

**January 2011  
California Air Resources Board  
Low Carbon Fuel Standard  
Advisory Panel Charter**

On April 23, 2009, the California Air Resources Board (ARB or Board) approved the Low Carbon Fuel Standard (LCFS) regulation. The regulation became effective as of April 15, 2010. Section 95489 of the regulation requires the Executive Officer to conduct two reviews of the LCFS program in a public process. The Executive Officer is also required to convene an Advisory Panel with which he will consult on the reviews. The reviews will address a broad range of implementation topics and may include recommended amendments to the regulation. Staff will present the results of these reviews to the Board by January 1, 2012, and January 1, 2015.

This document describes the formation and organization of the LCFS Advisory Panel, the Panel's mission, as well as the recommended approach the Panel will take to complete its tasks. Specifically, after providing some background, we describe the scope of work for the Advisory Panel, its structure, the overall schedule for the first review for which the Panel is responsible, and how administrative procedures will be handled. However, several elements will be discussed during the initial meeting of the Advisory Panel and may be adjusted accordingly.

## **I. Background**

As noted, the regulation specifies that the Executive Officer is to establish an Advisory Panel to participate in the reviews of the LCFS program and provide comments on ARB staff's assessments of each review area. Section IV of this proposal lists the various areas that are to be considered as part of the reviews. (Please see Scope of Work below for a list of topics.) The regulation also specifies that the Advisory Panel should include representatives of the California Energy Commission; the California Public Utilities Commission; fuel providers; storage and distribution infrastructure owner/operators; consumers; engine and vehicle manufacturers; environmental justice organizations; environmental groups; academia; public health; and other stakeholders and government agencies, as deemed appropriate by the Executive Officer.

After conducting a solicitation that included a notice distributed via the LCFS and Fuels list serves and posting the application for the Panel on ARB's LCFS public web page, about 60 applications were submitted. ARB staff recommended panelists based on several factors, including experience of the applicant, the organizations represented in order to establish a broad base of representation, and supporting documentation such as letters of recommendation.

## II. Scope of Work

The LCFS Advisory Panel will discuss and provide input on issues focusing on the implementation of the LCFS. Specifically, section 95489(a) of the regulation defines the minimum scope of the two required program reviews. Though other topics may be added, each review is to include the following topics:

- (1) The LCFS program's progress against LCFS targets;
- (2) Adjustments to the compliance schedule, if needed;
- (3) Advances in full, fuel-lifecycle assessments;
- (4) Advances in fuels and production technologies, including the feasibility and cost-effectiveness of such advances;
- (5) The availability and use of ultralow carbon fuels to achieve the LCFS standards and advisability of establishing additional mechanisms to incentivize the use of higher volumes of these fuels;
- (6) An assessment of supply availabilities and the rates of commercialization of fuels and vehicles;
- (7) The LCFS program's impact on the State's fuel supplies;
- (8) The LCFS program's impact on State revenues, consumers, and economic growth;
- (9) An analysis of the public health impacts of the LCFS at the state and local level, including the impacts of local infrastructure or fuel production facilities in place or under development to deliver low carbon fuels, using an ARB approved method of analysis developed in consultation with public health experts from academia and other government agencies;
- (10) An assessment of the air quality impacts on California associated with the implementation of the LCFS; whether the use of the fuel in the State will affect progress towards achieving State or federal air quality standards, or result in any significant changes in toxic air contaminant emissions; and recommendations for mitigation measures to address any adverse air quality impacts identified;
- (11) Identification of hurdles or barriers (e.g., permitting issues, infrastructure adequacy, research funds) and recommendations for addressing such hurdles or barriers;
- (12) Significant economic issues; fuel adequacy, reliability, and supply issues; and environmental issues that have arisen; and
- (13) The advisability of harmonizing with international, federal, regional, and state LCFS and lifecycle assessments.

The Panel will provide comments to ARB staff for incorporation into a report, which will be submitted to the Board regarding implementation of the program. Along with the staff's assessment, the report will include Panel findings and recommendations.

The regulation requires ARB staff to evaluate the above topics and to solicit the Advisory Panel to participate in the review by commenting on staff evaluations. As this list indicates, the scope of the staff's program review is comprehensive. However, several of these topics overlap with work underway by other LCFS workgroups. The following workgroups have been established to address provisions of the LCFS:

- High Carbon Intensity Crude Oil Workgroup
- Sustainability Workgroup
- Biorefinery Siting Workgroup
- LCFS Reporting Tool Workgroup
- LCFS Electricity Workgroup

To avoid duplication of the work being conducted by the other workgroups, ARB staff involved in those workgroups, as well as others, will be invited to provide presentations on their workgroup activities and findings at one or more of the Advisory Panel meetings. To the extent feasible, the findings from these and other LCFS workgroups will be incorporated into the review report that is considered by the Panel.

At its kick-off meeting, the Advisory Panel will discuss its charge, including its overall priorities. The result of this discussion will be used to further focus the Panel's work. As part of the kick-off meeting, the interest in and feasibility of developing any stand-alone reports from the Panel or any workgroups that are established will also be discussed.

### **III. Advisory Panel Structure**

#### **1. Overall Structure**

- Mr. Richard Corey, Chief of the Stationary Source Division, Air Resources Board, will chair the Advisory Panel with Michelle Buffington acting as Co-chair. The Chair will also seek to use a professional facilitator to run the meetings. With input from the Chair, the facilitator will prepare meeting agendas, prepare minutes, and assist with report preparation.
- In addition to the panelists, outside experts may be invited to particular meetings to provide information that may be useful to the Panel in developing its comments.
- Agendas will be developed in consultation with the Panel but are expected to be structured around the questions the Panel is to address.
- Though this may change based on input from the Panel, it is not expected that the Panel will draft a report. Rather, ARB staff anticipates preparing white papers, presentations, and other materials to address major program elements. These materials will be provided to the Advisory Panel for discussion, review, and comment. The materials will describe the program element evaluated, the preliminary findings reached, and any potential actions that may be recommended (e.g., data needed to better

monitor implementation, potential regulatory changes). The materials, in consideration of the Panel's comments as well as those of other stakeholders, will be used to develop a report that the Board will consider by the end of the year.

## 2. Panel Meetings

- All panel meetings will be public and subject to the requirements of the Bagley-Keene Open Meeting Act of 2004 and related rules, regulations, and policies.<sup>1</sup>
- The first meeting of the Panel is February 16, 2011.
- The Panel will meet four to six times in an effort to review staff's analysis and, if necessary, develop its recommendations for consideration by the Board when the first program review report is presented to the Board.
- Meetings will be webcast whenever possible.
- Meeting materials (e.g., meeting agendas, meeting summaries, presentations, documents to be reviewed) will be posted on ARB's web site.
- Meetings will focus on discussing staff's analyses/assessments of specific topics including those identified in Section IV.

## 3. Responsibilities

### **Responsibilities of the Chair:**

1. Ensure discussion on key issues remains focused.
2. Approve alternates.
3. Clarify role of Panel.
4. Clarify role of ARB staff.
5. Clarify points of discussion as needed.
6. Approve workplan and disseminate meeting summaries.

### **Responsibilities of the facilitator:**

1. Facilitate the conversation so the Panel stays focused on the issues.
2. Ensure all perspectives are heard as time permits.
3. Clarify points of discussion as needed.
4. Help members adhere to the process and ground rules.
5. Prepare meeting notes and summaries.
6. Assist ARB in compiling the report for the Board.

### **Responsibilities of the LCFS Advisory Panel Members:**

1. Attend each meeting to ensure continuity throughout the process.
2. Prepare in advance and set aside time for the meetings.
3. Treat everyone and their opinions with respect.
4. Allow one person to speak at a time.
5. Be courteous by not engaging in sidebars.
6. Stay focused on the specific topics for each meeting.

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<sup>1</sup> The Bagley-Keene Act can be found here: [http://www.cab.ca.gov/pdf/misc/open\\_meeeting\\_act.pdf](http://www.cab.ca.gov/pdf/misc/open_meeeting_act.pdf)

7. Comment constructively, specifically, and in good faith.
8. Avoid representing to the public or media the views of any other member or the Panel as a whole.
9. Provide ARB staff and the facilitator with research and documentation as needed. All documentation is to be provided in electronic format within two days of the meeting.
10. Conduct Panel-related activities in compliance with the requirements of Bagley-Keene Open Meeting Act, summarized in the attached memorandum and brochure provided by ARB Office of Legal Affairs.

#### **IV. Panel Composition**

As specified in the regulation, the Advisory Panel is to be comprised of representatives from the California Energy Commission; the California Public Utilities Commission; fuel providers; storage and distribution infrastructure owners/operators; consumers; engine and vehicle manufacturers; environmental justice organizations; environmental groups; academia; public health; and other stakeholders and government agencies, as deemed appropriate by the Executive Officer.

Following a solicitation for organizations interested in being represented on the Panel, organizations and individuals submitted applications, CVs, and letters of recommendation. ARB staff, along with input from Board members, selected the panelists from the application pool with expertise in the areas to be reviewed.

Members of the Advisory Panel, including their affiliation, will be listed on the ARB website at:  
<http://www.arb.ca.gov/fuels/lcfs/workgroups/advisorypanel/advisorypanel.htm>

#### **V. Expenses**

Participants will be expected to absorb their individual costs to participate. ARB staff will provide the overall administrative support (e.g., securing rooms, summarizing the meeting) for the Panel. We will also be securing the services of a facilitator for the group.

#### **VI. Public Records and Confidentiality**

LCFS Panel records and work products, such as formal documents, discussion drafts, meeting summaries, and exhibits are public records. Further, communications between advisory panel members, related workgroup members, and ARB staff (including the facilitator) are generally subject to public disclosure. See [http://ag.ca.gov/publications/summary\\_public\\_records\\_act.pdf](http://ag.ca.gov/publications/summary_public_records_act.pdf) for more information.

#### **VII. Information Exchange**

Panel members will make every effort to provide information that is to be included with the briefing materials to ARB staff one week in advance of the scheduled workshop at which such information is used. If a member believes the relevant

information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

### **VIII. Public Involvement**

All Panel meetings will be open to the public and will have a limited time set aside for interested members of the general public to speak. Additionally, stakeholders are encouraged to submit written comments through the Advisory Panel website at: <http://www.arb.ca.gov/fuels/lcfs/workgroups/advisorypanel/advisorypanel.htm>

### **IX. Process Support**

ARB staff will support the Advisory Panel and consult with other stakeholders, as needed.

**Briefing Materials:** ARB staff will make every effort to email briefing materials to the members at least one week prior to each meeting.

**Meeting Summaries:** The facilitator will prepare meeting summaries based on notes taken during the meeting and observations of the process. The Chair will approve the draft summaries before dissemination. Meeting notes will summarize significant issues raised during the discussion, and whether and how issues were resolved. Draft meeting summaries will be finalized following review by the Panel.

The meeting summaries will be posted on the ARB website at:

<http://www.arb.ca.gov/fuels/lcfs/workgroups/advisorypanel/advisorypanel.htm>

### **X. LCFS Workgroup Report**

ARB staff will develop a report of findings with recommendations and plan for implementation. The report, which will reflect input from the Advisory Panel, will be submitted to the Board by its December 2011 Board meeting.

### **XI. Communications and Media Coverage**

The ARB Office of Communications will respond to public or media inquiries associated with the organization, structure, process, and work of the Advisory Panel. While Panel members are free to communicate and share individual perspectives with the media and others, ARB asks the panelists to offer their personal viewpoint only and to refrain from speaking for other Panel members either individually or as a whole. We ask Panel members to vet ideas and issues at workgroup meetings before discussing them outside of the Advisory Panel since the way in which positions are publicly represented may affect the ability of the Panel to work together. When asked for information about the purpose or activities of the workgroup, ARB asks you to refer others to the Advisory Panel website at: <http://www.arb.ca.gov/fuels/lcfs/workgroups/advisorypanel/advisorypanel.htm>

## XII. Proposed Timeline for Panel Selection/Workshops (First Review Report\*)

ITEM	TIME FRAME
Post Solicitation for Organizations Interested in Participating on Advisory Panel	August 2010
Select Organizations and Post Advisory Panel Members to Web Site	December 2010 / January 2011
First Advisory Panel Meeting	February 16, 2011
Second Advisory Panel Meeting	April 26, 2011
Third Advisory Panel Meeting	June 23, 2011
First Public Meeting to discuss review progress	July 2011
Draft Review Report Discussed with Advisory Panel	August 2011
Second Public Meeting to discuss review progress	September 2011
Draft Review Report Discussed with Advisory Panel	October 2011
Report to the Board	By December 2011

\*This is a proposed schedule that may need to be adjusted as the process proceeds.

## XIII. ARB Contacts for LCFS Advisory Panel

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