

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 12, 2024

4:30 P.M.

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APPEARANCES

BOARD MEMBERS:

Liane Randolph, Chair

John Balmes, MD (Remote)

Hector De La Torre

John Eisenhut

Senator Dean Florez (Remote)

Eric Guerra

Davina Hurt

Gideon Kracov (Remote)

Cliff Rechtschaffen

Senator Henry Stern (Remote)

Susan Shaheen, PhD

Diane Takvorian

Nora Vargas

ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE:

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

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

APPEARANCES CONTINUED

ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE:

Jill Sherman-Warne, Native American Environmental
Protection Coalition

LEAD MEDIATOR/FACILITATOR:

Jane Harrington, Leading Resources, Inc.

STAFF:

Steve Cliff, PhD, Executive Officer

Courtney Smith, Principal Deputy Executive Officer

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

Chanell Fletcher, Deputy Executive Officer, Equity,
Communities & Environmental Justice

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

Karina Jhaj, Air Pollution Specialist, Office of
Environmental Justice, Tribal Affairs, and Border
Relations

APPEARANCES CONTINUED

ALSO PRESENT:

Annalee Augustine, Delta Airlines

Michael Boccadoro, Dairy Care

Sarah Brennan, AMP Americas

Kate Bell, American Airlines, Alaska Airlines

Louie Brown, California Advanced Biofuels Alliance, Clean
Fuels Alliance America

J.P. Cativiela, Central Valley Dairy Representative
Monitoring Program

Casey Coward, Service Employees International Union United
Service Workers West

Katie Davey, Dairy Institute of California

Jacob DeFant, Agricultural Council of California

Evan Edgar, Compost Coalition

Steven Fenaroli, California Farm Bureau

Obed Franco, Southwest Airlines

Shayla Funk, Caliber Strategies

James Garner, Milk Producers Council

Laura Rosenberger Haider, Fresnoans Against Fracking

Jovan Houston, Service Employees International Union
United Service Workers West

Maya Inigo-Anderson, Communities for a Better Environment

Ryan Kenny, Clean Energy

Kathy Kerridge

Erin Lahane, State Building and Construction Trades
Council

APPEARANCES CONTINUED

ALSO PRESENT:

Alexandra Levy, Climate Smart Agriculture Practices

Julia May, Communities for a Better Environment

Gracyna Mohabir, California Environmental Voters

Armando Munoz, Service Employees International Union
United Service Workers West

Sean Newsum, Airlines for America

Esther Portillo, Natural Resources Defense Council

Christian Ramirez, Service Employees International Union
United Service Workers West

Nicole Rice, California Renewable Transportation Alliance

Taylor Roschen, California Dairies, Inc.

Stephen Rosenblum, Climate Action California

Sasan Saadat, Earthjustice

Samantha Samuelsen, Californians Against Waste

Christina Scaringe, Center for Biological Diversity

Phoebe Seaton, Leadership Counsel for Justice and
Accountability

Maryann Smith, Service Employees International Union
United Service Workers West

Jonathan Snoeberger, LDC

Meg Snyder, Growth Energy

Kathleen Van Osten, United Airlines

Patricia Velazquez, Service Employees International Union
United Service Workers West

Sam Wade, Coalition for Renewable Natural Gas

APPEARANCES CONTINUED

ALSO PRESENT:

Virgil Welch, California Carbon Solutions Coalition

John Wenger, National Oilseed Processors Association

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PROCEEDINGS

CHAIR RANDOLPH: Good afternoon and welcome to the September 12th joint meeting of the California Air Resources Board and the Environmental Justice Advisory Committee.

CARB Board Clerk, will you please call the roll of CARB Board members.

BOARD CLERK LEVRINI: Dr. Balmes.

BOARD MEMBER BALMES: Here on Zoom.

BOARD CLERK LEVRINI: Mr. De La Torre.

BOARD MEMBER DE LA TORRE: Here.

BOARD CLERK LEVRINI: Mr. Eisenhut.

BOARD MEMBER EISENHUT: Here.

BOARD CLERK LEVRINI: Senator Florez.

BOARD MEMBER FLOREZ: Florez present.

BOARD CLERK LEVRINI: Assemblymember Garcia.

Mr. Guerra.

BOARD MEMBER GUERRA: Present.

BOARD CLERK LEVRINI: Ms. Hurt?

Mr. Kracov.

BOARD MEMBER KRACOV: Here.

BOARD CLERK LEVRINI: Dr. Pacheco-Werner.

BOARD MEMBER PACHECO WERNER: Here.

BOARD CLERK LEVRINI: Supervisor Perez?

Senator Stern.

1 SENATOR STERN: Here.

2 BOARD CLERK LEVRINI: Dr. Shaheen.

3 BOARD MEMBER SHAHEEN: Present.

4 BOARD CLERK LEVRINI: Ms. Takvorian.

5 Supervisor Vargas.

6 Mr. Rechtschaffen.

7 BOARD MEMBER RECHTSCHAFFEN: Here.

8 BOARD CLERK LEVRINI: Chair Randolph.

9 CHAIR RANDOLPH: Here.

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

12 CHAIR RANDOLPH: All right. Thank you.

13 I will now ask the meeting facilitator Jane
14 Harrington from Leading Resources, Inc. to call the roll
15 of the Environmental Justice Advisory Committee members.

16 FACILITATOR HARRINGTON: Thank you.

17 Martha Dina Argüello.

18 EJAC CO-CHAIR ARGÜELLO: Here virtually.

19 FACILITATOR HARRINGTON: Juan Flores.

20 EJAC MEMBER FLORES: Here virtually.

21 FACILITATOR HARRINGTON: I'm calling again Juan
22 Flores.

23 EJAC MEMBER FLORES: Here virtually.

24 FACILITATOR HARRINGTON: Thank you.

25 Dr. Catherine Garoupa.

1 EJAC CO-CHAIR GAROUPA: Here in the room.
2 FACILITATOR HARRINGTON: Kevin Hamilton.
3 EJAC MEMBER HAMILTON: Here virtually.
4 FACILITATOR HARRINGTON: John Harriel, Jr.
5 Thomas Helme.
6 EJAC MEMBER HELME: Here in the flesh.
7 FACILITATOR HARRINGTON: Matt Holmes.
8 EJAC MEMBER HOLMES: Here and present in person.
9 FACILITATOR HARRINGTON: Kevin Jefferson, III.
10 Rey León.
11 Luis Olmedo.
12 Jill Sherman-Warne.
13 EJAC MEMBER SHERMAN-WARNE: Present virtually.
14 Connectivity issues, so I won't be showing my picture.
15 Thank you.
16 FACILITATOR HARRINGTON: Thank you.
17 We have a quorum.
18 CHAIR RANDOLPH: Okay. Thank you. Okay. It's
19 time to address housekeeping items. We are conducting
20 today's meeting in person with remote options available to
21 the public by phone and in Zoom. EJAC members may attend
22 this meeting remotely in accordance with Government Code
23 section 11123.5, and some Board members may also attend
24 remotely in accordance with Government Code section
25 11123(b).

1 Anyone who wishes to testify today in person
2 should fill out a request-to-speak card available in the
3 foyer and turn it into a Board assistant as soon as
4 possible. If you are participating remotely, you will
5 raise your hand in Zoom or dial star nine if calling in by
6 phone. The clerk will provide further details regarding
7 how public participation will work in a moment. For
8 safety reasons, please note the emergency exit to the rear
9 of the room through the lobby. In the event of a fire
10 alarm, we are required to evacuate this room immediately
11 and go down the stairs and out of the building. When the
12 all-clear signal is given, we will return to the hearing
13 room and resume the hearing.

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

22 Interpretation services will be provided today in
23 Spanish. If you are joining us using Zoom, there's a
24 button labeled "Interpretation" on the Zoom screen. Click
25 on that interpretation button and select Spanish to hear

1 the meeting in Spanish. If you are joining us here in
2 person and would like to listen to the meeting in Spanish,
3 please notify a Board assistant and they will provide you
4 with further instructions. I want to remind all of our
5 speakers to speak slowly and pause intermittently to allow
6 the interpreters the opportunity to accurately interpret
7 your comment.

8 (Interpreter translated in Spanish).

9 CHAIR RANDOLPH: Okay. Thank you. As the Board
10 Clerk mentioned, there will be an opportunity to provide
11 public comment at today's meeting following the
12 presentations and joint discussion between the
13 Environmental Justice Advisory Committee and CARB Board
14 members.

15 If you are here with us in the room and wish to
16 comment, please fill out a request-to-speak card as soon
17 as possible and submit it to a Board assistant. If you
18 are joining us remotely and wish to make a verbal comment,
19 please click the "raise hand" button or dial star nine
20 now. We will first call on in-person commenters followed
21 by any remote commenters when we get to the public comment
22 portion of the meeting.

23 As you are all aware, Assembly Bill 32 directs
24 the California Air Resources Board to convene an
25 Environmental Justice Advisory Committee to advise the

1 Board in developing the Scoping Plan and any other
2 pertinent matters related to implementation of AB 32. The
3 EJAC is comprised of environmental justice and community
4 leaders from throughout the state. This is the second
5 joint meeting between the Board and EJAC since both bodies
6 adopted the EJAC Charter in March 2023, establishing EJAC
7 as an ongoing advisory committee. As an ongoing body,
8 EJAC provides an invaluable bridge between the Board and
9 the communities most vulnerable to air pollution and the
10 effects of climate change. These joint meetings provide a
11 critical opportunity to elevate the priorities identified
12 by EJAC to the Board and to build on the work done by EJAC
13 at its public meetings throughout the year.

14 I'm looking forward to our conversation this
15 afternoon, as we reaffirm our shared commitment to
16 addressing the climate crisis while protecting and
17 uplifting the communities most impacted by air pollution
18 and the effects of climate change. And I hope we can have
19 a good productive conversation at this meeting.

20 As we approach these critical and sometimes
21 challenging conversations, we must establish a shared
22 understanding of the structure and scope of EJAC. It's an
23 advisory body required by statute to advise the Board in
24 developing the Scoping Plan, and as I mentioned, any other
25 matters pertinent to implementing AB 32. EJAC's mission,

1 as described in the Charter, adopted by CARB and the EJAC,
2 is to advise the Board on environmental justice
3 considerations, including prioritizing racial equity as it
4 relates to the implementation of AB 32. This includes
5 EJAC input to CARB in Scoping Plan updates and other
6 matters.

7 As CARB considers updates to the AB 32 related
8 programs and regulations, EJAC's perspective will be
9 crucial to understanding the needs of California's most
10 burdened communities and how programs may impact them or
11 benefit them. I also want to note, even when regulatory
12 amendments cannot accommodate all that EJAC is looking
13 for, CARB is still taking EJAC's recommendations into
14 account for potential future policy development and
15 interagency engagement, as we progress through rulemakings
16 and program updates. We must work together to refine
17 changes and direction to ensure that environmental justice
18 is integrated into our AB 32 programs.

19 EJAC's ongoing engagement reminds us all of our
20 commitment to do our best to incorporate equity and
21 environmental justice into our programs and this will
22 continue to be a focus into the future.

23 I will note that CARB is in an active rulemaking
24 process for the Low Carbon Fuel Standard. There are
25 certain rules that we have to follow during this process

1 and I would like to note that while we certainly will be
2 discussing the Low Carbon Fuel Standard today, we are not
3 making any decisions today, and that our Board discussion
4 is not a decision-making on that rulemaking.

5 I will now ask Dr. Cliff to say a few words and
6 share how equity and environmental justice are guiding
7 CARB's work.

8 EXECUTIVE OFFICER CLIFF: Thank you, Chair
9 Randolph. I'm thankful for the opportunity to be here
10 today with all of you for this joint discussion. I've
11 been able to attend several EJAC meetings since our last
12 joint meeting in September of last year. One of my key
13 takeaways has been that even though we may not always
14 agree, we bring together these discussions a shared
15 commitment to tackling the climate crisis, while doing all
16 we can to protect the health and well-being of
17 California's most vulnerable communities. There is still
18 much work to be done to ensure a just transition to a
19 green economy. And on behalf of CARB, I want to thank and
20 share my gratitude for EJAC's work in providing thoughtful
21 recommendations on CARB's implementation of AB 32. Last
22 year, the EJAC provided a resolution to the Low Carbon
23 Fuel Standard and now we have an EJAC resolution for
24 Carbon Capture, Utilization, and Storage, and Direct Air
25 Capture.

1 Our goal for today's meeting is to build upon the
2 conversation we had last September on the Low Carbon Fuel
3 Standard, discuss Cap-and-Trade, and hear EJAC's
4 recommendations on Carbon Capture, Utilization, and
5 Storage and Direct Air Capture.

6 After the presentation and joint body's
7 discussion, CARB staff will provide a brief informational
8 update on the EJAC Charter revision process. We have
9 learned critical lessons in the ongoing process of
10 establishing EJAC and maintaining the desire to promote as
11 much efficiency and positive outcomes as possible in our
12 work together. Staff will continue conversations with
13 EJAC on the Charter after today's meeting to finalize the
14 Charter revisions.

15 As we look ahead, I know that there are topics
16 where EJAC can play a role. We look forward to working
17 with the EJAC to identify those topics and where EJAC can
18 have the biggest impact.

19 I'll close by reaffirming that CARB is committed
20 to incorporating environmental justice into our
21 programmatic work. Dialogue with EJAC is an important
22 component of that commitment. We support the ongoing work
23 of the EJAC and see that value and importance of centering
24 equity from the earliest stages of our rulemaking process.
25 I look forward to the discussion this afternoon and to

1 working with EJAC on the numerous programs that are coming
2 down the line.

3 With that, I'd like to turn it over to Deputy
4 Executive Officer of Equity, Communities, and
5 Environmental Justice, Chanell Fletcher.

6 DEPUTY EXECUTIVE OFFICER FLETCHER: Thank you,
7 Dr. Cliff. Good evening -- oh, my God. Good afternoon,
8 Good evening -- who knows -- EJAC and members of the
9 board. I'm very honored to be with -- to be here with all
10 of you today to discuss the work that the EJAC has done
11 since the September 2023 joint meeting. So in addition to
12 analyzing EJAC Charter revisions to continue to refine the
13 foundation EJAC and CARB are working from, the EJAC has
14 focused on engaging across a few critical areas of CARB's
15 AB 32 related programs and work. So this includes Low
16 Carbon Fuel Standard, direct regulation of livestock
17 methane, the Cap-and-Trade Program, Senate Bill 905,
18 Natural and Working Lands, and Carbon Capture,
19 Utilization, and Storage, and Direct Air Capture.

20 Though we may not touch on all these topics in
21 today's meeting, they will be a part of continued
22 conversation and the EJAC public meeting process as we
23 build momentum in this work. I also want to provide the
24 EJAC and CARB Board members brief updates on the progress
25 we're making around building capacity to better support

1 the ongoing AB 32 Environmental Justice Advisory
2 Committee.

3 So that we can achieve the mission and goals that
4 were laid out by the Charter, we really do need -- well,
5 we really needed additional resources to successfully
6 support an ongoing EJAC. Our Environmental Justice and
7 Equity Branch is working very hard to bring on additional
8 staff to provide the dedicated support for the EJAC
9 operations. CARB is also very excited about the benefits
10 of incorporating our new contracted facilitator -- yeah,
11 Jane. Right? That's exciting -- and technical writer.
12 Jane is wearing both hats, by the way. So shout-out to
13 Jane -- and Leading Resources, Inc. into the EJAC work,
14 given the members' request for added capacity. The
15 contracts team provides neutral third-party assistance to
16 EJAC members in drafting materials, such as
17 recommendations and communications with the Board, as well
18 as facilitating the EJAC public meetings and our meeting
19 tonight. So I am looking forward to participation in
20 today's discussion and continuing to collaborate with all
21 of you in the years to come.

22 I'll now pass to our facilitator, which I already
23 acknowledged, Jane Harrington, to present the meeting
24 objectives and an overview of today's agenda.

25 FACILITATOR HARRINGTON: Thank you, Chanell.

1 Thank you for the introduction. I am here as our
2 third-party facilitator working with EJAC and CARB. My
3 role today will be to assist in facilitation, keeping us
4 on time, and moving us through our three main topics.
5 Those topics are presentations and discussions on the Low
6 Carbon Fuel Standard, the Cap-and-Trade Program, and
7 carbon capture use and storage and Direct Air Capture
8 recommendations from EJAC.

9 In an effort to have the discussions we would
10 like on all of these topics, I will work to keep us on
11 time and may interrupt with a reminder when needed. We
12 will now move to opening remarks by our EJAC Co-Chairs.
13 Kevin Jefferson was not able to join us today, so I'll go
14 ahead and take care of his portion.

15 (Thereupon a slide presentation).

16 FACILITATOR HARRINGTON: Our goal is to hear from
17 and discuss with the Board opportunities for changes that
18 advance environmental justice based on EJAC's input on
19 three agenda topics today. Our agreements are to pay
20 attention to equity of their time, be focused on agenda
21 topics and concise in comments, listen and be
22 compassionate and supportive, respect the agenda and trust
23 the process, and share responsibility for success.

24 I'll now turn it over to our co-chair Martha Dina
25 Argüello.

1 EJAC CO-CHAIR ARGÜELLO: Thank you very much.
2 And I am in D.C., so for me it is evening. I am very
3 pleased to be here. I'm very pleased to be here today.
4 And as others have said, we may not always agree, but we
5 remain stubbornly committed to bringing the voices of EJ
6 communities to this table and to CARB. Our hope is for
7 the long-term engage -- this long-term engagement is to
8 move beyond the decide, announce, and defend model of
9 policy making. The EJAC exists as a place where we can
10 boldly advocate for the culture shifts that we need at
11 CARB to be able to meet its racial equity goals, but also
12 the shifts that we need in order for CARB to meet its
13 mission to protect public health, clean air, and address
14 climate change.

15 As the longest serving member of the EJAC, I have
16 noted over the years that we often are giving voice to the
17 people hit first and worst by climate change. And with
18 that lived experience comes deep knowledge of the
19 consequences of policy choices that are not centered on
20 justice and in protecting the most vulnerable.

21 So, my hope is that we continue the dialogue and
22 ways to actually shift the culture by -- and today's joint
23 meeting being able to engage directly with CARB Board
24 members to move us more in that direction. And I'm often
25 reminded that -- of the saying of canaries in the coal

1 mine. And so not only are we often the canaries the coal
2 mine, but we are often the Cassandras of the climate
3 just -- of the climate movement warning these things will
4 happen. And if folks know the story of Cassandra, she was
5 cursed with knowing what would happen, but not being
6 believed or listened to.

7 And so that I would hope that we can break that
8 curse and begin to listen to the environmental justice
9 community. Much of the things that we said 16 years ago
10 have now been borne out by more research. And so I think
11 that elevating that lived experience is critically
12 important. Shifting how and what we see as evidence to
13 act also needs to shift. And so I am looking forward to
14 this conversation, to deepening our relationship with the
15 CARB Board members, so that we can -- we can stand by you
16 and help make sure that CARB meets its mission and its
17 promise to environmental justice communities that things
18 would be better with AB 32.

19 And, you know, I say this again, but, you know,
20 I'm a bit of a Cassandra, we need to root our climate
21 policies in achieving climate justice and equity for
22 communities and for workers, and think, you know, again of
23 the unintended consequences of your policies. And when EJ
24 communities tell you this might happen if you do this, I
25 hope that through our own experience, you can start to

1 believe what we're telling you, so that we don't have to
2 wait until policies are actually harming our community to
3 begin to make that shift.

4 So I'm looking forward to our dialogue and our
5 ongoing work with CARB staff, with the Board, and with my
6 fellow EJAC members. Thank you.

7 EJAC CO-CHAIR GAROUPA: Thank you, Martha Dina.
8 And congratulations on the award that you're receiving
9 from Physicians for Social Responsibility National, which
10 is why you can't be here with us today.

11 EJAC CO-CHAIR ARGÜELLO: Thanks.

12 EJAC CO-CHAIR GAROUPA: This is Dr. Catherine
13 Garoupa, with the Central Valley Air Quality Coalition and
14 also EJAC Co-Chair. Thank you Board members, CARB staff
15 and EJAC members. I'm proud of the critical contributions
16 our Committee has been able to make to these conversations
17 within the Air Resources Board and in other venues such as
18 the Legislature and the Independent Emissions Market
19 Advisory Committee, or IEMAC.

20 We started this process in 2021 with the kick-off
21 of the Scoping Plan saying that we were striving for
22 co-design, which I believe is an ideal we still are
23 looking for. Right now, we are stretching to be in
24 dialogue, as Martha Dina spoke to. So as we begin these
25 discussions, I want to affirm the environmental justice

1 principles that communities speak for themselves and that
2 our role is to reduce burdens and increase benefits for
3 environmental justice communities.

4 Tonight, I will help introduce the conversations
5 related to carbon markets, two of the strategies that the
6 Air Resources Board is meeting -- using to meet climate
7 change goals. First, we'll talk about the Low Carbon Fuel
8 Standard, or LCFS, and then Cap-and-Trade.

9 And again, as we enter into these conversations,
10 I want to reflect on what I see in my almost two decades
11 now of striving for clean air for the San Joaquin Valley,
12 two overarching challenges that the Air Resources Board
13 needs to continue to confront in its approach to climate
14 work. People have already spoken to, number one, the need
15 to center equity and justice. This approach requires
16 being actively anti-racist as an agency and embedding that
17 approach in your decision-making. I will return to this
18 overarching challenge particularly under the Cap-and-Trade
19 item.

20 The second challenge that I see that Martha Dina
21 also spoke to, because we've been talking about this a
22 lot, is the need to continue to complicate the science,
23 the methodology, and the evidence that you all use in
24 making decisions, while also recognizing deep uncertainty.

25 Martha Dina already spoke to the traditional

1 approach of decide, announce, and defend. And what EJAC
2 is looking for is dialogue and robust debate on difficult
3 and complicated questions. I personally seek to challenge
4 the paradigm of green capitalism, the idea that the market
5 is going to sort out our climate change problems through
6 technology and innovation, which I get in California, land
7 of Disney, we like to be all about innovation and the
8 economy, but what I hear is business as usual when that's
9 the proposal, because racialized capitalism is what has
10 created the environments that we see in our front-line
11 communities today.

12 Generally, the issue that we have is not lack of
13 resources, especially in the state of California, it's the
14 fact that our resources are so inequitably distributed. I
15 was sick last week and so I didn't get to participate in
16 all the preparatory meetings that I usually would, but it
17 gave me a lot of extra time to do reading. And I started
18 a book that I've been really interested in. I heard the
19 author speak on a podcast. And the title of the book is
20 called, *The Value of a Whale: On the Illusions of Green*
21 *Capitalism* by Adrienne Buller.

22 And spoiler alert, what she talks about -- what
23 she introduces in the beginning is how do we put a price
24 on nature? How do we quantify people's lives? The fact
25 is that the International Monetary Fund actually

1 researched gray whales and find that they sequester more
2 carbon per ton than trees. Now, to be clear, I'm not
3 proposing that we all come together to join a start-up to
4 commodify whales. That's not why I bring that up as an
5 example. I bring it up because models and quantification
6 are created by humans. We decide what has value and what
7 those values are. We make the assumptions and put them
8 into the model.

9 And CARB is very driven by models and
10 quantification. We have to recognize the limitations of
11 that approach. Not only are there other forms of data,
12 qualitative data, mixed methods approach, where you look
13 at people's lived experiences and what's happening in
14 communities, but models are laden with assumptions. So
15 rewind and remember at the beginning of the Scoping Plan
16 process when EJAC asked for time to weigh in on the
17 assumptions that went into the model and time to consult
18 with our communities, and we were told no. Now, when we
19 challenge the assumptions in the Scoping Plan, we're told,
20 well, but that's what the plan says.

21 CARB is prioritizing the techno-fixes over human
22 health and the environment. And at some point, we need to
23 be able to challenge those assumptions and those paradigms
24 if we expect results to be equitable. My challenge to
25 CARB is to say when do you challenge your own assumptions?

1 Science is complicated and no one is moving fast enough to
2 address the challenge of the climate crisis.

3 (Thereupon a slide presentation)

4 EJAC CO-CHAIR GAROUPA: So I want to pivot now
5 and turn my opening remarks into introducing the Low
6 Carbon Fuel Standard item. This is going to focus on the
7 same eight-point resolution that we brought before you all
8 last year.

9 Since we met a year ago and you first heard about
10 our eight-point resolution, we've heard from numerous
11 other expert speakers at EJAC Committee meetings and we've
12 heard from CARB staff as well. Information sharing and
13 dialogue has continued to be a struggle, but we have put
14 our best foot forward.

15 Regarding the 15-day changes that were recently
16 published, we just received a memo response on Tuesday
17 morning, or rather an updated chart to a previous memo
18 response, which I both appreciate and also take as an
19 example of the disadvantage in the capacity that we have
20 as EJAC members that really are only able to participate
21 fully at the public meetings that we have. And then a lot
22 of that off-line work we don't have capacity for. So
23 there continues to be a disparity between the volume of
24 information that CARB staff is able to produce in response
25 to us and our ability to respond in a timely manner.

1 From my perspective, the table also shows,
2 regarding LCFS, that many of our recommendations and
3 concerns have actually not substantively been addressed.

4 [SLIDE CHANGE]

5 EJAC CO-CHAIR GAROUPA: So the LCFS resents --
6 represents an opportunity to be actively anti-racist and
7 to complicate our approach to science the methodology, the
8 evidence that we're using. And so as I was preparing for
9 this meeting, I was reading comment letters. One that was
10 recommended to me by several people that I really trust
11 was the recent comment letter from Jim Duffy, former staff
12 of the Air Resources Board, who used to work on the Low
13 Carbon Fuel Standard Program. While I've not spoken
14 directly with Mr. Duffy, I have appreciated his public
15 comments. He's spoken at previous meetings and I'm
16 puzzled why your own staff internally ordered that he not
17 be spoken to.

18 Overall, a point that he made that really
19 resonated with me is that the program as it exists cannot
20 be scaled as proposed. So if we're supposed to be
21 innovating in California and showing the rest of the world
22 how to do it, we're failing in that.

23 He also touched on one of the themes that we've
24 been seeking to. And so I just briefly want to provide a
25 direct quote and then move to the resolution. So Mr.

1 Duffy, in his last comment letter, said quote, "It is
2 disappointing to see staff rely on science and mathematics
3 when it is convenient, but then ignore both when they
4 don't support their point of view. For example, staff
5 clearly believes in statistics when a study shows that a
6 higher rate and growth of dairies with digesters is not
7 statistically significant, but they don't believe in
8 statistics when a study shows that using renewable diesel
9 and new technology diesel engines does not result in
10 statistically significant reductions in tailpipe
11 emissions. It is unfortunate to see CARB selectively use
12 science and mathematics." And he does provide some
13 references in there that I skipped over. So it was not a
14 direct quote.

15 So again, the challenge. Will you center equity?
16 What science and evidence will you use in your
17 decision-making?

18 So coming back to our Low Carbon Fuel Standard
19 resolution. If we can go to the slide that has item
20 number one out of the eight points.

21 [SLIDE CHANGE]

22 EJAC CO-CHAIR GAROUPA: This item asks for a full
23 life cycle assessment of all pathways and their
24 implications for environmental justice communities. We
25 cannot isolate emission streams and mega-dairies are an

1 example where digesters have addressed one pollution
2 stream while increasing others.

3 For items two through four, I'm going to pass it
4 to Phoebe Seaton with Leadership Counsel for Justice and
5 Accountability and then she will pass it back to me for
6 items five, six, and seven.

7 [SLIDE CHANGE]

8 PHOEBE SEATON: Next slide, please. Oh, is
9 there -- can we go to the other slide that --

10 [SLIDE CHANGE]

11 PHOEBE SEATON: Thanks so much.

12 You can go to the next slide.

13 [SLIDE CHANGE]

14 PHOEBE SEATON: Phoebe Seaton with Leadership
15 Counsel, also on behalf of Defensoras, but really here
16 with the support of many, many of you and other advocates
17 that have taught me so much about the Low Carbon Fuel
18 Standard over the past couple years.

19 I just wanted to take a bit of a step back and
20 start with kind of a slide and a photo of a leader from
21 Merced County. You've heard from Kathy and many others
22 who have shared their experience with larger and larger
23 dairies, more intense, intense pollution from dairies.
24 And we all know that more and more manure, and more and
25 more pollution is concentrating in larger and larger farms

1 in the San Joaquin Valley. And we've been so engaged in
2 this process, because several State policies interact to
3 support and encourage that trajectory. I want to go back
4 to the points laid out in the EJAC resolution in the next
5 slide, please.

6 [SLIDE CHANGE]

7 PHOEBE SEATON: As Catherine mentioned, the EJAC
8 called importantly for a full incorporation of both the
9 greenhouse gas emissions and air quality emissions
10 associated with each pathway, critical for all pathways
11 in -- for pathways associated with --

12 BOARD MEMBER EISENHUT: Can I interrupt just for
13 a second.

14 PHOEBE SEATON: Sure.

15 BOARD MEMBER EISENHUT: For those of us on this
16 side of the room, we're getting some sound feedback. And
17 I don't know if it could be -- if that volume could be
18 reduced, so that we're able to hear you. It comes across
19 as an echo. I don't know if it's fixable or not.

20 EJAC MEMBER HAMILTON: Going down on my end
21 completely.

22 FACILITATOR HARRINGTON: All right. We'll pause
23 for a moment while we try and reconcile that.

24 Phoebe, can you go ahead and speak. We'll see if
25 that solved it.

1 PHOEBE SEATON: Is that better now?

2 FACILITATOR HARRINGTON: No.

3 CHAIR RANDOLPH: No, not yet.

4 PHOEBE SEATON: Is it -- if it's on my end,
5 should I try a different audio?

6 EJAC CO-CHAIR GAROUPA: No, it's an issue in the
7 room.

8 PHOEBE SEATON: Okay.

9 FACILITATOR HARRINGTON: Phoebe, go ahead and
10 speak.

11 PHOEBE SEATON: Testing. Testing.

12 FACILITATOR HARRINGTON: Great. I think that --
13 I think that figured it out. Go ahead.

14 PHOEBE SEATON: Great. So just to go back to the
15 points in the EJAC resolution. The -- as Catherine
16 mentioned in point one, the Low Carbon Fuel Standard does
17 not consider co-pollutants. And with respect to pathways
18 associated with livestock methane, the Low Carbon Fuel
19 Standard fails to consider many of the GHG emissions both
20 upstream and downstream associated with the creation of
21 manure, the conversion of manure to methane gas and the
22 disposal of the waste product, along with several other.
23 And that is, of course, impacting the value and carbon
24 emissions associated with livestock gas.

25 We've -- EJAC also called for kind of the

1 elimination of credit generations from -- for product and
2 alleged emission reductions that are otherwise associated
3 with other State programs and counted in other State
4 programs. I'll spend a little bit more time on this a
5 little bit later in the presentation. I did want to note
6 though that this was an item -- this was a recommendation
7 that staff did not respond to in the -- in the responses
8 at least that I reviewed to EJAC's resolution, so it would
9 be curious to hear how staff would respond to that
10 recommendation.

11 And then I'll spend the rest of my couple minutes
12 really focused on two additional recommendations. One is
13 eliminating avoided methane crediting from the Low Carbon
14 Fuel Standard and kind of the other side of that coin is
15 immediately initiating rulemaking for livestock methane.

16 Next slide, please.

17 [SLIDE CHANGE]

18 PHOEBE SEATON: So the Low Carbon Fuel Standard
19 exports agricultural methane pollution to the
20 transportation sector. Avoided methane crediting does not
21 belong in a program that is supposed to decarbonize our
22 transportation sector. It is simply gas. And just like
23 conventional gas, it pollutes when it burns and pollutes
24 when it leaks. It primarily serves to generate credits
25 for the Low Carbon Fuel Standard for purchase as offsets.

1 It provides a minuscule amount of actual fuel, and the
2 fuel that it does produce does not burn clean.

3 An example that is included on the slide that
4 shows that avoided methane crediting does not belong in a
5 clean transportation program. That is a factoid that I
6 learned from Union of Concerned Scientists is that a fleet
7 of five diesel plus two gas trucks paired with
8 environmental credits from livestock gas is a carbon
9 negative fleet compared to a fleet of seven all electric
10 trucks, which would be a zero-emission fleet. So that
11 fleet of five diesel plus two natural gas burning trucks
12 is cleaner, according to the Low Carbon Fuel Standard,
13 than seven all electric trucks. And that equation does
14 not a clean transportation program make.

15 The -- and another real important point that I
16 want to make sure to leave you all with is that as long as
17 the transportation sector can claim methane reductions
18 through the Low Carbon Fuel Standard, it cannot claim them
19 as methane emissions reductions in the agricultural
20 sector. Any other outcome, i.e. counting them as both
21 emissions reductions in the transportation sector and the
22 agricultural sector is simply double counting.

23 Put differently, any emissions reductions that is
24 sold through credits through the LCFS Program, so that
25 fossil gas producers can offset their pollution cannot be

1 an emission reduction counted towards our 1383 reduction
2 goals. Not only for environmental justice, not only for
3 clean air, and not only for clean transportation, but if
4 we are going to have any chance of meeting our livestock
5 methane reduction targets, CARB must suspend certifying
6 livestock methane pathways immediately.

7 Next slide, please.

8 [SLIDE CHANGE]

9 PHOEBE SEATON: And I say kind of the other side
10 of this coin is the need for immediate initiation of
11 rulemaking for an effective, fair, and reasonable
12 regulatory framework for livestock methane. Legislation
13 passed in 2016 gave the livestock industry an eight-year
14 grace period prior to implementation of regulations, and
15 that eight years has expired.

16 We cannot and will not meet or sustain methane
17 emissions reductions with an all carrots and no sticks
18 approach, especially when the carrots come in the form of
19 emissions reductions in the transportation sector, not in
20 the agricultural sector.

21 Without regulations and without changes called
22 for in the LCFS by EJAC, we will simultaneously fail to
23 reach our livestock methane goals and continue to
24 undermine our pathway to clean transportation. And I
25 will -- I will be available for questions, but I will turn

1 things back to Catherine.

2 [SLIDE CHANGE]

3 EJAC CO-CHAIR GAROUPA: Thank you very much
4 Phoebe for sharing that information with us and making
5 yourself available.

6 Item five of EJAC's resolution recommended
7 capping the use of liquid biofuels at 2020 levels pending
8 an updated risk assessment to determine phase-out
9 timelines for high risk crop-based feedstocks. In the
10 15-day changes, from what I've heard from colleagues
11 working closely on this, there has been some progress in
12 acknowledging the problem. This issue of crop-based
13 biofuels is -- has global implications in terms of food
14 markets, food availability and scarcity, and also land use
15 changes, such as deforestation in order to grow these
16 types of crops that can be turned into fuels that people
17 are making money off of.

18 So while there's been recognition in
19 acknowledging the problem, the sustainability standards
20 are weak, the scope of which crop-based fuels are included
21 is too narrow, and so overall, this item needs to be
22 strengthened.

23 Next slide, please.

24 [SLIDE CHANGE]

25 EJAC CO-CHAIR GAROUPA: Item number six requested

1 prohibiting enhanced oil recovery as an eligible
2 sequestration method. While this is prohibited in
3 California by statute, not only can that statute change,
4 but this does not apply to out-of-state projects. So it
5 is my understanding that there are currently projects
6 outside the state of California that are using enhanced
7 oil recovery and getting credits. So we need to make sure
8 that it is both in and out-of-state projects.

9 Next slide, please.

10 [SLIDE CHANGE]

11 EJAC CO-CHAIR GAROUPA: Item number seven asks to
12 not issue LCFS credits for carbon removal projects, such
13 as Direct Air Capture. The issue with issuing credits for
14 Direct Air Capture projects is that Direct Air Capture, as
15 I understand it, is proposed to address legacy emissions,
16 so the carbon that's already been emitted that's in the
17 atmosphere that we need to draw down to stay within a safe
18 level of temperature. However, if you implement a Direct
19 Air Capture project and then use it to generate credits,
20 those credits are offsetting the fossil fuel industry. So
21 we're basically talking about business as usual. We're
22 papering over emissions instead of actually reducing them.
23 And we will come back to this topic again under
24 Cap-and-Trade.

25 For item number eight, I'm going to pass it back

1 to Martha Dina.

2 [SLIDE CHANGE]

3 EJAC CO-CHAIR ARGÜELLO: Sorry. I'm trying to --
4 so one of the things we also want to consider the
5 inclusion of interstate jet fuel and marine fuels as a
6 direct generator and provide analysis of this option as
7 part of the Low Carbon Fuel Standard. While we know that
8 this is a federal issue, CARB has taken leadership before
9 to push issues that are here at the State level that are
10 also -- help us move at the federal level, the Clean Car
11 Program is one example.

12 And so again, we really hope that you consider
13 this. And that's it for me, Catherine.

14 FACILITATOR HARRINGTON: We'll move to Kevin
15 Hamilton for closing comments.

16 [SLIDE CHANGE]

17 EJAC MEMBER HAMILTON: Good afternoon, members of
18 the Board, and Madam Chair, and my colleagues on EJAC, and
19 those who took the time this evening to attend from their
20 busy days.

21 I think my colleagues have covered the issues
22 very clearly and succinctly. Being a person of science
23 whose profession lives on that, and breathes on that, and
24 makes decisions about how we're going to take care of
25 people based on that, I find that many of the decisions

1 made in both the original document, and the SRIA, and in
2 this 15-day document don't meet that standard.

3 And I think the evidence is clear and has been
4 pointed out very clearly by numerous independent experts
5 who are often also contracted with CARB to give their
6 opinions only to have them ignored. And so this comes
7 around to what I really want to talk about is integrity.
8 Integrity, as we all know, is all that we have. It's all
9 that CARB has. It's all that I have. Any of us are
10 judged on our integrity.

11 Our willingness to put that forward as our word
12 and that we will do what we said and we have an integrity
13 of about how we do it, and will support it with evidence,
14 and will be willing even to change that should we get
15 evidence that proves that we were wrong. And I can't tell
16 you how many times in my career I've had to do that,
17 because I'd like to think I have integrity and the process
18 itself has integrity.

19 But integrity is not removing aviation fuel as a
20 deficit generator. It puts the lie to CARB's earlier
21 promise to airline workers that this would be included in
22 the process. Integrity is not -- is not failing to
23 eliminate or avoid methane crediting for CAFOs, as if they
24 are some sort of sacred cow - no pun intended. That
25 actually just happening accidentally - against people like

1 the land fuel folks who've been working very hard on this
2 and no one is giving them a lot of extra money to install
3 facilities, and build new pipelines, and create new
4 channels for the gas that they have been really doing a
5 great job over the years of capturing and now using it for
6 other kinds of energy or avoiding it completely.

7 Waste water treatment plants again don't get this
8 same sort of golden child approach. So why -- so we gave
9 this industry eight years to get its act together and
10 figure out a way to do this. And instead, what they did
11 was they built a ton of infrastructure. And much of it
12 does not actually benefit the people who are doing the
13 work on these dairies. It's more of an avoidance strategy
14 for having to do something different that's enriching a
15 whole new segment of the population. And that is not the
16 communities in which these particular types of devices
17 sit.

18 So when we look at all of this, and we see that
19 we're going to go ahead and change the way we've been
20 handling money coming from the program. Instead of giving
21 it to utilities, we're going to pass it over to OEMs for
22 credits, so that they put more of these vehicles in our
23 communities. Didn't we build that into ACC II? It seems
24 to me I remember working really hard to see that those
25 credits happened for those dealerships already, and that,

1 in fact, we created strategies, so they could pool those
2 in really innovative things around that.

3 And yet, here we are passing money out that is
4 used now to help some low income folks in the stress of
5 keeping energy on in their homes. And so how are we
6 protecting them? How are we sure that making these
7 changes is going to protect them?

8 So again, we come back to integrity. So all I
9 would ask is that when the Board is looking at this
10 process and these changes that it thinks about the
11 comments that EJAC and other experts have made who have no
12 dog in this fight is -- other than making sure that
13 communities that they work in, live in every single day
14 are protected from the harms that can come from this.

15 Thank you very much.

16 CHAIR RANDOLPH: Okay. Thank you for those --

17 EJAC MEMBER HAMILTON: So passing this back to
18 the Chair.

19 CHAIR RANDOLPH: Yeah. Thank you so much, Kevin.
20 Appreciate that. Okay. We're going to go a little bit
21 out of order. As I mentioned at the outset of the
22 meeting, we will be having the bulk of our public comment
23 after the presentations, and Board and EJAC discussion,
24 because I want to make sure that there's -- we get to all
25 the agenda items and that the Board and EJAC have plenty

1 of opportunity to discuss, but we did get a request for
2 four -- the first four speakers who are here representing
3 SEIU. They need to catch a plane and they can't
4 participate by Zoom. So we are going to accommodate their
5 public comment. So I will ask the clerk to call those
6 commenters.

7 BOARD CLERK LEVRINI: Thank you. First
8 commenter, Jovan Houston. And I apologize in advance if I
9 mispronounce anyone else's name.

10 CHAIR RANDOLPH: And I will note that each
11 commenter has two minutes of public comment.

12 JOVAN HOUSTON: Hello. My name is Jovan Houston.
13 And I'm a member and a Board member of SEIU USWW. I also
14 work at LAX for seven years.

15 Environmental racism is a disproportionate impact
16 on hazards of people of color. Communities of color are
17 most likely polluted in neighborhoods like the community I
18 live in and have high risks of asthma, cancer, and heart
19 disease. For airport workers, who work and live in these
20 communities, it's 10 times worse. We deserve to know
21 about the air that we breathe and what it's doing to us.

22 Long exposures to pollutants cause asthma and
23 respiratory problems, like what I have. In 2022, I was
24 diagnosed with COPD. And I got it just by working in a
25 bag room breathing jet fuel for six months. Usually, you

1 hear a disease like that, you figure maybe she's a smoker.

2 No, I'm not a smoker. I never have.

3 We're asking CARB Board members and Gavin Newsom
4 to explain why airport workers are breathing these toxic
5 air. And the airlines are one of the biggest polluters
6 areas in our community. CARB staff, they include
7 regulating fuel an initial recommendation. And for some
8 odd reason, it's no longer there.

9 See, I'm here speaking on behalf of 5,000 --
10 sorry, 50,000 members of SEIU. You need to do what's
11 right for our communities. You shouldn't be afraid to
12 stand up to these airlines and do what's right for our
13 communities.

14 Sorry.

15 BOARD CLERK LEVRINI: Thank you.

16 The next commenter, Armando Munoz.

17 ARMANDO MUNOZ: Hello. My name is Armando Munoz.
18 I've been working at the airport for 14 years. I'm also a
19 proud member of SEIU local USWW. I want to thank you for
20 allowing us to give the opportunity to give a public
21 comment and ask a question. As an airport reporter, I'm
22 here to show you the importance for jet fuel to be
23 regulated. The airline industry is one of the biggest
24 polluted in California and is the only form of
25 transportation that isn't regulate by CARB. And I ask you

1 why is that? I'm an airport worker and I'm exposed every
2 day to particulate matter in the air that comes from jet
3 fuel. And many of us live under the flight path, so we
4 are exposed all day long. As airports continue to grow,
5 flights will increase and pollution will also increase.

6 When CARB staff put up their initial
7 recommendations, they included regulation airline fuel for
8 flights in California. Now, I ask you where did it go?
9 Airport workers and those who live airport-adjacent
10 communities are dying at a much higher rate. And we're
11 also mostly Black and Brown communities. What a
12 coincidence, right?

13 And just to let you know, this is called the
14 definition of environmental racism. It's time to make
15 sure that the current proposal addresses concerns of jet
16 fuel pollution. And if not now, please let me know when.

17 Thank you.

18 BOARD CLERK LEVRINI: Patricia Velazquez.

19 PATRICIA VELAZQUES (through interpreter): My name
20 is Patricia Velazquez and I'm a member of USWW and I've
21 worked at the San Diego airport for 26 years. I'm very
22 concerned about the pollution from the airlines and the
23 effect that it has on my health and also in my community,
24 which is Logan neighborhood. And I am also concerned
25 because my son has asthma, and every time he has an

1 asthma crisis, it takes longer and longer for him to
2 recover from that. And I also live under the flight path
3 of those airplanes as well. And so most of the people who
4 live -- who work at the airport also live around the
5 airports, and we are Latinos.

6 CARB has done a lot to improve air quality and --
7 with regulations regarding emissions from cars, and from
8 shipping, and from trucking operation, but they have not
9 done anything to regulate the airlines and the airplanes
10 continue to emit toxic emissions.

11 The last time I was here at this Board meeting as
12 well, the recommendations had also included fuel standards
13 regarding the jet fuel. However, those regulations were
14 completely removed and I would like to know why. CARB has
15 an opportunity to not only improve the air quality that
16 we're breathing, but also to reduce environmental racism.

17 Thank you.

18 BOARD CLERK LEVRINI: Maryann Smith.

19 MARYANN SMITH: Hello. My name is Maryann Smith.
20 I'm a screener at San Francisco airport. Working at the
21 airport exposes my co-workers and I to air pollution that
22 impacts our health. The airlines, like Southwest and
23 United, are some of the largest polluters in California,
24 but it's the only industry that isn't regulated under the
25 Low Carbon Fuel Standard.

1 I have asthma, so I'm concerned about the quality
2 of our air. If there is too much pollution, it triggers
3 our -- triggers my asthma and makes it difficult to
4 breathe, and it also calls migraines. And that's what
5 happens sometimes at work. It's worse for the people that
6 work in baggage and are closer to the tarmac. When we
7 came here last year, the staff recommendations included
8 regulating airline fuel and flights in California. I
9 think that was a good step that would encourage airlines
10 to use cleaner fuels, but now that has been removed
11 completely. Why is that?

12 Why is the California Air Resource Board
13 supporting environmental racism of the airline industry,
14 rather than protecting the people of California? We would
15 like to know why.

16 CHAIR RANDOLPH: Okay. Thank you. We will now
17 go back to our agenda, which will be our joint body
18 discussion of the LCFS presentation that EJAC provided. I
19 think probably what the easiest thing to do to facilitate
20 the conversation would be if you want to make a comment or
21 ask a question put your card up and then we can keep
22 track, and, of course, those of you on Zoom, if you raise
23 your hand, I will see you and call on you in order.

24 Okay. So who is going to kick things off?

25 Yeah.

1 BOARD MEMBER TAKVORIAN: I was wondering if we
2 might be able to take -- either use the recommendations --
3 the EJAC recommendations or take the categories of issues,
4 so that we're not all making comments about a variety of
5 things.

6 CHAIR RANDOLPH: I think that makes sense. I
7 think maybe what we can do is Board Member -- Dr.
8 Pacheco-Werner just raised her hand, so we can kick her
9 comments off and then kind of stay on the topic of her
10 comments and then kind of start that way.

11 BOARD MEMBER TAKVORIAN: Okay. That sounds good.
12 Thanks.

13 CHAIR RANDOLPH: All right. I'm putting you on
14 the spot, Dr. Pacheco-Werner.

15 BOARD MEMBER PACHECO-WERNER: Oh, my gosh. And
16 here, I was trying not to go first. Thank you so much to
17 the EJAC members and thank you so much to community and
18 the -- actually, I know that we probably don't have as
19 much resident presence today, but, you know, a thank you
20 to the residents and the people with lived experience that
21 have been engaged throughout this whole thing, including
22 the commenters just now. Really appreciate you all.

23 So I think, for me, one of the things that has
24 been a priority in terms of understanding where everything
25 is going and where we started versus where we're at now

1 with this proposal. One of the things that has been of
2 continual concern for me is how we make sure this program
3 is set up to really advance all the fuels together and
4 without necessarily picking winners and losers, but rather
5 have a science-based conversation as to how to do that
6 better, how to -- how to think about the fuels, and as
7 needed, bridge fuels. And I'd like to preface this
8 conversation by saying I wish that we were in a place
9 where the infrastructure towards electrification was more
10 advanced, so that we could be having a different
11 conversation.

12 But the challenges exist, and they are real, and
13 we do, in order to phase out fossil fuels today, given the
14 infrastructure challenges -- the very real infrastructure
15 challenges, we have to look at how to advance these things
16 together, and -- as well as, you know, respond to the call
17 that we've been given on a variety of things like within
18 1383.

19 To that end, I think that there are certain
20 things that we -- that are of concern to me in terms of
21 the long-term viability. And not long term in terms of
22 beyond 2045 even, but long term in terms of the next 10,
23 20 years. The concern for me has really been around how
24 to make sure some of these projects are viable beyond the
25 LCFS crediting, and how the -- how to balance out

1 crediting, so that projects like the landfill projects are
2 being able to be successful, because we know we need those
3 to be successful, how they're successful on the same
4 footing as the dairy digester projects that are -- that
5 are coming online that have been of great help in reducing
6 some emissions. And I know that there's a lot of debate
7 around that, but I'll just -- I'll just leave it at that.

8 I think that -- so my concern has been around how
9 do we -- how do we balance that? And I do think that we
10 need to talk a little bit more about how we make that
11 happen in these -- in these changes, in the second, and
12 how staff can continue to look at that issue.

13 There's also the issue of what CARB has been
14 charged with or what we were given as kind of rights and
15 responsibilities to think about in terms of rulemaking
16 around the dairy sector to be responsive to some of the
17 things that we've heard in community. And I think that it
18 is -- it is time that we -- that we think about this
19 process. And I want to say process, because I am not
20 calling for a specific regulation. I'm not calling for a
21 specific thing that needs to accomplish. Simply, I'm
22 calling that I think that we were given that
23 responsibility. And it's time that we start that process
24 of science-based, fact-based, solution making, solution
25 thinking around that sector. And whatever the outcome may

1 be, I do think that it's time for that as well.

2 So I'll leave my comments there and come back as
3 other people raise questions, if that's okay, Chair.
4 Thank you so much.

5 CHAIR RANDOLPH: Okay. Thank you. I think
6 there -- I think that it's a really important point to
7 think about how we get from point A to point B, right? As
8 we're thinking about reaching our 1383 goals, what
9 additional steps do we need to take beyond the
10 incentive-based approach, and how do we -- how do we think
11 about whether that's necessary, what are the issues we
12 need to understand, what are the facts that we need to
13 gather? We recently had the workshop in the -- in the
14 valley. And I think that was a really good conversation
15 about, you know, what's happening in that industry and
16 trying to understand where we are and where we need to go.

17 So, I guess, I can pitch it to Dr. Cliff to maybe
18 kind of respond a little bit to Dr. Pacheco-Werner's
19 comments, and then other Board members who want to talk
20 about this topic can kind of weigh in. And so this will
21 be our first topic that we're grappling with today.

22 Dr. Cliff.

23 EXECUTIVE OFFICER CLIFF: Yeah. So with regard
24 to dairies specifically, we, as you well know, kicked off
25 the process last month with the workshop. And we have

1 that out, you know, for comment now. We collected a lot
2 of information using the best available data that we could
3 find, but we're also interested in what other sources of
4 data are available to help inform our work.

5 Simultaneously, we provided a response to a petition that
6 we regulate dairies that laid out the steps that we are
7 taking to date and what future steps we'll have to take in
8 order to consider regulations.

9 So we're, you know, really happy to get this
10 input from the Board, and, you know, understand that as
11 we're moving forward we're going to need to provide more
12 for the Board to consider with regard to how we look at
13 emissions from dairies.

14 CHAIR RANDOLPH: Do you want to touch on other
15 sources of methane as well, as we're thinking about 1383,
16 which are -- is not necessarily part of LCFS, but I think
17 is kind of relevant to Dr. Pacheco-Werner's questions?

18 EXECUTIVE OFFICER CLIFF: Yes.

19 CHAIR RANDOLPH: And so questions raised about,
20 you know, landfills and wastewater treatment plants.

21 EXECUTIVE OFFICER CLIFF: Right. So, you know,
22 certainly we have also been getting calls for updating the
23 Landfill Methane Reg. That's something that we're
24 currently evaluating. We have a process that's been
25 ongoing to look at the Landfill Methane Reg and what's

1 appropriate for doing that.

2 We've been working really closely with our
3 colleagues at CalRecycle and trying to understand what's
4 appropriate there. We also have been very fortunate in
5 past budget cycles have been provided funding for remote
6 sensing, including methane satellites. So we'll have some
7 additional information that will help inform, not only in
8 the two sectors that I mentioned, but in other sectors
9 where emissions are high. And then it gives us more
10 information about how to address those emissions. It's
11 really important to be able to measure the emissions,
12 because once we do, then we know exactly what we can do to
13 address it, rather than using estimation methods or other
14 sorts of methods that aren't necessarily accurate for each
15 individual facility, so that that remote sensing will be a
16 real opportunity for us as well.

17 CHAIR RANDOLPH: Board Member Takvorian.

18 BOARD MEMBER TAKVORIAN: Thank you, Chair, and
19 thank you, Dr. Cliff. I wanted to follow up on Dr.
20 Pacheco-Werner's comments and say that I really agree with
21 her -- the way that she's framed this issue. And I think
22 it's critically important. It's been a -- it's been so
23 highly integrated with the LCFS discussion that it's very,
24 very difficult to divorce those issues. And I think that
25 we've been struggling as we think about how we proceed

1 with LCFS to think about the fact that LCFS is not going
2 to be regulating livestock methane. And we know that
3 that's not the purpose of the regulation.

4 So it -- that does seem that we need to take a
5 step. And I would really like to recommend. I know we're
6 not taking actions here, but that we incorporate into our
7 LCFS deliberations in November an element in the
8 resolution that will be being considering that CARB -- we
9 would ask -- I would ask CARB staff to prepare a plan for
10 initiating, developing, and presenting for adoption
11 consideration and implementation a livestock methane
12 regulation.

13 I think we -- as Tania said, we don't know how
14 that's going to play out. We don't know what the -- what
15 that will look like based on the data. I also want to say
16 I was very appreciative of the -- of the workshop that we
17 had. I learned a lot and I feel like it was a really good
18 start on the development of a rule. And I was impressed
19 with the dairy tour as well and learned a lot about what
20 some of the opportunities are for reducing emissions. And
21 so it does seem though that community members have
22 testified for years honestly here at CARB, not just around
23 LCFS, but around a SIP for San Joaquin, for -- in the 617
24 meetings, here at the EJAC. And I really feel strongly
25 that we need to be responsive.

1 And we have a legislative code that says that we
2 need to get this done. And so I would ask that we have an
3 element to the resolution that we could consider in
4 November, and that we would begin rulemaking and rule
5 development in 2025 with a goal of considering adoption by
6 2028 and implementation to start in 2030, if it's adopted.
7 And it seems like we could incorporate the full accounting
8 of GHG and air pollution emissions that EJAC references in
9 their recommendation, evaluating data to better inform the
10 methane emission estimates and to determine whether
11 mandatory reporting and other requirements are
12 appropriate.

13 I think we also want to learn from the good work
14 that some of the dairies have done and good work that CARB
15 has done to see what of -- what of that should be
16 integrated into requirements. And then -- and, of course,
17 any other elements that are required under the code.

18 So I would hope that that could come back to us
19 in November as a part of the resolution and be responsive
20 to the -- to the decades really of feedback that we've
21 been receiving and now this most recent feedback related
22 to LCFS in the form of a consideration of regulation or
23 the development of a regulation.

24 CHAIR RANDOLPH: Okay. Dr. Balmes.

25 BOARD MEMBER BALMES: Thank you, Chair. And

1 thank you to my colleagues, Dr. Pacheco-Werner and Ms.
2 Takvorian for, I think, laying the issue out very well. I
3 will be quick, because I think we have a lot to get
4 through. I'm a hundred percent in agreement with what was
5 just proposed by Ms. Takvorian based on the nice framing
6 from Dr. Pacheco-Werner. I think it's time that we start
7 a direct regulation of dairy methane. But again, it's a
8 process. I don't know how it's going to play out, but we
9 have to start the process. It is, in my view, already on
10 the late side.

11 I don't know about the timing specifically that
12 Ms. Takvorian laid out, but I actually thought it was
13 pretty reasonable. So I just want to -- there are other
14 issues I want to talk about tonight, but just trying to
15 keep it simple right now. I think I want to add my voice
16 to the other two Board members who say it's time for a
17 process to regulate dairy methane.

18 CHAIR RANDOLPH: Okay. Board Member Kracov.

19 BOARD MEMBER KRACOV: Hi. Good afternoon, Chair
20 and everyone. Sorry, I can't be there today. I'm up here
21 at the State Bar conference -- or the California Lawyers
22 Association conference at Yosemite with not great cell
23 phone reception. I'm actually on a panel with our fellow
24 CARB Board member Henry Stern tomorrow. So I want to
25 thank you for letting us participate remotely and

1 listening in on this discussion and appreciate it if you
2 just give me a second to sort of step back for a second
3 Chair and just want to acknowledge all of the CARB staff
4 and the EJAC. We all work so hard and the Board Chair
5 give me the opportunity with a little bit of delegation to
6 help prepare the Charter for the EJAC and negotiate that
7 working with staff and everyone. You know, what is it
8 almost 18 months ago.

9 And I know it hasn't been perfect and I know
10 we're going to be relooking at things and always trying to
11 improve, but I do want to give a shout-out to the process
12 and to the people. I want to thank Dr. Catherine, in
13 particular, and Martha Dina who have really put a lot of
14 this work on themselves over these past 18 months in small
15 groups and in larger groups to sort of get this to the
16 place that we need to be and all the other EJAC members
17 that have helped. I want to thank Chanell and Radhika,
18 and her team to try to find ways to support the EJAC and
19 to integrate the work of the EJAC, as Dr. Cliff said, with
20 all of the work of the organization.

21 You know, this is a climate program-focused
22 effort, so I want to also thank ISD. I think in general,
23 the relationship and the communication between ISD and
24 EJAC is much improved. So to thank Rajinder, and Matt,
25 and the whole team there. And also the interagency

1 efforts between Chanell's group, and ISD, and our Mobile
2 Source Division, and all the things that we're working on
3 together in the climate programs to make sure that all of
4 our work is well integrated.

5 I mean, the whole purpose behind EJAC, and at
6 least from the perspective that I'm aware of, was to make
7 EJAC relevant and to make sure that EJAC had an
8 opportunity to move the needle on important issues. I
9 mean, that's why we're going through all of this and why
10 people, like Dr. Catherine, are busting their butts all
11 this time. And here we are, two months before the
12 meeting, and I know it's not perfect and I know we can
13 always do things a little bit better. We're two months
14 before the LCFS meeting. We're here with EJAC, you know,
15 having already presented recommendations in whenever it
16 was eight months, 10 months ago, now updating those
17 recommendations based on our 15-day proposal, you know,
18 being able to thoughtfully address its major comments in a
19 focused way, so the Board members know exactly what EJAC
20 is talking about and have the opportunity to consider it.

21 I mean, that is the process, Chair, that you
22 envisioned in creating the Charter. And I believe we are
23 fulfilling that process and that EJAC is having the
24 opportunity to be relevant and to move the needle when it
25 really matters.

1 So we'll have to see how all this turns out. You
2 know, it's up to the Board Member to, you know, vote on
3 this and be accountable on the issues like dairies and the
4 other things that we're discussing. And, of course,
5 that's going to be the ultimate judgment about whether all
6 the time is worth it, and we'll have to see. But I think
7 in terms of the process, I'm happy with the process. I
8 want to thank the Chair for her leadership in getting us
9 to this, and giving us this facilitated healthy meeting,
10 you know, based on facts and reasoned analysis, to inform
11 the process. And, you know, I think that's what EJAC is
12 all about.

13 So I'm not talking about any particular issue
14 right now. But I did, after all the work that so many
15 people have put in on this over the last 18 months, did
16 want to give a shout-out to the process. And I'm happy
17 that we're here tonight, and working together, and trying
18 to make this process the best that it can be.

19 Thank you, Chair.

20 CHAIR RANDOLPH: Thank you.

21 Mr. Holmes.

22 EJAC MEMBER HOLMES: Yeah. Thank you. Is that
23 on? Orange is on?

24 Yeah, my comments are just a quick dovetail of
25 Dr. Patricia-Werner's -- Pacheco-Werner's and Executive

1 Officer Steve Cliff's about the knowledge that communities
2 have. So Dr. Pacheco-Werner called for scientific rigor
3 and understanding the impacts -- methane impacts of dairy
4 digesters in our communities. You know, we also have an
5 obligation to understand the historical impacts, and the
6 civil rights impacts, and the second class citizenship
7 status that many of us in the Central Valley experience.

8 And so to make sure that, you know, when we reach
9 these impasses where there's a -- where there's a question
10 mark around the science, we have all the power that we
11 need to make a decision on behalf of protecting
12 communities. Similarly, when we talk about remote sensing
13 and methane impacts in communities, you know, let's not
14 presume that this is one state, right, and that all
15 state -- all things are created equal from corner to
16 corner. If you're in Kern County, you know what I'm
17 talking about. A blowout of a methane pipeline in your
18 neighborhood really, really matters.

19 And so the idea that there's some sort of a level
20 playing field for communities to access the State's remote
21 sensing data for methane impacts really needs to be looked
22 at. It needs to be interrogated, you know, critically.
23 There's a handful of people that can get the county
24 commissioner on the phone when they have a blowout. And
25 those people need to be targeted with support from Air

1 Resources, if they want their remote sensing data to ever
2 really matter.

3 So I'm in total support of everything that I've
4 just heard. I thank the -- you know, the speakers before
5 me for their understanding of these issues. I just hope
6 that we also always know that we can err on the side of
7 people and places in making things safe. You have the
8 power to do that. You have the power to be wrong doing
9 that. And I hope to stand here and help you -- help you
10 do that.

11 Thank you.

12 CHAIR RANDOLPH: Thank you.

13 Board Member Hurt.

14 BOARD MEMBER HURT: Thank you, Chair. There's so
15 much to talk about in this one topic. And like Dr. Balmes
16 said, I'll try to be short but say as much as I can. I,
17 too, look forward to a roadmap or work plan to reduce the
18 intensity of livestock methane rule. I think it's
19 necessary. We need methane reductions and this is one
20 area that we need to really look into and figure out, if
21 not necessarily a timeline, how we're going to step into
22 the reduction of those emissions. It's just so necessary.

23 We have said in order to meet our goals, we need
24 many more digesters to come online. And sometimes I think
25 that gets buried in our conversations. And I'm wondering

1 how do we get those projects to come online and be viable
2 outside of crediting? How can we think about the need to
3 have that co-generation, but do so this in a way that
4 respects environmental justice issues? How do we really
5 get to the heart of what I heard from the workshop, which
6 is the air, and the water, and the pests, and the
7 nuisances? And is there another aspect, maybe not within
8 LCFS, that we should be considering and thinking much more
9 about, and working with the environmental justice
10 community to get there?

11 If we limit deliverability, you know, what is the
12 outcome on the available fuels that we need? I'd like to
13 understand that more, that space, that area. We --
14 there's a time frame on these investments. And I want to
15 better understand how do we slice it just right and I
16 would appreciate learning more from the staff. I know
17 we've reduced the two crediting reports. And we've heard
18 from EJAC that they want immediate avoided methane credit
19 to be deleted. But since we've been urging and signaling
20 this investment, can we just find and learn more about
21 what crediting reporting numbers gets the time frame
22 that's needed for this to pencil out, but then again start
23 working on the air, the water, and the nuisances that the
24 communities are feeling.

25 We do have some power, but there are definitely a

1 lot of agencies that need to work together. And I look
2 forward to doing that whether it be through LCFS or any of
3 our other tools that we have.

4 CHAIR RANDOLPH: Dr. Cliff, did you want to
5 respond to Board Member Hurt's question?

6 EXECUTIVE OFFICER CLIFF: I don't know if I have
7 the specific answers regarding deliverability in general,
8 but I think that, you know, we're happy to look into these
9 issues and have an offline conversation. I think you --
10 you know, you've asked some really good questions and we
11 want to follow up.

12 CHAIR RANDOLPH: Okay. Thank you. I mean, I
13 think kind of following up on Board Member Hurt's question
14 and comments, I think, you know, we do recognize that
15 there's so far our, you know, commitment through LCFS and
16 our commitment through the Department of Agriculture have
17 been successful in fostering methane reduction in the
18 dairy sector. I do recognize, however, that we, you know,
19 were given a task in 1383 to take, you know, a deeper look
20 at whether or not it's necessary to do something
21 different, in order to reach our methane targets. And so
22 I think -- I think the suggestion of Board members to ask
23 staff to take a look at this issue, think about a process
24 they would recommend on the timeline suggested by Board
25 Member Takvorian and come back as part of the November

1 Board meeting with a proposal in that resolution I think
2 makes sense.

3 I do think that as we think about the time
4 between now and 2030, it is very important to encourage
5 the development of those projects, as Board Member Hurt
6 recognized, which means that we have to ensure that they
7 are financially viable, and that -- and that the current
8 approach ensures that they will be incentivized to install
9 these facilities as quickly as possible to achieve as much
10 benefit as possible, in terms of capturing methane and
11 achieving our goals. So that's -- those are the things
12 that I'll be thinking about in November as I think about
13 the rulemaking.

14 So I think Board Member De La Torre. Oh, and
15 after that, Board Member Rechtschaffen.

16 BOARD MEMBER DE LA TORRE: Thank you. I -- look,
17 there's all kinds of issues around LCFS and I'm not going
18 to jump into all of them. But out of respect for the
19 folks who are here that are probably going to have to
20 leave fairly soon, I did want to say two things around jet
21 fuel. One, CARB has committed with South Coast AQMD as
22 part of their interactions with U.S. EPA to address
23 equipment at airports in the South Coast region, which is
24 a lot of our big airports. Certainly it's LAX and all the
25 airports that we have down south. So that effort is going

1 to be underway outside of the LCFS process. It is a
2 commitment that's been made. And so that is one way to
3 address pollution at airports. And who knows, maybe it's
4 something we can expand to other places. But that
5 commitment is in writing. It's done. It's going to
6 happen.

7 On jet fuel, we've talked about it many times,
8 it's a tough thing, right? We are trying to thread a
9 needle here, which I personally believe we can do, but I'm
10 not a lawyer. So we need to figure out how. It's not a
11 matter of will. It's a matter of this challenge that we
12 have with our ability in relation to the federal
13 government. And so we are going to continue to have this
14 discussion. I'm a big believer that we can find that
15 threading of the needle, find some way within our without
16 LCFS to make that happen.

17 So just know that it's not done. And so we are
18 very dedicated to trying to find something that can be
19 done in that space.

20 Thank you.

21 CHAIR RANDOLPH: Board Member Rechtschaffen.

22 BOARD MEMBER RECHTSCHAFFEN: (Clears throat).

23 Excuse me. Thank you.

24 I agree with what's been said by my colleagues
25 and what you said, Chair, and what Dr. Cliff said about

1 rule development. I think the time -- it's time to start
2 a rule development with all the requirements, and
3 complexities, and data, because we'll need that going
4 beyond 2030 for sure. And so I'm very encouraged -- I'm
5 encouraged that there's new data, remote sensing data, and
6 so forth. So I will just leave it at that. I support
7 everything my colleagues have said.

8 On a couple of other issues that Board members
9 have raised, I'd like to work with staff going forward on
10 the question of what's the appropriate number of crediting
11 periods for avoided methane for projects starting before
12 2030. Dr. Pacheco-Werner mentioned an important point
13 that we want these projects, but we want them to be
14 financially viable going forward without excessive
15 subsidies in order to be viable. We want a level playing
16 field with other biomethane -- with other biomethane
17 projects. So I'm -- I'd like to work with staff to see if
18 we can -- if limiting the avoided methane credits to no
19 more than one crediting period is -- makes sense, as was
20 proposed earlier on in the rulemaking process.

21 Board Member Hurt mentioned deliverability.
22 That's an issue that I'd also like to work with staff to
23 see if we can -- if there's a way to have an earlier date
24 for deliverability of biomethane and biomethane-derived
25 hydrogen. All other pathways under the LCFS require

1 deliverability. And without deliverability, we don't get
2 local air quality benefits. We don't meet our local -- we
3 don't meet our SB 1383 goals for in-state reductions of
4 methane reductions. So I'd like to be -- work with staff
5 to see if that's something that can be achieved.

6 And then I'd like to turn to another topic, which
7 was raised in the -- in the EJAC resolution about lipid
8 biofuels. There have been very significant concerns about
9 the rapid growth of crop-based feedstocks and renewable
10 diesel in California, and the extent to which these levels
11 are unsustainable and pose risks of deforestation and
12 sustainable of farmland from food to energy protection.
13 The staff proposal -- the 15-day proposal takes a number
14 of very important steps in trying to address this concern.
15 The proposal talks about the need to ensure that other
16 regions can access low-carbon alternative fuels, and the
17 need to avoid sending a long-term signal for virgin soy
18 and canola oil to serve California demand. Those are
19 very, very positive. And there's a number of other
20 measures as well.

21 I would like to work with staff on some ways to
22 strengthen what is a central part of the proposal, which
23 is a 20 percent credit -- a 20 percent credit incentive
24 per company on soy and canola-based biofuels. A very
25 important, very helpful step. I'd like to see us explore

1 options to strengthen that proposal, including, for
2 example, extending that 20 percent limitation to jet
3 aviation and other fuels. And if there's blending over
4 that 20 percent cap having the value assigned to those
5 fuels be the value for fossil diesel, as opposed to the
6 lower proposed carbon-intensity benchmark that would send
7 a strong disincentive not to use crop-based feedstocks,
8 and then consider potentially including other oil
9 feedstocks under the program. So those are some areas I'd
10 like to work with on staff to strengthen the provisions
11 that were included, since this is a very important part of
12 the program and one where there are really serious
13 concerns have been raised that I -- that I share.

14 Thank you.

15 CHAIR RANDOLPH: Board Member Guerra.

16 BOARD MEMBER GUERRA: Thank you, Chair. Also, I
17 want to keep it brief here, because I know there's a lot
18 areas, but I wanted to bring up the issue of aviation
19 fuel, or jet fuel particularly. And I mentioned it on the
20 aviation sector and maybe I'm a little more sensitive here
21 locally. While it's not the same, but, you know, the -- I
22 think the impacts of airports around communities has been
23 something that has, I think, for far too long not been
24 addressed significantly. I do recognize -- I think I -- I
25 think Board Member De La Torre -- I appreciate his

1 comments about the commitment from this Board that's been
2 made, but most recently -- and this has to do more with
3 lead-based fuel. You know, here in Sacramento, we had to
4 shut down a park because of its proximity towards one of
5 our local airports, and the -- and just the impacts of
6 that.

7 And so I resonate with many of the workers here,
8 many of the janitorial workers who work at our airports
9 and live near our airports who are asking for us to be
10 creative and to find a way for us to understand the
11 challenges. I think one of the presenters here today
12 talked about that they recognize the challenges with
13 federal law and they're asking for us to find a path
14 forward here at the -- at the State level. So I wanted to
15 just, you know, make that comment to know that I think
16 that many on this Board, at least for myself, I'm
17 interested in finding how we get to that path to
18 addressing the jet fuel issue, because those -- while we
19 try to encourage, you know, more of the tourism, the
20 commerce in our area, I want to make sure we're doing that
21 in a way that also addresses those issues for those
22 communities that both work and live next to those
23 airports.

24 And then also I wanted to, you know, echo the
25 concerns that Board Member Hurt's brought up about, you

1 know, the incentives for -- and the -- or maybe
2 disincentives of -- in -- of new technology and making
3 sure that we've moved forward. I would -- we've seen
4 benefits here in Sacramento of looking at biomethane to
5 hydrogen as a -- as very positive and looking how we can
6 address that biomethane capture, whether it be through our
7 municipal sewer areas or other ways, but being able to
8 capture that biomethane and make it into something much
9 more productive versus what we've done in the past, which
10 has been unproductive for our air quality.

11 So I'll leave it at that for now, Chair, but I
12 appreciate my comments from colleagues on -- particularly
13 on the issue of how we address and make sure that moving
14 forward we address the jet fuel impact to some of the
15 workers that are here today.

16 CHAIR RANDOLPH: Senator Stern.

17 SENATOR STERN: Thank you, Chair Randolph. Sorry
18 I can't be with you all there in person or over video, but
19 I do appreciate this joint convening. Putting EJAC on
20 even footing with the Board I think in this format is very
21 constructive, and iterative, and brave to do, because it
22 requires us to confront some uncomfortable shortcomings in
23 how we approach climate, which is sometimes seen as just a
24 greenhouse gas puzzle, one of math and science, but we
25 know it's a very human enterprise as well.

1 And so especially to both the front-line
2 communities that are represented on EJAC and also the
3 workers who showed up here today from all over the state,
4 I appreciate you. And we hear you, not just in my role as
5 a ex-officio representative for the Senate here on CARB,
6 but in the Legislature as well.

7 We did send -- there have been a number of
8 letters sent in on behalf of my colleagues. I know one of
9 which was highlighting some of the concerns about the
10 biomethane crediting pathways. And we also sent in
11 another official comment to this process on the aviation
12 fuel. I'll just say, to keep it brief, I would align my
13 remarks and my comments with Mr. Rechtschaffen on the
14 biomethane work plan and looking at the crediting timeline
15 and the phaseout periods, as well as deliverability. I
16 think that's all really important follow-up work to do.
17 And as I emphasized at the last Board meeting, I think
18 beginning the concurrent rulemakings that are necessary
19 around dairy methane, not within the LCFS context, but
20 in -- but in the broader Clean Air Act and other 1383
21 contexts, I think, is crucial to maintain some trust here.
22 So I would -- I would encourage that to keep moving along.

23 And then in terms of aviation, you know, I share
24 the disappointment, and the surprise, the frustration for
25 seeing that falling out of the proposed regulation in this

1 15-day update. And, you know, I'm concerned of those who
2 maybe haven't been as loud in these hearings, but may have
3 exerted other kinds of pressure on this process. We know
4 the aviation industry is well-heeled, powerful, and has
5 plenty of lawyers to sabre rattle out there that -- you
6 know, how dare California explore intrastate jet fuels
7 being, you know, not exempt from LCFS as they currently
8 are. And I just don't think this is a time to blink in
9 that pathway. We haven't done so in locomotives, in
10 shipping, in trucking, in interstate trucking, and we
11 found ways to thread that needle.

12 So the concern is that even though, I appreciate
13 Board Member De La Torre's remarks about, you know, ground
14 safety equipment and sort of on-site equipment in the
15 South Coast push there I think is important. But unless
16 we're actually getting at the fuels burnt in this state by
17 the airline industry as an actual source of emissions
18 rather than just a source of crediting, I think were
19 misguided and were -- it's only going to be carrots and no
20 sticks for an industry that really flies above the radar
21 of most of our abilities to get at them.

22 I would like to see going forward, and I know
23 Board Member Guerra also mentioned this, but some kind of
24 intrastate jet fuel workshop this year. And to see that
25 issue and sort of the concrete issues outlined in the

1 memorandum from Dr. Cliff about this, to see that explored
2 before the adoption of any final rule, so that we know
3 we've got an actual work plan going forward. And if that
4 involves federal counterparts at EPA, that's fine, and
5 good, and we can make that push too. But I do think it's
6 worth also considering a reopener in 2025 and to really
7 have that workshop specific to areas where jet fuel is
8 highly impacting a community. I think Los Angeles -- I
9 mean, there's many other places -- but in terms of a
10 non-attainment area and the unique impacts at LAX, I think
11 it's worth getting into.

12 And so I would just make that request of staff
13 and of the Board to consider, you know, sometime this
14 fall, even as soon as next month, if we wanted to do that.
15 I think it would make a lot of sense. And that way, we
16 don't have to have just four folks up here who had to
17 carve out time from their workday to make that presence
18 felt, but really something that's airport and aviation
19 centric.

20 So thanks for taking that into consider and look
21 forward to hearing the feedback.

22 CHAIR RANDOLPH: Thank you.

23 Dr. Balmes.

24 BOARD MEMBER BALMES: Thank you, Chair. Again,
25 I'll try to be brief. You know, we're on a new -- a

1 couple new topics. And first of all, I wanted to thank
2 the staff for -- as Mr. Rechtschaffen's -- Rechtschaffen
3 said, moving forward with regard to some limitation of
4 crop-based biofuels. But as he kind of kindly intimated,
5 I don't think it goes far enough. So he was talking about
6 working with staff to strengthen it and I think that's
7 actually necessary. You know, it's good to limit soy and
8 canola-based biofuel, but it's not the only biofuels that
9 affect --

10 CHAIR RANDOLPH: Dr. Balmes.

11 BOARD MEMBER BALMES: Yes.

12 CHAIR RANDOLPH: Sorry. We're having an audio
13 problem here in the room. We're going to just pause for a
14 minute and see if we can fix it.

15 BOARD MEMBER BALMES: Okay. It wasn't me though,
16 right?

17 CHAIR RANDOLPH: All right, Dr. Balmes, try it
18 again.

19 BOARD MEMBER BALMES: Can you hear me now?

20 CHAIR RANDOLPH: Yeah, that sounds better.

21 BOARD MEMBER BALMES: Okay.

22 CHAIR RANDOLPH: Go ahead.

23 BOARD MEMBER BALMES: So what I was trying to
24 support was Mr. Rechtschaffen's effort to suggest to staff
25 that we need to strengthen crop-based biofuels. I think

1 the -- our limitations of crop-based biofuels. I think
2 the -- I commend staff for the 15-day changes, which
3 provide some limitation on canola- and soy-based biofuel,
4 but I -- you know, there are other biofuels like corn, for
5 example, which I know is important for us with our
6 California gas blend, but, you know, all of these
7 crop-based biofuels have the danger, as the EJAC
8 presentation pointed out, of causing increased food prices
9 around the world and deforestation. I'm very concerned
10 about this. I think we definitely have to be careful. As
11 the leaders in crop-based biofuel regulation through LCFS,
12 that we have to be very careful what signals we send
13 worldwide, not just in California. So I heartily support
14 his efforts to work with staff to strengthen that.

15 The other part of the biofuels actually dovetails
16 with the jet fuel discussion. And I'm very supportive of
17 trying to improve air quality both for workers at the
18 airports and for the communities around airports. So
19 I'm -- I am also interested in seeing if we can thread the
20 needle as Mr. De La Torre and Senator Stern pointed out,
21 in terms of intrastate jet fuel. But if jet fuel is under
22 LCFS, it's going to be a problem -- it's going to
23 exacerbate the crop-based biofuel issue. It's my
24 understanding, and I may be wrong, that the European Union
25 is already moving towards biofuels for LC -- for their

1 jurisdiction. And there's so much aviation fuel used
2 worldwide that if you replaced all current petroleum-based
3 jet fuel with crop-based jet fuel, it would require
4 virtually 40 percent of the world's cropland to be for jet
5 fuel. It's a huge issue. So we have to be careful going
6 forward, not just with regard to whether we have the
7 jurisdictional authority with regard to the aviation
8 industry, but to be careful how we might use that, how we
9 might thread the needle, in terms of biofuel -- crop-based
10 biofuels for the aviation industry.

11 Thank you.

12 CHAIR RANDOLPH: Okay. Thank you.

13 Dr. Pacheco-Werner.

14 BOARD MEMBER PACHECO-WERNER: Yes, Chair. Thank
15 you. I just wanted to voice my alignment with the
16 previous Board members on deliverability and needing to
17 look into that further and needing to go back and look at
18 some of the -- some of the latest analysis that has been
19 included in the comment letters to really give those -- or
20 at least engage with us in a -- I look forward to engaging
21 with staff on a conversation around some of those letters,
22 particularly around the ICCT and others that are raising
23 concerns around these -- you know, how we framed the 20
24 percent limit as well as deliverability questions as well.

25 Thank you.

1 CHAIR RANDOLPH: All right. Thank you.

2 Board Member Shaheen.

3 BOARD MEMBER SHAHEEN: Thank you, Chair. So I
4 always like to start by thanking everybody in the room.
5 It takes a lot to get to the room. And I've learned that
6 in my time on the Board that so much hard work happens
7 behind the scenes and really deeply grateful to all the
8 hard work of EJAC. I attend most of their meetings and
9 listen to their voices, and really appreciate everything
10 that you've done, and really appreciate all the
11 stakeholders who educate me and spend a lot of time coming
12 here, and all of the airport workers. It's really deeply
13 touching. And then, of course, the hard work of the
14 staff, which probably is unseen, but it's tremendous the
15 amount of work that's gone into the LCFS revisions. And I
16 really just wanted to start by putting that thank you and
17 gratitude out there.

18 Take a moment to celebrate something that I was
19 really excited to see in the changes, which was the
20 allowance of pre-2011 transit to generate full credit.
21 And so thank you so much staff for listening to the
22 transit industry. It is at a point where we really do
23 need to support it. So very, very happy to see that.

24 I do want to weigh in on a few comments my
25 colleagues have made to keep it short, but I also wanted

1 to acknowledge something that Dr. Catherine said at the
2 beginning of her comments about the importance of data and
3 models. And CARB has always been at the forefront of
4 science and policy. And we have so much to do together to
5 bring in more data, and to look the satellite data, and
6 other sources of data. And staff have done tremendous
7 work on that. We saw that at the Fresno workshop.

8 So I do want to weigh in and provide my support
9 for comments made with respect to the recommendations that
10 EJAC made on livestock and dairy manure. I am very
11 supportive of remarks that Board Member Takvorian made,
12 along with Board Member Hurt, and many others. We really
13 have a responsibility here to look at moving forward
14 livestock and dairy manure regulation.

15 I'm also very supportive of continuing to look at
16 jet fuels and at sustainable aviation fuels. I am a
17 transportation expert. I know how important this is. And
18 I'm also quite aware of some of the regulatory hurdles we
19 may face with this policy, but we do need to keep moving
20 forward. And I love the recommendation that EJAC made in,
21 I think it was, August of 2023 that we look at marine
22 fuels. So I'd love to add that to the list, Dr. Cliff. I
23 think you and I may have even talked about that at one
24 time in the past, taking on the marine space.

25 I would like to loop back around to Board Member

1 Rechtschaffen's comments on crop-based fuels along with
2 Board Member Balmes. This is an area that does keep me up
3 at night. I worry about this area and all of its
4 large-scale impacts on the world. And so I really welcome
5 an opportunity to look at the 20 percent credit limitation
6 more deeply with staff and particularly looking at the
7 implications of adding this to jet aviation or extending
8 it out to jet aviation fuels.

9 The other things that I would like to mention
10 that maybe have not come up is I'd really like to look at
11 the ILUC models. I know this is something I've talked to
12 the staff about. I've had so many briefings that leave me
13 concerned about the GTAP model and its ability with all of
14 its parameters to capture the questions that we have in
15 front of us. And so I know the staff are very supportive
16 of a reevaluation of this, but I want to underscore this
17 as a scientist. I think this is something that we really
18 need to do.

19 Along the lines of science, I'm also really
20 interested in having a conversation with staff about a
21 more comprehensive review of the 20 percent credit
22 incentive mechanism for crop-based feedstocks in the
23 future, particularly to assess their overall impacts on
24 the market and their effectiveness.

25 And then I also wanted to add a comment about

1 innovation. I think the spirit of innovation is really
2 important. And CARB has always been at the forefront of
3 this, including the LCFS. I'd love to look camelina, and
4 algae, and synthetic fuels as ways to move past dependency
5 on crop-based fuels.

6 And then the final remarks is with regards - and
7 this one we have not heard before either - is with respect
8 to third-party certification of waste oils. I've read a
9 fair amount of this, been briefed about this. I know
10 biodiesel is not necessarily the top market, but it was a
11 big part of LCFS at the beginning. And I know that the
12 U.S. EPA is looking at this, along with the European
13 Union, as an area for potential fraud. And so as the
14 biofuels market expands, I do have concerns about what we
15 might be able to do to certify that those oils are indeed
16 what they say they are.

17 So I think that's it, Chair. Thank you.

18 CHAIR RANDOLPH: All right. Thank you.

19 Board Member Hurt.

20 BOARD MEMBER HURT: Thank you, Chair. I just
21 wanted to lean in on a couple of the other topics that
22 came forward. Specifically around aviation, I think we
23 all really have a strong interest in accelerating that
24 transition. And I think there are a lot of people that
25 are working hard in that direction alongside the FAA and

1 the Air District. And I hope we can continue to be
2 creative and find ways, whether we're looking intrastate
3 and maybe smaller airports, smaller planes -- like what
4 does that look like to kind of start the transition? Can
5 we create a template that expands to other parts of the
6 country and really start to look at this area that's
7 negatively impacting communities? And so maybe a briefing
8 on the intrastate commerce piece of this how we can maybe
9 begin with smaller crafts -- aircrafts before -- while
10 also looking at larger airlines.

11 I, too, worry, as Board Member Shaheen, said --
12 Dr. Shaheen, with regards to the ILUC values, and
13 wondering what does it mean if we're more aggressive,
14 based on the practical impacts that we're seeing and is
15 there a way that we can get that a little bit right and a
16 little bit more tailored to what's actually happening.

17 I also -- I found it really interesting to hear
18 folks talk a lot about, you know, if you have this many
19 trucks -- the diesel trucks that EJAC presented in the
20 very beginning, and what that equated to CI values, and
21 how the practical impact just seemed a little bit off. I
22 was -- I was really touched by, you know, five diesels,
23 two CNG trucks, carbon negative versus all electric trucks
24 and wanting to understand that aspect a lot better. I
25 don't know if we've, again, like put every pathway into

1 practice what does it mean, but how can we affect our CI
2 values, so that it doesn't have this kind of anomaly and
3 just understand that a little bit more next time we've
4 discuss. I would be really interested in especially this
5 concept of double counting.

6 So those two areas more information I've love to
7 hear from staff. Thanks.

8 CHAIR RANDOLPH: All right. Thank you.

9 Board member Eisenhut.

10 BOARD MEMBER EISENHUT: Thank you, Chair. This
11 has been a good discussion and I'm very appreciative of
12 the comments offered both by early testifiers, Dr.
13 Catherine and others, and my fellow Board members, and --

14 CHAIR RANDOLPH: Can you pull that closer?

15 BOARD MEMBER EISENHUT: Oh. You know, I may --
16 this one is -- there we go. Sorry. There. I wanted to
17 offer a very narrowly focused comment about dairy
18 digest -- methane and dairy digesters. And I don't want
19 to ascribe comments to people, but what I think I've heard
20 is that we've made progress, that there are -- there
21 are -- there is a backlog of additional projects that
22 would add to this progress, that the question is are we
23 better served through rulemaking or through continued
24 incentives? And as we -- my suggestion, my request of
25 staff is that as we address this topic and that -- and the

1 comments offered by Diane and others, that we evaluate the
2 impact of rulemaking on the progress that we have made,
3 and specifically on the flow of capital that's, in part,
4 driving the progress that we have made. So those --
5 that's my -- that's it. That's my comment. Thank you.

6 CHAIR RANDOLPH: All right. Thank you.

7 Board Member Takvorian.

8 BOARD MEMBER TAKVORIAN: Thank you. And thank
9 you, Mr. Eisenhut. I think that's really important that
10 we incorporate that as we're looking at rule development
11 and developing out the plan.

12 I just wanted to comment on a couple of other
13 issues. I'm so sorry that most of the folks that came
14 here to testify and have come here repeatedly from the --
15 who are airport workers and SEIU members. So my huge
16 gratitude to all of you.

17 I have to say I was particularly touched by the
18 worker, the señora from Barrio Logan, who -- this issue
19 has come up in the neighborhood, which is not right next
20 door to the airport, but that has the impacts from the
21 airport, even at that distance, and is in the 90-second
22 percentile for PM in the neighborhood from all the port
23 activities, so airport on top of the port. So I can't say
24 enough about how important I think it is that we address
25 all of those sources. And I think we have done a good job

1 with ships and trucks. And we need to do a good job with
2 all of the sources, including jets and the fuel at the
3 airports.

4 And I appreciated Mr. De La Torre's thread the
5 needle. I think we're just going to put that in an
6 official resolution that we're going to do that, that we
7 have to figure out a way to make this happen. And so I
8 would support Senator Stern's idea that we move forward
9 with a workshop. I have to say, you know, I thought the
10 dairy workshop was really important and effective. And if
11 we can do that on the airport pollution, I mean, that --
12 the priority has to be protecting the health and safety of
13 the workers. And as Mr. Guerra pointed out, also the
14 community. If we're shutting down a park, that's not
15 okay, and so we need to figure that out.

16 So I think if there's a way that we can at least
17 include intrastate jet fuel at some point when that makes
18 sense, in all the ways it needs to make sense, that would
19 be great. And I would really hope to support a workshop.

20 On the avoided methane crediting, I appreciate
21 Mr. Rechtschaffen's mention of that. And I -- honestly, I
22 feel like we have to go -- we should be going back to the
23 original proposal. And I frankly don't understand why it
24 changed. And so I think we've definitely got to
25 reincorporate that. So I'd like to learn more about that

1 and support that to go forward.

2 On biofuels, I appreciate the limitations that
3 are being discussed and the concerns that Dr. Balmes
4 raised and that Dr. Shaheen raised. So I don't want to
5 keep talking about more things, but I just -- I think
6 these are all critical things. And I want to reinforce
7 Dr. Shaheen's thought about all the hard work that staff
8 have done. I mean, we're having this thorough
9 conversation -- or more thorough conversation because of
10 all the work that staff have done, and the -- how many
11 years of discussion that the EJAC has had about it. And
12 I've had the opportunity to go to many of those meetings
13 as well. So appreciation all round that we're actually
14 here now able to have this conversation in more depth.

15 So that's what I'll say for now. Thanks.

16 CHAIR RANDOLPH: Okay. Anymore comments,
17 questions?

18 Okay. Oh, sorry. Board Member Guerra.

19 BOARD MEMBER GUERRA: Thank you. A very brief
20 one. I just wanted to echo a couple thoughts. One, I
21 think the workshop for jet fuel and impacts at the
22 airports is a good thing. Thank you, Senator Stern.
23 Second, I also agree with Dr. Shaheen about the camelina
24 and other innovative projects. I'm actually very
25 intrigued about other types of opportunities that there

1 may be. And then finally, one piece that I'd like to
2 explore further is, you know, an equal playing field. My
3 understanding is there was a start time in who could be
4 eligible under the percentage cap by using the effective
5 date. And so I know that there are folks who have been
6 investing in this. And if we limit the market, I think it
7 affects our ability to create our more competitive market.
8 And so I worry about that issue, so I think addressing an
9 equal playing field on when someone -- when an entity is
10 eligible to fly. And I think there may be a few options
11 in that, but I'd like to explore that aspect of it. Thank
12 you, Chair.

13 CHAIR RANDOLPH: All right. Thank you. Okay.
14 Any other questions or comments?

15 Okay. On the -- on the workshop idea, I think
16 there is an opportunity to engage in further discussion.
17 I think October is -- I mean, like the dairy workshop took
18 months to set up, so I'm not sure October is a thing, but,
19 you know, we can certainly follow up with staff, because
20 as Board Member De La Torre mentioned, you know, there
21 are -- there is a rulemaking anticipated. And so thinking
22 about when the right time to begin that conversation and
23 sort of have that public discussion about operations at
24 airports, and -- you know, there can be some discussion
25 about fuels as well as part of that conversation, but I

1 don't think October is necessarily going to be a realistic
2 target for that conversation, but we can certainly
3 continue to talk to staff about what the -- what the next
4 logical step is.

5 All right. So if there's no further comments,
6 I'll just note, you know, I think there was some direction
7 to staff around bringing back a proposal in November in
8 the resolution on the question of 1383 and where that
9 goes. And then there were several topics raised in the
10 LCFS rulemaking where Board members requested sort of
11 continued conversation with staff. And so I'm sure that
12 staff will be, you know, willing to put in the time and
13 have those conversations.

14 So I think on that note, I think we are ready to
15 proceed to our next agenda item.

16 Oh, Sorry. Dr. Cliff.

17 EXECUTIVE OFFICER CLIFF: Yeah. Thank you. And
18 I appreciate you indicating that you would be considering
19 the proposal in November. That's, you know, obviously
20 very important to us and to the ongoing market
21 participants. The staff is, you know, looking at the
22 comments that have come in on the 15-day proposal as well,
23 and, you know, are evaluating whether it makes sense for
24 any follow-ups. We're obviously always available to work
25 with Board members to explain the proposal and to talk

1 through comments that we've received. So we really
2 appreciate that engagement.

3 I wanted to just note that back in July, we did
4 send Board members a memo which included a link to a fact
5 sheet about the various activities that are ongoing and
6 have already happened related to airport emissions. And
7 so that is kind of a starting point for some of the work
8 that we have been thinking about. And then Board Member
9 De La Torre also mentioned the commitment that, you know,
10 we made to look at airport operations and moving toward
11 zero emission. So I just wanted to reiterate that as
12 well.

13 CHAIR RANDOLPH: Okay. Great. Thank you.

14 Okay. I will turn it back over to our Co-Chairs.

15 [SLIDE CHANGE]

16 EJAC CO-CHAIR GAROUPA: Thank you, everyone.
17 This is Dr. Catherine again. Feel free to take a deep
18 breath or stretch after that. Definitely felt like we
19 just ran a marathon, but we have two agenda items left.

20 Next, we're going to discuss the Cap-and-Trade
21 Program. And I will kick us off and then I will be
22 passing it to you, Jill, in just a few minutes as an FYI.

23 So the Cap-and-Trade rulemaking update has begun
24 at the Air Resources Board. It's no surprise to Board
25 members that this program has been a long-standing concern

1 to environmental justice communities because as a
2 market-based mechanism, it builds on -- builds on the
3 existing economic model that prior -- privatizes profits
4 to industry and socializes the public health costs,
5 especially to Black and Indigenous people, people of
6 color, and poor people. The program also focuses on
7 carbon in a siloed way.

8 The enabling legislation of AB 32 asked --
9 directed CARB to adopt rules and programs that are both
10 cost effective and equitable. And one of the concerns
11 raised from the inception of this program is the potential
12 for foregone reductions in utilizing a market mechanism
13 instead of taking a direct regulatory approach with these
14 sources.

15 The Carbon Markets Work Group has been convened
16 since 2021 and we have submitted comments throughout the
17 rulemaking process. The Air Resources Board leadership
18 had suggested to us as we became a permanent EJAC, that
19 this is priority area that we could weigh in on.

20 As EJAC as a work group, we've tried to navigate
21 that the environmental justice movement is not a monolith.
22 And so what we say, we don't want to be taken as a
23 representative of what every group -- what their position
24 is on the program. And at the same time, we've tried to
25 maintain a broad position that is said we are opposed to

1 the Cap-and-Trade Program. And if you're going to run the
2 Cap-and-Trade Program, here are recommendations to improve
3 it and to address inequities. Our comment letters have
4 touched on things like eliminating offsets and allowances
5 and the long-standing concept of no trade zones or
6 facility level caps, which as a geographer, I want to
7 emphasize, are different things. No trade zones and
8 facility level caps are not the same thing. They are
9 different concepts and approaches.

10 Generally, this concept has been proposed for at
11 least a decade. Whether you call it a no-trade zone or a
12 facility level cap, the goal is to try to get at emissions
13 that are happening in environmental justice communities,
14 assure that they're not going up, and, in fact, that we're
15 prior -- prioritizing those communities for reductions.
16 So it's been a long-standing conversation. I think CARB
17 is well aware this is a priority.

18 So this past November, we had a discussion at
19 EJAC where we were looking to clarify whether we could
20 continue conversations about no-trade zones and facility
21 level caps. The response we got from staff was it wasn't
22 written into AB 398, so we can't do it, because there's a
23 limitation to aggregate caps. To which I said, okay,
24 well, what if it's not a facility level cap? What if it's
25 a no-trade zone? So we've had some ongoing debate. What

1 do we actually mean and can CARB implement it?

2 So then in February, I was invited to the
3 Legislature to testify on the Cap-and-Trade Program, as
4 was Chair Randolph and CARB staff. At that time, I was
5 surprised, but glad to hear that our proposal about
6 no-trade zones or facility level caps was being
7 considered. So I sought to continue to additionally
8 clarify on behalf of the work group, does CARB actually
9 have the authority to implement no-trade zones or facility
10 level caps or does the Legislature actually have to direct
11 you and empower you to be able to do that?

12 So then in a follow-up conversation, Dr. Cliff
13 came to an EJAC meeting. And in his opening comments, he
14 essentially said, we have the authority, but we're not
15 going to use it, because we don't think in this program
16 update that we should implement no-trade zones or facility
17 level caps.

18 We sought to continue that conversation and
19 really appreciate Deputy Executive Officer Chanell
20 Fletcher for helping to convene some of those offline
21 conversations, so that we can continue to seek clarity. A
22 couple of months ago, we had a conversation again about
23 no-trade zones and facility level caps, where we were told
24 that this proposal has never been vetted by CARB legal for
25 authority, because it's not taken seriously as a policy

1 proposal, and that, in fact, the concept is antithetical
2 to the program, because CARB's goal is to make the market
3 simpler not more complicated.

4 So I've heard this repeated refrain over the last
5 few months, talk to the Legislature. Why did it take
6 months, if not years, to get to that answer? As the
7 convener of the work group, I'm a bit lost on where to go
8 from here, because we advise CARB, not the Legislature.
9 And as we've tried to weigh in, even on the expenditures
10 plan that CARB develops, we were told no, that we couldn't
11 put that on our agenda.

12 So I'm going to answer my own questions that I
13 started this conversation with. No, CARB is choosing not
14 to center equity and justice in the Cap-and-Trade Program,
15 at least in the current rulemaking. We've been told to go
16 to the Legislature. So, no, CARB is not complicating its
17 science or its approach and thinking about how to
18 integrate equity.

19 That's my big picture assessment of where we at
20 in terms of the Cap-and-Trade Program. I do also want to
21 name and pin for further discussion a specific suggestion
22 and issue, again in holding that tension between saying we
23 don't like this program, it's causing a lot of problems,
24 and also if you're going to use it, you should ensure that
25 it functions well and has integrity. And so this goes

1 back to the issue of credit generation, and whether carbon
2 capture, and Direct Air Capture projects should generate
3 credits.

4 I already mentioned under the Low Carbon Fuel
5 Standard item that if we're crediting Direct Air Capture,
6 fundamentally that means we're not addressing legacy
7 emissions. We're perpetuating business as usual. We're
8 using an offset to allow continued fossil fuel
9 infrastructure.

10 Add on to that, that there's the potential for
11 double counting. You can generate a credit under LCFS.
12 How do you know that same project isn't selling their
13 credit to Microsoft or selling their credit to another
14 market? How do you know you're not double counting,
15 triple counting how many times that credit is used as an
16 offset?

17 So then let's complicate it even further. If
18 we're talking about varying carbon and things, if you've
19 got a commitment for the carbon to be buried for 50 years,
20 what happens when it leaks after 10 years? How do you
21 rectify the system so that we're not actually generating
22 deficits and putting ourselves further behind?

23 And while this may sound kind of theoretical and
24 far off in the future, those of us in the San Joaquin
25 Valley have lived through the Emissions Reduction Credit

1 Program, which while it's not Cap-and-Trade, it is
2 creating a market for air pollution that has put our
3 region at a deficit, because unfortunately there was
4 corruption in the system. It was not managed well. There
5 was some funny math that happened, some answers in the
6 spreadsheets where the numbers don't add up, and we still
7 don't have a resolution for where those emissions went.

8 So if CARB wants to ensure the integrity of its
9 offsetting system, it needs to put in place safeguards for
10 if you're crediting projects that make a commitment that
11 we're not sure if they're going to be able to make it or
12 not, that there is some kind of backstop for how those
13 emissions are made up.

14 I've been working with my colleague Katie
15 Valenzuela to generate a memo that will go to EJAC that we
16 will also share with the Board, because this was an issue
17 that came up about a month ago, when we invited to have a
18 dialogue with the Independent Emissions Market Advisory
19 Committee. So we do expect this to be an outstanding
20 issue until it's addressed.

21 And with that -- oh, I just wanted to close by
22 saying, again big picture, we know the transition off of
23 fossil fuels is happening. The central question that we
24 have to address is will it be just? And with that, I want
25 to pass it over to Jill to offer her perspective on the

1 Cap-and-Trade Program.

2 [SLIDE CHANGE]

3 EJAC MEMBER SHERMAN-WARNE: Thank you, Catherine.
4 I really appreciate those words. Every time I come to an
5 EJAC meeting, I feel like I learn more and more. And the
6 more learn, the more I wish I had earmuffs, so I couldn't
7 hear some of the things, because it's -- it makes you feel
8 disappointed about the inside.

9 My name is Jill Sherman-Warne and I'm a -- I'm
10 from the Hoopa Tribe. I'm also the Executive Director of
11 the Native American Environmental Protection Coalition.

12 And I've raised this issue several times with
13 EJAC and just having conversations around Cap-and-Trade
14 and the involvement of tribes or tribes not having consent
15 to deal with programs they had nothing to do with yet.
16 It's sitting on pieces of their ancestral land. As many
17 of you may know, that recently the Hoopa Tribe received
18 10,000 acres of land back -- purchased 10,000 acres of
19 land. This land became free, because the company who
20 owned it got all of the Cap-and-Trade that they wanted and
21 now it's no longer beneficial to their own mechanisms.
22 And so, they were willing to just get rid of the property
23 for the same price they paid for it, which was very
24 fortunate for us.

25 But what happens is the Hoopa Tribe is now stuck

1 with dealing with a, you know, carbon credit program that
2 they don't want to be engaged in. We didn't have any
3 consent. It is within our ancestral territories and now
4 we have to deal with it. And so I wholeheartedly agree
5 that the Cap-and-Trade Program is nothing but a shell game
6 that really doesn't contribute to preserving the
7 environment.

8 And while there are some tribes who are engaged
9 in such activities, and I can't hold them -- I can't say,
10 you know, at -- blame them for doing so, because when you
11 put a banquet in front of a starving man, he's going to
12 want to eat. But the problem is that starving men doesn't
13 know that he -- what he is eating is actually coming
14 through somebody else's fault.

15 And this is not the way in which to go around
16 getting to the place we want to go, and actually zero
17 emissions. And I would ask that we open -- and I know
18 it's not CARB, and it's not EJAC's -- it's not our
19 responsibility, but I think we need to find a way for
20 anyone who wants to withdraw from the carbon credit
21 program, and to do so in a way in which we are glad that
22 that's not -- no longer being used, because again, it's
23 just a shell game. And in this case, it's actually
24 impacting people who are already at a disadvantage. We're
25 already at a disadvantage. We can't even easily extract

1 ourselves from this -- from our ancestral lands having
2 this carbon project on it, because we would have to hire
3 attorneys that we can't afford.

4 So I would put it upon CARB that it be your
5 responsibility to work with the Hoopa Tribe in finding an
6 equitable solution to allow us to withdraw our ancestral
7 territories land that we just received from that program.
8 And we need to be thinking about that initially. And it's
9 not the time or place to say this, but I'm going to say it
10 anyway, California has always been the leader. We haven't
11 been the leader, because we don't take the challenge. We
12 don't challenge authorities. And I think we're -- the
13 only way California is going to be a leader in air
14 quality, is if we continue to move -- push the gauge and
15 accelerate ourselves in such a way that we can withdraw
16 from set standards and go ahead let the airline industry
17 take us to court, but set those standards so that
18 hopefully we can help the Feds do the same.

19 Anyway, that's what I have to say. Thank you for
20 your time.

21 CHAIR RANDOLPH: Okay. Thank you. The same
22 process, any questions, comments, thoughts put your card
23 up and share your thoughts.

24 Okay. Oh, Matt Holmes.

25 EJAC MEMBER HOLMES: I'm just happy to lead off

1 the Cap-and-Trade Program. This is Matt. Seems to have a
2 whole lot of flexibility in how we implement it. And we
3 seem to be funneling it into a California government best
4 use scenario, where we're competing over these funds
5 between communities that are in need. And I think that
6 flies in the face of the State Constitution. There's no
7 such thing as competitive equity. Even these funds can be
8 directed to most pertinent and most vulnerable communities
9 unilaterally, and I'd like to see CARB be more proactive
10 about that, when we talk about Cap-and-Trade potential
11 royalty payments.

12 I live in the San Joaquin Valley where we all
13 drive to the Bay Area every morning, so that the first
14 world can live its life. And we're going to be asked to
15 meet these carbon targets for the state by paying for them
16 with our gasoline, cause we don't afford new cars, right?
17 We don't have the electrical. We don't have the charging
18 stations in our communities, so we're going to be driving
19 jalopies to flip your alls burritos and, you know, all
20 your hotel beds, and make your burritos in the Bay Area.
21 And I think that incentives from this program can be more
22 thoughtfully targeted to the people who deserve them and
23 need them.

24 CHAIR RANDOLPH: Okay. Thank you. Any further
25 comments or thoughts?

1 Okay.

2 Seeing none, we will move on to our next agenda
3 item, which is the EJAC presentation on carbon capture,
4 use and storage, and Direct Air Capture.

5 [SLIDE CHANGE]

6 EJAC CO-CHAIR ARGÜELLO: Yes. This is Martha
7 Dina Argüello. So our -- the resolution that we have
8 submitted to the Board reflects many, if not all, of the
9 comments that we made during the Scoping Plan process,
10 where we were deeply concerned with a policy that
11 essentially continues to commodify carbon. It's a
12 solution that just again focuses on carbon, and not all
13 the range of air pollution that CARB is also responsible
14 for. So we're deeply concerned mirroring also Dr.
15 Catherine's early comments about technical fixes.

16 We -- you know, that's -- this society has that
17 sense of exceptionalism and that we're going to find a fix
18 for everything that will not require change or sacrifice.
19 And I think that that is at the center of the thinking
20 behind the CCUS and DAC, and -- you know, and hydrogen,
21 and the massive amounts of public dollars that are being
22 used to subsidize a practice developed by the fossil fuel
23 industry to extend its life.

24 And so this resolution really talks about the --
25 why we're deeply concerned. This is not something that's

1 reversible. And frankly, we can't solve the climate
2 crisis or -- well, according to AB 32, we can't -- we
3 shouldn't be making things worse in environmental justice
4 communities. And the -- you know, these facilities are
5 going to live on existing fossil fuel infrastructure. So
6 that means that the people currently paying the price for
7 our fossil fuel economy will continue to that -- pay that
8 price for another hundred years, if we build these CCUS
9 facilities on top of that existing infrastructure.

10 And so they are essentially designed to extend
11 the life of the fossil fuel industry. And it continues to
12 externalize the cost of business as usual onto
13 communities. So today, there are least 10 potential
14 projects being proposed in the Central Valley.
15 Communities were promised guardrails, but yet we don't
16 have them. And the -- to me, the very idea of guardrails
17 for such an untested strat -- such an untested strategy
18 and looking at the emerging body of evidence that these do
19 not work as promised. They're expensive. They don't
20 capture as much carbon as we should, and it lulls us into
21 a false sense that somehow we don't have to reduce our use
22 of fossil fuel. And again, there is extreme danger. And
23 we've seen that with the Low Carbon Fuel Standard of
24 commodifying carbon.

25 And so again, the resolution reiterates

1 everything that we said during the Scoping Plan that was
2 not listened to. So I feel like I'm having another
3 Cassandra moment. But what I see in the Central Valley
4 are communities at risk, communities facing massive
5 amounts of dollars, massive amounts of lobby efforts to
6 continue this practice.

7 And, you know, we can't solve this crisis on the
8 backs of the people who are currently suffering. So, when
9 we hear that you cannot permit wind and solar, because of
10 opposition, from I don't know exactly who, but that you
11 can continue to permit these facilities on the very people
12 who have borne the brunt of the fossil fuel
13 infrastructure, it is -- to me is antithetical to actually
14 doing a good job on environmental justice.

15 And we're -- you know, again, there is a growing
16 body of evidence. Today, another study came out around
17 the use of DAC and air -- and co-pollutants. And so what
18 I will say is continue to think of carbon as the
19 co-pollutant and continue -- we need to think about air
20 pollution first with any of our solutions.

21 And, you know, these are not necessarily easily
22 reversible and they require, you know, 50 years, a hundred
23 years of monitoring. And as someone -- you know, my
24 organization has worked on nuclear weapons and nuclear
25 energy issues for many years, we don't do well with

1 long-term monitoring, long-term policing of these
2 facilities, these emissions. Tanks leak, pipelines leak,
3 and there's real impacts on health of those leakages.

4 And so we should be incredibly careful about
5 this. It should be very limited to those
6 hard-to-decarbonize sectors, but only after we've done
7 everything possible reduce our use of fossil fuel. We can
8 make that new economy, but it shouldn't rely on false
9 promises of jobs and extending the life of fossil fuels.
10 It just is not a -- it's not a solution that is centered
11 on equity and justice, and will continue to externalize
12 the cost of these facilities on the people that are living
13 with them. And, you know, we exist as a movement -- the
14 environmental justice movement exists because of the
15 failure of regulations to protect the health and welfare
16 of our communities.

17 And so you will forgive us if we don't trust that
18 everything will be okay, and that CCUS is the solution to
19 get us to real zero emissions reductions. And with that,
20 I will stop and -- I'm not looking at the agenda. So
21 Jane, help me out, what's up next?

22 FACILITATOR HARRINGTON: Thank you. Matt, did
23 you want to say a few words.

24 EJAC MEMBER HOLMES: Yeah. I just wanted to
25 chime in and double down on everything that Martha Dina

1 just said. You know, as a history worker, we know that
2 the real brutal errors are the errors in omission. And
3 that the magical thinking in California and our tech
4 addiction are really allowing us to run from the difficult
5 changes that we need to make here with regards to our
6 relationship to the fossil fuel industry.

7 You know, my community would be much happier if
8 CARB focused on the short-lived climate pollutants that
9 are heating up our communities, giving us unhealthy
10 summers, rising sea levels, failing levees, but we're
11 focused on carbon, because that's what the oil and gas
12 industry knew they could cope with. And so, here we are
13 dealing with a promise of Carbon Capture, Utilization, and
14 Storage that really is unproven. You know, it's
15 fantastic. And I wish the credulity that's been heaped
16 upon an industry that has just a terrible history of
17 delivery, transparency, and basic accountability could
18 be -- could be given to our communities and our statewide
19 regions.

20 And, you know, I just -- I spent the three hours
21 before this meeting in the AB 1757 Natural Working Lands
22 Committee trying to provide expert advisory advice around
23 carbon targets for investing in people and places.
24 There's a place called California. It doesn't involve any
25 pipes that leak. It involves soil and water. And it's a

1 conservation strategy that has significantly enhanced our
2 projections of our ability to sequester carbon in
3 California landscapes and communities. And I understood
4 it to be a statutory requirement of the Scoping Plan to
5 integrate those comments. Chair, you helped kick off that
6 Committee, so I know you know all about it.

7 But I'd like to see that considered before we
8 continue to just heap unwanted or undeserved credulity on
9 engineered carbon removal solutions. You know, when
10 somebody says they've got -- they've got a carbon vacuum
11 and a Direct Air Capture facility next to me, I don't
12 trust that person. I think that that person is making
13 something up and doesn't understand the challenges that
14 face a community like mine in Stockton.

15 So I'd like to -- I'd like to see us consult
16 those legal scientists over there from the University of
17 California, and our tribal partners, and the expert
18 advisory committee, and what they think they can do with
19 carbon, and that also just happens to make people and
20 places healthier and stronger. And if we got it wrong,
21 you know, nobody is going to care. We'll still have done
22 the right thing.

23 CHAIR RANDOLPH: Okay. Thank you.

24 On this one, I think I'll kick off with a few
25 comments. I just wanted to sort of note that I completely

1 agree with Martha Dina that we need to prioritize reducing
2 fossil fuels. I think we are putting a lot of work and
3 effort behind that. And it would be an excellent step
4 forward if the U.S. EPA would give us our eight waivers
5 that we have pending before them, you know, that
6 prioritize reducing fossil fuels.

7 I also agree with Martha Dina about SB 905. I
8 think it's incumbent on us to move forward with that
9 rulemaking and take advantage of the opportunity to think
10 about how to do these projects in a way that is as
11 protective of communities as possible.

12 So, you know, I know staff is getting started on
13 some of the basics of that, but I really think we need to
14 prioritize and move faster on implementing that
15 legislative direction. And that's it for my comments.

16 Dr. Pacheco-Werner. Kevin Hamilton, you had your
17 hand up. Did you still -- did you still want to speak?

18 EJAC MEMBER HAMILTON: Sure, if you don't mind.

19 CHAIR RANDOLPH: Yes.

20 EJAC MEMBER HAMILTON: I understand that there's
21 a time crunch here and I'm very conscious and respectful
22 of that. Sorry, Tania, is that okay?

23 All right. So I think the only person whose done
24 more scoping plan work on EJAC than me is -- at this table
25 is Martha Dina. She beat me by one.

1 (Laughter).

2 EJAC MEMBER HAMILTON: And I have to say and
3 it's -- and after tracking the regulatory mechanism around
4 air, and climate, and energy for the last 20 some years,
5 the one thing that has really sort of become a mantra to
6 me is it can't be all carrot. It just can't. So these
7 programs that we're talking about are, if not all, they're
8 mostly carrot. There is no evidence that I've seen yet in
9 an industry where throwing money at them and saying we'll
10 give you even more money if you'll do this. We want to
11 preserve your economic benefits to our community. So
12 rather than threaten those, we'll give you more money.

13 It hasn't changed them. I've seen small
14 regulations come to the podium at an air district and an
15 agency say -- an industry say, if that passes, it will
16 destroy our industry. It's passed and yet that industry
17 still thrives. I've seen this time and time again. And
18 it seems like we never learn lessons from that on the
19 agency side, that we continue to sort of pander to that,
20 which is unfortunate.

21 And again, you know, the definition of insanity,
22 of course, is doing the same thing again and again,
23 because we think we've got a better way to do it this
24 time. And that's kind of what's been happening. And it's
25 frustrating to watch it for 20 or 30 years to be honest

1 with you. And it would be funny, if I didn't see the
2 results of it in the patients in the homes. We have over
3 4,000 homes of folks that my team is in right now up and
4 down the San Joaquin helping them create a safe place to
5 breathe inside their homes, because it's still not safe
6 quite often for them to breathe outside their homes.

7 And so that continues to push me to do this work
8 and to bring that voice here and that experience that real
9 lived experience, and speak for them, because they don't
10 have time. And it's great when we can get them time to
11 come here. And I know this effort in the evening is meant
12 to be that. And I'm grateful for that for everybody
13 putting in the time.

14 But tomorrow, it will just go back and be the
15 same thing. And we'll be entrusting people with literally
16 millions of dollars, millions and millions of dollars that
17 we feel should be creating this change much more quickly
18 than it's happening. And yet, it just seems to disappear
19 out there. And, you know, they decide that the pace of
20 change has been driven more by economic benefits than it
21 has by any amount money being thrown at it through this
22 system.

23 The energy system didn't move to natural gas
24 because we told them you're bad. That's climate. It's
25 terrible. You're killing the planet. Here's a bunch of

1 money by the way? No. It's because it's so much cheaper
2 to run a natural gas power plant than it is a coal-fired
3 power plant or an oil-fired power plant, and economics
4 drove that change and they frankly admit that.

5 And we see the same thing happening in the other
6 industries. And we hope that extra money will give -- we
7 give them will speed them up a little bit. But without a
8 regulatory action behind it, without a stick, they will
9 continue to move at the pace of their economic needs. And
10 I say theirs, because they answer to their boards, to
11 their stockholders, to the people who say this is the
12 margin I want to see this year. And if not, I'm going to
13 kick your butt out of here, five million, ten million, 50
14 million dollar a year job.

15 So -- and this is the agency we count on for
16 that. And I know everybody who sits on this Board fully
17 intends with integrity to do that job and see it happen.
18 But I just have to say, please stop approving these sort
19 of blanket incentive programs, the carrots, without a
20 strong stick. I've always been really supportive of the
21 idea of, you know, five years of carrot. We build a
22 regulation. But at the end of that, if you didn't want to
23 play, now we're regulate your butt and make it happen,
24 right? There's a penalty.

25 But with Cap-and-Trade for the most part, and

1 LCFS is a poster child for this, it's all carrot man. And
2 by the way, we've got more carrots, if you want them. All
3 you have to do is do this and we'll even pile more on. I
4 don't know where we're getting them, but we'll get more
5 carrots for you. So thank you for your time. I really
6 appreciate it and I really appreciate especially Board
7 members and others here who I know work all day and are
8 spending this evening.

9 Thank you.

10 CHAIR RANDOLPH: Thank you.

11 Dr. Pacheco-Werner.

12 BOARD MEMBER PACHECO-WERNER: Yeah. Thank you.
13 Thank you to the EJAC for this. And then thank you for --
14 to staff for continuing to engage with the EJAC on this
15 matter. One of the things that I think is an important
16 aspect to add to this conversation, particularly when
17 we're thinking about these projects being cited in places
18 where there are vulnerable communities is what happens
19 when they fail.

20 And one of the things that particularly I found
21 of interest is that in Wyoming, one of the largest
22 projects -- and I think it was -- it was -- to the point
23 made earlier, you know, given all the money in the world
24 to make it happen, Project Bison failed, a Direct Air
25 Capture project. And it -- and the reason it failed it

1 was -- it was unable to get enough clean energy to really
2 operate and actually, you know, generate the revenue that
3 it needed to be profitable and to, you know, sell credits.
4 So that, for me, is an interesting aspect, like what
5 happens when these things fail?

6 Thank you.

7 CHAIR RANDOLPH: Thank you.

8 Martha Dina.

9 EJAC CO-CHAIR ARGÜELLO: You know, one of -- I
10 think one of the things -- you know, following up on what
11 Kevin said, we need a moratorium on pipelines. We need --
12 in the wake of 905, we actually need some immediate things
13 to protect communities from these projects that are
14 currently being proposed. And, you know, people
15 desperately need these hearings today, and, you know, this
16 decide, announce, and defend model, communities are being
17 rolled over. And I think, you know, people that are
18 making this decision at the counties, and the city levels
19 may not have all the information about -- they've heard
20 from the project proponents, but they haven't really done
21 a rigorous job of looking at the emerging body of evidence
22 that these programs don't work, for some of the reasons
23 that have already been stated. Finding the clean energy,
24 why would you waste that clean energy?

25 And again, you know, to me, the justice issues

1 involved in this make it a non-starter and it makes it
2 hard to take when what you're telling communities is that
3 your lungs don't matter, because, you know, we don't want
4 to have to stop using fossil fuel. And we've made up this
5 technology that doesn't really work and we're going to
6 shove it down the throats of these communities no matter
7 what they say. And so I think it's really important that
8 we -- that this Board does as much as it can possibly do
9 to slow down these projects, so that communities are, you
10 know, reassured that their lungs are not expendable.

11 CHAIR RANDOLPH: Thank you.

12 Dr. Shaheen.

13 BOARD MEMBER SHAHEEN: Thank you, Chair. So
14 appreciate all of the comments and introduction to this
15 concept of DAC and CCUS. And I, as a scientist, am
16 hopefully about some of these technologies. And I
17 certainly appreciate skepticism and concern about where
18 these projects are located. But I do think we have an
19 opportunity with the partnership with EJAC to look at
20 challenges and opportunities in the area with an eye
21 towards scientific evidence, and how we can make sure to
22 not have failures, as Dr. Pacheco-Werner mentioned.

23 So I know Dr. Cliff that your staff are extremely
24 busy, but I was wondering, with respect to this topic,
25 given the urgency of climate change, if there's some

1 opportunities to advance next steps forward, I know it's a
2 lot to ask, given reduced staff and workload, but I am
3 concerned about climate change, and really deeply feel we
4 need to look at all options, but do it in partnership
5 together.

6 EXECUTIVE OFFICER CLIFF: Yeah, absolutely.
7 We're interested in moving forward on implementation of SB
8 905. That's something that we have been and we're working
9 to prioritize that.

10 CHAIR RANDOLPH: Board Member Rechtschaffen.

11 BOARD MEMBER RECHTSCHAFFEN: Thank you. I want
12 to briefly echo my support for what the Chair said about
13 the need to prioritize this and move faster. I appreciate
14 what Dr. Cliff just said about how we're moving on it. I
15 don't know if there's -- if Board members can help, if
16 there's other steps we can take, but I think we're ready
17 to do that.

18 And I think this is -- this is an opportunity for
19 us to collaborate in a different way as Dr. -- as Dr.
20 Shaheen said. There's no playbook on the books for
21 dealing with these technologies. There's no regulatory
22 paradigm. There's a lot of issues about the need for
23 community engagement, process to deal with environmental
24 protections and avoid risks. Think about community
25 benefits. It does offer us -- it's a big challenge, but

1 it offers us an opportunity to work collaboratively
2 between staff and community advocates. And I think we
3 should do whatever possible to seize that opportunity
4 moving forward.

5 CHAIR RANDOLPH: Board Member Guerra.

6 BOARD MEMBER GUERRA: Thank you very much, Chair.
7 You know, I agree that, you know, one, this is a place of
8 innovation. And as one member of many air districts, I
9 think the local air districts, one, are going to be a
10 place where I think ensuring that those entities that come
11 in are also meeting their air quality standards. And so I
12 think there's an opportunity through the air districts, as
13 we move forward, to make sure that we're working with
14 community and ensuring there isn't any additional
15 externalities from what we're trying to do with climate
16 change. So on that -- on the Direct Air Capture side.

17 Now, this is very small and minor on the
18 sequestration side, but in my conversation with the
19 author's office of SB 905, one potential allowable concept
20 that could help, particularly those communities that face
21 much of ag burning. And a lot of fuel that sits around is
22 the concept of moving that into biochar.

23 And I was very inspired by the work that's
24 happening at the University of California, Davis with the
25 biochar database and institute -- International Institute

1 on Biochar, to look at alternatives to ag burning, where
2 we have particulates that are directly affecting people.
3 And it only takes us, for those that are near communities,
4 that are burning today and right now, the effects of those
5 particulates. We've made great strides in reducing the
6 amount of ag burning in the area, but I think if there's
7 new technology, and new alternatives to that. So I'd like
8 to ask, you know, Dr. Cliff -- and this is much smaller
9 obviously than Direct Air Capture, but we know that
10 there's already one mechanism. Trees capture carbon
11 dioxide and we should figure out an alternative to
12 figuring how to biochar becomes a true option in moving
13 forward.

14 Thank you.

15 CHAIR RANDOLPH: All right. Board member
16 Takvorian.

17 BOARD MEMBER TAKVORIAN: I just wanted to weigh
18 in to appreciate the presentation that we've had and the
19 thoughtful recommendation and resolution that EJAC brought
20 forward. I also agree with the Chair that we need to move
21 on AB 905. And I'm worried that I missed some
22 (inaudible).

23 Okay. So I wondered if we have a timeline for
24 when the Board might get briefed on our status on 905, so
25 that we could, as Mr. Rechtschaffen had said, be more

1 helpful in some way. We had huge conversations about this
2 during the Scoping Plan. And lots of concerns have been
3 raised. You know, I think it's a sad and very challenging
4 fact that where pollution is the worst, we have to do the
5 most to reduce it, and that's where we're doing these
6 experiments.

7 And sometimes that's helpful and it works and
8 sometimes it isn't, but it's double jeopardy. And so I
9 know that we all know we have to be very, very careful
10 about how we're moving forward with that. So if I could
11 ask whether we have that scheduled as to when that comes
12 back and give me quite -- you know, in terms of what the
13 process will be.

14 EXECUTIVE OFFICER CLIFF: We don't have it
15 scheduled, but I appreciate the suggestion. We'll take
16 that back and put that -- put that together and see what
17 makes the most sense. Yeah, appreciate that.

18 CHAIR RANDOLPH: Okay. Seeing no further
19 comments, we have one more presentation by CARB staff
20 before we go to public testimony.

21 So I will turn it over to CARB staff.

22 (Thereupon a slide presentation).

23 OEJTB AIR POLLUTION SPECIALIST JHAJ: Yes. Good
24 afternoon, Chair and Board members. This is Karina, EJAC
25 staff lead. We wanted to provide a brief informational

1 overview for today's joint meeting.

2 [SLIDE CHANGE]

3 OEJTB AIR POLLUTION SPECIALIST JHAJ: The purpose
4 is to discuss progress on ongoing EJAC from CARB's
5 perspective, provide an informational update on EJAC
6 Charter revisions, next steps for CARB to focus on, and
7 some ideas for future engagement.

8 [SLIDE CHANGE]

9 OEJTB AIR POLLUTION SPECIALIST JHAJ: This
10 provides a general overview of the ongoing EJAC progress.
11 I won't go into too much detail here, just to avoid
12 duplicating what was shared by Co-Chairs earlier, but we
13 have been busy since the September 2023 joint meeting.
14 EJAC has had 10 public meetings largely focused on the
15 items that EJAC's discussed today. As of July of this
16 year, we also have a neutral third-party facilitator and
17 technical writer in place to support ongoing EJAC from
18 Leading Resources, Inc. And as we know, Jane Harrington
19 is hear with us today and has been instrumental in keeping
20 this discussion moving. We are also planning for an
21 October public meeting to debrief from today's joint
22 discussion, discuss Charter revisions, and ensure time for
23 remaining items from EJAC members they feel are important
24 to close out the year.

25 [SLIDE CHANGE]

1 OEJTB AIR POLLUTION SPECIALIST JHAJ: The EJAC
2 Charter was adopted by the board in March 2023, at the
3 same time as approval of the ongoing AB 32 EJAC. In March
4 2023, the Board directed staff and EJAC to revisit the
5 Charter after 18 months and make required revisions based
6 on lessons learned. The Board directive was a one-time
7 revision process. CARB staff began reviewing Charter
8 language with a subquorum of EJAC members consistent with
9 Board direction. The revision process is expected to pick
10 up after this joint meeting discussion.

11 A subquorum of EJAC members, CARB, and the
12 third-party contractor for technical writer and
13 facilitation have had informal discussions with Dr. Cliff
14 on potential revisions. CARB documented key takeaways and
15 desired changes to allow for future discussion in
16 collaboration with EJAC through the public process.

17 [SLIDE CHANGE]

18 OEJTB AIR POLLUTION SPECIALIST JHAJ: As we
19 discussed, EJAC Charter revisions, CARB has identified a
20 few key priorities as seen here. We want to take the
21 opportunity to strengthen the foundation we are working
22 from for ongoing EJAC by clarifying language where needed
23 and considering the workload and expectations of this
24 body. The goal is for Charter revisions that support our
25 work together with EJAC and allow for progress to be made

1 in advising the Board on AB 32 related programs.

2 [SLIDE CHANGE]

3 OEJTB AIR POLLUTION SPECIALIST JHAJ: Statutory
4 language, as seen here, cannot be changed in the Charter
5 revisions. We have taken time with the EJAC subgroup to
6 discuss these statutory limitations as they relate, for
7 example, to AB 32, the Health and Safety Code,
8 Bagley-Keen, et cetera, to allow for more productive
9 conversations on potential revisions.

10 [SLIDE CHANGE]

11 OEJTB AIR POLLUTION SPECIALIST JHAJ: CARB will
12 work with the subquorum after the joint meeting to pick up
13 our conversations where we left off with Dr. Cliff. The
14 Charter is planned to be finalized in the October 11th
15 2024 EJAC public meeting and through work group
16 discussions to focus on CARB and EJAC priorities, and
17 propose language changes for Charter revisions. We would
18 then facilitate a public comment period on Charter
19 revisions. Following that, the revised Charter would be
20 provided at a future Board meeting as a consent item on
21 the calendar. The aim is to have the revised Charter in
22 place by early 2025.

23 [SLIDE CHANGE]

24 OEJTB AIR POLLUTION SPECIALIST JHAJ: For next
25 steps, we will hold at least one more public meeting in

1 October. CARB aims to have Charter revisions finalized by
2 late 2024 as well. A subquorum of EJAC and CARB will have
3 a planning meeting to discuss strategy, timeline, and
4 goals for next year. This time for reflection and pause
5 is important to continue to incorporate lessons from
6 ongoing EJAC implementation, and to allow for improvements
7 in the process

8 [SLIDE CHANGE]

9 OEJTB AIR POLLUTION SPECIALIST JHAJ: So staff
10 has flagged a few areas for potential engagement that we
11 thought could be of interest for EJAC to engage in. This
12 goes beyond the current focus on stationary sources to
13 some of our mobile source, land use, housing and newer
14 measures on building construction, which could benefit
15 from EJAC input. Please let us know if there are any of
16 other areas of interest that we should be considering
17 going forward.

18 That concludes the CARB presentation. Thank you.

19 CHAIR RANDOLPH: All right. Thank you.

20 Any questions or comments on the update?

21 Okay. Oh, Dr. Pacheco-Werner.

22 BOARD MEMBER PACHECO-WERNER: Yeah. I just was
23 wondering if staff could give just high level highlights
24 about what those revisions are that they're considering.
25 I didn't really hear the substance of the revisions to

1 Charter. Thank you.

2 OEJTB AIR POLLUTION SPECIALIST JHAJ: Yeah. So
3 we are working through the revisions process. And the key
4 changes that were suggested were already mentioned on that
5 one slide. We will be discussing more specifics within an
6 upcoming EJAC public meeting. But as you can see here,
7 all the revisions that CARB is prioritizing is listed
8 there. And I don't know if any other staff wants to
9 provide think more clarity on that.

10 CHAIR RANDOLPH: It's -- I don't think staff has
11 anything to add on that.

12 OEJTB AIR POLLUTION SPECIALIST JHAJ: Okay.

13 CHAIR RANDOLPH: All right.

14 BOARD MEMBER PACHECO-WERNER: Okay. Thank you.
15 I'll follow up with staff. Thank you.

16 CHAIR RANDOLPH: Okay. Thank you.

17 All right, our court reporter needs to take a
18 break, so we are going to take 10 minutes and then we
19 going begin to public comment. So we will resume at 7:35.

20 (Off record: 7:23 p.m.)

21 (Thereupon a recess was taken.)

22 (On record: 7:34 p.m.)

23 CHAIR RANDOLPH: Okay. Are we ready to get
24 started with public comment?

25 Okay. All right. Clerk -- we need -- oh, they

1 need -- the AV people need one more minute.

2 Okay. We are ready for public comment. Clerk,
3 can you call the commenters.

4 BOARD CLERK LEVRINI: Thank you, Chair Randolph.
5 As you mentioned earlier, we will be calling in-person
6 commenters first and then we will from those who have
7 raised their hand in Zoom. At this moment, we have 22
8 commenters who have turned in request-to-speak cards and
9 wish to speak at this time. We will be showing a list of
10 the next several commenters on the screen, so you can be
11 prepared to come to the podium.

12 Public signage close -- public closure will be at
13 8:05 p.m. And I apologize in advance if I mispronounce
14 your name. The first commenter Kathleen Van Osten.

15 KATHLEEN VAN OSTEN: Okay. Thank you.

16 Good evening, EJAC council members and CARB Board
17 members. nice to have you all in the same room. Kathy
18 Van Osten. I represent United Airlines. I've been here a
19 number of times before.

20 Appreciate the comments that have been made
21 tonight and the concerns around the airlines and the
22 interstate/intrastate jet fuel regulation. I appreciate
23 the recognition that we do have significant hurdles with
24 that through federal preemption and appreciate CARB
25 working with us. We do look forward to working with you.

1 I want to call you Assemblyman. I'm sorry. But Member De
2 La Torre, I appreciate your thoughts very much about
3 threading the needle and it is truly a very small eye of
4 the needle that we are -- we are attempting to thread.

5 United Airlines has been working on alternatives
6 to jet fuel -- alternative fuel for close to 20 years now.
7 We started working with Honeywell back in around 2005 to
8 start trying to test sustainable aviation fuel. We
9 brought sustainable aviation fuel along with a coalition
10 of producers back in the mid -- well, around 2015 to try
11 to bring SAF to LCFS. We have been working a very long
12 time to address our emissions issue and we have not lost
13 sight of our goals to get down to net zero, hopefully, by
14 2050, sooner if possible.

15 United and the industry has invested heavily in
16 SAF, SAF research, development, production, so forth.
17 We've invested and are investing heavily in electric
18 vehicles, smaller aircraft at this snapshot in time for
19 the foreseeable future.

20 I can't see where my time is.

21 So we do continue to invest with a --

22 BOARD CLERK LEVRINI: Thank you.

23 KATHLEEN VAN OSTEN: We do look forward to
24 working with CARB on the next steps. Thank you.

25 BOARD CLERK LEVRINI: Thank you, Kathleen.

1 JACOB DeFANT: Thank you, members of the Board,
2 Environmental Justice Advisory Committee Members. My name
3 is Jacob DeFant, Agricultural Council of California. We
4 represent roughly 15,000 farm cooperatives and
5 farmer-owned businesses in the State of California.

6 Before I give my comments, I just want to say
7 thank you to all of you. Every time I deliver comments at
8 CARB, you all are very attentive at listening to everyone
9 giving comments at each corner of the issue, and really
10 just appreciate that.

11 First, I'd like to note that California dairy
12 families are world leaders in sustainable farming
13 practices and are producing a nutritious and planet smart
14 dairy product that consumers across the state and the
15 country enjoy. Our dairy farmers are also critically
16 important to promoting community health and nutrition and
17 to economic well-being of our rural communities,
18 particularly in valley communities. And in addition to
19 that, or adjacent to that, is that the California dairy
20 sector is supporting an estimated 180,000 jobs. These
21 dairy jobs are critical to the economies especially in the
22 valley, because they are year round and well benefited --
23 well benefited employment in local communities.

24 Our dairy farmers are reducing greenhouse gas
25 emissions, creating renewable energy sources, and

1 providing nutrients for healthy soils and plants and
2 producing carbon negative transportation fuel. Dairy
3 farmers are implementing alternative manure management
4 projects and improving the handling and storage to avoid
5 the methane production that we've been talking about here
6 today. And these efforts are helping to build healthy
7 soils and protect our water resources, while reducing the
8 need for synthetic fertilizers on specialty and row crop
9 products as well.

10 Dairy farms have also greatly contributed to the
11 efforts to help clean up the valley air through
12 electrification, fuel sources for tractor replacement,
13 reducing tillage through nutrient management and
14 alternative nutrient supplies, as well as other
15 strategies. Incentive funding has been instrumental to
16 our efforts and we support consist -- continued expansion
17 incentives, such as the LCFS credits in California.

18 Thank you very much.

19 BOARD CLERK LEVRINI: Thank you.

20 Gary Hughes.

21 Casey Coward.

22 CASEY COWARD: Back on? Okay.

23 Hey, I'm Casey Coward. I'm here with SEIU USWW
24 to speak about the LCFS and to speak quickly.

25 The decision to step back from the addition of

1 fossil jet fuel in the -- as a deficit generator in the
2 program is a profound disappointment. Many of us were
3 here last September when staff described a proposal that
4 would include all jet fuel combusted in California.
5 That -- then you're grappling with the scale of the
6 problem. That's great. Then we saw this cut down to only
7 fuel using intrastate flights. That's roughly six percent
8 of emission -- aviation's emissions footprint in
9 California.

10 We still felt this was the right signal and a
11 good start. The intrastate qualifier is already a massive
12 compromise. That's threading the needle. Yeah, now we
13 are back down to complete exemption for all jet fuel plus
14 credits for sustainable aviation fuel. The LCFS is
15 nothing but upside for the airlines right now, a benefit
16 they enjoy in addition to hundreds of millions of dollars
17 in tax breaks they get from the State for existing fossil
18 fuels. On top of that -- the new limits on credits for
19 biofuels in this proposal don't apply to SAF. Those are
20 already very limited guardrails and you're still extending
21 this industry a brand new carve-out.

22 SAF is intended to be a bridge fuel and we're
23 still decades away from meaningful adoption, decades away
24 from what is supposed to be a short-term fix. Clearly,
25 this hands-off benefits-only approach is not working, not

1 working quickly enough. Why are we doubling down on it?

2 Staff here have raised concerns that the airlines
3 would meet these deficits with cheap credits generated
4 from renewable diesel. That sounds like a great reason to
5 explore something like an aviation-specific LCFS. Where
6 is the will and the urgency to find creative solutions to
7 protect real Californians and real communities? CARB and
8 CARB staff are well aware of the challenging terrain on
9 aviation policy. When the proposal included jet fuel
10 throughout most of the process, why are we seeing a near
11 full retreat on the issue at the 11th hour?

12 We understand there's some low-hanging fruit at
13 the airports with respect to ground-based emissions. And
14 that's not nothing, but a plan to decarbonize the industry
15 that largely ignores emissions from the planes is just
16 nibbling around the edges of the issue. That's not going
17 to solve this problem for us.

18 Thank you

19 BOARD CLERK LEVRINI: Thank you. Sam Wade.

20 SAM WADE: Good evening, everybody. Sam Wade
21 with the Coalition for Renewable Natural Gas.

22 Respectfully, we would ask that the factual information
23 from the August dairy workshop be more fully acknowledged
24 today, because it does show that the current approach is
25 working. Crediting RNG for methane benefits in the LCFS

1 has not created any measurable change in relative herd
2 sizes at farms with digesters versus those without.

3 Dairy manure methane is decreasing in California,
4 and in-state supply of RNG is increasing. Yet, we
5 approach a key inflexion point in the methane strategy.
6 We only have five years left before 2030 and we appreciate
7 the Board member comments today about the need to continue
8 to incentivize the digester build-out during that period.

9 If continued work on a mandatory rule is also
10 going to occur concurrently, the various proposed
11 phase-out periods in the LCFS draft is not needed. The
12 current rule already phases out avoided methane crediting
13 if and when a mandate is put in place. Unfortunately, at
14 current prices, many of the RNG industry investors are
15 losing faith that California is serious about achieving
16 our methane reduction goals. Additional ambition in the
17 final 15-day package would, of course, help fix that
18 issue.

19 There's also a fundamental need to continue to
20 leverage private dollars to get GHG reductions. We've
21 heard that sort of pejoratively referred to today under
22 various names, but it's still an important tool. Programs
23 like the LCFS inherently rely on investment certainty to
24 motivate private capital. And that certainty is destroyed
25 by statement -- when there's statements made like those

1 today about further limiting crediting periods or changing
2 the deliverability rules in some unknown way.

3 If CARB doesn't stand behind the current program
4 that drives investment and innovation, we shouldn't expect
5 other jurisdictions to follow us. It's a -- you know, a
6 critical part of what makes California's portfolio
7 policies attractive in other states. And we've debated
8 these topics for more than four years now and we haven't
9 charted a better path forward. So we urge you to stick
10 with the current framework even as we work on a mandate.

11 Thank you.

12 BOARD CLERK LEVRINI: Thank you.

13 Michael Boccadoro.

14 MICHAEL BOCCADORO: Yes. Thank you very much.
15 Michael Boccadoro on behalf of Dairy Cares. I want to
16 echo some of the same points you just heard from Sam. I'm
17 very appreciative of the comments we heard today from the
18 CARB Board members about the importance of what the dairy
19 sector has done, what we're doing, and where we're going
20 to go in the future. It is critical and we look forward
21 to an ongoing discussion.

22 Unfortunately, we're still continuing to hear an
23 anti-dairy narrative from the Environmental Justice
24 Advisory Committee that lacks any foundation in fact or
25 science. And we need to -- before we have a discussion

1 about how we regulate this industry, we need to have a
2 serious discussion about what the facts are, what the
3 science are, what the progress has been, and it is
4 significant, where we're at, and where we're going to be
5 by 2030.

6 I can tell you today, we're going to be at full
7 40 percent by 2030 and show me another sector in this
8 state that is going to achieve a full 40 percent reduction
9 in methane by 2030, let alone in the country or across the
10 world. An article that came out this week about
11 accelerating methane, it's true. It's accelerating
12 everywhere but here in the California dairy sector. So we
13 need to have a process going forward. No complaint for
14 us. We welcome it, because we know where the science is.
15 We know where the facts are. Let's have that process.
16 But jumping into a presumption of how that discussion and
17 that fact finding that evaluation is going to happen and
18 presuming it's going to lead to a direct regulation will
19 stymie all the development between now and 2030. No one
20 is going to invest, so we need to be very careful how we
21 engage.

22 Let's engage, but let's engage in a way that
23 doesn't harm us between now and 2030, because that's the
24 critical time period for getting the rest of the
25 reductions.

1 CARB Board Member Hurt brought up, we need about
2 90 more digesters between now and 2030 to achieve the
3 goal. They're lined up. They're ready to go. None of
4 them are going to happen, if we enter into an immediate
5 discussion about a regulatory rule.

6 Thank you.

7 BOARD CLERK LEVRINI: Thank you.

8 Katie Davey.

9 KATIE DAVEY: Good evening. I'm Katie Davey.
10 I'm with the Dairy Institute of California, an
11 organization representing California's milk processors and
12 dairy product manufacturers.

13 The incentive-based approach is working, while --
14 in allowing California's remaining thousand family-run
15 dairy farms to achieve world leading reductions in
16 methane. These dairy farms are the backbone of our
17 sector, which is critically important to our state, both
18 in terms of community health and economic well-being.

19 The California dairy sector supports an estimated
20 \$180,000[SIC] jobs, many of which are in the San Joaquin
21 Valley. These are year-round jobs with great benefits
22 that help serve the needs of priority populations. Our
23 members make a variety of dairy foods in California, which
24 are produced fresh and locally every day. They help to
25 meet people's unique needs and cultural traditions while

1 ensuring adequate nutrition. For example, milk, yogurt,
2 and cheese provide high quality nutrients and are
3 successful -- or excuse me, accessible, affordable, and
4 culturally relevant for diverse populations.

5 Dairy products are one of the mows effective
6 sources of under-consumed nutrients in the United States,
7 including important ingredients such as potassium,
8 calcium, and vitamin D. Unfortunately, we know that not
9 all Californians are able to access the food they need in
10 order to thrive and survive. That's why dairy
11 organizations such as ours, and many of our partners
12 collectively donate more than 3.6 million pounds of dairy
13 products to local food banks. California's dairy farmers
14 support several initiatives to help end hunger. This
15 includes pilot projects that deliver products and
16 refrigeration resources to food banks, as well as donated
17 food.

18 California dairy farms are vital to the success
19 and well-being of our communities. Please let us continue
20 these opportunities for dairy farmers here at CARB.

21 Thank you so much.

22 BOARD CLERK LEVRINI: Thank you.

23 Gracyna Mohabir.

24 GRACYNA MOHABIR: Hi. Good afternoon. Gracyna
25 Mohabir with California Environmental Voters.

1 You know, really appreciate the opportunity to
2 provide comments tonight. On LCFS, Enviro Voters aligns
3 ourselves with many of the concerns that EJAC has raised
4 about the real impacts that the current LCFS can have on
5 communities and on emissions. We understand just how
6 important the LCFS is in the State's plan to address
7 emissions from transportation, and, you know, we really
8 want to get the most out of this current amendment period.

9 In the 15-day changes, we've seen a lot of new
10 proposals from staff that reflect what us enviros, and EJ,
11 and labor are saying. And for that, you know, we're
12 really grateful. There's been a lot of important dialogue
13 on all sides about what needs to be fixed and how we
14 pursue these fixes. With these changes, we really
15 appreciate them and there's still some areas where we
16 would like to see more.

17 To raise some specific issues, we would like to
18 see methane addressed substantially by perhaps considering
19 how we can phase out avoided methane crediting sooner than
20 the date that's been proposed by staff, as well as
21 kick-starting the dairy methane regs process to help us
22 meet our 1383 goals. As we discussed tonight, you know,
23 staff is working on this and there are obstacles in the
24 way, but we're in favor of seeing this reg process happen
25 sooner rather than later, as our 2030 goal approaches.

1 We would also like careful reconsideration of how
2 we could implement a volume-based cap on lipid biofuels to
3 help us manage the unintended consequences associated with
4 biofuels, which could perhaps work better than the limit
5 on credit that was recently shared in the 15-day changes,
6 although we appreciate staff's intent on this.

7 And lastly, you know, we were discouraged to see
8 that fossil jet fuel is no longer considered as a
9 potential deficit generator, as we would love to see real
10 and immediate benefits to airport workers. And in the
11 coming weeks, you know, we're just looking forward to
12 moving the needle on this and harnessing the potential of
13 LCFS.

14 Thank you.

15 BOARD CLERK LEVRINI: Virgil Welch.

16 VIRGIL WELCH: Thank you. Evening, Madam Chair,
17 members of the Board, members of the Committee. Virgil
18 Welch, California Carbon Solutions Coalition. We're a
19 business-labor coalition working to support deployment of
20 carbon capture and removal technologies in California as
21 part of the suite of efforts, I will underscore, that
22 California has taken to reduce emissions. I want to make
23 two quick points. One, there's been a fair amount of
24 discussion as part of this hearing, previous ones, and as
25 part of the resolution submitted today that we would

1 respectfully disagree with, which is characterizing these
2 technologies as a failure is simply not the case.

3 There are dozens of these technologies in action
4 across the world today producing millions of tons of
5 greenhouse gas emissions. And there are hundreds more in
6 stages of deployment poised to reduce many, many millions
7 of tons of greenhouse gas emissions. So that is simply
8 not accurate to characterize these technologies as
9 failures, or magical, or otherwise.

10 Two, an area where I think there's broad
11 agreement is with respect to Senate Bill 905, of which
12 there has been a fair amount of conversation today. And I
13 heard from both folks on the Committee, on the Board, from
14 Dr. Cliff, among others, the desire to move this quickly
15 as possible to see that program implemented. We fully
16 agree. It is very important to get that program developed
17 and implemented. It contains, in fact, many of the
18 criteria that are designed to address many of the concerns
19 that have been raised and should be addressed with respect
20 to deployment of these technologies. So that is an area
21 where I think there is widespread agreement. And I would
22 encourage all of us to work together to make sure that we
23 can move as quickly as possible.

24 And I'll been even a little more pointed in my
25 remaining five seconds. Part of this relates to the

1 Legislature making those resources available to this
2 agency and other agencies.

3 Thank you.

4 BOARD CLERK LEVRINI: Thank you.

5 Steven Fenaroli.

6 STEVEN FENAROLI: Hello, Chair and members.

7 Steven Fenaroli from the California Farm Bureau. Thank
8 you all for your time this evening and being here. We
9 represent over 21,000 farming and ranching families across
10 California.

11 It feels like the goal posts keep moving for
12 dairies. CARB will publish its own data or we get
13 independent research about meeting emissions targets from
14 UC Davis, or data that supports that digesters do not
15 impact air quality, or a great tools like the CADD data.
16 And then the goal posts keep moving and we're told that
17 it's not enough and that more regulation is the only
18 solution -- excuse me, the only solution.

19 And at what point, do we acknowledge that these
20 requests for regulation will directly drive these dairy
21 families out of business? And that's what ending this
22 avoiding methane crediting will do. And one additional
23 point here is that these recommendations are not based on
24 science or data, but rather feeling. And I ask CARB to
25 follow the data and in its decision-making process.

1 I also want to reiterate in the strongest terms
2 that the dairy families deserve your equal attention and
3 that their voice matters, that they are part of the
4 communities that have been talked about here today. We
5 want California to be a world leader in everything we do.
6 And there's no reason that LCFS can't continue to enable
7 the success of the dairy industry in meeting our
8 emissions' targets simultaneously.

9 Secondly, a cap on cry -- a cap on crop-based
10 biofuels is arbitrary and we've shown that we have better
11 carbon intensity scores than other fuels. And again, in
12 hopes of having the data drive the conversation, the
13 question becomes why the 20 percent cap?

14 Thank you.

15 BOARD CLERK LEVRINI: John Wenger.

16 JOHN WENGER: Good evening. John Wenger here
17 providing comments on behalf of the Nation Oilseed
18 Processors Association, or NOPA. NOPA represents the U.S.
19 soybean, canola, and other oilseed crushing industries. I
20 think it's important to note that only 20 percent of the
21 soybean is oil. The vast majority of the soybean is meal
22 used as a high quality protein in animal diets. This
23 expanded crush for oil to meet biofuel demand creates
24 increased availability for meal, driving down the price of
25 animal protein products. I think we can unequivocally say

1 that the U.S. soybean and oilseed crush industries are
2 uniquely positioned to solve two existential challenges,
3 food security and renewable energy.

4 NOPA members have significant concerns around the
5 artificial cap on vegetable oil feedstocks, which
6 according to CARB's own analysis will lead to more
7 combustion of fossil diesel fuel, higher prices at the
8 pump, and poorer air quality. We understand there will
9 eventually be a phase-out of combustion in the
10 transportation sector. But the notion that this will
11 happen any time soon is not grounded in science or
12 reality.

13 We believe artificially restricting biofuels
14 during our energy transition is not going to speed up EV
15 deployment, rather it is simply going to require burning
16 more fossil fuels. It's disappointing to hear from the
17 environmental justice community that they support a
18 restriction on biofuels, which will negatively impact air
19 quality, and ultimately harm disadvantaged communities.

20 We believe CARB should follow its own modeling
21 and conclusions, based -- presented in its April workshop,
22 which clearly demonstrate that an artificial cap on
23 vegetable oil feedstocks is unwarranted and will increase
24 fossil diesel fuel use.

25 Also believe CARB should we reassess an update

1 its land-use change model with the latest science for all
2 feedstock fuel pathways. This adjustment would not only
3 ensure that CARB's regulations remained grounded in the
4 latest science, but would also promote fairness and
5 consistency within the industry. We believe this new cap
6 on biofuels is extremely abrupt and cannot be fully vetted
7 through a 15-day change proposal. We would urge CARB to
8 take additional time to fully evaluate the biofuels market
9 before implementing such a cap.

10 Thank you.

11 BOARD CLERK LEVRINI: Sarah Brennan.

12 SARAH BRENNAN: Hello. Sarah Brennan on behalf
13 of AMP Americas. AMP is a methane abatement company that
14 collaborates with dairy farms to construct facilities that
15 capture and convert methane emissions into renewable
16 natural gas. AMP products have helped prevent more than
17 two million metric tons of carbon equivalent emissions and
18 they plan to significantly increase this impact in the
19 coming years contingent on the continued strength of the
20 LCFS as a stable policy framework supporting methane
21 reduction and biogas pathways.

22 We strongly support California's carbon and
23 short-lived climate pollutant reduction goals, as well as
24 CARB's policies to achieve them, especially the LCFS and
25 Cap-and-Trade programs. We also support carbon capture,

1 including connected to biogas and biomass pathways with
2 which Lawrence Livermore National Labs has identified as a
3 critical element to achieving carbon neutrality in the
4 state. And we are excited for the SB 905 process to
5 kick-off soon.

6 The LCFS has been instrumental in driving
7 investment in low carbon technologies like dairy
8 digesters. As CARB has highlighted, dairy digesters are
9 critical to meeting our State's goals and the State's
10 current approach to reducing methane emissions from
11 dairies is working. The approach relies on a strong LCFS
12 avoided methane crediting for dairy products and broad
13 market access for biogas utilizing the existing natural
14 gas system and booking claim accounting. We urge CARB to
15 adopt amendments to the LCFS in November that maintain
16 these critical elements to the program and look forward to
17 continuing engaging on other critical programs discussed
18 today.

19 Thank you.

20 BOARD CLERK LEVRINI: James Garner.

21 JAMES GARNER: Good evening. James Garner with
22 the Milk Producers Council. We represent dairy families
23 up and down California. First, I'd like to start by
24 thanking the CARB Board members and staff who attended our
25 dairy tour there at Bar 20 Dairy in Kerman, and really

1 appreciate you coming out to that. We think Bar 20 is a
2 great example of all the sustainability work that's going
3 on in our industry and that large dairies can be truly
4 sustainable.

5 I know I don't have to remind this group how
6 critical methane reduction is as an important short-term
7 lever to reduce the impacts of climate warming. We were
8 reminded again this week by major news coverage of the
9 release of new research from the Global Carbon Project,
10 that methane emissions are rising at the fastest rate in
11 recorded history, but we know the opposite is true here in
12 California, and that dairy is one of the few bright spots.

13 Methane impacting global warming in the
14 atmosphere from the state's dairy sector is actually far
15 less today than it was 12 years ago due to the short lived
16 nature of methane in the atmosphere. More than four
17 million metric tons of methane to CO2e is already being
18 reduced each year, and that number will likely double by
19 2030. While more than 150 countries have pledged to slash
20 methane emissions by 30 percent by 2030, few are making
21 good on those promises, but the California dairy sector
22 is. And we are making good on that promise, and as you
23 have heard, and it's also supported by your own analysis.

24 So we have to ask and to echo Mr. Boccadoro's
25 point why is the EJAC -- why can't they recognize this

1 tremendous progress and accomplishment that we've done in
2 the dairy sector, and why does EJAC remain unyielding in
3 their efforts to punish the state's dairy families to have
4 stepped to the plate and are making good on their promise
5 to reduce methane?

6 Make no mistake punishing the farm families who
7 have done what they need to do and exactly what the State
8 has asked them to do is highly counterproductive. It
9 sends the wrong signals to investors and other small
10 businesses who we also need to stop up to meet the task of
11 meeting our climate goals. Please stay the successful
12 course. Thank you for your time.

13 BOARD CLERK LEVRINI: Nicole Rice.

14 NICOLE RICE: Hello. Good afternoon. My name is
15 Nicole Rice. I'm the President of the California
16 Renewable Transportation Alliance. Thanks for today's
17 discussion.

18 Just kind of echoing some of the things and the
19 themes you've already heard. I'd like to respond to a few
20 of the points that were raised. First, we've heard
21 several proposals discussed here today that would further
22 deconstruct the incentive framework that ensures the
23 continued reduction of methane from the dairy sector. Let
24 it be said that projects would not be viable without the
25 LCFS framework. The financial incentive makes these

1 projects possible as they are extremely expensive and
2 require significant amount of up-front investment.

3 RNG is part of CARB's low -- CARB's long-term
4 plan to decarbonize the entire economic sector, including
5 transportation. So any efforts to continue to deconstruct
6 or shutter those incentive proposals under the program
7 will result in the projects just not being done.

8 As it relates to regulating dairies, I would just
9 like to point out that in the letter that was submitted by
10 CARB and the Department of Food and Ag, it outlines a
11 comprehensive process that needs to be entered into before
12 there are any regulations taken of the dairy industry
13 under the SB 1383 framework. I would urge CARB to take a
14 look at the comments that you made in that letter to
15 ensure that any efforts to move forward with regulations
16 will follow the steps that are identified, not only in
17 your letter, but in the bill itself.

18 Lastly, I'll say LCFS is a globally recognized
19 program and it does work. We have a fundamental
20 disagreement about how to achieve the reduction of
21 methane, but CARB has the un -- CARB has the task of
22 balancing and sorting that out. And so we just continue
23 to want to be at the table and have those discussions.

24 Thank you.

25 BOARD CLERK LEVRINI: Thank you.

1 RYAN Kenny.

2 RYAN KENNY: Hi. Good evening. I'm Ryan Kenny
3 with Clean Energy. My company is an investor in dairy
4 digester projects throughout the country, one of the
5 leading companies in the industry.

6 The LCFS is a success. It is decarbonizing
7 transportation and capturing avoided methane emissions.
8 Three other states have copied California with more
9 pursuing those each year in each legislative session.

10 This issue, however, is a four-year old issue.
11 There's been three pretty much CARB petition denials and
12 two bills this past Legislature were killed in committee
13 that were looking to either curb or eliminate dairy biogas
14 crediting.

15 CARB staff has done a fantastic job over those
16 four years at a lengthy, transparent, and public process
17 informed by quantitative research. And we found that
18 digesters are not increasing dairy growth and they're not
19 also increasing herd sizes. They LCFS credits are working
20 to capture avoided methane emissions and incentivize
21 investment. I want to make two points. One is on cost.
22 We still have -- if you get rid of these incentives with
23 avoided methane crediting, the State still has
24 requirements under SB 1383. There was an analysis on one
25 of those bills that was held in committee by Senate

1 Appropriations, and they estimated that the cost, if you
2 don't have those incentives, is 3.2 to 4 billion dollars.
3 So where will that money come from, the State, from
4 dairies? That remains to be seen.

5 Finally, also not included in the discussion
6 today has been about the business plan, if you want to
7 have regulation, or curb or eliminate dairy biogas
8 credits. It is a very vague discussion. I ask those here
9 to consider how will these proposals incentivize projects?
10 How will we get these off the ground? How will we get
11 investment going? How are we going to look at return on
12 investment, private capital expenditures, acceptable time
13 frame on investment, and then risk?

14 We've already seen the market reaction to what's
15 been put forward on LCFS amendments has been muted. We're
16 trying to get more investment. And a lot of what was
17 discussed tonight is a threat to that. We ask that you
18 stick with the current framework to incentivize
19 investments. Thank you.

20 BOARD CLERK LEVRINI: Alexandra Lavy.

21 ALEXANDRA LAVY: Hi there. Alexandra Lavy with
22 the Climate Smart Agricultural Partnership. Those that
23 work in the California dairy industry and live nearby can
24 tell you that methane reduction efforts are working and
25 that is due in large part to the existing incentive-based

1 program in our state.

2 If listening to the voices of the valley to know
3 what's best for them wasn't enough, a recent voter survey
4 revealed that 69 percent of all voters and 80 percent of
5 Democrats statewide continue to support climate incentives
6 for dairy farmers. That same survey showed that 86
7 percent of statewide voters rated farming and food
8 production as very important to California economy,
9 something that we should all agree with. The people who
10 represent these regions have also seen how successful
11 these initiatives have been and have shown their support.
12 All eight San Joaquin Valley counties are on record as
13 fully supporting the existing incentive-based approach to
14 climate smart agriculture generally and dairy methane
15 mitigation specifically.

16 Today, more than 25 legislators, including nearly
17 all San Joaquin Valley lawmakers from both sides of the
18 political aisle have asked you, the Air Resource Board, to
19 stay the course and not move to direct regulation. Key
20 Congressional representatives from the valley have also
21 chimed this in to support the high successful approach.
22 The opposition to moving to direct regulation is also
23 evidenced by the overwhelming failure of not one, but two
24 legislative bills that sought to directly regulate the
25 industry during the 2023-2024 legislative session.

1 California's current incentive-based approach for
2 methane mitigation is working, as your own data clearly
3 shows. Please listen to those who live, work in, and
4 represent these communities. There's no need, public
5 will, or political desire to change an incentive-based
6 approach that is clearly working.

7 Stay the course. Thank you.

8 BOARD CLERK LEVRINI: Thank you. We're going to
9 skip to Evan Edgar and come back to Annalee Augustine at
10 the end.

11 EVAN EDGAR: All hat, no dairy cattle. But I am
12 tons of organic compost for the natural and working lands
13 out to the ranches to sequester carbon. I've represented
14 the garbage industry for the last 30 years. We're early
15 adopters. We got off diesel 20 years ago on to RNG. We
16 got off landfills for zero waste. We got off pesticides
17 for organic compost. We're off NOx with low-NOx engines.
18 We're doing it. We're net zero now. We're organic gases
19 with carbon negative fuel, based upon zero waste.

20 I've been involved with all Scoping Plans and
21 been highly supportive of the Low Carbon Fuel Standard and
22 the LCFS, the Charter for the EJAC, and I've been to most
23 EJAC meetings where I stand with EJAC on environmental
24 justice issues for ZEV batteries.

25 You know, I've talked about this many times. And

1 there's three things that the European Union did that I've
2 been supporting and EJAC has been supporting. Number one,
3 let's recycle those batteries. SB 615 is on the
4 Governor's desk, Allen Bill, let's support that.

5 Number two, the CI for ZEVs is plus 20 grams of
6 CO for megajoule, the grid power. So often people talk
7 about ZEVs and greenhouse gas reductions in the same
8 issue. Zero emissions does not count as zero emissions
9 for greenhouse gases, but it's a misnomer. I have a -- we
10 had a bill 1020 that you guys defeated. Dr. Cliff said it
11 would cost 7.1 million to do carbon intensity for ZEVs.
12 My firm did it with Ricardo out of the European Union,
13 it's plus 20. You have that report.

14 The third thing is most critical is the supply
15 chain. And right now, I'm part of the circular economy
16 where I base upon all our carbon on SB 1383 waste. The
17 circular economy is now -- here and now. Instead, we've
18 got to dig up the Congo, lithium batteries, and basically
19 have a linear, global, dirty supply of minerals to replace
20 by carbon negative fuel. I know what the kids in the
21 Congo are saying about it that you guys are supporting
22 blood batteries. You have blood on your hands for
23 supporting ZEVs batteries over carbon negative fuel made
24 out of the waste streams. So I haven't been answered --
25 for the two and a half years, I've been up here, I have

1 never got an answer. We can't mine our way out of climate
2 change.

3 BOARD CLERK LEVRINI: Thank you.

4 Obed Franco.

5 OBED FRANCO: Good evening. Obed Franco here
6 representing Southwest Airlines. We fully support CARB's
7 revised proposal to eliminate jet fuel from the regulated
8 fuels under the LCFS Program. At Southwest, we have set
9 ambitious climate goals including a 50 percent reduction
10 in emissions intensity by 2035, achieving net zero carbon
11 emissions by 2050, and replacing 10 percent of our jet
12 fuel with sustainable aviation fuel, short SAF we'll call
13 it, by 2030.

14 We share CARB's efforts to promote the use of
15 alternative jet fuel. We are facing hurdles in scaling up
16 SAF production and availability. The main obstacle lies
17 in the cost disparity between SAF, conventional jet fuel
18 and renewable diesel. The economic advantages of
19 renewable diesel have led to the prioritization of its
20 production over SAF.

21 To substantially increase SAF usage in
22 California, it is crucial to address the economic barriers
23 of SAF production compared to renewable diesel. The
24 obligation of jet fuel into the LCFS would not have
25 addressed the cost disparity. We look forward to

1 collaborating with CARB, and EJAC, and other stakeholders
2 in the SAF industry. We believe that working together, we
3 can explore various policy and non-policy measures to
4 achieve our common goal of boosting the utilization of
5 alternative jet fuel in the state.

6 Thank you.

7 BOARD CLERK LEVRINI: J.P. Cativiela.

8 J.P. CATIVIELA: Hi. J.P. Cativiela for the
9 Central Valley Dairy Representative Monitoring Program, a
10 non-profit association of 1,200 family-owned dairies and
11 cattle ranches.

12 It's no secret, California has the world's
13 strictest dairy environmental regulations requiring
14 groundwater monitoring, soil and water testing,
15 professional management plans, and detailed annual reports
16 to the government. And in the next few weeks CARB's
17 sister agency, the State Water Board, plans to issue even
18 more stringent water quality requirements for dairies,
19 ratcheting up performance standards and targets.

20 The cost of stricter regulations has contributed
21 to hundreds of dairies closing or moving out of state, a
22 trend we expect to continue impacting even more small
23 dairies. Even so, the dairy community has worked very
24 hard to meet the regulatory challenge, operating the
25 world's largest dairy groundwater monitoring networks,

1 CVDRMP, conduct studies to form science-based
2 recommendations for improving water quality protection.
3 And we're not working alone.

4 The California Dairy Research Foundation
5 partnering with State Department of Food and Agriculture
6 and USDA launched the Dairy Plus Program with incentives
7 for innovative technology to reduce methane, while also
8 improving water quality.

9 And CDFA launched the Manure Recycling and
10 Innovate Products Task Force, a public-private partnership
11 to find new ways to recycle and upcycle the value of
12 manure. While we work to improve, we realize no one
13 should go without access to safe drinking water. Many
14 Central Valley rural wells have natural contaminants, such
15 as arsenic and uranium, but also contaminants like
16 nitrates, which come from over a century of use of
17 agricultural fertilizers, manure, and septic systems. To
18 address this, CVDRMP stepped up with many in agriculture
19 cities and other businesses to fund free well testing
20 programs. More than 1,640 households already receive free
21 drinking water and that will continue to grow.

22 To quote Patrick Pulupa, Executive Officer of the
23 Central Valley Water Board quote, "You have arguably the
24 most sustainable dairy industry on the face of the planet
25 working towards sustainability with the methane emissions,

1 with the digesters, with manure management, with
2 sustainable soils, support from CDFA, a locally-sourced
3 healthy product."

4 Thank you.

5 BOARD CLERK LEVRINI: Louie Brown.

6 LOUIE BROWN: Good evening, Madam Chair, members
7 of the Board, and the Committee. Louie Brown here today
8 on behalf of California Advanced Biofuels Alliance and
9 Clean Fuels Alliance America. We represent the biodiesel,
10 renewable diesel industries in California, as well as
11 across the country. We were present at the workshop
12 earlier this year, where staff pushed back on the EJAC
13 recommendation to put cap on biofuels, because of the
14 unintended consequences that could create. We still stand
15 by that and we're frankly surprised to see such a
16 significant policy change put forth in a 15-day technical
17 change. So we agree that there should be further
18 conversations about this issue.

19 Dr. Shaheen about ILUC, we've been asking for
20 updates in GTAP and the data from the modeling. And we
21 believe those discussions should take place, but not in a
22 15-day change. We believe that after the rule is adopted,
23 that we should look at these issues and we should come
24 back and look at the entire discussion, food versus fuel.
25 We've had those discussions over the years and we don't

1 believe that that's the case. As was stated earlier, one
2 of the reasons we have the carbon intensity scores we do
3 is because we're a by-product. And so we want to have
4 that conversation.

5 We want to continue this conversation, but simply
6 capping the use of biofuels, renewal diesel and biodiesel,
7 which as of quarter one, 2024, CARB's own data shows we've
8 now displaced 73 percent of petroleum diesel in the state
9 of California. So placing an arbitrary cap on the most
10 successful fuel that's allowing us to achieve our goals
11 doesn't make sense to us at this point. We'd like to
12 continue that conversation after the rule is adopted
13 without a cap. Thank you.

14 BOARD CLERK LEVRINI: Christian Ramirez.

15 CHRISTIAN RAMIREZ: Good evening, Madam Chair and
16 members of the Board. Thank you so much for your time and
17 your commitment to listen to our membership today.

18 I won't be long, but I just want to just express
19 our gratitude that there is going to be a process to
20 include jet fuel as a way to ensure that Californians are
21 able to breathe clean air. We stand shoulder to shoulder
22 with our environmental justice allies in our communities
23 across the state of California to limit the use of lipid
24 biofuels to 2022 levels and to end avoided methane
25 crediting starting in 2024. This is part and parcel what

1 we need to do to ensure that communities of color in this
2 state are able to afford to breathe the air that we also
3 cherish, and that for far too long, our communities have
4 been forced to live in unspeakable conditions.

5 The time is now to change that and we encourage
6 all of you to work with us to make sure that we get to a
7 place, you know, which the airline industry is held to the
8 same standards as any other industry in the state of
9 California.

10 Thank you very much.

11 BOARD CLERK LEVRINI: Annalee Augustine.

12 Annalee Augustine. Thank you.

13 ANNALEE AUGUSTINE: Good evening. Thank you,
14 Board members, Committee members, and staff. Annalee
15 Augustine here on behalf of Delta Airlines. Delta
16 Airlines supports CARB's decision to withdraw its proposal
17 to eliminate the jet fuel exemption and its decision to
18 retain the existing opt-in approach for a sustainable
19 aviation fuels under the LCFS Program. We understand
20 CARB's principal objective like ours is to increase the
21 use of alternative jet fuel in the state. Sustainable
22 aviation fuel is substantially more expensive than jet
23 fuel.

24 Nonetheless, the airline industry is purchasing
25 this expensive fuel to send a demand signal for increased

1 production. Since 2019, at Delta, we have executed
2 numerous outtake -- offtake agreements, both short and
3 long term, to send a strong demand signal for increased
4 production. Our goal is to secure 400 million gallons by
5 the end of 2030. That is 10 percent of our projected fuel
6 use.

7 The proposal to make jet an obligated fuel under
8 the LCFS program would not accomplish our shared objective
9 of increased production and use. It would simply increase
10 the price of jet fuel. Making jet fuel more expensive
11 does not incentivize airlines to buy more sustainable
12 aviation fuel and does not incentivize producers to
13 increase production. One of the primary barriers to
14 increased sustainable aviation fuel production is the
15 disparity between renewable diesel and SAF. Until we
16 address that disparity, producers will simply continue to
17 produce renewable diesel instead of sustainable aviation
18 fuel to generate the credits they need under this program.

19 The current opt-in provision under the LCFS
20 program, however, acts as an incentive to production and
21 use by reducing the production cost and the repurchase
22 price. While there is still a disparity with renewable
23 diesel, the incentive has helped reduce the extent of the
24 disparity and so California has seen a significant
25 increase in sustainable aviation production and use

1 compared to other states. We would like to work with CARB
2 to continues this.

3 Thank you.

4 BOARD CLERK LEVRINI: Thank you.

5 BOARD CLERK MOORE: Okay. There are currently 17
6 people with their hands on Zoom. I will first unmute and
7 allow you to talk and then you may unmute yourself.

8 Our first commenter is Grace Part. I have
9 activated your microphone. Please unmute and you may
10 begin.

11 SHAYLA FUNK: Hello. Can you hear me?

12 BOARD CLERK MOORE: Yes.

13 SHAYLA FUNK: Hi. Thank you. My name is Shayla
14 Funk and I'm commenting on behalf of Electric Hydrogen.

15 I appreciate the opportunity to speak before you
16 all on this topic of the Low Carbon Fuel Standard.
17 Electric hydrogen manufacturers powerful electrolyzers to
18 produce low cost green hydrogen for industries like
19 heavy-duty transportation, aviation, and maritime
20 transport. The LCFS Program is crucial for supporting
21 decarbonization of transportation fuels in California.

22 As outlined in the 2022 Scoping Plan, the State
23 needs 1,700 times more hydrogen to support our
24 decarbonization goals. Clean, low carbon hydrogen has a
25 key role to play in this effort. Given the key role that

1 the LCFS plays to support transportation decarbonization,
2 it's crucial that the Program is optimized to support the
3 scaling of clean fuels, including clean hydrogen.

4 Electric hydrogen supports the proposal to
5 increase the stringency of the program, including
6 near-term step-down stringency. We do, however, believe
7 the program needs to be further modified to ensure that
8 California's position to take full advantage of low carbon
9 hydrogen needed to drive down emissions in the
10 transportation sector, including for hard abate -- hard to
11 abate applications. As we noted in our submitted
12 comments, there are several key provisions that with minor
13 modifications can help California capture the benefits of
14 electrolytic hydrogen. These include align book and
15 claims delivery of low CI electricity for electrolytic
16 hydrogen production used as feedstock in transportation
17 fuel and allowing book and claim delivery of low CI
18 hydrogen and dedicated hydrogen pipelines outside of
19 California.

20 The proposed modifications will enable both local
21 air pollution benefits and greenhouse gas emissions
22 reductions by providing fuel producers with greater access
23 to green hydrogen to lower the carbon intensity of the
24 liquid transportation fuels. Therefore, Electric Hydrogen
25 urges you to consider these important refinements to the

1 program as they will be key in helping California capture
2 climate and air quality benefits of clean hydrogen. We
3 have also submitted written comments that we'd be pleased
4 to discuss in additional detail. Thank you again for the
5 opportunity to speak.

6 BOARD CLERK MOORE: Thank you.

7 Our next commenter is Meg Snyder. After Meg
8 Snyder, we will hear from Christina Scaringe, Julia May,
9 and Erin Lahane.

10 Meg Snyder, I have activated your microphone.
11 Please unmute and you may begin.

12 MEG SNYDER: Hi. Meg Snyder Axiom Advisors
13 speaking on behalf of Growth Energy, the world (inaudible)
14 Association of Biofuel Producers.

15 Growth Energy represents 98 U.S. plants that each
16 year produce more than 9.5 billion gallons of renewable
17 fuel and more than 120 organizations associated with the
18 production process. Together, we are working to bring
19 better and more affordable cleaner burning choices to the
20 fuel pumps for consumers to reduce emissions, improve air
21 quality, and ultimately protect the environment for future
22 generations.

23 As Growth Energy previously commented in the last
24 15-day package, there are continued serious concerns over
25 the proposed amendments. In the 15-day package, CARB

1 neglects to consider farm level carbon reduction practices
2 and technologies. It also recommends implementing a
3 sustainability certification requirement over unfounded
4 land use change concerns that are not applicable to corn
5 starch bioethanol. The number of acres planted and
6 harvested for grain corn have not largely changed are
7 roughly the same as what was planted in 1900.

8 A 600 percent yield increase on those same acres
9 has driven American corn production, not an increase in
10 acreage. Additionally, while the proposal detailed best
11 environmental management practice required for crop-based
12 biofuels, CARB disregards these and other practices when
13 factoring CI scores. It is counterproductive to require
14 these practices, yet not allow them to be considered in a
15 crop-based biofuel CI.

16 There are also concerns over the proposal's audit
17 requirements for the sustainability certification
18 addressing issues that, while important to the
19 environmental and social justice, fall outside of the
20 scope of the LCFS carbon reduction mandate. Requiring
21 auditing to take into account social and economic criteria
22 enlarges the scope that have no bearing on GHG emissions.

23 Lastly, we request CARB fully acknowledge the
24 role that E15 can play in reducing the state's GHG
25 emissions. California should join the 49 other states

1 that have approved this cleaner burning fuel, one with
2 proven emissions reductions. E15 will allow millions of
3 legacy vehicles that will be on the road for years to
4 come.

5 BOARD CLERK MOORE: Thank you

6 I just want to let everyone know that there --
7 that public sign-up has closed for sign-ups. And it
8 closed at 8:05. So, if there's any more people raising
9 their hand in Zoom that have -- that were not raised
10 before 8:05, they will not be called on.

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

14 CHRISTINA SCARINGE: Good evening, Christina
15 Scaringe with the Center for Biological Diversity with
16 thanks to the EJAC for their thoughtful recommendations
17 and resolutions. We note our written comments as well.

18 We oppose -- we oppose LCFS credits for
19 out-of-state ELR using captured carbon dioxide, which
20 compensates non-California entities causing environmental
21 and community health damage elsewhere. ELR using captured
22 carbon is prohibited in California. We must not
23 incentivize it elsewhere. We oppose CARB's innovative
24 crude loophole that allows credit beyond the 2040
25 phase-out, indefinitely polluting communities and the

1 climate. No CCS project has or is promising 100 percent
2 capture.

3 We should not wait until the end of 2030 to
4 credit -- to remove credit eligibility for fossil
5 hydrogen. It should end immediately. We oppose crediting
6 of hydrogen produced from biogas and biomass gasification.
7 Hydrogen's inefficiencies and other limitation make it
8 most often the wrong choice. LCFS should incentivize full
9 electrification over hydrogen, given its projected
10 narrowing role in a carbon free future.

11 Dairy biogas and biomass are problematic
12 feedstocks we oppose. Woody biomass is not neutral.
13 Those claims have been thoroughly debunked. Combustion,
14 gasification, and paralysis of biogenics harms the
15 climate, communities, and ecosystems. It's highly
16 polluting and leads to a net increase in carbon emissions
17 in the atmosphere for decades to centuries. It should be
18 expressly excluded.

19 We support capping crop-based biofuels whose
20 production emits to toxic air contaminants, causes
21 significant land-use change, threatens water and food
22 security, and worsens the climate crisis. The LCFS
23 program needs an overhaul. Fuel should meet stringent
24 sustainability criteria, so that bad actors are not able
25 to buy their way out of true emission reductions with

1 surplus credits.

2 Thank you.

3 BOARD CLERK MOORE: Thank you.

4 Our next commenter is Julia May. I have
5 activated your microphone. Please unmute and begin.

6 JULIA MAY: Julia May, Senior Scientist, at CBE.
7 Our communities in the Bay and LA are heavily polluted by
8 refineries and transportation. We really appreciate the
9 Board and excellent EJAC discussion on potential LCFS
10 improvements. But on the written 15-day changes, which
11 are not technically robust, we're very disappointed. They
12 fail to fix clearly bad calculations and assumptions that
13 support polluting sources to the detriment of clean
14 energy. This seems political, but can still be fixed.

15 The changes, for example, subsidize unsustainable
16 renewable diesel, increasing hydrocarbon combustion
17 causing smog and greenhouse gases and harming refinery and
18 farming communities. The South Coast already found it
19 can't meet Clean Air Act standards without zero-emission
20 transportation, so the LCFS is not only ineffective on
21 greenhouse gases, it's fighting against the State's own
22 smog goals.

23 We need robust electrification of public transit
24 and zero-emission energy. The changes do acknowledge
25 biofuels credit gluts, but do little to correct them. The

1 20 percent limit only applies on a company-wide basis,
2 leaving the door open for spread of biofuels across
3 companies, particularly problematic because of the double
4 incentives that have already expanded biofuels. Twenty
5 percent also allows shuffling of other feedstocks and so
6 we urge a strict cap.

7 And the changes allowed for gray hydrogen that
8 claim biomethane attributes incentivizing dirty cheap
9 hydrogen expansion through pollution credits. We should
10 never do that. Please end without exception fossil
11 hydrogen incentives so green electrolytic hydrogen stands
12 a chance.

13 Thank you very much.

14 BOARD CLERK MOORE: Thank you. Our next
15 commenter is Erin Lahane. After Erin, we will hear from
16 Maya Inigo-Anderson, Stephen Rosenblum.

17 Erin, I have activated your microphone. Please
18 unmute and begin.

19 ERIN LAHANE: Good evening. Erin Lane appearing
20 on behalf of the nearly half a million members of the
21 State Building and Construction Trades Council of
22 California. We have been at the forefront of fighting for
23 the policy and entitlements that have made California a
24 global leader in renewable power. Our members live across
25 nearly every community in California and are poised to

1 build the next generation of climate innovation, including
2 carbon capture, Direct Air Capture, and sequestration.

3 As CARB has recognized, carbon capture is crucial
4 if California is going to come close to meeting its
5 aggressive climate goals. Carbon capture and
6 sequestration, including Direct Air Capture, offers a
7 technology rich tool that can enable California to reduce
8 emissions and continue to operate as a viable economy.

9 Millions of blue collar jobs from our members in
10 construction to farmworkers and manufacturing workers
11 depend on our ability to capture emissions. Additionally,
12 as the building trades continue to fight for the policy
13 and entitlements that will add more renewable power onto
14 our electric grid, we are going to be dependent on
15 traditional power sources for decades to come.

16 Carbon capture technologies will enable us to
17 literally keep the lights on. Carbon capture is a rapidly
18 evolving technology, but is not untested nor experimental.
19 We urge CARB to enact policies and stay the course that
20 encourage innovation that California is known for
21 worldwide. To close doors, that will allow us to create
22 and protect jobs, as well as aggressively, but safely
23 attempt to meet the climate crisis is contrary to our
24 shared goal of continuing our role in climate innovation.

25 Thank you so much.

1 BOARD CLERK MOORE: Thank you.

2 Our next commenter is Maya Inigo-Anderson. I
3 have activated your microphone. Please unmute and begin.

4 MAYA INIGO-ANDERSON: Thank you. Good evening.

5 Maya Inigo-Anderson with Communities for a Better
6 Environment. We represent environmental justice
7 communities in a number of Los Angeles County and Bay Area
8 neighborhoods. I appreciate the many thoughtful comments
9 tonight and especially the airport workers and
10 environmental justice community representatives traveled
11 across the state to be here.

12 CBE calls for a meaningful cap on biofuels due to
13 the harms from methane pollution on low-income Central
14 Valley communities, including farmworker communities. The
15 communities located near dairy farms are most often
16 low-income communities of color, low-income residents and
17 farmworkers, and as others have said, we have to address
18 the greenhouse gas emissions related to dairy farms as
19 well as methane pollution and the resulting health
20 impacts.

21 CBE has further repeatedly emphasized the need to
22 prioritize electrification and public transit in the LCFS
23 Program. Unfortunately, the 15-day changes do not expand
24 support for electrification and public transit. Electric
25 Vehicles and charging stations are rare in low-income

1 rural communities. Public transit is often limited or
2 unavailable.

3 We further our concern that the 15-day changes
4 allow credits to be diverted from utilities to OEMs. This
5 will shift incentives for electrification away from
6 utilities who may governed by the CPUC under the
7 Environmental and Social Justice Action Plan towards
8 private manufacturers, who will have no equity
9 obligations. I appreciate the thoughtful discussion
10 tonight on this important topic.

11 Thank you.

12 BOARD CLERK MOORE: Thank you.

13 Our next commenter is Stephen Rosenblum. I've
14 activated your microphone. Please unmute and begin.

15 Stephen Rosenblum, are you there?

16 BOARD MEMBER LEVRINI: Stephen. One moment.

17 Stephen, go ahead and unmute your, mic.

18 STEPHEN ROSENBLUM: I finally see the unmute
19 button. Yeah. I'm sorry.

20 Stephen Rosenblum, Climate Action California. I
21 want to start out with assertion that manure methane and
22 enteric methane are an industrial waste associated with
23 dairy manufacturing. They should be abated just like any
24 other industrial waste, as a cost of doing business rather
25 than a profit center. As Kevin Hamilton has suggested,

1 it's long past time to apply the stick of regulation and
2 eliminate avoided emissions crediting for dairy methane.
3 You do not give credits to municipal sewage treatment
4 plants or municipal waste dumps for dealing with their
5 methane emissions, but rather require them to be abated at
6 their own expense.

7 Secondly, Phoebe Seaton has pointed out the
8 ridiculous outcome of the LCFS where five diesel trucks
9 and two dairy methane trucks are better for the climate
10 than seven battery electric vehicle trucks. This is a
11 common failure of all models. Bad input gives bad output.
12 You need to fix the assertion -- the assumptions that give
13 these unreasonable results, which involves eliminating the
14 huge negative credit for dairy methane.

15 Lastly, regarding Carbon Capture and Storage. Do
16 not allow any storage wells or pipelines to proceed in
17 California until the regulations of SB 905 are in place.
18 Without such regulation, there's likely to be severe
19 damage to communities near these facilities.

20 Thank you.

21 BOARD CLERK LEVRINI: Thank you.

22 Jonathan Snoeberger you may unmute your mic.

23 JONATHAN SNOEBERGER: Good evening. Jonathan
24 Snoeberger, Compliance Manager with LDC. LDC produces
25 both biofuels and virgin veg oil feedstocks for use in the

1 California market and we thank you for this opportunity to
2 comment. We understand that LCFS credit prices need to be
3 higher to drive investment into the program. Rather than
4 picking technology winners and losers to an artificial
5 cap, we recognize CARB is already accomplishing this goal
6 by tightening the standards. This LCFS model has a proven
7 track record, but the supply demand imbalance from an
8 artificial cap will drive up the cost of renewable diesel
9 production working against the drive for increased
10 investment. This will increase prices at the pump and
11 even drive additional fossil diesel into the California
12 market, as we saw with the EJAC scenario in the Initial
13 Statement of Reasons.

14 Secondly, CARB's proposal is doubling down on
15 risky foreign feedstocks with doubtful origin. Industry
16 has warned CARB repeatedly concerning chain of custody
17 issues with UCO and the EPA is actively auditing UCO
18 supplies. Rather than addressing these concerns, this
19 proposal doubles down and forces waste feedstocks to be
20 used as a great accelerated rate.

21 And finally, CARB cannot discount or overlook the
22 fungibility of biomass-based diesel feedstocks. When
23 tallow is shipped into the U.S. for biomass-based diesel
24 production, soybean backfills this exported tallow in fuel
25 production in these countries. The intended reduction and

1 indirect land use is not fully realized. Instead, the
2 environmental impact has merely shifted to other
3 jurisdictions with less stringent regulations. In a
4 global economy, waste products are not immune to indirect
5 effects.

6 In summary, this cap props up foreign imports,
7 hurts California and U.S. farmers who are struggling with
8 the lowest soybean price in years all for minimal
9 environmental benefit.

10 Thank you.

11 BOARD CLERK MOORE: Thank you.

12 Our next commenter is Sean Newsum. I have
13 activated your microphone. Please unmute and you may
14 begin.

15 SEAN NEWSUM: Hi. Good evening. I'm Sean Newsum
16 with Airlines for America, the principal trade association
17 of the U.S. airlines. Airlines for America supports
18 CARB's decision to withdraw it's proposal to eliminate the
19 jet fuel exemption and its decision to retain the existing
20 opt-in approach for sustainable aviation fuel, or SAF,
21 under the LCFS Program. We share CARB's objective to
22 increase the production and use of California.
23 Transitioning to SAF is core to the aviation industry
24 climate commitments and we pledge to work with governments
25 and other stakeholders to make three billion gallons of

1 affordable SAF available in the United States by 2030.

2 Our public goals, airline offtake agreements, and
3 the LCFS opt-in provisions for SAF have established a
4 clear market signal that has significantly increased the
5 potential SAF supply base. However, SAF remains
6 significantly more expensive than jet fuel for airlines
7 and more expensive to produce than renewable diesel for
8 fuel producers. To significantly increase SAF for
9 production, availability, and use of SAF in California,
10 one must address the economic disadvantages of SAF
11 relative to renewable diesel.

12 A jet fuel obligation as originally proposed by
13 CARB would not create an incentive for airlines to buy
14 more SAF or an incentive for producers to increase SAF
15 productions. Deficits created by a jet fuel obligation
16 would be fulfilled by additional renewable diesel credits.
17 It's only through actual SAF use that environmental
18 benefits mentioned by stakeholders today can be achieved.
19 Increasing SAF use requires a different approach than
20 making jet fuel an obligated fuel under the LCFS Program.
21 And thus, we support CARB's revised proposal. We look
22 forward to opportunities to work together with CARB and
23 other stakeholders to explore policy and non-policy
24 interventions that have the potential to achieve our
25 mutual objective of increased SAF production and use in

1 California.

2 Thank you.

3 BOARD CLERK MOORE: Thank you. Our next
4 commenter is a commenter with a phone number ending in
5 528. After that phone number, we will hear from Taylor
6 Roschen, Sasan Saadat, Kate Bell, Kathy Kerridge, Samantha
7 Samuelsen, and our last commenter is Esther Portillo.

8 Number ending in 528, I have activated your
9 microphone.

10 LAURA ROSENBERGER HAIDER: Hi. My name is Laura
11 Rosenberger Haider. I'm Secretary with Fresnans Against
12 Fracking.

13 And there's a lot of problems with Carbon Capture
14 and Storage. Like, first putting carbon dioxide into
15 leaky old oil fields has. That's so specifically 200
16 wells that have leaked in the last few years, and there
17 may be more. I'm -- and they still emit toxic air
18 pollutants other than carbon dioxide. And it's highly --
19 carbon dioxide is highly corrosive and with water it
20 becomes carbonic acid. And carbon dioxide pipelines are
21 not well regulated yet. And there needs to be
22 regulated -- and regulations enforced, because we need
23 more carbon neutrality that meets the 2030 goal of the
24 International Panel on Climate Change.

25 The regulations are not enforced. Like in Texas,

1 there were lot of vio -- there was like companies like
2 Chevron failing to properly plug and decommission private
3 wells. And there were instances of -- there were -- well,
4 benzene emissions were grossly underestimated at every
5 refinery. And South Coast and Texas studies found that.
6 And Marathon Company has received more than 300 violations
7 in Texas and only -- two percent of those violations have
8 resulted in an administrative order and a fine. That's
9 why we need more enforcement or they won't do it.

10 And also, we need to regulate FERC, because you
11 see there's a problem with those planned expansion of
12 electric transmission lines to other states. And we
13 demand -- should demand that President Biden and Harris --

14 BOARD CLERK MOORE: Thank you.

15 Our next commenter is Taylor Roschen. I have
16 activated your microphone. Please unmute and begin.

17 TAYLOR ROSCHEN: Good evening, Madam Chair, Board
18 members, and Committee. Taylor Roschen on behalf of
19 California Dairies, Inc.

20 CDI is the state's leading cooperative
21 representing 300 family-owned dairies. Thank you for the
22 opportunity to provide comment on the discussion this
23 evening. I'd like to respectfully remind the Board that
24 the EJAC proposal you heard this evening regarding the
25 dairy industry is a reiteration of a request that you've

1 already rightfully rejected on three separate occasions.
2 Science and data has time and again supported your
3 decision to maintain support for the dairy methane
4 projects and LCFS which has proven successful to keep the
5 dairy sector on track to achieve their 1083 goals.

6 I'd also like to remind the Board of the harmful
7 consequences that EJAC's proposal will result in, higher
8 food costs, the closure of small family-owned and operated
9 dairy farms, the loss of hundreds of thousands of good
10 paying jobs in rural communities, increased consolidation,
11 and emissions leakage. Ironically, these results will
12 harm the very communities that these bodies were created
13 to advocate for.

14 So for these reasons, we encourage you to stay
15 the course.

16 Thank you very much.

17 BOARD CLERK MOORE: Thank you.

18 Our next commenter is Sasan Saadat. I have
19 activated your microphone. Please unmute and begin.

20 SASAN SAADAT: Thank you. Sasan Saadat with
21 Earthjustice.

22 The 15-day proposal still does address the root
23 problems in the LCFS, which is a supply glut from bogus
24 credits and the lopsided support for polluting fuels over
25 zero-emission pathways. I do really appreciate the

1 recommendation from Board members Rechtschaffen, Balmes,
2 and others that the 20 percent credit limit for soy and
3 canola can and must be strengthened in key ways. CARB has
4 actually already done that. They've proposed
5 disincentivizing palm by treating it as ULSD. And it
6 should do the same for the overages in this 20 percent
7 concept, and they should apply it to all feedstocks.

8 On avoided methane, Earthjustice remains stunned
9 to see that the 15-day changes to the avoided methane
10 crediting make a bad problem worse. Of course, we oppose
11 staff's initial proposal back in September 2023, which
12 offered one more 10-year crediting period. But this
13 proposal inexplicably extends that to two 10-year
14 crediting periods and for projects post-2030 extends from
15 five to 10 years of avoided Methane.

16 And I appreciate that Board members Rechtschaffen
17 Takvorian pointed that out, that that's a step backwards,
18 but it deserves a lot more sunlight, because to my
19 knowledge it's unprecedented for such a major policy
20 change to come without, and, in fact, counter to Board
21 direction -- any public board direction anyway.

22 You all have talked at length about pride in this
23 process, but nothing in the public process explains why
24 there would be a step backwards to more generous methane
25 crediting. And it's inaccurate to suggest that CARB needs

1 to wait for a regulation to change the avoided methane
2 baseline. Avoided methane crediting isn't part of the DNA
3 of this program. It wasn't in the LCFS until 2019 and
4 nothing about livestock methane's chemistry makes it
5 better than landfill or wastewater methane at fighting
6 climate change. It would be more scientifically sound and
7 environmentally just to restore the original baseline
8 that's used for all other pathways. The same policymakers
9 must ask how much is worth sacrificing at the alter of
10 staying with this approach.

11 Thank you.

12 BOARD CLERK MOORE: Thank you. Kate Bell, I have
13 activated your microphone.

14 KATE BELL: Good evening Board members and
15 Committee. Kate Bell on behalf of the American. I've
16 also been asked to speak on behalf of Alaska Airlines,
17 both of whom are working diligently to reduce their
18 emissions. We would align our comments with those of the
19 industry, Airlines for America, and look forward to
20 working collaboratively with CARB on policies to increase
21 SAF production in order to meet our goal for net zero
22 emission.

23 Thank you very much.

24 BOARD CLERK MOORE: Thank you.

25 Our next commenter is Kathy Kerridge. I have

1 activated your microphone. Please unmute and you may
2 begin.

3 KATHY KERRIDE: Thank you. And thank you for
4 taking my comments tonight. I would agree with the EJAC
5 concerns about the Cap-and-Trade and carbon capture and
6 dumping. Cap-and-Trade to me is too easy to scam. Carbon
7 capture has been tried for decades and has never really
8 been successful. As far as I know, it has not been
9 successful in any place in the world. And it's only be
10 considered now because of huge government subsidies.

11 I'm most opposed to the carbon -- to the capture
12 and transport of CO2. The subsidies that will go to the
13 fossil fuel industry will be a huge boondoggle. There's
14 so many other ways to spend our money on reducing
15 greenhouse gases. It's ridiculous that we are paying
16 these polluting facilities to clean up their garbage. I
17 wish someone would pay me for my waste.

18 Furthermore, at this time, regulations only
19 provide for storage of 50 to 100 years, as if the problem
20 will go away by then. In the Bay Area, we have a proposed
21 project, the Montezuma Carbon Hub, that will -- is
22 proposed to collect CO2 from refineries, transported under
23 water, and dump it near the Suisun Marsh. This will
24 continue -- encourage the continuation of the refineries,
25 in addition will not only continue the air pollution in

1 the oil extraction industry, but will add a whole nother
2 layer of concern and danger.

3 We'll have to worry about the long-term effects
4 of pollution and also the risk of death, because CO2 in
5 sufficient quantities is an asphyxiant and will kill you.
6 Furthermore, you can't drive an internal combustion car
7 away from this since they need oxygen to work. I have to
8 worry now about whether my family is in the death zone of
9 a potential leak of the nearby oil refineries, because
10 pipelines carrying this would be going right by their
11 homes.

12 Heaven forbid we would have an earthquake that
13 would rupture a pipeline. There would be no way to escape
14 this gas which is heavier than oxygen. CARB should not be
15 encouraging carbon capture and dumping under any
16 circumstances.

17 BOARD CLERK MOORE: Thank you.

18 Samantha Samuelsen. I have activated your
19 microphone. Please unmute.

20 SAMANTHA SAMUELSEN: Hi Good evening. My name is
21 Samantha Samuelsen on behalf of Californians Against
22 Waste. You may be aware of the letter that Californians
23 Against Waste, otherwise known as CAW, and a coalition of
24 supporters have shared recently with you and your staff
25 encouraging urgent action to update the Landfill Methane

1 Regulation.

2 On May 18th, 2023, you held a workshop on
3 potential improvements to the Landfill Methane Regulation
4 and we are requesting that you open a rulemaking as soon
5 as possible to follow through on the great work that you
6 and your staff have started. The new regulation should be
7 upgraded to address key issues highlighted by CARB staff
8 and commenting organizations, including, but not limited
9 to, require all landfills that are regulated by the LMR
10 use the most effective methane monitoring technology, such
11 as remote sensing, surveillance, and continuous monitors
12 to inform prevention and capture strategies to use
13 significant -- the significant investment -- or excuse me,
14 advancement in remote sensing technologies to expand the
15 frequency and scope of surface emissions monitoring to
16 cover the entire landfill surface, and to require earlier
17 installation and expansion of gas capture and control
18 systems, as well as frequent monitoring for gas collection
19 system leaks.

20 Expediting actions to reduce methane emissions is
21 one of the fastest and most effective actions the State of
22 California can take to limit global temperature rise in
23 the near term.

24 On behalf of Californians Against Waste, I
25 appreciate your time and attention to these issues and I'm

1 happy to follow up with greater detail through written
2 comment.

3 Thank you.

4 BOARD CLERK MOORE: Thank you.

5 Our final commenter is Esther Portillo. I have
6 activated your microphone. Please unmute.

7 ESTHER PORTILLO: Good evening, EJAC members,
8 Madam Chair Randolph and CARB Board members. My name is
9 Esther Portillo. I'm the Senior Western Advocate for the
10 Natural Resources Defense Council, NRDC. We would like to
11 provide the following public comment on the LCFS program
12 and elevate our continued concerns.

13 In our review of the 15-day modifications to the
14 LCFS Program, we've made recommendations specifically on
15 the conversion of municipal solid waste, MSW, into fuel,
16 book and claim electricity accounting for electrolytic
17 hydrogen production, and electric transportation
18 provisions. My public comment today will primarily focus
19 on our policy recommendation related to the growing
20 concern over how the LCFS Program would incentivize the
21 building of pyrolysis and gasification incinerators in EJ
22 communities.

23 As noted by a letter signed by 28 organizations
24 to CARB, the emissions from pyrolysis and gasification are
25 concerning no matter what the feedstock. They are

1 particularly toxic when the feedstock include plastic,
2 either directly or as a component of MSW. According to
3 the EPA's most recent data, plastics typically comprise
4 over 12 percent of municipal solid waste. The two most
5 common technologies used for such conversion will be
6 pyrolysis and gasification, both of which are regulated as
7 incineration under federal law. These facilities generate
8 hazardous and air pollutants and waste when they process
9 waste-containing plastic. One pyrolysis facility alone
10 generated 484,000 pounds of hazardous waste in 2019.

11 These toxic polluting facilities are likely to be
12 sited in EJ communities who will bear the brunt of health
13 impacts. Therefore, we urge CARB remove incentives for
14 the conversion of MSW to fuel, especially when this
15 conversion involves pyrolysis or gasification. The LCFS
16 can be a tool for driving forward the transition to a
17 cleaner, healthier, and safer transportation sector, but
18 only if CARB ensures LCFs pathways are aligned with
19 California's climate and environmental justice priorities.

20 We urge that CARB make transformational changes
21 to the LCFS Program and meaningfully protect communities
22 and our progress on climate.

23 Thank you.

24 BOARD CLERK MOORE: Thank you. That concludes
25 our Zoom commenters. I will turn it back to Chair

1 Randolph and the EJAC Co-Chairs.

2 CHAIR RANDOLPH: All right. I want to thank
3 everyone for their thoughtful comments. Because EJAC is
4 now an ongoing advisory body, we have an opportunity to
5 continue to discuss these issues and think about how we
6 can achieve our climate and public health goals, while
7 centering environmental justice and the needs of
8 front-line communities.

9 I will pass it to the EJAC Co-Chairs to see if
10 they have any closing remarks.

11 EJAC CO-CHAIR GAROUPA: Thank you, Chair
12 Randolph. This is Dr. Catherine. I just wanted to thank
13 everyone who participated tonight. And just mention for
14 those of you who saw me in the room, I did have to leave
15 to pick up my kids, but I have been on Zoom since I left
16 and listening to everyone. So thank you.

17 CHAIR RANDOLPH: All right. Thank you.

18 So, this joint meeting is now adjourned. Thank
19 you, everyone. Good night.

20 (Thereupon the Air Resources Board, Environmental
21 Justice Advisory Committee meeting adjourned
22 at 8:53 p.m.)
23
24
25

CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California Air Resources Board Environmental Justice Advisory Committee meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed, under my direction, by computer-assisted transcription;

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of September, 2024.



JAMES F. PETERS, CSR
Certified Shorthand Reporter
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