

February 24, 2021

Statement from Members of the Offset Protocol Task Force Regarding Member Resignations

The undersigned Task Force members would like to respond to some of the statements made in the resignation letters recently submitted by two Task Force members. We appreciate these former members' initial willingness to serve on the Task Force but are disappointed by their lack of participation in the work of the Task Force as well as the timing of their resignations. Given the broad concerns stated in the letters, the resignations should have been tendered at an earlier time in the process so that replacements could have been found to represent the stakeholder groups represented by those members. We acknowledge that those former members have their own perspectives on offsets and their role in California's Cap & Trade program, and appreciate their respectful communications with CARB and the other Task Force members during the public meetings. However, we disagree with their characterizations of the Task Force's work and process and do not want what we believe to be inaccuracies in their statements to detract from the Task Force's report, which is the product of many hours of hard work.

As an initial matter, we take issue with the characterization of the report as a "wish list" for project developers. The ground rules agreed upon by the Task Force at the outset were that all members' viewpoints would be presented, pro and con. Insofar as there is any perceived lack of representation of Environmental or Environmental Justice interests, that was not due to the makeup of the Task Force or to the dominant views of the other members. Rather it was due to the stark absence of input and participation from the very members who were appointed to the Task Force to represent these important interests and perspectives.

The Task Force has been open to and eager for the input of its Environmental and Environmental Justice members from the very beginning. Within the four subgroups for which the two resigned members volunteered to participate, numerous attempts were made to seek active engagement from all subgroup members, including invitations and reminders for meetings, the circulation of meeting notes and drafts when members were unable to attend, and proactive personal outreach to ensure that members were included. The little input that was provided by resigning members was incorporated verbatim into the final report, and placeholders were left for additional input to be added—input which never came. Had additional input been offered and the opportunity for productive dialogue taken place through attendance in subgroup meetings, we are certain the final product would have better reflected the diversity of perspectives which the makeup of the Task Force was designed to reflect.

Second, we disagree with the implication that the Task Force failed to honor its Charter and the Legislature's clear directive in AB 398: to provide guidance to CARB in approving new offset protocols for the purpose of increasing offset projects with direct environmental benefits in the state. Within that charge, disadvantaged communities, Native American or tribal lands, and rural and agricultural regions are to be prioritized. While some stakeholders may have reservations about offsets and market-based systems in general, a charge to consider new offset protocols for the purpose of increasing offset projects requires exactly what the Task Force subgroups undertook: analysis of possible expansion of CARB's offset program to incorporate potential new protocols, projects and participants. Contrary to what one former member wrote in their resignation letter, CARB made clear at the first public meeting that this charge included changes to existing protocols, which are then adopted by CARB as new protocols, and certain subgroups did review and recommend changes to existing CARB protocols.

Third, as to the comments regarding the make-up of the Task Force, that decision was made by the Legislature and was known to all, including the former members, from the outset. According to AB 398 and the Task Force charter, each member of the Task Force (with the exception of public members) was appointed with the express purpose of representing the views and interests of a particular stakeholder group, including the Environmental and Environmental Justice members. It is to be expected, therefore, that members would advance the interests of the stakeholder constituency that they represent. The Legislature's inclusion of stakeholder groups that may have financial interest in offsets projects or markets reflects their view that it is in the public interest to have those views represented. Moreover, contrary to what was stated in one of the resignation letters, the Task Force does not have a quasi-regulatory function. As has been stated in the Charter, by CARB and by the Task Force members themselves on numerous occasions, the Task Force is not a rulemaking or even a decision-making body, and so it is not a conflict of interest to represent specific interests and perspectives in an advisory-only capacity, particularly if that is the express purpose of the appointment.

Finally, we respect that each member's personal situation is different, and want to acknowledge that the Task Force's work took place during the pandemic period that was extremely difficult and challenging for each of its members individually, as well as collectively. However, the resigned members had eleven months to resign if the workload or time commitment was not feasible for them, rather than waiting until the final report was released to express their dissatisfaction with the process. More importantly, by waiting until the last moment to resign, these members prevented other individuals who potentially had more time or interest from joining the Task Force and representing the Environmental and Environmental Justice interests in the process. By remaining on the Task Force but failing to participate, these members effectively ensured that the interests and views of the Environmental and Environmental Justice communities would be underrepresented.

A multi-stakeholder process is only as strong as the willingness of its stakeholders to show up and engage. We regret that the two former members were unable to participate to the extent they would have liked, and perhaps initially thought they could, but it is misleading to criticize a process when there has been no engagement with that process in the first place. The Task Force stands behind its process and good faith effort to include the varied views and perspectives of all of its members, and hopes that the final report will be considered in the open and collaborative spirit in which it was developed.

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