

**AB 32 Environmental Justice Advisory Committee (“EJAC”)
November 14, 2024, EJAC Public Meeting
Minutes**

EJAC Member Attendees:

1. Thomas Helme
2. Luis Olmedo*

Virtual:

3. Dr. Catherine Garoupa
4. Kevin Hamilton
5. Martha Dina Argüello
6. Matt Holmes
7. Kevin Jefferson III
8. Jill Sherman-Warne
9. Ruth Lopez, alternate for Rey Leon
10. Rey Leon**

*joined during Item Agenda #2

**joined during Agenda Item #4

EJAC Members not in Attendance:

11. Juan Flores
12. John Harriel Jr.

CARB Attendees:

- Chanell Fletcher
- Radhika Majhail
- Karina Jhaj
- Ashley Georgiou
- Bobbi Ruch

Other Attendees:

- Jane Harrington, Leading Resources Inc. (Facilitator)

Meeting Minutes

Agenda Item #1: Housekeeping and Logistics

Quorum was reached at 2:05 pm and the public meeting began. The facilitator provided general housekeeping and logistics information and conducted EJAC member roll call. 9 EJAC members were present; 2 were absent.

Agenda Item #2: Introductions and Opening Remarks

- **Welcome from CARB and acknowledgement of CARB participation.**

Deputy Director Chanell Fletcher welcomed everyone and provided opening remarks. She shared that one agenda item for today's meeting, CARB presentation on Cap-and-Trade regulatory amendments was cancelled due to unforeseen circumstances. She updated the Committee on travel claims processing informing that staff had processed travel claims for all meetings to date, and requested any member with outstanding issues contact EJAC staff directly. She reminded the Committee of the process for travel claims processing.

- **EJAC Co-Chairs to provide opening remarks including ground rules, meeting agreements, and an agenda overview.**

EJAC Co-Chairs Dr. Catherine Garoupa, Kevin Jefferson III, and Martha Dina Argüello provided opening remarks.

Dr. Garoupa noted the Low Carbon Fuel Standard vote the CARB took the previous Friday. She felt that the EJAC recommendations were not meaningfully incorporated, but that she is proud of the work the Committee did in developing the recommendations. She noted that the Committee previously highlighted that under the LCFS, pass-through costs might be inequitably distributed to low-income households, an issue that was again raised in the lead up to the LCFS Board meeting vote. She stated that there was scolding for raising this as an issue in the September 2023 CARB/EJAC Joint Board Meeting. Given this, she further stated that CARB needs to engage with critiques and not dismiss or seek to silence people stating that it is not a constructive way of developing robust and equitable climate policy. She thanked the groups and communities who continue to work on environmental justice.

Kevin Jefferson III commended CARB Board Member Hurt for her work and sacrifice and that he felt it was tragic what happened. Deputy Executive Officer Chanell Fletcher elaborated on Kevin's comment and noted that Board Member Hurt did not win her reelection bid on the Belmont City Council and will thus no longer serve on the Bay Area Air Quality Management District or the CARB Board. Chanell indicated this change to her participation on the Board would not be immediate, but would go into effect after 90 days or so.

Martha Dina Argüello compared the work of the Committee and the environmental justice community to that of a canary in a coal mine, warning of risks. She shared how

frustrating it is to be part of the Committee, and that she hoped CARB would have better enforcement and regulations.

Agenda Item #3: EJAC and CARB Status Update on Charter Revisions

Radhika Majhail, Branch Chief for the Environmental Justice and Equity Branch, provided an update on the EJAC Charter revisions. She shared that after conversations with the EJAC Charter subgroup on the topic, they collectively decided not to bring the Charter revisions to the Committee for a vote in today's meeting to allow more time for discussion and for the best possible outcome. She noted the subgroup will meet with CARB staff in mid-December. She stated that once the draft Charter revisions are ready, they will be brought to the Committee for a vote and then taken to the CARB Board.

Kevin Hamilton affirmed these comments, noting that the Cap-and-Trade Program recommendations have been the recent focus. He noted that the goal is to bring the Charter revisions back to the Committee in the spring.

Agenda Item #4: EJAC Guest Speaker Presentation on the Cap-and-Trade Regulation

Caroline Farrell, Director of the Environmental Law and Justice Clinic at Golden Gate University and previous Executive Director at the Center on Race, Poverty, and the Environment and EJAC member, provided historical context on the Cap-and-Trade Program discussion from her time on the EJAC.

Kevin Hamilton asked about EJAC'S past concerns that were not included in the Scoping Plan or recommendations she felt were not considered and Caroline shared some examples. Catherine Garoupa thanked Caroline for coming in to speak and asked if she could share a story about the late co-founder of Center on Race, Poverty, and the Environment on how he came into a meeting and talked about the recommendations that really resonated with her. Caroline Farrell stated that when she was on the EJAC, there was frustration with concerns from the EJAC not being addressed in the Scoping Plan in which the late co-founder expressed outwardly.

Kevin Jefferson III asked about fence line communities and Caroline Farrell discussed studies showing a correlation between increase in greenhouse gas emissions and pollution in fence line communities.

Matt Holmes shared his experience on the AB 1757 Natural Working Lands Expert Advisory Committee and concern that technical expertise was not being included in final documents. Matt discussed the idea of tracking tools to demonstrate that the EJAC recommendations are being considered by CARB in our programs. Martha Dina Argüello recalled that there was a table created to align the EJAC recommendations. Martha Dina shared about the creation of an adaptive management program to collect data and expressed frustration that it was not continued.

Kevin Hamilton appreciated knowing the history on the topic and shared an experience where recommendations were incorporated in the Scoping Plan, but that the needle needs to move further. Kevin commented on the importance of tracking and using data to inform decision making.

Kevin Jefferson III asked about enforcement under the Cap-and-Trade Program and Caroline Farrell shared her perspective on the challenges with that.

Chanell Fletcher thanked Caroline Farrell for presenting and commented on the usefulness of knowing the history. She discussed the transparency efforts made to incorporate the EJAC recommendations into the 2022 Scoping Plan and the opportunities for more responsiveness, tracking, and accountability along with the possibility of a subquorum on the topic for CARB and EJAC to collaborate on further developing an adaptive management program.

Agenda Item #5: EJAC Discussion on the Cap-and-Trade Program and Recommendations

Dr. Catherine Garoupa opened by thanking everyone who contributed to the Cap-and-Trade Program Resolution. She noted the revisions are marked in the posted version of the document on CARB's EJAC webpage. She stated that the process related to Cap-and-Trade is ongoing at CARB and though the goal is to finalize and vote on the Resolution today, the Resolution can be changed or adjusted in the future as needed.

Thomas Helme highlighted the revised portion of the recommendation about prohibiting the permitting of stationary sources of pollution in disadvantaged communities. He stated that he asked in a meeting if was there anything in the Low Carbon Fuel Standard that says you cannot earn credits through that program if you're adding pollution to a disadvantaged community and the answer was no. He further stated this should be the most basic threshold we meet to ensure the Cap-and-Trade Program is not sacrificing environmental justice communities. He commented that he felt the basic purpose should be that credits cannot be earned if pollution is being added to a disadvantaged community and appreciated that was included in the Resolution.

Matt Holmes discussed the idea of civil rights and equal protection under the law and how that might be used in environmental justice efforts. Caroline Farrell described some of the obligations of the law and work related to that in environmental justice.

Kevin Hamilton made a motion to accept the edits noted in the most recent version of the Cap-and-Trade recommendations and moved to approve the Resolution. Matt Holmes seconded the motion. [Jill Sherman-Warne 1:12:32] seconded the motion also.

Agenda Item #6: Public Comment

Public comment was taken, and 5 members of the public provided comment.

Please see the video recording on CARB's EJAC [webpage](#) for the comments.

Agenda Item #7: Cap-and-Trade Program Recommendations Motion

Kevin Hamilton made a motion to accept the edits noted in the most recent version of the Cap-and-Trade Program recommendations and moved to approve the Resolution. Matt Holmes seconded the motion. [Jill Sherman-Warne 1:12:32] seconded the motion also.

In the roll call vote in favor of approving the recommendation, 9 Committee members voted yes and 2 were absent. The motion passed.

Agenda Item #8: Public Comment

Public comment was taken, and 0 members of the public provided comment.

Agenda Item #9: Next Steps and Closing Remarks

The EJAC facilitator Jane Harrington noted that a poll had been sent out to Committee members to determine 2025 EJAC meeting dates and asked everyone to respond to the poll.

Dr. Catherine Garoupa wished for a restful break for all and that things go well for Martha Dina Argüello. Martha Dina thanked the group. Kevin Jefferson III acknowledged that work is difficult and thanked everyone for participating.

The meeting was adjourned at 3:32 p.m.