

July 9, 2021

Liane M. Randolph
Chair, California Air Resources Board
1001 I Street, Sacramento, CA 95814

RE: Public Workshop Series to Commence Development of the 2022 Scoping Plan Update

Dear Chair Randolph,

NextGen California is thankful for the opportunity to comment on the initial public workshop series and look forward to engaging with future workshops and other methods of stakeholder participation. We respectfully request the consideration of the following recommendations for the 2022 Scoping Plan update (Plan) by the California Air Resources Board (CARB), a critical milestone in California climate policy.

First, while we appreciate the long-term vision set forth in the workshops, the legally-binding 2030 target to reduce greenhouse gas (GHG) emissions 40% from 1990 levels should be the primary focus of the 2022 Scoping Plan. In the workshop sessions, staff indicated that the Plan would “check in” on progress towards meeting the 2030 target, but the bulk of the presentations focused on strategies related to long-term carbon neutrality. To date, major emissions reductions have occurred primarily as a result of reducing fossil fuel use in the electric sector and exogenous economic disruptions, such as the 2008 recession. We will likely see another pulse of reductions in 2020 as a result of the pandemic. But, while California has succeeded in avoiding potential business-as-usual emissions increases, we have failed to achieve the steady, reliable reductions in all sectors except electricity that we will need in order to meet the 2030 target.

It is our hope that the workshops focused primarily on 2045 because of the breadth of new information available related to that goal, and we are seeking assurance now that the Plan will lay out a concrete pathway to complying with the 2030 target, or, failing that, will explicitly identify what additional legislative authority CARB feels is needed in order to implement regulations that will achieve the target. In the previous scoping plan update, CARB identified existing policies and made the assumption that any additional required reductions would be achieved through the Cap-and-Trade system. NextGen California raised concerns with that approach at the time, and now that AB 398 (2017) and its implementing regulations have eliminated any hard cap on the issuance of allowances, those concerns are even stronger. It would be gravely insufficient to employ that methodology again now, 8 years out from the compliance deadline in 2030. If CARB plans to rely on carbon pricing to fill the gap between existing policy and the 2030 target, that reliance should be justified with explicit modeling of a range of scenarios

showing how the carbon price and emissions would likely behave, and what the health and equity impacts of that approach would have relative to other approaches relying on additional direct regulation.

The Plan has the longest time horizon of any scoping plan, and we want to emphasize the importance of reaching our 2030 milestone, particularly with a focus on transportation emissions reductions and emissions from industrial sources that have disproportionate health and economic impacts in communities of color and low-income communities in California.

Second, to the extent the Plan addresses achieving carbon neutrality in 2045, we urge CARB to adopt a realistic approach that recognizes that eliminating fossil fuel and other direct pollution sources is the only approach that relies on mature technology and minimal speculative technological and scientific assumptions. For this reason, CARB should evaluate scenarios representing a range of emissions reductions that go well beyond the legal minimum of 80% by 2050, and focus primarily on scenarios centered around emissions reductions of at least 90 to 95% by 2045 and that model further reductions to achieve net negative emissions thereafter.

A plan that relies on maintaining even 10% of annual emissions, paired with an equal amount of negative emissions would require scaling up to 40 million tons per year of negative emissions, from a baseline of approximately zero at present. With our natural systems facing increasing strains from accelerating climate change and continued pressure from human land use choices, we are at the point where many of these systems are on the verge of or have already become net sources rather than sinks for greenhouse gases. Maintaining the status quo will take heroic efforts, and layering engineered carbon removal approaches on top of this will require scaling a technology that continues to see massive cost overruns and little success despite massive public and private investment.

Carbon sequestration methods can inaccurately measure carbon storage, are subject to controversial and easily-manipulated accounting games, and are unproven over the long term to prevent the release of massive amounts of carbon. They can also require nascent technologies that may make these technologies ineffective in playing a major role in reaching our emissions targets by virtue of their cost alone. CARB should therefore adopt the conservative approach of assuming that carbon removal will provide relatively little negative emissions even with substantial cost and effort in the next twenty years, especially relative to the rapid and increasing pace of growth and cost reductions in technologies to eliminate emissions from the transportation, fossil fuel production, industrial, and agricultural sectors. These direct reductions must be prioritized for the majority of our emissions reductions if we are to reach our legally-mandated 2030 target, and must be scaled even further to reach the 2045 goal.

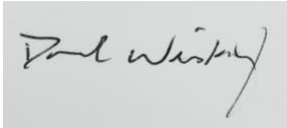
In particular, CARB should prioritize emissions reductions from sources that most adversely affect the health and quality of life for Californians who suffer from institutionalized environmental racism: industrial sources such as oil refineries and drill sites, and on- and off-road gasoline and diesel engines. The initial Scoping Plan workshop, while in many ways very comprehensive, did not present a strategy for reducing industrial emissions beyond the mention of “demand reduction.” While this indirect approach is necessary, it is not sufficient either to achieve our climate and equity goals, or to comply with the Governor’s direction to examine a phase out of oil production in California. CARB should explicitly address industrial emissions and recommend policy approaches to begin and accelerate a rapid and equitable phaseout of these emissions. CARB must also examine the full range of in-use gasoline and diesel engines in order to fully capture the scale of their impact and opportunities for emissions reductions. ZEV deployment must be universal across these polluting sources; the transition of off-road small engines should be held to the same standard as vehicles to ensure zero emission technologies are not implemented only where commercially viable and substituted for high polluting fuels where they are not. These gaps in deployment could impact our ability to meet our climate goals and allow significant avoidable health and equity impacts to persist even as we make progress in other areas.

Finally, the Board should ensure that the Environmental Justice Advisory Committee (EJAC) plays a more significant role in the review and recommendation portions of the plan, and that recommendations from the EJAC are duly considered and adopted. We are appreciative that the initial Workshops showed genuine effort to include and elevate the perspectives brought by the EJAC, while recognizing that both staff and EJAC members agree that significantly more work must be done to overcome barriers to full participation by representatives of the environmental justice community. In previous Scoping Plan processes, environmental justice perspectives have been treated as secondary, both in the process by which they have been elicited and in the wholesale rejection of EJAC recommendations in the adopted Scoping Plans. This has resulted in a plan that emphasizes programs that both residents and environmental justice advocates say do not reflect the needs of the most impacted communities on the frontlines of the climate and public health crises. Integrating equity throughout the development of the 2022 Scoping Plan is critical and starts with building off of the EJAC recommendations neglected in the 2017 Scoping Plan. This collaboration can be made more meaningful by confirming the science of the scoping plan through the lived experiences described by the EJAC in every applicable workshop and meeting.

It is vital that CARB thoughtfully prioritize programs that ensure California meets both its ambitious climate goals and its near term legal requirements to cut greenhouse gases while giving due weight to the recommendations and insight of the environmental justice community. Staff is to be commended for beginning this process with a spirit of inclusiveness and transparency, along with recognition that room for improvement

still exists. While this set of comments does not provide an exhaustive set of recommendations, acting on the priorities we provide here can help CARB to ensure that the current Scoping Plan update provides a world-leading roadmap for rapid and equitable decarbonization. NextGen California therefore respectfully requests your consideration of the remarks made above.

Sincerely,



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