



**CENTER ON RACE, POVERTY & THE ENVIRONMENT**

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October 19, 2015

*Via Electronic Filing on ARB Website*

Rajinder Sahota, Branch Chief  
Cap and Trade Program  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**Re: Scope and Schedule for Potential 2016 Amendments to the Cap-and-Trade Regulation**

Dear Ms. Sahota:

The Center on Race, Poverty & the Environment (CRPE) submits these comments on the State Board's Recent Proposed Scope and Schedule for Potential 2016 Cap and Trade Amendments (hereafter "Potential Amendments") on behalf of CRPE, the Center for Community Action and Environmental Justice, Communities for a Better Environment, Physicians for Social Responsibility – Los Angeles, and PODER (collectively "Environmental Justice Organizations").

We are community groups and organizations that work directly with low-income residents and residents of color who are disproportionately impacted by industrial pollution, toxic air emissions, and climate change. We do not support Cap and Trade or any other market mechanism that places undue burdens on low income communities and communities of color. Climate change solutions must protect all Californians, starting with those already overburdened by emissions.

On October 2, 2015, State Board staff facilitated a public workshop and unveiled the Potential Amendments which would continue the Cap and Trade program after December 31, 2020 and would achieve additional reductions to meet the Governor's 40% reduction target by 2030. *See* Executive Order B-30-15; Discussion Workshop for Cap-and-Trade Regulation 2016 Amendments, California Air Resources Board, October 2, 2015, available at [http://www.arb.ca.gov/cc/capandtrade/meetings/100215/ct\\_2016\\_amendments\\_kickoff.pdf](http://www.arb.ca.gov/cc/capandtrade/meetings/100215/ct_2016_amendments_kickoff.pdf).

The State Board's authority to implement the Cap and Trade program expires on December 31, 2020 and the Board has no authority to adopt regulations to extend the program beyond that date. *See* Health & Safety Code §§ 38562(c), 38570. During the 2015 legislative

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session the version of Assembly Bill 1288 (Atkins) containing an extension of the State Board's authority to implement Cap and Trade beyond December 31, 2020 did not become law. Accordingly, the State Board lacks the authority to adopt the Potential Amendments.

Cap and trade ignores the reality that location matters. Cap and trade allows major polluters to pay their way out of making real, on-site reductions at the expense of low-income communities, communities of color, and indigenous communities. Reductions of greenhouse gases on-site reduce co-pollutants, such as fine particulate matter (PM2.5) and air toxics, emitted into the surrounding community – a benefit that is forgone when that facility buys allowances or offsets. This scheme disproportionately harms communities of color and low income communities. Over two-thirds of California's low-income African Americans and about 60% of low-income Latinos and Asian/Pacific Islanders live within six miles of a Cap and Trade facility.<sup>1</sup>

Rather than perpetuate the inequitable Cap and Trade program, Environmental Justice Advocates urge the State Board to not proceed with the Potential Amendments. Thank you for your time and courtesy.

Sincerely,



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<sup>1</sup> Manuel Pastor, et. al, Minding the Climate Gap (2010), 9, Figure 2 available at <http://dornsife.usc.edu/pere/documents/mindingthegap.pdf>.