you got a real
9 problem.

10 So might point being, we don't have to do this.
11 We can learn about this. You know, give me some assurance
12 that there are additional protocols that you're not going
13 to let some farmer's grandson be the monitoring protocol
14 on this for a hundred years. You ever met a third
15 generation rancher? I have, after dads. That's not who
16 we want to count on. Sorry. Some of them are really bad
17 asses. Maybe them. But the point being, we don't have to
18 rush on this. And the justification was that investing in
19 people and places doesn't do it fast enough. Well, that
20 turns out that's not true.

21 So we spun out this natural and working lands
22 scenario. We say guess what, this isn't your core
23 competency, CARB. You don't know how to evaluate all the
24 little live things. You kind of seem to forget that
25 you're the ones that told us we had to calculate the

1 asthma suite of a -- of the shade of a tree and how that
2 impacts heaters and air conditioners, and that there are
3 co-benefits, just in the energy sector, let alone mental
4 health, air pollution, community value. You know, all the
5 co-benefits that come with investing in people and places.

6 So we spun this out into a new expert advisory
7 group in the Natural Resources Agency. These are 12 very
8 serious academics and they -- in every scenario they are
9 elevating the benefits, investing in people and places,
10 natural and working land scenarios. The gap in our goals,
11 which are just goals. They're not laws. So the gap in
12 our goals is closed. We don't have to rush into this. We
13 can wait on it. If we wait on it, I'll lean in. You
14 know, I want -- I'll help. But where we're at right now,
15 nobody is answering serious public health and community
16 risk questions. You know, nobody is monitoring these
17 sites. You know, Lawrence-Berkeley National Lab had a
18 proposal for how to use a mesh network to monitor an
19 injection site to protect local communities. Can't seem
20 to dig it up. Nobody know where that proposal is from.
21 It was a proposal solicited by CARB. Sure would like to
22 dig that out. I hear it was too robust.

23 So there's selective inputs in the decision
24 that's keeping CCS in our scenario. And I would love to
25 invest in people and places. These are the things that --

1 you know, this is the all hands on deck. This is the New
2 Deal and the World War II homefront opportunity for our
3 generation. We don't got to got everything perfect. I
4 wish communities could be lent half the credence that an
5 unproven engineering strategy has benefited from.

6 FACILITATOR WATKINS: Matt, I apologize.

7 MATT HOLMES: Cut me off, for sure.

8 FACILITATOR WATKINS: I don't want to, but as you
9 know, we have a lot to cover and we still have public
10 comments. So pardon my interruption.

11 MATT HOLMES: So the point being that there are
12 recommendations from an expert advisory group that this
13 Board needs to -- needs to be literate on. You know,
14 Liane helped kick off the group, so she knows all about
15 it. And that's in all these things. Sorry. It was my
16 hope that that advisory group would interact with the --
17 with the EJAC, and that there would be joint
18 recommendations. They're technical. And ours are
19 essentially social science. Kevin's are technical. Mine
20 are social science recommendations. But there's a way to
21 get a well-rounded scenario out of this. And this is our
22 state and this is what we leave to our kids. Conservation
23 is the real deal.

24 THOMAS HELME: So I'm going to give -- try to be
25 brief, an illustration of how this plays out in a

1 community. Again, I'm Stanislaus-centric. So in
2 Stanislaus, we have two towns, both disadvantaged
3 communities. One is called Keyes. It's an unincorporated
4 area of Stanislaus County, which comes with all the
5 problems being an unincorporated area. The other one is
6 Riverbank. Where I live, it is a city -- small city
7 outside of Modesto. There's a company, Aemetis, that's
8 been shipping corn from the midwest all the way over to
9 California to make ethanol since 2010, 2011 or so. And
10 obviously, we know we're -- you know, the money to do that
11 comes from -- it's not -- it's not a profitable
12 enterprise. It's mostly, you know, LCSF[SIC] and other
13 incentives.

14 There's a spot over in Riverbank that they took
15 over an old ammunition site. It's been around since World
16 War II. It's a Superfund site. It's giving kids
17 leukemia, because it contaminated the groundwater. And
18 clean up is still going on. And at the same time, they're
19 developing that area at first saying we're going -- we're
20 going to be making ethanol and jet fuel out of all this ag
21 waste that you have, and that you're not going to be able
22 to burn anymore. And so we're going to come in and save
23 the day and we're going to do something with that ag waste
24 for you, make jet fuel, and other fuels, you know, getting
25 incentives from these programs that we're talking about.

1 Well, guess what, just recently I said, you know
2 what, that's not going to work out. Now that we're
3 already here, we're already taking over the building.
4 We're not going to use your ag waste after all. We're
5 going to ship animal fats and other oils from as far as
6 India and all over the country adding close to 90 more
7 diesel trucks a day to your small town, up to 50 train
8 cars also.

9 I live in between the railyard and this facility
10 and so do my asthmatic wife and five-year old son. We
11 live right in the middle of where the trains come through
12 and where this facility is going to be, and where the --
13 all of those increased diesel emissions are going to be
14 coming from. I see the train diesel emissions while they
15 idle just right over the wall of my backyard. And so this
16 place is going to be increasing this, because they
17 couldn't come through on the promise to use the ag waste,
18 so they've got to use something else.

19 The next thing that's on their list is a \$250
20 million carbon capture and storage project that they want
21 to do in both Keyes and in Riverbank. And if it's going
22 to cost them 250 million to build it, I wonder how much
23 money they're planning on making. Because like I said,
24 this is a business model based on these incentives. You
25 know, usually they lose like \$20 million a year, but

1 they're making these investments with the hope that this
2 all pays off, just like was mentioned earlier, you know,
3 what's going to happen when these programs ramp down.

4 Oh, did I mention that in Keyes, they also are
5 installing pipelines for methane to go to 60 different
6 dairy digesters in Stanislaus and Merced Counties,
7 bringing that in and selling it to PG&E. So that's
8 another project that they have going on.

9 The place in Riverbank where they're planning on
10 putting the carbon, they just built a nice new
11 neighborhood with a nice park just a couple blocks away.
12 The elementary school where my five year old goes to
13 kindergarten is about a mile away. The high school is
14 about a mile away in that town. The folks that just all
15 bought houses in that area, because they just built this
16 new development, and now we're hearing about these, the
17 biofuels, the carbon capture, they're getting petty upset.

18 There is a geologist in Stanislaus County, very
19 wide respected, his name is Vance Kennedy. He wrote an
20 op-ed to the Modesto Bee giving his opinion on this
21 process. And what he says is that after pumping this
22 carbon down into the ground in a liquid form and it
23 expands into gas, that there is salt water deep down there
24 from, you know -- ancient salt water that will be
25 displaced. It will be pushed up. It will reach the fresh

1 water aquifers and will contaminate the groundwater in
2 Stanislaus County that both people drink, but also that
3 the farmers use. So I wonder how that's going to turn
4 out.

5 Not to mention -- I meant to say this about the
6 dairy digester project. You know, we -- we're focusing a
7 lot on obviously the methane emissions and the things that
8 come with that. In Stanislaus county alone - again, I
9 just -- I only know about Stanislaus County. I'll learn
10 about all the rest of the places when I have time - there
11 is about 20,000 maybe even more domestic wells in those
12 unincorporated areas that aren't hooked up to the cities
13 that are contaminated with nitrates mostly due to the
14 dairy farming that's gone on. And I literally grew up in
15 the middle of an almond orchard right next to a dairy.
16 You know, Stanislaus County all the way. Friends,
17 neighbors, you know, kids that I played with, their
18 parents were farmers. But these are just -- this is just
19 the facts.

20 A hundred years of dairy farming, fertilizers,
21 and pesticides have contaminated over 10,000 drinking
22 wells for people in unincorporated areas in Stanislaus
23 County and now they're having to fix all that up. They're
24 having to ship people bottles of water, so got off on that
25 tangent about the dairies.

1 But back to --

2 FACILITATOR WATKINS: Pardon the interruption. I
3 apologize. We need to move on, so if you want to --

4 THOMAS HELME: I have on last sentence on --

5 FACILITATOR WATKINS: Please.

6 THOMAS HELME: -- back -- going back to the
7 carbon capture to wrap that up. This geologist has said
8 that that is what will happen to that carbon. And then
9 when I wrote that question down at the symposium in
10 Stockton, the only answer that I got from the expert said,
11 well, that would just take a really long time, 50, 100
12 years. I think my kids, maybe my grandkids are going to
13 be living there 50, 100 years. So that didn't exactly
14 make me feel good about the whole project.

15 So this is just one example, because that's all I
16 can give you is what's going on in Stanislaus County about
17 how these things actually play out on the ground, who they
18 affect, and what they affect. And I'll leave it at that.

19 Thank you.

20 FACILITATOR WATKINS: Thank you so much.

21 MATT HOLMES: Martine, please, one sentence on
22 this. How this plays out with local land use authority is
23 really where things get ugly. You can have the best idea
24 in the world here and send it down to my county board of
25 supervisors and you'll end up with something really

1 brutal. So these same planners the Riverbank planners,
2 they -- they didn't bother to point out that the Hetch
3 Hetchy water supply for San Francisco is within earshot of
4 this injection site. So nobody is managing that risk.
5 The cost-benefit analysis that you guys have to do for
6 Department of Finance, they're not doing that at the local
7 governance level.

8 FACILITATOR WATKINS: Thank you, Matt.

9 I'd like to acknowledge the Chair at this time.

10 CHAIR RANDOLPH: Okay. Thank you for kind of
11 highlighting some of the key other issues that are going
12 to need to be focused on over the course of the next year.

13 I know --

14 THOMAS HELME: I'm sorry. I have to make one
15 last point.

16 CHAIR RANDOLPH: Okay.

17 THOMAS HELME: This carbon is going to be coming
18 in by truck and train as well.

19 CHAIR RANDOLPH: Okay. So I think what makes
20 sense is we -- I think we should probably hear public
21 comment, because, you know, we were sort of thinking we
22 would have some joint discussion on this topic, but these
23 are all really big topics that are going to, you know,
24 take some -- a little more of a deep dive. But I think
25 maybe what we can do is do public comment and then maybe

1 we can do a wrap up at the end and folks can kind of share
2 their sort of thoughts at the end to the extent that they
3 want to about how they're thinking about next steps.

4 Are the co-chairs okay with that or would you
5 like to do something different? I just want to make sure
6 we have time for public engagement.

7 Okay. All right. Thank you so much.

8 FACILITATOR WATKINS: Great. Thank you, Chair.
9 Certainly we want to hear from the public. And I believe
10 at this time, the clerk takes over in terms of the public
11 comment process, so thank you.

12 BOARD CLERK GARCIA: Yes. Thank you. We're
13 going to start with the in-person commenters. We
14 currently have 15 commenters in person signed up to speak.
15 We're going to be putting up the witness list soon, but
16 the first few commenters are Sam Wade -- we'll start with
17 Sam Wade.

18 SAM WADE: Hello and thanks for the opportunity
19 to be with you today. Sam Wade with the Coalition for
20 Renewable Natural Gas. We're the national trade
21 association for the RNG industry and we're headquartered
22 here in California. We have over 350 member companies
23 across the RNG supply chain. RNG development under LCFS
24 is not about a choice between ZEVs and natural gas trucks.
25 RNG can be used in both. It's also not about a trade-off

1 between greenhouse gases and local pollutants. In the
2 SRIA, the scenario that achieves the most health benefits
3 is the one where no changes are made to the framework for
4 RNG. At the end of the day, it's about methane.

5 To remind us of how important methane reductions
6 are, I'd like to say a few quotes from the IPCC's 2023
7 synthesis report. The first is that strong, rapid, and
8 sustained reductions in methane emissions can limit
9 near-term warming and improve air quality by reducing
10 global surface ozone. Secondly, transitioning toward net
11 zero CO2 emissions faster and reducing non-CO2 emissions
12 such as methane more rapidly would limit peak warming
13 levels.

14 The LCFS, as currently constructed, is a great
15 program, because it helps contribute to both strategies.
16 Capturing methane and using it to replace fossil fuels is
17 sound science and does work. We didn't get here to our
18 current methane strategy easily in California. Developing
19 a framework for dairy digesters specifically took more
20 than 10 years of input from academic experts, extensive
21 public process at CARB, CDFA, and smart legislation in the
22 form of SB 1383, all of this was necessary to convince
23 clean tech investors, dairy owners, and project developers
24 to commit private capital to these long-lived assets.

25 The U.S. EPA has supported dairy digester for

1 more than 20 years and EPA's AgSTAR program highlights the
2 California LCFS as a success story on their website. The
3 RNG industry has promoted the LCFS nationwide and we're
4 very disappointed to see it under attack here at home.
5 This year we were able to get LCFS legislation introduced
6 in states that produce 40 percent U.S. milk product.
7 Following California's successful example and other large
8 dairy states is the fastest way to deal with these
9 ambitions nationwide.

10 Thank you.

11 BOARD CLERK GARCIA: Thank you.

12 Cassandra Farrant.

13 CASSANDRA FARRANT: Thank you for having me. Hi.
14 I'm Cassandra Farrant and I live and work in California.
15 I'm here on Behalf of Amp Americas. Amp is a carbon
16 abatement company. We partner with dairy farmers and
17 build facilities that reduce methane emissions by
18 converting them to renewable natural gas and fertilizers.
19 Dairy farmers deliver tremendous benefits to their
20 communities, including employment, environmental
21 stewardship, and affordable nutrition. Our projects
22 improve air quality by reducing methane emissions and
23 odor. And we cannot afford to build or operate them
24 without the LCFS program.

25 CARB's LCFS program has been successful, because

1 it incentivizes innovation and convinces private capital
2 to invest in effective projects across a wide variety of
3 fuel pathways. We have done exactly what the State has
4 asked of us to do in an industry. RNG has prevented more
5 than 14 million metric tons of carbon dioxide as methane
6 emissions so far. Private capital can only continue to
7 invest in and operate methane abatement projects if we
8 have a stable regulatory environment that includes methane
9 crediting and book and claim delivery. Without methane
10 crediting, there is no way to pay for our projects.
11 Without book and claim, we cannot deliver our product to
12 customers to invest and replace fossil fuel use.

13 Discussion of change to these features of the
14 program has already halted new investment. Actual change
15 will strand investments in the program, force shutdowns,
16 and increase methane emissions. We respectfully urge CARB
17 to avoid disrupting what has become the most effective
18 carbon abatement program in the world. We encourage CARB
19 to adopt a 2030 target of at least 35 to 40 percent to
20 ensure continued progress towards low carbon fuels and to
21 retain a stable framework for renewable natural gas
22 digester projects.

23 Thank you.

24 BOARD CLERK GARCIA: Thank you.

25 Phoebe Seaton.

1 PHOEBE SEATON: Thank you, EJAC. Thank you CARB
2 Board members. I just first want to appreciate EJAC for
3 their recommendations to address the real and substantial
4 environmental justice implications for the Low Carbon Fuel
5 Standard.

6 In our many years of advocacy on the LCFS, we
7 often hear of the role of the LCFS in protecting assets,
8 protecting investments, protecting business and protecting
9 investors. We seldom see a call for the LCFS to
10 prioritize human health and the environment and we
11 appreciate EJAC for ensuring that human health and
12 environmental justice will be front and center throughout
13 this rulemaking.

14 I want to elevate a few issues that have been
15 discussed a bit tonight and that we've raised over the
16 last several years. Livestock biogas is not a clean
17 transportation fuel. It does not burn clean and its
18 production intensifies, incentivizes, and turns a blind
19 eye to air and water pollution harming lower income
20 communities of color in the San Joaquin Valley. It's
21 misleading qualification as a carbon negative fuel has
22 absurd and perverse results that undermine transportation,
23 clean air, clean water, climate and environmental justice
24 goals.

25 It's misleading qualification as a

1 carbon-negative fuel is built on an accounting gimmick and
2 business and policy choices. Managing manure in a
3 liquefied manure choice -- in a liquefied manner is a
4 choice. Liquefied manure is what creates methane in the
5 first place. Thus, we now have to fix a problem that
6 livestock operations have chosen to create.

7 CARB has chosen not to regulate methane from
8 livestock operations. CARB has had the authority and
9 responsibility to develop and adopt regulations and can
10 implement them in three and a half months. CARB has
11 chosen not to initiate rulemaking and thus the livestock
12 industry has a free pass that allows them to keep
13 polluting and avails them of massive subsidies. Other
14 methane-producing industries don't enjoy this free pass.

15 Another issue that several Board members and EJAC
16 members have raised regards the dearth of data regarding
17 emissions from livestock operations including the lack of
18 data as actual methane emissions reductions associated
19 with digesters. In fact, a recent study found that no
20 substantial difference exists between dairy operation with
21 digesters and without.

22 BOARD CLERK GARCIA: Thank you. That concludes
23 your time.

24 Michael Boccadoro.

25 MICHAEL BOCCADORO: Thank you. And I believe

1 staff has handed out some slides that I'd hope to get up
2 on the screen, but at least they're handed out.

3 So the first slide is just a rehash of the slide
4 that staff provided. And it shows that dairy biomethane
5 is a tiny, tiny, tiny slice of the supply mix in
6 California. This discussion tonight is not about dairy
7 biomethane in the LCFS. As Matt pointed out and as Sam
8 Wade pointed out, it's about methane reduction. And while
9 dairy biomethane and RNG is small, it's huge in terms of
10 the state's methane efforts. Forty-five percent of the
11 methane in California comes from the dairy sector. If the
12 State is going to achieve its short-lived climate
13 pollutant goals, we have to reduce dairy methane, but that
14 can't happen without digesters. They're accounting for 90
15 percent, 9-0 percent of the reductions we've achieved to
16 date. And by 2030, it's likely there going to account,
17 based on analysis done by UC Davis, for 50 percent of the
18 emissions from the dairy sector. There is no way to
19 achieve them without digesters.

20 Dr. Wara's presentation glosses over the
21 implications for the Short-Lived Climate Pollutant Plan.
22 And if the State can't achieve the Short-Lived Climate
23 Pollutant Plan, which it cannot without dairy families in
24 California, achieving their goal. There's no way to
25 achieve the overall 2030 goals. It's really that simple.

1 Dr. Wara was quoted in the media recently about how
2 difficult it is for the State to achieve its ambitious 40
3 to 48 percent goals. Difficult becomes impossible if you
4 take away our tools. It's really that simple.

5 The Legislature created a structure. The dairy
6 families have been doing exactly what the Legislature
7 asked them to do. They're investing in these projects.
8 They're committing their families to these efforts. And
9 EJAC wants to pull the rug out and abandon not the least
10 cost effective solution, it is the most cost effective
11 solution, and it is achieving more reductions than any
12 other program in the state period. Most cost effective,
13 most reductions of any other offer program period. You
14 can do it without digesters. It's really that simple and
15 we've got to have an honest discussion. A lot of what got
16 presented tonight was not factual --

17 BOARD CLERK GARCIA: Thank you.

18 MICHAEL BOCCADORO: -- and we need to have an
19 honest discussion gong forward.

20 BOARD CLERK GARCIA: That concludes your time.

21 MICHAEL BOCCADORO: Thank you.

22 BOARD CLERK GARCIA: Sean Trambley.

23 SEAN TRAMBLEY: Good evening. My name is Sean
24 Trambley. I represent the American Biogas Council. Thank
25 you for the opportunity to speak tonight.

1 The ABC is the voice of the U.S. biogas industry
2 dedicated to maximizing carbon reduction and economic
3 growth using biogas systems. We represent more than 400
4 companies in all parts of the biogas supply chain that are
5 maximizing all positive environmental and economic biogas
6 systems what they offer when they are used to recycle
7 organic material into renewable energy and soil products.

8 The LCFS is one of the most impactful climate
9 programs in California's efforts to address climate
10 change. It is decarbonizing the transportation sector and
11 reducing methane emissions. It's helping California
12 achieve aggressive climate, carbon neutrality, methane and
13 clean air goals. Now, as California continues to look
14 forward, we must not abandon the air quality benefits in
15 the interim as we pursue a 100 percent ZEV goal. These
16 efforts can be pursued simultaneously while maximizing
17 climate benefits.

18 We encourage CARB to continue incentivizing the
19 beneficial use of captured methane both from farming
20 operations and from organic waste diversion. Efforts to
21 eliminate avoided methane crediting are contrary to
22 long-standing carbon accounting methodologies and contrary
23 to the intent and requirements of SB 1383.

24 The ABC strongly opposes any proposal that
25 ignores avoided methane emission, recognizing avoided

1 emissions and their role as short-lived climate
2 pollutants. And incentivizing their removal from the
3 atmosphere utilize has proven highly successful and we
4 encourage CARB to continue a science-driven framework that
5 utilizes proven science like Argonne National Laboratories
6 GREET Model.

7 Further, numerous RNG projects are currently in
8 development that rely on robust, mature, and predictable
9 market LCFS has created. Undermining these projects now
10 will create uncertainty in capital deployment decisions by
11 investors who have made decisions based on LCFS credit
12 values. The State of California is seeing the benefits of
13 CARB's efforts and the deliberate prioritization of
14 short-lived climate pollutants like methane, biogas, and
15 RNG systems, especially those partnering with dairies are
16 big reason why.

17 We've continued support of biomethane and avoided
18 emissions in the LCFS. California can accelerate the
19 carbon reductions. We work with peers in the industry and
20 experts at ICFS -- ICF to develop research in support of
21 more aggressive CI reduction targets with a 42 percent
22 target by 2030, possible with existing policies.

23 Now, is the time to accelerate --

24 BOARD CLERK GARCIA: Thank you.

25 SEAN TRAMBLEY: -- these efforts to reach

1 California's aggressive climate goals.

2 BOARD CLERK GARCIA: Thank you. That concludes
3 your time.

4 SEAN TRAMBLEY: Yeah, thank you very much.

5 BOARD CLERK GARCIA: I'm sorry, our timer is --
6 yes.

7 Next is Ryan Kenny. Ryan, we're going to pull up
8 your slides. And then just a reminder for folks, we're
9 going to close the public comment queue at 7:42. So for
10 those on Zoom, please raise your hand, and those in
11 person, you can submit a request to speak card, if you
12 would like to comment. Thank you.

13 (Thereupon a slide presentation).

14 RYAN KENNY: Thank you. Good evening. My name
15 is Ryan Kenny with Clean Energy. Our company is a
16 national provider of low carbon fuels. I have four slides
17 I want to present on, one of which is focused here on what
18 was in the EJAC presentation earlier tonight. You'll see
19 the claim that was made, also a quote by one of our vice
20 presidents.

21 With respect to the environmental justice claim
22 that LCFS program perversely incentivizes combustion
23 vehicles over zero-emission strategies, our industry
24 respectfully disagrees. This claim is not supported by
25 the facts.

1 Slide two, please.

2 --o0o--

3 RYAN KENNY: It's a little hard to see, but this
4 is a chart of the carbon intensity of the various fuels
5 within the LCFS. And you can see the ones on the left are
6 all zero carbon certified pathways. The two at the bottom
7 are for RNG. The two at top are one for hydrogen and one
8 for electric vehicles. The diamonds on this carbon --
9 CARB carbon intensity chart represent certified pathways
10 for each fuel type. Those four fuels in the green shaded
11 area possess carbon negative fuel pathways using a dairy
12 biogas feedstock. Dairy biogas is an end use for low NOx,
13 hydrogen, and EV trucks. In fact, there are 145 RNG
14 pathways that have EV and hydrogen end uses.

15 As California transitions to ZEVs, RNG facilities
16 will recertify their pathways to support zero-emission
17 trucks and fueling infrastructure throughout California.

18 Slide three, please.

19 --o0o--

20 RYAN KENNY: This -- thank you. Again, this is a
21 little hard to see, but on the right is what I want to
22 focus on. This slide found in the EJAC -- this slide
23 found in the EJAC presentation attempts to create a
24 perception that one natural gas truck and three diesel
25 trucks receive more LCFS credits than four electric trucks

1 and the -- with the imagery of a scale.

2 Is that my time?

3 BOARD CLERK GARCIA: Okay.

4 RYAN KENNY: Thank you.

5 BOARD CLERK GARCIA: Yes. Thank you. That
6 concludes your time.

7 Mikayla Elder.

8 MIKAYLA ELDER: Good evening. Mikayla Elder on
9 behalf of the Electric Vehicle Charging Association. We
10 would like to express our gratitude to the Board for their
11 leadership and the EJAC Committee for facilitating these
12 crucial conversations and allowing us the opportunity to
13 provide our input.

14 As California begins implementing landmark ZEV
15 regulations like ACC II, ACT, and ACF, it becomes
16 imperative for CARB to fortify the LCFS to continue
17 aligning with the State's decarbonization goals. To
18 achieve this, EVCA respectfully offers the following
19 recommendation. EVCA recommends that CARB extend the
20 availability of fast charging infrastructure or FCI
21 credits for light-duty EVSE until 2035 and maintain the
22 2.5 percent credit cap based on prior quarter deficits.

23 But the CEC's recent estimation of 83,000 public
24 DC fast chargers needed to support ACC II and 15 million
25 EVs in 2035, there's an existing need to support the

1 installation and deployment of fast charging stations
2 throughout our communities. Additionally, FCI credits
3 offer funding for operation and maintenance, which plays a
4 pivotal role in enhancing the overall customer charging
5 experience.

6 For these reasons FCI crediting is a critical
7 component to programs administered by the CEC that
8 accelerate charging station deployments. Thank you so
9 much.

10 BOARD CLERK GARCIA: Thank you.

11 Jeanne Merrill.

12 JEANNE MERRILL: Hello. Thank you. Jeanne
13 Merrill representing the Center for Food Safety.
14 Appreciate the discussion today.

15 I want to just speak just briefly to the
16 relationship between the LCFS and SB 1383, which, of
17 course, requires methane emission reductions in the dairy
18 and livestock sector. The vast majority of dairies in
19 California cannot do a digester, but many of them can
20 convert to dry manure handling and storage and pasture
21 based systems. And this was part of a 1383 work group.
22 And I wanted to just speak to that work, because there's
23 more to be done on this front.

24 The work group found, that looked at alternative
25 manure management practices, dry manure handling in

1 pasture, that non-digester practices are critical tools to
2 help achieve a 40 percent reduction in dairy and livestock
3 methane emissions by 2030, because they can reduce methane
4 and achieve co-benefits, and also because they're feasible
5 to implement on a wide range of dairies in California.

6 The establishment of this subgroup emphasized the
7 importance of pursuing and expanding non-digester digester
8 practices. Unfortunately, a lot of that work is not -- is
9 yet to be done. And one of the things that we would like
10 to see, as part of this larger conversation around methane
11 emissions in the dairy and livestock sector, is a real
12 analysis of the opportunities to achieve methane emission
13 reductions through alternative manure management.

14 The CDFA, when they looked at these issues found
15 that dry manure and pasture-based systems can reduce
16 emissions up to 90 percent. Of course, it all depends on
17 how much of your manure is actually dry. And so there's a
18 great diversity of practices. The wetter the manure, the
19 more the emissions. And we really haven't had a
20 comprehensive discussion about this. There's a recent
21 study from UC Merced, for example, that found if you
22 compost manure and you add biochar to it, you can get
23 almost 90 percent methane emission reductions. So this is
24 an important component to this larger conversation.

25 Thank you.

1 BOARD CLERK GARCIA: Thank you. That concludes
2 your time.

3 Evan Edgar.

4 EVAN EDGAR: Good afternoon. My name is Evan
5 Edgar for the California Compost Coalition. I represent
6 most of the organic compost in California and we stand
7 with environmental justice with regards to having a life
8 cycle analysis for pesticides. We do a lot of
9 regenerative ag. And we stand with all the different life
10 cycle analyses you heard today about land use and, you
11 know, corn in the midwest, or injecar do with Canola oil,
12 or even cobalt mining in Congo when you mine for ZEV
13 minerals. So the life cycle analysis is very important.

14 So I stand with environmental justice when during
15 the scoping plan with NF number 5 where environmental
16 justice said they want a life cycle analysis for ZEV
17 batteries. It's right there in the Scoping plan. My firm
18 did an analysis of that over a year and a half ago. I
19 shared it with staff. And the life cycle analysis is
20 based upon European studies of 60 to 90 grams of CO2 per
21 megajoule. That's what it is. Zero-emission vehicles
22 aren't zero.

23 If we talk about life cycle, let's talk about all
24 life cycles, not just for dairy, not just for corn, but
25 rare minerals in the Congo. Those are blood batteries and

1 we have to put environmental justice for all, not just
2 environmental justice for some communities.

3 There was a bill this year, AB 1220 by Quirk.
4 And it was a life cycle for ZEVs. And I did the ZEVs for
5 like \$10,000 using the European studies. CARB staff said
6 it would take \$7.1 million and 17 people to do life cycle
7 analysis for ZEVs. And it killed the bill in Senate
8 appropriations. The Union of Concerned Scientists, they
9 were concerned about science. They don't -- they oppose
10 this bill because nobody wants to talk truth about ZEV
11 batteries. It's in Apple news. It's in the Wall Street
12 Journal. Every week, you guys see it pop up that ZEV
13 batteries are not zero emissions, and nobody wants to tell
14 the truth about that.

15 So I support the EJAC with life cycle assessment
16 for ZEVs, implementing the Scoping Plan. And it's time to
17 tell the truth about these blood batteries. We need
18 Environmental justice for all and we can't mine our way
19 out of climate change. It just doesn't work.

20 We stand with EJAC. Thank you.

21 BOARD CLERK GARCIA: Thank you.

22 Adam Browning.

23 ADAM BROWNING: Good evening. I'm Adam Browning
24 with Forum Mobility. We are a start-up working to
25 electrify drayage. We're building a series of network of

1 charging depots in and around California's ports, and then
2 all the way out to -- on freight routes out to where the
3 distribution centers are.

4 And I would like to just speak to how LCFS can be
5 reformed to help achieve California's zero-emission goals.
6 And I would say that even stronger without reform of LCFS,
7 we are in danger of not achieving California's
8 zero-emission goals, specifically with Advanced Clean
9 Fleets. Drayage in California is about 33,000 Class 8
10 trucks, 80 percent of which are independent
11 owner/operators. In order to transition this as required
12 to zero emission, that's going to take about \$25 billion
13 in investment, chiefly building about 2.5 gigawatts worth
14 of charging infrastructure, and then getting people that
15 are used to driving \$40,000 trucks into \$400,000 trucks.

16 This is a generational change that will take a
17 lot more investment. LCFS could be reformed to help make
18 that transition in two ways, one of which is to increase
19 the credit value. When CARB did the analysis of the TCO
20 for ACF, that is the total cost of ownership, it assumed a
21 credit value of \$200 through 2030. It's currently about
22 70. That delta between where it is right now and where
23 CARB modeled it means about \$1,000 a month in fuel costs
24 for the typical drayage driver. That's real -- that's
25 real money.

1 Secondly, establishing a medium- and heavy-duty
2 fast charging infrastructure program, similar as to what
3 exists for the light-duty, would be transformational in
4 helping to deploy charging ahead of the truck
5 availability. We've submitted comments to that effect.
6 But I thank you for your time as it's run out.

7 BOARD CLERK GARCIA: Thank you.

8 Suncheth Bhat.

9 SUNCHETH BHAT: Hello. I am Suncheth Bhat with
10 EV Realty. EV Realty is an EV charging infrastructure
11 developer based here in California. We focus on
12 developing, owning, and operating multi-fleet EV charging
13 hubs for medium- and heavy-duty fleet. Our hubs serve
14 multiple fleets through a subscription model that allows
15 for fleets to save money and enables speed to deployment
16 while optimizing infrastructure to the -- around -- for
17 the grid.

18 I'd like to thank CARB and the State of
19 California for your leadership in establishing a LCFS in
20 2009 and ACF earlier this year, as we look to
21 implementation to meet the State's policy objectives.
22 There are two areas I'd like to highlight. First, we need
23 to ensure alignment between ACF and LCFS. LCFS is the
24 single largest set of funds in the state to support this
25 transition and it's at no taxpayer or utility ratepayer

1 cost.

2 The State has made a decision that its future is
3 electric. LCFS should be modernized to focus the state to
4 meet its ZEV goals across all vehicle classes and support
5 an equitable transition for small and medium businesses.

6 Second, we recommend a robust and inclusive
7 medium- and heavy-duty fast charging infrastructure
8 capacity credit program. Our hub model is important from
9 an equity perspective as it allows small and medium
10 business fleet owners access to charging where they may
11 not otherwise be able to do so on-site due to grid, space,
12 or lease constraints. In order to accelerate this market,
13 infrastructure needs to be built before the vehicles
14 arrived.

15 One of the most powerful tools to make this
16 happen is the medium- and heavy-duty FCI. We recommend
17 CARB not have geographic limitations or unnecessarily high
18 minimum charger sizes for FCI eligibility that can have
19 negative cons -- that can have negative consequences on
20 the affordability of charging and the impacts to the grid.
21 We appreciate the collaboration to date with CARB staff
22 and further encourage LCF to foster market innovation to
23 meet policy objectives at the lowest societal cost
24 possible.

25 Thank you.

1 BOARD CLERK GARCIA: Thank you.

2 Floyd Vergara.

3 FLOYD VERGARA: Good evening. Floyd Vergara,
4 Clean Fuels Alliance America. We're the U.S. trade
5 association representing the biodiesel, renewable diesel,
6 and sustainable aviation fuel industries. I want to first
7 start off support of the concepts that were assessed in
8 the SRIA that was recently released. Really good work
9 that went into that.

10 Under the LCFS -- and this is a program that has
11 been extremely successful. So from our standpoint, CARB
12 should be looking at doubling down on the LCFS rather than
13 retracting from it. So under the LCFS, biodiesel and
14 renewable diesel have replaced and de-fossilized the
15 heavy-duty sector by 46 percent in 2022 and 57 percent of
16 the diesel market in first quarter of this year was
17 biodiesel and renewable diesel. So these fuels are
18 providing significant GHG and diesel PM reductions and
19 those are benefiting the environmental justice
20 communities.

21 I want to focus the rest of my time on the
22 science question. And this is a recurring theme that you
23 heard tonight. With all due respect to Michael Wara's
24 presentation, I think it asks the wrong question. The
25 question is not what are the benefits of a cap on plant

1 base lipids? The real question should be is a cap even
2 warranted by the science that's built in and hard wired
3 into the LCFS regulation? I'm talking, of course, about
4 the GTAP model. For those who don't know, it's the Global
5 Trade Analysis Project. And this is the only model for
6 assessing the indirect land use change impacts for -- from
7 a biofuel that's in the regulations.

8 So rather than putting the cart before the horse,
9 I suggest we take a step back, take a look at what the
10 science says, update the data sets in the GTAP. Right
11 now, the data in the GTAP is well over a decade old, so it
12 behooves us to make sure that we're all on the same page
13 in terms of what the current science is and then we can
14 have a robust, scientifically based discussion.

15 So thank you very much.

16 BOARD CLERK GARCIA: Thank you.

17 Mauro Libre.

18 MAURO LIBRE: Poverty pimps are individuals or
19 agencies that make money off the plight of those who they
20 claim to serve, the poor, the underserved, the
21 marginalized, and the unseen. Consultants can fall into
22 this category too.

23 I'm dressed like this to go in line with the
24 experiences I've had in this room and the room next door.
25 Now, this is an Environmental Justice Advisory Committee.

1 And my understanding of environmental justice is that
2 everybody's voice is heard. Dr. King said that if people
3 have decisions made about them and their voices are not
4 heard, that is an injustice.

5 And this is not going to go how a lot of you
6 expect, but my name is gold in the community and I go
7 pretty deep in engaging with people. And if I ask 100
8 Mexican vatos how they feel about electric vehicles, 95 of
9 them are against them. They don't like the term Latinx,
10 so I deal with la raza not with Latinx. And I don't know
11 who's speaking for them here, because despite whether I
12 agree or not with their position on electric vehicles,
13 their voices are not present here. All we hear is one
14 agenda, which is more electrification. And again, I'm not
15 against it or for it. I'm just giving you guys the truth.

16 In South Sacramento, AB 617, you have non-profits
17 believing that they're responsible for the deployment of
18 electric vehicles in the community. That's poverty
19 pimping. UC Davis Institute of Transportation Studies is
20 responsible for pushing those cars in the community, not
21 the people.

22 And that's it. I just felt it was important for
23 you to know that there is a large segment of raza out
24 there who voice is never heard here, because it's not in
25 line with what's being promoted. And I'll be back next

1 month to really push on AB 617 and paint the poverty
2 pimping that goes on in here around my community and AB
3 617. And I'll say they came here before and complained
4 and the Board punted to Phil Serna. Now, the Sacramento
5 Business Journal is predicting 800 more --

6 BOARD CLERK GARCIA: Thank you.

7 MAURO LIBRE: -- heavy-duty trucks into my
8 community. Please don't punt to Eric next month.

9 BOARD CLERK GARCIA: Thank you. That concludes
10 your time.

11 Tom Knox.

12 Okay. Tom?

13 I believe that concludes our in-person
14 commenters. And we'll now hear from Zoom commenters.

15 BOARD CLERK MOORE: Thank you, Lindsay. We
16 currently have 19 commenters with their hands raised in
17 Zoom. I apologize in advance if I mispronounce your name.
18 I would like to remind all commenters to speak slowly and
19 clearly for our interpreters and court reporter. Also,
20 just a friendly reminder that speaker sign-ups close at
21 7:42.

22 The first five speakers are Jamie Katz, a number
23 ending in 111, Patricia Ramos Anderson, Chris Bliley, and
24 Brent Newell.

25 Jamie Katz, I have activated your microphone.

1 Please unmute yourself and you may begin.

2 ZARAY RAMIREZ: Yeah, can you hear me?

3 BOARD CLERK MOORE: Yes.

4 ZARAY RAMIREZ: Okay. So hi. My name Zaray
5 Ramirez, Policy Advocate with Leadership Counsel, but I'll
6 reading a comment for a Planada resident.

7 "Hi. My name is Beatrice Avila[phonetic]. I
8 have lived in Planada for more than 30 yeas. The dairies
9 have a heavy impact on our day to day lives. Our air is
10 severely polluted and a lot of our children have asthma.
11 My granddaughter is seven years old and every time she
12 goes outside, she has trouble breathing. This is because
13 of the air quality. We are not close to a hospital. The
14 closest hospital is almost an hour away from us. Planada
15 is a predominantly Latinx Community. We are a
16 disadvantaged rural town. We face a lot of health issues,
17 because of how close the dairies are to us. The odor from
18 the manure comes to us strong. For this reason, we can't
19 enjoy the time outside, especially since the dairies in
20 Merced County keep expanding. I believe that CARB should
21 reframe the LCFS program to prioritize the health and
22 well-being of residents. Our health is in your hands. We
23 need more regulations imposed onto dairies not incentives
24 such as credits for biogas production."

25 JAMIE KATZ: And there are three of us more in

1 the room who -- in Planada who need to give comments.

2 ZARAY RAMIREZ: So that's the first comment.

3 BOARD CLERK MOORE: Okay. One second.

4 There's -- if there's three more, then those three people
5 will -- it is now CARB's policy to go at the end of --
6 after all other commenters. So the -- after the two
7 minutes, your time will be up and then we can add those to
8 the end.

9 JAMIE KATZ: Okay. Well, then we can have one
10 more person who can go now.

11 Go

12 KATHY MORENO: I'm Kathy Moreno and I live in
13 Planada, California, Merced County. I live less than two
14 miles from a dairy. And I would like to see regulations
15 given on the dairy size, because of the smell, flies, and
16 possible contamination of our water and less incentives
17 given to the dairies that help pollute our air and cause
18 us to become sick.

19 BOARD CLERK MOORE: Thank you for your comment.

20 The next commenter is a number ending in 111.
21 You will hear a prompt when I activate your microphone
22 indicating that you may begin your comment. Please state
23 your name for the record and you may begin

24 JAMES DUFFY: Good evening. My name is James
25 Duffy. I recently retired after 13 years working for CARB

1 on the Low Carbon Fuel Standard, including over a year as
2 Branch Chief overseeing the program. I helped develop and
3 enthusiastically support the LCFS. A strong LCFS is
4 critical to helping California achieve its zero-emission
5 goals. That being said, I strongly urge you to follow the
6 EJAC's recommendation to cap and eventually phase out
7 crediting of crop based biofuels.

8 Just last month, CARB issued a news release
9 celebrating the replacement of over 50 percent of diesel
10 via renewable diesel and biodiesel. CARB often prides
11 itself on providing an example for the world to follow.
12 So I ask you to consider what would happen if the rest of
13 the world follows California's lead and replaces over 50
14 percent of its diesel fuel with renewable diesel and
15 biodiesel.

16 Currently, the world annually produces 200
17 million metric tons of vegetable oil, a majority from the
18 tropical countries of Indonesia, Malaysia, Brazil, and
19 Argentina. Replacing 50 percent of diesel worldwide would
20 require an additional 600 million metric tons of vegetable
21 oil, necessitating a four-fold increase in worldwide
22 production. It doesn't take an expert to know --

23 BOARD CLERK MOORE: You have 30 seconds.

24 JAMES DUFFY: -- that impact of -- it doesn't
25 take an expert to know that the impact of such an increase

1 on agricultural commodity prices, global hunger, tropical
2 deforestation, and biodiversity would be devastating,
3 which leads me to ask are you really being a leader if the
4 world would be much better off not following?

5 Thank you for this opportunity to comment. I
6 have also submitted written comments that I hope you will
7 review and consider.

8 BOARD CLERK MOORE: Thank you.

9 The next commenter is Patricia Ramos Anderson. I
10 have activated your microphone. Please unmute yourself
11 and you may begin.

12 PATRICIA RAMOS ANDERSON: Hello. My name is
13 Patricia Ramos Anderson. I am with the (inaudible) from
14 Merced County. Also the President of LULAC, League of
15 United Latin American Citizens.

16 What is important is that since CARB was
17 established in -- 23 years ago and the CFS, from that
18 onset, there was no meaningful community engagement not
19 even translations for the Commission, or at meetings, or
20 information, just something in the newspaper. Bad.

21 Two, no one in the communities were even informed
22 what was being proposed in their busi -- in the business
23 model and land use designations in their communities.
24 Nobody from the government were involved in that process
25 locally.

1 Three, the most important part, is that
2 monitoring and reporting of the data from the business
3 model, there has been no accountability. You have not
4 been even to get accurate data from the visitors that are
5 having this business in tact, and that is bad, let alone
6 to try the State for the reports and they can't get that
7 information. Something is awfully wrong.

8 Also, there is no regulatory guidance and
9 oversight on air, health, and the reporting systems.
10 Public health versus profit, the credits versus the public
11 health. When you new stop the credits, we have to
12 establish regulatory guidelines. It's for this process.
13 The community needs to be involved and they need to have
14 the right to that, they have safe drinking water, because
15 no one knows and there's no monitoring, and we have to
16 have regulations. All other businesses are mandated with
17 regulatory guidelines.

18 And this of all things that happens with air and
19 water, you're contaminating -- and I'm a Water Board
20 member. You're contaminating the aquifer, the water.
21 Central Valley, Merced County and the areas that you're
22 in. Those ponds -- from all those, one of your big ones
23 that you're having in small little town, thousands of
24 cows, they even had problems with their own drinking
25 water.

1 So local cities, municipalities are having
2 problems and now you're establishing a double, triple
3 sized grant in this field. No. There has to be
4 regulatory guidelines. There has to be accountability and
5 there has to be fines. There is nothing there protecting
6 the consumer --

7 BOARD CLERK MOORE: Thank you for your comments.

8 The next commenter is Chris Bliley. I have
9 activated your microphone. Please unmute and you may
10 begin.

11 CHRIS BLILEY: Thank you. I'm Chris Bliley. I'm
12 with Growth Energy. We are the nation's largest
13 association of bioethanol producers producing nine billion
14 gallons of clean, renewable bioethanol. Biofuels continue
15 to be a primary solution to clean up our liquid fuel
16 supply, even as electrification is deployed in California.

17 Today, we're lowering greenhouse gas emissions by
18 an average of nearly 50 percent compared to gasoline and
19 we're responsible for reducing millions of tons of
20 greenhouse gas emissions in California as well. We
21 continue to drive towards net zero. We're also lowering
22 other harmful pollutants, such as carbon monoxide,
23 particulate emissions, and others, as well as lowering
24 consumer costs across the spectrum.

25 I want to associate myself with Floyd Vergara's

1 earlier comments on looking at the science of biofuels. I
2 think it's very, very important. We have also provided a
3 wealth of comments on production of bioethanol and the
4 improvements made across the spectrum at the farm and the
5 innovations taking place at the plan and continuing to
6 drive our greenhouse gas emission and carbon intensity
7 downward towards net zero.

8 Also, I want to expand on the use of higher
9 ethanol blends, such as E15. We did a study showing that
10 moving to E15 in California would reduce greenhouse gas
11 emissions by nearly two million tons, the equivalent of
12 taking 411,000 cars off California roads each year.

13 Appreciate the work that's been done and we'll
14 continue to weigh in on the Low Carbon Fuel Standard.
15 Thanks for your time.

16 BOARD CLERK MOORE: Thank you for you comment.

17 Our next comment will be Brent Newell. Then we
18 will have Jan Warren, Woody Hastings, Daniel Chandler,
19 Casey Coward, and Maria Romero.

20 Brent Newell, I have activated your microphone.
21 Please unmute yourself and you may begin.

22 BRENT NEWELL: Good evening. My name is Brent
23 Newell and I represent Leadership Counsel for Justice and
24 Accountability.

25 I would like to share three reasons why the EJAC

1 resolution should be incorporated into the LCFS
2 amendments. First, the SRIA shows that CARB staff want to
3 double down on the grossly excessive generation of factory
4 farm gas LCFS credits with avoided methane crediting for
5 another 16 years. This policy ridiculously creates huge
6 negative carbon intensities and thus lavishly rewards the
7 most polluting form of dairy production in California.
8 Avoided methane crediting should end in 2024.

9 Second, the SRIA has acknowledged that CARB
10 staff's preferred approach would require Californians to
11 ultimately pay at the pump for fuels favored by the dairy
12 industry and the oil industry. The SRIA states that the
13 gas tax would average \$0.37 a gallon through 2030 and then
14 increase to a \$1.15 per gallon from 2031 to 2045 without
15 adjusting for inflation. This cost will be increasingly
16 borne by low-income and rural Californians who cannot
17 afford to buy Teslas.

18 Third, Senate Bill 1383 requires CARB to adopt
19 regulations to limit methane from manure management by 40
20 percent by 2030 and only says that CARB cannot implement
21 those regulations before January 1st of 2024. The
22 questions about how and who should pay for the dairy
23 industry to reduce its massive methane emissions should
24 occur in that rulemaking. Senate bill 1383 further
25 protects investors by guaranteeing a 10-year credit period

1 after regulations are adopted.

2 In conclusion, CARB should reform the LCFS as
3 recommended by the EJAC and should address dairy manure
4 methane in an SB 1383 rulemaking as the legislature has
5 already required. CARB should regular dairies just like
6 any other major polluter and stop this agricultural
7 exceptionalism.

8 BOARD CLERK MOORE: Thank you for your comments.

9 The next commenter is Jan Warren. I have
10 activated your microphone. Please unmute and your --
11 please unmute yourself and you may begin.

12 JAN WARREN: Thank you. I was the number one
13 commenter that -- before the break, so i'm happy to be
14 able to give comments a little bit on the -- the clock is
15 not moving. Can you hear me?

16 Hello.

17 BOARD CLERK MOORE: Yes, we can hear you.

18 JAN WARREN: Okay. Well, the clock wasn't
19 starting. Anyway. So I want to give a little bit of
20 comment on the first part that I wanted to comment on.
21 The presenter showed all these comparisons about the
22 different ways that we're, you know, using different, you
23 know, oils, or electricity, or biomethane, or biogas to
24 reduce our standards. But it got me to thinking about --
25 I kept hearing about the San Joaquin Basin. I hear it all

1 the time, they're the worst air in the whole country. And
2 it seems to me if we could clear up the air, if we could
3 focus on clearing up the air in the San Joaquin Basin,
4 everybody else would do -- be doing much better. And I
5 realize you have to give these stats across the state, but
6 it would be great to know how we're doing in San Joaquin.

7 I also want to support the resolutions from the
8 EJAC community and the comments from CARB, Diane Takvorian
9 on the process suggestion. I particularly like the
10 aviation and marine fuels inclusion. And I think it's
11 critical that we keep going back to CARB's original
12 mission of to protect health. It seems to me the last
13 time I heard, natural gas is methane and it's a fossil
14 fuel product. And so we need to be moving to electrifying
15 more things in natural and working lands. Just listening
16 to Thomas from Stanislaus, these small communities that
17 are being impacted negatively by this biomethane digester,
18 they don't have the resources -- the financial resources
19 to make sure that their people even have clean water and
20 the people who are -- have been enticed by these --

21 BOARD CLERK MOORE: Thanks for your comment.

22 The next Commenter is Woody Hastings. I have
23 activated your microphone. Please unmute and you may
24 begin.

25 WOODY HASTINGS: Thank you. Can you hear me?

1 BOARD CLERK MOORE: Yes.

2 WOOD HASTINGS: Great. Good evening. My name is
3 Woody Hastings Phaseout Polluting Fuels Program Manager
4 for The Climate Center. Thank you for the opportunity to
5 comment. First, I want to state our support for the eight
6 EJAC resolutions outlined by Catherine Garoupa White
7 earlier.

8 Also, ditto to the comments of Phoebe Seaton,
9 Jeanne Merrill, and Brent Newell, and just -- and Jan
10 Warren just now. The main point we'd like to make is that
11 to meet its climate goals, California must transition from
12 incentives and subsidies to strict regulation of large
13 dairies. The LCFS mineral methane program has already
14 financed the construction of digesters at most of the
15 suitable facilities in California. These facilities
16 should not be generously subsidized indefinitely, but
17 should be regulated as authorized by SB 1383. The ARB
18 should initiate this rulemaking immediately and phase out
19 negative carbon intensity scores from the LCFS as quickly
20 as possible.

21 Current subsidization of liquid manure practices
22 exacerbates environmental justice -- environmental
23 injustices and creates air and water pollution, which is
24 so bad that people cannot leave their homes and enjoy the
25 outdoor environment as we heard earlier. This is an

1 environmental, economic, and climate disaster. A system
2 where CO2-producing fuel, biomethane, receive more LCFS
3 credit than non-CO2 resources is deeply flawed. The ARB
4 acknowledges that avoided methane crediting is flawed and
5 yet continues to -- is planning to continue till 2040.

6 The Climate Center supports the EJAC community
7 proposal to phase out avoided methane crediting by 2024
8 and place caps on biogenic feedstocks. The findings and
9 recommendations presented by Dr. Wara can help achieve
10 ARB's goals, while lowering the impacts to EJ communities,
11 potentially improving climate outcomes. This scenario is
12 not --

13 BOARD CLERK MOORE: Thank you for your comments.
14 The next commenter is Daniel Chandler. I have activated
15 your microphone. Please unmute and you may begin.

16 DANIEL CHANDLER: I'm Daniel Chandler
17 representing 350 Humboldt, a climate action group. We
18 support in particular the EJAC resolution points 3 and 4
19 concerning agricultural methane. We've come to the same
20 conclusions coming from the standpoint of how best to
21 reduce methane. The simplest and most effective way to
22 fix the LCFS and to reduce agricultural methane is to
23 measure and regulate dairy methane.

24 The only reason LCFS can credit digester with
25 avoided emissions is because dairy methane emissions are

1 not regulated, that is because incentives cannot be given
2 for emission reductions that are mandated. To my
3 knowledge, the dairies are the only large source of
4 methane that is not regulated at all, yet the Air
5 Resources Board has legislative authority to regulate it
6 in 2024. Please use it. Thank you very much.

7 BOARD CLERK MOORE: Thank you for your comment.

8 The next commenter is Casey Coward. I have
9 activated your microphone. Please unmute yourself and you
10 may begin.

11 CASEY COWARD: Hey. I'm Casey Coward. I'm with
12 SEIU USWW, labor union representing service workers and
13 low wage industries statewide, including subcontracted
14 airport workers. There's a lot of critical issues EJAC
15 has been working on and highlighting here. I regret that
16 I have two minutes, which is -- I just -- so I get to talk
17 about just one of them tonight, which we appreciate their
18 interest in so far, which is the question of conventional
19 jet fuel.

20 It's been mentioned already, but fossil jet fuel
21 have been exempt from the standards of the LCFS. They
22 don't create deficits. That has to change. Aviation has
23 too large a carbon footprint, is growing too fast, and
24 plays too big a role in local and regional air quality to
25 not take this on. It's not something we're going to

1 subsidize our way out of, especially when the fossil fuels
2 continue to receive enormous tax breaks here in
3 California. We know that bringing intrastate jet fuel into
4 the program is something CARB has been exploring and now
5 recommending. We're encouraged by that. Great first
6 step. But for perspective, intrastate is about six
7 percent of the state's aviation fuel.

8 There also needs to be a path towards addressing
9 California's share of the fuel used in interstate and
10 international flights. Yeah, there are technological and
11 legal Challenges. We're decades away from true zero
12 emission in commercial scale for aviation. And the
13 short-term, solutions sustainable aviation fuel has its
14 own host of sustainability risks and unintended
15 consequences. We strongly suspect that at a admin some
16 kind of cap on lipid based feedstock or SAF will be called
17 for as you Bring the conventional fuels into the program.

18 I've been working on this stuff for years. I
19 know the degree of difficult. I know that the industry
20 has always lobbied, and fought, and made threats whenever
21 anyone snips any real policy in this area, but I also know
22 they've lost some of the preemption cases that they've
23 brought.

24 So there's a path here, but it's going to require
25 sound policy, real leadership. Most importantly though,

1 it calls for hearing the voices of the front-line
2 communities and the workers. Flight path communities are
3 majority black and brown, quite often immigrants, renters,
4 just like our membership and the low wage workers in the
5 industry. So sustainable transition in aviation is an
6 equity issue. It's a justice issue. It's high time it be
7 treated like it. We look forward to seeing what kind of
8 progress can be made in the coming years and being part of
9 alongside our allies, members, and their communities.

10 Thanks.

11 BOARD CLERK MOORE: Thank you for your comment.
12 The next commenter is Maria Romero.

13 After Maria, we will hear from Nicole Rice, Tom
14 Conlon, Colin Murphy, Neil Black Mirai, and Jovan Houston.

15 Maria, I have activated your microphone. Please
16 unmute and you may begin.

17 MARIA ROMERO: Hello. Good evening. My name is
18 Maria Romero and I am USWW member and I have been working
19 at the LAX for 17 years. As an airport worker, I am here
20 to share how I am exposed every day to the airplanes'
21 emissions. I am concerned about the environment and the
22 health impact it is having on me and the way my family who
23 works and lives near the airport, LAX.

24 Working at the terminal, I am always breathing
25 airplanes' emissions, which has affected my respiratory --

1 my breathing system. I use an inhaler to help me breathe,
2 even though I don't smoke. I often feel lightheaded and
3 my eyes burn, because I am working in the terminals where
4 the airplanes are kept.

5 I also have lived under the flight path for over
6 13 years, and so not only I am exposed to this toxic at
7 work, but at home where I live. We have to do something
8 about this. I ask that the jet fuel be included in the
9 Low Carbon Fuel Standard. Airplanes needs to be -- also
10 be regulated as well. Thank you for your time.

11 BOARD CLERK MOORE: Thank you for your comment.

12 The next commenter is Nicole rice. I have
13 activated your microphone. Please unmute and you may
14 begin.

15 NICOLE RICE: Thank you. Good evening. My name
16 is Nicole Rice and I'm president of the California
17 Renewable Transportation Alliance. In the interest of
18 brevity, I will condense my comments to these few points.

19 First of all, I wanted to remind everyone that
20 LCFS is a nationally acclaimed and successful program, and
21 that's largely due to how effectively it reduces methane
22 in the most cost effective way. We agree with comments
23 that the LCFS is a multi-faceted and complicated program,
24 and therefore, we should take a measured approach as to
25 how we modify it.

1 Therefore, CRTA recommends that staff focuses on
2 increasing the stringency of the CI scores under the
3 program, because this action alone can keep us moving
4 forward towards greater GHG reductions as lower carbon
5 fuel increase in availability.

6 Renewable natural gas will continue to play a
7 role and be an effective tool in California's
8 decarbonization strategy. This fact is acknowledged in
9 the recent Scoping Plan update, where staff points out the
10 need for further methane reductions in order to achieve
11 the State's 2030 goals under SB 1383. If we don't find
12 another end use for methane, it would just be released
13 into the atmosphere making the problem worse. We also
14 agree with comments made related to the upstream impact
15 from electrification.

16 There are serious questions that need to be
17 answered, however they are rarely discussed. But as the
18 sponsors of AB 1012 that will require CARB to conduct a
19 GHG life cycle analysis on the vehicle side, we encourage
20 that conversation. And finally, we cannot dismiss the
21 versatility of RNG as acknowledged again in the Scoping
22 Plan. It is a feedstock for other emerging fuels like
23 electricity and hydrogen and a tool that can a positive or
24 create a positive effect in other --

25 BOARD CLERK MOORE: Thank you for your comment.

1 Our next commenter is Tom Conlon. I have
2 activated your microphone. Please unmute and you may
3 begin.

4 TOM CONLON: Thank you, Board members, EJAC
5 members, staff, and members of the public. I really
6 appreciate the opportunity to follow on tonight's
7 outstanding conversation. I'm Tom Conlon here in Sonoma
8 County. Hi, Liane. I'm an old demand-side management
9 energy efficiency management consultant.

10 And you all have your hands full. I'm not
11 surprised that you have a lot of representatives of
12 industry out tonight in support of this obvious subsidy
13 program, but I think you all should be very proud of
14 yourselves and the solid critical analyses and emerging
15 consensus I believe I hear in the presentation tonight.
16 This -- you know, EJAC has really come a long way in the
17 last several years. I see this, Liane, as something --
18 your leadership has helped inspire.

19 I'm going to say -- I want to say I strongly
20 support the EJAC recommendations. We need to end this
21 exceptional status for the state's dairies. We need to
22 stop tilting the playing field against our smaller
23 dairies, those dairies who are using dry manure techniques
24 for example. I want to ditto Jeanne Merrill and Woody
25 Hastings comments earlier in public comment.

1 You know, subsidizing the CAFOs is a bad look for
2 the State and for CARB in particular. As to the
3 consequences for investors, well they should have done
4 better due diligence. We can't fool the atmosphere with
5 selective, dare I say, disingenuous modeling. I have
6 confidence that staff has heard this tonight and that CARB
7 can do better. And I look forward to you doing so in
8 the -- in the weeks and month ahead. Thank you for your
9 consideration of my comments tonight.

10 BOARD CLERK MOORE: Thank you for your comment.

11 Our next commenter is Colin Murphy. I have
12 activated your microphone. Please unmute and you may
13 begin.

14 COLIN MURPHY: Hi. Thank you. This is Colin
15 Murphy. I'm the Deputy Director for the UC Davis Policy
16 Institute for Energy, Environment, and the Economy. And I
17 co-lead the low carbon fuel policy modeling group there.
18 I want to thank the staff and the Board members of the
19 EJAC for providing this opportunity to have a really deep
20 and useful discussion on a lot of the key issues there.
21 We have been engaged in doing LCFS modeling for a number
22 of years. Most recently, we've spent a lot of time
23 looking at the proposed 2030 targets.

24 For members of the community who might be
25 interested, you can go to your website at

1 lowcarbonfuel.ucdavis.edu. Under presentations, there was
2 a webinar we presented last month -- actually, sorry, two
3 months ago now - it's September - looking at the 2030
4 target and discussing some of the consideration that we
5 have when trying to decide how to set this inside other
6 parts of the program.

7 I also wanted to echo many of the comments that
8 Michael Wara from Stanford made about the -- some of the
9 elements of the program design. Also, particularly, the
10 need for better data about methane emissions from
11 livestock operations in California, as well as the -- one
12 of the things he didn't mention, but something we've
13 noticed is there's just not transparency around the
14 economics of dairy digesters and understanding exactly
15 what levels of incentive are necessary and trying to
16 really get to the bottom of what's required in order to
17 meet California's methane goals.

18 I would also say that in the modeling that we've
19 done, while we haven't modeled specifically the EJ
20 scenario Dr. Wara discussed, we've modeled very similar
21 scenarios. And we found that things like the feedstock --
22 crop-based feedstock cap or earlier phaseout of avoided
23 methane credits from RNG are totally compatible with
24 attaining a 30 percent target in the -- 2030. For the
25 LCFS, we're going to reach out to Dr. Wara - I'm not if

1 your still listening, check you email - to get some
2 specifics on the scenarios that they're talking about and
3 confirm that. But everything that we've done says that
4 making those changes would not compromise our ability to
5 make those program targets.

6 BOARD CLERK MOORE: Thank you for your comment.
7 Our next commenter is Neil Black. I have
8 activated your microphone. Please unmute and you may
9 begin.

10 NEIL BLACK: Thank you for the opportunity to
11 speak. My name is Neil Black and I'm representing
12 California Bioenergy. Founded in 2006, our four goals are
13 to reduce methane emissions, improve the local
14 environment, partner with dairies to become more
15 sustainable and invest in the communities. We are doing
16 all four. We are proud that we work with family farms and
17 have built a company with the majority living here in the
18 San Joaquin Valley. I'm in Visalia and Tulare County.

19 EJAC states that CARB should cease LCFS crediting
20 for digesters, because digesters cause environmental harm.
21 This is not the case. We look forward to being part of
22 the process discussed today to answer questions about the
23 impacts our projects. For instance, CalBio's digesters to
24 date are responsible for reducing 1.8 million metric tons
25 of CO2e annually. In addition, biomethane displaces

1 fossil fuel using polluting diesel trucks today.

2 We nearly eliminate hydrogen sulfide emissions,
3 which substantially reduces particulate matter locally and
4 prevents odors. CalBio, other developers, and our farmer
5 partners have responded to the State's call to action and
6 a result of the LCFS program, we are on track to meet the
7 State's 40 percent methane reduction goals by 2030. The
8 EJAC proposal with regard to dairies will reverse this
9 progress. In the face of the climate emergency, we
10 urgently need to reduce methane emissions today.
11 Preserving a strong LCFS program for digesters will
12 improve local air quality and ensure continued significant
13 methane reductions.

14 Thank you.

15 BOARD CLERK MOORE: Thank you.

16 The next commenter is Jovan Houston. After
17 Jovan, we will hear from Todd Campbell, Steve Compton,
18 LaDonnaa Williams, Sara Gersen, and Jamie Katz's extra
19 additional speakers.

20 Jovan Houston, I have activated your microphone.
21 Please unmute and you may begin.

22 JOVAN HOUSTON: Hello. Can you hear me?

23 BOARD CLERK MOORE: Yes.

24 JOVAN HOUSTON: Hi. My name is Jovan Houston.
25 I'm a member of SEIU USWW. I worked at LAX for about six

1 years. Environmental racism is a disappointment. This --
2 sorry, disappropriate impact of environmental hazard of
3 people of color. Communities of color most likely live in
4 polluted neighborhoods, as a result, suffers from the
5 highest rate of asthma, heart disease, and many more.

6 Residents who live near toxic sites live less
7 than 12 years and influence surrounded cities. Working at
8 LAX is 10 times worse. We deserve to know what's more in
9 the air that we breathe. Long-term exposure to pollutants
10 leads to asthma and other respiratory problems. LAX is
11 one of the largest sources of carbon dioxide, which is a
12 daily high concentrated problem.

13 Jet fuel emissions contain significant levels of
14 particulate matter in organic gases and ultrafine
15 particles, which links so to respiratory problems. I'm a
16 living example. I live with COPD. No, I am not a smoker.
17 I breathe jet fuel on a daily. It's bad enough that I
18 struggle with low pay wages. I shouldn't have to struggle
19 to live and breathe clean air.

20 Thank you.

21 BOARD CLERK MOORE: Thank you for your comment.

22 The next commenter is Todd Campbell. Please wait
23 one moment as we pull up Todd Campbell's slides.

24 Okay. I have activated your microphone. Please
25 unmute and you may begin.

1 (Thereupon a slide presentation).

2 TODD CAMPBELL: Thank you, Madam Chair and
3 members of the EJAC committee and Board members. My name
4 is Todd Campbell, Vice President of Public Policy and
5 Regulatory Affairs for Clean Energy.

6 I guess, you know, what really confuses me is is
7 that we are working on behalf of communities to reduce
8 carbon and air pollution and we don't care where the fuel
9 goes to. And what we're worried about is on this slide
10 there seems to be a deception in terms of the reality of
11 how this LCFS program works. In no way, shape, or form
12 does Mr. Roche in his statement claim that three diesel
13 trucks and one natural gas truck receives more credit than
14 four electric trucks. In fact, you could replace RNG and
15 demonstrate by submitting an EV truck or a hydrogen truck
16 and actually they would get better carbon reduction under
17 the LCFS program. So I just want to make that very clear
18 that this graphic is deceptive.

19 The next slide, I want to say looking at CARB's
20 own graph, demonstrates that the pathways are shifting.
21 We're working to support a zero-emission future. We want
22 to support California moving in the right direction. And
23 there are increasing pathways that are growing for
24 hydrogen and electric.

25 And moving to the next slide --

1 --o0o--

2 TODD CAMPBELL: -- you'll see that the LCFS
3 properly incentivizes a pathway to zero, and that's where
4 we're headed. You know biomethane supports and is
5 actually demonstrating greater credit gains through
6 fueling EV trucks, not natural gas vehicles, but EV
7 trucks, because they're more efficient and we've proven
8 that.

9 So we are here as an agnostic fuel ready to
10 support California moving forward in a zero-emission
11 future.

12 BOARD CLERK MOORE: Thank you for your comment.

13 The next commenter is Steve Compton. I have
14 activated your mic. Please unmute and you may begin.

15 STEVE COMPTON: Hello. My name is Steve Compton.
16 I'm with Sevana Bioenergy here in California. We are a
17 renewable natural gas producer that utilizes organic waste
18 to produce fertilizers and fuels through regenerative
19 agricultural practices, which directly eliminate the use
20 of petroleum fuel. By capturing the methane, which is a
21 far more potent pollutant going into the atmosphere and
22 other forms of carbon before it's emitted, our RNG
23 projects are a sensible way to reduce the impacts of
24 climate change, which is causing forest fires and extreme
25 weather events here that impact California communities.

1 The current LCFS framework with its 10-year
2 crediting periods and flexibility provides the right
3 framework and balance to keep carbon an pollution
4 reduced -- reduction projects moving toward. LCFS has
5 been a strong success recognized worldwide. Similar
6 programs have been adopted in Oregon, Washington, Canada,
7 and are under consideration in many other jurisdictions.

8 To undercut the LCFS at this point would be a
9 mistake. To put it simply, every gallon of renewable fuel
10 or electricity that's produced eliminates a gallon of far
11 more polluting fossil fuel. RNG can be used in many ways.
12 And using it first and the hardest to clean up, the
13 transportation sector is the most effective way to improve
14 California's air quality. And my company has been
15 producing RNG for use in both electric vehicles and
16 natural gas vehicles. We believe a higher LCFS target of
17 at least 35 percent, which is supported by independent
18 studies, and the use of RNG across multiple sectors is
19 achievable and should be supported.

20 Thank you.

21 BOARD CLERK MOORE: Thank you for your comment.

22 The next commenter is LaDonnaa Williams. I have
23 activated your microphone. Please unmute and you may
24 begin.

25 LaDONNA WILLIAMS: Good evening. LaDonna

1 Williams.

2 I would like to say to the EJAC Advisory
3 Committee, I want to see you guys have some more backbone
4 and push against CARB. Listening to the August 25th
5 meeting on the 7th -- on the 7/17 meeting around racial
6 issues that happened with one of the Committee members,
7 Mr. Hamilton, and how he was attempting to address his
8 incident, and to try and effect change within the agency,
9 to hear CARB's leadership give excuse after excuse about
10 the Bagley-Keene was the reason why they couldn't do it
11 for investigating or setting up additional committees to
12 look into the inner workings when it comes to racial
13 issues, discrimination, racial equity, it was so many
14 excuses as to why they could not accomplish it, as opposed
15 to really being about being inclusive and addressing the
16 real issues of racial inequities and discrimination that
17 has been targeted specifically against black folks.

18 You all talk about it, but you soft pedal. You
19 are either going to stop putting in all these resolutions
20 to come to a solution and be about what you say you're
21 about. If it's about environmental justice for all and
22 equity for all, then treat us all fairly. But as we see,
23 even a Committee member cannot get fair and equal
24 treatment. And then you go on to tell them, well, we also
25 don't want to talk about internal practices and

1 investigations, when that's exactly what you need. Any
2 time you get 80 Black employees that have to send a note
3 to you all anonymously afraid to come forward and address
4 these issues. It is time to openly address them.

5 And so I will continue to make these comments
6 until we see some effective change.

7 BOARD CLERK MOORE: Thank for your comment.

8 The next commenter is Sara Gersen. I have
9 activated your microphone. Please unmute and you may
10 begin.

11 SARA GERSEN: Good afternoon. This is Sara
12 Gersen with Earthjustice.

13 This evening, I'd urge the Board to think about
14 what kind of program they would design, if they were
15 starting from scratch, instead of updating a program from
16 the Schwarzenegger era. Specifically, would CARB create a
17 multi-billion dollar program that funnels nearly 80
18 percent of its money to combustion fuels? I believe that
19 to these leaders would be laser focused on transforming
20 the market to support attainment of health-based air
21 quality standards.

22 Similarly, if you were starting a program from
23 scratch, would you allow an unlimited amount of money to
24 flow to biofuels that contribute to deforestation in the
25 Amazon, another recent study from the National Academy of

1 Sciences found, are even more carbon than intensive
2 petroleum? If the answer is no, then this aspect of the
3 program must not continue on autopilot.

4 For these reasons and for the reasons in the
5 testimony you've heard for the past hour from
6 environmental justice front-line communities, CARB should
7 modernize the LCFS by adopting the recommendations in the
8 EJAC resolution.

9 Thank you for your consideration.

10 BOARD CLERK MOORE: Thank you for your comment.

11 Our next commenter is Leslie M. You'll hear a
12 prompt when I activate your microphone indicating that you
13 may begin your comment. Please state your name for the
14 record and you may begin.

15 Dial star six to unmute.

16 LESLIE M: Hi. We're going to give this comment
17 in Spanish.

18 BOARD CLERK MOORE: Okay. We have an
19 interpreter. Your time will be doubled.

20 (Translator spoke to the witness in Spanish).

21 MARIA AREVALOS: Hello. My name is Maria
22 Arevalos. I'm living in Pixley. I've been here since
23 1967. I've been here for over 40 years. I'm part of a
24 group or coalition that was formed because of the problems
25 that we're facing with contamination, our air and our

1 water. We are in Pixley. And we are defensoras. We're
2 the defenders for clean air and clean water. That's why
3 I'm here today and I just want to express that we feel
4 that we've been ignored. Our petitions for clean air and
5 clean water in Pixley have gone unanswered. What we've
6 seen instead of progress is we've seen an increase in cows
7 and cattle in our dairies, which of course is increasing
8 the methane that we're seeing. This is because of the
9 problems that are being caused by the dairy digesters in
10 our area. It's continuing to impact the increase of
11 methane in our area.

12 Because of it, of course, there is what comes
13 from the manure because of it. It smells horrible.
14 There's a smell of ammonia. It's strong. It burns our
15 noses. It burns our eyes. That can't be healthy. Any
16 type of odor that comes from methane gas is absolutely not
17 healthy and it's affecting our community here in Pixley.
18 We see this is many investments being made. In fact, the
19 State has made over 40 million investments for CALGreen.
20 It's a company that's trying to push this methane gas
21 through pipelines that go underneath the areas in which we
22 live. Those pipelines should not be placed under
23 populated areas. Pixley has over 5,000 people and they're
24 directly affected by these investments -- so-called
25 investment that are being made for improvements.

1 And of course that's impacting our families.
2 It's affecting our families. Those who should be
3 benefiting from these finances that's being invested in
4 so-called betterments, but it's impacting our community,
5 money that could be spent in day cares, in cooling
6 centers, because it gets so hot where we live, finances or
7 funds that can help our families lease to improve. Those
8 who are in low-income areas or perhaps low-income families
9 are the ones who are mostly affected.

10 BOARD CLERK MOORE: Thank you. That concludes
11 your time.

12 BOARD CLERK MOORE: The next commenter -- oh,
13 okay. The next commenter is Jamie Katz, the additional
14 speakers from Jamie Katz original speaker. I have
15 activated your microphone. Please unmute yourself and you
16 may begin. Each additional speaker is allotted two
17 minutes.

18 JAMIE KATZ: Thank you. There's just one more.
19 I'm speaking on behalf of David Rodriguez.

20 "I live in Planada, California. We are located
21 in the Central Valley in Merced County. Population a
22 little over 4,000. It's been designated as a severely
23 disadvantaged community. I have lived here since 1960.

24 "Hillcrest Dairy arrived in 2002 with over 3,000
25 cows. In 2012, they were out of compliance with Merced

1 County with over 8,000 cows. The residents in this town
2 have endured horrendous odors from time to time, which
3 come from the dairy. The dairy is three-quarters, not
4 even a mile from our town with odors filtering through
5 Planada, methane affecting the air, and nitrates filtering
6 into our groundwater. What chances do we have for clean
7 air and water?

8 "Global warming is no longer a theory and our
9 subbasin in Merced County is severely overdrafted. One
10 cow uses over 30 gallons of water. That does not include
11 the water in the lagoon or the water used for the misters
12 to cool down the heard. CAFOs create severely -- severe
13 environmental impact in communities that have been
14 designated as severely disadvantaged communities. The
15 original program of the LCFS was to reduce carbon
16 intensity by 10 percent in California by 2020.

17 "California is the most polluted State in the
18 U.S.A. Manure management practices at California dairies
19 account for 25 percent of the state methane emissions.
20 California is allocated \$350 million to build digesters.
21 If you have a program that creates incentives for dairies
22 to generate more pollution, you will never have clean air
23 or water that everyone in California deserves. CARB has
24 the opportunity to implement strict regulations for all in
25 California to prevent pollution and climate change.

1 "Senate Bill 1383, the 2016 legislation that
2 solidified the methane reductions targets into State law,
3 require CARB to perform the analysis of the
4 incentive-based program, but it also blocked the agency
5 from implementing any new regulations for reducing the
6 emissions until 2024.

7 Thank you.

8 BOARD CLERK MOORE: Thank you for your comment.
9 That concludes all the Zoom commenters.

10 FACILITATOR WATKINS: Thank you very much. It's
11 been my privilege and pleasure to facilitate your joint
12 meeting this evening and I will now hand it over to our
13 Chair for closing comments and adjournment.

14 CHAIR RANDOLPH: Okay. So first of all, I really
15 want to thank the work of the EJAC co-chairs and the
16 entire EJAC, because you gave us a really important list
17 of issues and questions that we need to understand and
18 discuss at our next Board meeting on September 82th. So I
19 really appreciate that work. I appreciate all the
20 commenters, all the -- both the industry folks and others.
21 Shout-out to some of the folks from Pixley that I had a
22 chance to meet with last month who I heard commenting as
23 well.

24 And so I guess I just want to give a moment for
25 any -- our group has kind of gotten a little small as it's

1 gotten really late. But any final very brief questions or
2 comments before we adjourn?

3 I will turn it over to the co-chairs first.

4 DR. CATHERINE GAROUPA: This is Dr. Catherine. I
5 would just reiterate the gratitude and look forward to
6 being able to have further conversations recognizing that
7 we've touched on a lot of really important details today
8 and this will be an ongoing dialogue. It definitely
9 doesn't conclude today.

10 CHAIR RANDOLPH: Excellent. All right. I think
11 we're all -- oh, sorry, Luis.

12 LUIS OLMEDO: Yeah. I just want to thank all the
13 commenters and all the engagement. The -- I've made a
14 note here that I just wanted to do a shout-out here, Jose
15 Saldana, because I understand what he's talking about. So
16 many programs get designed in Sacramento, but don't get
17 calibrated to work for all our communities. I mean, after
18 all, you know, whenever we hear, you know, equity,
19 environmental justice, you know, climate, equity, all of
20 this, we have expectations. And so I just want to say
21 what -- kind of what I said earlier today is that CARB has
22 to do a better job in getting these programs out and
23 making sure that these financing -- financial mechanisms
24 that are out there to address our climate crisis that turn
25 out in opportunities for -- yeah, for our neighborhoods,

1 right, for our communities, so that it's not just the Wall
2 Street model, right? But as I said early sir, you know,
3 kind by Rey León, it's our street model too.

4 So with that, I'm eager to see how CARB and the
5 Board can -- and the Executive Officer can help sort of
6 calibrate and see how we can make it -- bring it closer to
7 the neighborhoods to assure that there are opportunities
8 at the local level and that they're being designed with
9 all the -- addressing all the -- a lot of the concerns
10 that we heard today, right? So that's all. Thank you.

11 CHAIR RANDOLPH: Thank you.

12 Jill.

13 JILL SHERMAN-WARNE: He:yung. Thank you again to
14 all the commenters and everybody who's stayed with us in
15 this room, because it's really warm, which is why we've
16 lost a few people. I just want to say that I think there
17 does need to be a deep dive in the equity of all these
18 programs. When they were talking about the farm and ag
19 incentives that are given or open and available to farm
20 and ag, I went and looked at the grant requirements real
21 fast, and I found it fascinating that that's a program
22 that allows for advanced payments and other programs do
23 not. They a reimbursed based to the very people that are
24 being harmed by these programs. Their non-profits have to
25 come up with an advance -- a reimbursement, when the farm

1 and ag appears to be given an advance.

2 So somehow these programs are tilted and are not
3 equitable, and are not achieving equity. And so we have
4 to ask ourselves what -- and I hate to say that there's
5 some sort of insidious mechanism, but when you have CARB
6 staff that leaves to go to industry and that they're here
7 working with the intent that they might be doing that, you
8 have to be cautious how these programs are built.

9 So I just ask that we do take a closer look at
10 those programs that are intended to provide equity to
11 these communities.

12 Thank you.

13 CHAIR RANDOLPH: All right. Thank you. And real
14 quick, Matt.

15 MATT HOLMES: To Jill's point, and what Matt
16 broke us down on earlier, there's a requirement for them
17 to do a fiduciary cost-benefit analysis, but there's no
18 requirement to do a cumulative burdens analysis on
19 communities. There's no such thing as competitive equity.
20 Equity means helping those who need it the most first.

21 CHAIR RANDOLPH: All right. Very succinct and
22 clear. Thank you.

23 All right. I think that's it and we will adjourn
24 our meeting. And I appreciate everyone's participation
25 and hard work to prepare for this.

1 Thank you. Good night.

2 (Thereupon the Air Resources Board and
3 Environmental Justice Advisory Committee
4 meeting adjourned at 8:37 p.m.)

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