

May 7, 2008

Mary D. Nichols, Chairman
James Goldstene, Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Nichols and Mr. Goldstene:

We write to express our deep and continuing concern that the California Air Resources Board has, to date, failed to undertake the type of analytical work required to ensure that the State's plans to implement the requirements of The Global Warming Solutions Act of 2006 ("AB 32") "maximizes benefits for California's economy, improves and modernizes California's energy infrastructure and maintains electric system reliability, maximizes additional environmental and economic co-benefits for California, and complements the state's efforts to improve air quality."¹

On April 22, 2008, in anticipation of a meeting between us and senior staff in the Office of Climate Change, staff provided us with an internal memo titled "Work Underway to Fulfill AB 32 Evaluation Requirements." We believe this document was created in response to our concerns about a lack of analysis in the Scoping Plan of issues critical to the environmental justice community. We were disheartened to see that it appears there is neither substantive work underway to meet the requirements of the statute, nor is there a plan for undertaking such analysis.

During the extensive negotiations which lead to the adoption of AB 32, we raised a number of questions that are important to the environmental justice community, including:

- What would the impact be to public health from the policy and regulatory choices made to address GHGs and how would those impacts differ given differing mixes of choices?
- What would the impact be to existing criteria and toxic emissions levels and how would those impacts differ given differing mixes of choices?
- How would different policy and regulatory choices impact the diversification of California's energy sources and how would those impacts differ given differing mixes of choices?
- How would different policy and regulatory choices impact California's environment, especially in communities already disproportionately impacted by pollution, and how would those impacts differ given differing mixes of choices?
- How would different policy and regulatory choices impact California's economy, especially for low-income communities, and how would those impacts differ given differing mixes of choices?
- What are the range of costs and benefits, both economic and noneconomic, of different policy and regulatory choices and how do they differ given differing mixes of choices?

The language in AB 32 that sought to ensure these questions were addressed in the development of the Scoping Plan, CARB's roadmap to the implementation of the vast majority of the effort to reduce GHG emissions, is clear:

¹ Health and Safety Code §38501(h).

The state board shall evaluate the total potential costs and total potential economic and noneconomic benefits of the plan for reducing greenhouse gases to California's economy, environment, and public health, using the best available economic models, emission estimation techniques, and other scientific methods.²

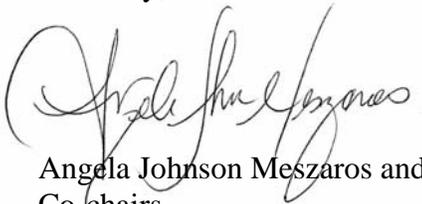
At workshops and committee meetings since the beginning of the AB 32 implementation process, we have asked for analysis that allows CARB to follow that requirement in the law. Staff's answers were vague, at best, and there were reoccurring promises to "get to that." In the document that we were given on April 22, 2008, there was little indication that these kinds of analysis are being undertaken despite being less than two months from the scheduled release of the draft Scoping Plan.

After discussions with staff, it seems clear that not only are the types of analysis required by AB 32 not being undertaken, but also the questions that should be asked in order to allow such an analysis have not even been formulated. There has been no Request for Proposals or other efforts to seek outside expertise on how best to understand, research, and answer the constellation of questions that would allow CARB to know and evaluate, "the total potential costs and total potential economic and noneconomic benefits of the [scoping] plan...on [the] environment and public health" or the other questions the law seeks to have answered. It also seems that CARB does not have internal staff expertise to conduct such analysis. For example, it does not seem as if staff has even developed a list of economic and noneconomic costs and benefits that could be derived from various approaches or timelines for GHG emissions reductions. Staff does not seem equipped to answer even a simple question such as "what would be the impact to the economy, environment and public health if a regulation required an emissions reduction to occur by 2015 versus 2020?"

The apparent complete lack of a rigorous methodology for considering the law's requirements is deeply troubling and can only lead to a failure to have the information available to truly understand, avoid or minimize impacts of AB 32's implementation on low-income communities and communities of color in California, as well as to maximize the benefits and minimize the harms to all people and businesses of California.

While we are disheartened, we remain committed to working to address these very serious issues. As the Air Resources Board and its staff move forward with the implementation of AB 32, we look forward to working with you to rectify this situation and develop a plan which provides the model to other states and the world for how to reduce GHG emissions in a manner that is socially just.

Cordially,



Angela Johnson Meszaros and Jane Williams
Co-chairs

Environmental Justice Advisory Committee on the Implementation of the
Global Warming Solutions Act of 2006 (AB 32)

² Health and Safety Code §38561(d).