

AB 32 Environmental Justice Advisory Committee Charter
2024 Revision
October 8, 2024, Draft

The language below includes CARB's proposed revisions to Charter language from what was approved by the Board in March 2023. All changes are reflected in ~~strikeout~~ when language is removed and underlined for new language to be approved. CARB's proposal is currently being discussed with EJAC, and this document is for discussion purposes only.

1. Introduction

It is the intent of the California Air Resources Board's (CARB or Board) and the Environmental Justice Advisory Committee's (EJAC ~~or Committee~~)'s to develop a governance structure, ~~to~~ outline aspirations for future collaboration, and lay the foundation for years of challenging yet critical work ahead. The EJAC Charter sets clear goals for CARB and EJAC members, ~~as well as~~ provides accountability and transparency, and outlines the working relationship as it relates to governance. The Charter ~~also~~ defines roles, responsibilities, expectations, governance, and protocols for the EJAC, including all members, and CARB. ~~This ongoing process allows~~ The Charter, as amended XX 2024, will better enable EJAC to advise the ~~CARB~~ Board on pertinent matters in implementing Health and Safety Code, Division 25.5, known as the Global Warming Solutions Act or AB 32.

2. Background

The state has a long history of leadership in promoting public health and environmental protection. However certain practices have resulted in low-income communities and communities of color being disproportionately exposed to health hazards and pollution burdens—many that result from climate change. With the passage of the California Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32, Stats. 2006, ch. 488; Health & Saf. Code §§ 38500 et seq.), CARB was charged with helping California achieve its climate goals and thus plays a critical role in influencing environmental policies and practices.

~~The EJAC was created through AB 32. The~~ AB 32 mandate for an EJAC ~~in the passage of AB 32~~ is a significant recognition by the California Legislature and Governor of California of the importance of, ~~giving~~ environmental justice stakeholders a seat at the table in implementing California's climate programs.

~~The legislation~~ AB 32 called for CARB to convene ~~this Committee~~ the EJAC to advise the Board in developing the Scoping Plan, and any other pertinent matter in implementing AB 32.

AB 32 requires CARB to develop a Scoping Plan for California to achieve its climate goals, and to update it every five years. Four iterations of the Committee have been convened. The first EJAC was in 2007 to advise on the Initial Scoping Plan. The second EJAC was convened in March 2013 to advise the Board on the 2013 Scoping Plan Update. The third EJAC was convened in 2015 to advise on the 2030 Target Scoping Plan Update. The fourth EJAC was convened in 2021 to advise on the 2022 Scoping Plan Update. In March 2023, after many years of advocacy for an ongoing committee, the creation of an ongoing EJAC was created, is representing a watershed moment for both the environmental justice movement and for CARB.

Only with sustained leadership from environmental justice advocates and meaningful ~~partnership and~~ collaboration from CARB can Californian's in environmental justice communities experience improvement in their quality of life. Given the history and the ongoing, complex nature of climate policy planning and implementation, an ongoing EJAC ~~will seek~~s to ensure that communities most impacted see improvements, have increased resiliency in the face of mounting climate impacts, and do not experience an increase in exposure to air pollutants.

3. Definitions

"Assembly Bill 32 (AB 32)" means the Global Warming Solutions Act of 2006 (Nunez, Stats. 2006, ch. 488); Health and Safety Code sections 38500 et seq.

"Environmental Justice" has the same meaning as in Government Code section 65040.12(e) and California Health and Safety Code section 39711.

"Majority" means more than half of the total EJAC members ~~present at a meeting appointed to EJAC at the time of the meeting, plus one.~~

"Per Diem" means a payment of public funds to EJAC members as authorized by and consistent with Health and Safety Code sections 38591(c) and 39603 and Government Code section 11564.5. Payment is provided for attendance at (1) EJAC public and joint EJAC/CARB Board meetings, (2) EJAC Co-Chairs meetings, and (2) CARB Board meeting(s) or other CARB related meetings as further specified by the Board.

"Travel reimbursement" means providing reimbursement for reasonable travel expenses, such as meals and lodging, according to the California Department of Human Resources (CalHR) guidelines.

"Quorum" means a majority of more than half of the current number of EJAC members ~~half of the entire EJAC members, plus one~~ and is the minimum number of EJAC members required to hold a meeting and conduct a vote. A quorum is six or more members in attendance.

4. Disclaimers

This Charter does not alter or modify the terms of any law and does not constitute legal advice. This Charter is not intended, and should not be construed, to define the legal relationship between CARB and anyone else. This Charter is not a regulation, and it does not create, expand, limit, waive, or interpret any legal rights or obligations. It does not affect or diminish any rights or protections afforded to any person or entity under any law. Nothing in this policy will be construed to prevent CARB from taking timely action to fulfill legal obligations to protect the public health and safety, or the environment; or to carry out federally mandated duties under delegated federal programs. Nothing in this policy will be construed to prevent EJAC from taking timely action to fulfill its obligations.

5. AB 32 Statutory Language

Health and Safety Code section 38591 states the following:

(a) The state board, by July 1, 2007, shall convene an environmental justice advisory committee, of at least three members, to advise it in developing the scoping plan pursuant to Section 38561 and any other pertinent matter in implementing this division. The advisory 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.

(b) The state board shall appoint the advisory committee members from nominations received from environmental justice organizations and community groups.

(c) The state board shall provide reasonable per diem for attendance at advisory committee meetings by advisory committee members from nonprofit organizations.

6. EJAC Mission Statement

The mission of the EJAC is to advise the Board on environmental justice considerations, prioritizing racial equity, related to implementation of AB 32, via input to CARB on the Scoping Plan Updates and any other pertinent matter related to the implementation of AB 32. EJAC will engage with community members to ensure that communities impacted by the climate crisis are engaged in CARB's climate programs. AB 32 requires CARB to convene an EJAC to advise the Board in development of the Scoping Plan and any other pertinent matters in implementing the Global Warming Solutions Act under Division 25.5 (AB 32).

CARB intends to convene EJAC to support ongoing advice from environmental justice representatives as the agency endeavors to meet its required greenhouse gas emission goals, and to incorporate to the extent possible the environmental justice priorities identified by the EJAC.

7. EJAC and CARB Goals ~~CARB and EJAC Goals~~

a. EJAC Goals

- i. Inform CARB of environmental justice needs and concerns. Provide actionable recommendations that can be integrated into the fabric of the State's AB 32 climate programs.
- ii. Promote, and where feasible, directly participate in cooperative efforts with all relevant bodies (State Agencies, Departments, Community Based Organizations, Residents) and other key stakeholders to provide the best possible advice to CARB on the development and implementation of the Scoping Plan and any other pertinent matter related to the implementation of the AB 32 to ensure climate solutions include and benefit environmental justice communities.
- iii. Provide recommendations and where feasible convene and facilitate discussions on how best to reduce greenhouse gas emissions while maximizing co-benefits and the overall societal benefits, including reductions in other air pollutants, diversification of clean or renewable energy sources, community resilience, just transition and other benefits to the economy, environment, and public health.

b. CARB Goals

- i. Support the EJAC in achieving the EJAC mission statement.
- ii. Ensure that EJAC public meetings, including joint meetings with the Board, have relevant, substantive, and tangible items for discussion, and consider timing to allow for more robust dialogue.
- iii. Support EJAC in having relevant background and technical information available for thoughtful consideration during EJAC public and joint EJAC/CARB Board meetings.
- iv. Provide clear pathways for EJAC and its members to provide direct feedback to the Board on proposals and existing policy.
- v. Seek to ensure that all divisions working on climate programs engage with the EJAC to inform the development of the Scoping Plan and its implementation, which will help ensure that CARB addresses environmental injustices and advances racial equity in achievement of its mission.
- vi. Ensure integration of planning efforts and consideration of environmental justice across all pertinent divisions through a plan that supports direct

- conversations between the board, climate program divisions, the EJAC, and community stakeholders, consistent with the law and resources.
- vii. Be transparent with publicly available information as requested by EJAC members in relation to the Scoping Plan and its implementation. This includes providing briefings and/or ensuring the information is accessible to support EJAC's development of recommendations.
 - viii. Support engagement of environmental justice communities in the planning, implementation, and enforcement of AB 32 by providing additional time and space where legal and feasible (including community driven workshops and webinars) to report and seek feedback on the Scoping Plan and related rules and regulations, especially issues most relevant to the experience of those communities.
 - ix. Provide resources, consistent with the law and where CARB resources permit, to community groups for engagement in priority environmental justice neighborhoods.
 - x. Ensure robust research, planning, implementation, and enforcement across CARB divisions, regarding disparate and cumulative impacts to environmental communities.
 - xi. Work with EJAC on policies, practices, and other relevant information that institutionalizes principles of environmental justice within CARB.
 - xii. Share feedback and recommendations for how to improve the EJAC process to realize the mission of advising the Board.

8. EJAC Meetings

- a. The EJAC is a "state body" as defined under the Bagley-Keene Act, Government Code section 11121(a) and (c).
- b. The EJAC will meet as a quorum a maximum of minimum eight times per year (i.e., ~~2~~ two times per quarter) for the EJAC public meetings.
- c. There will be minimum one joint EJAC/CARB meeting per year with a quorum of both bodies per year.
- d. When scheduling EJAC meetings, CARB rulemaking comment periods, specific deadlines for deliverables under the Administrative Procedure Act, California Environmental Quality Act, as well as other statutory and legislative deadlines shall be ~~incorporated~~ considered when determining into the meeting date(s).
- e. EJAC shall not conduct business during a public meeting without a quorum of EJAC members being present in accordance with the Bagley-Keene Act. Should a quorum not be present at any point in a public meeting, CARB or the facilitator will pause the meeting until quorum is reached again and continued in accordance with the Bagley-Keene Act.

If the pause lasts up to 15 minutes with no quorum achieved, the EJAC meeting will be cancelled. If the meeting is cancelled, a per diem payment and reimbursement for travel will not be provided to any EJAC members.

9. Membership

- a. Number of Members
 - i. The EJAC will be composed of no more than 11 members appointed by the Board. If this number drops below 11 due to removal or resignation of a member, CARB will release a public solicitation for new membership.
 - ii. There may be up to 11 ~~alternative~~ alternate members appointed by the Board, who are affiliated with an EJAC member, and who may only participate in EJAC meetings as an EJAC member if the primary EJAC member is unable to attend.
 - iii. If both the EJAC member and the alternate attend an EJAC meeting, only the EJAC member will receive stipend per diem payment for participation and will not be reimbursed for travel.
 - iv. ~~As an exception, there will be 13 members proposed for reappointment by the Board on March 23, 2023, who will serve out the 36-month term, pursuant to Health and Safety Code section 38591(b). These members were given the option to stay on for the ongoing EJAC.~~
- b. Selection of Members
 - i. ~~The CARB EJAC staff (CARB staff) CARB staff (Office of Environmental Justice, Tribal Affairs, and Border Relations (OEJTB)), in consultation with other CARB divisions, will issue public solicitations for qualified EJAC members when resignations, removals, or term expirations cause the total number of EJAC members to fall below 11. on an as needed basis,~~
 - ii. CARB staff will consult with a sub quorum of the EJAC members on appointment recommendations where feasible and allowed by law.
 - iii. Based on completed applications (nominations) received, CARB staff will review qualifications of the applicants and recommend to the Board new members and/or alternates for the EJAC.
 - iv. CARB will prioritize ~~in their recommendations to the Board for EJAC members,~~ representation to reflect the diversity of California, including geography California's geographic and regions, expertise, and tribal affiliation governments, in the recommendations to the Board for EJAC members.

- c. Qualifications of Members
 - i. Qualifications for EJAC members and alternates will be based on AB 32 statutory language, which requires that:
 - 1. EJAC members be appointed based on nominations from environmental justice organizations and community groups; and
 - 2. The EJAC 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.

- d. Term of Appointment
 - i. Members' appointment to the EJAC will be for a term of 36 months.
 - ii. ~~The EJAC membership term shall begin that begins~~ on the date the EJAC member is first appointed to the EJAC by the Board and/or the Executive Officer through Board delegation.
 - iii. The 36-month term for the members in the first ongoing EJAC began on March 23, 2023, upon Board's approval and will end on March 23, 2026.

- e. Reappointment
 - i. Any member whose term is ending or has ended may seek reappointment by submitting an application to CARB during a public solicitation period for EJAC appointments.

- f. Removal
 - i. A member of the EJAC may be removed under one of the following circumstances:
 - 1. Two-thirds of the EJAC members present and voting may vote to recommend to the Board the removal of a member upon demonstration of reasonable cause, provided, however, that reasonable cause shall not include any policy position taken by the member in their ~~his or her~~ capacity as a member of the EJAC. The Board may remove the member upon EJAC's recommendation ~~notice by the EJAC~~.
 - 2. The Board may remove a member upon demonstration by CARB staff of reasonable cause, provided, however, that reasonable cause shall not include any policy position taken by the member in their capacity as a member of the EJAC.

3. An EJAC member who misses 5 three or more ~~consecutive~~ EJAC meetings in a calendar year without an excused absence or communication with CARB or the EJAC Leadership Team will be ~~removed by the Board~~ automatically removed.
4. An excused absence from EJAC meetings may include events such as illness, family illness, emergency, and/or death of a loved one, if notification was provided to CARB and EJAC Co-Chairs in advance of the meeting start time unless extenuating circumstances do not allow advance notification.

g. Vacancies

- i. CARB staff will run new solicitations pursuant to section 9(b) and make recommendations to the Board for appointments to fill EJAC member vacancies on an as needed basis.
- ii. CARB staff will work with remaining EJAC members to determine if there are desired locations, communities, or areas of expertise ahead of releasing the public solicitation.
- iii. CARB staff will consider feedback from the public process and may also consider feedback from Board member engagement on areas of the state that could be better represented on the EJAC.

h. Resignation

- i. EJAC members who are resigning before their term ends must submit their resignation in writing to CARB and the EJAC Co-Chairs at least 10 days in advance of the next EJAC meeting to allow appropriate time to fill the vacancy.
- ii. EJAC members and CARB staff must ensure all reimbursement for EJAC meeting per diems are paid prior to resignation.
- iii. If the resignation results in loss of a Co-Chair, CARB will work with EJAC members to identify an interim Co-Chair for nomination at the next EJAC public meeting.

i. Alternates

- i. EJAC members may nominate alternates to participate in their absence. Nominations must be made in writing and include the same information required in applications for EJAC membership.
- ii. An alternate's term ends when their corresponding member's term ends. However, should the corresponding EJAC member be re-appointed by the Board, the alternate may continue their service for an additional term at the discretion of the EJAC member.

- iii. Alternates will be appointed by the Board in the same manner as EJAC members.
- iv. Alternates from non-profit organizations will only receive a stipend per diem and travel reimbursement for EJAC meeting(s) if the alternate attends a meeting on behalf of the Board appointed EJAC member who is unable to attend.
- v. The EJAC Member of an alternate may remove them from their position by providing written notification of said removal to CARB staff.
- vi. ~~Alternates will not receive stipend or travel reimbursements for EJAC meetings that they attend in addition to the EJAC member.~~

j. Per Diem and Travel Reimbursements

- i. CARB will provide a reasonable per diem to be determined by the Executive Officer and reasonable travel cost reimbursements to EJAC members (1) for attendance at EJAC meetings (~~i.e., minimum 8 times per year~~); and (2) when members are invited by CARB to attend and speak at CARB Board meeting(s) or other CARB ~~related~~ meetings as further specified by the Board.
- ii. Reasonable travel costs must follow the California Department of Human Resources (CalHR) guidelines¹.
- iii. EJAC members will not receive per diem or travel reimbursements for meetings that they organize and attend themselves.
- iv. CARB staff will provide EJAC members with a Travel Guide that outlines CalHR requirements and the travel expenses covered by the State, and the process for receiving travel reimbursements.
- v. EJAC members must adhere to all CalHR requirements and CARB travel guidance to receive reimbursement and must communicate with the CARB Travel Assistant on all changes to their travel plans.
- vi. At least three weeks before any planned travel, members must initiate a travel plan with the CARB Travel Assistant who will approve final travel plans prior to the meeting. Once travel is approved, members must adhere to the travel guidelines and document all expenses in order to be reimbursed.

10. Roles and Responsibilities

a. Meeting Expectations

- i. Always adhere to the Principles of Collaboration and Meeting Agreements outlined in section 14.

¹ California Department of Human Resources (CalHR) Travel Manual Guidance: [Human Resources Manual - CalHR](#)

- ii. Where feasible and to the extent allowed by law, implement and follow The People of Color Environmental Justice “Principles of Working Together,” “Jemez Principles for Democratic Organizing,” and other relevant principles, such as Guidelines Stating Principles for Working with Federally Recognized Indian Tribes, 81 Fed. Reg. 74,448 (Oct. 10, 2016).
- iii. Promote trust and healthy interactions. This will mean paying attention to ensure space is made for all EJAC members to participate.
- iv. Practice compassion, respect, and understanding.

b. Meeting Attendance

- i. Regular attendance of Committee members is expected in order for the Committee to function effectively.
- ii. Attendance requires that EJAC members must be present for at least 2/3 of the total meeting time and attend the meeting within the first 15 minutes of the noticed public meeting time. Timely attendance is also important to ensure the EJAC can reach quorum at the start of the meeting and begin conducting business. If the quorum requirement is not met within the first 15 minutes, the EJAC meeting will be cancelled. Please see the EJAC Meetings section.
- iii. EJAC members must give CARB staff and EJAC Co-Chairs advanced notice (at least 24 hours unless it is a family emergency) if an EJAC member cannot attend a meeting and whether they have an appointed alternate will join in their place.
- iv. For EJAC members attending meetings virtually, attendance requires that they have their camera turned on for the duration of the meeting consistent with requirements of the Bagley-Keene Open Meetings Act and are engaged in the meeting. Members must notify CARB staff as soon as possible if a technical difficulty prevents them from having their camera on. If members are attending virtually, they must have their camera turned on for the duration of the meeting to be considered present, consistent with the Bagley-Keene Open Meeting Act requirementsⁱ. Members must notify CARB staff in writing as soon as possible if a technical difficulty prevents them from having their camera on and announce this information when roll call is taken for EJAC meetings.
- v. Absent EJAC members can alert CARB staff who will contact the EJAC if they do not think a decision or discussion should move forward.

- vi. EJAC members must attend at least 2/3 of a meeting and the first 15 minutes to be considered present. Members that do not fulfill this requirement will not be eligible for a per diem payment and travel reimbursement.
- vii. ~~An EJAC member who misses five or more consecutive EJAC meetings without an excused absence or communication with CARB or the EJAC Co-Chairs will be removed.~~
- viii. ~~An excused absence may include events such as illness, family illness, emergency, and/or death of a loved one.~~

c. Leadership or Co-Chairs Leads

- i. A Leadership Team made of up to ~~3~~ three members, who shall be the EJAC Co-Chairs (Co-Chairs), will work with CARB staff, and a facilitation team if resources allow, in preparing meeting agendas, strategizing on the general direction and work planning for the full group and any working groups.
- ii. Co-Chairs will receive one preparatory meeting per diem per month for attending EJAC Co-Chair meeting(s) held with CARB staff in advance of an EJAC public meeting to prepare for discussion. The preparatory meeting per diem amount for attending Co-Chairs meeting(s) with CARB staff will be half of the per diem amount received for attending an EJAC Public Meeting. Preparatory meeting attendance requirements shall follow those set out in Section 10(b)(viii).
- iii. CARB staff will assist EJAC in identifying interested members and ensuring the Co-Chair membership reflects the geographic diversity of California. Important considerations include topic areas of focus and sharing EJAC workload across members.
- iv. The Co-Chairs will rotate each year to distribute the workload more evenly across the members. In the final EJAC public meeting each year, EJAC will elect three members to serve as Co-Chairs starting the first meeting of the following year. Terms for Co-Chairs will be one year, and each member may serve as Co-Chair for a maximum of two consecutive years.
- v. ~~The Leadership Team~~ Co-Chairs will also work to ensure the EJAC recommendations are shepherded to timely finalization in a publicly available document.
- vi. ~~The Leadership Team~~ Co-Chairs includes geographic representation from Southern, Central, and Northern California.
- vii. ~~The Leadership Team~~ Co-Chairs will serve as primary liaisons to CARB Board Liaison.
- viii. ~~The Leadership Team~~ Co-Chairs and any member thereof will only speak on behalf of the EJAC on substantive positions when those positions have been clearly established by the EJAC as a

whole, generally by a majority vote of the EJAC at a publicly noticed meeting.

- ix. For all matters, substantive, procedural, and otherwise, the EJAC will make an effort to clarify the scope of the authority of the ~~Leadership Team~~ Co-Chairs and any member thereof to speak on behalf of the EJAC at each publicly-noticed meeting.
- x. Notwithstanding these efforts, the ~~Leadership Team~~ Co-Chairs will be afforded reasonable leeway in communicating on behalf of the EJAC and will be given the benefit of the doubt should there be any question regarding the propriety of communication(s) of one or more members of the ~~Leadership Team~~ Co-Chairs to a third party, outside of a publicly-noticed meeting.
- xi. Members of the EJAC who are not a member of the ~~Leadership Team~~ Co-Chairs are generally discouraged from speaking on behalf of the EJAC, as a whole, unless specifically so authorized by a vote of a majority of the EJAC in a publicly-noticed meeting.
- xii. Any failure to abide by the above may result in censure by the EJAC, up to and including being ~~demoted~~ removed from a leadership position, whether as member of a working group, committee, or the ~~Leadership team~~ Co-Chairs.

d. Sub Quorum Meetings

- i. The EJAC may utilize sub quorum meetings as needed and allowed by law. However, care must be taken not to involve a quorum of members via subsequent communications (to avoid a prohibited "serial meeting").

e. CARB Support as Convener

- i. ~~The CARB EJAC staff Office of Environmental Justice, Tribal Affairs, and Border Relations (OEJTB)~~ will utilize existing staff to set up EJAC meetings and joint EJAC/CARB board meetings and provide assistance to the EJAC as it advises CARB on pertinent matter(s) regarding AB 32 implementation, consistent with available resources.
- ii. ~~Neutral third-party facilitation and interpretation for EJAC meetings and/or joint EJAC/CARB board meetings and technical writing support for EJAC may be provided, consistent with available resources are will may be available.~~
- iii. Neutral third-party interpretation and translation for CARB or EJAC materials may be provided, consistent with the law and available resources.

- iv. ~~Technical writing support for EJAC recommendations are is available through may be provided consistent with available resources.~~
- v. CARB will make every effort to provide reasonable accommodations and accessibility to those who request it, consistent with the law and available resources.

11. Decision-Making

- a. No action shall be taken at any EJAC meeting unless a quorum of EJAC members ~~(majority of members)~~ is present. Each voting member shall have one vote, and the EJAC may take action by vote of a majority of the members present and voting at a meeting at which a quorum is present. A majority of the members present at a meeting, whether or not a quorum is present, may adjourn the meeting to another time and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.
- b. The clearest and strongest power of the group exists when consensus can be reached. To seek consensus, when needed, the group may use informal polling to quickly understand the range of support a given proposal or recommendation has. The committee members will first strive for consensus. Minority opinions are also welcome and will be included in the public process.
- c. While performing these duties and responsibilities, the EJAC shall act in an advisory capacity to the CARB Board. The CARB Board shall maintain all policy and program decision-making authority.

12. Transparency and Conflict of Interest Requirements²

- a. As a State body, EJAC members are subject to legal requirements and agree to follow State Law, including but not limited to all transparency requirements identified in the Transparency Memo identified in footnote ~~four~~ and the conflict-of-interest restrictions established in Government Code § 87104.
- b. As a part of legal requirements, EJAC will meet in a public setting and EJAC meetings will include public comment, in accordance with legal requirements.

² CARB, CARB Advisory Committee Transparency Requirements (October 2022), [Final - CARB Advisory Committee Transparency Requirements - 10.19.2022.pdf](#)

13. Records

- a. CARB staff will post the EJAC public and joint meeting agendas 10 calendar days prior to each meeting as per Bagley-Keene Act.
- b. CARB staff will post meeting recordings after each EJAC meeting on the public EJAC page.
- c. CARB staff will post ~~staff shall provide~~ written minutes for each EJAC meeting. Minutes will:
 - i. Identify the date, time, and place of the meeting;
 - ii. Identify the EJAC members and CARB staff and Board members agency staff liaisons in attendance; and
 - iii. Contain a summary of actions taken; and
 - iv. Provide a record of the meeting start and end time.
 - v. Draft minutes will be provided to EJAC members before posting to CARB's website prior to the next regular meeting in order to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes will be provided upon request.
- d. EJAC records are public documents under the California Public Records Act, sections 7920.000 et seq. (formerly 6250 et seq.) of the California Government Code, subject to any exceptions set forth therein.

14. Principles for Collaboration and Meeting Agreements

EJAC members and their alternates agree to the following principles for collaboration and meeting agreements in order to ensure effective and efficient communications:

- a. Be Respectful: Communication needs to be respectful. Please do not interrupt people who are speaking. Please do not use language that is violent, bullying, offensive, attacking, or hurtful. Listen and be compassionate and supportive. Reach for/invite inspiration and intuition. Respect the agenda and trust the process.
- b. Communication: Strong emotions are okay and need to be responsibly communicated; personal attacks to or about EJAC members, their alternates, or CARB staff will not be tolerated. We encourage members to use using nonviolent communication techniques and to practice active listening.
- c. Expectations: Come prepared to meetings and ensure you have had a chance to review all documents that the EJAC will discuss. Be thoughtful about your comments and remember that virtual comments in the Zoom Chat are part of the public record. Be concise with your comments, and

always practice active listening. Be realistic and monitor our ability to get through the full agenda or decide when we need to go deeper on a particular part of the agenda rather than moving on.

- d. Be Present: Avoid distractions and agree to stay present. Active listening is imperative to ensure we understand other people's viewpoints. We also encourage the practicing of self-care while maintaining engagement. There will be a 15-minute break every 2 hours. If, during the course of the EJAC meeting you are unable to be present, please inform the group.
- e. Seek Synergies and be Flexible: Share responsibility for success. Seek out synergies in our work to find ways to move toward action where possible. Build on each other. Maintain openness to being flexible in our approaches.
- f. Timing: Respect time agreements; priority is given to EJAC member discussions; public members are invited to speak during the public comment period. Pay attention to equity of airtime. Be mindful of how much space you are taking and of those who have not spoken. Speak one at a time using a speaking order (if you have already spoken, yield your turn to someone who has not had a chance to speak); no one or two people will dominate the discussion; stick to the topic under discussion.
- g. Facilitation: The facilitator will intervene to keep the conversation on track and on time and will introduce and enforce the EJAC meeting agreements. Facilitation will do time checks to ensure the EJAC stays on track during the course of the meeting.

EJAC Co-Chairs will share an abbreviated version of these agreements at the start of each EJAC public meeting.

15. Effective Date and Amendments

The EJAC adopted the this original Charter on March 15, 2023.

This Charter was amended on XX, 2024.

The effective date of this Charter or any amendments is the date it is approved by the Board through a Resolution.

16. Acknowledgment and Approval of Charter

EJAC Members and their Alternates:

- a. Acknowledge and agree to follow all Charter provisions in sections 1 through 14.
- b. Approve of the Charter.

17. Resources

The below information is for reference. Words that were all capitalized have been changed to italicized to comply with accessibility requirements.

The People of Color Environmental Justice “Principles of Working Together”

Preamble

*“We, The People Of Color, gathered together at this multinational [, multiethnic] People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives [and to support traditional cultural economics] which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and [, water, air,] land and the genocide of our peoples, to affirm and adopt these *Principles of Environmental Justice.*”*

Principle One: Purpose

1. A The Principles of Working Together uphold the Principles of Environmental Justice and to eradicate environmental racism in our communities.
1. B The Principles of Working Together require local and regional empowered partnerships, inclusive of all.
1. C The Principles of Working Together call for continued influence on public policy to protect and sustain Mother Earth and our communities and also honor past promises and make amends for past injustices.

Principle Two: Core Values

2. A The Principles of Working Together commit us to working from the ground up, beginning with all grassroots workers, organizers and activists. We do not want to forget the struggle of the grassroots workers. This begins with all grassroots workers, organizers and activists.
2. B The Principles of Working Together recognize traditional knowledge and uphold the intellectual property rights of all peoples of color and Indigenous peoples.

2. C The Principles of Working Together reaffirm that as people of color we speak for ourselves. We have not chosen our struggle, we work together to overcome our common barriers, and resist our common foes.

2. D The Principles of Working Together bridge the gap among various levels of the movement through effective communication and strategic networking.

2. E The Principles of Working Together affirm the youth as full members in the environmental justice movement. As such, we commit resources to train and educate young people to sustain the groups and the movement into the future.

Principle Three: Building Relationships

3. A The Principles of Working Together recognize that we need each other and we are stronger with each other. This Principle requires participation at every level without barriers and that the power of the movement is shared at every level.

3. B The Principles of Working Together require members to cooperate with harmony, respect and trust—it must be genuine and sustained relationship-building. This demands cultural and language sensitivity.

3. C The Principles of Working Together demand grassroots workers, organizers and activists set their own priorities when working with other professionals and institutions.

3. D The Principles of Working Together recognize that community organizations have expertise and knowledge. Community organizations should seek out opportunities to work in partnerships with academic institutions, other grassroots organizations and environmental justice lawyers to build capacity through the resources of these entities.

Principle Four: Addressing Differences

4. A The Principles of Working Together require affirmation of the value in diversity and the rejection of any form of racism, discrimination and oppression. To support each other completely, we must learn about our different cultural and political histories so that we can completely support each other in our movement inclusive of ages, classes, immigrants, indigenous peoples, undocumented workers, farm workers, genders, sexual orientations and education differences.

4. B The Principles of Working Together require respect, cultural sensitivity, patience, time and a willingness to understand each other and a mutual sharing of knowledge.

4. C The Principles of Working Together affirm the value in our diversity. If English is not the primary language, there must be effective translation for all participants.

Principle Five: Leadership

5. A The Principles of Working Together demand shared power, community service, cooperation, and open and honest communication.

5. B The Principles of Working Together demand that people from the outside should not come in and think that there is no leadership in the grassroots community. The

people in the community should lead their own community and create legacy by teaching young people to be leaders.

5. C The Principles of Working Together demand that people from grassroots organizations should lead the environmental justice movement.

5. D The Principles of Working Together demand accountability to the people, responsibility to complete required work, maintain healthy partnerships with all groups.

Principle Six: Participation

6. A The Principles of Working Together demand cultural sensitivity. This requires patience and time for each group to express their concerns and their concerns should be heard.

6. B The Principles of Working Together require a culturally appropriate process.

6. C The Principles of Working Together have a commitment to changing the process when the process is not meeting the needs of the people. The changes should be informed by the people's timely feedback and evaluation.

Principle Seven: Resolving Conflicts

7.A The Principles of Working Together encourage respectful discussion of our differences, willingness to understand, and the exploration of best possible solutions.

7. B The Principles of Working Together require that we learn and strengthen our cross-cultural communication skills so that we can develop effective and creative problem-solving skills. This Principle promotes respectful listening and dialogue.

7. C The Principles of Working Together affirm the value in learning strengthening mediation skills in diverse socio-economic and multicultural settings.

Principle Eight: Fundraising

8. A The Principles of Working Together recognize the need for expanding sustainable community based avenues for raising funds, such as building a donor base, membership dues, etc.

8. B The Principles of Working Together oppose funding from any organization impacting people of color and indigenous communities. In addition, the Principles oppose funding from any organization that is the current target of active boycotts, or other campaign activity generated by our allies.

8. C The Principles of Working Together encourage larger environmental justice organizations to help smaller, emerging environmental justice organizations gain access to funding resources. We encourage the sharing of funding resources and information with other organizations in need.

Principle Nine: Accountability

9. A The Principles of Working Together encourage all partners to abide by the shared agreements, including, but not limited to, oral and written agreements. Any changes or developments to agreements/actions need to be communicated to all who are affected and agreed upon.

9. B The Principles of Working Together encourage periodic evaluation and review of process to ensure accountability among all partners. Any violation of these agreements or any unprincipled actions that violate the EJ principles, either:

1. Must attempt to be resolved among the partners
2. Will end the partnership if not resolved

AND

3. Will be raised to the larger EJ community

“Jemez Principles for Democratic Organizing”

Activists meet on Globalization

On December 6-8, 1996, forty people of color and European-American representatives met in Jemez, New Mexico, for the “Working Group Meeting on Globalization and Trade.” The Jemez meeting was hosted by the Southwest Network for Environmental and Economic Justice with the intention of hammering out common understandings between participants from different cultures, politics and organizations. The following “Jemez Principles” for democratic organizing were adopted by the participants.

#1 Be Inclusive

If we hope to achieve just societies that include all people in decision-making and assure that all people have an equitable share of the wealth and the work of this world, then we must work to build that kind of inclusiveness into our own movement in order to develop alternative policies and institutions to the treaties policies under neoliberalism.

This requires more than tokenism, it cannot be achieved without diversity at the planning table, in staffing, and in coordination. It may delay achievement of other important goals, it will require discussion, hard work, patience, and advance planning. It may involve conflict, but through this conflict, we can learn better ways of working together. It’s about building alternative institutions, movement building, and not compromising out in order to be accepted into the anti-globalization club.

#2 Emphasis on Bottom-Up Organizing

To succeed, it is important to reach out into new constituencies, and to reach within all levels of leadership and membership base of the organizations that are already involved in our networks. We must be continually building and strengthening a base which provides our credibility, our strategies, mobilizations, leadership development, and the energy for the work we must do daily.

#3 Let People Speak for Themselves

We must be sure that relevant voices of people directly affected are heard. Ways must be provided for spokespersons to represent and be responsible to the affected

constituencies. It is important for organizations to clarify their roles, and who they represent, and to assure accountability within our structures.

#4 Work Together In Solidarity and Mutuality

Groups working on similar issues with compatible visions should consciously act in solidarity, mutuality and support each other's work. In the long run, a more significant step is to incorporate the goals and values of other groups with your own work, in order to build strong relationships. For instance, in the long run, it is more important that labor unions and community economic development projects include the issue of environmental sustainability in their own strategies, rather than just lending support to the environmental organizations. So communications, strategies and resource sharing is critical, to help us see our connections and build on these.

#5 Build Just Relationships Among Ourselves

We need to treat each other with justice and respect, both on an individual and an organizational level, in this country and across borders. Defining and developing "just relationships" will be a process that won't happen overnight. It must include clarity about decision-making, sharing strategies, and resource distribution. There are clearly many skills necessary to succeed, and we need to determine the ways for those with different skills to coordinate and be accountable to one another.

#6 Commitment to Self-Transformation

As we change societies, we must change from operating on the mode of individualism to community-centeredness. We must "walk our talk." We must be the values that we say we're struggling for and we must be justice, be peace, be community.

"Principles of Environmental Justice"

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted 17 principles of Environmental Justice. Since then, The Principles have served as a defining document for the growing grassroots movement for environmental justice.

Preamble

We, The People Of Color, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of

colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:

- 1) Environmental Justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
- 2) Environmental Justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
- 3) Environmental Justice mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
- 4) Environmental Justice calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
- 5) Environmental Justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
- 6) Environmental Justice demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
- 7) Environmental Justice demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.
- 8) Environmental Justice affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.
- 9) Environmental Justice protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
- 10) Environmental Justice considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.

11) Environmental Justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.

12) Environmental Justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.

13) Environmental Justice calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.

14) Environmental Justice opposes the destructive operations of multi-national corporations.

15) Environmental Justice opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.

16) Environmental Justice calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.

17) Environmental Justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.
