

California Legislature

June 17, 2019

Mary Nichols, Chair
Richard Corey, Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814
By email: mary.nichols@arb.ca.gov; Richard.corey@arb.ca.gov

Dear Chair Nichols and Mr. Corey:

During the November 2018 Board hearing on the proposed Tropical Forest Standard (TFS), you asked Assemblymember E. Garcia, as ex officio member of the Board on behalf of the Assembly, to assist in getting further stakeholder and legislative input. Assemblymember E. Garcia decided to convene the three members who traveled to Acre, Brazil last year – Assemblymembers Bloom, Kalra, and Reyes – in addition to Assemblymember C. Garcia, the new chair of the Joint Legislative Committee on Climate Change Policies.

Three stakeholder meetings have been held: the first with opponents to the TFS, the second with supporters of the TFS to respond to opponent arguments, and a third with all stakeholders together to review proposed changes to the TFS drafted by Environmental Defense Fund in response to opponent arguments. Mr. Corey was invited to all meetings as an observer, and stakeholders were allowed to create their own list of individuals and organizations to be included in the process.

Concerns raised about additionality, permanence, leakage, verification, and human and indigenous rights in the first meeting still remained in the final meeting. After carefully listening to both sides, it is our conclusion that all stakeholders are strong supporters of strategies to protect forests around the world, and agree that California has a role in that work. However, it is also our conclusion that the supporters and opponents of the proposed TFS will never reach agreement on whether California should be endorsing the TFS as a part of that strategy.

We think ARB should endorse the TFS while committing to vigorous and proactive monitoring of any jurisdiction that decides to utilize it. While many improvements to the TFS have been made to account for lessons learned from similar mechanisms, there is still a lot of



uncertainty on whether the TFS will be successful in protecting forests and the people who inhabit them. By endorsing the TFS, the Board is taking a position on an internationally-contested strategy, and as such must consciously and enthusiastically take on the responsibility of ensuring that our actions do not do further harm to our important, shared goals of preventing catastrophic climate change. We know that California holds no diplomatic role with other states or countries to allow for formal enforcement, but think that we have access to the data and technology necessary to monitor the implementation of the TFS in a way that would enable us to “sound the alarm” if implementation goes awry. Such responsibility is implicit in an endorsement action, which is publicly understood to serve as a “green light” to any jurisdiction or corporate entity seeking to use these credits to further their mitigation work. The Board must consider its endorsement in tandem with its ability to commit to such monitoring work moving forward.

Should you have any questions or concerns about our process or recommendations, please do not hesitate to reach out to our offices.

Sincerely,



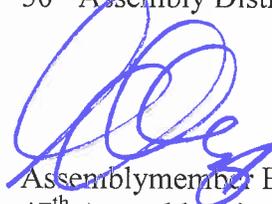
Assemblymember Eduardo Garcia
56th Assembly District



Assemblymember Richard Bloom
50th Assembly District



Assemblymember Ash Kalra
27th Assembly District



Assemblymember Eloise Reyes
47th Assembly District