

Appointment of Members to the Assembly Bill 32 Environmental Justice Advisory Committee and Adoption of Charter

Resolution 23-10

March 23, 2023

Agenda Item No.: 23-3-4

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

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

Whereas, AB 32 charges CARB with monitoring and regulating sources of emissions of greenhouse gases (Health and Safety Code § 38510);

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

Whereas, AB 32 requires CARB, in adopting greenhouse gas regulations, to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, to design the regulations in a manner that is equitable and seeks to minimize costs and maximize the total benefits to California; ensure that activities taken to comply with the regulations do not disproportionately impact low-income communities; ensure that activities undertaken pursuant to the regulations complement efforts to achieve and maintain ambient air quality standards and to reduce toxic air contaminant emissions; consider the cost-effectiveness of the regulations; consider overall societal benefits; minimize administrative burden; and minimize leakage (Health and Safety Code § 38652, subd. (b));

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

Whereas, AB 32 directs the Board, on or before January 1, 2009, to prepare and approve a Scoping Plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions by 2020, and to update the Scoping Plan at least once every five years (Health and Safety Code § 38561);

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

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

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

Whereas, on May 22, 2014, the Board approved the First Update to the Climate Change Scoping Plan, which recommended establishing a 2030 mid-term statewide emission reduction target and identified Short-Lived Climate Pollutants as an important science-based aspect of a comprehensive approach to addressing climate change;

Whereas in April 2015, Governor Brown's Executive Order B-30-15 set a new interim statewide target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 and directed CARB to further update the Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent;

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

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

Whereas, Assembly Bill 398 (AB 398, E. Garcia, Chapter 135, Statutes of 2017, Health and Safety Code § 38501 et seq.) requires that CARB, no later than January 1, 2018, update the Scoping Plan to achieve greenhouse gas emission reductions equivalent to at least 40 percent below 1990 levels by 2030;

Whereas, on December 14, 2017, CARB developed and the Board approved California's 2017 Climate Change Scoping Plan (2017 Update) and approved that 2017 Update in Resolution 17-46;

Whereas, Executive Order B-55-18 set a new statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter;

Whereas, on July 22, 2022, Governor Gavin Newsom sent a letter to the CARB Chair that underscored the urgency to include ambition and action in the final Scoping Plan, and called for the state to ensure the Scoping Plan provided a path to achieve both the 2030 climate goal and carbon neutrality no later than 2045, and requested additional goals and actions be incorporated in the 2022 Scoping Plan related to electricity generation, buildings, fuels, methane leaks, and carbon dioxide removal and capture;

Whereas, the Legislature enacted Assembly Bill 1279 (AB 1279, Muratsuchi, Chapter 337, Statutes of 2022; Health and Safety Code § 38562.2), which establishes the policy of the State to achieve carbon neutrality as soon as possible, but no later than 2045, and to maintain net negative greenhouse gas emissions thereafter; to ensure anthropogenic greenhouse gas emissions are reduced at least 85 percent below 1990 emission levels by 2045; and directs CARB to work with relevant state agencies to ensure that Scoping Plan updates identify and recommend measures to achieve carbon neutrality; and to identify and implement policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies;

Whereas, CARB developed California's 2022 Climate Change Scoping Plan (2022 Update) and approved that 2022 Update in Resolution 22-21;

Whereas, reducing California's greenhouse gas emissions to a scientifically recognized level necessary for climate stabilization will require California to keep building on the framework of the initial Scoping Plan, 2014 Update, and 2017 Update by continuing to pursue the maximum technologically feasible and cost-effective actions that will steadily drive down greenhouse gas emissions over the coming decades;

Whereas, the latest science finds that atmospheric concentrations of carbon dioxide have increased by 50 percent since the industrial revolution and continue to increase at a rate of two parts per million each year, and no later than 2040, the world will exceed 1.5 degrees Celsius warming unless there is drastic action;

Whereas, the latest science finds that atmospheric concentrations of carbon dioxide are dangerously close to reaching 1.5 degrees Celsius warming in the near term, and to avoid climate catastrophe and remain below 1.5 degrees Celsius with limited overshoot of that threshold, global net anthropogenic carbon dioxide emissions need to reach net-zero by 2050, underscoring the urgent need to accelerate greenhouse gas emission reductions;

Whereas, AB 32 directed the Board to convene an Environmental Justice Advisory Committee (Committee) of at least three members by July 1, 2007, to advise the Board in developing the scoping plan of emission reduction measures and any other pertinent matter in implementing the division (Health and Safety Code § 38591, subd. (a));

Whereas, AB 32 further directs that the Committee shall be comprised of representatives from communities in the state with the most significant exposure to air pollution, including, but not limited to, communities with minority populations or low-income populations, or both, and directs the Board to appoint the Committee members from nominations received from environmental organizations and community groups (Health and Safety Code § 38591, subd. (a));

Whereas, on January 25, 2007, the Board adopted Resolution 07-06 to appoint a Committee of ten members and eleven alternates, to advise the Board in developing the initial Scoping Plan;

Whereas, on March 21, 2013, the Board adopted Resolution 13-10 appointing a reconvened Committee of nine members to advise the Board in developing the First Update to the Climate Change Scoping Plan, the 2014 Update, and delegating to the Executive Officer, and his or her designee, authority to select and appoint up to three additional Committee

members from underrepresented regions of the State, including the Central Valley and the Inland Empire;

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

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

Whereas, on September 25, 2015, the Board adopted Resolution 15-48 acknowledging that four of the existing previously appointed members resigned or were unable to serve, and thus appointing four additional members to serve on the Committee to advise on the next update to the Scoping Plan, the 2017 Update;

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

Whereas, on May 20, 2021, the Board adopted Resolution 21-8 appointing seven members to serve on the Committee to advise the Board on the next update to the Scoping Plan, the 2022 Update;

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

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

Whereas, on October 19, 2021, in a letter to the Committee, Chair Randolph stated her commitment to continuing active engagement with the Committee after adoption of the Scoping Plan, so that the Committee can advise on the implementation of AB 32;

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

Whereas, on March 10, 2022, in a joint meeting of the Board and the Committee, the Board adopted Resolution 22-7 appointing two additional members to serve on the Committee;

Whereas, AB 32 authorizes the Committee to advise on any other matter pertinent to implementing Division 25.5, the California Global Warming Solutions Act of 2006 (Health and Safety Code §§ 38500-38599.11), which includes AB 32 and other statutes amending Division 25.5 that authorize multiple CARB climate programs;

Whereas, the 2021-2022 Committee held more than 30 meetings, as well as organized community tours and facilitated community engagement workshops to develop over 200 recommendations to CARB for the 2022 Scoping Plan Update;

Whereas, members of the Committee hosted a statewide community engagement workshop in June 2022 and one in the San Joaquin Valley in February 2022, and members continued to

work with their communities to ground truth their recommendations to inform the development of the 2022 Scoping Plan Update;

Whereas, the Board held joint meetings with the Committee on March 10, 2022, and September 1, 2022 to discuss the 2022 Scoping Plan Update, the Committee recommendations on development of the Scoping Plan, and options for addressing the recommendations;

Whereas, on March 10, 2022, in a joint meeting of the Board and the Committee, Committee members called for a transition to an ongoing Environmental Justice Advisory Committee to continue after the 2022 Scoping Plan Update was passed;

Whereas, in July 2022, CARB staff proposed the development of an Ad Hoc sub quorum to discuss the Committee's role in AB 32 implementation after the adoption of the 2022 Scoping Plan Update;

Whereas, at the September 26, 2022, meeting of the Committee, the Committee provided feedback to CARB staff on this proposal;

Whereas, at the November 30, 2022, meeting of the Committee, CARB staff presented a proposal for an ongoing Committee structure and governance to serve as a basis for co-design;

Whereas, at the November 30, 2022, meeting of the Committee, the Chair expressed the Board's continued support for an ongoing Committee structure that allows for more sustained engagement over the implementation of AB 32;

Whereas, at the November 30, 2022, meeting of the Committee, the Chair expressed the desire to establish an ongoing Committee structure that continues to have geographic and issue diversity from around the state, allows members the time they need to do work, and commits to appropriate amounts of CARB staff support and agency resources;

Whereas, at the November 30, 2022, meeting of the Committee, the Committee voted to express their support for a Board resolution establishing an ongoing Committee;

Whereas, on December 15 and 16, 2022, during the Board meeting consideration of the 2022 Scoping Plan Update, the Chair expressed her commitment to an ongoing Environmental Justice Advisory Committee as a means of developing partnership, engagement, and relationships with communities;

Whereas, on December 15 and 16, 2022, the Board adopted Resolution 22-21 to approve the 2022 Scoping Plan with a plan to achieve carbon neutrality by 2045, incorporating more than 60 of the Committee's recommendations;

Whereas, from February 2023 to March 2023, an Ad Hoc sub quorum of Committee members has worked with CARB staff to draft a proposed Charter for an ongoing Committee pursuant to AB 32 requirements;

Whereas, at the February 27, 2023, meeting of the Committee, the Committee provided feedback on the proposed Charter to CARB staff;

Whereas, CARB staff incorporated this feedback into the proposed Charter in advance of the March 15, 2023, Committee meeting;

Whereas, at the March 15, 2023, Committee meeting, the Committee voted to approve the proposed Charter;

Whereas, CARB staff propose the reappointment of 13 members of the Committee who were nominated by environmental justice organizations and community groups;

Whereas, to allow Committee members who cannot join a Committee meeting to continue to have representation on the Committee in their absence, CARB staff propose to appoint an alternate Committee member for each member;

Whereas, staff has determined that the proposed recommendation to approve of the Committee members and their alternates, and the Charter, is not a "project" subject to the California Environmental Quality Act (CEQA) under California Code of Regulations, title 14, section 15378, subdivision (a); furthermore, staff has determined that even if the proposed recommendation were a "project" subject to CEQA, it would be exempt under California Code of Regulations, title 14, section 15061, subdivision (b)(3) ("common sense" exemption) because the record evidence shows with certainty that there is no possibility that the proposed activity may result in significant adverse impacts on the environment;

Whereas, CARB staff and the Committee propose the approval of the proposed Charter for an ongoing Environmental Justice Advisory Committee;

Whereas, the Board finds that:

The proposed recommendation is not a "project" subject to CEQA, and even if it were such a "project," it would be exempt from CEQA under California Code of Regulations, title 14, section 15061, subdivision (b)(3) because substantial evidence in the record shows with certainty that there is no possibility that the proposal may result in a significant adverse impact on the environment;

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

The proposed members of the Committee are representatives from communities in the State with significant exposure to air pollution or a community with a minority population or low-income population, or both, consistent with the statutory requirements of the Committee under AB 32;

The proposed recommendation meets the statutory requirements; and

The proposed recommendation is consistent with CARB's environmental justice and equity policies and practices.

Now, therefore, be it resolved that the Board hereby appoints the following individuals to serve on the Committee and their alternates:

1. Angel Garcia, Californians for Pesticide Reform

Alternate: Paula Kahn

2. Dr. Catherine Garoupa, Central Valley Air Quality Coalition

3. Jill Sherman-Warne, Native American Environmental Protection Coalition
Alternate: Helen Medina
4. John Harriel, Jr., International Brotherhood of Electrical Workers
5. Juan Flores, Center on Race, Poverty & the Environment
Alternate: Grecia Orozco
6. Kevin Hamilton, Central California Asthma Collaborative
Alternate: Kimberly McCoy
7. John Kevin Jefferson III, Urban Releaf
8. Luis Olmedo, Comité Civico del Valle
Alternate: Christian Torres
9. Martha Dina Argüello, Physicians for Social Responsibility – Los Angeles
10. Matt Holmes, Little Manila Rising
Alternate: Jermaine Reece
11. Mayor Rey León, The LEAP Institute
Alternate: Ruth Lopez
12. Sharifa Taylor, Communities for a Better Environment
13. Thomas Helme, Valley Improvement Projects

Be it further resolved that pursuant to sections 39515 and 39516 of the Health and Safety Code, the Board delegates to the Executive Officer, or to his or her designee, authority to select and appoint alternate Committee members for those who do not have alternates appointed pursuant to this Resolution, as appropriate and consistent with applicable laws.

Be it further resolved that the Board hereby approves the proposed ongoing Environmental Justice Advisory Committee Charter.

Be it further resolved that the Board directs staff to conduct a review with the Committee of the first 18 months of implementation of the Charter and report back to the Board on the review no later than April 2025.

Be it further resolved that the Board also directs the Executive Officer to provide staff support as appropriate and consistent with State and federal law, and available resources for the operation of the Committee.

Be it further resolved that the Board shall reimburse reasonable per diem and travel expenses, consistent with the law and State travel policy, for Committee members from nonprofit organizations, for attendance at Committee meetings hosted by CARB that are subject to the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 et seq.) and other public meetings where Committee members are invited by CARB to speak.

I hereby certify that the above is a true and correct copy of Resolution 23-10 as adopted by the California Air Resources Board.

Krista Harrington

Board Clerk