



July 8, 2016

Ms. Rajinder Sahota
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Submitted electronically at http://www.arb.ca.gov/lispub/comm2/bcsubform.php?listname=sp-concept-paper-ws&comm_period=1

Re: Comments on 2030 Target Scoping Plan Update Concept Paper

Esteemed Ms. Sahota:

On behalf of Friends of the Earth – United States (FOE-US) this letter is provided as comment on the *2030 Target Scoping Plan Update Concept Paper* (Paper). This letter will very briefly address a select variety of the items discussed in the Paper, as well as other relevant material that can inform the design of effective climate change mitigation policy in California. This letter is not comprehensive, but the comments we provide do go to the heart of our environmental and social justice concerns regarding California climate policy as conceptualized in this paper.

We strongly support the broad objectives of AB32, California's Global Warming Solutions Act, but fear that the legislation is already antiquated when it comes to designing urgent and effective responses to the threats presented from the increasing concentration of greenhouse gases in the atmosphere. There is a lot that California can do to reduce our state's climate impact, and though it has become clear that it is past time for California to consider the passage of a more contemporary climate change mitigation legislation package, we see that much in AB32 does reduce climate impact as well or better than any other currently existing climate legislation we are aware of. It is worth noting that the legislative mandate for enforcing emissions limits in California beyond 2020, and how to achieve such goals if they are established beyond that date, is actually at play during the summer of 2016. It is our understanding that the Scoping Plan itself is legally required to be completed before moving forward with climate policy implementation in California; yet the California Air Resources Board (ARB) has notified the public as of July 1, 2016 of the intent to go forward with amendments to the Cap-and-Trade program on an expedited calendar that could be interpreted to be a dismissal of important processes regarding transparency and public participation in the development of the Scoping Plan Update.

Regarding another aspect of the Paper, on repeated occasions the ARB and other relevant California natural resource management agencies have spoken of the importance of forests in understanding and responding to climate change. Due to their relevance, forests certainly merit being evaluated and managed as a sector of their own, and though we find the use of the

euphemism of Natural and Working Lands to obfuscate the industrial intensity with which forests and agricultural lands in California are exploited, we do take some encouragement from the effort to incorporate management and stewardship of natural landscapes into California climate policy. Even if the ARB is not explicit in saying so, we strongly support the goals of reducing deforestation and forest degradation in the forests of California. To that end we believe that is an imperative that a frank and science-based assessment of the climate impacts of industrial forestry in California be provided as soon as possible. **The lack of data in the latest 2016 Edition of the Greenhouse Gas Emissions Inventory regarding Forestry and Wood Products is a red flag that the Inventory may be seriously deficient and will be subject to significant revisions when data confirming industrial forest management in California as a source of significant emissions is made available.**¹ We are steadfast in our support for CARB taking a key role in forging a just and equitable transition to a low emissions economic development path, most especially here at home in California. Having accurate data that informs a robust science-based evaluation of the climate impacts of forest management in California should be seen as crucial to California providing the global climate leadership that ARB is so eager to promote.

Our organization is honored that our membership includes many residents of the State of California who have a strong understanding of our moral responsibility to be accountable for the damage done to the global atmosphere by California and United States industry, as well as from consumption patterns in our state and nation. We have a strong stake in ensuring that any climate change mitigation policy developed in California is based on the best available science, will comprehensively address the root causes of the global climate crisis and the rising concentrations of greenhouse gases in the atmosphere, and does not inadvertently cause harm to the human and natural communities that are facing the brunt of the impacts of industrial pollution, intensive industrial management of rural landscapes, and climate change itself.

Paris, Science, and the Urgency to Establish a California Carbon Budget

The concept paper makes several references to the 2015 Paris Conference of Parties to the United Nations Framework Convention on Climate Change. It was surprising, however, that the references in the Paper to the Paris agreements failed to make mention of the 1.5 degree Celsius temperature rise threshold commitment made at in Paris, and instead only refers to the goals to keep temperature rise below 2 degrees Celsius. The difference between 1.5 degrees and 2 degrees Celsius is enormous when considering the severity of climate change impacts anticipated with a global 2-degree temperature rise. There is a disturbing lack of urgency in the manner in which ARB and the State of California communicate through the Paper the need to stay below the temperature rise thresholds, and there is also a lack of recognition in the Paper of the scientific evidence that the Paris agreements are insufficient to meet the 2 degree temperature rise goal, much less remain within the much safer and conservative 1.5 degree temperature rise threshold.

As an example, a recent paper demonstrates that current Paris pledges will easily lead to 2.6 to 3.1 degree Celsius temperature rise by the end of the century (Rogelj et al. 2016). As a matter of fact, the paper goes so far as to illustrate that the entire carbon budget for limiting warming

¹ See <http://www.arb.ca.gov/cc/inventory/data/data.htm>

below 2 degrees Celsius may be emitted by 2030, and that the carbon budget for limiting warming below 1.5 degrees may be emitted by 2020. Clearly, the agreement made in Paris is insufficient, yet the Paper does not rely upon the best available science that should impress upon policy makers that indeed, as our organization has stated on repeated occasions, time for effective action to avoid the worst impacts of human-caused climate change is fast running out – and that fundamentally deep actions will be needed to cut emissions drastically across the board, most especially in the use of fossil fuels by human society.

Though the Paper refers to the work of the Intergovernmental Panel on Climate Change (IPCC 2014) no mention is made in the Paper of carbon budgets as they have been described and explored by the IPCC. **We use this opportunity to make the explicit and imperative recommendation that the State of California and the ARB develop a carbon budget for California as soon as possible in order to understand the real constraints of emissions on our future wellbeing, and to develop policy that will actually instigate the types of emissions reductions actions that are needed to meet the temperature threshold goals established at the Paris meetings.**

Even the numbers for a carbon budget that are available to policy makers to develop policy that will assist in avoiding the worst impacts of climate change are being refined downwards by scientists. One important study has shown that there has been a severe over-estimation of the available carbon budget to remain within temperature rise thresholds (Rogelj et al. 2016). The sobering reality is that a conservative assessment of carbon budgets reveals that time is rapidly running out, and that urgent reductions of emissions across the board must be attained in order to remain within the temperature rise thresholds. This urgency is totally missing from the Paper.

There is a relevant point to be made that even in the Paper itself (p. 18-19) the ARB fully admits that “keeping many of the existing policies at existing stringencies, while increasing the RPS to 50% and doubling energy efficiency in existing buildings to reflect SB 250 requirements, **will not be sufficient** to achieve the 2030 target” (emphasis added). In other words, even the ARB admits that significantly more needs to be done to achieve emissions reductions goals. The development of a carbon budget for California would provide for a tool that will drive home with data the need to embark upon a climate change mitigation policy that is far beyond what California officials are currently willing to consider.

Our concerns regarding the lack of urgency in the Paper are multiple and intertwined with our concerns that have been expressed on past occasions regarding California climate policy and the lack of integration of the best available science, and in particular the dangerous reliance on a pollution trading system (Cap-and-Trade) to ostensibly achieve emissions reductions. We recommend that California establish a carbon budget as soon as possible in order to increase the means by which climate change policy can be informed by science and thus insure that climate change mitigation strategies in California will actually be effective in contributing to keeping temperature rise within the accepted and agreed upon thresholds. California runs the tremendous risk of failing to use the best available science to inform policy and thus failing to design policy that will be effective in meeting temperature rise threshold objectives. It goes without saying that the risks of failure are severe.

Emissions Reductions Progress Claims Are Data Deficient Without Forest Emissions

We are very concerned about the absence of data for emissions from Forestry and Wood Products in the 2016 Edition of the Greenhouse Gas Emissions Inventory. From our experience with industrial forest management and the timber industry in California we are very concerned that there are political reasons that this data is not yet being made available. It would seem necessary to have the data regarding emissions from Forestry and Wood Products to be able to have any confidence in the claim that emissions are being reduced in California to the degree that ARB states they are being reduced, and to be able to design effective strategies that address the true climate impacts of human economic activity in the state.

The California Department of Forestry and Fire Protection maintains data on timber harvest plans in California, and from these figures we have worked with partners to estimate that approximately 35,000 acres of forest are cut down every year using intensive forest practices such as clearcutting. This timber harvest activity represents a very significant source of greenhouse gas emissions – but there is still no data available for the public to work with to understand the significance of these emissions. It is irresponsible for the ARB to make claims about emissions reductions progress while failing to provide robust and peer reviewed data regarding emissions from industrial timber harvest and management activities.

But the removal of trees is not the only emissions impact from industrial forestry. Industrial forest practices generate emissions from the soil disturbance that comes with intensive harvest, from the decay of slash and waste wood from the entire process of producing and consuming wood products, and from the high carbon content of the chemical herbicides, pesticides, and fertilizers that are used on reforested lands. What is more, industrial forest harvest generates emissions associated with foregone sequestration – which is an important component of emissions monitoring protocols developed by the IPCC and which should be a key part of any forestry emissions estimation methodology employed in California.

The issue of foregone sequestration is especially important in California because California is host to what is recognized as the most carbon dense forest type on the planet: the redwood temperate rainforest ecosystem. A recent paper has confirmed that the coast redwood is unmatched in both the amount and the type of carbon stored in old-growth forests (Van Pelt et al. 2016).

Yet, as extensive industrial logging continues to occur in the redwoods, and other globally relevant forest types in California, there is still no data available to even initiate an informed discussion regarding emissions from Forestry and Wood Products in California. To get more information, our organization made a call to ARB regarding this data deficiency and we were informed that this data would not be ready until sometime next year, at the soonest. It is absolutely impossible to make informed policy decisions without the necessary data, and the rush for California to move forward with the Scoping Plan Update without accurate and peer-reviewed industrial forestry emissions data is simply unconscionable.

We will state again: **we are confident from our looking at some of the available data that a robust scientifically defensible evaluation of the carbon emissions from industrial timber**

and other forest management in California, including emissions from natural and anthropogenic caused fire disturbance, will reveal the sector to be a significant net-emitter of greenhouse gases. It is incumbent upon the ARB to be forthcoming with this data, and to make corrections to the Greenhouse Gas Emissions Inventory as soon as possible.

It is also of concern that, in our assessment and in talking with sources that have tracked the activities of the timber industry in the state, there may be political factors at play contributing to the lack of provision of this data about emissions from forests. It is incumbent for the ARB to serve the public and make this data available, and to do so in a way that is free from the influences of those economic interests that are benefitting from a lack of information that facilitates the perpetuation of a false depiction of forest management in California as somehow being climate benign, when the truth is much harsher and sobering. It would also be quite a blow to the ARB and other relevant agencies if the public were to learn that there has been a suppression of data regarding the climate impacts of forest management in California due to political or other reasons. For these reasons, amongst others, the provision of data regarding emissions from Forestry and Wood Products needs to be provided before the Scoping Plan Update can be finished.

International Efforts and the Absence of Discussion of Tropical Forests and REDD

The section describing International Efforts in the Paper befuddled our organization. Taking the section at face value one would come to the conclusion that ARB at this juncture is no longer proposing anything so radical as to begin to expand the California Cap-and-Trade program with the trafficking of REDD-based carbon credits from sub-national jurisdictions in tropical forests around the world. Even the far more restrained though still exceptionally high-risk possibility of establishing an International Sector-based Offsets program through linkage with the Brazilian State of Acre goes without mention in the Paper. We find this confusing. On the one hand, it is encouraging because the Paper leaves a California resident with the impression that California's international efforts are to be concentrated on setting high standards on important measures such as motor vehicle standards that can be emulated around the world.

Yet, at the same time, FOE-US staff were present at the June 21, 2016 Environmental Justice Advisory Committee (EJAC) meeting when ARB staff did a briefing on the Paper. The question was put directly to Ms. Sahota as to whether the absence of discussion of REDD in the Paper indicates that the ARB has decided to avoid the environmentally dubious, economically inequitable, and socially unjust pitfalls of expanding Cap-and-Trade to include REDD. Ms. Sahota's answer, though not explicit, seemed to infer that regardless of the omission to discuss REDD even in passing in the Concept Paper that indeed every intent is to continue forward with the plan to incorporate carbon credits based on tropical forests into Cap-and-Trade and California climate policy.

It also seems apparent, from a notice sent by ARB on July 1 that further linkage will be included in the Cap-and-Trade Regulatory Amendments that will be presented in draft form at the end of the month. It is not clear if the amendments concerning linkage include the hypothesized linkage with Acre in Brazil.

This lack of clear communication regarding International Sector-based Offsets on the part of ARB is confusing, and it is also emblematic of the concerns regarding the lack of transparency, democratic decision making, and public participation that are inherent in REDD projects around the world.

Referring back to the section in this letter addressing the lack of data regarding emissions from industrial forest operations in California our organization believes that there are clearly acute issues with emissions from deforestation and forest degradation that continue to exist in the state. It seems that when it comes to forests, if California aspires to global climate leadership, that the first step is to take dramatic and necessary steps to reduce emissions from forest loss and exploitation right here at home.

Our organization is therefore cautious in interpreting the lack of discussion of tropical forest offsets and the highly contentious REDD program in the Paper as a sign that ARB has decided to focus efforts on programs other than REDD. If however ARB does plan to continue with REDD, but failed to include a discussion of REDD in the Paper, it raises serious concerns about the ability of the ARB to engage on this globally controversial issue in a fair and transparent manner. Combined with the lack of peer reviewed data describing the significant emissions resulting from deforestation and forest degradation in California, the possible willful omission of discussion of REDD in the Paper would certainly raise alarms as to exactly how forthcoming California policy makers are being with the public about the role of forests in both causing and responding to climate change.

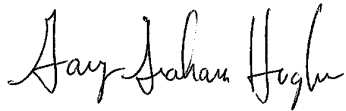
We can only hope that the lack of discussion of REDD in the Paper is because the ARB is moving on from pursuing such an ill-advised expansion of California Cap-and-Trade. It should be noted that the Environmental Justice Advisory Committee has explicitly recommended in the Scoping Plan Update process that REDD-offsets not be included in Cap-and-Trade. We would hope that the recommendations of the EJAC be respected, especially considering the amount of rhetoric dedicated to the issues of environmental justice included in the Paper. To be totally clear: to not even mention REDD, linkage with Acre, or even tropical forests in the Paper and then still go forward with International Sector-based Offsets in the face of the recommendation from the EJAC to not include REDD would be a violation of the basic tenets of environmental justice, of transparency and democracy, and of the public right to honest governmental information.

Conclusion

There is much to celebrate in the efforts of the ARB to implement the complimentary measures birthed in AB 32 and that have had a positive impact on the efforts of the state to reduce climate impact and, most specifically, to reduce greenhouse gas pollution. At the same time, the presentation of several “concepts” at the end of the Paper seemed to present a false choice, because as seems to be the pattern with ARB, the decisions as to how to proceed with policy, including an inordinate and dangerous focus on the unjust and environmentally ineffective pollution trading that is inherent in the market-based compliance mechanism, have already been made. This dynamic leaves us asking: is public participation in the development of California climate policy an inclusive and respectful process where the expertise and experience of civil

society and the public at large are integrated into final decisions? Or is the policy decided behind closed doors with the process of public participation rolled out as public relations window dressing to provide a democratic façade to what is ultimately ineffective and inadequate policy that is more intended to protect polluters and their profits than to protect people and the planet?

Respectfully,

A handwritten signature in black ink that reads "Gary Graham Hughes". The signature is written in a cursive style with a large initial "G".

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