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SCOPE STRATEGIC
COMMUNITY
AGENDA



July 9, 2021

Honorable Chair Liane Randolph
Honorable Board Members
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

RE: Comments on Public Workshop Series to Commence Development of the 2022 Scoping Plan Update to Achieve Carbon Neutrality by 2045

To Chair Randolph and the Air Resources Board,

The California Environmental Justice Alliance ("CEJA") submits the following comments on the workshops commencing development of the 2022 Scoping Plan Update ("Scoping Plan"). CEJA is a statewide alliance of grassroots community-based organizations across California working together to advance environmental justice in state policy. Our member and partner organizations are the Asian Pacific Environmental Network, Communities for a Better Environment, Center for Community Action and Environmental Justice, the Center on Race, Poverty & the Environment, Environmental Health Coalition, People Organizing to Demand Environmental and Economic Rights, Central Coast Alliance United for a Sustainable Economy, Leadership Counsel for Justice and Accountability, Physicians for Social Responsibility – Los Angeles, and Strategic Concepts in Organizing and Policy Education. We work directly with low-income communities and communities of color in some of the most polluted and socioeconomically burdened areas of our state.

Our organizations are concerned that the workshops chart a path that fails to include a sufficient focus on the Senate Bill ("SB") 32 target. In addition, despite commitments at the May 20 CARB Board Meeting, the workshops still failed to include a process to meaningfully integrate environmental justice into the development of the Scoping Plan.

I. CARB Must Prioritize Achieving the SB 32 2030 Target and Not Neutrality.

The Scoping Plan is required by AB 32 and SB 32 and therefore inextricably linked with the SB 32 target to *reduce* GHG emissions to 40% below the 1990 level by 2030.¹ Our organizations are concerned that the workshops placed too much emphasis on the carbon neutrality guidance set forth in Executive Order B-55-18 and lacked focus on the 2030 emission *reduction* target set forth in statute. CARB must focus on the 2030 target first, and not the other way around. Failure to meet the 2030 goal first presents significant local and global impacts.

A focus on carbon neutrality, especially under CARB’s proposed framework where “sources equal sinks” means that harmful pollution could stay the same in our communities, while carbon emissions, and not co-pollutant emissions, are reduced elsewhere. As detailed in the next section, this is extremely problematic, poses significant threats to the public health of low-income communities of color and violates climate policy mandates in Assembly Bill (“AB”) 197.

Moreover, CARB has proposed to achieve carbon neutrality with offsets, carbon removal, or capture and sequestration. Each of these methods are *indirect* and present potential and serious environmental injustices by neglecting harmful co-pollutants from large stationary sources. Further, as detailed in our prior comment,² the calculations of GHG inventories from various carbon removal strategies could similarly be fraught with margins of error, jeopardizing our climate targets and the public health of our communities that are hit first and worst by climate change. Instead, SB 32 requires CARB to focus on 2030 and actually reduce emissions; CARB should then go even further to achieve real emission reductions, beyond neutrality, by 2045.

II. CARB Must Meaningfully Integrate Environmental Justice into Development of the Substance of the Scoping Plan.

We thank Chair Randolph for her comments at the June 24 Board Meeting highlighting the need to *substantively* incorporate equity into the Scoping Plan process:

I want to make sure that we are not just talking process but about substance . . . The substance [of the Scoping Plan] . . . will be informed and be made more complete by the work of the EJAC. We will need to make sure there are opportunities for the concepts, views and lived experience of the EJAC members to not just be noted in the document itself but also to influence and advise the content.³

CARB can begin to adequately integrate justice into its decision-making by *developing a full and complete analysis in the Scoping Plan of EJAC Recommendations to inform the Scoping Plan strategies and proposed scenarios.*

¹ Cal. Health and Safety Code § 38566.

² See Systematic Over-Crediting of Forest Offsets (April 29, 2021), *available at* <https://carbonplan.org/research/forest-offsets-explainer>

³ CARB Board meeting, June 24 2021 at 3:45:00, *available at* <https://cal-span.org/static/meetings-CARB.php>

For instance in 2017, the EJAC recommended that CARB “demonstrate how direct emissions reductions from the largest sources are prioritized as directed by AB 197.”⁴ CARB’s response detailed four strategies in the 2017 Scoping Plan: first, the cap-and-trade program; second, mobile source strategies and efficiency measures; third, an expanded air monitoring network; and fourth, improved coordination with local air districts.⁵ None of these measures prioritize direct emission reductions from large stationary sources of pollution and CARB thus failed to comply with AB 197.

Similarly, at the June 24 Board Meeting, staff stated compliance with AB 197 would be met through the consideration of avoided social costs, and proposed the use of the revised methodologies from the Biden Administration, but again, focusing only on avoided social costs. AB 197 requires consideration of “additional costs to society” that include local impacts beyond avoided social costs, such as those detailed below.⁶

The Importance of Prioritizing Direct Emission Reductions

CARB must consider the social costs associated with each GHG reduction measure and prioritize direct emission reductions in *every* sector. We offer the following examples.

CARB must consider the social costs associated with GHG/Short-Lived Climate Pollutant reduction measures in the agriculture sector and prioritize direct emission reductions. For instance, in **Madera County**, residents consistently face public health risks from agriculture burning and other unsustainable agricultural practices. CARB should work with relevant agencies to prioritize agroecological practices within all agricultural conservation programs and emissions reductions programs that maximize not only climate benefits but also public health and economic co-equal benefits for farmworkers, BIPOC farmers, communities of color, and environmental justice communities. Hundreds of rural communities are surrounded by large-scale industrial agriculture and experience extreme pollution burdens from common agricultural activities that also emit GHGs.

La Vina residents in Madera County, for example, often experience unexpected agricultural burning, extreme events of dust pollution caused by machinery used to harvest almonds, and impacts from heavy pesticide application including toxic pesticide drift.

CARB’s prior Scoping Plans have repeatedly omitted analysis of the GHG and co-pollutant emissions from the production of synthetic pesticides. Synthetic pesticides significantly contribute to GHG emissions, both in the production and application of these petrochemicals. As such, CARB is mandated to consult with the Department of Pesticide Regulation and must correct this oversight.⁷ Latinx and Farmworker communities in the Central

⁴ 2017 EJAC Priority Recommendations at 1, *available at* https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/2030sp_appa_ejac_final.pdf

⁵ *Id.* at 3.

⁶ Cal. Air Res. Bd., California’s 2017 Climate Change Scoping Plan (Nov. 2017) at 41, *available at* https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf (“There are additional costs to society outside of the SC-CO2, including costs associated with changes in co-pollutants, the social cost of other GHGs including methane and nitrous oxide.”)

⁷ See Cal. Health & Safety Code § 38561(a)

Valley are disproportionately exposed to pesticides. Moreover, analysis of pesticide data from the Department of Pesticide Regulation combined with demographic data reveals a pronounced racial disparity in the concentration of pesticide use.

In **Tulare County**, the proliferation of dairy digesters throughout the San Joaquin Valley is one of the most visible examples of the lethal negligence in failing to consider the health and social impacts of technological solutions. While dairy operations have grown their herd sizes in thousands (and increased enteric methane emissions) to maximize profits from their attached bioenergy operations, local community members have felt their air become nearly unbreathable and witnessed their water become polluted with nitrates.⁸ The eventual biogas product is not a sustainable alternative, and instead releases health-harming toxins when expended and perpetuates similar impacts of combustion-based fuels.⁹ In considering the cost-effectiveness of dairy biomethane or hydrogen production that relies on biofuels, CARB must include these significant and local social costs.

CARB must similarly consider the social costs associated with GHG reduction measures in the transportation sector and prioritize direct emission reductions. For instance, in **Fresno**, environmental justice communities' exposure to harmful direct pollution from the concentration of industrial land uses is compounded by exposure to significant mobile source emissions from diesel trucks. This is one example of cumulative impacts that CARB must consider in its cost-effectiveness determinations, and prioritize direct emission reductions accordingly. For instance, CARB should set just and swift zero-emissions fuel, infrastructure, and vehicles targets, with increased equity access through subsidies in low-income communities. This has begun through various state policies but requires more aggressive action; action to ensure equity that CARB is mandated to prioritize. CARB must at the same time incorporate a long-term (but swiftly initiated) state strategy for transitioning current land uses and patterns of unjust, polluting development that both emit GHGs and cause unconscionable harms to nearby residents. Incorporating this coordinated strategy in the Scoping Plan to align local land use and zoning plans with the state's GHG reduction goals is essential to address cumulative impacts, a just transition, and equitably implement climate and health-informed local policy throughout all regions of California.

CARB must also consider the social costs associated with GHG reduction measures in the petroleum refining and oil and gas production sectors and prioritize direct emission reductions.

For instance, in **Lamont**,

“[t]he oil industry and petroleum refineries burden Lamont residents with safety hazards and harmful pollution. One refinery is less than a mile from Lamont homes and at the foot of the Hilltop community. In 2018, there were two fires and the community was not notified to take the necessary precautions and often at

⁸ Dairy Digesters: Not a Solution, October 2019, *available at* <https://leadershipcounsel.org/dairy-digesters-not-a-solution/>

⁹ Rhetoric vs. Reality: The Myth of “Renewable Natural Gas” for Building Decarbonization, July 2020, *available at* <https://earthjustice.org/features/report-building-decarbonization>

night, you can see pollution clouds around the refinery, and flares that burn oil related gases and that can sometimes be seen 2 or 3 miles away.”

- Jose Mireles, Lamont resident

Petroleum refining exposes local communities to a range of toxic air contaminants and other pollutants that contribute to poor air quality, including the formation of lung-searing ozone. These environmental conditions diminish the quality of life and health of communities that live, work and play near petroleum refineries. CARB can no longer deny communities direct emissions reductions on site, by instead relying on a system that allows polluters, such as petroleum refineries, to buy allowances and offsets, and in many cases, increase their pollution.

“As a resident of **Arvin**, we know more needs to be done to regulate the oil and gas industry. Our committee has been fighting dangerous drilling for over a decade, but frontline communities have been suffering from living near neighborhood drilling for generations. In Arvin, our community committee made up of volunteers helped advocate to pass a setback. A 300-foot setback was passed and we know it's not enough, we need to end enhanced oil recovery practices altogether.”

- Estela Escoto, Arvin resident

And in **Shafter**, “[d]angerous drilling practices threaten our water supply, our food, our air, and our lives. It’s time to prioritize public health and prohibit such practices. Likewise, neighborhood drilling threatens the health of frontline communities -- a majority of which are located in Black, Indigenous, Latinx, Asian, Pacific Islander and other communities of color. No longer can we trade public health for short-term profit by drilling so close to where people live and learn.”

- Anabel Marquez, Shafter resident

Residents in the Kern communities of **Arvin**, **Shafter** and **Lost Hills** are especially concerned by the oil and gas wells emitting a toxic mix of hydrogen sulfide, benzene, xylene, hexane and formaldehyde throughout their community. From headaches to asthma to miscarriages, residents are concerned with the substantiated acute and chronic health impacts of oil and gas wells in their community. They are looking to CARB to ensure that the Scoping Plan meaningfully addresses and prioritizes direct emission reductions from oil and gas production. This must include a comprehensive plan for a phase out of oil and gas production. Importantly, CARB must reject any reliance on unproven carbon capture and storage technology as a mitigation strategy for emissions from oil production.

Similarly, in **Wilmington**, **Richmond**, **Rodeo**, **East Oakland**, **South and Southeast Los Angeles**, communities of color are already disproportionately impacted by climate change (wildfire smoke, drought, heat waves, and increased smog formation), which is worsening by the year. At the same time, fossil fuel chain co-pollutants increase high levels of asthma, cancer risk, and a range of health impacts. CARB must prioritize direct emission reductions and phase

out the fossil fuel chain. This includes phasing out oil refining operations, and coordinating with other state, local and regional agencies to promote high road jobs. This has *not* begun through state policy, only through a few voluntary business decisions by refiners. In fact, CARB's current framework achieves the opposite and facilitates expansion through cheap cap and trade credits.

In **Wilmington**, people live up against the refinery fenceline. Recently going door to door, neighbors told me they can't open their windows because of the strong odors, which is especially hard during the heat waves. For years people have been told that emissions levels were acceptable, but we found out that benzene and VOCs were drastically higher than the emission inventory report, according to a South Coast District study. So people were right about their concerns all along. These refineries are inherently polluting, and they need to be phased out."

- Alicia Rivera, CBE Wilmington Community Organizer

Finally, California cannot claim to prioritize direct emissions reductions and claim to center environmental justice if its trademark climate policy and revenue generation strategy does the opposite. In coordination with other agencies, CARB must develop a new framework for ensuring widespread compliance with GHG reductions and generating reliable, adequate revenue to implement all elements of its *equitable* climate strategy.

AB 197 requires CARB to consider these additional costs to society,¹⁰ and CARB has yet to do so. In addition, CARB must "prioritize . . . emission reduction rules and regulations that result in direct emission reductions at large stationary sources of greenhouse gas emissions sources *and* direct emission reductions from mobile sources."¹¹ In order to allow this, the blueprint for climate policy - the Scoping Plan - must first determine the direct emission reductions and social costs associated with a particular GHG reduction strategy, and then prioritize strategies accordingly. Although CARB proposes to demonstrate the direct emission reductions that some GHG reduction measures achieve, CARB has not demonstrated the *prioritization* of direct emission reductions. The Scoping Plan's Proposed Scenario must reflect this prioritization.

III. Conclusion

We look forward to collaborating with the EJAC to develop additional recommendations for the Scoping Plan. We reiterate our request that CARB begin to meaningfully integrate environmental justice in the Scoping Plan process by immediately implementing prior EJAC recommendations from 2017 that are overdue and mandated by the State's climate and equity policies.

¹⁰ Cal. Health and Safety Code § 38562.5.

¹¹ *Id.* (emphasis added)

Respectfully submitted,

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