

**Disclaimer:** Notes captured here are high-level take aways from July 17, 2023, EJAC meeting, not a verbatim transcript. Any inaccuracies or omissions are inadvertent and can be flagged to CARB for clarification.

**Assembly Bill (AB) 32 Environmental Justice Advisory Committee (EJAC) Meeting**

**Date:** Monday, July 17, 2023

**Time:** 1:00 PM – 5:30 PM

**EJAC Member Attendees (in person):** Dr. Catherine Garoupa, Thomas Helme, Mayor Rey Leon, Kevin Jefferson, Martha Dina Argüello, Luis Olmedo, Kevin Hamilton, Juan Flores, Matt Holmes

**EJAC Member Attendees (virtual):** Sharifa Taylor, Jill Sherman-Warne

**EJAC Members Not in Attendance:** Angel Garcia, John Harriel, Jr.

**CARB Attendees:**

Board Members: Gideon Kracov

CARB Staff: Matt Botill, Cheryl Laskowski, Annette Hebert, Deldi Reyes, Radhika Majhail, Ashley Georgiou, Johnnie Raymond, Ryan Atencio, Meghan Kaff, Sierra Maciorowski, and Orji Ezieme

Spanish Interpreters: Aldo Rentería, Mark Gutierrez, and Leticia Reyna

**Low Carbon Fuel Standard (LCFS) Panelists:** Phoebe Seaton, Danny Cullenward, and Michael Wara

**Action Items:**

**CARB:**

- Provide EJAC with key CARB Board deadlines leading up to the September 14, 2023, joint CARB/EJAC Board meeting, including due dates for the summary of items for discussion (Board Item Summary), when the notice will be posted for the meeting, when slides are due, and roughly when Board briefings will occur. *Complete*

**EJAC:**

- Dr. Catherine to provide slides for the LCFS panel for CARB to post. *Complete*

## High-Level Summary

### Welcome and Introductions

- EJAC members expressed that:
  - The intent of the meeting is to discuss goals, LCFS, and report out from sub quorum EJAC work group meetings;
  - The desire is to talk about what the EJAC can accomplish as a body; and
  - That 2023 goals will be an iterative process over time, not just something to be discussed in today's EJAC meeting.

### Staff Update on Investigation into June 2, 2023, Incident

- EJAC members noted that:
  - It has been 20 years since CARB first developed an environmental justice policy and noted the history of actions taken and not taken by CARB in the area of environmental justice and racial equity;
  - CARB's Office of Racial Equity has not been formed yet, despite working over 20 years in this space; and
  - Appreciation for CARB moving quickly to initiate the investigation so that EJAC members and CARB can move forward in the work to be done.
- EJAC members passed the following motion: "to create a subcommittee to work with CARB to update both its external EJ policy and internal practices in terms of racial justice and equity".
- All EJAC members in attendance supported the motion.
- EJAC members asked that there not be confusion between environmental justice and racial equity and wanted to make sure that the motion made encompasses that. They want CARB to update both its environmental justice policy and internal racial justice and equity practices.

CARB Staff Response – CARB staff have reminded the EJAC Co-Chairs that all substantive matters subject to motions need to be public noticed so that members of the public can determine if they would like to comment on them. The topic of CARB's EJ policy/internal policies on racial equity was not publicly noticed. Additionally, matters involving CARB's workforce are outside the scope of the EJAC. CARB's 2001 EJ policy is quite broad and involves topics outside of climate which are also outside of the scope of the EJAC. Finally, moving to create a subcommittee that is itself subject to Bagley-Keene raises capacity and resource concerns.

### Sub Quorum Work Group Meeting Report Out and Discussion

- The *Public Health and Social Costs of Carbon* work group expressed that they would like to:
  - Obtain a review of the previous EJAC recommendations,

- Determine where specific topics, such as data and process, are integrated in CARB, and who the critical contacts are for these topics,
  - Arrange meetings and a workshop around a just transition to help CARB think about a non-fossil fuel-based economy. There is no department devoted to just transition at CARB,
  - Become more involved with the review of CARB's economic analyses (i.e., SRIA) for each AB 32 regulation,
  - Meet with CARB staff working on LCFS to understand and assess approaches for lifecycle assessments and other tools that can be incorporated into the consideration of technologies based on public health standards,
  - Meet with CARB staff doing economic analysis and health analysis, as well as develop database of connections with experts from industry and environmental justice perspectives, and
  - Understand the full social costs of carbon and cumulative impacts, which CARB did not adequately evaluate.
- The *Natural and Working Lands* work group raised the following:
    - That the AB 1757 Natural and Working Lands advisory committee lacks diversity but is open to insights from the EJAC,
    - That it is important to consider historical context and institutional racism in agency policies,
    - That there are issues in Lassen County with open burning in non-attainment areas, and in Stanislaus County with trees being cut down for wood pellets to be shipped internationally,
    - That tribes are not benefiting from carbon credits,
    - That CARB has the Tribal office and a Tribal Liaison which needs to engage better with tribes. There is institutional racism throughout the entire system within CARB, and
    - That the work group would like to:
      - Look at 3-year cycle of recommendations in the Climate Adaptation Strategy, which used some of the EJAC's prior recommendations. EJAC should provide input into those plans. This work needs to feed into other policies;
      - Look into Equitable Climate Action plans. Cities and counties have put them together, but how have these been updated? Is there an increasing gap between areas with planning capacity vs. areas without planning capacity?
      - Give feedback on the California Natural Resources Agency (CNRA) Climate Adaptation Strategy, which is adopted in part based on the CARB Scoping Plan, and other interagency effort; and

- Provide technical assistance to tribes to vet opportunities that will cause pollution and find ways to educate tribes on the detriments of carbon projects. Building up resources and staffing beyond the role of tribal liaison with an office could help cover this engagement.
- The *Carbon Markets, Storage, and Removal* workgroup expressed that they would like to:
  - Focus on how to organize long-term, with LCFS and Cap-and-Trade as the priorities,
  - Obtain a detailed timeline for LCFS, SB 905, and Cap-and-Trade Program regulatory processes that go beyond the public process, to include staff decision-making,
  - Engage in early discussion between EJAC members or environmental justice organizations and CARB staff before workshops begin,
  - Obtain the budget information for transportation, interpretation, and other resources to be included in CARB processes,
  - Obtain information on how CARB is supporting the participation of priority communities,
  - Develop listening sessions in frontline communities on carbon policies, and
  - Receive annual updates on the progress of the 2022 Scoping Plan Update implementation process, including case studies.

## **2023 EJAC Goals and Priorities**

- CARB should consider the EJAC as an addition to community engagement, not a replacement for engagement with frontline communities, and that the EJAC should now focus more on implementation than on planning. EJAC members expressed that some communities are ineligible for planning funding.
- EJAC wants to work with CARB points of contact and get an overview of AB 32 implementation activities with information on how the rules are funded, how the programs are designed and enforced, and where the data used to design these programs is coming from.
- The EJAC covers all AB 32-funded activities, not just the Scoping Plan. EJAC members would like a summary of what activities are included in that purview, as well as information on lead staff involved in these areas.

CARB Response – This request is very broad as described. CARB needs to consider what this would mean and whether that jurisdiction is authorized. For the summary of activities, this will require further discussion with EJAC to make sure CARB staff understand what is desired and what can be done within our capacity.

- LCFS should be on the agenda for the joint board item in September.

### **Preparation for the Joint CARB Board Meeting**

- EJAC members discussed:
  - The need to prioritize topics that can be presented to and discussed with the CARB Board. EJAC members brought up LCFS, Cap-and-Trade, and greywater systems for energy use reduction or building decarbonization,
  - The need to reduce ad hoc sub quorum meetings outside of EJAC meetings to reduce unpaid labor and be efficient in developing asks and preparation for the Joint CARB Board Meeting,
  - Using the EJAC public meeting on August 25 to discuss further preparation,
  - That work groups should send EJAC Co-Chairs their priorities for the Joint CARB Board Meeting prior to August 1 to meet CARB deadlines; and
  - That the environmental justice perspective is missing in LCFS, and that LCFS ignores greenhouse gas swapping, so discussion at the Joint CARB Board meeting may be helpful.

### **Low Carbon Fuel Standard Panel**

- EJAC members heard from a panel of experts on LCFS, including Phoebe Seaton from the Leadership Counsel for Justice and Accountability, Danny Cullenward, Research Fellow from American University, and Michael Wara from Stanford University.
  - Danny Cullenward presented on what LCFS is, and why it matters. This presentation described how through LCFS, CARB is trying to develop a decline in carbon intensity over time and approve fuel pathways, while also raising key questions, including: Which pathways should CARB make eligible for credit and why [credits have been going to Biofuels (82%) and electricity (17%); the opposite of what CARB is working towards]? What kind of transportation fuel does the state want in 2045? How can CARB incorporate environmental justice concerns which are not included within LCFS?
  - Phoebe Seaton presented on unintended consequences and missed opportunities under the LCFS. This presentation addressed methane emissions management, counting of emissions reductions, and the environmental justice impacts of the LCFS in the San Joaquin Valley.
  - Michael Wara presented on a simulation of an environmental justice scenario for the LCFS rule update. This modeling was based on including an end to avoided methane crediting in 2024 (CARB's proposal is 2040), and a cap on biofuel crop feedstocks (CARB's proposal is no cap), as well as spending of banked credits. The presentation included five key

findings of the environmental justice scenario: 1) that it is reasonable and consistent with CARB priorities 2) reduces local impacts, and 3) avoids unintended impacts, 4) electric vehicle (EV) price impacts on internal combustion engines will be significant by 2030 and should be carefully considered relative to benefits of program, and 5) CARB needs to dramatically improve measurement of methane emissions from agriculture and acquire monthly or annual farm data from Concentrated Animal Feeding Operations (CAFOs).

- After the panel presentations, EJAC members discussed aspects of the LCFS with panelists, including:
  - The need for updating data collection and filling regulatory gaps, and to avoid incentivizing expansion of dairies for credits;
  - The components considered in the environmental justice scenario modeling presented by Michael Wara;
  - Credit recipients being in overburdened communities, and the potential for inequity in the distribution of high prices and resources; and
  - The discussion questions raised to community members in the May 2023 LCFS meeting specific to needs and critical priorities (e.g., electric vehicles, charging, transit, access generally) as provided in LCFS reading materials prior to the July 17, 2023, EJAC meeting. EJAC members specified that the response to all is yes.
- EJAC members asked Cheryl Laskowski, CARB Industrial Strategies Division Branch Chief, to provide an update on the next steps for the regulatory process of LCFS, and on how environmental justice communities can be involved in the process.
  - Cheryl Laskowski described the following: CARB does see EV credits expanding as we meet our electric vehicle charging goals. A required rulemaking document will come out in the coming weeks that evaluates economic impacts for the regulatory update, and the California Transportation Supply (CATS) model is being updated to include existing regulations. The draft regulatory text will be released with a public comment period, 60 days after the Standardized Regulatory Impact Assessment (SRIA) document is published. At the September 2023 CARB Board meeting, there will be a non-voting item, and there will also be an early 2024 Board meeting on LCFS to vote on the regulatory proposal.
  - EJAC members asked for CARB to provide a draft of the SRIA document, and information on how the Public Health and Social Cost work group can be involved in the process since this is an area of interest.
- EJAC members summarized the policy recommendations from the panelists as follows:
  - Need to understand where pollution credits are going.

- Discontinue avoided methane capture credit by 2024.
- Need to regulate the agricultural industry beginning in 2024 because of the short-lived climate pollutant strategy.
- Create a cap on biofuel crop feedstocks.
- Consider all greenhouse gases emitted in the process of developing factory farms.
- Consider all pollution resulting from carbon intensities.
- Prohibit livestock operations from growing operations to capture more credits (creating incentives to pollute), because herd size matters.
- Need to understand how animal slaughtering facilities/beef processing and that feedstock fits into the LCFS clean fuels program.
- Steam methane reformation (SMR) emits toxics.
- Unintended consequences as a result of promoting biofuels.
- Initiate rulemaking to address methane emissions from livestock.
- Ground water contamination, and nitrate pollution and can't exacerbate impacts by LCFS and promoting liquified manure in the valley.
- Have farmers measure and report data on the amount of livestock.
- Consult with Connie Cho about environmental justice impacts from dairies.

### **CARB Comments**

Deldi Reyes, Acting Deputy Executive Officer for Environmental Justice, Tribal Affairs, and Border Relations, acknowledged the procedural milestone represented by today's meeting—of reaching physical quorum as required by the Bagley-Keene, the law governing advisory bodies such as the EJAC and thanked all participants for attending in person. Deldi also reflected on the motion voted on by the EJAC to create a subcommittee to work with CARB to update both its external environmental justice policy and internal practices in terms of racial justice and equity. Deldi noted her appreciation for the intent of the motion—to ensure that CARB is treating its employees equitably but clarified that personnel matters and matters relating to CARB's internal practices related to our workforce are outside the scope of the EJAC.

Deldi confirmed that CARB's environmental justice policy was first approved in December of 2001 and not updated since. Deldi noted that CARB staff would appreciate a chance to brief the EJAC on activities underway focused on using a racial equity lens in CARB's work and on building a curriculum for CARB staff on meaningful engagement that includes vetting that content and the framework with community leaders. Deldi also shared that CARB's Legal Office has committed to update CARB's civil rights policy, and that commitment has been included in the draft updated blueprint for the Community Air Protection program. Finally, Deldi made a request that in future, staff would appreciate hearing in advance from EJAC members as they

contemplate motions advising CARB of their requests so that such topics can be properly noticed as part of EJAC agendas.

### **Public Comment**

Summary: Sixteen members of the public provided comments during the open comment period of the agenda, including thirteen remote participants and three in person participants. They are listed below. Some commenters indicated they would also provide their feedback in writing.

#### Zoom Commenters:

- Michael Boccadoro
- Patricia Ramos
- Evan Edgar
- Jamie Katz
- Leslie Martinez
- Electric Vehicle Charging for All
- Anjuli Mishra
- Floyd Vergara
- Antonio Reyes
- Beverly DeChaux
- Mario
- Ryan Kenny
- Jane Ward
- Sam Wade

#### In-person Commenters:

- Andrew Craig, California Bioenergy
- Akshita Aivakumar, University of California, Davis
- Sasan Saadat, Earthjustice

### **Closing Remarks**

- EJAC members discussed the importance of data and need for an assessment on lifecycle impacts.