

To: Assembly Bill 32 Environmental Justice Advisory Committee (EJAC)
From: Steven S. Cliff, Ph.D., Executive Officer 
Date: October 22, 2024
Subject: Response to the EJAC Charter Subgroup Proposal

In March 2023, the California Air Resources Board (CARB or Board) voted to approve the ongoing EJAC and adopted the first Charter. The Board requested that CARB staff and EJAC conduct a one-time review and update process after 18 months of the Charter's implementation. The EJAC Charter Update is currently underway with CARB and a subgroup of EJAC members. CARB staff developed a draft Charter with revisions based on lessons learned from convening an ongoing EJAC. CARB staff met with the EJAC Charter subgroup and myself on July 22, 2024, during which I requested EJAC's proposed Charter changes and rationale. On October 8, 2024, Board Member Kracov, CARB staff, and the EJAC Charter subgroup had a discussion to review proposed EJAC Charter revisions and rationale. To be as responsive as possible to what we have heard from EJAC as we move forward with the EJAC Charter revisions, I am providing written feedback to the EJAC Charter subgroup's proposed Charter revisions provided in the October 8, 2024, meeting. I look forward to hearing how discussion progresses in the next Charter subgroup meeting with CARB staff and Board Member Kracov as we prepare for a vote on Charter revisions in the November 14, 2024, EJAC Public Meeting.

1. EJAC Comment: Maintain the language of having a minimum of 8 EJAC Public Meetings per year with the understanding that it is up to EJAC's discretion in determining if more are needed.

CARB Response: Staff propose to limit the number of meetings to 8 per year. [Budget Letter 24-24](#) outlines that all State agencies' departmental budgets will be reduced up to 7.95 percent in Fiscal Year (FY) 2024-25 and ongoing to achieve savings to address the State's budget deficit. Given the budget climate, we do not have additional staffing or funding resources to allocate towards more meetings. We feel that the current number of meetings has allowed for robust exchange of information at EJAC meetings.

2. EJAC Comment: Allow for more than one joint EJAC/CARB Board meeting per year (possibly increase to minimum of 2). The request was also given for members to be able to bring topics for the Board's attention to any CARB Board meeting throughout the year.

CARB Response: CARB feels that one joint EJAC/CARB Board meeting per year has allowed for robust dialogue and exchange of information. CARB must also comply with [Budget Letter 24-24](#) to achieve savings to address the State's budget deficit and leverage our existing resources to support the EJAC in advising the Board. Staff

propose modifying the existing language to provide for one joint EJAC/CARB Board meeting per year.

3. EJAC Comment: Increase EJAC membership from 11 to 13 members permanently (not a one-time exception), with staggered terms.

CARB Response: Staff is seeking additional information from the EJAC or the EJAC Charter sub quorum. Specifically, staff would like to understand how engagement from EJAC Members would be improved with the addition of new members. Currently it has been challenging to achieve and maintain quorum for EJAC public meetings, as well as joint meetings, with 11 members. Meetings regularly start late (i.e. up to 20 minutes) while waiting to achieve quorum. A larger membership would exacerbate this concern.

4. EJAC Comment: Allow for compensation for both alternates and EJAC members for EJAC Public Meetings and the joint CARB/EJAC Board meeting participation if both attend.

CARB Response: EJAC members appointed by the CARB Board are eligible for per diem consistent with Health and Safety Code section 38591, which states, "The state board shall provide reasonable per diem for attendance at advisory committee meetings by advisory committee members from nonprofit organizations." An alternate is only considered a member of the advisory committee when acting in lieu of an absent EJAC Member at an advisory committee meeting. When both the appointed member and alternate attend together, the alternate would be ineligible to receive per diem for that advisory committee meeting.

5. EJAC Comment: Fairly compensate EJAC members for their time based on statute. Currently, EJAC Members are compensated a per diem solely for attending each EJAC Public Meeting and travel reimbursement. The request is for compensation to be provided similar to that of the CARB Board.

CARB Response: Staff is aware that EJAC participation can be very time-consuming. AB 32 specifically mentions a per diem payment for meeting attendance. CARB has thus requested that the EJAC provide a recommended per diem amount to remain consistent with statutory language. CARB is open to hearing the EJAC's ideas about additional payment for the EJAC Co-Chairs.

6. EJAC Comment: Increase the 36-month EJAC membership term to 72 months.

CARB Response: Staff proposes to keep the 36-month term. The 36-month term is in place to allow for new community members from different regions of the State to voice their thoughts and perspectives as a member of an advisory body and therefore provide new and beneficial ideas to CARB staff and the Board for AB 32-related programs and to avoid burn out. The 36-month term also allows for an EJAC Member to apply for reappointment if desired.

7. EJAC Comment: Adjust Government Code 87104 requirements to allow for the EJAC to not have to abide by them.

CARB Response: As provided in the California Environmental Protection Agency (CalEPA) *fact sheet*, Government Code 87104 is a statute that applies to all State advisory bodies, including EJAC. CARB does not have authority to exempt EJAC members from Government Code Section 87104 requirements. Please see the CalEPA fact sheet for more information.

As we move forward in the EJAC Charter Revisions process, we want to ensure that we are working collaboratively to set EJAC and CARB up for success in attaining our AB 32 goals. We appreciate the EJAC and the Charter Revisions subgroup's commitment, and the time and effort dedicated to continuing these discussions.

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