



BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

MARGARET ABE-KOGA – CO-CHAIR  
BRAD WAGENKNECHT – VICE CHAIR  
ERIN HANNIGAN  
LYNDA HOPKINS  
ROB RENNIE

PAULINE RUSSO CUTTER – CO-CHAIR  
DAVID CANEPA  
DAVID HAUBERT  
DAVID HUDSON

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY  
EXECUTIVE ORDER N-29-20 ISSUED BY  
GOVERNOR GAVIN NEWSOM**

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY  
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- **THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A COMMENT  
CAN USE THE “RAISE HAND” FEATURE BY DIALING “\*9”. IN ORDER TO  
RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE SURE YOUR  
APPLICATION IS UP TO DATE**

WEDNESDAY  
APRIL 21, 2021  
1:00 P.M.

## AGENDA

1. **CALL TO ORDER - ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC MEETING PROCEDURE**

*The Committee Co-Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.*

*This meeting will be webcast. To see the webcast, please visit [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas) at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.*

**Public Comment on Agenda Items** *The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have three minutes each to address the Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.*

Staff/Phone (415) 749-

2. **APPROVAL OF THE MINUTES OF MARCH 17, 2021**

Clerk of the Boards/5073

*The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of March 17, 2021.*

3. **SACRAMENTO LEGISLATIVE UPDATE**

A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will receive an update on recent events of significance in Sacramento.*

4. **AIR DISTRICT-SPONSORED BILLS**

A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will receive an update on the status of two Air District-sponsored bills: Assembly Bill (AB) 426 (Bauer-Kahan) – Toxic Air Contaminants and AB 762 (Lee and C. Garcia) – Hazardous Emissions and Substances: Schoolsites: Private and Charter Schools.*

5. **CONSIDERATION OF NEW BILLS**

A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*Staff will present bills of interest and recommend the Committee recommend that the Board of Directors take positions on high priority bills where appropriate.*

6. **2021 LEGISLATIVE PLATFORM**

A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*Staff will present the Committee with the revised legislative platform for 2021.*

7. **FEDERAL LEGISLATIVE UPDATE**

A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will receive an update on recent events of significance on the federal level.*

8. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

*Members of the public who wish to speak on matters not on the agenda for the meeting, will have three minutes each to address the Committee.*

9. **COMMITTEE MEMBER COMMENTS / OTHER BUSINESS**

*Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2).*

10. **TIME AND PLACE OF NEXT MEETING**

*Wednesday, May 19, 2021, at 1:00 p.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.*

11. **ADJOURNMENT**

*The Committee meeting shall be adjourned by the Committee Co-Chair.*

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[vjohnson@baaqmd.gov](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Terri Levels, at (415) 749-4667 or by email at [tlevels@baaqmd.gov](mailto:tlevels@baaqmd.gov)

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

## EXECUTIVE OFFICE:

### MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

#### APRIL 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source and Climate Impacts Committee	Monday	19	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Administration Committee	Wednesday	21	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	21	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	22	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20

#### MAY 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting Budget Hearing	Wednesday	5	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Special Meeting	Wednesday	5	10:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Community Equity, Health and Justice Committee	Thursday	6	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source and Climate Impacts Committee	Monday	17	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Administration Committee	Wednesday	19	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	19	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	27	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Technology Implementation Office (TIO) Steering Committee	Friday	28	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 15, 2021

Re: Approval of the Minutes of March 17, 2021

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RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of March 17, 2021.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of March 17, 2021.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 2A: Draft Minutes of the Committee Meeting of March 17, 2021

## AGENDA 2A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of March 17, 2021

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, California 94105  
(415) 749-5073

### DRAFT MINUTES

Summary of Board of Directors  
Legislative Committee Meeting  
Wednesday, March 17, 2021

**This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.**

#### 1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Co-Chairperson, Margaret Abe-Koga, called the meeting to order at 1:02 p.m.

Present: Co-Chairpersons Margaret Abe-Koga and Pauline Russo Cutter; and Directors David Haubert, Lynda Hopkins, David Hudson, Rob Rennie.

Absent: Vice Chairperson Brad Wagenknecht; and Directors David Canepa and Erin Hannigan.

Also Present: None.

#### 2. APPROVAL OF THE MINUTES OF FEBRUARY 17, 2021

##### Public Comments

No requests received.

##### Committee Comments

None.

##### Committee Action

Director Hudson made a motion, seconded by Co-Chair Cutter, to approve the Minutes of February 17, 2021; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Cutter, Haubert, Hudson, Rennie.  
NOES: None.  
ABSTAIN: Hopkins.  
ABSENT: Canepa, Hannigan, Wagenknecht.

### 3. SACRAMENTO LEGISLATIVE BUDGET UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Budget Update*, which captured the State’s Proposed Fiscal Year (FY) 21/22 Budget and proposed early action. The list included ten programs currently listed in the State budget that are of interest to the Air District: Assembly Bill (AB) 617 Implementation, AB 617 Incentives, AB 617 Community Grants, Clean Vehicle Rebate, Clean Truck & Bus, Agriculture Diesel Engine Replacement, Clean Cars for All/School Bus/Equity, Clean Air Centers, Prescribed Fire, and Carl Moyer Program. All are funded by the Greenhouse Gas Reduction Fund (proceeds from Cap and Trade auctions) except for AB 836 (Wicks) and the Carl Moyer Program. Four of these ten programs are slated for proposed early action. Mr. Abbs reported that this year, leading up to the May revise, the Legislature is almost done with their budget hearings, which is earlier than usual. AB 617 has yet to be discussed in detail by the Legislature. The state Senate Budget Subcommittee on Resources, Environmental Protection and Energy early-action wildfire package includes \$32 million for cooling centers and clean air/hydration centers.

#### Public Comments

No requests received.

#### Committee Comments

The Committee and staff discussed whether the Carl Moyer Program includes Transportation Fund for Clean Air funds, and if so, whether that would provide funding for congestion management agencies; whether schools are directly receiving funding to become clean air centers, and the request to inform Board members as Bay Area schools are identified for such retrofits; and the fact that some Coronavirus Relief funds are being allocated for the inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities.

#### Committee Action

None; receive and file.

### 4. AIR-DISTRICT SPONSORED BILLS

Mr. Abbs gave the staff presentation *Air District-Sponsored Bills*, providing updates on the following bills:

- **AB 426 (Bauer-Kahan) – Toxic Air Contaminants.** This bill would authorize local air pollution control districts to adopt and implement regulations to require data regarding air pollution within the district’s jurisdiction from indirect and areawide sources of air pollution, including mobile sources drawn by those sources, to enable the calculation of health risks from toxic air contaminants. This bill would additionally authorize the districts to adopt and implement regulations to accomplish these objectives in carrying out their responsibilities with respect to the reduction of health risks from toxic air contaminants. It will be introduced at the Assembly’s Natural Resources and Transportation Committees in April. Ms. Abbs explained that it may be difficult for this



bill to pass through both the Assembly and Senate. He also mentioned that Assemblymember Eloise Gomez Reyes' bill, AB 1547, would require local governments, before approving a warehouse development project, to take certain actions to identify and address the potential environmental impacts of the project and to ensure public participation by residents affected by the project on the consideration of the project, as provided. By imposing additional duties on local governments, this bill would impose a state-mandated local program. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

- **AB 762 (Lee & C. Garcia) – Hazardous Emissions and Substances: School Sites; Private and Charter Schools.** This bill would prohibit an environmental impact report or negative declaration from being approved for a project involving the purchase of a school site or the construction of a new elementary or secondary school by a charter school, unless those specified conditions are met. By imposing new requirements on school districts, charter schools, lead agencies, cities, and counties, the bill would impose a state-mandated local program. Additionally, this bill would impose that prohibition on the governing body of a charter school and would require the determination and identification described above to be made by the lead agency. The bill would impose that prohibition, and related requirements, additionally on a private school. By imposing new requirements on school districts, charter schools, lead agencies, cities, and counties, the bill would impose a state-mandated local program. It will be introduced at the Assembly's Education and Environmental Safety and Toxic Materials Committees in April, and the Air District is gathering support for these meetings.

#### Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area.

#### Committee Comments

The Committee and staff discussed how burdens caused by city and county zoning policies are sometimes blamed on air districts.

#### Committee Action

None; receive and file.

### **5. CONSIDERATION OF NEW BILLS**

Mr. Abbs gave the staff presentation *Consideration of New Bills*, including:

- **AB 905 (Quirk) – Mobile Fueling On-Demand Tank Vehicles: Performance Standards.** This bill would require the state board to regulate a mobile fueling on-demand tank vehicle, as defined, as a mobile source, and, contingent upon an appropriation by the Legislature for this purpose, to adopt regulations on or before a specified date to control emissions attributable to mobile fueling on-demand tank vehicles and to certify equipment for those vehicles, as provided. **(OPPOSE)**

- **Senate Bill (SB) 30 (Cortese) – Building Decarbonization.** This bill would, on or after January 1, 2022, prohibit a state agency from designing or constructing a state facility that is connected to the natural gas grid. **(SUPPORT)**
- **SB 31 (Cortese) – Building Decarbonization.** This bill would require the commission to identify and implement programs to promote existing and new building decarbonization. The bill would, to the extent clean energy or energy efficiency funds are made available from the federal government to address economic recovery and development due to the COVID-19 pandemic, authorize the commission to expend federal moneys, to the extent authorized by federal law, for projects for existing and new building decarbonization. **(SUPPORT)**
- **SB 32 (Cortese) – Energy; General Plan: Building Decarbonization Requirements.** This bill would require a city or county to amend, by January 1, 2023, the appropriate elements of its general plan to include goals, policies, objectives, targets, and feasible implementation strategies, as specified, to decarbonize newly constructed commercial and residential buildings. **(SUPPORT)**
- **SB 68 (Becker) – Building Decarbonization.** This bill would require the Energy Commission to develop and publish on its internet website a guide for electrification of buildings and to submit to the Legislature a report on barriers to electrifying existing buildings and to adding energy storage or vehicle charging equipment to existing buildings. **(SUPPORT)**

Other bills highlighted by Mr. Abbs included:

- **SB 596 (Becker) – Greenhouse Gases: Cement and Concrete Production.**
- **AB 363 (Medina) – Carl Moyer Memorial Air Quality Standards Attainment Program.**
- **AB 365 (O’Donnell) – Sales and use taxes: exclusion: zero-emission and near-zero-emission drayage trucks.**
- **AB 906 (Carrillo) – Zero-Emission Trucks: Tax and Fee Exemptions.**
- **AB 745 (Gipson) – Air Pollution: Clean Cars 4 All Program.**
- **AB 833 (Quirk-Silva) – State Government: Grants: Administrative Costs.**
- **AB 1500 Climate Bond (E. Garcia) – Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.**
- **SB 45 Climate Bond (Portantino) – Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.**
- **SB 342 (Gonzalez) – South Coast Air Quality Management District: board membership.**
- **AB 1296 (Kamlager) – South Coast Air Quality Management District: District Board: Membership.**
- **AB 1547 (Reyes) – Air Pollution: Warehouse Facilities.**
- **AB 619 (Calderon) – Lung Health.**
- **AB 1205 (Frazier) – State Air Resources Board: Elections.**
- **AB 1346 (Berman) – Air pollution: small off-road engines**
- **AB 1001 (C. Garcia) – Permitting and Air Pollution.**

#### Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area.

Committee Comments

The Committee and staff discussed concerns about opposing AB 905, as it is being supported by the Paralyzed Veterans of America; the role of air districts regarding AB 905; whether air districts would have authority regarding SB 68 activities; whether SB 596 would affect AB&I Foundry in Oakland; the request that the Air District adopts a formal position on AB 1346; and whether there are any hydrogen vehicle bills this year.

Committee Action

Director Hudson made a motion, seconded by Co-Chair Abe-Koga, to recommend the Board **adopts** the following positions:

<b>Bill</b>	<b>Staff Recommendation</b>	<b>Committee Recommendation</b>
<b>AB 905</b>	Oppose	Oppose
<b>SB 30</b>	Support	Support
<b>SB 31</b>	Support	Support
<b>SB 32</b>	Support	Support
<b>SB 68</b>	Support	Support

The motion carried by the following vote of the Committee:

- AYES: Abe-Koga, Cutter, Hudson, Hopkins, Rennie.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Canepa, Hannigan, Haubert, Wagenknecht.

**6. 2021 LEGISLATIVE PLATFORM**

Mr. Abbs gave the staff presentation *2021 Legislative Platform*, including three sections – state budget, state legislation, and federal legislation. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion.

Greg Nudd, Deputy Air Pollution Control Officer of Policy, also presented on Particulate Matter Best Available Retrofit Control Technology requirements and health benefits during this item.

Topic	State Budget	State Legislation	Fed. Legislation
State Funding for Clean Air Projects	X		
AB 617 Community Air Protection Implementation and Incentive Funding	X	X	
Carl Moyer Program AB 1274 Funding	X		
Carl Moyer / Mobile Source Incentive Fund / AB 118 Reauthorization	X		
Wildfire Smoke Public Health Response	X	X	X
Support for Air District Activities Related to Wildfire Mitigation	X		
Clean Tech Financing	X		
Vehicle Emissions and Congestion Relief		X	
Climate Change		X	
Emergency Backup Generation		X	
Toxic Air Emissions		X	
Stationary Source Greenhouse Gas Authority		X	
Federal Funding for Air District Clean Air Programs			X
Clean Transportation Programs			X
Clean Energy Programs			X
Particulate Matter Standards			X
Vehicle Emission Standards			X

Public Comments

Public comments were made by Jed Holtzman, 350 Bay Area.

Committee Comments

The Committee and staff discussed whether ‘wildfire risk mitigation’ is included in the Air District’s 2021 Legislative Platform; the importance of proactively mitigating wildfire smoke to alleviate the necessity for clean air centers; and why ‘climate change’ is not included in the federal legislation list.

Committee Action

Director Hopkins made a motion, seconded by Co-Chair Cutter, to recommend the Board **approve** the revised Draft Legislative Platform for 2021 with the inclusion of “Wildfire Smoke Mitigation” for State Legislation and “Climate Change” for Federal Legislation; and the motion carried by the following vote of the Committee:

- AYES: Abe-Koga, Cutter, Hudson, Hopkins, Rennie.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Canepa, Hannigan, Haubert, Wagenknecht.

## 7. FEDERAL LEGISLATIVE UPDATE

Mr. Abbs gave the staff presentation *Federal Legislative Update*, including:

- Air District staff has spoken with Congressman DeSaulnier about his reintroduction of the Clean Corridors Act bill, which would direct the Department of Transportation to award grants to governmental entities and planning organizations for the installation of electric vehicle charging infrastructure and hydrogen fueling infrastructure along designated alternative fuel corridors. Congressman DeSaulnier has accepted the Air District’s revisions.
- The Air District continues to track two companion bills, under the “Smoke Planning and Research Act”, which are being reintroduced in the House of Representatives and Senate, respectively: H.R. 4924 (Eshoo) would help state and local governments protect their communities from the public risks of wildfire smoke; and S.1812 (Merkley) would require the United States Environmental Protection Agency (EPA) to research and mitigate the impacts of smoke emissions from wildland fires.
- The Air District is hopeful for funding allocation increases from the following federal sources: EPA’s Diesel Emission Reduction Act, Targeted Airshed Grant Program, and Section 103 and 105 of the Clean Air Act. Congress passed a \$900 billion COVID-relief and \$1.4 trillion government funding package which will provide a one-time funding increase to Section 103 and 105 program funding.
- On March 11, 2021, President Biden signed the \$1.9 trillion American Rescue Plan into law. One significant provision of the bill is \$10 billion in funding for the State Small Business Credit Initiative. Grants of \$125.8 billion will be provided to states to support statewide and local funding for elementary and secondary schools and public postsecondary institutions. Funding may be used for inspecting and improving school facilities to ensure adequate air quality.
- Air District staff has met with Senator Alex Padilla, Congresswoman Zoe Lofgren, Congressman John Garamendi, Congressman Jimmy Panetta, Congresswoman Barbara Lee, and Congresswoman Jackie Speier to discuss bills that matter to the Air District and educate the Legislators about Air District programs such as Clean Cars for All and the Clean Tech Finance Program.
- There may be a new federal ‘Cash for Clunkers’ type of program that may target low income- households or electric vehicles.

### Public Comments

No requests received.

### Committee Comments

None.

### Committee Action

None; receive and file.

**8. PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

**9. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS**

None.

**10. TIME AND PLACE OF NEXT MEETING**

Wednesday, April 21, 2021, at 1:00 p.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

**11. ADJOURNMENT**

The meeting adjourned at 2:58 p.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 15, 2021

Re: Sacramento Legislative Update

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

April is traditionally a busy time in the Legislature as bills must be out of policy committees by the end of the month. Budget committees also continue budget hearings in preparation for the Governor's May Revise and final budget negotiations.

DISCUSSION

Staff will provide an update to the Legislative Committee (Committee) on recent events of significance in Sacramento.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 15, 2021

Re: Air District-Sponsored Bills

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**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

This year, the Air District sponsored two bills, Assembly Bill (AB) 426 (Bauer-Kahan) – Toxic Air Contaminants and AB 762 (Lee and C. Garcia) – Hazardous emissions and substances: schoolsites: private and charter schools.

**DISCUSSION*****AB 426 (Bauer-Kahan) – Toxic Air Contaminants.***

AB 426 was introduced by Assemblymember Bauer-Kahan on February 4, 2021 and was referred to Assembly Committees on Natural Resources and Transportation. Prior to its scheduled hearing on April 14, 2021, the Assemblymember's staff informed us that she was not moving forward with the bill this year. Attached are several letters of support and opposition that have been submitted for the bill.

***AB 762 (Lee and C. Garcia) – Hazardous emissions and substances: schoolsites: private and charter schools.***

AB 762 was introduced by Assembly Members Alex Lee and Cristina Garcia on February 16, 2021 and has been referred to Assembly Environmental Safety and Toxic Materials and Assembly Education. It was heard in Assembly Environmental Safety and Toxic Materials on April 7, 2021. It received a vote in favor of 6-0 and was referred to Assembly Education. Attached are several letters of support that have been submitted for the bill.

Prior to constructing a new public school, a school district must go through a California Environmental Quality Act (CEQA) process that requires (in the Education Code and Public Resources Code) dialog with their local air district, identification of sources of air pollution nearby, and a thoughtful determination that the nearby sources of pollution do not pose a threat to the future students or employees. While private schools perform CEQA, they are not required to make a similar declaration prior to construction of a school. As we see more infill development in



California, including development of old industrial sites, it will be important to ensure that our children have an opportunity to attend schools with a healthy learning environment.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent

- Attachment 4A: AB 426 (Bauer-Kahan) – Bay Area Air Quality Management District – Sponsor Letter
- Attachment 4B: AB 426 (Bauer-Kahan) – American College of Obstetricians and Gynecologists District IX – Support Letter
- Attachment 4C: AB 426 (Bauer-Kahan) – American Lung Association – Support Letter
- Attachment 4D: AB 426 (Bauer-Kahan) – 350 Bay Area Action – Support Letter
- Attachment 4E: AB 426 (Bauer-Kahan) – Brightline Defense – Support Letter
- Attachment 4F: AB 426 (Bauer-Kahan) – Sierra Club – Support Letter
- Attachment 4G: AB 426 (Bauer-Kahan) – Various Organizations – Oppose Letter
- Attachment 4H: AB 762 (Lee and C. Garcia) – Assembly Environmental Safety and Toxic Materials Committee Analysis
- Attachment 4I: AB 762 (Lee and C. Garcia) – Bay Area Air Quality Management District – Sponsor Letter
- Attachment 4J: AB 762 (Lee and C. Garcia) – California Air Pollution Control Officers Association – Support Letter
- Attachment 4K: AB 762 (Lee and C. Garcia) – California Association of Private School Organizations – Support Letter
- Attachment 4L: AB 762 (Lee and C. Garcia) – County of San Diego – Support Letter



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

March 18, 2021

The Honorable Luz Rivas  
Chair, Assembly Committee on Natural Resources  
1020 N Street, Room 164  
Sacramento, CA 95814

RE: AB 426 (Bauer-Kahan) – Toxic Air Contaminants

Dear Chair Rivas:

On behalf of the Bay Area Air Quality Management District (Bay Area AQMD), I wish to inform you of our sponsorship and support of Assembly Bill 426 (Bauer-Kahan), which better describes general air pollution control district and air quality management district authority related to indirect sources by adding toxic air contaminants to current authority and adding a data collection component. For many air districts in nonattainment of state ambient air quality standards including the South Coast AQMD, AB 426 is declarative of existing law. For the Bay Area however, identifying toxic air contaminants would allow us to better support public health initiatives in our disadvantaged communities.

Although the California Air Resources Board (CARB) and local air quality management districts (AQMDs) and air pollution control districts (APCDs) have made significant improvements in air quality over the years, the Legislature recognized in 2017 through AB 617 (C. Garcia; Chapter 136, Statutes of 2017) that improvements are not uniform throughout the state, and that additional effort should be made to work with communities that continue to be overly burdened by air pollution. In working with one of these communities, the community of West Oakland, the Bay Area AQMD and community members identified “indirect sources” as a source that should be addressed to improve public health in burdened communities throughout California. Given current statutory limitations that impact the Bay Area AQMD, this would require amendments to the California Health and Safety Code (HSC) Section 40716.

Traditional regulatory authority related to air quality gives local APCDs and AQMDs authority to regulate “stationary sources,” facilities with stationary equipment such as boilers and engines, and CARB the authority to regulate “mobile sources,” such as cars, trucks, and buses. “Indirect sources” are facilities that attract mobile sources and their associated pollution, such as warehouses, distribution centers, ports, shopping centers, and events centers. Current air district authority under HSC 40716 authorizes APCDs and AQMDs to enact local rules to reduce regional pollution impacts in areas of nonattainment of the state criteria pollutant standards, essentially ozone (smog) and particulate matter under 10 microns (PM10). AB 617 created a

- ALAMEDA COUNTY**  
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Lori Wilson
- SONOMA COUNTY**  
Teresa Barrett  
Lynda Hopkins

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

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new community air protection program that included air toxics such as diesel particulate matter as a major focus. HSC 40716, however, does not specifically identify air toxics, only state criteria pollutants (ozone and general particulate). Thus, the Bay Area AQMD is proposing three revisions to HSC 40716 that we believe are declarative of existing law:

1. Add air toxics to the pollutants covered under potential local air districts' indirect source rules.
2. Clarify that air district indirect source authority can include both new sources as well as existing sources.
3. Add data collection authority to actions that air districts can take under a local indirect source rule.

For the Bay Area AQMD, this would allow us to identify local indirect sources that contribute significantly to negative community health impacts, providing a platform to create future local actions to address these impacts.

The Bay Area AQMD is committed to reducing air pollution in California and ensuring that every one of the region's approximately 7.75 million residents can breathe clean, healthful air. We encourage you to support AB 426 when it comes before you for consideration. If you should have any questions, please do not hesitate to contact me at (415) 749-5052, or our Legislative Officer, Mr. Alan Abbs at (916) 769-7769.

Sincerely,



Jack P. Broadbent  
Executive Officer/APCO

JPB:AA

cc: The Honorable Rebecca Bauer-Kahan, Assemblymember, 16th District  
Members of the Assembly Committee on Natural Resources



# American College of Obstetricians and Gynecologists

## District IX

March 17, 2021

The Honorable Luz Rivas, Chair  
Assembly Committee on Natural Resources  
1020 N Street, Room 164  
Sacramento, CA 95814

Re: AB 426 (Bauer-Kahan) – Support

Dear Chairwoman Rivas:

The American College of Obstetricians and Gynecologists District IX (ACOG) is pleased to support AB 426 (Bauer-Kahan), which would improve air quality standards for California by adding toxic air contaminants, including diesel particulates, to the pollutants covered under air districts’ indirect source rules and permit air districts to gather data under a local indirect source rule so that local health risks can be properly assessed.

Air pollution is controlled at the state level and local air district level. The California Air Resources Board (CARB) main responsibility at the state level is to regulate vehicle pollution from cars, trucks, and buses. At the local air district level, the primary responsibility is to regulate pollution emitted from sources that are not vehicles. However, air districts do not have enough information regarding “indirect sources” of pollution which includes facilities that attract truck traffic, and other mobile sources of pollution.

Additionally, one in every six Black children in America have asthma. Studies have proven that children growing up in areas with high diesel air pollution is one of the factors that contributes to asthma among youth. Diesel trucks emit more particulate matter than all of the state’s power plants combined. To adequately address diesel pollution to protect the public’s health, air districts need the capability to gather information and work with local jurisdictions to mitigate negative impacts on residents from diesel pollution.

For all these reasons, ACOG is pleased to support and ask your “aye” vote on AB 426.

Thank you for your attention.

Sincerely,

Ryan Spencer  
Legislative Advocate

cc:  
The Honorable Rebecca Bauer-Kahan  
Members, Assembly Committee on Natural Resources  
Members, Assembly Committee on Transportation

**CHAIR**  
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**DISTRICT MANAGER**  
Michelle Clark, MSW

409 12<sup>th</sup> St SW  
Washington, DC 20024  
DIRECT: (202) 863-2564  
MAIN: (800) 673-8444  
EMAIL: mclark@acog.org



March 18, 2021

The Honorable Luz Rivas, Chair  
Assembly Committee on Natural Resources  
Legislative Office Building  
1020 N Street, Room 164  
Sacramento, CA 95814

**Subject: Support for Assembly Bill 426 (Bauer-Kahan) in re: Toxic Air Contaminants**

Dear Chair Rivas and members of the Committee,

On behalf of the American Lung Association, I am writing to express our support for Assembly Bill 426 (Bauer-Kahan). AB 426 provides air districts with additional tools to address local sources of toxic air contaminants.

Despite decades of clean air progress, California remains home to the most difficult air pollution challenges in the United States. In addition, we know that too many communities face increased health burdens due to nearby sources of diesel particulate matter and other toxic air contaminants. Lower income communities and communities of color often face disproportionate exposures and disparities in poor health outcomes because pollution sources tend to be located near disadvantaged communities, increasing exposure to harmful pollutants. Assembly Bill AB 426 would expand the current authority of our local air districts to request and measure data from indirect sources of air pollution, such as distribution centers and warehouses, and evaluate health risks from those facilities on the surrounding communities.

AB 426 will expand authority to Air Quality Control Districts and Air Pollution Control Districts to reduce pollution and improve air quality standards for California by doing the following:

- Add toxic air contaminants, including diesel particulates, to the pollutants covered under air districts' indirect source rules.
- Allow air districts to collect data under a local indirect source rule so that local health risks can be properly assessed.

The American Lung Association supports AB 426 to provide air districts with additional tools to assess and address harmful air pollution from new and existing indirect sources that impact the health of local communities and especially California's most vulnerable communities. Please contact me with any questions at [william.barrett@lung.org](mailto:william.barrett@lung.org) or (916) 585-7663.

Sincerely,

A handwritten signature in blue ink that reads "Will Barrett".

Will Barrett  
Director, Clean Air Advocacy

cc: Assemblymember Bauer-Kahan

The Honorable Luz Rivas, Chair  
Committee on Natural Resources  
Legislative Office Building, 1020 N St., Room 164  
Sacramento, CA 95814

March 12, 2021

**Re: Assembly Bill 426 – Toxic Air Contaminants– SUPPORT**

Dear Chair Rivas,

On behalf of **350 Bay Area Action**, I write to express our strong support for Assembly Bill 426 (Bauer-Kahan). This bill would expand current statewide air pollution control district and air quality management district (air district) authority related to indirect sources by including toxic air contaminants, as well as granting air districts authority to request data from new and existing indirect sources in order to calculate health risk assessments.

350 Bay Area gets policies passed that reduce toxic and climate-harming emissions. This is core to our mission, which is to eliminate carbon pollution and build a sustainable and socially equitable future, including a just transition to a clean energy economy. We are achieving this by building the grassroots climate movement in the Bay Area and beyond, and combining that work with policy expertise to provide leveraged pressure at the state, agency and local levels. We are working hard to protect communities from the well-documented and devastating health impacts caused by the air pollution.

AB 426 directly furthers this mission by increasing regulatory oversight of fine particulate matter (PM<sub>2.5</sub>), the deadliest air pollution our communities face. Local Air Districts are in the best position to regulate PM<sub>2.5</sub> pollution from so-called “magnet sources,” which currently fall into a gap in the state air quality regulatory framework. We are particularly concerned that the people who live or work in or near these sources, who are subjected to high levels of PM pollution, are also disproportionately low-income and of color. New studies show staggering increases in COVID-19 mortality from increased exposure to PM, suggesting that frontline communities heavily impacted by this environmental injustice are likely to experience much higher death rates from the pandemic. These disproportionate health impacts from PM emissions are not accounted for in standard cost-benefit analyses, so we must aggressively pursue all feasible methods to lower them. For that reason, we and our 17,000 members support AB 426.

Traditional regulatory authority related to air quality gives local air districts authority to regulate “stationary sources”, facilities with stationary equipment such as boilers and engines, and the California Air Resources Board the authority to regulate “mobile sources” such as cars, trucks, and buses. “Indirect sources”, facilities that attract mobile sources and their associated pollution, such as warehouses, distribution centers, ports, shopping centers, and events centers, are under limited local air district authority depending on attainment of state ozone or PM<sub>10</sub> health standards. Although the California Air Resources Board and local air districts have made significant improvements in air quality over the years, the Legislature recognized in 2017 through AB 617 (C. Garcia; Chapter 136, Statutes of 2017) that additional effort should be made to work with communities that continue to be overly burdened by air pollution, including toxic air contaminants and fine particulate (PM<sub>2.5</sub>). Existing law, however, does not provide local air districts indirect source authority to determine and reduce health risks associated with toxic air contaminants such as diesel particulate matter, although people who live



near facilities that attract truck traffic and other mobile sources emitting these pollutants are at high risk for exposure and may experience compounded health impacts due to near-constant exposure.

This bill would allow (but not require) air districts to adopt local rules to accomplish the following:

1. Add air toxics to the pollutants covered under potential local air districts' indirect source rules;
2. Clarify that air district indirect source authority can include both new sources as well as existing sources; and
3. Add data collection authority to actions that air districts can take under a local indirect source rule.

These three aspects of rulemaking authority would allow air districts to identify local indirect sources that contribute significantly to negative community health impacts and, by working with communities, will in turn drive solutions to reduce those health impacts.

We appreciate the opportunity to submit our comments on this important piece of legislation and urge you to support AB 426 when it comes before you for consideration. For more information about 350 Bay Area Action's support of AB 426, please contact Ogie Strogatz at [ogstrogatz@gmail.com](mailto:ogstrogatz@gmail.com) (925) 451-9359.

Sincerely,

*Ogie Strogatz*

Ogie Strogatz

Legislative Analyst

350 Bay Area Action Legislative Committee

cc: The Honorable Rebecca Bauer-Kahan, California State Assemblymember, 16th District

Alan Abbs, Legislative Officer, Bay Area Air Quality Management District



1028A Howard Street  
San Francisco, CA 94103  
P 415.252.9700  
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www.brightlinedefense.org

The Honorable Rebecca Bauer-Kahan  
California State Assembly  
State Capitol, Room  
Sacramento, CA 95814

March 18, 2021

**Re: Assembly Bill 426 - SUPPORT**

Dear Assemblymember Bauer-Kahan,

Brightline Defense, an environmental justice organization, is pleased to inform you of our support for Assembly Bill 426, which was introduced by Assemblymember Rebecca Bauer-Kahan.

Brightline supports AB 426 for furthering environmental justice in air quality. AB 426 expands the current authority of our statewide Air Pollution Control Districts (APCD) and Air Quality Management Districts (AQMD) to request and measure data from indirect sources of air pollution, such as distribution centers and warehouses, and evaluate health risks from those facilities on the surrounding communities.

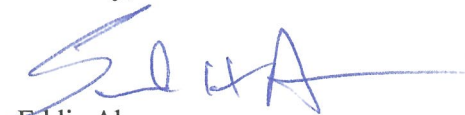
One in every six Black children in America have asthma, higher than the national average according to CDC Data. Growing up in areas with high diesel air pollution is one of the factors that contributes to asthma among youth, as the case with many Black and Brown youth. According to a study done in the Eastbay, children who live near freeways have much higher likelihood for negative respiratory symptoms than those who do not.

AB 426 will expand authority to Air Quality Control Districts and Air Pollution Control Districts to reduce pollution and improve air quality standards for California by doing the following:

1. Add toxic air contaminants, including diesel particulates, to the pollutants covered under air districts' indirect source rules.
2. Allow air districts to collect data under a local indirect source rule so that local health risks can be properly assessed.

Brightline, respectfully urges your "AYE" vote on Assembly Bill 426 when it comes before you in the Assembly Natural Resources and Assembly Transportation. Please do not hesitate to contact me at [eddie@brightlinedefense.org](mailto:eddie@brightlinedefense.org) with any questions or concerns.

Sincerely,



Eddie Ahn  
Executive Director





March 15, 2021

Assemblymember Bauer-Kahan  
California State Capitol  
Sacramento, CA 95814

**Re: AB 426 (Bauer-Kahan) - Toxic Air Contaminants**

Dear Assemblymember Bauer-Kahan:

Sierra Club California supports your bill, AB 426, which expands the current authority of our statewide Air Pollution Control Districts (APCD) and Air Quality Management Districts (AQMD) to request and measure data from indirect sources of air pollution, such as distribution centers and warehouses, and evaluate health risks from those facilities on the surrounding communities.

Diesel trucks emit more particulate matter than all of the state's power plants combined. Air districts currently do not have adequate data nor the authority to gather data in order to combat the multiple pollutants emitted by diesel trucks. In order to adequately address diesel pollution to protect the public's health, air districts need the ability to gather information and work with local jurisdictions to mitigate negative impacts on residents from diesel pollution.

People who live near indirect sources that attract truck traffic and other mobile sources that emit pollutants are at high risk for exposure to health-threatening air pollutants emitted by these medium and heavy-duty vehicles. Communities near freeways and busy roadways have compounded health impacts due to near-constant exposure to air pollutants. According to a study done in the Eastbay, children who live near freeways have much higher likelihood for negative respiratory symptoms than those who do not.

AB 426 will expand authority to the APCDs and AQMDs to reduce pollution and improve air quality standards for California by (1) adding toxic air contaminants, including diesel particulates, to the pollution covered under air districts' indirect source rules and (2) allowing air districts to collect data under a local indirect source rule so that local health risks can be properly assessed. These provisions will allow air districts to identify local indirect sources of air pollution that contribute to detrimental community health impacts. For these reasons, Sierra Club California supports AB 426.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Cullum". The signature is fluid and cursive, written over a light-colored background.

Lauren Cullum  
Policy Advocate  
Sierra Club California

CC: Assembly Committee on Natural Resources; Assembly Committee on Transportation



March 16, 2021

The Honorable Rebecca Bauer-Kahan  
 California State Assembly  
 State Capitol, Room 2130  
 Sacramento, CA 95814

**RE: AB 426 (Bauer-Kahan) TOXIC AIR CONTAMINANTS - OPPOSE**

Dear Assemblymember Bauer-Kahan,

The undersigned organizations must respectfully oppose AB 426. As you know, consistent with the California Toxic Air Contaminant Act, diesel exhaust was identified as a toxic air contaminant in 1998. As required by the law, the California Air Resources Board (CARB) adopted a control plan (the Diesel Risk Reduction Plan) in 2000.

Since that time, CARB has implemented a comprehensive mobile source control program which has, in many cases, far exceeded the Diesel Risk Reduction Plan's goal of reducing diesel exhaust by 85% by 2020. In addition, CARB continues to adopt new control measures requiring the use of zero and near-zero emission equipment.

Simply put, the current regulatory mobile source programs by CARB already provided for in California law – including the latest generation of control technologies – have been wildly successful in reducing community exposures to both mobile and stationary source diesel emissions. For example, by January 1, 2023, diesel exhaust in nearly all on-road heavy-duty trucks will be reduced by more than 98%.<sup>1</sup>.

<sup>1</sup> <https://ww3.arb.ca.gov/msprog/onrdiesel/documents/dpfeval.pdf>

AB 426 would fundamentally change the successful two-step identification and control process in the California Toxic Air Contaminant Act as implemented in the Diesel Risk Reduction Plan. The bill would also grant indirect source rule authority over existing sources in conflict with the Federal Clean Air Act which applies such programs to new or modified sources only. In addition, this bill would duplicate existing facility-by-facility review and mitigation under the California Environmental Quality Act as well as the myriad regulatory and data collection efforts on mobile sources currently being implemented by CARB.

For the above reasons, we must respectfully oppose AB 426.

***Building Owners and Managers Association of California  
California Airports Council  
California Beer & Beverage Distributors  
California Business Properties Association  
California Chamber of Commerce  
California Distributors Association  
California Railroads  
California Retailers Association  
California Trucking Association  
Carson Dominguez Employers Alliance  
Construction Industry Air Quality Coalition  
Inland Action  
Inland Empire Economic Partnership  
International Council of Shopping Centers  
Los Angeles Chamber of Commerce  
Los Angeles County Business Federation  
NAIOP California – Commercial Real Estate Development Association  
Pacific Merchant Shipping Association  
San Gabriel Valley Economic Partnership  
Truck and Engine Manufacturers Association  
Wilmington Chamber of Commerce***

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Bill Quirk, Chair

AB 762 (Lee) – As Amended March 30, 2021

**SUBJECT:** Hazardous emissions and substances: schoolsites: private and charter schools

**SUMMARY:** Requires charter schools and private schools to follow the same siting requirements as public schools for evaluating a schoolsite for potential hazardous substances, hazardous emissions, or hazardous waste. Requires the evaluation, under the California Environmental Quality Act (CEQA), of a potential charter schoolsite to follow the same CEQA process as public schools.

**EXISTING LAW:**

- 1) Prohibits the governing board of a school district from approving a project involving the acquisition of a school site unless the school district, as the lead agency, determines that the property to be built upon is not a current or former hazardous waste site or a hazardous substances release site and the school district has consulted with state and local agencies and made a finding that the health risks or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school. (Education Code (EDC) § 17213)
- 2) Requires the governing board of a school district, as a condition of receiving state funding, prior to the acquisition of a schoolsite to conduct a Phase I environmental assessment or a preliminary endangerment assessment of the proposed schoolsite. (EDC § 17213.1)
- 3) Creates the Hazardous Waste Control Law (HWCL), which authorizes the Department of Toxic Substances Control (DTSC) to regulate the management of hazardous wastes in California. (Health and Safety Code (HSC) § 25100 et. seq.)
- 4) Establishes the Carpenter-Presley-Tanner Hazardous Substance Account Act (HSAA) program to provide for response authority for releases of hazardous substances, including spills and hazardous waste disposal sites that pose a threat to public health or the environment. (HSC § 25300 et seq.)
- 5) Requires DTSC to publish and revise, at least annually, a listing of hazardous release sites selected for a response action under the HSAA. (HSC § 25356)
- 6) Creates CEQA which provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. (Public Resources Code (PRC) § 21050)
- 7) Defines "lead agency" as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment. (PRC § 21067)
- 8) Prohibits an environmental impact report (EIR) from being certified or a negative declaration from being approved for a project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless certain conditions are met. (PRC § 21151.8)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

*Need for the bill:* According to the author, "Private and some charter schools are not required to meet the same siting requirements as public schools, before building a new school. As a result, a school could potentially be built at an unsafe location near sources of hazardous emissions, substances, or waste. Consequently, the public health and safety of the students, teachers, and school employees could be put at risk.

The bill would require private and charter schools to identify nearby sources of air pollution, consult with their local air districts, and meet siting requirements by evaluating the schoolsite for potential hazardous substances, hazardous emissions, or hazardous waste."

*California Hazardous Waste Control Law (HWCL):* The HWCL is the state's program that implements and enforces federal hazardous waste law in California. HWCL statute directs DTSC to oversee and implement the state's HWCL. Any person who stores, treats, or disposes of hazardous waste must obtain a permit from DTSC. The HWCL covers the entire management of hazardous waste, from the point the hazardous waste is generated, to management, transportation, and ultimately disposal into a state or federal authorized facility. Current law prohibits a public school from being built on a hazardous waste site permitted by DTSC. This bill would apply that prohibition to school sites for private and charter schools as well.

*Carpenter-Presley-Tanner Hazardous Substances Account Act (HSAA):* State law provides DTSC with general administrative responsibility for overseeing the state's responses to spills or releases of hazardous substances, and for overseeing hazardous waste disposal sites that pose a

threat to public health or the environment. The HSAA provides DTSC with the authority, procedures, and standards to investigate, remove, and remediate contamination at sites; to issue and enforce a removal or remedial action order to any responsible party; and, to impose administrative or civil penalties for noncompliance with an order. DTSC utilizes the HSAA for cleanup of contaminated sites and the HWCL for the regulation of hazardous waste sites. Current law prohibits a public school from being built on a hazardous waste site permitted by DTSC or a site with hazardous substances on a list compiled by DTSC. This bill would apply that prohibition to school sites for private and charter schools as well.

*California Environmental Quality Act (CEQA):* CEQA generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. If a project subject to CEQA will not cause any adverse environmental impacts, a public agency may adopt a brief document known as a negative declaration. If the project may cause adverse environmental impacts, the public agency must prepare a more detailed study called an Environmental Impact Report (EIR). An EIR contains in-depth studies of potential impacts, measures to reduce or avoid those impacts, and an analysis of alternatives to the project. A key feature of the CEQA process is the opportunity for the public to review and provide input on both negative declarations and EIRs.

*Evaluation of proposed schoolsites for potential hazardous substance contamination:* All proposed school sites that receive state funding for acquisition or construction are required to go through a rigorous environmental review and cleanup process under DTSC's oversight. School districts conduct environmental assessments to provide basic information for determining if there has been a release of hazardous material at the sites, or if a naturally occurring hazardous material that presents a risk to human health or the environment may be present. Outreach activities integrated into the process allow a more active role for stakeholders in the selection process for school sites.

*Siting of schools is a complicated process:* Siting schools is not an easy process. Existing law and state regulations prohibit school districts seeking state bond funds from being located on land that was previously a hazardous waste disposal site, that contains pipelines that carry hazardous substances, or that is near a freeway and other busy traffic corridors and railyards that have the potential to expose students and school staff to hazardous air emissions. Existing law also requires school districts to comply with CEQA requirements, review by DTSC, and approval by the California Department of Education (CDE) to ensure the design plans meet the academic need of the school. School districts must also comply with the Field Act, which ensures that school buildings can withstand earthquakes. School districts must submit all school design plans to the Division of State Architect to ensure that the architectural design plans meet fire, life, and safety requirements, Field Act requirements, and access requirements under the Americans with Disability Act. Charter schools are not required to comply with school siting requirements unless they receive state school bond funds. Private schools are not subject to the requirements in the Education Code unless specified, typically related to health and safety issues.

*Charter schools:* Charter schools are authorized by school district boards and county boards of education. A charter school is generally exempt from most laws governing school districts, except where specifically noted in the law. Specific goals and operating procedures for the charter school are detailed in an agreement (or "charter") between the authorizing board and charter organizers. According to the CDE, in the 2018-19 academic year, there were 1,317 charter schools in California, with an enrollment of over 630,000 students. Some charter schools are new, while others are conversions from existing public schools. Charter schools are part of the state's public education system and are funded by public dollars. A charter school is usually created or organized by a group of teachers, parents, community leaders, a community-based organization, or an education management organization.

*This bill:* AB 762 amends existing law to require charter schools and private schools to perform the same evaluation for a proposed schoolsite as is required for public schools. It seems very reasonable to provide the students of charter schools and private schools with the same protections from hazardous chemicals at a potential schoolsite that is afforded to students who attend public schools. In addition, AB 762 is requiring the lead agency, under CEQA, over a charter school, to complete the same evaluations as is required for a lead agency of a public school. There are thousands of known contaminated sites in California, however, there are estimates of tens of thousands of unknown contaminated sites in the state. A site may have been an industrial site in the early 1900's and then been vacant for decades, and its potential of containing hazardous substances is unknown until there is an environmental assessment of the property. It is important that potential schoolsites, regardless of whether the school is a public school, private school, or charter school, be properly evaluated in order to protect the health and well-being of the future students who will attend that school.

*Arguments in Support:* According to the Bay Area Air Quality Management District, "In order to ensure the public health and safety of all students and school employees in California, the potential location for a new private school or charter school needs to be properly evaluated. AB 762 will achieve this by requiring that private schools and charter schools meet the same siting requirements as public schools."

*Double-Referral:* Should the committee approve this bill, it will be re-referred to the Assembly Education Committee for their consideration.

*Related legislation:*

- 1) AB 2882 (Chu, 2020). Would have required charter schools and private schools to follow the same siting requirements as public schools for evaluating a schoolsite for potential hazardous substances, hazardous emissions, or hazardous waste. Would have required the evaluation of a potential charter schoolsite under CEQA to follow the same process as public schools under CEQA. This bill was held in the Senate Environmental Quality Committee.
- 2) AB 2825 (Ruskin, 2006). Would have required a school district, in preparing the EIR on a proposed schoolsite, to identify any proposed facilities that emit hazardous air emissions or handle specified hazardous substances within a one-fourth mile of the proposed site. This bill was vetoed by Governor Schwarzenegger.

- 3) SB 1224 (Ortiz, 2004). Would have required school districts to contact DTSC if a potential health risk to students caused by a hazardous material is discovered. Would have allowed DTSC to oversee, review, and approve a site investigation and remediation for such a risk, and would have allowed deferred maintenance funding to be used for the investigation, mitigation, and removal of hazardous materials. This bill was held in the Senate Education Committee.
- 4) SB 352 (Escutia, Chapter 668, Statutes of 2003). Prohibits a local educational agency from approving the acquisition of a schoolsite within 500 feet of a busy roadway unless the air quality at the site does not pose a health risk to pupils or staff.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Bay Area Air Quality Management District (SPONSOR)  
California Air Pollution Control Officers Association  
California Association of Private School Organizations  
San Diego; County of

**Opposition**

None on file.

**Analysis Prepared by:** Josh Tooker / E.S. & T.M. /



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

March 19, 2021

The Honorable Bill Quirk  
Chair, Assembly Environmental Safety and Toxic Materials Committee  
1020 N Street, Room 171  
Sacramento, CA 95814

**RE: AB 762 (Lee and C. Garcia) - Hazardous Emissions and  
Substances: Schoolsites: Private and Charter Schools**

Dear Chair Quirk:

On behalf of the Bay Area Air Quality Management District (Bay Area AQMD), I wish to inform you of our sponsorship and support of Assembly Bill 762 (Lee and C. Garcia), which will ensure the public health and safety of all students and school employees in California by requiring that private schools and charter schools meet the same siting requirements as public schools.

Existing law requires public schools to follow certain requirements before approving and building a new school. These requirements include that the public school district determines that the proposed schoolsite is not hazardous and that the public school district consults with its local air district to identify sources of air pollution that may affect the health of the children and employees at the proposed school. Doing so will ensure awareness of any harmful pollution and provide an early opportunity to mitigate its effects before or as the school is constructed. Unfortunately, these requirements only apply to public schools and not to private schools and some charter schools. Consequently, this has resulted in instances where schools have been built in locations near sources of pollution, unbeknownst to the children, their parents, and school employees. One of those such instances occurred in Fall 2018, when a private preschool through eighth grade school was constructed next to the Tri-City Rock concrete batch facility in Fremont, CA without consulting the Bay Area AQMD, or properly notifying the students' parents.

In order to ensure the public health and safety of all students and school employees in California, the potential location for a new private school or charter school needs to be properly evaluated. AB 762 will achieve this by requiring that private schools and charter schools meet the same siting requirements as public schools.

- ALAMEDA COUNTY**  
John J. Bauters  
(Secretary)  
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Shamann Walton  
Tyrone Jue  
(SF Mayor's Appointee)
- SAN MATEO COUNTY**  
David J. Canepa  
Carole Groom  
Davina Hurt
- SANTA CLARA COUNTY**  
Margaret Abe-Koga  
Cindy Chavez  
(Chair)  
Rich Constantine  
Rob Rennie
- SOLANO COUNTY**  
Erin Hannigan  
Lori Wilson
- SONOMA COUNTY**  
Teresa Barrett  
Lynda Hopkins

Jack P. Broadbent  
**EXECUTIVE OFFICER/APCO**

Connect with the  
Bay Area Air District:



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The Bay Area AQMD is committed to reducing air pollution in California and ensuring that every one of the region's approximately 7.75 million residents can breathe clean, healthful air. We encourage you to support AB 762 when it comes before you for consideration. If you should have any questions, please do not hesitate to contact me at (415) 749-5052, or our Legislative Officer, Mr. Alan Abbs at (916) 769-7769.

Sincerely,



Jack P. Broadbent  
Executive Officer/APCO

JPB:AA

cc: The Honorable Alex Lee, Assemblymember, 25th District  
The Honorable Cristina Garcia, Assemblymember, 58th District  
Members of the Assembly Environmental Safety and Toxic Materials  
Committee





**1107 Ninth Street, Suite 801**  
**Sacramento, CA 95814**  
**(916) 441-5700 (916) 441-5708 FAX**  
**www.capcoa.org**

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*Northern Sierra AQMD*

**VICE PRESIDENT**

Aeron Arlin Genet  
*Santa Barbara County APCD*

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*San Diego County APCD*

Samir Sheikh  
*San Joaquin Valley APCD*

**EXECUTIVE DIRECTOR**

Tung T. Le  
tung@capcoa.org

March 30, 2021

The Honorable Bill Quirk, Chair  
Assembly Environmental Safety & Toxic Materials Committee  
1020 N Street, Room 171  
Sacramento, CA 95814

RE: AB 762 (Lee and C. Garcia) – Hazardous emissions and substances:  
school sites

Dear Chair Quirk:

On behalf of the California Air Pollution Control Officers Association (CAPCOA), the non-profit association of the air pollution control officers representing the 35 local air quality districts throughout California, I write to express our support of AB 762, which would ensure the public health and safety of all students and school employees in California.

Existing law requires public schools to meet certain requirements before approving and building a new school, such as consulting with their local air pollution control district or air quality management district to identify sources of air pollution. This consultation includes an analysis of toxic air contaminants that may affect the health of the children and employees of the proposed school. These requirements also include that the school district's governing board determines that the property is not a current or former hazardous waste or solid waste disposal site, a hazardous substance release site identified by the Department of Toxic Substances Control, or a site that contains one or more pipelines that carries hazardous substances. This ensures that the school district, its employees, and parents are aware of local sources of pollution and provides an early opportunity to mitigate its effects as the school is constructed.

Unfortunately, these requirements currently only apply to traditional public schools and not to private and some public charter schools, resulting in cases where schools have been built in locations near sources of pollution, unbeknownst to the children and their parents. We believe that regardless of whether students and school employees attend public or private institutions, it is imperative that their health and safety is protected to the maximum extent possible.

March 30, 2021

CAPCOA is dedicated to improving public health and providing clean air for all our residents and in order to ensure the public health and safety of all students and school employees in California, the potential location for a new private school or charter school needs to be properly evaluated. AB 762 will achieve this by requiring that private schools and charter schools meet the same siting requirements as traditional public schools. CAPCOA appreciates the opportunity to submit our comments on this important piece of legislation and urge you to support AB 762. Should you have any questions, please do not hesitate to contact me at (530) 274-9360, extension 502.

Sincerely,

A handwritten signature in blue ink that reads "Gretchen Bennitt". The signature is written in a cursive style with a small dot above the letter 'i' in "Bennitt".

Gretchen Bennitt  
President

CC: The Honorable Alex Lee, Assembly Member, 25th District  
The Honorable Cristina Garcia, Assembly Member, 58th District  
Members of Assembly Environmental Safety & Toxic Materials Committee  
Chair and Members of the Assembly Committee on Education



## California Association of Private School Organizations

### MEMBERS

Archdiocese of Los Angeles  
Department of Catholic Schools

Archdiocese of San Francisco  
Department of Catholic Schools

Association of Christian  
Schools International

Association of Waldorf Schools of  
North America – California Division

BJE - Builders of  
Jewish Education

California Association of  
Independent Schools

California Association of Private  
Special Education Schools

California Catholic Conference

Christian Schools International  
District VIII

Diocese of Fresno  
Education Corporation

Diocese of Monterey

Diocese of Oakland  
Department of Catholic Schools

Diocese of Orange

Diocese of Sacramento

Diocese of San Bernardino

Diocese of San Diego

Diocese of San Jose

Diocese of Stockton

Episcopal Diocese of California

Episcopal Diocese of Los Angeles

Evangelical Lutheran Education  
Association

Lutheran Church – Missouri Synod  
California-Nevada-Hawaii District

Lutheran Church – Missouri Synod  
Pacific Southwest District

Seventh-day Adventists  
Pacific Union Conference

Berit von Pohle  
President

Pamela Lyons  
Vice-President

Stephanie Rynas  
Secretary

Gil Graff  
Treasurer

Ron Reynolds  
Executive Director

March 31, 2021

Assemblymember Bill Quirk, Ph.D.  
Chair

Assembly Environmental Safety and Toxic Materials Committee  
State Capitol Room 2163  
Sacramento, CA 95814

Dear Dr. Quirk,

I write on behalf of the California Association of Private School Organizations (CAPSO) to indicate the Association's support for AB 762 (Lee), as amended on March 30, 2021. CAPSO is a statewide consortium of private school service agencies and administrative units whose 24 member-organizations serve approximately 1,400 nonprofit private schools enrolling some 370,000 pupils in grades K-12, inclusive.

AB 762 proposes an additional requirement to which the governing authority of a private school considering the acquisition or purchase of a school site would be subject. This additional procedural safeguard is intended to help prevent the acquisition or purchase of property in locations that may pose health hazards to a private school's students, staff, parents and community. We regard the measure's proposed provisions as sensible, reasonable, and practical.

California's private schools are partners in the education of the public, and AB 762 is, ultimately, a public health measure. In light of its purpose and reasonableness, we are pleased to support the bill, and respectfully request its passage when heard before the Assembly Environmental Safety and Toxic Materials Committee.

Sincerely,

Dr. Ron Reynolds  
Executive Director  
California Association of Private School Organizations

CC: Dr. Berit von Pohle, Richard Schnetzer

**Support AB 762 (Lee)  
As Amended (3/30/3031)**



*JGC Government Relations  
Sacramento Representatives  
County of San Diego  
1100 K Street, Suite 100  
Sacramento, CA 95814*

*(916) 441-0202 Fax (916) 441-1222*

**AGENDA 4L - ATTACHMENT**  
*Nielsen Merksamer Parrinello Gross & Leoni LLP  
Sacramento Representatives  
County of San Diego  
1415 L Street, Suite 1200  
Sacramento, CA 95814*

*(916) 446-6752 Fax (916) 446-6106*

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April 1, 2021

Assemblymember Quirk, Chair  
Assembly Environmental Safety & Toxic Materials Committee  
State Capitol  
Sacramento, California 95814

**AB 762 (Lee) - Support  
Set for Hearing April 7th**

Dear Assemblymember Quirk:

On behalf of the County of San Diego, we are pleased to support AB 762 (Lee), a measure relating to hazardous emissions and school sites.

Existing law requires public schools to follow certain requirements before approval of a project involving the acquisition or construction of a school site, including conducting an environmental review of the project under the California Environmental Quality Act (CEQA). Existing law also prohibits the governing board of a school district from approving a project unless specified conditions are met, such as the school district determines that the property to be purchased or built upon is not the site of a current or former hazardous waste site, has not identified specified facilities within 1/4 of one mile of the proposed school site that might reasonably be anticipated to emit or handle hazardous materials, substances, or waste, and the school district has consulted with their local air pollution control district or air quality management district.

AB 762 would require charter schools and private schools to follow the same requirements, as mentioned above, as public schools before the approval of a project can be given involving the acquisition or construction of a school site. By requiring that all schools meet the same safety standards, AB 762 would help ensure the public health and safety of all students and school employees.

For these reasons we are pleased to support AB 762. Thank you for your consideration of this important matter. Please feel free to contact me at 916.715.1406 if you have any questions regarding our support of AB 762.

Sincerely,

Jonathan Clay  
Legislative Representative

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 15, 2021

Re: Consideration of New Bills

---

**RECOMMENDED ACTION**

The Legislative Committee (Committee) will discuss and review bills and take positions where appropriate.

Staff recommends a support position on the following bill:

- Assembly Bill (AB) 1346 (Berman) – Air pollution: small off-road engines.

**BACKGROUND**

This is the first year of the two-year 2021-2022 Legislative Session. The attached bill matrix has been arranged by category.

**DISCUSSION**

Staff will provide the Committee a summary and status of bills on the attached list and will recommend bills to support and oppose during the session. Staff will review other bills that may be of interest to the Committee. Specifically, staff will plan to discuss AB 1346 (Berman), AB 1547 (Reyes), AB 1001 (C. Garcia), AB 745 (Gipson), AB 794 (Carrillo), Senate Bill (SB) 67 (Becker), and SB 18 (Skinner).

***AB 1346 (Berman) – Air pollution: small off-road engines.***

This bill would require the California Air Resources Board (CARB) to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines by July 1, 2022. Those regulations would apply to engines produced on or after January 1, 2024, or as soon as CARB determines is feasible, whichever is later. The regulations will only apply to new sales. CARB currently envisions a phaseout of these engines by 2035 and is developing regulations consistent with that approach, meaning that AB 1346 would likely accelerate the current approach by CARB. Residential and commercial users are free to continue using gas-powered equipment purchased before the regulations take effect.

The bill would require the state board to identify and, to the extent feasible, make available funding for commercial rebate or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

***AB 1547 (Reyes) – Air pollution: warehouse facilities.***

This bill would authorize CARB to regulate indirect sources, as defined. This bill would also require local governments, before approving a warehouse development project, to take certain actions to identify and address the potential environmental impacts of the project and to ensure public participation by residents affected by the project on the consideration of the project, as provided. By imposing additional duties on local governments, this bill would impose a state-mandated local program.

***AB 1001 (C. Garcia) – Environmental permitting and air pollution.***

This bill would require the California Environmental Protection Agency, on or before May 1, 2022, to publish, maintain, and update a list of overburdened communities, as defined. The bill would, on or after July 1, 2022, require a permitting agency to take certain actions for an application for a new environmental permit, as defined, or the renewal of an environmental permit for a facility located in an overburdened community. The bill would require a permit applicant to prepare an environmental justice impact statement, to conduct a public hearing in the overburdened community, and to transmit the environmental justice impact statement to the permitting agency. The bill would require the permitting agency to deny the application or to apply conditions concerning the construction and operation of the facility to protect public health if it finds that the approval of the application would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities.

Existing law requires each air district that has a nonattainment area for one or more air pollutants to adopt an expedited schedule for the implementation of best available retrofit control technology (BARCT) by the earliest feasible date, but not later than December 31, 2023. Existing law provides that the adopted expedited schedule applies only to each industrial source that, as of January 1, 2017, was subject to a market-based compliance mechanism for the emissions of greenhouse gases adopted by the CARB, as provided.

This bill would additionally require those air districts to adopt an expedited schedule for the implementation of best available control technology (BACT). The bill would delete the provision applying the expedited schedule only to industrial sources that are subject to the market-based compliance mechanism. The bill would require the air districts to identify all emission units at an industrial source and to take certain actions regarding those emission units, as specified. The bill would require, by January 1, 2025, the air districts to adopt rules for the installation and operation of either BACT or BARCT at emission units by the earliest feasible date, but not later than December 31, 2026.

***AB 745 (Gipson) – Air pollution: Clean Cars 4 All program.***

This bill would require the state board, as a part of the Clean Cars 4 All Program, to provide vouchers for the purchase of zero-emission vehicles to persons of low-income living in disadvantaged communities to replace those persons' vehicles that have failed a smog check inspection, as provided. The bill would establish the maximum amount of the voucher at \$13,000.

***AB 794 (Carrillo) – Air pollution: purchase of vehicles and vehicle technology: incentive programs: eligibility: labor and workforce standards.***

Existing law establishes various incentive programs that are administered or funded by CARB to provide financial assistance for the purchase of vehicles and vehicle technology by individuals and fleet purchasers. This includes the Carl Moyer Program and AB 617 Incentive Program. This bill would establish specified labor and workforce standards that a manufacturer of vehicles or vehicle technology would be required to meet in order for the vehicles or vehicle technology to be eligible under the incentive programs. For this purpose, the bill would specify the percentage of incentives that a vehicle or vehicle technology would be eligible for, as provided. The bill would also establish specified labor and workforce standards that a fleet purchaser would be required to meet in order to be eligible to receive incentives under the incentive programs.

***SB 67 (Becker) – Clean energy: California 24/7 Clean Energy Standard Program.***

This bill would revise California Renewables Portfolio Standard Program to establish a goal that 100% of electrical load be supplied by eligible clean energy resources, as defined. The bill would establish the California 24/7 Clean Energy Standard Program, which would require that 85% of retail sales annually and at least 60% of retail sales within certain subperiods by December 31, 2030, and 90% of retail sales annually and at least 75% of retail sales within certain subperiods by December 31, 2035, be supplied by eligible clean energy resources, as defined. The bill would require the California Energy Commission (CEC), in consultation with the California Public Utilities Commission (CPUC) and California balancing authorities, to establish compliance periods and subperiods that meet certain criteria. The bill would require the PUC to establish for each retail seller, and the Energy Commission for each local publicly owned electric utility, clean energy procurement requirements for each compliance period and subperiod, as provided. Because the bill would impose additional duties on local publicly owned electric utilities, this bill would impose a state-mandated local program.

***SB 18 (Skinner) – Green hydrogen.***

This bill establishes a new definition for green hydrogen, requires the CARB to include a strategic plan for green hydrogen in the Climate Change Scoping Plan, requires the CPUC to consider green hydrogen in resource adequacy requirements, and it classifies green hydrogen as a zero-carbon resource for electric utility procurement plans. This bill also requires the CEC to submit a report to the Legislature on the uses of green hydrogen for transportation and energy decarbonization.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent

Attachment 5A: Current Bills of Interest Matrix  
Attachment 5B: AB 1346 (Berman) – Bill Text  
Attachment 5C: AB 1547 (Reyes) – Bill Text  
Attachment 5D: AB 1001 (C. Garcia) – Bill Text  
Attachment 5E: AB 745 (Gipson) – Bill Text  
Attachment 5F: AB 794 (Carrillo) – Bill Text  
Attachment 5G: SB 67 (Becker)– Bill Text  
Attachment 5H: SB 18 (Skinner) – Bill Text



# AGENDA 5A - ATTACHMENT

Bill #	Author	Subject	Last Amended	Last Status - As of 4/15/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
<a href="#">AB 11</a>	Ward	Climate change: regional climate change authorities.	1/21/2021	1/25/2021-Re-referred to Com. on NAT. RES.	1/11/2021-A. NAT. RES.			Low	Climate Change
<a href="#">AB 39</a>	Chau	California-China Climate Institute.	3/25/2021	4/14/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (April 14). Re-referred to Com. on APPR.	4/14/2021-A. APPR.			Low	Climate Change
<a href="#">AB 51</a>	Quirk	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.		1/11/2021-Referred to Com. on NAT. RES.	1/11/2021-A. NAT. RES.			Low	Climate Change
<a href="#">AB 284</a>	Rivas, Robert	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	4/14/2021	4/14/2021-From committee chair, with author's amendments: Amend, and re-refer to Com. on APPR. Read second time and amended.	3/24/2021-A. APPR.			Low	Climate Change
<a href="#">AB 897</a>	Mullin	Office of Planning and Research: regional climate networks: climate adaptation action plans.	4/7/2021	4/14/2021-VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	4/14/2021-A. APPR.			Low	Climate Change
<a href="#">AB 943</a>	Garcia, Eduardo	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan.	3/11/2021	3/15/2021-Re-referred to Com. on NAT. RES.	3/11/2021-A. NAT. RES.			Low	Climate Change
<a href="#">AB 1086</a>	Aguiar-Curry	Organic waste: implementation strategy.	4/5/2021	4/14/2021-In committee: Set, first hearing. Referred to suspense file.	4/14/2021-A. APPR. SUSPENSE FILE			Low	Climate Change
<a href="#">AB 1395</a>	Muratsuchi	Greenhouse gases: carbon neutrality.		3/11/2021-Referred to Com. on NAT. RES.	3/11/2021-A. NAT. RES.			Low	Climate Change
<a href="#">AB 1463</a>	O'Donnell	California Global Warming Solutions Act of 2006: Low Carbon Fuel Standard regulations.		3/11/2021-Referred to Com. on NAT. RES.	3/11/2021-A. NAT. RES.			Low	Climate Change
<a href="#">AB 1523</a>	Gallagher	Greenhouse gases.		3/11/2021-Referred to Com. on NAT. RES.	3/11/2021-A. NAT. RES.			Low	Climate Change
<a href="#">SB 27</a>	Skinner	Carbon sequestration: state goals: natural and working lands: registry of projects.	3/1/2021	3/25/2021-Set for hearing April 27.	3/15/2021-S. N.R. & W.			Low	Climate Change
<a href="#">SB 30</a>	Cortese	Building decarbonization.		1/28/2021-Referred to Com. on G.O.	1/28/2021-S. G.O.		Support	Medium	Climate Change
<a href="#">SB 31</a>	Cortese	Building decarbonization.	3/5/2021	4/9/2021-Set for hearing April 19.	1/28/2021-S. E. U., & C.		Support	Medium	Climate Change
<a href="#">SB 68</a>	Becker	Building decarbonization.	4/8/2021	4/8/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C.	3/18/2021-S. E. U., & C.		Support	Low	Climate Change
<a href="#">SB 260</a>	Wiener	Climate Corporate Accountability Act.	4/13/2021	4/14/2021-Set for hearing April 27.	4/12/2021-S. JUD.			Medium	Climate Change
<a href="#">SB 449</a>	Stern	Climate-related financial risk.	4/13/2021	4/13/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on B. & F.I.	2/25/2021-S. B. & F. I.			Low	Climate Change
<a href="#">SB 456</a>	Laird	Fire prevention: long-term forest management plan: reports.	3/8/2021	3/25/2021-Set for hearing April 27.	3/18/2021-S. N.R. & W.			Low	Climate Change
<a href="#">SB 582</a>	Stern	Climate Emergency Mitigation, Safe Restoration, and Just Resilience Act of 2021.	4/5/2021	4/12/2021-From committee: Do pass and re-refer to Com. on N.R. & W. (Ayes 5. Noes 2.) (April 12). Re-referred to Com. on N.R. & W.	4/12/2021-S. N.R. & W.			Low	Climate Change
<a href="#">SB 596</a>	Becker	Greenhouse gases: cement and concrete production.	3/4/2021	4/13/2021-Set for hearing April 29.	2/18/2021-S. E.Q.			Medium	Climate Change
<a href="#">SB 759</a>	Hueso	Short-lived climate pollutants: methane: organic waste: landfills.		3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	Spot bill.		Low	Climate Change
<a href="#">AB 5</a>	Fong	Greenhouse Gas Reduction Fund: High-Speed Rail Authority: K-12 education: transfer.	3/17/2021	3/18/2021-Re-referred to Com. on TRANS.	1/11/2021-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 96</a>	O'Donnell	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	3/22/2021	4/8/2021-Coauthors revised.	1/11/2021-A. TRANS.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 111</a>	Boerner Horvath	Transportation: zero-emission vehicles.	3/22/2021	3/23/2021-Re-referred to Com. on TRANS.	1/11/2021-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 113</a>	Boerner Horvath	Income taxes: credits: electric vehicles.	4/7/2021	4/8/2021-Re-referred to Com. on H. & C.D.	3/25/2021-A. H. & C.D.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 117</a>	Boerner Horvath	Air Quality Improvement Program: electric bicycles.	3/24/2021	4/6/2021-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (April 5). Re-referred to Com. on APPR.	4/5/2021-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 363</a>	Medina	Carl Moyer Memorial Air Quality Standards Attainment Program.	4/12/2021	4/13/2021-Re-referred to Com. on TRANS.	2/12/2021-A. TRANS.		Oppose	Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 365</a>	O'Donnell	Sales and use taxes: exclusion: zero-emission and near-zero-emission drayage trucks.		2/12/2021-Referred to Com. on REV. & TAX.	2/12/2021-A. REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 648</a>	Fong	Greenhouse Gas Reduction Fund: healthy forest and fire prevention: appropriation.		2/25/2021-Referred to Com. on NAT. RES.	2/25/2021-A. NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 713</a>	Garcia, Cristina	State Air Resources Board: greenhouse gas emissions scoping plan: comprehensive health analysis.	4/12/2021	4/13/2021-Re-referred to Com. on TRANS.	3/18/2021-A. TRANS.	Cap and Trade		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 745</a>	Gipson	Air pollution: Clean Cars 4 All program.	4/5/2021	4/6/2021-Re-referred to Com. on TRANS.	2/25/2021-A. TRANS.	Clean Cars for All		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 776</a>	Mathis	Methane: dairy digesters.		2/17/2021-From printer. May be heard in committee March 19.	2/16/2021-A. PRINT	Intent bill.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 4/15/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
<a href="#">AB 794</a>	Carrillo	Air pollution: purchase of vehicles and vehicle technology: incentive programs: eligibility: labor and workforce standards.	3/25/2021	3/26/2021-Re-referred to Com. on L. & E.	3/25/2021-A. L. & E.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 823</a>	Gray	High-Speed Rail Authority: trains powered by fossil fuel combustion engines.		2/25/2021-Referred to Com. on TRANS.	2/25/2021-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 906</a>	Carrillo	Zero-emission trucks: tax and fee exemptions.		3/22/2021-In committee: Hearing postponed by committee.	2/25/2021-A. REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 965</a>	Levine	Building standards: electric vehicle charging infrastructure.		3/4/2021-Referred to Com. on H. & C.D.	3/4/2021-A. H. & C.D.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 992</a>	Cooley	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	3/25/2021	4/6/2021-From committee: Do pass and re-refer to Com. on NAT. RES. with recommendation: To Consent Calendar. (Ayes 14. Noes 0.) (April 5). Re-referred to Com. on NAT. RES.	4/5/2021-A. NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 1147</a>	Friedman	Regional transportation plan: Active Transportation Program.	3/18/2021	4/14/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 3.) (April 14). Re-referred to Com. on APPR.	4/14/2021-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 1312</a>	Rodriguez	Vehicular fuels: renewable and clean hydrogen: income tax: credit.		3/4/2021-Referred to Coms. on NAT. RES. and REV. & TAX.	3/4/2021-A. NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 1346</a>	Berman	Air pollution: small off-road engines.	3/25/2021	3/26/2021-Re-referred to Com. on NAT. RES.	3/25/2021-A. NAT. RES.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 1389</a>	Reyes	Alternative and Renewable Fuel and Vehicle Technology Program.	4/12/2021	4/13/2021-Re-referred to Com. on TRANS.	3/25/2021-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 1500</a>	Garcia, Eduardo	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	4/14/2021	4/14/2021-Read second time and amended.	4/8/2021-A. NAT. RES.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 1519</a>	Gallagher	Forestry: fuels transportation program: biomass energy facility: grant program.	3/11/2021	3/15/2021-Re-referred to Com. on NAT. RES.	3/11/2021-A. NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 45</a>	Portantino	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.	4/8/2021	4/8/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.	3/16/2021-S. GOV. & F.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 66</a>	Allen	California Council on the Future of Transportation: advisory committee: autonomous vehicle technology.	4/14/2021	4/14/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.	2/25/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 227</a>	Jones	Off-highway vehicles.	4/5/2021	4/13/2021-From committee: Do pass and re-refer to Com. on N.R. & W. (Ayes 12. Noes 2.) (April 13). Re-referred to Com. on N.R. & W.	4/13/2021-S. N.R. & W.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 261</a>	Allen	Regional transportation plans: sustainable communities strategies.		3/16/2021-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 5. Noes 2.) (March 15). Re-referred to Com. on TRANS.	3/15/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 339</a>	Wiener	Vehicles: road usage charge pilot program.	4/5/2021	4/13/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 4.) (April 13). Re-referred to Com. on APPR.	4/13/2021-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 372</a>	Leyva	Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.	4/13/2021	4/13/2021-Read second time and amended. Re-referred to Com. on TRANS.	4/12/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 495</a>	Dahle	California Global Warming Solutions Act of 2006: scoping plan: Greenhouse Gas Reduction Fund.	3/5/2021	4/12/2021-April 12 set for first hearing canceled at the request of author.	2/17/2021-S. E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 500</a>	Min	Autonomous vehicles: zero emissions.	4/5/2021	4/14/2021-From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 12. Noes 2.) (April 13).	4/13/2021-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 506</a>	Jones	California Environmental Quality Act: Greenhouse Gas Reduction Fund monies: greenhouse gas emissions: vegetation management projects.		3/12/2021-March 16 set for first hearing canceled at the request of author.	2/25/2021-S. N.R. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 527</a>	Melendez	Greenhouse Gas Reduction Fund: high-speed rail: Salton Sea restoration.		4/7/2021-April 12 set for first hearing canceled at the request of author.	2/25/2021-S. E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 542</a>	Limón	Vehicle license fees for zero-emission vehicles: sales and use taxes on medium- or heavy-duty zero-emission trucks.	3/25/2021	4/13/2021-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Governance and Finance] (PASS)	4/13/2021-S. GOV. & F.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 551</a>	Stern	California Electric Vehicle Authority.	4/7/2021	4/7/2021-Read second time and amended. Re-referred to Com. on TRANS.	4/6/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 589</a>	Hueso	Air pollution: alternative vehicles and vehicle infrastructure.	3/25/2021	4/13/2021-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 14. Noes 0.) (April 12). Re-referred to Com. on TRANS.	4/12/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 643</a>	Archuleta	Fuel cell electric vehicle fueling infrastructure and fuel production: working group: statewide assessment.	4/13/2021	4/13/2021-Read second time and amended. Re-referred to Com. on TRANS.	4/12/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 671</a>	Gonzalez	Transportation: Clean Freight Corridor Efficiency Assessment.	4/6/2021	4/13/2021-From committee: Do pass and re-refer to Com. on E.Q. (Ayes 15. Noes 0.) (April 13). Re-referred to Com. on E.Q.	4/13/2021-S. E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 726</a>	Gonzalez	Alternative fuel and vehicle technologies: transportation sustainability strategy.	4/13/2021	4/13/2021-Read second time and amended. Re-referred to Com. on TRANS.	4/12/2021-S. TRANS.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">SB 771</a>	Becker	Sales and Use Tax Law: zero emissions vehicle exemption.		3/3/2021-Referred to Com. on GOV. & F.	3/3/2021-S. GOV. & F.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 4/15/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
<a href="#">SB 798</a>	Wieckowski	Trade Corridor Enhancement Account.		3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	Spot bill.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 220</a>	Voepel	Smog check: exemption.	4/13/2021	4/14/2021-Re-referred to Com. on TRANS.	1/28/2021-A. TRANS.		Oppose	Medium	General-Air District
<a href="#">AB 426</a>	Bauer-Kahan	Toxic air contaminants.	3/17/2021	4/14/2021-In committee: Set, first hearing. Hearing canceled at the request of author.	2/12/2021-A. NAT. RES.		Air District-Sponsored	High	General-Air District
<a href="#">AB 762</a>	Lee	Hazardous emissions and substances: schoolsites: private and charter schools.	3/30/2021	4/7/2021-Coauthors revised. From committee: Do pass and re-refer to Com. on ED. (Ayes 6. Noes 0.) (April 7). Re-referred to Com. on ED.	4/7/2021-A. ED.		Air District-Sponsored	High	General-Air District
<a href="#">AB 766</a>	Gabriel	Climate change: corporate disclosures.	3/18/2021	3/22/2021-Re-referred to Com. on NAT. RES.	3/18/2021-A. NAT. RES.			Medium	General-Air District
<a href="#">AB 905</a>	Quirk	Mobile fueling on-demand tank vehicles: performance standards.	4/5/2021	4/12/2021-In committee: Set, first hearing. Hearing canceled at the request of author.	2/25/2021-A. TRANS.		Oppose	Medium	General-Air District
<a href="#">AB 1296</a>	Kamlager	South Coast Air Quality Management District: district board: membership.		3/4/2021-Referred to Com. on NAT. RES.	3/4/2021-A. NAT. RES.			Low	General-Air District
<a href="#">AB 9</a>	Wood	Fire safety: wildfires: fire adapted communities.	4/5/2021	4/14/2021-VOTE: Do pass as amended and be re-referred to the Committee on [Local Government] (PASS)	4/14/2021-A. L. GOV.			Medium	Wildfire/Smoke/PSPS
<a href="#">AB 52</a>	Frazier	California Global Warming Solutions Act of 2006: scoping plan updates: wildfires.		1/11/2021-Referred to Com. on NAT. RES.	1/11/2021-A. NAT. RES.			Low	Wildfire/Smoke/PSPS
<a href="#">AB 73</a>	Rivas, Robert	Employment safety: agricultural workers: wildfire smoke.	4/12/2021	4/13/2021-Re-referred to Com. on APPR.	4/8/2021-A. APPR.			Low	Wildfire/Smoke/PSPS
<a href="#">AB 297</a>	Gallagher	Fire prevention.		2/12/2021-Referred to Coms. on NAT. RES. and REV. & TAX.	2/12/2021-A. NAT. RES.			Low	Wildfire/Smoke/PSPS
<a href="#">AB 575</a>	Fong	Civil liability: prescribed burning activities: gross negligence.		3/26/2021-In committee: Set, first hearing. Hearing canceled at the request of author.	2/18/2021-A. JUD.			Low	Wildfire/Smoke/PSPS
<a href="#">AB 619</a>	Calderon	Lung health.	4/14/2021	4/14/2021-From committee chair, with author's amendments: Amend, and re-refer to Com. on E.M. Read second time and amended.	4/6/2021-A. EMERGENCY MANAGEMENT			Low	Wildfire/Smoke/PSPS
<a href="#">AB 642</a>	Friedman	Wildfires.		3/25/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (March 24). Re-referred to Com. on APPR.	3/24/2021-A. APPR.			Low	Wildfire/Smoke/PSPS
<a href="#">AB 792</a>	Flora	Forestry: prescribed burning agreements.		2/25/2021-Referred to Com. on NAT. RES.	2/25/2021-A. NAT. RES.			Low	Wildfire/Smoke/PSPS
<a href="#">AB 800</a>	Gabriel	Wildfires: local general plans: safety elements: fire hazard severity zones.	3/18/2021	3/22/2021-Re-referred to Com. on NAT. RES.	3/18/2021-A. NAT. RES.			Low	Wildfire/Smoke/PSPS
<a href="#">AB 1100</a>	Aguiar-Curry	Communications service: emergencies and disasters: reports.		3/4/2021-Referred to Coms. on C. & C. and E.M.	3/4/2021-A. C. & C.			Low	Wildfire/Smoke/PSPS
<a href="#">SB 52</a>	Dodd	State of emergency: local emergency: planned power outage.	4/12/2021	4/13/2021-Read second time. Ordered to third reading.	4/13/2021-S. THIRD READING			Low	Wildfire/Smoke/PSPS
<a href="#">SB 63</a>	Stern	Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.		3/26/2021-Set for hearing April 29.	3/16/2021-S. HOUSING			Low	Wildfire/Smoke/PSPS
<a href="#">SB 332</a>	Dodd	Civil liability: prescribed burning operations: gross negligence.		2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)	2/17/2021-S. JUD.			Low	Wildfire/Smoke/PSPS
<a href="#">AB 214</a>	Ting	Budget Act of 2021.		1/28/2021-Referred to Com. on BUDGET.	1/28/2021-A. BUDGET			High	Other
<a href="#">AB 339</a>	Lee	State and local government: open meetings.		1/29/2021-From printer. May be heard in committee February 28.	1/28/2021-A. PRINT			Low	Other
<a href="#">AB 844</a>	Grayson	Green Empowerment Zone for the Northern Waterfront area of the Counties of Contra Costa and Solano.	3/18/2021	3/22/2021-Re-referred to Com. on J.E.D., & E.	3/22/2021-A. J. E.D. & E.			Low	Other
<a href="#">AB 983</a>	Garcia, Eduardo	Public contracts: construction projects: community workforce agreements: battery manufacturing and lithium-based technology.	4/12/2021	4/13/2021-Re-referred to Com. on L. & E.	3/4/2021-A. L. & E.			Low	Other
<a href="#">AB 1005</a>	Muratsuchi	Scientific Review Panel on Toxic Air Contaminants.		2/19/2021-From printer. May be heard in committee March 21.	2/18/2021-A. PRINT	Spot bill.		Low	Other
<a href="#">AB 1205</a>	Frazier	State Air Resources Board: elections.	3/18/2021	3/22/2021-Re-referred to Com. on NAT. RES.	3/18/2021-A. NAT. RES.			Low	Other
<a href="#">AB 1240</a>	Ting	Indoor air pollution.		3/4/2021-Referred to Com. on NAT. RES.	3/4/2021-A. NAT. RES.			Medium	Other
<a href="#">AB 1270</a>	Rivas, Luz	Natural gas plants: methane monitoring systems and reporting.	3/18/2021	3/22/2021-Re-referred to Com. on NAT. RES.	3/18/2021-A. NAT. RES.			Low	Other
<a href="#">AB 1365</a>	Bonta	Public contracts: clean concrete.	3/25/2021	4/14/2021-VOTE: Do pass and be re-referred to the Committee on [Natural Resources] (PASS)	4/14/2021-A. NAT. RES.			Low	Other
<a href="#">AB 1397</a>	Garcia, Eduardo	Public contracts: California Lithium Economy Act.		3/11/2021-Referred to Coms. on A. & A.R. and NAT. RES.	3/11/2021-A. A. & A.R.			Low	Other
<a href="#">SB 7</a>	Atkins	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.	2/18/2021	4/8/2021-Referred to Com. on NAT. RES.	4/8/2021-A. NAT. RES.			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 4/15/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
<a href="#">SB 112</a>	Skinner	Budget Act of 2021.		1/11/2021-From printer. Read first time. Referred to Com. on B. & F.R.	1/11/2021-S. BUDGET & F.R.			High	Other
<a href="#">SB 467</a>	Wiener	Oil and gas: hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding, or cyclic steaming: prohibition: job relocation.	3/22/2021	4/13/2021-April 13 set for first hearing. Failed passage in committee. (Ayes 4. Noes 3.) Reconsideration granted.	2/25/2021-S. N.R. & W.			Low	Other
<a href="#">SB 475</a>	Cortese	Transportation planning: sustainable communities strategies.	3/10/2021	4/8/2021-Set for hearing April 26.	3/18/2021-S. E.Q.			Low	Other
<a href="#">SB 560</a>	Rubio	Climate Pollution Reduction in Homes Initiative: grants.		4/14/2021-April 19 hearing postponed by committee.	3/3/2021-S. E. U., & C.			Medium	Other
<a href="#">AB 585</a>	Rivas, Luz	Climate change: Extreme Heat and Community Resilience Program.	3/17/2021	4/14/2021-In committee: Set, first hearing. Referred to suspense file.	4/14/2021-A. APPR. SUSPENSE FILE			Low	Environmental Justice
<a href="#">AB 680</a>	Burke	Greenhouse Gas Reduction Fund: California Just Transition Act.		4/8/2021-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 5. Noes 1.) (April 8). Re-referred to Com. on NAT. RES.	4/8/2021-A. NAT. RES.			Medium	Environmental Justice
<a href="#">AB 976</a>	Rivas, Luz	Resilient Economies and Community Health Pilot Program.		4/14/2021-In committee: Set, first hearing. Referred to suspense file.	4/14/2021-A. APPR. SUSPENSE FILE			Low	Environmental Justice
<a href="#">AB 1001</a>	Garcia, Cristina	Environmental permitting and air pollution.	3/15/2021	3/16/2021-Re-referred to Com. on NAT. RES.	3/4/2021-A. NAT. RES.			Medium	Environmental Justice
<a href="#">AB 1069</a>	Lackey	Zero-emission passenger vehicles: underrepresented communities.		3/4/2021-Referred to Com. on TRANS.	3/4/2021-A. TRANS.			Low	Environmental Justice
<a href="#">AB 1087</a>	Chiu	Environmental Justice Community Resilience Hubs Program.	4/14/2021	4/14/2021-Read second time and amended.	4/7/2021-A. NAT. RES.			Low	Environmental Justice
<a href="#">AB 1099</a>	Rivas, Robert	Environmental equity: principles: bond and fund expenditures.	3/25/2021	3/26/2021-Re-referred to Com. on NAT. RES.	3/25/2021-A. NAT. RES.			Low	Environmental Justice
<a href="#">AB 1218</a>	McCarty	Motor vehicle greenhouse gas emissions standards: civil penalty: Equitable Access to Zero-Emissions Vehicles Fund.	4/12/2021	4/13/2021-Re-referred to Com. on TRANS.	3/4/2021-A. TRANS.			Low	Environmental Justice
<a href="#">AB 1453</a>	Muratsuchi	Environmental justice: Just Transition Advisory Commission: Just Transition Plan.		4/8/2021-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 5. Noes 0.) (April 8). Re-referred to Com. on NAT. RES.	4/8/2021-A. NAT. RES.			Low	Environmental Justice
<a href="#">SB 342</a>	Gonzalez	South Coast Air Quality Management District: board membership.	3/10/2021	4/12/2021-From committee: Do pass and re-refer to Com. on GOV. & F. (Ayes 5. Noes 0.) (April 12). Re-referred to Com. on GOV. & F.	4/12/2021-S. GOV. & F.			Low	Environmental Justice
<a href="#">SB 499</a>	Leyva	General plan: land use element: uses adversely impacting health outcomes.		3/25/2021-April 8 set for first hearing canceled at the request of author.	2/25/2021-S. GOV. & F.			Low	Environmental Justice
<a href="#">SB 751</a>	Gonzalez	Environmental justice.		3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	Intent bill.		Low	Environmental Justice
<a href="#">AB 33</a>	Ting	Energy Conservation Assistance Act of 1979: energy storage systems and transportation electrification infrastructure.	3/16/2021	3/17/2021-Re-referred to Com. on U. & E.	1/11/2021-A. U. & E.			Low	Energy
<a href="#">AB 64</a>	Quirk	Electricity: long-term backup electricity supply strategy.	3/23/2021	3/24/2021-Re-referred to Com. on U. & E. In committee: Set, first hearing. Hearing canceled at the request of author.	1/11/2021-A. U. & E.			Low	Energy
<a href="#">AB 1161</a>	Garcia, Eduardo	Electricity: eligible renewable energy and zero-carbon resources: state agencies: procurement.	4/13/2021	4/14/2021-Re-referred to Com. on U. & E.	3/4/2021-A. U. & E.			Low	Energy
<a href="#">AB 1261</a>	Burke	State Air Resources Board: greenhouse gas emissions: incentive programs.	3/18/2021	4/14/2021-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (April 14). Re-referred to Com. on APPR.	4/14/2021-A. APPR.			Low	Energy
<a href="#">AB 1317</a>	Berman	Clean energy.		2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Energy
<a href="#">AB 1325</a>	Burke	Microgrids: Clean Community Microgrid Incentive Program.		3/4/2021-Referred to Com. on U. & E.	3/4/2021-A. U. & E.			Low	Energy
<a href="#">AB 1559</a>	O'Donnell	Energy: Innovative Renewable Energy for Buildings Act of 2021.	3/18/2021	3/22/2021-Re-referred to Com. on NAT. RES.	3/18/2021-A. NAT. RES.			Low	Energy
<a href="#">SB 18</a>	Skinner	Green hydrogen.	3/23/2021	4/13/2021-Set for hearing April 29.	3/15/2021-S. E.Q.			Low	Energy
<a href="#">SB 32</a>	Cortese	Energy: general plan: building decarbonization requirements.	4/8/2021	4/8/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.	1/28/2021-S. GOV. & F.		Support	Medium	Energy
<a href="#">SB 36</a>	Skinner	Energy efficiency.		1/28/2021-Referred to Com. on RLS.	12/7/2020-S. RLS.	Spot bill.		Low	Energy
<a href="#">SB 67</a>	Becker	Clean energy: California 24/7 Clean Energy Standard Program.	3/3/2021	3/26/2021-Set for hearing April 26.	3/11/2021-S. E. U., & C.			Low	Energy
<a href="#">SB 99</a>	Dodd	Community Energy Resilience Act of 2021.	4/12/2021	4/12/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C. (Amended 4/12/2021, Published 4/13/2021)	1/28/2021-S. E. U., & C.			Low	Energy
<a href="#">SB 345</a>	Becker	Energy programs and projects: nonenergy benefits.	3/23/2021	4/5/2021-April 5 hearing: Placed on APPR suspense file.	4/5/2021-S. APPR. SUSPENSE FILE			Low	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 4/15/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
<a href="#">SB 513</a>	Hertzberg	Eligible fuel cell electrical generating facilities.		2/25/2021-Referred to Com. on RLS.	2/17/2021-S. RLS.			Low	Energy
<a href="#">SB 662</a>	Archuleta	Energy: transportation sector: hydrogen.	3/25/2021	4/12/2021-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Environmental Quality] (PASS)	4/12/2021-S. E.Q.			Low	Energy
<a href="#">AB 28</a>	Chau	<del>Service stations: definition: alternative fuels:</del> Hate crimes.	3/30/2021	3/30/2021-From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.	1/11/2021-A. TRANS.	No Longer Tracking: Amended/Removed		Low	Energy
<a href="#">AB 467</a>	Grayson	Smog check: exemption: historic vehicles.		2/18/2021-Referred to Com. on TRANS.	2/18/2021-A. TRANS.	2-Year Bill	Oppose	Medium	General-Air District
<a href="#">AB 649</a>	Bennett	<del>CalRecycle Greenhouse Gas Reduction Revolving Loan Program.</del> Department of Resources Recycling and Recovery: Office of Environmental Justice and Tribal Relations.	3/11/2021	3/15/2021-Re-referred to Com. on NAT. RES.	3/11/2021-A. NAT. RES.	No Longer Tracking: Amended/Removed		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 833</a>	Quirk-Silva	State government: grants: administrative costs.		2/25/2021-Referred to Com. on A. & A.R.	2/25/2021-A. A. & A.R.	2-Year Bill		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
<a href="#">AB 1469</a>	Santiago	<del>Energy: energy efficiency programs.</del> Solid waste: plastic products: labeling: compostability and biodegradability.	3/18/2021	3/22/2021-Re-referred to Com. on NAT. RES.	3/18/2021-A. NAT. RES.	No Longer Tracking: Amended/Removed		Low	Energy
<a href="#">AB 1512</a>	Bauer-Kahan	<del>Forest practices: burning of brush-covered lands.</del> Off-highway vehicular recreation: Carnegie State Vehicular Recreation Area: Alameda-Tesla Expansion Area.	3/25/2021	3/25/2021-Referred to Com. on W.,P., & W. From committee chair, with author's amendments: Amend, and re-refer to Com. on W.,P., & W. Read second time and amended.	3/25/2021-A. W.,P. & W.	No Longer Tracking: Amended/Removed		Low	Wildfire/Smoke/PSPS
<a href="#">AB 1547</a>	Reyes	Air pollution: warehouse facilities.	3/25/2021	3/26/2021-Re-referred to Com. on NAT. RES.	3/25/2021-A. NAT. RES.	2-Year Bill		Medium	General-Air District
<b>Total Active Bills</b>	<b>121</b>							<b>Low: 95 Medium: 22 High: 4</b>	

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1346**

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**Introduced by Assembly ~~Member Berman~~ Members *Berman and Lorena Gonzalez***  
**(Coauthors: Assembly Members *Bauer-Kahan, Carrillo, Gabriel, Cristina Garcia, Eduardo Garcia, Low, Mullin, Reyes, Robert Rivas, and Ting*)**

February 19, 2021

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~~An act to add Section 14299.5 to the Elections Code, relating to elections.~~ *An act to add Section 43018.11 to the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1346, as amended, Berman. ~~Elections: ballots.~~ *Air pollution: small off-road engines.*

*Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law assigns the responsibility for controlling vehicular sources of air pollution to the State Air Resources Board.*

*This bill would require the state board, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. The bill would require the state board to identify and, to the extent feasible, make available funding for commercial rebate or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management*

*districts to implement to support the transition to zero-emission small off-road equipment operations.*

~~Existing law requires an elections official to deliver to a precinct additional ballots if the precinct board is unable to furnish a ballot to a qualified voter because there is an insufficient number of ballots. Existing law requires the precinct board to provide each voter with the option of casting a vote immediately using an alternative procedure, as specified. Existing law requires, in the case of an election for a state or federal office, for each polling place using a direct recording electronic voting system, the elections official to also provide paper ballots equivalent to specified percentages of voters depending on the type of election and to establish procedures for the use of the paper ballots in the event the direct recording electronic voting system becomes nonfunctional.~~

~~This bill would require an elections official to establish an alternative procedure for the use of paper ballots in the event that a ballot marking system, a ballot on demand system, or, except as specified, a voting system becomes nonfunctional. The bill would require the elections official to submit the alternative procedure to the Secretary of State for approval. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes-no*.~~

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (1) *Small off-road engines (SORE), which are used primarily*
- 4     *in lawn and garden equipment, emit high levels of air pollutants,*
- 5     *including oxides of nitrogen (NOx), reactive organic gases (ROG),*
- 6     *and particulate matter (PM). NOx and ROG together contribute*
- 7     *to formation of ozone, a criteria pollutant with a national ambient*

1 *air quality standard set by the United States Environmental*  
2 *Protection Agency (U.S. EPA) and a California ambient air quality*  
3 *standard and that has adverse impacts on health. Currently,*  
4 *California exceeds U.S. EPA and state standards for ozone in*  
5 *many areas, including the South Coast Air Basin, the San*  
6 *Francisco Bay area, and the County of Sacramento. NO<sub>x</sub> also*  
7 *contributes to formation of PM, which, along with directly emitted*  
8 *PM, has direct negative health impacts. PM also has an air quality*  
9 *standard set by the U.S. EPA and the state. Many areas in*  
10 *California also currently fail to meet PM standards, including the*  
11 *South Coast Air Basin and the San Joaquin Valley Air Basin.*

12 *(2) In 2020, California daily NO<sub>x</sub> and ROG emissions from*  
13 *SORE were higher than emissions from light-duty passenger cars.*  
14 *SORE emitted an average of 16.8 tons per day of NO<sub>x</sub> and 125*  
15 *tons per day of ROG. Without further regulatory action, those*  
16 *emission levels are expected to increase with increasing numbers*  
17 *of SORE in California. Regulations of emissions from SORE have*  
18 *not been as stringent as regulations of other engines, and one hour*  
19 *of operation of a commercial leaf blower can emit as much ROG*  
20 *plus NO<sub>x</sub> as driving 1,100 miles in a new passenger vehicle.*

21 *(3) Currently, there are zero-emission equivalents to all SORE*  
22 *equipment regulated by the State Air Resources Board. The battery*  
23 *technology required for commercial-grade zero-emission*  
24 *equipment is available and many users, both commercial and*  
25 *residential, have already begun to transition to zero-emission*  
26 *equipment.*

27 *(4) The Governor's Executive Order No. N-79-20 of September*  
28 *23, 2020, directs the state board to implement strategies to achieve*  
29 *100 percent zero emissions from off-road equipment in California*  
30 *by 2035, where feasible and cost-effective. The state will not*  
31 *achieve that goal without further regulation of SORE, including*  
32 *a mandate to transition all sales of new equipment to zero-emission*  
33 *equipment.*

34 *(b) It is the intent of the Legislature to encourage the state board*  
35 *to act expeditiously to protect public health from the harmful effects*  
36 *of emissions of small off-road engines.*

37 *SEC. 2. Section 43018.11 is added to the Health and Safety*  
38 *Code, to read:*

39 *43018.11. (a) By July 1, 2022, the state board shall, consistent*  
40 *with federal law, adopt cost-effective and technologically feasible*



1 regulations to prohibit engine exhaust and evaporative emissions  
2 from new small off-road engines, as defined by the state board.  
3 Those regulations shall apply to engines produced on or after  
4 January 1, 2024, or as soon as the state board determines is  
5 feasible, whichever is later.

6 (b) Consistent with the regulations adopted pursuant to this  
7 section and relevant state law, the state board shall identify, and,  
8 to the extent feasible, make available, funding for commercial  
9 rebates or similar incentive funding as part of any updates to  
10 existing, applicable funding program guidelines for districts to  
11 implement to support the transition to zero-emission small off-road  
12 equipment operations.

13 SECTION 1. ~~Section 14299.5 is added to the Elections Code,~~  
14 ~~to read:~~

15 ~~14299.5. (a) An elections official shall establish an alternative~~  
16 ~~procedure for the use of paper ballots in the event that a ballot~~  
17 ~~marking system, a ballot on demand system, or, except for a direct~~  
18 ~~recording electronic voting system governed by Section 14300, a~~  
19 ~~voting system becomes nonfunctional.~~

20 ~~(b) The alternative procedure required by this section shall be~~  
21 ~~subject to approval by the Secretary of State. The elections official~~  
22 ~~shall submit the alternative procedure to the Secretary of State for~~  
23 ~~approval by a date to be determined by the Secretary of State.~~

24 ~~SEC. 2. If the Commission on State Mandates determines that~~  
25 ~~this act contains costs mandated by the state, reimbursement to~~  
26 ~~local agencies and school districts for those costs shall be made~~  
27 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
28 ~~4 of Title 2 of the Government Code.~~

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL****No. 1547****Introduced by Assembly Member Reyes**

February 19, 2021

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*An act to add Chapter 2.8 (commencing with Section 65098) to Division 1 of Title 7 of the Government Code, and to amend Section 39602.5 of the Health and Safety Code, relating to air pollution.*

## LEGISLATIVE COUNSEL'S DIGEST

AB 1547, as amended, Reyes. Air pollution: warehouse facilities.

Existing law regulates the emissions of air pollution. Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources, subject to the powers and duties of the State Air Resources Board. Existing law designates the state board as having the primary responsibility for the control of air pollution from vehicular sources.

*This bill would authorize the State Air Resources Board to regulate indirect sources, as defined.*

*Existing law, the Planning and Zoning Law, sets forth various requirements relating to the review of development project permit applications and the issuance of development permits for particular specified classes of development projects. Existing law, the California Environmental Quality Act (CEQA), requires a lead agency to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the*

environment, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would require local governments, before approving a warehouse development project, to take certain actions to identify and address the potential environmental impacts of the project and to ensure public participation by residents affected by the project on the consideration of the project, as provided. By imposing additional duties on local governments, this bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would state the intent of the Legislature to enact subsequent legislation relating to air pollution at warehouse facilities.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) The Legislature finds and declares all of the
- 2     following:
- 3     (1) Logistics includes the process of planning, implementing,
- 4     and controlling procedures for the efficient and effective
- 5     transportation and storage of goods.
- 6     (2) For communities already struggling with some of the worst
- 7     air quality in the nation, the expansion of the logistics industry
- 8     presents a serious air quality and environmental justice challenge.
- 9     (3) Environmental pollution and emissions of greenhouse gases
- 10    have a harmful impact on human health and ecosystem quality.
- 11    (4) For example, in the last decade, more than 150 million
- 12    square feet of industrial space, the vast majority of it warehouses,
- 13    has been built in the Inland Empire.
- 14    (5) The Counties of San Bernardino and Riverside are at the
- 15    top of the most ozone-polluted counties.

1 (6) *The use of diesel trucks in the logistics industry, especially*  
2 *those that come and go from warehouses, are adding to what has*  
3 *become an intractable problem.*

4 (7) *The trucks and trains that carry freight to be warehoused*  
5 *and trucks idling engines at or near warehouse sites pollute by*  
6 *emitting small toxic particles.*

7 (A) *These particles are of varying sizes and toxicity.*

8 (B) *Particulate emissions from diesel vehicles and equipment*  
9 *contribute to health problems that include cardiovascular*  
10 *problems, cancer, asthma, decreased lung function and capacity,*  
11 *reproductive health problems, and premature death.*

12 (8) *Warehousing facilities threaten the health of residents living*  
13 *and working near busy roads and logistics facilities.*

14 (9) *Beyond health threats from the transportation of freight,*  
15 *warehouses are also associated with negative impacts on residents'*  
16 *quality of life.*

17 (10) *Warehouse centers also deprive local communities of land*  
18 *that could be used for future green space, schools and public*  
19 *buildings, and new residential, retail, and commercial centers.*

20 (11) *While trucks may represent only a small share of the traffic*  
21 *in urban areas, they generate more than one-half of overall*  
22 *emissions for specific contaminants.*

23 (12) *One of the approaches to contend with these issues is to*  
24 *promote the use of new technologies and alternative fuel pathways.*

25 (b) *It is the intent of the Legislature to encourage the continued*  
26 *development and deployment of zero-emission medium- and*  
27 *heavy-duty vehicles in the goods movement sector.*

28 SEC. 2. *Chapter 2.8 (commencing with Section 65098) is added*  
29 *to Division 1 of Title 7 of the Government Code, to read:*

30  
31 *CHAPTER 2.8. WAREHOUSE FACILITIES*

32  
33 65098. (a) *For purposes of this section, the following*  
34 *definitions apply:*

35 (1) *"Public agency" means a city, county, and city and county,*  
36 *and subdivisions of those entities, including any agencies of the*  
37 *city, county, or city and county.*

38 (2) *"Threshold language" means a language for the*  
39 *geographical area in which a warehouse development project is*  
40 *located as identified by the State Department of Health Care*

1 *Services in its most recent determination required pursuant to*  
2 *subdivision (b) of Section 14029.91 of the Welfare and Institution*  
3 *Code.*

4 *(b) Before approving a warehouse development project, a public*  
5 *agency shall do all of the following:*

6 *(1) Ensure that the design of the warehouse development project*  
7 *provides for at least a 3,000-yard buffer zone between the boundary*  
8 *of the project site and sensitive land use.*

9 *(2) Conduct a cumulative analysis of the air quality impacts of*  
10 *the warehouse development project, taking into consideration air*  
11 *quality impacts from other nearby sources of pollution and air*  
12 *quality impacts of reasonably foreseeable future projects.*

13 *(3) Require all onsite equipment used at the warehouse to be*  
14 *powered by electricity.*

15 *(4) Require all offroad construction equipment used for the*  
16 *warehouse development project to meet the Tier 4 emission*  
17 *standards set forth in Article 4 (commencing with Section 2420)*  
18 *of Chapter 9 of Division 3 of Title 13 of the California Code of*  
19 *Regulations.*

20 *(5) Require loading and unloading docks and trailer spaces for*  
21 *cold storage warehouses to provide electrical connections to*  
22 *provide electrical power to trucks.*

23 *(6) Require the project applicant to hold a series of community*  
24 *meetings with affected residents to obtain community inputs and*  
25 *incorporate consideration of those community inputs into the*  
26 *project design.*

27 *(7) Require the project applicant to post a prominent notice on*  
28 *the project site that contains a brief description of the warehouse*  
29 *development project and directions on obtaining information*  
30 *posted pursuant to paragraph (1) of subdivision (c).*

31 *(c) Upon receipt of an application for a warehouse development*  
32 *project, a public agency shall do all of the following:*

33 *(1) Post information on its internet website that is easily*  
34 *accessible and easily understandable by the public regarding both*  
35 *of the following:*

36 *(A) The project, including a complete and accurate project*  
37 *description, maps, and drawings of the project design.*

38 *(B) The process by which interested members of the public can*  
39 *provide comments and input regarding the project.*

1 (2) Mail or deliver a notice with a brief description of the  
2 warehouse development project and directions on obtaining  
3 information posted pursuant to paragraph (1) to both of the  
4 following:

5 (A) All owners and occupants of properties located within 3,000  
6 yards of the project site.

7 (B) All schools located within two miles of the project site.

8 (3) Provide the information and notices required pursuant to  
9 this subdivision in English and all threshold languages.

10 (d) (1) (A) The lead agency shall conduct at least one scoping  
11 meeting at a location within one mile of the project site.

12 (B) If, after making a good faith effort, the lead agency is unable  
13 to secure a location for the scoping meeting within one mile of the  
14 project site, the lead agency may hold the meeting at another  
15 location that meets both of the following requirements:

16 (i) The meeting location is readily accessible to residents of  
17 disadvantaged communities located within one-half mile of the  
18 project site.

19 (ii) The meeting location is located within one-half mile of a  
20 transit stop, if feasible.

21 (2) If the scoping meeting is held on a weekday, the scoping  
22 meeting shall be held between the hours of 5 p.m. and 8 p.m.

23 (3) At the scoping meeting, the lead agency shall do both of the  
24 following:

25 (A) Provide a description of the project and any information  
26 known about the project's potential environmental impacts.

27 (B) Take public comments regarding potential environmental  
28 impacts of the project, including any social and economic impacts  
29 related to a direct or indirect physical change caused by the  
30 project, project alternatives, and mitigation measures that would  
31 avoid or reduce any potentially significant environmental impacts.

32 (e) In a meeting in which a warehouse development project is  
33 being considered, the public agency, upon request, shall provide  
34 translation services in a requested threshold language.

35 SEC. 3. Section 39602.5 of the Health and Safety Code is  
36 amended to read:

37 39602.5. (a) The state board shall adopt rules and regulations  
38 pursuant to Section 43013 that, in conjunction with other measures  
39 adopted by the state board, the districts, and the United States  
40 Environmental Protection Agency, will achieve ambient air quality

1 standards required by the federal Clean Air Act (42 U.S.C. Sec.  
2 7401 et seq.) in all areas of the state by the applicable attainment  
3 date, and to maintain these standards thereafter. The state board  
4 shall adopt these measures if they are necessary, technologically  
5 feasible, and cost effective, consistent with Section 43013.

6 (b) If necessary to carry out its duties under this section, the  
7 state board shall adopt and enforce rules and regulations that  
8 anticipate the development of new technologies or the improvement  
9 of existing technologies. The rules and regulations shall require  
10 standards that the state board finds and determines can likely be  
11 achieved by the compliance date set forth in the rule.

12 (c) *The state board may adopt and enforce rules and regulations*  
13 *applicable to indirect sources, as defined in Section 7410 of Title*  
14 *42 of the United States Code.*

15 *SEC. 4. The Legislature finds and declares that the regulation*  
16 *of warehouse development projects to identify and address the*  
17 *potential environmental impacts and ensure public participation*  
18 *by residents affected by projects is a matter of statewide concern*  
19 *and is not a municipal affair as that term is used in Section 5 of*  
20 *Article XI of the California Constitution. Therefore, Section 2 of*  
21 *this act adding Chapter 2.8 (commencing with Section 65098) to*  
22 *Division 1 of Title 7 of the Government Code applies to all cities,*  
23 *including charter cities.*

24 *SEC. 5. No reimbursement is required by this act pursuant to*  
25 *Section 6 of Article XIII B of the California Constitution because*  
26 *a local agency or school district has the authority to levy service*  
27 *charges, fees, or assessments sufficient to pay for the program or*  
28 *level of service mandated by this act, within the meaning of Section*  
29 *17556 of the Government Code.*

30 ~~SECTION 1. It is the intent of the Legislature to enact~~  
31 ~~subsequent legislation relating to air pollution at warehouse~~  
32 ~~facilities.~~

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AMENDED IN ASSEMBLY MARCH 15, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1001**

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**Introduced by Assembly Member Cristina Garcia**

February 18, 2021

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~~An act to amend Section 71021 of the Public Resources Code, relating to the environment.~~ *An act to amend Sections 40920.6 and 40920.8 of the Health and Safety Code, and to add Section 71119 to the Public Resources Code, relating to the environment.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1001, as amended, Cristina Garcia. Environmental-permitting-permitting and air pollution.

*Existing law regulates facilities with operations that would or may cause the release of pollution to the environment. Existing law requires operators of those facilities to obtain a permit or other authorization from various public agencies for the operation of those facilities.*

*This bill would require the California Environmental Protection Agency, on or before May 1, 2022, to publish, maintain, and update a list of overburdened communities, as defined. The bill would, on or after July 1, 2022, require a permitting agency to take certain actions for an application for a new environmental permit, as defined, or the renewal of an environmental permit for a facility located in an overburdened community. The bill would require a permit applicant to prepare an environmental justice impact statement, to conduct a public hearing in the overburdened community, and to transmit the environmental justice impact statement to the permitting agency. The bill would require the permitting agency to deny the application or to apply conditions concerning the construction and operation of the*



facility to protect public health if it finds that the approval of the application would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities. The bill would require permitting agencies to electronically publish certain information on their internet websites. Because the bill would impose additional duties on local agencies that are permitting agencies, this bill would impose a state-mandated local program.

Existing law requires each air pollution control district and each air quality management district (air district) that has a nonattainment area for one or more air pollutants to adopt an expedited schedule for the implementation of best available retrofit control technology (BARCT) by the earliest feasible date, but not later than December 31, 2023. Existing law provides that the adopted expedited schedule applies only to each industrial source that, as of January 1, 2017, was subject to a market-based compliance mechanism for the emissions of greenhouse gases adopted by the State Air Resources Board, as provided.

This bill would additionally require those air districts to adopt an expedited schedule for the implementation of best available control technology (BACT). The bill would delete the provision applying the expedited schedule only to industrial sources that are subject to the market-based compliance mechanism. The bill would require the air districts to identify all emission units at an industrial source and to take certain actions regarding those emission units, as specified. The bill would require, by January 1, 2025, the air districts to adopt rules for the installation and operation of either BACT or BARCT at emission units by the earliest feasible date, but not later than December 31, 2026. Because this bill would impose additional duties on air districts, this bill would impose a state-mandated local program.

Existing law requires the state board to establish and maintain a statewide clearinghouse that identifies BACT and BARCT.

This bill would authorize the state board to create determinations for technologies that have been achieved in practice for sources or source categories.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law requires the Secretary for Environmental Protection to establish an administrative process that may be used, at the request of a permit applicant for a project that requires multiple environmental permits, for the designation of a consolidated permit agency to issue a consolidate permit for the project. Existing law requires the secretary, within 30 days of the date that the request is received, to either designate a consolidated permit agency for the project or refer the designation to the California Environmental Policy Council.~~

~~This bill would shorten the time period in which the secretary is to respond to 20 days.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3     (a) *All California residents, regardless of income, race,*
- 4 *ethnicity, color, or national origin, have a right to live, work, and*
- 5 *recreate in a clean and healthy environment.*
- 6     (b) *Historically, California’s low-income communities and*
- 7 *communities of color have been subject to a disproportionately*
- 8 *high number of environmental and public health stressors,*
- 9 *including pollution from numerous industrial, commercial, and*
- 10 *governmental facilities located in those communities.*
- 11     (c) *As a result, residents in the state’s overburdened*
- 12 *communities have suffered from increased adverse health effects*
- 13 *including, but not limited to, asthma, cancer, elevated blood lead*
- 14 *levels, cardiovascular disease, and developmental disorders.*
- 15     (d) *Children are especially vulnerable to the adverse health*
- 16 *effects caused by exposure to pollution, and those health effects*
- 17 *may severely limit a child’s potential for future success.*
- 18     (e) *The adverse effects caused by pollution impede the growth,*
- 19 *stability, and long-term well-being of individuals and families*
- 20 *living in overburdened communities.*
- 21     (f) *The legacy of siting sources of pollution in overburdened*
- 22 *communities continues to pose a threat to the health, well-being,*
- 23 *and economic success of the state’s most vulnerable residents.*

1 (g) *It is past time for the state to correct this historical injustice.*

2 (h) *No community should bear a disproportionate share of the*  
 3 *adverse environmental and public health consequences that*  
 4 *accompany the state’s economic growth.*

5 (i) *The state’s overburdened communities must have a*  
 6 *meaningful opportunity to participate in any decision to allow in*  
 7 *those communities certain types of facilities which, by the nature*  
 8 *of their activity, have the potential to increase environmental and*  
 9 *public health stressors.*

10 (j) *It is in the public interest for the state, where appropriate,*  
 11 *to limit the future placement and expansion of those facilities in*  
 12 *overburdened communities.*

13 SEC. 2. *Section 40920.6 of the Health and Safety Code is*  
 14 *amended to read:*

15 40920.6. (a) ~~Prior to~~ *Before* adopting rules or regulations to  
 16 meet the requirement for best available retrofit control technology  
 17 pursuant to Sections 40918, 40919, 40920, and 40920.5, or for a  
 18 feasible measure pursuant to Section 40914, districts shall, in  
 19 addition to other requirements of this division, do all of the  
 20 following:

21 (1) Identify one or more potential control options which achieves  
 22 the emission reduction objectives for the regulation.

23 (2) Review the information developed to assess the  
 24 cost-effectiveness of the potential control option. For purposes of  
 25 this paragraph, “cost-effectiveness” means the cost, in dollars, of  
 26 the potential control option divided by emission reduction potential,  
 27 in tons, of the potential control option.

28 (3) Calculate the incremental cost-effectiveness for the potential  
 29 control options identified in paragraph (1). To determine the  
 30 incremental cost-effectiveness under this paragraph, the district  
 31 shall calculate the difference in the dollar costs divided by the  
 32 difference in the emission reduction potentials between each  
 33 progressively more stringent potential control option as compared  
 34 to the next less expensive control option.

35 (4) Consider, and review in a public meeting, all of the  
 36 following:

37 (A) The effectiveness of the proposed control option in meeting  
 38 the requirements of this chapter and the requirements adopted by  
 39 the state board pursuant to subdivision (b) of Section 39610.

1 (B) The cost-effectiveness of each potential control option as  
2 assessed pursuant to paragraph (2).

3 (C) The incremental cost-effectiveness between the potential  
4 control options as calculated pursuant to paragraph (3).

5 (5) Make findings at the public hearing at which the regulation  
6 is adopted stating the reasons for the district's adoption of the  
7 proposed control option or options.

8 (b) A district may establish its own best available retrofit control  
9 technology requirement based upon consideration of the factors  
10 specified in subdivision (a) and Section 40406 if the requirement  
11 complies with subdivision (d) of Section 40001 and is consistent  
12 with this chapter, other state law, and federal law, including, but  
13 not limited to, the applicable state implementation plan.

14 (c) (1) ~~On or before January 1, 2019, each~~ *Each* district that is  
15 a nonattainment area for one or more air pollutants shall adopt an  
16 expedited schedule for the implementation of *best available control*  
17 *technology (BACT) or best available retrofit control technology*  
18 (BARCT), by the earliest feasible ~~date, but in any event not later~~  
19 ~~than December 31, 2023.~~ *date and in compliance with paragraph*  
20 *(3) of subdivision (g).*

21 ~~(2) The schedule shall apply to each industrial source that, as~~  
22 ~~of January 1, 2017, was subject to a market-based compliance~~  
23 ~~mechanism adopted by the state board pursuant to subdivision (c)~~  
24 ~~of Section 38562.~~

25 ~~(3)~~

26 (2) The schedule shall give highest priority to those permitted  
27 units that have not modified emissions-related permit conditions  
28 for the greatest period of time. The schedule shall not apply to an  
29 emissions unit that has implemented *BACT or BARCT* due to a  
30 permit revision or a new permit issuance since 2007.

31 (d) ~~Prior to~~ *Before* adopting the schedule pursuant to paragraph  
32 (1) of subdivision (c), a district shall hold a public meeting and  
33 take into account:

34 (1) The local public health and clean air benefits to the  
35 surrounding community.

36 (2) The cost-effectiveness of each control option.

37 (3) The air quality and attainment benefits of each control  
38 option.

39 (e) A district shall allow the retirement of marketable emission  
40 reduction credits under a program which complies with all of the

1 requirements of Section 39616, or emission reduction credits which  
2 meet all of the requirements of state and federal law, including,  
3 but not limited to, the requirements that those emission reduction  
4 credits be permanent, enforceable, quantifiable, and surplus, in  
5 lieu of any requirement for best available retrofit control  
6 technology, if the credit also complies with all district rules and  
7 regulations affecting those credits.

8 (f) After a district has established the cost-effectiveness, in a  
9 dollar amount, for any rule or regulation adopted pursuant to this  
10 section or Section 40406, 40703, 40914, 40918, 40919, 40920,  
11 40920.6, or 40922, the district, consistent with subdivision (d) of  
12 Section 40001, shall allow alternative means of producing  
13 equivalent emission reductions at an equal or lesser dollar amount  
14 per ton reduced, including the use of emission reduction credits,  
15 for any stationary source that has a demonstrated compliance cost  
16 exceeding that established dollar amount.

17 (g) *To further implement the schedule adopted pursuant to*  
18 *subdivision (c), each district subject to subdivision (c) shall take*  
19 *the following actions:*

20 (1) *Identify all emissions units at an industrial source subject*  
21 *to paragraph (1) of subdivision (c) that emit a pollutant for which*  
22 *the region is in nonattainment to determine whether those*  
23 *emissions units are individually permitted at BACT or BARCT*  
24 *stringency levels that are applicable as of the time of the review*  
25 *and do the following:*

26 (A) *Continue the implementation of the schedule adopted*  
27 *pursuant to subdivision (c) if the district determines that the*  
28 *emissions unit is subject to a rule that the district included on the*  
29 *schedule for updating pursuant to subdivision (c).*

30 (B) *Add the rule to the schedule for updating to ensure that the*  
31 *applicable BACT or BARCT rule applies to the emission unit if*  
32 *the district determines that the emissions unit is subject to a rule*  
33 *implementing BACT or BARCT that is not on the district's adopted*  
34 *schedule pursuant to subdivision (c) and the rule has not been*  
35 *updated or revised since 2007.*

36 (C) *Add the emissions unit to the schedule adopted pursuant to*  
37 *subdivision (c) and adopt a rule to control the nonattainment*  
38 *pollutant by implementing BACT or BARCT if the district*  
39 *determines that the emission unit is not subject to a rule*  
40 *implementing BACT or BARCT.*

1 (2) For all reviews of what constitutes BACT or BARCT for an  
2 emissions unit under this subdivision and subdivision (c), the  
3 district shall base its consideration of cost effectiveness of the  
4 control option for the emissions unit and air quality benefits for  
5 the surrounding community, and shall make determinations  
6 consistent with information in the clearinghouse established  
7 pursuant to Section 40920.8 and any technical assessments issued  
8 by the state board.

9 (3) The district shall adopt each rule implementing BARCT  
10 pursuant to subdivision (c) and this subdivision by January 1,  
11 2025, for installation and operation of BACT or BARCT at each  
12 emissions unit by the earliest feasible date, but not later than  
13 December 31, 2026.

14 SEC. 3. Section 40920.8 of the Health and Safety Code is  
15 amended to read:

16 40920.8. (a) (1) The state board shall establish and maintain  
17 a statewide clearinghouse that identifies the best available control  
18 technology and best available retrofit control technology for criteria  
19 air pollutants, and related technologies for the control of toxic air  
20 contaminants.

21 (2) (A) The state board may create determinations for  
22 technologies that have been achieved in practice, and may provide  
23 technical assessments of control options, including the availability  
24 of alternative technologies, for sources or source categories.

25 (B) The Administrative Procedure Act (Chapter 3.5  
26 commencing with Section 11340) of Part 1 of Division 3 of Title  
27 2 of the Government Code) does not apply to the development of  
28 technical assessments pursuant to subparagraph (A).

29 (b) When updating best available control technology  
30 determinations, best available retrofit control technology rules,  
31 and related determinations for the control of toxic air contaminants  
32 in permits, schedules, and rules, a district shall use the information  
33 in the statewide clearinghouse established and maintained by the  
34 state ~~board~~ board and any technical assessments that are  
35 developed pursuant to paragraph (2) of subdivision (a).

36 SEC. 4. Section 71119 is added to the Public Resources Code,  
37 to read:

38 71119. (a) For purposes of this section, the following  
39 definitions apply:

1 (1) “Environmental or public health stressors” means sources  
2 of environmental pollution, including, but not limited to,  
3 concentrated areas of air pollution, mobile sources of air pollution,  
4 contaminated sites, transfer stations or other solid waste facilities,  
5 recycling facilities, scrap yards, and point sources of water  
6 pollution, including, but not limited to, water pollution from  
7 facilities or combined sewer overflows, or conditions that may  
8 cause potential public health impacts, including, but not limited  
9 to, asthma, cancer, elevated blood lead levels, cardiovascular  
10 disease, and developmental problems in an overburdened  
11 community.

12 (2) (A) “Environmental permit” means an authorization or  
13 approval, or the renewal of an authorization or approval, that is  
14 any of the following:

15 (i) A hazardous waste facility permit issued pursuant to Chapter  
16 6.5 (commencing with Section 25001) of Division 20 of the Health  
17 and Safety Code.

18 (ii) An air permit issued pursuant to Chapter 4 (commencing  
19 with Section 42300) of Part 4 of Division 26 of the Health and  
20 Safety Code.

21 (iii) A medical waste treatment facility permit issued pursuant  
22 to Chapter 7 (commencing with Section 118130) of Part 14 of  
23 Division 104 of the Health and Safety Code.

24 (iv) A well permit issued pursuant to Division 3 (commencing  
25 with Section 3000).

26 (v) A solid waste facility permit issued pursuant to Part 4  
27 (commencing with Section 43000) of Division 30.

28 (vi) A waste discharge requirement issued pursuant to the  
29 Porter-Cologne Water Quality Control Act (Division 7  
30 (commencing with Section 13000) of the Water Code).

31 (B) “Environmental permit” does not include any of the  
32 following:

33 (i) An authorization or approval necessary to perform a  
34 remediation.

35 (ii) An authorization or approval required for a minor  
36 modification of a facility’s authorization or approval described  
37 in subparagraph (A) for activities or improvements that do not  
38 increase the release of a pollutant or contaminant.

1 (iii) *An authorization or approval that is a renewal of a facility’s*  
2 *authorization or approval described in subparagraph (A) that does*  
3 *not increase the release of a pollutant or contaminant.*

4 (3) (A) *“Facility” means a facility this is required to obtain an*  
5 *environmental permit.*

6 (B) *“Facility” does not include a facility that accepts regulated*  
7 *medical waste for disposal, including a medical waste incinerator,*  
8 *that is attendant to a hospital or university and is intended to*  
9 *process self-generated regulated medical waste.*

10 (4) *“Low-income household” has the same meaning as set forth*  
11 *in Section 39713 of the Health and Safety Code.*

12 (5) *“Overburdened community” means a community identified*  
13 *as a disadvantaged community pursuant to Section 39711 of the*  
14 *Health and Safety Code.*

15 (6) *“Permitting agency” means any of the following:*

16 (A) *The Department of Toxic Substances Control.*

17 (B) *An air quality management or air pollution control district.*

18 (C) *The State Department of Public Health.*

19 (D) *The Geologic Energy Management Division in the*  
20 *Department of Conservation.*

21 (E) *The Department of Resources Recovery and Recycling.*

22 (F) *A regional water quality control board.*

23 (b) *On or before May 1, 2022, the California Environmental*  
24 *Protection Agency shall publish and maintain on its internet*  
25 *website a list of overburdened communities in the state. The*  
26 *California Environmental Protection Agency shall update annually*  
27 *the list of overburdened communities. The California*  
28 *Environmental Protection Agency shall notify a local municipal*  
29 *or county government if any part of the municipality or county has*  
30 *been designated as an overburdened community pursuant to this*  
31 *subdivision.*

32 (c) *On and after July 1, 2022, for an application for an*  
33 *environmental permit for a facility located in an overburdened*  
34 *community, a permitting agency shall publish a draft environmental*  
35 *permit for public notice, review, and comment for at least 60*  
36 *calendar days before issuance. A permitting agency shall respond,*  
37 *in writing, to all significant comments raised during the public*  
38 *participation process, including written comments submitted during*  
39 *the public comment period and any comments raised during any*  
40 *public hearing on the environmental permit before finalization of*



1 *the environmental permit. A permitting agency shall electronically*  
2 *publish the public comments for the draft permit and the permitting*  
3 *agency's responses to significant public comments before the*  
4 *finalization of the permit. This requirement applies in addition to*  
5 *any public notices required by law.*

6 *(d) (1) On and after July 1, 2022, a permitting agency shall*  
7 *not consider complete for review an application for an*  
8 *environmental permit for a new facility or for an existing facility,*  
9 *if the facility is located, or proposed to be located, in whole or in*  
10 *part, in an overburdened community, unless the permit applicant*  
11 *does all of the following:*

12 *(A) Prepares an environmental justice impact statement that*  
13 *assesses the potential environmental and public health stressors*  
14 *associated with the proposed new or existing facility, as applicable,*  
15 *including any adverse environmental or public health stressors*  
16 *that cannot be avoided if the environmental permit is granted, and*  
17 *the environmental or public health stressors already borne by the*  
18 *overburdened community as a result of existing conditions located*  
19 *in or affecting the overburdened community.*

20 *(B) Transmits the environmental justice impact statement at*  
21 *least 60 days in advance of the public hearing required pursuant*  
22 *to subparagraph (C) to the permitting agency and to the governing*  
23 *body and the clerk of the municipality in which the overburdened*  
24 *community is located. Upon receipt, the permitting agency shall*  
25 *publish the environmental justice impact statement on its internet*  
26 *website.*

27 *(C) (i) Organizes and conducts a public hearing in the*  
28 *overburdened community. The permit applicant shall publish a*  
29 *notice of the public hearing in at least two newspapers circulating*  
30 *within the overburdened community, including in local non-English*  
31 *language newspapers for populations comprising at least 15*  
32 *percent of the overburdened community, if applicable, not less*  
33 *than 60 days before the public hearing. The permit applicant shall*  
34 *provide a copy of the notice to the permitting agency, and the*  
35 *permitting agency shall publish the notice on its internet website.*  
36 *The notice of the public hearing shall provide the date, time, and*  
37 *location of the public hearing, a description of the proposed new*  
38 *or expanded facility or existing facility, as applicable, a map*  
39 *indicating the location of the facility, a brief summary of the*  
40 *environmental justice impact statement, information on how an*

1 interested person may review a copy of the complete environmental  
2 justice impact statement, an address for the submission of written  
3 comments to the permit applicant, and any other information  
4 deemed appropriate by the permitting agency. At least 60 days  
5 before the public hearing, the permit applicant shall send a copy  
6 of the notice to the permitting agency and to the governing body  
7 and the clerk of the municipality in which the overburdened  
8 community is located. The permit applicant shall invite the  
9 municipality to participate in the public hearing. At the public  
10 hearing, the permit applicant shall provide clear, accurate, and  
11 complete information about the proposed new or existing facility,  
12 as applicable, and the potential environmental and public health  
13 stressors associated with the facility. The permit applicant shall  
14 accept written and oral comments from any interested party, and  
15 shall provide an opportunity for meaningful public participation  
16 at the public hearing. The permit applicant shall transcribe the  
17 public hearing and, no later than 10 days after the public hearing,  
18 submit the transcript along with any written comments received  
19 to the permitting agency. Following the public hearing, the  
20 permitting agency shall consider the testimony presented and any  
21 written comments received, and shall evaluate the issuance of, or  
22 conditions to, the environmental permit, as necessary, to avoid or  
23 reduce the adverse environmental or public health stressors  
24 affecting the overburdened community.

25 (ii) Clause (i) is satisfied if a public hearing required by other  
26 law regarding the permit application is conducted, and the notice  
27 of the public hearing is given, in a manner that meets the  
28 requirements of clause (i).

29 (2) If a permit applicant is applying for more than one  
30 environmental permit for a proposed new or existing facility, the  
31 permit applicant shall only be required to comply with this  
32 subdivision once, unless a permitting agency, in its discretion,  
33 determines that more than one public hearing is necessary due to  
34 the complexity of the permit applications necessary for the  
35 proposed new or existing facility. Nothing in this section shall be  
36 construed to limit the authority of the permitting agency to hold  
37 or require additional public hearings, as may be required by any  
38 other law.

39 (e) Notwithstanding any other law, the permitting agency shall  
40 not issue a decision on an application for an environmental permit

1 for a new facility or for the expansion of an existing facility, or on  
2 an application for the renewal of a facility's environmental permit,  
3 if the facility is located, or proposed to be located, in whole or in  
4 part in an overburdened community until at least 45 days after the  
5 public hearing held pursuant to subparagraph (C) of paragraph  
6 (1) of subdivision (d).

7 (f) Notwithstanding any other law, after review of the  
8 environmental justice impact statement prepared pursuant to  
9 paragraph (1) of subdivision (d) and any other relevant  
10 information, including testimony and written comments received  
11 at the public hearing, the permitting agency shall deny an  
12 environmental permit for a new facility or for the expansion of, or  
13 renewal of an environmental permit for, an existing facility, or  
14 shall apply conditions concerning the construction and operation  
15 of the facility to protect public health, upon a finding that approval  
16 of the environmental permit or renewal, as proposed, would,  
17 together with other environmental or public health stressors  
18 affecting the overburdened community, cause or contribute to  
19 adverse cumulative environmental or public health stressors in  
20 the overburdened community that are higher than those borne by  
21 other communities within the state, county, or other geographic  
22 unit of analysis as determined by the permitting agency pursuant  
23 to rule, regulation, or guidance adopted pursuant to this section.

24 (g) Nothing in this section shall be construed to limit the right  
25 of a permit applicant to continue facility operations during the  
26 process of permit renewal to the extent that right is provided by  
27 applicable law.

28 (h) In addition to any other fee authorized by law, rule, or  
29 regulation, the permitting agency shall assess each permit  
30 applicant a reasonable fee to cover the permitting agency's costs  
31 associated with the implementation of this section, including costs  
32 to provide technical assistance to permit applicants and  
33 overburdened communities as needed to comply with this section.

34 (i) (1) A permitting agency shall adopt rules and regulations  
35 to implement the provisions of this section.

36 (2) The permitting agency may issue and publish, on its internet  
37 website, technical guidance for compliance with this section.

38 (j) On or before January 1, 2024, a permitting agency shall  
39 electronically publish, on its internet website, all authorizations  
40 or approvals described in subparagraph (A) of paragraph (2) of

1 subdivision (a), immediately upon issuance, in a searchable  
2 database accessible to the public. The authorizations or approvals  
3 issued before January 1, 2022, shall be added to the database by  
4 December 31, 2024.

5 (k) A permitting agency shall promptly make information related  
6 to environmental permits and permitting decisions available to  
7 the California Environmental Protection Agency upon request.

8 (l) A permitting agency shall electronically publish all final  
9 enforcement settlement agreements on its internet website  
10 immediately upon finalization of the settlements agreements.

11 SEC. 5. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 a local agency or school district has the authority to levy service  
14 charges, fees, or assessments sufficient to pay for the program or  
15 level of service mandated by this act, within the meaning of Section  
16 17556 of the Government Code.

17 SECTION 1. ~~Section 71021 of the Public Resources Code is~~  
18 ~~amended to read:~~

19 71021. (a) ~~A permit applicant for a project may request the~~  
20 ~~secretary to designate a consolidated permit agency to administer~~  
21 ~~the processing and issuance of a consolidated permit for the project~~  
22 ~~pursuant to this division. The secretary, in accordance with the~~  
23 ~~guidelines and procedures adopted pursuant to Section 71020,~~  
24 ~~shall, within 20 days of the date that the request is received, either~~  
25 ~~designate a consolidated permit agency for the project or refer the~~  
26 ~~designation to the council.~~

27 (b) ~~A permit applicant who requests the designation of a~~  
28 ~~consolidated permit agency shall provide the secretary with a~~  
29 ~~description of the project, a preliminary list of the environmental~~  
30 ~~permits that the project may require, the identity of any public~~  
31 ~~agency that has been designated the lead agency for the project~~  
32 ~~pursuant to Chapter 4.5 (commencing with Section 65920) of~~  
33 ~~Division 1 of Title 7 of the Government Code or Division 13~~  
34 ~~(commencing with Section 21000), and the identity of the~~  
35 ~~participating permit agencies. The secretary may request any~~  
36 ~~information from the permit applicant that is necessary to make~~  
37 ~~the designation under subdivision (a), and may convene a scoping~~  
38 ~~meeting of the likely consolidated permit agency and participating~~  
39 ~~permit agencies in order to make that designation.~~

1 (e) ~~The consolidated permit agency shall serve as the main point~~  
2 ~~of contact for the permit applicant with regard to the processing~~  
3 ~~of the consolidated permit for the project and shall manage the~~  
4 ~~procedural aspects of that processing consistent with laws~~  
5 ~~governing the consolidated permit agency and participating permit~~  
6 ~~agencies, and with the procedures agreed to by those agencies in~~  
7 ~~accordance with Section 71022. In carrying out these~~  
8 ~~responsibilities, the consolidated permit agency shall ensure that~~  
9 ~~the permit applicant has all the information needed to apply for~~  
10 ~~all the component environmental permits that are incorporated in~~  
11 ~~the consolidated permit for the project, coordinate the review of~~  
12 ~~those environmental permits by the respective participating permit~~  
13 ~~agencies, ensure that timely environmental permit decisions are~~  
14 ~~made by the participating permit agencies, and assist in resolving~~  
15 ~~any conflict or inconsistency among the environmental permit~~  
16 ~~requirements and conditions that are to be imposed by the~~  
17 ~~participating permit agencies with regard to the project.~~

18 (d) ~~This division shall not be construed to limit or abridge the~~  
19 ~~powers and duties granted to a participating permit agency pursuant~~  
20 ~~to the law that authorizes or requires the agency to issue an~~  
21 ~~environmental permit for a project. Each participating permit~~  
22 ~~agency shall retain its authority to make all decisions on all~~  
23 ~~nonprocedural matters with regard to the respective component~~  
24 ~~environmental permit that is within its scope of its responsibility,~~  
25 ~~including, but not limited to, the determination of environmental~~  
26 ~~permit application completeness, environmental permit approval~~  
27 ~~or approval with conditions, or environmental permit denial. The~~  
28 ~~consolidated permit agency shall not substitute its judgment for~~  
29 ~~that of a participating permit agency on any of those nonprocedural~~  
30 ~~matters.~~

AMENDED IN ASSEMBLY APRIL 5, 2021

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 745**

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**Introduced by Assembly Member Gipson**

February 16, 2021

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An act to amend Section 44124.5 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 745, as amended, Gipson. Air pollution: Clean Cars 4 All program.

Existing law establishes a motor vehicle inspection and maintenance program, commonly known as the smog check program, that is administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law exempts motor vehicles that meet certain requirements from being inspected biennially upon renewal of registration.

Existing law establishes the Clean Cars 4 All Program, which is administered by the State Air Resources Board, to focus on achieving reductions in the emissions of greenhouse gases, improvements in air quality, and benefits to low-income state residents through the replacement of high-polluter motor vehicles with cleaner and more efficient motor vehicles or a mobility option.

This bill would require the state board, as a part of the Clean Cars 4 All Program, to provide vouchers for the purchase of zero-emission

vehicles to persons of low ~~or moderate income, as defined,~~ *income* living in disadvantaged communities to replace those persons' vehicles that have failed a smog check ~~inspection.~~ *inspection, as provided.* The bill would establish the maximum amount of the voucher at \$13,000.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44124.5 of the Health and Safety Code  
2 is amended to read:

3 44124.5. (a) The Clean Cars 4 All Program is hereby  
4 established and is to be administered by the state board to focus  
5 on achieving reductions in the emissions of greenhouse gases,  
6 improvements in air quality, and benefits to low-income state  
7 residents through the replacement of high-polluter motor vehicles  
8 with cleaner and more efficient motor vehicles or a mobility option.

9 (b) Beginning in the 2018–19 fiscal year, and every fiscal year  
10 thereafter, the state board shall set specific, measurable goals for  
11 the replacement of passenger vehicles and light- and medium-duty  
12 trucks that are high polluters.

13 (c) The state board shall take steps to meet the goals set forth  
14 pursuant to subdivision (b). The steps shall include, but need not  
15 be limited to, updating the guidelines for Clean Cars 4 All no later  
16 than January 1, 2019.

17 (d) The regulation implementing this section shall ensure all of  
18 the following:

19 (1) Where applicable, there is improved coordination,  
20 integration, and partnerships with other programs that target  
21 disadvantaged communities and receive moneys from the  
22 Greenhouse Gas Reduction Fund, created pursuant to Section  
23 16428.8 of the Government Code.

24 (2) The replacement or a mobility option is consistent with  
25 paragraph (6) of subdivision (d) of Section 44125.

26 (3) Provisions enhance the prescreening of applicants to Clean  
27 Cars 4 All, if determined by the state board to be appropriate.

28 (e) (1) ~~As~~ *In participating districts, as a part of the Clean Cars*  
29 *4 All Program, the state board shall provide vouchers to persons*  
30 *of low ~~or moderate income, as defined in Section 50093,~~ income*  
31 *living in disadvantaged communities, as identified pursuant to*

1 Section 39711, for the purchase of zero-emission vehicles to  
2 replace those persons' vehicles that *meet both of the following*:

3 (A) *The vehicles to be replaced* have failed a smog check  
4 inspection.

5 (B) *The repair cost of each vehicle to be replaced in order to*  
6 *pass the smog check inspection is greater than the maximum*  
7 *amount of assistance provided by the bureau's Consumer*  
8 *Assistance Program.*

9 (2) The maximum amount of a voucher available under  
10 paragraph (1) shall be thirteen thousand dollars (\$13,000).

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AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL****No. 794****Introduced by Assembly Member Carrillo**

February 16, 2021

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An act to amend Section 16428.9 of the Government Code, and to amend Sections 39614, 39712, 43015, 44274, and 44282 of, to add Sections 39501, 39602.6, and 44295.5 to, and to add Chapter 3.6 (commencing with Section 39680) to Part 2 of Division 26 of, the Health and Safety Code, relating to air pollution.

## LEGISLATIVE COUNSEL'S DIGEST

AB 794, as amended, Carrillo. Air pollution: ~~financial incentive programs.~~ *purchase of vehicles and vehicle technology: incentive programs: eligibility: labor and workforce standards.*

Existing law establishes various *incentive* programs that are administered *or funded* by the State Air Resources Board to provide financial assistance for the purchase of ~~zero-emission vehicles.~~ *vehicles and vehicle technology by individuals and fleet purchasers.*

~~This bill would state the intent of the Legislature to enact subsequent legislation to provide the requisite authority to the state board to promulgate rules designed to maximize economic benefits of its grant, loan, and incentive programs.~~

*This bill would establish specified labor and workforce standards that a manufacturer of vehicles or vehicle technology would be required to meet in order for the vehicles or vehicle technology to be eligible under the incentive programs. For this purpose, the bill would specify the percentage of incentives that a vehicle or vehicle technology would be eligible for, as provided. The bill would also establish specified labor*

and workforce standards that a fleet purchaser would be required to meet in order to be eligible to receive incentives under the incentive programs.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 16428.9 of the Government Code is  
2 amended to read:

3 16428.9. (a) ~~Prior to~~ *Before* expending any moneys  
4 appropriated to it by the Legislature from the fund, a state agency  
5 shall prepare a record consisting of all of the following:

6 (1) A description of each expenditure proposed to be made by  
7 the state agency pursuant to the appropriation.

8 (2) A description of how a proposed expenditure will further  
9 the regulatory purposes of Division 25.5 (commencing with Section  
10 38500) of the Health and Safety Code, including, but not limited  
11 to, the limit established under Part 3 (commencing with Section  
12 38550) and other applicable requirements of law.

13 (3) A description of how a proposed expenditure will contribute  
14 to achieving and maintaining greenhouse gas emission reductions  
15 pursuant to Division 25.5 (commencing with Section 38500) of  
16 the Health and Safety Code.

17 (4) A description of how the state agency considered the  
18 applicability and feasibility of other nongreenhouse gas reduction  
19 objectives of Division 25.5 (commencing with Section 38500) of  
20 the Health and Safety Code.

21 (5) A description of how the state agency will document the  
22 result achieved from the expenditure to comply with Division 25.5  
23 (commencing with Section 35800) of the Health and Safety Code.

24 (6) *A description of how grant, loan, voucher, or other incentive*  
25 *programs for purchase of vehicles or vehicle technology that*  
26 *receive moneys from the fund are implementing the labor and*  
27 *workforce standards required by Chapter 3.6 (commencing with*  
28 *Section 39680) of Part 2 of Division 26 of the Health and Safety*  
29 *Code, as applicable.*

30 (b) The State Air Resources Board shall develop guidance on  
31 reporting and quantification methods for all state agencies that  
32 receive appropriations from the fund to ensure the requirements

1 of this section are met. Chapter 3.5 (commencing with Section  
2 11340) of Part 1 of Division 3 does not apply to the procedures  
3 developed pursuant to this subdivision.

4 (c) Nothing in this section alters, amends, or otherwise modifies  
5 in any manner Division 25.5 (commencing with Section 35800)  
6 of the Health and Safety Code, including the authority of the State  
7 Air Resources Board to adopt and implement a fee pursuant to that  
8 division.

9 (d) If any expenditure of moneys from the fund for any measure  
10 or project is determined by a court to be inconsistent with law, the  
11 funding for the remaining measures or projects shall be severable  
12 and shall not be affected.

13 *SEC. 2. Section 39501 is added to the Health and Safety Code,*  
14 *to read:*

15 *39501. It is the intent of the Legislature that the state board*  
16 *maximize economic cobenefits by conditioning eligibility to*  
17 *participate in grant, loan, voucher, or other incentive programs*  
18 *to purchase vehicles or vehicle technology on compliance with the*  
19 *labor and workforce standards required by Chapter 3.6*  
20 *(commencing with Section 39680).*

21 *SEC. 3. Section 39602.6 is added to the Health and Safety*  
22 *Code, to read:*

23 *39602.6. The state board shall condition eligibility to*  
24 *participate in grant, loan, voucher, or other incentive programs*  
25 *to purchase vehicles or vehicle technology on compliance with the*  
26 *labor and workforce standards required by Chapter 3.6*  
27 *(commencing with Section 39680), as applicable.*

28 *SEC. 4. Section 39614 of the Health and Safety Code is*  
29 *amended to read:*

30 39614. (a) For purposes of this section, the following  
31 definitions apply:

32 (1) “2.0L partial consent decree” means the October 25, 2016,  
33 Amended Partial Consent Decree among the State Air Resources  
34 Board, Volkswagen AG et al., and the United States Department  
35 of Justice in the United States of America v. Volkswagen AG et  
36 al., Case No. 16-cv-295 (N.D. Cal.).

37 (2) “Investment plans” mean the plans required to be submitted  
38 to the state board for approval pursuant to Appendix C of the 2.0L  
39 partial consent decree.

1 (3) “Lead agency” means the state agency appointed by the  
2 Governor to implement Appendix D of the 2.0L partial consent  
3 decree.

4 (4) “State board” means the State Air Resources Board.

5 (5) “Volkswagen” means the defendants in the United States  
6 of America v. Volkswagen AG et al., Case No. 16-cv-295 (N.D.  
7 Cal.).

8 (b) (1) The state board shall strive to ensure that investments  
9 made pursuant to Appendix C of the 2.0L partial consent decree  
10 are aligned with the state’s priorities and provide for public  
11 transparency before approval.

12 (2) The lead agency shall strive to ensure that the expenditures  
13 made pursuant to Appendix D of the 2.0L partial consent decree  
14 are aligned with the state’s priorities and provide for public  
15 transparency before approval.

16 (3) *If an investment plan for grants, loans, vouchers, or other*  
17 *incentives is proposed after January 1, 2023, the plan shall*  
18 *condition funds on the labor and workforce standards required*  
19 *by Chapter 3.6 (commencing with Section 39680), as applicable.*

20 (c) (1) On and after the effective date of this section, the state  
21 board, in approving each of the investment plans proposed by  
22 Volkswagen, shall strive to ensure, to the maximum extent  
23 allowable under the 2.0L partial consent decree, both of the  
24 following:

25 (A) At least 35 percent of funds for the investment plan benefit  
26 low-income or disadvantaged communities disproportionately  
27 affected by air pollution.

28 (B) The periodic submission of progress reports to the state  
29 board on the implementation of the investment plan from  
30 Volkswagen or its subsidiary.

31 (2) The state board shall approve each investment plan at a  
32 public hearing.

33 (3) The state board shall post each proposed investment plan  
34 for public comment.

35 (4) Notwithstanding Section 10231.5 of the Government Code  
36 and pursuant to Section 9795 of the Government Code, the state  
37 board shall report annually to the Legislature on the progress of  
38 the implementation of the investment plan.

39 (d) (1) The lead agency shall strive to ensure, to the maximum  
40 extent allowable under the 2.0L partial consent decree, that 35

1 percent of the moneys received pursuant to Appendix D of the  
2 2.0L partial consent decree benefit low-income or disadvantaged  
3 communities disproportionately affected by air pollution.

4 (2) Notwithstanding Section 10231.5 of the Government Code  
5 and pursuant to Section 9795 of the Government Code, the lead  
6 agency shall report annually to the Legislature on the proposed  
7 and actual expenditures of the moneys received pursuant to  
8 Appendix D of the 2.0L partial consent decree.

9 *SEC. 5. Chapter 3.6 (commencing with Section 39680) is added*  
10 *to Part 2 of Division 26 of the Health and Safety Code, to read:*

11  
12 *CHAPTER 3.6. LABOR AND WORKFORCE STANDARDS*

13  
14 *Article 1. General Provisions and Definitions*

15  
16 *39680. (a) The Legislature finds and declares all of the*  
17 *following:*

18 *(1) (A) California has established itself as a leader in national*  
19 *and international energy conservation and environmental*  
20 *stewardship.*

21 *(B) The California Global Warming Solutions Act of 2006*  
22 *(Division 25.5 (commencing with Section 38500)) charges the*  
23 *state board as the lead agency to monitor and regulate sources of*  
24 *emissions of greenhouse gases. That act has set a goal of reducing*  
25 *greenhouse gas emissions to 40 percent below the 1990 level by*  
26 *2030. That act also authorizes the state board to develop*  
27 *market-based mechanisms, including the cap-and-trade system,*  
28 *which generates revenue for the Greenhouse Gas Reduction Fund,*  
29 *and other transactional mechanisms.*

30 *(C) The state board, when expending moneys from the*  
31 *Greenhouse Gas Reduction Fund, is required to maximize*  
32 *economic and environmental cobenefits, including job-related*  
33 *cobenefits, as California builds a low-carbon economy.*

34 *(D) However, the charge to seek job-related benefits is not*  
35 *required within any timeframe, nor is there any legislative guidance*  
36 *with respect to specific standards or implementation mechanisms.*

37 *(E) While the charge to develop job-related cobenefits is explicit*  
38 *for the Greenhouse Gas Reduction Fund, it is implied rather than*  
39 *explicit for other clean air funds that the state board administers.*

1 (2) To clarify the need for job-related cobenefits, Chapter 135  
2 of the Statutes of 2017 required the California Workforce  
3 Development Board, in consultation with the state board, to submit  
4 a report to the Legislature. The California Workforce Development  
5 Board commissioned the Center for Labor Research and Education  
6 at the University of California, Berkeley, to prepare the report.  
7 Published in June 2020, the report is entitled, *Putting California*  
8 *on the High Road: A Jobs and Climate Action Plan for 2030* (2020  
9 *Action Plan*).

10 (3) A study by the University of California shows that fleet  
11 purchasers have a significant disparity of compliance with clean  
12 vehicle regulations. While 83 percent of large firms that employ  
13 drivers comply, only 61 percent of contractors comply.  
14 Noncompliant trucks operated by contractors represent 44 percent  
15 of all noncompliant trucks, a significantly greater share than their  
16 share of all operating trucks. The study finds that many of the  
17 noncompliant contractors are actually misclassified employees  
18 who do not have the financial resources to comply with  
19 clean-vehicle regulations. Many companies take advantage of the  
20 fleet purchaser incentives but then pass on the cost of vehicles,  
21 maintenance, and upkeep to misclassified drivers who do not have  
22 the funds or ability to maintain those vehicles at a level that  
23 maximizes their environmental benefits. For example, in drayage,  
24 an investigation by USA Today found that “port trucking  
25 companies in Southern California have spent the past decade  
26 forcing drivers to finance their own trucks by taking on debt they  
27 could not afford.” Drivers at dozens of companies “were handed  
28 a lease-to-own contract by their employer and given a choice:  
29 Sign immediately or be fired.” Such sublease arrangements directly  
30 impede the state’s ability to advance its environmental stewardship.  
31 Many contractors have later filed for bankruptcy, nullifying the  
32 benefit from the state’s climate investments.

33 (4) The 2020 Action Plan creates a “high road framework”  
34 based on demand-side strategies and supply-side strategies. The  
35 Action Plan does all of the following:

36 (A) Stresses that “[d]emand-side strategies affect the demand  
37 for labor, including the kinds of jobs that are generated, the skills  
38 that are needed, the wages and benefits employers provide, and  
39 who employers hire.”

1 (B) Emphasizes the importance of market participation through  
2 incentive programs: “[a]gencies responsible for implementing  
3 climate investments and other measures play a key role here  
4 because they direct public investment and influence private  
5 investments in lower carbon economic activity.”

6 (C) Proposes workforce standards that in general terms do all  
7 of the following:

8 (i) Create high-quality jobs.

9 (ii) Prepare workers with the skills needed to adapt to and  
10 master new zero- and low-emission technologies.

11 (iii) Broaden career opportunities for workers from  
12 disadvantaged communities.

13 (iv) Support workers whose jobs may be at risk.

14 (D) Identifies industry sectors that pose challenges to attaining  
15 clean air objectives and opportunities to incentivize development  
16 of high-road jobs and working conditions. Among these are vehicle  
17 manufacturing and trucking, both of which the plan faults as  
18 high-risk subsectors for labor abuses, such as misclassification,  
19 unpaid wages, and denial of unemployment benefits, workers’  
20 compensation, or disability benefits.

21 (b) In enacting this chapter, it is the intent of the Legislature to  
22 do all of the following:

23 (1) Implement the 2020 Action Plan’s high-road  
24 recommendations that would apply to crucial windows for  
25 high-road job development and working conditions. For vehicle  
26 manufacturing, the window is the span of several years immediately  
27 before receiving the incentive when the vehicle is designed and  
28 manufactured. For the trucking industry, the window is a longer  
29 span of years immediately after a fleet purchaser receives the  
30 incentive when the vehicle is placed in service.

31 (2) Use market participation to increase demand for clean air  
32 vehicles through incentive programs to attain equity goals for jobs  
33 in disadvantaged communities and reward companies that respect  
34 worker rights. In so doing, the Legislature will require the state  
35 board to develop labor and workforce standards to determine  
36 eligibility for programs that provide clean air incentives for  
37 manufacturers of vehicles and technology and fleet purchasers  
38 that operate drayage and short-haul trucking in California.

39 (3) Maximize the environmental benefits of its investments by  
40 ensuring that recipients of fleet purchaser subsidies operate the

1 *equipment in compliance with all state laws rather than taking*  
2 *advantage of state incentives and then selling or otherwise*  
3 *transferring the equipment in question.*

4 *(4) Clarify that the state board’s authority to maximize*  
5 *job-related cobenefits applies to all of the incentive funds and*  
6 *programs that it administers.*

7 *(5) Collaborate with the Labor and Workforce Development*  
8 *Agency, including the California Workforce Development Board*  
9 *and the Labor Commissioner, to develop guidelines and implement*  
10 *contract remedies for labor and workforce standards that include*  
11 *repayment of incentive funds and public disclosure of labor and*  
12 *workforce data.*

13 *(6) Expand upon the state board’s current approach of using*  
14 *multiyear incentive contracts to clearly set the conditions for*  
15 *attaining the state’s clean air objectives with workforce cobenefits.*  
16 *Relevant conditions already in place for heavy-duty trucks include*  
17 *compliance with state law and contract terms for multiyear*  
18 *ownership and control of the equipment.*

19 *39681. This chapter establishes labor and workforce standards*  
20 *as a cobenefit of incentive programs for the purchase of vehicles*  
21 *or vehicle technology that are based on clean air standards. To*  
22 *be eligible for an incentive program, a participant shall first meet*  
23 *the clean air standard, and then they may qualify for all or a*  
24 *percentage of that full incentive by meeting the labor and workforce*  
25 *standards under this chapter.*

26 *39682. For purposes of this chapter, the following definitions*  
27 *apply:*

28 *(a) “Clean air standards” include the standards that the state*  
29 *board sets to reduce air pollution or reduce emissions of*  
30 *greenhouse gases pursuant to this division or Division 25.5*  
31 *(commencing with Section 38500).*

32 *(b) “Incentive” includes a grant, loan, voucher, or other*  
33 *incentive, regardless of the source of revenue that funds the*  
34 *incentive, for the purchase of motor vehicles or vehicle technology.*

35 *(c) “Short-haul trucking service” means movement of goods by*  
36 *truck within an 150-air-mile radius of the normal working*  
37 *reporting location while in service within the state.*

38 *39683. (a) The state board, in consultation with the Labor*  
39 *and Workforce Development Agency, including the California*  
40 *Workforce Development Board and the Labor Commissioner, shall*



1 *condition eligibility to participate in incentive programs for vehicle*  
2 *or vehicle technology purchasing on compliance with the labor*  
3 *and workforce standards described in this chapter.*

4 *(b) (1) The state board, in collaboration with the Labor and*  
5 *Workforce Development Agency, including the California*  
6 *Workforce Development Board and the Labor Commissioner, shall*  
7 *develop operational guidelines for applying the standards in this*  
8 *chapter to incentive programs subject to this chapter. In these*  
9 *guidelines, the state board may interpret the scope of applicability,*  
10 *terms of labor and workforce standards, and implementation,*  
11 *consistent with this chapter.*

12 *(2) The state board may solicit recommendations regarding*  
13 *implementation and delegate any duties in this chapter to the Labor*  
14 *and Workforce Development Agency.*

15 *39683.5. (a) The state board shall provide an opportunity for*  
16 *public input before finalizing the operational guidelines developed*  
17 *pursuant to this chapter.*

18 *(b) Chapter 3.5 (commencing with Section 11340) of the Part*  
19 *1 of Division 3 of Title 2 of the Government Code does not apply*  
20 *to the adoption of the operational guidelines.*

21 *(c) The state board shall adopt the operational guidelines on*  
22 *or before April 1, 2022, after consultation pursuant to subdivision*  
23 *(b) of Section 39683 and after receiving public input pursuant to*  
24 *subdivision (a).*

25 *(d) (1) On or before July 1, 2022, the state board shall*  
26 *determine whether there are any constraints to applying the*  
27 *requirements of Article 2 (commencing with Section 39690) and*  
28 *Article 3 (commencing with Section 39695) to each incentive*  
29 *program that is subject to this chapter.*

30 *(2) In determining whether there are any constraints to*  
31 *implementation, the state board may consider consistency with*  
32 *the statutory goals of the incentive program to reduce air pollution*  
33 *or emissions of greenhouse gases and state board's capacity to*  
34 *enforce the applicable labor and workforce standards.*

35 *(3) (A) Except as provided in subparagraph (B), this chapter*  
36 *applies to an incentive program on or before July 1, 2022.*

37 *(B) If the state board determines that there are constraints*  
38 *preventing the application of the requirements of Article 2*  
39 *(commencing with Section 39690) and Article 3 (commencing with*  
40 *Section 39695) to an incentive program, the state board shall notify*

1 *the Legislature, on or before July 1, 2022, with a written report,*  
 2 *submitted in accordance with Section 9795 of the Government*  
 3 *Code, of findings and constraints, and possible remedies that would*  
 4 *eliminate the constraints in question. To the extent the state board*  
 5 *can implement the remedy, the state board shall do so as soon as*  
 6 *possible. To the extent that the state board cannot implement the*  
 7 *necessary remedy that would allow for the implementation of this*  
 8 *chapter to an incentive program, the state board shall include this*  
 9 *fact in its report to the Legislature. The state board may defer the*  
 10 *application of this chapter to the incentive program, not to exceed*  
 11 *one year from the time of notification to the Legislature.*

12 *39684. This chapter applies to all incentive programs for the*  
 13 *purchase of vehicles or vehicle technology that receive funding*  
 14 *from, or are administered by, the state board, including, but not*  
 15 *limited to, all of the following:*

16 *(a) An incentive program funded by a fund, including, but not*  
 17 *limited to, all of the following funds:*

18 *(1) The Greenhouse Gas Reduction Fund.*

19 *(2) The Air Quality Improvement Fund.*

20 *(3) The Carl Moyer Memorial Air Standards Attainment Trust*  
 21 *Fund.*

22 *(4) The Air Pollution Control Fund.*

23 *(b) An incentive program funded wholly or partially by the state*  
 24 *board, including, but not limited to, all of the following:*

25 *(1) The Truck Loan Assistance Program under subdivision (c)*  
 26 *of Section 44274.*

27 *(2) A local or regional incentive program.*

28 *(3) A public-private partnership.*

29 *(c) An incentive program funded by a settlement fund under the*  
 30 *state board’s jurisdiction, including, but not limited to, both of the*  
 31 *following:*

32 *(1) The partial consent decree in United States of America v.*  
 33 *Volkswagen AG et al., under Section 39614.*

34 *(2) The consent decree in United States of America v. Daimler*  
 35 *AG and Mercedes-Benz USA, LLC., Case No. 1:20-vc-2564 (N.D.*  
 36 *Cal.) and the partial consent decree in People of the State of*  
 37 *California v. Daimler AG and Mercedes-Benz USA, LLC., Case*  
 38 *No. 1:20-cv-2565 (N.D. Cal.).*

39 *39685. This chapter establishes baseline standards, job quality*  
 40 *standards, and a structure for full or partial eligibility to*

1 *participate in incentive programs for the purchase of vehicles or*  
2 *vehicle technology. This chapter applies the standards to the*  
3 *following program participants:*

4 *(a) Manufacturers of vehicles and technology.*

5 *(b) Fleet purchasers of vehicles and vehicle technology for*  
6 *drayage and short-haul trucking services within the state. The*  
7 *standards do not apply to other fleet purchases for operations*  
8 *outside of this scope.*

9 *39686. The state board or an agency administering an incentive*  
10 *program subject to this chapter, in collaboration with the Labor*  
11 *Commissioner, shall enforce the standards set forth in Article 2*  
12 *(commencing with Section 39690) and Article 3 (commencing with*  
13 *Section 39695).*

14 *39687. (a) The Labor Commissioner, at the request of the*  
15 *agency administering an incentive program or the state board,*  
16 *may investigate an allegation regarding a violation of the*  
17 *standards set forth in Article 2 (commencing with Section 39690)*  
18 *or Article 3 (commencing with Section 39695).*

19 *(b) Unless contrary to Section 19542 of the Revenue and*  
20 *Taxation Code, and notwithstanding any other law or effort to*  
21 *maintain their secrecy, the data and certifications disclosed by a*  
22 *manufacturer pursuant to Article 2 (commencing with Section*  
23 *39690) or a fleet purchaser pursuant to Article 3 (commencing*  
24 *with Section 39695) are public records that may be disclosed to*  
25 *the public and are not trade secrets.*

26 *(c) The state board shall develop an internet website that*  
27 *displays public information from manufacturers or fleet purchasers*  
28 *participating in incentive programs that are subject to this chapter*  
29 *regarding their disclosures and certifications of compliance with*  
30 *the labor and workforce standards.*

31 *39687.5. (a) (1) In addition to requiring accurate certification*  
32 *of compliance and disclosure of data, the state board or the agency*  
33 *administering an incentive program shall require that*  
34 *manufacturers of a vehicle or vehicle technology eligible for an*  
35 *incentive sign a contract conditioning the eligibility on compliance*  
36 *with this chapter.*

37 *(2) In addition to requiring accurate certification of compliance*  
38 *and disclosure of data, the state board or the agency administering*  
39 *an incentive program shall require that fleet purchasers receiving*

1 *an incentive sign contracts conditioning any incentive received on*  
2 *compliance with this chapter.*

3 *(b) The contract entered into pursuant to subdivision (a) shall*  
4 *state a timeframe for compliance with standards under this chapter,*  
5 *as follows:*

6 *(1) For manufacturers, the timeframe includes the application*  
7 *process and the three-year period before a vehicle is eligible to*  
8 *receive the incentive.*

9 *(2) For fleet purchasers, the timeframe includes the application*  
10 *process and a multiyear period after receiving the incentive of at*  
11 *least 10 years.*

12 *39688. A manufacturer of a vehicle or vehicle technology that*  
13 *is eligible to participate in, or a fleet purchaser receiving an*  
14 *incentive from, an incentive program subject to this chapter shall*  
15 *apply the labor and workforce standards set forth in Article 2*  
16 *(commencing with Section 39690) or Article 3 (commencing with*  
17 *Section 39695), as applicable, in its contracts with subcontractors*  
18 *and suppliers.*

19 *39688.5. (a) If an agency administering an incentive program,*  
20 *the state board, or the Labor Commissioner finds that a*  
21 *manufacturer of vehicles or vehicle technology that is eligible for*  
22 *an incentive is in violation of the standards set forth in Article 2*  
23 *(commencing with Section 39690), the vehicles or vehicle*  
24 *technology of that manufacturer shall not be eligible for an*  
25 *incentive under the incentive program and the manufacturer shall*  
26 *be liable for the repayment of an amount that is equal to the total*  
27 *aggregate amount of all incentives provided for the purchase of*  
28 *the vehicle or vehicle technology of that manufacturer under the*  
29 *incentive programs subject to this chapter.*

30 *(b) If an agency administering an incentive program, the state*  
31 *board, or the Labor Commissioner finds that a fleet purchaser*  
32 *receiving an incentive is in violation of the standards set forth in*  
33 *Article 3 (commencing with Section 39695), or that the fleet*  
34 *purchaser failed to make correct and accurate disclosures required*  
35 *under Section 39698, the fleet purchaser shall be liable for the*  
36 *repayment of an amount that is equal to the total aggregate amount*  
37 *of incentives received by the fleet purchaser during the preceding*  
38 *10 years.*

39 *(c) The contract remedies specified in this section shall also*  
40 *bind the manufacturer's or the fleet purchaser's successors or*

1 assignees. The Labor Commissioner, the state board, or the agency  
2 administering the incentive program may require that a successor  
3 or assignee to repay any incentives received by manufacturers or  
4 fleet purchasers.

5 39689. The provisions of this chapter are severable. If any  
6 provision of this chapter or its application is held invalid, that  
7 invalidity shall not affect other provisions or applications that can  
8 be given effect without the invalid provision or application.

9

10 Article 2. Vehicle Manufacturing Labor and Workforce  
11 Standards

12

13 39690. (a) This article establishes labor and workforce  
14 standards for manufacturers to meet to qualify their vehicle or  
15 vehicle technology, excluding public transit buses, for incentive  
16 programs subject to this chapter.

17 (b) A vehicle or vehicle technology is eligible for an incentive  
18 if the manufacturer demonstrates to the agency administering the  
19 incentive program and the state board that it is in compliance with  
20 the labor and workforce standards set forth in Sections 39691 and  
21 39692 for the prior three-year period.

22 39691. For a vehicle or vehicle technology to be eligible for  
23 a baseline incentive amount under Section 39693 or 39694, a  
24 manufacturer shall meet all of the following requirements:

25 (a) (1) Comply with the labor laws of the state where the vehicle  
26 or vehicle technology is manufactured.

27 (2) A manufacturer shall have a three-year history of compliance  
28 with state labor laws, including, but not limited to, classification  
29 of employees, wages and hours, unemployment compensation, and  
30 occupational safety and health.

31 (3) A manufacturer shall certify to the agency administering  
32 the incentive program compliance for the past three years with  
33 state labor laws that apply to the point of manufacturing of vehicles  
34 that qualify for an incentive.

35 (b) (1) Respect internationally recognized labor rights.

36 (2) A manufacturer shall comply with internationally recognized  
37 labor rights in its supply chain of imported components. These  
38 rights include, but are not limited to, the prohibitions on forced  
39 labor, child labor, and discrimination with respect to work, and  
40 the freedom of association and right to organize.

1 (3) A manufacturer shall certify to the agency administering  
2 the incentive program and the state board compliance with  
3 internationally recognized labor rights. The state board may  
4 provide standards for this certification based on the California  
5 Sweatfree Policy, Section 6108 of the Public Contract Code, the  
6 core conventions of the International Labour Organization, Social  
7 Accountability 8000 standards, or comparable certification  
8 standards.

9 (c) Achieve both of the following:

10 (1) Assemble 100 percent of the vehicle, at the final assembly  
11 point, in the United States.

12 (2) Produce battery and nonbattery domestic content as provided  
13 in Section 39693 for light-duty vehicles or Section 39694 for  
14 medium- or heavy-duty vehicles.

15 (d) Disclose data that supports the certification of compliance  
16 with this section and Section 39692.

17 39692. For a vehicle or vehicle technology to be eligible for  
18 the amount under subdivision (b) of Section 39693 or Section  
19 39694, a manufacturer shall do all of the following:

20 (a) Demonstrate to the agency administering the incentive  
21 program and the state board its commitment to hiring  
22 disadvantaged workers by doing both of the following:

23 (1) Demonstrate that it has commitments through a community  
24 partnership to recruit, hire, and train all of the following:

25 (A) Individuals with employment barriers that limit their ability  
26 to gain employment, including, but not limited to, unemployment,  
27 lack of work experience, lack of English language skills, technical  
28 skills or educational attainment, criminal justice history, disability  
29 status, foster care history, vulnerability to discrimination, or other  
30 barriers. The state board may further define the scope of  
31 employment barriers with reference to eligibility factors for  
32 unemployment insurance in California or other states.

33 (B) Workers who have been displaced, on and after January 1,  
34 2020, from the fossil fuel industry for nondisciplinary reasons  
35 after more than six months of service.

36 (2) Disclose to the agency administering the incentive program  
37 and the state board both of the following:

38 (A) A community benefit or workforce agreement that commits  
39 to hiring and training workers, to the extent it is available.

1 (B) Data showing that the manufacturer has hired disadvantaged  
2 workers, including those recruited through a community  
3 partnership.

4 (b) Demonstrate to the agency administering the incentive  
5 program and the state board participation in job training programs  
6 by doing both of the following:

7 (1) Produce vehicle or vehicle technology using apprentices  
8 who are certified by a state or federal program, in conjunction  
9 with a contractually mandated training program or a plan provided  
10 to the state to train production workers, in the skills and technical  
11 knowledge needed to manufacture the vehicle and related  
12 technologies.

13 (2) Certify or disclose data to the agency administering the  
14 incentive program and the state board that demonstrates its use  
15 of certified apprentices, contractually mandated training, or a  
16 plan to train production workers.

17 (c) (1) Demonstrate to the agency administering the incentive  
18 program and the state board that it pays workers in a facility where  
19 the vehicle or vehicle technology is assembled the following:

20 (A) For all workers, at least 120 percent of the California  
21 minimum wage.

22 (B) For production workers, the prevailing wage for specific  
23 occupational titles. The state board may provide guidance on the  
24 prevailing wage based on data for average wages reported for  
25 production employees in the motor vehicle industry by the United  
26 States Bureau of Labor Statistics Occupational Employment  
27 Statistics.

28 (2) The manufacturer shall disclose to the agency administering  
29 the incentive program and the state board the wage average and  
30 range that it pays for specific occupational titles in facilities that  
31 assemble vehicles or vehicle technologies.

32 (d) (1) Preserve employee access to dispute settlement options  
33 available under the laws of the state where the vehicle or vehicle  
34 technology is assembled.

35 (2) The manufacturer shall disclose to the agency administering  
36 the incentive program and the state board the incentive program  
37 policies or contract terms that preserve dispute options, including  
38 access to public agencies and courts, and availability of judicial  
39 remedies.

1 (e) Demonstrate to the agency administering the incentive  
2 program and the state board its commitment to using full-time  
3 employees by disclosing both of the following:

4 (1) A community benefit or workforce agreement that sets  
5 full-time employment as a goal.

6 (2) The number and percentage of its employees who are full  
7 time and part time, permanent and temporary, and direct hire and  
8 contractor employees.

9 39693. Incentives provided to light-duty vehicle or vehicle  
10 technology shall be as follows:

11 (a) (1) For a manufacturer that demonstrates compliance with  
12 Section 39691, a light-duty vehicle or vehicle technology shall be  
13 eligible for incentives as follows:

14 (A) For a vehicle with nonbattery components that are produced  
15 in the United States and the nonbattery components represent up  
16 to 50 percent of the value of the vehicle, the vehicle is eligible for  
17 up to 25 percent of the incentive provided under the incentive  
18 program.

19 (B) For a vehicle with nonbattery components that are produced  
20 in the United States and the nonbattery components represent  
21 between 50 and 75 percent of the value of the vehicle, the vehicle  
22 is eligible for up to 42.5 percent of the incentive provided under  
23 the incentive program.

24 (C) For a vehicle with nonbattery components that are produced  
25 in the United States and the nonbattery components represent  
26 between 75 and 100 percent of the value of the vehicle, the vehicle  
27 is eligible for up to 60 percent of the incentive provided under the  
28 incentive program.

29 (2) On and after January 1, 2025, for a vehicle or vehicle  
30 technology to be eligible for the incentive under paragraph (1),  
31 all batteries and fuel cells for the vehicle or vehicle technology  
32 shall be produced in the United States.

33 (b) For a manufacturer that demonstrates compliance with  
34 Sections 39691 and 39692, a light-duty vehicle or vehicle  
35 technology shall be eligible for an additional 40 percent of the  
36 incentive provided under the incentive program.

37 39694. A medium- or heavy-duty vehicle or vehicle technology  
38 shall be eligible for incentives if the manufacturer complies with  
39 Sections 39691 and 39692. The incentive provided shall be based  
40 on the model year of the vehicle or vehicle technology and the



1 *percentage of nonbattery components produced in the United*  
2 *States as follows:*

3 *(a) (1) For model year 2023 vehicles with nonbattery*  
4 *components that are produced in the United States and the*  
5 *nonbattery components represent less than 60 percent of the value*  
6 *of the vehicle, 75 percent of the incentive shall be provided.*

7 *(2) For model year 2023 vehicles with nonbattery components*  
8 *that are produced in the United States and the nonbattery*  
9 *components represent 60 percent or more of the value of the*  
10 *vehicle, 100 percent of the incentive shall be provided.*

11 *(b) Model year 2024 vehicles with nonbattery components that*  
12 *are produced in the United States and the nonbattery components*  
13 *represent at least 65 percent of the value of the vehicle shall be*  
14 *eligible under the incentive program.*

15 *(c) Model year 2025 vehicles with nonbattery components that*  
16 *are produced in the United States and the nonbattery components*  
17 *represent at least 70 percent of the value of the vehicle shall be*  
18 *eligible under the incentive program.*

19 *(d) Model year 2026 vehicles with nonbattery components that*  
20 *are produced in the United States and the nonbattery components*  
21 *represent at least 75 percent of the value of the vehicle shall be*  
22 *eligible under the incentive program.*

23 *(e) Model year 2027 and later model year vehicles with*  
24 *nonbattery components that are produced in the United States and*  
25 *the nonbattery components represent at least 80 percent of the*  
26 *value of the vehicle shall be eligible under the incentive program.*

27

28 *Article 3. Fleet Purchaser Labor and Workforce Standards*

29

30 *39695. For purposes of this chapter, the following definitions*  
31 *apply:*

32 *(a) “Applicable laws” mean California labor, employment,*  
33 *payroll tax, and health and safety laws and regulations, including,*  
34 *but not limited to, classification of employees, wages and hours,*  
35 *unemployment compensation, and occupational health and safety.*

36 *(b) “Fleet operations” includes, but is not limited to, port*  
37 *drayage service and short-haul transport of goods. The state board*  
38 *may adopt guidance to interpret the scope of these operations to*  
39 *conform with law.*

1 39696. (a) *A fleet purchaser of vehicles or vehicle technologies*  
2 *is eligible to participate in an incentive program subject to this*  
3 *chapter if it is in compliance with all applicable laws at the time*  
4 *of applying for the incentive.*

5 (b) *A fleet purchaser is not eligible to participate in an incentive*  
6 *program subject to this chapter if there are final unsatisfied or*  
7 *unabated judgments, rulings, citations, decisions, orders, or awards*  
8 *finding that the fleet purchaser has violated applicable law with*  
9 *regards to its fleet operations.*

10 (c) *A fleet purchaser that is on the list maintained by the*  
11 *Division of Labor Standards Enforcement under Section 2810.4*  
12 *of the Labor Code is not eligible to participate in an incentive*  
13 *program subject to this chapter.*

14 (d) *The state board may accept information from a person*  
15 *regarding a fleet purchaser's compliance with applicable laws.*

16 (e) *The state board shall affirmatively collaborate with the*  
17 *Department of Industrial Relations or the Labor Commissioner*  
18 *to identify fleet purchasers that are not in compliance with*  
19 *applicable laws.*

20 (f) *A fleet purchaser is eligible to participate in an incentive*  
21 *program only if it preserves for its employees access to dispute*  
22 *settlement options under state law, including access to state*  
23 *agencies and the courts, and judicial remedies.*

24 39697. (a) *A fleet purchaser that receives incentives for the*  
25 *purchase of vehicles or vehicle technologies shall use the vehicle*  
26 *or vehicle technology purchased with the incentives for its own*  
27 *operation under its own operating authority and shall not sublease*  
28 *or otherwise transfer the interest in the vehicle or vehicle*  
29 *technology within 10 years of the purchase.*

30 (b) *A fleet purchaser shall retain direct control over the manner*  
31 *and means for performance of any individual or entity using or*  
32 *driving the vehicle or vehicle technology.*

33 39698. (a) (1) *Upon application for an incentive, a fleet*  
34 *purchaser shall certify compliance with Section 39695 and make*  
35 *the disclosure required under this section.*

36 (2) (A) *A fleet purchaser that receives an incentive as a grant,*  
37 *loan, or other form of agreement shall, on a yearly basis, for the*  
38 *life of the grant, loan, or agreement, or for 10 years after the*  
39 *receipt of the incentive, whichever is longer, certify compliance*  
40 *with Section 39695 and make the disclosure required pursuant to*

1 *this section to the agency administering the incentive program and*  
2 *to the state board.*

3 *(B) A fleet purchaser that receives an incentive as a one-time*  
4 *rebate or voucher, on a yearly basis, for period of 10 years after*  
5 *the receipt of the incentive, shall certify compliance with Section*  
6 *39695 and make the disclosure required pursuant to this section*  
7 *to the agency administering the incentive program and the state*  
8 *board.*

9 *(b) A fleet purchaser applying for an incentive, upon application,*  
10 *shall disclose to the agency administering the incentive program*  
11 *and to the state board all of the following:*

12 *(1) A copy of any judgments, rulings, citations, decisions, orders,*  
13 *or awards finding that the fleet purchaser or any parent company*  
14 *or subsidiary or other commonly controlled entity has violated*  
15 *any applicable law that remains unsatisfied or unabated as of the*  
16 *date of application, even if they are being appealed.*

17 *(2) A copy of any judgments, rulings, citations, decisions, orders,*  
18 *or award findings, after the date of application, that the fleet*  
19 *purchaser or any parent company or subsidiary or other commonly*  
20 *controlled entity has violated any labor, employment, or health*  
21 *and safety law or regulation.*

22 *(3) A list of all operating authorities under which the vehicle*  
23 *or vehicle technology purchased will be or was operated.*

24 *(c) A fleet purchaser that receives incentives as a grant, loan,*  
25 *or other form of agreement shall, on a yearly basis, for the life of*  
26 *the grant, loan, or agreement, disclose to the agency administering*  
27 *the incentive program and the state board, all of the following:*

28 *(1) Information required pursuant to this chapter.*

29 *(2) A list of all of the individuals who have operated that vehicle*  
30 *or vehicle technology.*

31 *(3) A certification that the fleet purchaser maintained control*  
32 *of the individuals operating the vehicle or vehicle technology, and*  
33 *maintained control of the vehicle or vehicle technology.*

34 *(4) A certification that the fleet purchaser has completed all*  
35 *required maintenance and upkeep on the vehicle or vehicle*  
36 *technology purchased with the incentive.*

37 *(d) A fleet purchaser shall disclose to the agency administering*  
38 *the incentive program and the state board policies and contract*  
39 *terms that preserve for its employees access to dispute settlement*  
40 *options under state law.*

1     *SEC. 6. Section 39712 of the Health and Safety Code is*  
2     *amended to read:*

3     39712. (a) (1) It is the intent of the Legislature that moneys  
4     shall be appropriated from the fund only in a manner consistent  
5     with the requirements of this chapter and Article 9.7 (commencing  
6     with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title  
7     2 of the Government Code.

8     (2) The state shall not approve allocations for a measure or  
9     program using moneys appropriated from the fund except after  
10    determining, based on the available evidence, that the use of those  
11    moneys furthers the regulatory purposes of Division 25.5  
12    (commencing with Section 38500) and is consistent with law. If  
13    any expenditure of moneys from the fund for any measure or  
14    project is determined by a court to be inconsistent with law, the  
15    allocations for the remaining measures or projects shall be  
16    severable and shall not be affected.

17    (3) An eligible expenditure of moneys appropriated to the  
18    Department of Community Services and Development may occur  
19    over multiple fiscal years and the department may make multiyear  
20    funding commitments over a period of more than one fiscal year.

21    (b) Moneys shall be used to facilitate the achievement of  
22    reductions of greenhouse gas emissions in this state consistent  
23    with Division 25.5 (commencing with Section 38500) and, where  
24    applicable and to the extent feasible:

25    (1) Maximize economic, environmental, and public health  
26    benefits to the state.

27    (2) Foster job creation by promoting in-state greenhouse gas  
28    emissions reduction projects carried out by California workers and  
29    businesses.

30    (3) Complement efforts to improve air quality.

31    (4) Direct investment toward the most disadvantaged  
32    communities and households in the state.

33    (5) Provide opportunities for businesses, public agencies, Native  
34    American tribes in the state, nonprofits, and other community  
35    institutions to participate in and benefit from statewide efforts to  
36    reduce greenhouse gas emissions.

37    (6) Lessen the impacts and effects of climate change on the  
38    state's communities, economy, and environment.

39    (c) Moneys appropriated from the fund may be allocated,  
40    consistent with subdivision (a), for the purpose of reducing

1 greenhouse gas emissions in this state through investments that  
2 may include, but are not limited to, any of the following:

3 (1) Funding to reduce greenhouse gas emissions through energy  
4 efficiency, clean and renewable energy generation, distributed  
5 renewable energy generation, transmission and storage, and other  
6 related actions, including, but not limited to, at public universities,  
7 state and local public buildings, and industrial and manufacturing  
8 facilities.

9 (2) Funding to reduce greenhouse gas emissions through the  
10 development of state-of-the-art systems to move goods and freight,  
11 advanced technology vehicles and vehicle infrastructure, advanced  
12 biofuels, and low-carbon and efficient public transportation.

13 (3) Funding to reduce greenhouse gas emissions associated with  
14 water use and supply, land and natural resource conservation and  
15 management, forestry, and sustainable agriculture.

16 (4) Funding to reduce greenhouse gas emissions through  
17 strategic planning and development of sustainable infrastructure  
18 projects, including, but not limited to, transportation and housing.

19 (5) Funding to reduce greenhouse gas emissions through  
20 increased in-state diversion of municipal solid waste from disposal  
21 through waste reduction, diversion, and reuse.

22 (6) Funding to reduce greenhouse gas emissions through  
23 investments in programs implemented by local and regional  
24 agencies, local and regional collaboratives, Native American tribes  
25 in the state, and nonprofit organizations coordinating with local  
26 governments.

27 (7) Funding research, development, and deployment of  
28 innovative technologies, measures, and practices related to  
29 programs and projects funded pursuant to this chapter.

30 *(d) Moneys directed to grant, loan, voucher, or other incentive*  
31 *programs shall be conditioned on the requirements of Chapter 3.6*  
32 *(commencing with Section 39680), as applicable.*

33 *SEC. 7. Section 43015 of the Health and Safety Code is*  
34 *amended to read:*

35 43015. (a) The Air Pollution Control Fund is continued in  
36 existence in the State Treasury. Upon appropriation by the  
37 Legislature, the money in the fund shall be available to the state  
38 board to carry out its duties and functions.

39 (b) *Projects using grants, loans, vouchers, or other incentives*  
40 *funded in part or whole by the Air Pollution Control Fund shall*

1 *be conditioned on the requirements of Chapter 3.6 (commencing*  
2 *with Section 39680) of Part 2, as applicable. The state board may*  
3 *include in an existing report its description of how projects funded*  
4 *by the Air Pollution Control Fund are implementing the labor and*  
5 *workforce standards described in Chapter 3.6 (commencing with*  
6 *Section 39680) of Part 2, as applicable.*

7 *SEC. 8. Section 44274 of the Health and Safety Code is*  
8 *amended to read:*

9 44274. (a) The Air Quality Improvement Program is hereby  
10 created. The program shall be administered by the state board, in  
11 consultation with the districts. The state board shall develop  
12 guidelines to implement the program. Prior to the adoption of the  
13 guidelines, the state board shall hold at least one public hearing.  
14 In addition, the state board shall hold at least three public  
15 workshops with at least one workshop in northern California, one  
16 in the central valley, and one in southern California. The purpose  
17 of the program shall be to fund, upon appropriation by the  
18 Legislature, air quality improvement projects relating to fuel and  
19 vehicle technologies. The primary purpose of the program shall  
20 be to fund projects to reduce criteria air pollutants, improve air  
21 quality, and provide funding for research to determine and improve  
22 the air quality impacts of alternative transportation fuels and  
23 vehicles, vessels, and equipment technologies.

24 (b) The state board shall provide preference in awarding funding  
25 to those projects with higher benefit-cost scores that maximize the  
26 purposes and goals of the Air Quality Improvement Program. The  
27 state board also may give additional preference based on the  
28 following criteria, as applicable, in funding awards to projects:

29 (1) Proposed or potential reduction of criteria or toxic air  
30 pollutants.

31 (2) Contribution to regional air quality improvement.

32 (3) Ability to promote the use of clean alternative fuels and  
33 vehicle technologies as determined by the state board, in  
34 coordination with the commission.

35 (4) Ability to achieve climate change benefits in addition to  
36 criteria pollutant or air toxic emissions reductions.

37 (5) Ability to support market transformation of California's  
38 vehicle or equipment fleet to utilize low carbon or zero-emission  
39 technologies.

40 (6) Ability to leverage private capital investments.

1 (c) The program shall be limited to competitive grants, revolving  
2 loans, loan guarantees, loans, and other appropriate funding  
3 measures that further the purposes of the program. Projects to be  
4 funded shall include only the following:

5 (1) Onroad and off-road equipment projects that are cost  
6 effective.

7 (2) Projects that provide mitigation for off-road gasoline exhaust  
8 and evaporative emissions.

9 (3) Projects that provide research to determine the air quality  
10 impacts of alternative fuels and projects that study the life-cycle  
11 impacts of alternative fuels and conventional fuels, the emissions  
12 of biofuel and advanced reformulated gasoline blends, and air  
13 pollution improvements and control technologies for use with  
14 alternative fuels and vehicles.

15 (4) Projects that augment the University of California's  
16 agricultural experiment station and cooperative extension programs  
17 for research to increase sustainable biofuels production and  
18 improve the collection of biomass feedstock.

19 (5) Incentives for small off-road equipment replacement to  
20 encourage consumers to replace internal combustion engine lawn  
21 and garden equipment.

22 (6) Incentives for medium- and heavy-duty vehicles and  
23 equipment mitigation, including all of the following:

24 (A) Lower emission schoolbus programs.

25 (B) Electric, hybrid, and plug-in hybrid onroad and off-road  
26 medium- and heavy-duty equipment.

27 (C) Regional air quality improvement and attainment programs  
28 implemented by the state or districts in the most impacted regions  
29 of the state.

30 (7) Workforce training initiatives related to advanced energy  
31 technology designed to reduce air pollution, including  
32 state-of-the-art equipment and goods, and new processes and  
33 systems. Workforce training initiatives funded shall be broad-based  
34 partnerships that leverage other public and private job training  
35 programs and resources. These partnerships may include, though  
36 are not limited to, employers, labor unions, labor-management  
37 partnerships, community organizations, workforce investment  
38 boards, postsecondary education providers including community  
39 colleges, and economic development agencies.

1 (8) Incentives to identify and reduce emissions from  
2 high-emitting light-duty vehicles.

3 (d) (1) Beginning January 1, 2011, the state board shall submit  
4 to the Legislature a biennial report to evaluate the implementation  
5 of the Air Quality Improvement Program established pursuant to  
6 this chapter.

7 (2) The report shall include all of the following:

8 (A) A list of projects funded by the Air Quality Improvement  
9 Account.

10 (B) The expected benefits of the projects in promoting clean,  
11 alternative fuels and vehicle technologies.

12 (C) Improvement in air quality and public health, greenhouse  
13 gas emissions reductions, and the progress made toward achieving  
14 these benefits.

15 (D) The impact of the projects in making progress toward  
16 attainment of state and federal air quality standards.

17 (E) Recommendations for future actions.

18 (3) The state board may include the information required to be  
19 reported pursuant to paragraph (1) in an existing report to the  
20 Legislature as the state board deems appropriate. *The state board*  
21 *may also include in an existing report the description of how grant,*  
22 *loan, voucher, or other incentive projects that receive moneys from*  
23 *the Air Quality Improvement Fund are implementing the labor*  
24 *and workforce standards required by Chapter 3.6 (commencing*  
25 *with Section 39680) of Part 2, as applicable.*

26 (e) *Projects using grants, loans, vouchers, or other incentives*  
27 *funded in part or whole by the Air Quality Improvement Fund shall*  
28 *be conditioned on the requirements of Chapter 3.6 (commencing*  
29 *with Section 39680) of Part 2, as applicable.*

30 *SEC. 9. Section 44282 of the Health and Safety Code, as*  
31 *amended by Section 9 of Chapter 610 of the Statutes of 2015, is*  
32 *amended to read:*

33 44282. The following criteria apply to all projects to be funded  
34 through the program except for projects funded through the  
35 infrastructure demonstration program and infrastructure projects,  
36 pursuant to subdivision (c) of Section 44281 and Section 44284:

37 (a) The state board may establish project criteria, including  
38 minimum project life for source categories, in the guidelines  
39 described in Section 44287. For previously unregulated source



1 categories, project criteria shall consider the timing of newly  
2 established regulatory requirements.

3 (b) To be eligible, projects shall meet the cost-effectiveness per  
4 ton of covered emissions reduced requirements of Section 44283.

5 (c) To be eligible, retrofits, repowers, and installation of add-on  
6 equipment for covered vehicles shall be performed, or new covered  
7 vehicles delivered to the end user, or covered vehicles scrapped  
8 on or after the date the program is implemented.

9 (d) Retrofit technologies, new engines, and new vehicles shall  
10 be certified for sale or under experimental permit for operation in  
11 California.

12 (e) Repower projects that replace older, uncontrolled engines  
13 with new, emissions-certified engines or that replace  
14 emissions-certified engines with new engines certified to a more  
15 stringent NO<sub>x</sub> emissions standard are approvable subject to the  
16 other applicable selection criteria. The state board shall determine  
17 appropriate baseline emission levels for the uncontrolled engines  
18 being replaced.

19 (f) For heavy-duty-vehicle projects, retrofit and add-on  
20 equipment projects shall document a NO<sub>x</sub> or PM emission  
21 reduction of at least 25 percent and no increase in other covered  
22 emissions compared to the applicable baseline emissions accepted  
23 by the state board for that engine year and application. The state  
24 board shall determine appropriate baseline emission levels.  
25 Acceptable documentation shall be defined by the state board.  
26 After study of available emission reduction technologies and after  
27 public notice and comment, the state board may revise the  
28 minimum percentage emission reduction criterion for retrofits and  
29 add-on equipment provided for in this section to improve the ability  
30 of the program to achieve its goals.

31 (g) (1) For heavy-duty-vehicle projects involving the purchase  
32 of new very low or zero-emission vehicles, engines shall be  
33 certified to an optional low NO<sub>x</sub> emissions standard established  
34 by the state board, except as provided for in paragraph (2).

35 (2) For heavy-duty-vehicle projects involving the purchase of  
36 new very low or zero-emission covered vehicles for which no  
37 optional low NO<sub>x</sub> emission standards are available, documentation  
38 shall be provided showing that the low or zero-emission engine  
39 emits not more than 70 percent of the NO<sub>x</sub> or NO<sub>x</sub> plus  
40 hydrocarbon emissions of a new engine certified to the applicable

1 baseline NO<sub>x</sub> or NO<sub>x</sub> plus hydrocarbon emission standard for that  
2 engine and meets applicable particulate standards. The state board  
3 shall specify the documentation required. If no baseline emission  
4 standard exists for new vehicles in a particular category, the state  
5 board shall determine an appropriate baseline emission level for  
6 comparison.

7 (h) For projects other than heavy-duty-vehicle projects, the state  
8 board shall determine appropriate criteria under the provisions of  
9 Section 44287.

10 (i) *Projects using grants, loans, vouchers, or other incentives*  
11 *pursuant to this chapter shall condition eligibility on the*  
12 *requirements of Chapter 3.6 (commencing with Section 39680) of*  
13 *Part 2, as applicable.*

14 (i)

15 (j) This section shall remain in effect only until January 1, 2024,  
16 and as of that date is repealed, unless a later enacted statute, that  
17 is enacted before January 1, 2024, deletes or extends that date.

18 *SEC. 10. Section 44282 of the Health and Safety Code, as*  
19 *amended by Section 22 of Chapter 401 of the Statutes of 2013, is*  
20 *amended to read:*

21 44282. The following criteria apply to all projects to be funded  
22 through the program except for projects funded through the  
23 infrastructure demonstration program:

24 (a) Except for projects involving marine vessels, 75 percent or  
25 more of vehicle miles traveled or hours of operation shall be  
26 projected to be in California for at least five years following the  
27 grant award. Projects involving marine vessels and engines shall  
28 be limited to those that spend enough time operating in California  
29 air basins over the lifetime of the project to meet the  
30 cost-effectiveness criteria based on NO<sub>x</sub> reductions in California,  
31 as provided in Section 44283.

32 (b) To be eligible, projects shall meet cost-effectiveness per ton  
33 of NO<sub>x</sub> reduced requirements of Section 44283.

34 (c) To be eligible, retrofits, repowers, and installation of add-on  
35 equipment for covered vehicles shall be performed, or new covered  
36 vehicles delivered to the end user, on or after the date the program  
37 is implemented.

38 (d) Retrofit technologies, new engines, and new vehicles shall  
39 be certified for sale or under experimental permit for operation in  
40 California.

1 (e) Repower projects that replace older, uncontrolled engines  
2 with new, emissions-certified engines or that replace  
3 emissions-certified engines with new engines certified to a more  
4 stringent NO<sub>x</sub> emissions standard are approvable subject to the  
5 other applicable selection criteria. The state board shall determine  
6 appropriate baseline emission levels for the uncontrolled engines  
7 being replaced.

8 (f) Retrofit and add-on equipment projects shall document a  
9 NO<sub>x</sub> emission reduction of at least 25 percent and no increase in  
10 particulate emissions compared to the applicable baseline emissions  
11 accepted by the state board for that engine year and application.  
12 The state board shall determine appropriate baseline emission  
13 levels. Acceptable documentation shall be defined by the state  
14 board. After study of available emission reduction technologies  
15 and after public notice and comment, the state board may revise  
16 the minimum percentage NO<sub>x</sub> reduction criterion for retrofits and  
17 add-on equipment provided for in this section to improve the ability  
18 of the program to achieve its goals.

19 (g) (1) For projects involving the purchase of new very low or  
20 zero-emission vehicles, engines shall be certified to an optional  
21 low NO<sub>x</sub> emissions standard established by the state board, except  
22 as provided for in paragraph (2).

23 (2) For projects involving the purchase of new very low or  
24 zero-emission covered vehicles for which no optional low NO<sub>x</sub>  
25 emission standards are available, documentation shall be provided  
26 showing that the low or zero-emission engine emits not more than  
27 70 percent of the NO<sub>x</sub> or NO<sub>x</sub> plus hydrocarbon emissions of a  
28 new engine certified to the applicable baseline NO<sub>x</sub> or NO<sub>x</sub> plus  
29 hydrocarbon emission standard for that engine and meets applicable  
30 particulate standards. The state board shall specify the  
31 documentation required. If no baseline emission standard exists  
32 for new vehicles in a particular category, the state board shall  
33 determine an appropriate baseline emission level for comparison.

34 (h) *Projects using grants, loans, vouchers, or other incentives*  
35 *pursuant to this chapter shall condition eligibility on the*  
36 *requirements of Chapter 3.6 (commencing with Section 39680) of*  
37 *Part 2, as applicable.*

38 ~~(h)~~

39 (i) This section shall become operative on January 1, 2024.

1 SEC. 11. Section 44295.5 is added to the Health and Safety  
2 Code, to read:

3 44295.5. Beginning January 1, 2023, any program funded by  
4 the Carl Moyer Memorial Air Quality Standards Attainment  
5 Program that provides grants, loans, vouchers, or other incentives  
6 shall comply with the reporting requirements in Chapter 3.6  
7 (commencing with Section 39680) of Part 2. The state board may  
8 include in an existing report its description of how Carl Moyer  
9 programs are implementing the labor and workforce standards  
10 required by Chapter 3.6 (commencing with Section 39680) of Part  
11 2, as applicable.

12 ~~SECTION 1. It is the intent of the Legislature to enact~~  
13 ~~subsequent legislation to provide the requisite authority to the State~~  
14 ~~Air Resources Board to promulgate rules designed to maximize~~  
15 ~~economic benefits of its grant, loan, and incentive programs.~~

AMENDED IN SENATE MARCH 3, 2021

**SENATE BILL****No. 67****Introduced by Senator Becker**

December 7, 2020

~~An act relating to energy.~~ *An act to amend Section 25746 of the Public Resources Code, and to amend Sections 399.11, 399.12, 399.13, 399.21, 399.25, 399.26, 399.30, 399.31, 399.33, 454.52, and 454.53 of, to amend the heading of Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of, and to add Section 399.15.1 to, the Public Utilities Code, relating to energy.*

## LEGISLATIVE COUNSEL'S DIGEST

SB 67, as amended, Becker. ~~Clean Energy.~~ *energy: California 24/7 Clean Energy Standard Program.*

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations. The California Renewables Portfolio Standard Program requires the PUC to establish a renewables portfolio standard requiring all retail sellers, as defined, to procure a minimum quantity of electricity products from eligible renewable energy resources, as defined, so that the total kilowatthours of those products sold to their retail end-use customers achieves 25% of retail sales by December 31, 2016, 33% by December 31, 2020, 44% by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. The program requires the PUC to establish appropriate 3-year compliance periods for all subsequent years that require retail sellers to procure not less than 60% of retail sales of electricity products from eligible renewable energy resources. The program additionally requires each local publicly owned electric utility, as defined, to procure a minimum quantity of electricity

products from eligible renewable energy resources to achieve the procurement requirements established by the program. The program requires the State Energy Resources Conservation and Development Commission (*Energy Commission*) to establish appropriate multiyear compliance periods for all subsequent years that require the local publicly owned electric utility to procure not less than 60% of retail sales of electricity products from eligible renewable energy resources.

Existing law establishes as policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045.

~~This bill would state the intent of the Legislature to enact subsequent legislation to accelerate the state's progress toward having 100% of electricity provided by renewable or other zero-carbon sources on a 24-hour, 7-day basis.~~

*This bill would revise that policy to establish a goal that 100% of electrical load be supplied by eligible clean energy resources, as defined. The bill would establish the California 24/7 Clean Energy Standard Program, which would require that 85% of retail sales annually and at least 60% of retail sales within certain subperiods by December 31, 2030, and 90% of retail sales annually and at least 75% of retail sales within certain subperiods by December 31, 2035, be supplied by eligible clean energy resources, as defined. The bill would require the Energy Commission, in consultation with the PUC and California balancing authorities, to establish compliance periods and subperiods that meet certain criteria. The bill would require the PUC to establish for each retail seller, and the Energy Commission for each local publicly owned electric utility, clean energy procurement requirements for each compliance period and subperiod, as provided. Because the bill would impose additional duties on local publicly owned electric utilities, this bill would impose a state-mandated local program.*

*Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.*

*Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission implementing its requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.*

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25746 of the Public Resources Code is  
2 amended to read:

3 25746. If the commission provides funding for a regional  
4 accounting system to verify compliance with the renewables  
5 portfolio standard *and clean energy standard* by retail sellers,  
6 pursuant to subdivision (b) of Section 399.25 of the Public Utilities  
7 Code, the commission shall recover all costs from user fees.

8 SEC. 2. The heading of Article 16 (commencing with Section  
9 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities  
10 Code is amended to read:

11  
12 Article 16. California Renewables Portfolio Standard Program  
13 and California 24/7 Clean Energy Standard Program  
14

15 SEC. 3. Section 399.11 of the Public Utilities Code is amended  
16 to read:

17 399.11. The Legislature finds and declares all of the following:

18 (a) ~~In order to~~(1) To attain a target of generating 20 percent of  
19 total retail sales of electricity in California from eligible renewable  
20 energy resources by December 31, 2013, 33 percent by December  
21 31, 2020, 50 percent by December 31, 2026, and 60 percent by  
22 December 31, 2030, it is the intent of the Legislature that the  
23 commission and the Energy Commission implement the California  
24 Renewables Portfolio Standard Program described in this article.

25 (2) To attain a target of having 100 percent of electrical loads  
26 in the state be supplied by eligible clean energy resources by  
27 December 31, 2045, with interim targets of 85 percent of retail  
28 sales annually and at least 60 percent of retail sales within the net  
29 peak subperiod, by December 31, 2030, and 90 percent of retail  
30 sales annually and at least 75 percent of retail sales within the net  
31 peak subperiod by December 31, 2035, it is the intent of the

1 *Legislature that the commission and the Energy Commission*  
2 *implement the California 24/7 Clean Energy Standard Program*  
3 *described in this article.*

4 (b) Achieving the renewables portfolio standard *and clean*  
5 *energy standard* through the procurement of various electricity  
6 products from eligible-renewable energy resources is intended to  
7 provide unique benefits to California, including all of the following,  
8 each of which independently justifies the program: *these programs:*

9 (1) Displacing fossil fuel consumption within the state.

10 (2) Adding new electrical generating facilities in the  
11 transmission network within the WECC service area.

12 (3) Reducing air pollution, particularly criteria pollutant  
13 emissions and toxic air contaminants, in the state.

14 (4) Meeting the state's climate change goals by reducing  
15 emissions of greenhouse gases associated with electrical generation.

16 (5) Promoting stable retail rates for electric service.

17 (6) Meeting the state's need for a diversified and balanced  
18 energy generation portfolio.

19 (7) Assisting with meeting the state's resource adequacy  
20 requirements.

21 (8) Contributing to the safe and reliable operation of the  
22 electrical grid, including providing predictable electrical supply,  
23 voltage support, lower line losses, and congestion relief.

24 (9) Implementing the state's transmission and land use planning  
25 activities related to development of eligible renewable energy  
26 resources.

27 (c) The California Renewables Portfolio Standard Program is  
28 intended to complement the Renewable Energy Resources Program  
29 administered by the Energy Commission and established pursuant  
30 to Chapter 8.6 (commencing with Section 25740) of Division 15  
31 of the Public Resources Code.

32 (d) New and modified electric transmission facilities may be  
33 necessary to facilitate the state achieving its renewables portfolio  
34 standard *and clean energy standard* targets.

35 (e) (1) Supplying electricity to California end-use customers  
36 that is generated by eligible-renewable *clean* energy resources is  
37 necessary to improve California's air quality and public health,  
38 particularly in disadvantaged communities identified pursuant to  
39 Section 39711 of the Health and Safety Code, and the commission  
40 shall ensure rates are just and reasonable, and are not significantly



1 affected by the procurement requirements of this article. This  
2 electricity may be generated anywhere in the interconnected grid  
3 that includes many states, and areas of both Canada and Mexico.

4 (2) This article requires generating resources located outside of  
5 California that are able to supply that electricity to California  
6 end-use customers to be treated identically to generating resources  
7 located within the state, without discrimination.

8 ~~(3) California electrical corporations have already executed,~~  
9 ~~and the commission has approved, corporations, local publicly~~  
10 ~~owned electric utilities, community choice aggregators, and electric~~  
11 ~~service providers have already executed power purchase~~  
12 ~~agreements with eligible renewable energy resources resources,~~  
13 ~~eligible clean energy resources, and clean energy storage~~  
14 ~~resources located outside of California that will supply electricity~~  
15 ~~to California end-use customers. These resources will fully count~~  
16 ~~toward meeting the renewables portfolio standard and clean energy~~  
17 ~~standard procurement requirements.~~

18 *SEC. 4. Section 399.12 of the Public Utilities Code is amended*  
19 *to read:*

20 399.12. For purposes of this article, the following terms have  
21 the following meanings: definitions apply:

22 (a) ~~“Conduit hydroelectric facility” means a facility for the~~  
23 ~~generation of electricity that uses only the hydroelectric potential~~  
24 ~~of an existing pipe, ditch, flume, siphon, tunnel, canal, or other~~  
25 ~~manmade conduit that is operated to distribute water for a~~  
26 ~~beneficial use.~~

27 ~~(b)~~

28 (a) “Balancing authority” means the responsible entity that  
29 integrates resource plans ahead of time, maintains load-interchange  
30 generation balance within a balancing authority area, and supports  
31 interconnection frequency in real time.

32 ~~(e)~~

33 (b) “Balancing authority area” means the collection of  
34 generation, transmission, and loads within the metered boundaries  
35 of the area within which the balancing authority maintains the  
36 electrical load-resource balance.

37 ~~(d)~~

38 (c) “California balancing authority” is a balancing authority  
39 with control over a balancing authority area primarily located in  
40 this state and operating for retail sellers and local publicly owned

1 electric utilities subject to the requirements of this article and  
2 includes the Independent System Operator (ISO) and a local  
3 publicly owned electric utility operating a transmission grid that  
4 is not under the operational control of the ISO. A California  
5 balancing authority is responsible for the operation of the  
6 transmission grid within its metered boundaries which is not limited  
7 by the political boundaries of the State of California.

8 (d) (1) *“Clean energy credit” means a certificate of proof*  
9 *associated with the production of electricity from an eligible clean*  
10 *energy resource, issued through the accounting system established*  
11 *by the Energy Commission pursuant to Section 399.25, that one*  
12 *unit of electricity was generated and delivered to a California*  
13 *balancing authority by an eligible clean energy resource.*

14 (2) *“Clean energy credit” includes all environmental attributes*  
15 *associated with the production of electricity from the eligible clean*  
16 *energy resource, except for an emissions reduction credit issued*  
17 *pursuant to Section 40709 of the Health and Safety Code and any*  
18 *credits or payments associated with the reduction of solid waste*  
19 *and treatment benefits created by the utilization of biomass or*  
20 *biogas fuels.*

21 (e) *“Clean energy standard” means the specified percentage*  
22 *of electricity from eligible clean energy resources that a retail*  
23 *seller or a local publicly owned electric utility is required to*  
24 *procure pursuant to this article.*

25 (f) *“Conduit hydroelectric facility” means a facility for the*  
26 *generation of electricity that uses only the hydroelectric potential*  
27 *of an existing pipe, ditch, flume, siphon, tunnel, canal, or other*  
28 *manmade conduit that is operated to distribute water for a*  
29 *beneficial use.*

30 (g) *“Eligible clean energy generation resource” means a facility*  
31 *that qualifies as an eligible renewable energy resource or a facility*  
32 *that satisfies all of the following:*

33 (1) *The facility is one of the following:*

34 (A) (i) *The facility uses hydroelectric generation that is not an*  
35 *eligible renewable energy resource or the facility generates*  
36 *electricity using nuclear fission or nuclear fusion.*

37 (ii) *A hydroelectric generation facility or nuclear generating*  
38 *facility existing as of January 1, 2021, shall demonstrate either of*  
39 *the following:*

1 (I) It was owned in whole or in part by the electrical corporation  
2 or the local publicly owned electric utility as of January 1, 2021.  
3 For facilities that were not wholly owned, only the portion of  
4 electrical energy corresponding to the percentage ownership by  
5 the electrical corporation or the local publicly owned utility as of  
6 January 1, 2021, may be counted as eligible clean energy.

7 (II) It provided electricity under the retail seller's or the local  
8 publicly owned electric utility's ownership agreement or contract  
9 as of January 1, 2021, with the Western Area Power Administration  
10 or the federal government as part of the federal Central Valley  
11 Project. For these facilities, only the quantity of electrical energy  
12 provided under these ownership agreements or contracts may be  
13 counted as eligible clean energy, including an extension or renewal  
14 of an agreement between a retail seller or local publicly owned  
15 electrical utility and the Western Area Power Administration or  
16 the federal government as part of the federal Central Valley Project  
17 that renews or extends the existing agreement as of January 1,  
18 2021, for an equal amount or share of electrical energy.

19 (B) The facility generates electricity exclusively using hydrogen  
20 that meets all of the following:

21 (i) It is produced by an electrolytic or other process using only  
22 electricity products generated in the same hour by another eligible  
23 clean energy resource that satisfy the requirements of paragraph  
24 (1) of subdivision (b) of Section 399.16. All clean energy credits  
25 associated with electricity procured to produce the hydrogen must  
26 be retired.

27 (ii) It is not produced from fossil fuel feedstock sources.

28 (iii) No greenhouse gases are emitted as a result of producing  
29 the hydrogen.

30 (C) The facility uses any other method of generating electricity  
31 that does not emit greenhouse gases as part of electricity  
32 production and the creation of any fuel or feedstock used by the  
33 facility.

34 (2) The facility satisfies paragraphs (2), (3), and (4) of  
35 subdivision (a) of Section 25741 of the Public Resources Code.

36 (3) The electricity product provided by the facility meets the  
37 requirements of paragraph (1) of subdivision (b) of Section 399.16.

38 (h) "Eligible clean energy storage resource" means a facility  
39 consisting of an energy storage system, as defined in subdivision  
40 (a) of Section 2835, and meets all of the following:

1 (1) *The facility is metered separately from any generation*  
2 *facility.*

3 (2) *The facility consumes only electricity procured from an*  
4 *eligible clean energy generation resource for its stored energy,*  
5 *does not consume system power, and does not emit any greenhouse*  
6 *gases as part of storing energy or exporting electricity from that*  
7 *stored energy.*

8 (3) *All clean energy credits associated with the electricity*  
9 *procured for the facility must satisfy the requirements of paragraph*  
10 *(1) of subdivision (b) of Section 399.16 and be retired.*

11 (4) *The facility satisfies one of the following requirements:*

12 (A) *The facility is located in the state or near the border of the*  
13 *state with the first point of connection to the transmission network*  
14 *of a balancing authority area primarily located within the state.*

15 (B) *The facility has its first point of interconnection to the*  
16 *transmission network outside the state, within the WECC service*  
17 *area, and satisfies both of the following requirements:*

18 (i) *It will not cause or contribute to any violation of a California*  
19 *environmental quality standard or requirement.*

20 (ii) *It participates in the accounting system to verify compliance*  
21 *with the clean energy standard once established by the commission*  
22 *pursuant to subdivision (b) of Section 399.25 of the Public Utilities*  
23 *Code.*

24 (5) *If the facility is outside the United States, it is developed*  
25 *and operated in a manner that is as protective of the environment*  
26 *as a similar facility located in the state.*

27 (i) *“Eligible clean energy resource” means an eligible clean*  
28 *energy generation resource or an eligible clean energy storage*  
29 *resource.*

30 (j) *“Eligible energy resource” means collectively an eligible*  
31 *renewable energy resource or an eligible clean energy resource.*

32 (e)

33 (k) *“Eligible renewable energy resource” means an electrical*  
34 *generating facility that meets the definition of a “renewable*  
35 *electrical generation facility” in Section 25741 of the Public*  
36 *Resources Code, subject to the following:*

37 (1) (A) *An existing small hydroelectric generation facility of*  
38 *30 megawatts or less shall be eligible only if a retail seller or local*  
39 *publicly owned electric utility procured the electricity from the*  
40 *facility as of December 31, 2005. A new hydroelectric facility that*

1 commences generation of electricity after December 31, 2005, is  
2 not an eligible renewable energy resource if it will cause an adverse  
3 impact on instream beneficial uses or cause a change in the volume  
4 or timing of streamflow.

5 (B) Notwithstanding subparagraph (A), a conduit hydroelectric  
6 facility of 30 megawatts or less that commenced operation before  
7 January 1, 2006, is an eligible renewable energy resource. A  
8 conduit hydroelectric facility of 30 megawatts or less that  
9 commences operation after December 31, 2005, is an eligible  
10 renewable energy resource so long as it does not cause an adverse  
11 impact on instream beneficial uses or cause a change in the volume  
12 or timing of streamflow.

13 (C) A facility approved by the governing board of a local  
14 publicly owned electric utility prior to June 1, 2010, for  
15 procurement to satisfy renewable energy procurement obligations  
16 adopted pursuant to former Section 387, shall be certified as an  
17 eligible renewable energy resource by the Energy Commission  
18 pursuant to this article, if the facility is a “renewable electrical  
19 generation facility” as defined in Section 25741 of the Public  
20 Resources Code.

21 (D) (i) A small hydroelectric generation unit with a nameplate  
22 capacity not exceeding 40 megawatts that is operated as part of a  
23 water supply or conveyance system is an eligible renewable energy  
24 resource only for the retail seller or local publicly owned electric  
25 utility that procured the electricity from the unit as of December  
26 31, 2005. No unit shall be eligible pursuant to this subparagraph  
27 if an application for certification is submitted to the Energy  
28 Commission after January 1, 2013. Only one retail seller or local  
29 publicly owned electric utility shall be deemed to have procured  
30 electricity from a given unit as of December 31, 2005.

31 (ii) Notwithstanding clause (i), a local publicly owned electric  
32 utility that meets the criteria of subdivision (j) of Section 399.30  
33 may sell to another local publicly owned electric utility electricity  
34 from small hydroelectric generation units that qualify as eligible  
35 renewable energy resources under clause (i), and that electricity  
36 may be used by the local publicly owned electric utility that  
37 purchased the electricity to meet its renewables portfolio standard  
38 procurement requirements. The total of all those sales from the  
39 utility shall be no greater than 100,000 megawatthours of  
40 electricity.

1 (iii) The amendments made to this subdivision by the act adding  
2 this subparagraph are intended to clarify existing law and apply  
3 from December 10, 2011.

4 (2) (A) A facility engaged in the combustion of municipal solid  
5 waste shall not be considered an eligible renewable energy  
6 resource.

7 (B) Subparagraph (A) does not apply to generation before  
8 January 1, 2017, from a facility located in Stanislaus County that  
9 was operational prior to September 26, 1996.

10 (l) *“Energy credit” means the renewable energy credit or clean*  
11 *energy credit associated with electricity production by an eligible*  
12 *energy resource.*

13 ~~(f)~~

14 (m) “Procure” means to acquire through ownership or contract.

15 ~~(g)~~

16 (n) “Procurement entity” means any person or corporation  
17 authorized by the commission to enter into contracts to procure  
18 eligible renewable energy resources on behalf of customers of a  
19 retail seller pursuant to subdivision (f) of Section 399.13.

20 ~~(h)~~

21 (o) (1) “Renewable energy credit” means a certificate of proof  
22 associated with the generation of electricity from an eligible  
23 renewable energy resource, issued through the accounting system  
24 established by the Energy Commission pursuant to Section 399.25,  
25 that one unit of electricity was generated and delivered by an  
26 eligible renewable energy resource.

27 (2) “Renewable energy credit” includes all renewable and  
28 environmental attributes associated with the production of  
29 electricity from the eligible renewable energy resource, except for  
30 an emissions reduction credit issued pursuant to Section 40709 of  
31 the Health and Safety Code and any credits or payments associated  
32 with the reduction of solid waste and treatment benefits created  
33 by the utilization of biomass or biogas fuels.

34 (3) (A) Electricity generated by an eligible renewable energy  
35 resource attributable to the use of nonrenewable fuels, beyond a  
36 de minimis quantity used to generate electricity in the same process  
37 through which the facility converts renewable fuel to electricity,  
38 shall not result in the creation of a renewable energy credit. The  
39 Energy Commission shall set the de minimis quantity of  
40 nonrenewable fuels for each renewable energy technology at a

1 level of no more than 2 percent of the total quantity of fuel used  
2 by the technology to generate electricity. The Energy Commission  
3 may adjust the de minimis quantity for an individual facility, up  
4 to a maximum of 5 percent, if it finds that all of the following  
5 conditions are met:

6 (i) The facility demonstrates that the higher quantity of  
7 nonrenewable fuel will lead to an increase in generation from the  
8 eligible renewable energy facility that is significantly greater than  
9 generation from the nonrenewable fuel alone.

10 (ii) The facility demonstrates that the higher quantity of  
11 nonrenewable fuels will reduce the variability of its electrical  
12 output in a manner that results in net environmental benefits to the  
13 state.

14 (iii) The higher quantity of nonrenewable fuel is limited to either  
15 natural gas or hydrogen derived by reformation of a fossil fuel.

16 (B) Electricity generated by a small hydroelectric generation  
17 facility shall not result in the creation of a renewable energy credit  
18 unless the facility meets the requirements of subparagraph (A) or  
19 (D) of paragraph (1) of subdivision (e).

20 (C) Electricity generated by a conduit hydroelectric generation  
21 facility shall not result in the creation of a renewable energy credit  
22 unless the facility meets the requirements of subparagraph (B) of  
23 paragraph (1) of subdivision (e).

24 (D) Electricity generated by a facility engaged in the combustion  
25 of municipal solid waste shall not result in the creation of a  
26 renewable energy credit. This subparagraph does not apply to  
27 renewable energy credits that were generated before January 1,  
28 2017, by a facility engaged in the combustion of municipal solid  
29 waste located in Stanislaus County that was operational prior to  
30 September 26, 1996, and sold pursuant to contacts entered into  
31 before January 1, 2017.

32 (i)

33 (p) “Renewables portfolio standard” means the specified  
34 percentage of electricity generated by eligible renewable energy  
35 resources that a retail seller or a local publicly owned electric utility  
36 is required to procure pursuant to this article.

37 (j)

38 (q) “Retail seller” means an entity engaged in the retail sale of  
39 electricity to end-use customers located within the state, including  
40 any of the following:

1 (1) An electrical corporation, as defined in Section 218.

2 (2) A community choice aggregator. A community choice  
3 aggregator shall participate in the renewables portfolio standard  
4 ~~program~~ *and clean energy standard programs* subject to the same  
5 terms and conditions applicable to an electrical corporation.

6 (3) An electric service provider, as defined in Section 218.3.  
7 The electric service provider shall be subject to the same terms  
8 and conditions applicable to an electrical corporation pursuant to  
9 this article. ~~This paragraph does not impair a contract entered into  
10 between an electric service provider and a retail customer prior to  
11 the suspension of direct access by the commission pursuant to  
12 Section 80110 of the Water Code.~~

13 (4) “Retail seller” does not include any of the following:

14 (A) A corporation or person employing cogeneration technology  
15 or producing electricity consistent with subdivision (b) of Section  
16 218.

17 (B) The Department of Water Resources acting in its capacity  
18 pursuant to Division 27 (commencing with Section 80000) of the  
19 Water Code.

20 (C) A local publicly owned electric utility.

21 ~~(k)~~

22 (r) “WECC” means the Western Electricity Coordinating  
23 Council of the North American Electric Reliability Corporation,  
24 or a successor to the corporation.

25 *SEC. 5. Section 399.13 of the Public Utilities Code is amended*  
26 *to read:*

27 399.13. (a) (1) The commission shall direct each electrical  
28 corporation to annually prepare ~~a renewable~~ *an* energy procurement  
29 plan that includes the elements specified in paragraph (6), to satisfy  
30 its obligations under the renewables portfolio *standard and the*  
31 *clean energy* standard. To the extent feasible, this procurement  
32 plan shall be proposed, reviewed, and adopted by the commission  
33 as part of, and pursuant to, a general procurement plan process.  
34 The commission shall require each electrical corporation to review  
35 and update its ~~renewable~~ energy procurement plan as it determines  
36 to be necessary. The commission shall require all other retail sellers  
37 to prepare and submit ~~renewable~~ energy procurement plans that  
38 address the requirements identified in paragraph (6).

39 (2) Every electrical corporation that owns electrical transmission  
40 facilities shall annually prepare, as part of the Federal Energy



1 Regulatory Commission Order 890 process, and submit to the  
2 commission, a report identifying any electrical transmission  
3 facility, upgrade, or enhancement that is reasonably necessary to  
4 achieve the renewables portfolio standard *and clean energy*  
5 *standard* procurement requirements of this article. Each report  
6 shall look forward at least five years and, to ensure that adequate  
7 investments are made in a timely manner, shall include a  
8 preliminary schedule when an application for a certificate of public  
9 convenience and necessity will be made, pursuant to Chapter 5  
10 (commencing with Section 1001), for any electrical transmission  
11 facility identified as being reasonably necessary to achieve the  
12 ~~renewable~~ energy resources procurement requirements of this  
13 article. Each electrical corporation that owns electrical transmission  
14 facilities shall ensure that project-specific interconnection studies  
15 are completed in a timely manner.

16 (3) The commission shall direct each retail seller to prepare and  
17 submit an annual compliance report that includes all of the  
18 following:

19 (A) The current status and progress made during the prior year  
20 toward procurement of eligible renewable energy resources ~~as a~~  
21 ~~percentage of retail sales, and eligible clean energy resources as~~  
22 ~~required by Sections 399.15 and 399.15.1~~, including, if applicable,  
23 the status of any necessary siting and permitting approvals from  
24 federal, state, and local agencies for those eligible ~~renewable~~ energy  
25 resources procured by the retail seller, and the current status of  
26 compliance with the portfolio content requirements of subdivision  
27 (c) of Section 399.16, including procurement of eligible ~~renewable~~  
28 energy resources located outside the state and within the WECC  
29 and unbundled renewable energy credits.

30 (B) If the retail seller is an electrical corporation, the current  
31 status and progress made during the prior year toward construction  
32 of, and upgrades to, transmission and distribution facilities and  
33 other electrical system components it owns to interconnect eligible  
34 ~~renewable~~ energy resources and to supply the electricity generated  
35 by those resources to load, including the status of planning, siting,  
36 and permitting transmission facilities by federal, state, and local  
37 agencies.

38 (C) Recommendations to remove impediments to making  
39 progress toward achieving the ~~renewable~~ energy resources  
40 procurement requirements established pursuant to this article.

1 (4) The commission shall review each annual compliance report  
2 filed by a retail seller. The commission shall notify a retail seller  
3 if the commission has determined, based upon its review, that the  
4 retail seller may be at risk of not satisfying the ~~renewable energy~~  
5 procurement requirements for the then-current or ~~a future~~  
6 compliance ~~period~~ *periods of the renewable portfolio standard or*  
7 *clean energy standard* and shall provide recommendations in that  
8 circumstance regarding satisfying those requirements.

9 (5) The commission shall adopt, by rulemaking, all of the  
10 following:

11 (A) A process that provides criteria for the rank ordering and  
12 selection of least-cost and best-fit eligible renewable energy  
13 resources to comply with the California Renewables Portfolio  
14 Standard Program obligations on a total cost and best-fit basis.  
15 This process shall take into account all of the following:

16 (i) Estimates of indirect costs associated with needed  
17 transmission investments.

18 (ii) The cost impact of procuring the eligible renewable energy  
19 resources on the electrical corporation's electricity portfolio.

20 (iii) The viability of the project to construct and reliably operate  
21 the eligible renewable energy resource, including the developer's  
22 experience, the feasibility of the technology used to generate  
23 electricity, and the risk that the facility will not be built, or that  
24 construction will be delayed, with the result that electricity will  
25 not be supplied as required by the contract.

26 (iv) Workforce recruitment, training, and retention efforts,  
27 including the employment growth associated with the construction  
28 and operation of eligible renewable energy resources and goals  
29 for recruitment and training of women, minorities, and disabled  
30 veterans.

31 (v) (I) Estimates of electrical corporation expenses resulting  
32 from integrating and operating eligible renewable energy resources,  
33 including, but not limited to, any additional wholesale energy and  
34 capacity costs associated with integrating each eligible renewable  
35 resource.

36 (II) No later than December 31, 2015, the commission shall  
37 approve a methodology for determining the integration costs  
38 described in subclause (I).

39 (vi) Consideration of any statewide greenhouse gas emissions  
40 limit established pursuant to the California Global Warming

1 Solutions Act of 2006 (Division 25.5 (commencing with Section  
2 38500) of the Health and Safety Code).

3 (vii) Consideration of capacity and system reliability of the  
4 eligible renewable energy resource to ensure grid reliability.

5 (B) Rules permitting retail sellers to accumulate, beginning  
6 January 1, 2011, excess procurement in one compliance period to  
7 be applied to any subsequent compliance period. The rules shall  
8 apply equally to all retail sellers. In determining the quantity of  
9 excess procurement for the applicable compliance period, the  
10 commission shall retain the rules adopted by the commission and  
11 in effect as of January 1, 2015, for the compliance period specified  
12 in subparagraphs (A) to (C), inclusive, of paragraph (1) of  
13 subdivision (b) of Section 399.15. For any subsequent compliance  
14 period, the rules shall allow the following:

15 (i) For electricity products meeting the portfolio content  
16 requirements of paragraph (1) of subdivision (b) of Section 399.16,  
17 contracts of any duration may count as excess procurement.

18 (ii) Electricity products meeting the portfolio content  
19 requirements of paragraph (2) or (3) of subdivision (b) of Section  
20 399.16 shall not be counted as excess procurement. Contracts of  
21 any duration for electricity products meeting the portfolio content  
22 requirements of paragraph (2) or (3) of subdivision (b) of Section  
23 399.16 that are credited towards a compliance period shall not be  
24 deducted from a retail seller's procurement for purposes of  
25 calculating excess procurement.

26 (iii) If a retail seller notifies the commission that it will comply  
27 with the provisions of subdivision (b) for the compliance period  
28 beginning January 1, 2017, the provisions of clauses (i) and (ii)  
29 shall take effect for that retail seller for that compliance period.

30 (iv) *For the purpose of excess procurement of eligible clean*  
31 *energy resources relative to the procurement requirements for a*  
32 *compliance period or subperiod, the following additional*  
33 *conditions apply:*

34 (I) *Procurement of quantities greater than actual retail sales*  
35 *in a specific hour shall not be counted as excess procurement.*

36 (II) *Excess procurement may be applied only to the*  
37 *corresponding compliance subperiod in the following calendar*  
38 *year that includes the same day of the year and hour of the day*  
39 *during which the excess procurement occurred. Excess*  
40 *procurement for one compliance subperiod shall not be used to*

1 *meet the procurement requirements of a different subperiod within*  
2 *the same compliance period.*

3 (C) Standard terms and conditions to be used by all electrical  
4 corporations in contracting for eligible ~~renewable~~ energy resources,  
5 including performance requirements for ~~renewable~~ generators. A  
6 contract for the purchase of electricity generated by an eligible  
7 ~~renewable~~ energy resource, at a minimum, shall include the  
8 renewable energy credits *and clean energy credits* associated with  
9 all electricity generation specified under the contract. The standard  
10 terms and conditions shall include the requirement that, no later  
11 than six months after the commission's approval of an electricity  
12 purchase agreement entered into pursuant to this article, the  
13 following information about the agreement shall be disclosed by  
14 the commission: party names, resource type, project location, and  
15 project capacity.

16 (D) An appropriate minimum margin of procurement above the  
17 minimum procurement level necessary to comply with the  
18 renewables portfolio standard *and the clean energy standard* to  
19 mitigate the risk that ~~renewable~~ projects planned or under contract  
20 are delayed or canceled. This paragraph does not preclude an  
21 electrical corporation from voluntarily proposing a margin of  
22 procurement above the appropriate minimum margin established  
23 by the commission.

24 (6) Consistent with the goal of increasing California's reliance  
25 on eligible ~~renewable~~ energy resources, the ~~renewable~~ energy  
26 procurement plan shall include all of the following:

27 (A) An assessment of annual or multiyear portfolio supplies  
28 and demand to determine the optimal mix of *demand-side*  
29 *resources and* eligible ~~renewable~~ energy resources with  
30 deliverability characteristics that may include peaking,  
31 dispatchable, baseload, firm, and as-available capacity.

32 (B) Potential compliance delays related to the conditions  
33 described in paragraph (5) of subdivision (b) of Section 399.15.

34 (C) A bid solicitation setting forth the need for *demand-side*  
35 *resources or for* eligible ~~renewable~~ energy resources of each  
36 deliverability characteristic, required online dates, and locational  
37 preferences, if any.

38 (D) A status update on the development schedule of all  
39 *demand-side resources and* eligible ~~renewable~~ energy resources  
40 currently under contract.

1 (E) Consideration of mechanisms for price adjustments  
2 associated with the costs of key components for eligible ~~renewable~~  
3 energy resource projects with online dates more than 24 months  
4 after the date of contract execution.

5 (F) An assessment of the risk that an eligible ~~renewable~~ energy  
6 resource will not be built, or that construction will be delayed,  
7 with the result that electricity will not be delivered as required by  
8 the contract.

9 (7) In soliciting and procuring eligible ~~renewable~~ energy  
10 resources, each electrical corporation shall offer contracts of no  
11 less than 10 years duration, unless the commission approves of a  
12 contract of shorter duration.

13 (8) (A) In soliciting and procuring eligible ~~renewable~~ energy  
14 resources for California-based projects, each electrical corporation  
15 shall give preference to ~~renewable~~ energy projects that provide  
16 environmental and economic benefits to communities afflicted  
17 with poverty or high unemployment, or that suffer from high  
18 emission levels of toxic air contaminants, criteria air pollutants,  
19 and greenhouse gases.

20 (B) Subparagraph (A) applies to all procurement of eligible  
21 ~~renewable~~ energy resources for California-based projects, whether  
22 the procurement occurs through all-source requests for offers,  
23 eligible renewable resources only requests for offers, or other  
24 procurement mechanisms. This subparagraph is declaratory of  
25 existing law.

26 (9) In soliciting and procuring eligible ~~renewable~~ energy  
27 resources, each retail seller shall consider the best-fit attributes of  
28 resource types that ensure a balanced resource mix to maintain the  
29 reliability of the electrical grid.

30 (b) (1) A retail seller may enter into a combination of long- and  
31 short-term contracts for electricity and associated renewable energy  
32 *credits and clean energy* credits. Beginning January 1, 2021, at  
33 least 65 percent of the procurement a retail seller counts toward  
34 the renewables portfolio standard requirement of each compliance  
35 period shall be from its contracts of 10 years or more in duration  
36 or in its ownership or ownership agreements for eligible renewable  
37 energy resources. *Beginning January 1, 2024, at least 65 percent*  
38 *of the procurement a retail seller counts toward the clean energy*  
39 *standard requirement of each annual compliance period and*  
40 *subperiod shall be from its contracts of 10 years or more in*

1 *duration or in its ownership or ownership agreements for eligible*  
2 *energy resources.*

3 (2) In demonstrating compliance with paragraph (1), a retail  
4 seller may rely on contracts of 10 years or more in duration or  
5 ownership agreements entered into ~~before January 1, 2019~~, directly  
6 by its direct access, as described in Section 365.1, ~~nonprofit~~  
7 ~~educational institution~~ end-use customer for eligible renewable  
8 energy resources located in front of the customer meter to satisfy  
9 the portion of the compliance requirement attributable to the retail  
10 sales to that end-use customer. A retail seller shall furnish to the  
11 commission documentation deemed necessary by the commission  
12 to verify compliance with this paragraph.

13 (c) The commission shall review and accept, modify, or reject  
14 each electrical corporation's ~~renewable~~ energy resource  
15 procurement plan prior to the commencement of ~~renewable~~ energy  
16 procurement pursuant to this article by an electrical corporation.  
17 The commission shall assess adherence to the approved ~~renewable~~  
18 energy resource procurement plans in determining compliance  
19 with the obligations of this article.

20 (d) Unless previously preapproved by the commission, an  
21 electrical corporation shall submit a contract for the generation of  
22 an eligible ~~renewable~~ energy resource to the commission for review  
23 and approval consistent with an approved ~~renewable~~ energy  
24 resource procurement plan. If the commission determines that the  
25 bid prices are elevated due to a lack of effective competition among  
26 the bidders, the commission shall direct the electrical corporation  
27 to renegotiate the contracts or conduct a new solicitation.

28 (e) If an electrical corporation fails to comply with a commission  
29 order adopting a ~~renewable~~ *an* energy resource procurement plan,  
30 the commission shall exercise its authority to require compliance.

31 (f) (1) The commission may authorize a procurement entity to  
32 enter into contracts on behalf of customers of a retail seller for  
33 electricity products from eligible ~~renewable~~ energy resources to  
34 satisfy the retail seller's renewables portfolio standard *or clean*  
35 *energy standard* procurement requirements. The commission shall  
36 not require any person or corporation to act as a procurement entity  
37 or require any party to purchase eligible ~~renewable~~ energy  
38 resources from a procurement entity.

39 (2) Subject to review and approval by the commission, the  
40 procurement entity shall be permitted to recover reasonable

1 administrative and procurement costs through the retail rates of  
2 end-use customers that are served by the procurement entity and  
3 are directly benefiting from the procurement of eligible renewable  
4 energy resources.

5 (g) Procurement and administrative costs associated with  
6 contracts entered into by an electrical corporation for eligible  
7 renewable energy resources pursuant to this article and approved  
8 by the commission are reasonable and prudent and shall be  
9 recoverable in rates.

10 ~~(h) Construction, alteration, demolition, installation, and repair~~  
11 ~~work on an eligible renewable energy resource that receives~~  
12 ~~production incentives pursuant to Section 25742 of the Public~~  
13 ~~Resources Code, including work performed to qualify, receive, or~~  
14 ~~maintain production incentives, are “public works” for the purposes~~  
15 ~~of Chapter 1 (commencing with Section 1720) of Part 7 of Division~~  
16 ~~2 of the Labor Code.~~

17 *SEC. 6. Section 399.15.1 is added to the Public Utilities Code,*  
18 *to read:*

19 *399.15.1. (a) The Energy Commission, in consultation with*  
20 *the commission, the Independent System Operator, and other*  
21 *California balancing authorities, shall establish compliance*  
22 *periods and subperiods that meet the following criteria:*

23 *(1) A compliance period shall consist of a single calendar year*  
24 *and shall contain one or more compliance subperiods.*

25 *(2) (A) The Energy Commission shall establish one initial*  
26 *compliance subperiod, referred to as the net peak compliance*  
27 *subperiod, consisting of a subset of hours covering peak demand*  
28 *adjusted to account for the contribution of variable eligible clean*  
29 *energy resources.*

30 *(B) The Energy Commission shall determine the specific hours*  
31 *of each day, which may vary by season, and the beginning and*  
32 *end dates for each season, that are included within the net peak*  
33 *compliance subperiod, and any other subperiod established, based*  
34 *on patterns of electricity demand during each subperiod to group*  
35 *together time periods with similar load and clean energy*  
36 *availability profiles. This determination may be different for utility*  
37 *service areas located in different regions of the state.*

38 *(C) After establishing the initial compliance subperiod, but no*  
39 *earlier than for the compliance period consisting of the year*  
40 *beginning January 1, 2028, the Energy Commission may change*

1 *the number of compliance subperiods and the specific hours and*  
2 *days included within each subperiod as warranted by patterns of*  
3 *electricity demand and availability of eligible clean energy*  
4 *resources. All compliance subperiods shall be established for the*  
5 *purpose of identifying periods in which the supply of eligible clean*  
6 *energy resources as a share of total electrical load is projected to*  
7 *be significantly below the average for the full compliance period.*

8 (3) *The first compliance period and compliance subperiods as*  
9 *provided in paragraph (2) shall begin on January 1, 2024, and*  
10 *continue for each year thereafter.*

11 (b) (1) *The Energy Commission shall perform analysis to*  
12 *support the establishment of a current baseline for each retail*  
13 *seller and local publicly owned electric utility.*

14 (2) *The current baseline shall reflect the percentage of clean*  
15 *energy resources used as a percentage of each retail seller's and*  
16 *local publicly owned electric utility's total retail sales and the*  
17 *aggregate percentage of clean energy resources across all retail*  
18 *sellers and local publicly owned electric utilities during the net*  
19 *peak compliance subperiod and during calendar year 2021, as if*  
20 *this section had been in effect at that time.*

21 (3) *The Energy Commission may include other relevant years*  
22 *in its development of the current baseline.*

23 (4) *The commission shall establish for each retail seller, and*  
24 *the Energy Commission shall establish for each local publicly*  
25 *owned electric utility, its period and net peak subperiod current*  
26 *baseline.*

27 (c) *No later than April 1, 2023, the commission shall establish*  
28 *for each retail seller and the Energy Commission shall establish*  
29 *for each local publicly owned electric utility the clean energy*  
30 *standard procurement requirements for each compliance period*  
31 *and subperiod as follows:*

32 (1) *The current baseline established for each retail seller and*  
33 *local publicly owned electric utility pursuant to subdivision (b)*  
34 *shall be the clean energy standard procurement requirements for*  
35 *each compliance period and subperiod for the year beginning*  
36 *January 1, 2024, for that retail seller or local publicly owned*  
37 *electric utility.*

38 (2) *The clean energy standard procurement requirement for*  
39 *each retail seller and local publicly owned electric utility for the*  
40 *compliance period and subperiod for each year from 2025 through*



1 2029 shall be established based on a straight-line increase from  
2 its 2024 procurement requirement to the 2030 clean energy  
3 standard procurement requirements in paragraph (3).

4 (3) For the compliance period consisting of the year beginning  
5 January 1, 2030, the clean energy standard procurement  
6 requirement shall be 85 percent of retail sales for the annual period  
7 and 60 percent of retail sales for the net peak subperiod.

8 (4) The clean energy standard procurement requirement for the  
9 compliance period and subperiod for each year from 2031 through  
10 2034 shall be established based on a straight-line increase from  
11 the 2030 clean energy standard procurement requirements in  
12 paragraph (3) to the 2035 clean energy standard procurement  
13 requirements in paragraph (5).

14 (5) For the compliance period consisting of the year beginning  
15 January 1, 2035, the clean energy standard procurement  
16 requirement shall be 90 percent of retail sales for the annual period  
17 and 75 percent of retail sales for the net peak subperiod.

18 (6) For the compliance period consisting of the year 2045 and  
19 all subsequent compliance periods, the clean energy standard  
20 procurement requirement for every compliance period and  
21 subperiod shall be 100 percent of electrical load.

22 (7) For any new compliance subperiods established by the  
23 Energy Commission pursuant to subdivision (a), the commission  
24 may establish for each retail seller and the Energy Commission  
25 may establish for each local publicly owned electric utility the  
26 clean energy standard procurement requirements that require  
27 sufficient progress from the then-current levels of eligible clean  
28 energy resources during the compliance subperiods toward the  
29 requirement in paragraph (6).

30 (8) Procurement in excess of the actual retail sales for a retail  
31 seller or local publicly owned utility in any hour shall not be  
32 credited toward any compliance period or subperiod.

33 (d) No later than January 1, 2026, for compliance periods after  
34 2035 and before 2045, the commission shall establish for each  
35 retail seller and the Energy Commission shall establish for each  
36 local publicly owned electric utility the clean energy standard  
37 procurement requirements for each compliance period and  
38 subperiod that require sufficient progress toward the requirement  
39 in paragraph (6) of subdivision (c).

1 (e) Only for purposes of establishing the clean energy standard  
2 procurement requirements of this section, the commission shall  
3 include all electricity sold to retail customers by the Department  
4 of Water Resources pursuant to Division 27 (commencing with  
5 Section 80000) of the Water Code in the calculation of retail sales  
6 by an electrical corporation.

7 (f) Paragraphs (5) through (9), inclusive, of subdivision (b) of  
8 Section 399.15 relating to compliance with the renewables portfolio  
9 standard program apply to compliance with the clean energy  
10 standard program.

11 (g) The establishment of a clean energy standard shall not  
12 constitute implementation by the commission of the federal Public  
13 Utility Regulatory Policies Act of 1978 (Public Law 95-617).

14 SEC. 7. Section 399.21 of the Public Utilities Code is amended  
15 to read:

16 399.21. (a) The commission, by rule, shall authorize the use  
17 of renewable energy credits to satisfy the renewables portfolio  
18 standard procurement requirements ~~established pursuant to as~~  
19 *provided in this article and the use of clean energy credits to satisfy*  
20 *the clean energy standard procurement requirements as provided*  
21 *in this article, subject to the following conditions:*

22 (1) The commission and the Energy Commission shall ensure  
23 that the tracking system established pursuant to subdivision (c) of  
24 Section 399.25, is operational, is capable of independently  
25 verifying that electricity earning the credit is generated by an  
26 eligible renewable energy resource, and can ensure that renewable  
27 energy credits shall not be double counted by any seller of  
28 electricity within the service territory of the WECC.

29 (2) (A) Each renewable energy credit shall be counted only  
30 once for compliance with the renewables portfolio standard of this  
31 state or any other state, or for verifying retail product claims in  
32 this state or any other state.

33 (B) *Each clean energy credit shall be counted only once for*  
34 *compliance with the clean energy standard of this state or any*  
35 *other state, or for verifying retail product claims in this state or*  
36 *any other state.*

37 (C) *Energy credits that qualify as both renewable energy credits*  
38 *and clean energy credits may be counted once in each program*  
39 *without violating subparagraphs (A) and (B).*

1 (3) All revenues received by an electrical corporation for the  
2 sale of a ~~renewable~~ *an* energy credit shall be credited to the benefit  
3 of ratepayers.

4 (4) ~~Renewable energy~~ *Energy* credits shall not be created for  
5 electricity generated pursuant to any electricity purchase contract  
6 with a retail seller or a local publicly owned electric utility executed  
7 before January 1, 2005, unless the contract contains explicit terms  
8 and conditions specifying the ownership or disposition of those  
9 credits. Procurement under those contracts shall be tracked through  
10 the accounting system described in subdivision (b) of Section  
11 399.25 and included in the quantity of eligible ~~renewable~~ energy  
12 resources of the purchasing retail seller pursuant to Section 399.15.

13 (5) ~~Renewable energy~~ *Energy* credits shall not be created for  
14 electricity generated under any electricity purchase contract  
15 executed after January 1, 2005, pursuant to the federal Public  
16 Utility Regulatory Policies Act of 1978 (16 U.S.C. Sec. 2601 et  
17 seq.). Procurement under the electricity purchase contracts shall  
18 be tracked through the accounting system implemented by the  
19 Energy Commission pursuant to subdivision (b) of Section 399.25  
20 and count toward the renewables portfolio standard *or clean energy*  
21 *standard* procurement requirements of the purchasing retail seller.

22 (6) Nothing in the amendments to this article made by the Clean  
23 Energy and Pollution Reduction Act of 2015 (Senate Bill 350 of  
24 the 2015–16 Regular Session) is intended to change commission  
25 Decision 11-12-052 regarding the classification of renewable  
26 energy credits from generation on the customer side of the meter.

27 (7) ~~A renewable~~ *An* energy credit shall not be eligible for  
28 compliance with a renewables portfolio standard *or clean energy*  
29 *standard* procurement requirement unless it is retired in the  
30 tracking system established pursuant to subdivision (c) of Section  
31 399.25 by the retail seller or local publicly owned electric utility  
32 within 36 months from the initial date of generation of the  
33 associated electricity.

34 (8) *Clean energy credits created by electricity exported from*  
35 *an eligible clean energy storage resource shall not be eligible for*  
36 *compliance with a clean energy standard procurement requirement*  
37 *unless the energy storage resource has retired clean energy credits*  
38 *and, if applicable, the corresponding renewable energy credits,*  
39 *for the electricity consumed in storing the energy used for that*  
40 *generation.*

1 (b) The commission shall allow an electrical corporation to  
2 recover the reasonable costs of purchasing, selling, and  
3 administering ~~renewable~~ energy credit contracts in rates.

4 *SEC. 8. Section 399.25 of the Public Utilities Code is amended*  
5 *to read:*

6 399.25. The Energy Commission shall do all of the following:

7 (a) (1) Certify eligible renewable energy resources that it  
8 determines meet the criteria described in subdivision ~~(e)~~ (k) of  
9 Section 399.12.

10 (2) *Certify eligible clean energy resources that it determines*  
11 *meet the criteria described in subdivision (i) of Section 399.12.*

12 (b) Design and implement an accounting system to verify  
13 compliance with the renewables portfolio standard *and clean*  
14 *energy standard* by retail sellers and local publicly owned electric  
15 utilities, to ensure that electricity generated by an eligible  
16 ~~renewable~~ energy resource is counted only once *pursuant to*  
17 *paragraph (2) of subdivision (a) of Section 399.21* for the purpose  
18 of meeting the renewables portfolio standard *and clean energy*  
19 *standards* of this state or any other state, to certify ~~renewable~~  
20 energy credits produced by eligible ~~renewable~~ energy resources,  
21 and to verify retail product claims in this state or any other state.  
22 In establishing the guidelines governing this accounting system,  
23 the Energy Commission shall collect data from electricity market  
24 participants that it deems necessary to verify compliance of retail  
25 sellers and local publicly owned electric utilities, in accordance  
26 with the requirements of this article and the California Public  
27 Records Act (Chapter 3.5 (commencing with Section 6250) of  
28 Division 7 of Title 1 of the Government Code). In seeking data  
29 from electrical corporations, the Energy Commission shall request  
30 data from the commission. The commission shall collect data from  
31 electrical corporations and remit the data to the Energy  
32 Commission within 90 days of the request.

33 (c) (1) Establish a system for tracking and verifying ~~renewable~~  
34 energy credits that, through the use of independently audited data,  
35 verifies the generation of electricity associated with each ~~renewable~~  
36 energy credit and protects against multiple counting of the same  
37 ~~renewable~~ energy credit. The Energy Commission shall consult  
38 with other western states and with the WECC in the development  
39 of this system.

1 (2) *Enhance the system for tracking and verifying energy credits,*  
2 *as necessary, so that the generation of energy associated with each*  
3 *eligible clean energy generation resource and export of energy*  
4 *associated with each eligible clean energy storage resource is*  
5 *recorded for each individual hour.*

6 (d) Certify, for purposes of compliance with the renewables  
7 portfolio standard *and clean energy standard* requirements by a  
8 retail seller, the eligibility of ~~renewable~~ energy credits associated  
9 with eligible ~~renewable~~ energy resources procured by a local  
10 publicly owned electric utility, if the Energy Commission  
11 determines that all of the conditions of Section 399.31 have been  
12 met.

13 *SEC. 9. Section 399.26 of the Public Utilities Code is amended*  
14 *to read:*

15 399.26. (a) In order for the state to meet the requirements of  
16 the California Renewables Portfolio Standard *Program and the*  
17 *California 24/7 Clean Energy Standard Program*, substantially  
18 increased amounts of electricity generated by eligible ~~renewable~~  
19 energy resources must be integrated with, and interconnected to,  
20 the transmission grid that is either owned by, or under the  
21 operational control of, the local publicly owned electric utilities  
22 and the transmission grid that is under the operational control of  
23 the Independent System Operator.

24 (b) The Independent System Operator and the balancing  
25 authority of each area in California shall do both of the following:

26 (1) Work cooperatively to integrate and interconnect eligible  
27 ~~renewable~~ energy resources to the transmission grid by the most  
28 efficient means possible with the goal of minimizing the impact  
29 and cost of new transmission needed to meet both reliability needs  
30 and the renewables portfolio standard *and clean energy standard*  
31 procurement requirements.

32 (2) Accomplish the requirements of paragraph (1) in a manner  
33 that respects the ownership, business, and dispatch models for  
34 transmission facilities owned by electrical corporations, local  
35 publicly owned electric utilities, joint powers agencies, and  
36 independent transmission companies.

37 (c) The Independent System Operator shall seek any approvals  
38 from the Federal Energy Regulatory Commission that are necessary  
39 to accomplish the goals and requirements of this article.

1 (d) In order to maintain electric service reliability and to  
2 minimize the construction of fossil fuel electrical generation  
3 capacity to support the integration of intermittent renewable  
4 electrical generation into the electrical grid, by July 1, 2011, the  
5 commission shall determine the effective load carrying capacity  
6 of wind and solar energy resources on the California electrical  
7 grid. The commission shall use those effective load carrying  
8 capacity values in establishing the contribution of wind and solar  
9 energy resources toward meeting the resource adequacy  
10 requirements established pursuant to Section 380.

11 *SEC. 10. Section 399.30 of the Public Utilities Code is amended*  
12 *to read:*

13 399.30. (a) (1) To fulfill unmet long-term generation resource  
14 needs, each local publicly owned electric utility shall adopt and  
15 implement a renewable energy resources procurement plan that  
16 requires the utility to ~~procure~~ *do both of the following:*

17 (A) *Procure* a minimum quantity of electricity products from  
18 eligible renewable energy resources, including renewable energy  
19 credits, as a specified percentage of total kilowatthours sold to the  
20 utility's retail end-use customers, each compliance period, to  
21 achieve the targets of subdivision (c).

22 (B) *Procure a minimum quantity of electricity products from*  
23 *eligible clean energy resources, including clean energy credits,*  
24 *to meet its obligations under Section 399.15.1.*

25 (2) Beginning January 1, 2019, a local publicly owned electric  
26 utility subject to Section 9621 shall incorporate the ~~renewable~~  
27 energy resources procurement plan required by this section as part  
28 of a broader integrated resource plan developed and adopted  
29 pursuant to Section 9621.

30 (b) The governing board shall implement procurement targets  
31 for a local publicly owned electric utility that require the utility to  
32 procure a minimum quantity of eligible renewable energy resources  
33 for each of the following compliance periods:

- 34 (1) January 1, 2011, to December 31, 2013, inclusive.
- 35 (2) January 1, 2014, to December 31, 2016, inclusive.
- 36 (3) January 1, 2017, to December 31, 2020, inclusive.
- 37 (4) January 1, 2021, to December 31, 2024, inclusive.
- 38 (5) January 1, 2025, to December 31, 2027, inclusive.
- 39 (6) January 1, 2028, to December 31, 2030, inclusive.

1 (c) The governing board of a local publicly owned electric utility  
2 shall ensure all of the following:

3 (1) The quantities of eligible renewable energy resources to be  
4 procured for the compliance period from January 1, 2011, to  
5 December 31, 2013, inclusive, are equal to an average of 20 percent  
6 of retail sales.

7 (2) The quantities of eligible renewable energy resources to be  
8 procured for all other compliance periods reflect reasonable  
9 progress in each of the intervening years sufficient to ensure that  
10 the procurement of electricity products from eligible renewable  
11 energy resources achieves 25 percent of retail sales by December  
12 31, 2016, 33 percent by December 31, 2020, 44 percent by  
13 December 31, 2024, 52 percent by December 31, 2027, and 60  
14 percent by December 31, 2030. The Energy Commission shall  
15 establish appropriate multiyear compliance periods for all  
16 subsequent years that require the local publicly owned electric  
17 utility to procure not less than 60 percent of retail sales of  
18 electricity products from eligible renewable energy resources.

19 (3) A local publicly owned electric utility shall adopt *eligible*  
20 *energy resource* procurement requirements consistent with Section  
21 399.16.

22 (4) Beginning January 1, 2014, in calculating the procurement  
23 requirements under this article, a local publicly owned electric  
24 utility may exclude from its total retail sales the kilowatthours  
25 generated by an eligible ~~renewable~~ energy resource that is credited  
26 to a participating customer pursuant to a voluntary green pricing  
27 or shared renewable generation program. Any exclusion shall be  
28 limited to electricity products that do not meet the portfolio content  
29 criteria set forth in paragraph (2) or (3) of subdivision (b) of Section  
30 399.16. Any ~~renewable~~ energy credits associated with electricity  
31 credited to a participating customer shall not be used for  
32 compliance with procurement requirements under this article, shall  
33 be retired on behalf of the participating customer, and shall not be  
34 further sold, transferred, or otherwise monetized for any purpose.  
35 To the extent possible for generation that is excluded from retail  
36 sales under this subdivision, a local publicly owned electric utility  
37 shall seek to procure those eligible ~~renewable~~ energy resources  
38 that are located in reasonable proximity to program participants.

39 (d) (1) The governing board of a local publicly owned electric  
40 utility shall adopt procurement requirements consistent with

1 subparagraph (B) of paragraph (5) of subdivision (a) of, and  
2 paragraph (1) of subdivision (b) of, Section 399.13.

3 (2) The governing board of a local publicly owned electric utility  
4 may adopt the following measures:

5 (A) Conditions that allow for delaying timely compliance *for*  
6 *eligible renewable energy resource procurement* consistent with  
7 subdivision (b) of Section 399.15.

8 (B) Cost limitations for *eligible renewable energy resource*  
9 procurement expenditures consistent with subdivision (c) of Section  
10 399.15.

11 (e) The governing board of the local publicly owned electric  
12 utility shall adopt a program for the enforcement of this article.  
13 The program shall be adopted at a publicly noticed meeting offering  
14 all interested parties an opportunity to comment. Not less than 30  
15 days' notice shall be given to the public of any meeting held for  
16 purposes of adopting the program. Not less than 10 days' notice  
17 shall be given to the public before any meeting is held to make a  
18 substantive change to the program.

19 (f) Each local publicly owned electric utility shall annually post  
20 notice, in accordance with the Ralph M. Brown Act (Chapter 9  
21 (commencing with Section 54950) of Part 1 of Division 2 of Title  
22 5 of the Government Code), whenever its governing body will  
23 deliberate in public on its ~~renewable~~ energy resources procurement  
24 plan.

25 (g) A public utility district that receives all of its electricity  
26 pursuant to a preference right adopted and authorized by the United  
27 States Congress pursuant to Section 4 of the Trinity River Division  
28 Act of August 12, 1955 (Public Law 84-386), shall be in  
29 compliance with the renewable energy *and clean energy*  
30 procurement requirements of this article.

31 (h) For a local publicly owned electric utility that was in  
32 existence on or before January 1, 2009, that provides retail electric  
33 service to 15,000 or fewer customer accounts in California, and is  
34 interconnected to a balancing authority located outside this state  
35 but within the WECC, an eligible-~~renewable~~ energy resource  
36 includes a facility that is located outside California that is  
37 connected to the WECC transmission system, if all of the following  
38 conditions are met:

39 (1) The electricity generated by the facility is procured by the  
40 local publicly owned electric utility, is delivered to the balancing



1 authority area in which the local publicly owned electric utility is  
2 located, and is not used to fulfill renewable *or clean* energy  
3 procurement requirements of other states.

4 (2) The local publicly owned electric utility participates in, and  
5 complies with, the accounting system administered by the Energy  
6 Commission pursuant to this article.

7 (3) The Energy Commission verifies that the electricity  
8 generated by the facility is eligible to meet the renewables portfolio  
9 standard *or the clean energy standard* procurement requirements.

10 (i) Notwithstanding subdivision (a), for a local publicly owned  
11 electric utility that is a joint powers authority of districts established  
12 pursuant to state law on or before January 1, 2005, that furnishes  
13 electric services other than to residential customers, and is formed  
14 pursuant to the Irrigation District Law (Division 11 (commencing  
15 with Section 20500) of the Water Code), the percentage of total  
16 kilowatthours sold to the district's retail end-use customers, upon  
17 which the renewables portfolio standard *or clean energy standard*  
18 procurement requirements in subdivision (b) *or Section 399.15.1*  
19 are calculated, shall be based on the authority's average retail sales  
20 over the previous seven years. If the authority has not furnished  
21 electric service for seven years, then the calculation shall be based  
22 on average retail sales over the number of completed years during  
23 which the authority has provided electric service.

24 (j) A local publicly owned electric utility in a city and county  
25 that only receives greater than 67 percent of its electricity sources  
26 from hydroelectric generation located within the state that it owns  
27 and operates, and that does not meet the definition of a "renewable  
28 electrical generation facility" pursuant to Section 25741 of the  
29 Public Resources Code, shall be required to procure eligible  
30 renewable energy resources, including renewable energy credits,  
31 to meet only the electricity demands unsatisfied by its hydroelectric  
32 generation in any given year, in order to satisfy its renewable  
33 energy procurement requirements.

34 (k) (1) For purposes of this subdivision, "large hydroelectric  
35 generation" means electricity generated from an existing  
36 hydroelectric facility located within the state that does not qualify  
37 as an eligible renewable energy resource and, as of January 1,  
38 2018, was owned by a local publicly owned electric utility, the  
39 federal government as a part of the federal Central Valley Project,  
40 or a joint powers agency formed and created pursuant to the Joint

1 Exercise of Powers Act (Chapter 5 (commencing with Section  
2 6500) of Division 7 of Title 1 of the Government Code).

3 (2) If, during a year within a compliance period set forth in  
4 subdivision (b), a local publicly owned electric utility receives  
5 more than 40 percent of its retail sales from large hydroelectric  
6 generation under an ownership agreement or contract in effect as  
7 of January 1, 2018, it is not required to procure eligible renewable  
8 energy resources that exceed the lesser of the following for that  
9 year:

10 (A) The portion of the local publicly owned electric utility's  
11 retail sales unsatisfied by the local publicly owned electric utility's  
12 large hydroelectric generation.

13 (B) The soft target adopted by the Energy Commission for the  
14 intervening years of the relevant compliance period.

15 (3) An extension or renewal of a procurement agreement shall  
16 not be eligible to count towards the determination that the local  
17 publicly owned electric utility receives more than 40 percent of  
18 its retail sales from large hydroelectric generation in any year. This  
19 paragraph shall not apply to any agreement in effect on January  
20 1, 2015, between a local publicly owned electric utility and the  
21 Western Area Power Administration or federal government as part  
22 of the federal Central Valley Project.

23 (4) The Energy Commission shall adjust the total quantities of  
24 eligible renewable energy resources to be procured by a local  
25 publicly owned electric utility for a compliance period to reflect  
26 any reductions required pursuant to paragraph (2).

27 (5) This subdivision does not modify the compliance obligation  
28 of a local publicly owned electric utility to satisfy the requirements  
29 of subdivision (c) of Section 399.16.

30 (l) (1) (A) For purposes of this subdivision, "unavoidable  
31 long-term contracts and ownership agreements" means  
32 commitments for electricity from a coal-fired powerplant, located  
33 outside the state, originally entered into by a local publicly owned  
34 electric utility before June 1, 2010, that is not subsequently  
35 modified to result in an extension of the duration of the agreement  
36 or result in an increase in total quantities of energy delivered during  
37 any compliance period set forth in subdivision (b).

38 (B) The governing board of a local publicly owned electric  
39 utility shall demonstrate in its renewable energy resources  
40 procurement plan required pursuant to subdivision (a) that any

1 cancellation or divestment of the commitment would result in  
2 significant economic harm to its retail customers that cannot be  
3 substantially mitigated through resale, transfer to another entity,  
4 early closure of the facility, or other feasible measures.

5 (2) For the compliance period set forth in paragraph (4) of  
6 subdivision (b), a local publicly owned electric utility meeting the  
7 requirement of subparagraph (B) of paragraph (1) may adjust its  
8 renewable energy procurement targets to ensure that the  
9 procurement of additional electricity from eligible renewable  
10 energy resources, in combination with the procurement of  
11 electricity from unavoidable long-term contracts and ownership  
12 agreements, does not exceed the total retail sales of the local  
13 publicly owned electric utility during that compliance period. The  
14 local publicly owned electric utility may limit its procurement of  
15 eligible renewable energy resources for that compliance period to  
16 no less than an average of 33 percent of its retail sales.

17 (3) The Energy Commission shall approve any reductions in  
18 procurement targets proposed by a local publicly owned electric  
19 utility if it determines that the requirements of this subdivision are  
20 satisfied.

21 (m) A local publicly owned electric utility shall retain discretion  
22 over both of the following:

23 (1) The mix of eligible ~~renewable~~ energy resources procured  
24 by the utility and those additional generation resources procured  
25 by the utility for purposes of ensuring resource adequacy and  
26 reliability.

27 (2) The reasonable costs incurred by the utility for eligible  
28 ~~renewable~~ energy resources owned by the utility.

29 (n) The Energy Commission shall adopt regulations specifying  
30 procedures for enforcement of this article. The regulations shall  
31 include a public process under which the Energy Commission may  
32 issue a notice of violation and correction against a local publicly  
33 owned electric utility for failure to comply with this article, and  
34 for referral of violations to the State Air Resources Board for  
35 penalties pursuant to subdivision (o).

36 (o) (1) Upon a determination by the Energy Commission that  
37 a local publicly owned electric utility has failed to comply with  
38 this article, the Energy Commission shall refer the failure to comply  
39 with this article to the State Air Resources Board, which may  
40 impose penalties to enforce this article consistent with Part 6

1 (commencing with Section 38580) of Division 25.5 of the Health  
2 and Safety Code. Any penalties imposed shall be comparable to  
3 those adopted by the commission for noncompliance by retail  
4 sellers.

5 (2) Any penalties collected by the State Air Resources Board  
6 pursuant to this article shall be deposited in the Air Pollution  
7 Control Fund and, upon appropriation by the Legislature, shall be  
8 expended for reducing emissions of air pollution or greenhouse  
9 gases within the same geographic area as the local publicly owned  
10 electric utility.

11 *SEC. 11. Section 399.31 of the Public Utilities Code is amended*  
12 *to read:*

13 399.31. A retail seller may procure ~~renewable~~ energy credits  
14 associated with deliveries of electricity by an eligible ~~renewable~~  
15 energy resource to a local publicly owned electric utility, for  
16 purposes of compliance with the renewables portfolio standard  
17 *and clean energy standard* requirements, if both of the following  
18 conditions are met:

19 (a) The local publicly owned electric utility has adopted and  
20 implemented a ~~renewable~~ energy resources procurement plan  
21 *adopted pursuant to Section 399.30* that complies with the  
22 renewables portfolio standard ~~adopted pursuant to Section 399.30.~~  
23 *and clean energy standard.*

24 (b) The local publicly owned electric utility is procuring  
25 sufficient eligible ~~renewable~~ energy resources to satisfy the target  
26 standard, and will not fail to satisfy the target standard in the event  
27 that the ~~renewable~~ energy credit is sold to the retail seller.

28 *SEC. 12. Section 399.33 of the Public Utilities Code is amended*  
29 *to read:*

30 399.33. (a) This section shall only apply to a gas-fired  
31 powerplant that is located inside the state, is owned by and serves  
32 the electrical demands of a single local publicly owned electric  
33 utility, and meets all of the following conditions:

34 (1) The local publicly owned electric utility has outstanding  
35 public indebtedness associated with the powerplant, the powerplant  
36 was planned and built after January 1, 2000, and the debt was  
37 secured before January 1, 2017.

38 (2) Operating the powerplant below a 20-percent capacity factor  
39 on an annual average on a yearly basis may result in the loss of

1 employment of a powerplant employee who receives a prevailing  
2 wage.

3 (3) The powerplant is subject to and meets the state’s greenhouse  
4 gases emission performance standard established by the Energy  
5 Commission pursuant to Section 8341.

6 (4) The powerplant is not located in a disadvantaged community.  
7 For purposes of this paragraph, “disadvantaged community” means  
8 a census tract that, pursuant to Section 39711 of the Health and  
9 Safety Code, has received a score on the California Communities  
10 Environmental Health Screening 3.0, also known as  
11 CalEnviroScreen 3.0, in the 81st to 100th percentile, inclusive.

12 (5) The local publicly owned electric utility can demonstrate  
13 with official documentation, such as an adopted city council  
14 resolution, to the satisfaction of the Energy Commission, that the  
15 powerplant was built in response to the energy crisis of 2000–01.

16 (6) The powerplant has not undergone repowering and is not  
17 serving as a peaker powerplant.

18 (b) If the procurement requirements of this article require more  
19 than 50 percent of retail sales of electricity to come from eligible  
20 renewable energy resources, then a local publicly owned electric  
21 utility that is the sole owner of a powerplant that both meets the  
22 requirements of subdivision (a) and is operating below 20 percent  
23 of its total capacity on an average annual basis during a given  
24 compliance period may, based on the utility’s operations, adjust  
25 its renewable energy procurement targets *and its clean energy*  
26 *procurement targets* by an amount equal to the difference between  
27 the actual generation from the powerplant and the amount of  
28 generation that the powerplant would have produced if it had  
29 operated at 20 percent of its total capacity, if all of the following  
30 conditions are met:

31 (1) The local publicly owned electric utility has procured eligible  
32 renewable energy resources as required by Section 399.30, as it  
33 existed on January 1, 2018.

34 (2) Additional procurement of eligible ~~renewable~~ energy  
35 resources ~~or zero-carbon generational resources~~ resulted in the  
36 powerplant operating at, or below, a 20-percent capacity factor on  
37 an annual average during a *renewables portfolio standard*  
38 compliance period.

39 (3) The local publicly owned electric utility has attempted to  
40 mitigate against the reduction of generation to below 20 percent

1 of the powerplant's total capacity by attempting to sell the  
2 powerplant or attempting to sell the generation from the powerplant  
3 to the extent it is practicable and does not result in resource  
4 shuffling.

5 (c) A local publicly owned electric utility shall notify the Energy  
6 Commission by April 1, 2019, of its intent to act pursuant to the  
7 authorization granted by this section.

8 (d) The Energy Commission shall review, and either approve  
9 or reject, a publicly owned electric utility's adjustment of its  
10 procurement targets pursuant to this section.

11 (e) The Energy Commission may request relevant supporting  
12 documentation from a local publicly owned electric utility acting  
13 pursuant to this section.

14 (f) This section shall apply only until the end of the calendar  
15 year during which the powerplant's original term of bonded  
16 indebtedness expires.

17 *SEC. 13. Section 454.52 of the Public Utilities Code is amended*  
18 *to read:*

19 454.52. (a) (1) Beginning in 2017, and to be updated regularly  
20 thereafter, the commission shall adopt a process for each  
21 load-serving entity, as defined in Section 380, to file an integrated  
22 resource plan, and a schedule for periodic updates to the plan, and  
23 shall ensure that load-serving entities do the following:

24 (A) Meet the greenhouse gas emissions reduction targets  
25 established by the State Air Resources Board, in coordination with  
26 the commission and the Energy Commission, for the electricity  
27 sector and each load-serving entity that reflect the electricity  
28 sector's percentage in achieving the economywide greenhouse gas  
29 emissions reductions of 40 percent from 1990 levels by 2030.

30 (B) Procure at least 60 percent eligible renewable energy  
31 resources *and 85 percent eligible clean energy resources* by  
32 December 31, 2030, *and at least 90 percent eligible clean energy*  
33 *resources by December 31, 2035*, consistent with Article 16  
34 (commencing with Section 399.11) of Chapter 2.3.

35 (C) Enable each electrical corporation to fulfill its obligation to  
36 serve its customers at just and reasonable rates.

37 (D) Minimize impacts on ratepayers' bills.

38 (E) Ensure system and local reliability on both a near-term and  
39 long-term basis, including meeting the near-term and forecast  
40 long-term resource adequacy requirements of Section 380.

1 (F) Comply with paragraph (1) of subdivision (b) of Section  
2 399.13.

3 (G) Strengthen the diversity, sustainability, and resilience of  
4 the bulk transmission and distribution systems, and local  
5 communities.

6 (H) Enhance distribution systems and demand-side energy  
7 management.

8 (I) Minimize localized air pollutants and other greenhouse gas  
9 emissions, with early priority on disadvantaged communities  
10 identified pursuant to Section 39711 of the Health and Safety Code.

11 *(J) Plan to meet all of the requirements of the California 24/7*  
12 *Clean Energy Standard Program as provided in Article 16*  
13 *(commencing with Section 399.11) of Chapter 2.3).*

14 (2) (A) The commission may authorize all source procurement  
15 for electrical corporations that includes various resource types  
16 including demand-side resources, supply side resources, and  
17 resources that may be either demand-side resources or supply side  
18 resources, taking into account the differing electrical corporations'  
19 geographic service areas, to ensure that each load-serving entity  
20 meets the goals set forth in paragraph (1).

21 (B) The commission may approve procurement of resource  
22 types that will reduce overall greenhouse gas emissions from the  
23 electricity sector and meet the other goals specified in paragraph  
24 (1), but due to the nature of the technology or fuel source may not  
25 compete favorably in price against other resources over the time  
26 period of the integrated resource plan.

27 (3) In furtherance of the requirements of paragraph (1), the  
28 commission shall consider the role of existing renewable  
29 generation, grid operational efficiencies, energy storage, *demand*  
30 *response*, and distributed energy resources, including energy  
31 efficiency, in helping to ensure each load-serving entity meets  
32 energy needs and reliability needs in *all hours to encompass the*  
33 *hour of peak demand of electricity, excluding demand met by*  
34 *variable renewable generation directly connected to a California*  
35 *balancing authority, as defined in Section 399.12, and all seasons,*  
36 while reducing the need for new electricity generation resources  
37 and new transmission resources in achieving the state's energy  
38 goals at the least cost to ratepayers.

39 (b) (1) Each load-serving entity shall prepare and file an  
40 integrated resource plan consistent with ~~paragraph (2) of~~

1 subdivision (a) on a time schedule directed by the commission and  
2 subject to commission review.

3 (2) Each electrical corporation's plan shall follow the provisions  
4 of Section 454.5.

5 (3) The plan of a community choice aggregator shall be  
6 submitted to its governing board for approval and provided to the  
7 commission for certification, consistent with paragraph (5) of  
8 subdivision (a) of Section 366.2, and shall achieve the following:

9 (A) Economic, reliability, environmental, security, and other  
10 benefits and performance characteristics that are consistent with  
11 the goals set forth in paragraph (1) of subdivision (a).

12 (B) A diversified procurement portfolio consisting of both  
13 short-term and long-term electricity and electricity-related and  
14 demand reduction products.

15 (C) The resource adequacy requirements established pursuant  
16 to Section 380.

17 (4) The plan of an electric service provider shall achieve the  
18 goals set forth in paragraph (1) of subdivision (a) through a  
19 diversified portfolio consisting of both short-term and long-term  
20 electricity, electricity-related, and demand reduction products.

21 (c) To the extent that additional procurement is authorized for  
22 the electrical corporation in the integrated resource plan or the  
23 procurement process authorized pursuant to Section 454.5, the  
24 commission shall ensure that the costs are allocated in a fair and  
25 equitable manner to all customers consistent with Section 454.51,  
26 that there is no cost shifting among customers of load-serving  
27 entities, and that community choice aggregators may self-provide  
28 renewable integration resources consistent with Section 454.51.

29 (d) To eliminate redundancy and increase efficiency, the process  
30 adopted pursuant to subdivision (a) shall incorporate, and not  
31 duplicate, any other planning processes of the commission.

32 (e) This section applies to an electrical cooperative, as defined  
33 in Section 2776, only if the electrical cooperative has an annual  
34 electrical demand exceeding 700 gigawatthours, as determined  
35 based on a three-year average commencing with January 1, 2013.

36 *SEC. 14. Section 454.53 of the Public Utilities Code is amended*  
37 *to read:*

38 454.53. (a) It is the policy of the state that by *December 31,*  
39 *2045, eligible ~~renewable clean energy resources and zero-carbon~~*  
40 *resources resources, as defined in Section 399.12, supply 100*



1 percent of all ~~retail sales of electricity to California~~ *electrical loads*  
2 *in California, including, but not limited to, retail sales of electricity*  
3 *to end-use customers and 100 percent of customers, electricity*  
4 *procured to serve all state agencies by December 31, 2045. The*  
5 ~~achievement of agencies, electricity uses by electric utilities,~~  
6 *electrical line losses during the transmission and distribution of*  
7 *electricity, and, excepted as provided in subdivision (e), electric*  
8 *loads met by end-user self-generation. Achieving this policy for*  
9 California shall not increase carbon emissions elsewhere in the  
10 western grid and shall not allow resource shuffling. The  
11 commission and Energy Commission, in consultation with the  
12 State Air Resources Board, shall take steps to ensure that a  
13 transition to a ~~zero-carbon~~ *clean* electric system for the State of  
14 California does not cause or contribute to greenhouse gas emissions  
15 increases elsewhere in the western grid, and is undertaken in a  
16 manner consistent with clause 3 of Section 8 of Article I of the  
17 United States Constitution. The commission, the Energy  
18 Commission, the State Air Resources Board, and all other state  
19 agencies shall incorporate this policy into all relevant planning.

20 (b) The commission, Energy Commission, state board, and all  
21 other state agencies shall ensure that actions taken in furtherance  
22 of subdivision (a) do all of the following:

23 (1) Maintain and protect the safety, reliable operation, and  
24 balancing of the electric system.

25 (2) Prevent unreasonable impacts to electricity, gas, and water  
26 customer rates and bills resulting from implementation of this  
27 section, taking into full consideration the economic and  
28 environmental costs and benefits of ~~renewable energy and~~  
29 ~~zero-carbon~~ *clean energy* resources.

30 (3) To the extent feasible and authorized under law, lead to the  
31 adoption of policies and taking of actions in other sectors to obtain  
32 greenhouse gas emission reductions that ensure equity between  
33 other sectors and the electricity sector.

34 (4) Not affect in any manner the rules and requirements for the  
35 oversight of, and enforcement against, retail sellers and local  
36 publicly owned utilities pursuant to the California Renewables  
37 Portfolio Standard Program (Article 16 (commencing with Section  
38 399.11) of Chapter 2.3) and Sections 454.51, 454.52, 9621, and  
39 9622.

1 (c) Nothing in this section shall affect a retail seller's obligation  
2 to comply with the federal Public Utility Regulatory Policies Act  
3 of 1978 (16 U.S.C. Sec. 2601 et seq.).

4 (d) The commission, Energy Commission, and state board shall  
5 do both of the following:

6 (1) Utilize programs authorized under existing statutes to achieve  
7 the policy described in subdivision (a).

8 (2) In consultation with all California balancing authorities, as  
9 defined in subdivision (d) of Section 399.12, as part of a public  
10 process, issue a joint report to the Legislature by January 1, 2021,  
11 and at least every four years thereafter. The joint report shall  
12 include all of the following:

13 (A) A review of the policy described in subdivision (a) focused  
14 on technologies, forecasts, then-existing transmission, and  
15 maintaining safety, environmental and public safety protection,  
16 affordability, and system and local reliability.

17 (B) An evaluation identifying the potential benefits and impacts  
18 on system and local reliability associated with achieving the policy  
19 described in subdivision (a).

20 (C) An evaluation identifying the nature of any anticipated  
21 financial costs and benefits to electric, gas, and water utilities,  
22 including customer rate impacts and benefits.

23 (D) The barriers to, and benefits of, achieving the policy  
24 described in subdivision (a).

25 (E) Alternative scenarios in which the policy described in  
26 subdivision (a) can be achieved and the estimated costs and benefits  
27 of each scenario.

28 (F) *An evaluation of clean firm power capacity needed to*  
29 *achieve the policy described in subdivision (a) cost effectively,*  
30 *including the quantity of clean firm power needed, the performance*  
31 *requirements for clean firm resources, such as load-following*  
32 *capability and minimum duration once dispatched, and the*  
33 *technologies that could satisfy these requirements.*

34 (e) Nothing in this section authorizes the commission to establish  
35 any requirements on a nonmobile self-cogeneration or cogeneration  
36 facility that served onsite load, or that served load pursuant to an  
37 over-the-fence arrangement if that arrangement existed on or before  
38 December 20, 1995.

39 *SEC. 15. No reimbursement is required by this act pursuant*  
40 *to Section 6 of Article XIII B of the California Constitution because*

1 *a local agency or school district has the authority to levy service*  
2 *charges, fees, or assessments sufficient to pay for the program or*  
3 *level of service mandated by this act or because costs that may be*  
4 *incurred by a local agency or school district will be incurred*  
5 *because this act creates a new crime or infraction, eliminates a*  
6 *crime or infraction, or changes the penalty for a crime or*  
7 *infraction, within the meaning of Section 17556 of the Government*  
8 *Code, or changes the definition of a crime within the meaning of*  
9 *Section 6 of Article XIII B of the California Constitution.*

10 ~~SECTION 1. It is the intent of the Legislature to enact~~  
11 ~~subsequent legislation to accelerate the state's progress toward~~  
12 ~~having 100 percent of electricity provided by renewable or other~~  
13 ~~zero-carbon sources on a 24-hour, seven-day basis, by doing all~~  
14 ~~of the following:~~

15 ~~(a) Set an earlier target date for achieving 100 percent clean~~  
16 ~~energy.~~

17 ~~(b) Define electric loads that are subject to the 100-percent clean~~  
18 ~~energy requirement to include all in-state consumption.~~

19 ~~(c) Direct the State Air Resources Board and the Public Utilities~~  
20 ~~Commission to establish a system for tracking the provision and~~  
21 ~~consumption of clean energy, similar to tracking renewable energy~~  
22 ~~credits today, but with higher granularity so that clean energy~~  
23 ~~provision can be tracked on an hourly basis.~~

24 ~~(d) Require the tracking system to take into account the ability~~  
25 ~~of storage-like resources to move the timing of the provision of~~  
26 ~~clean energy.~~

27 ~~(e) Direct the Public Utilities Commission to establish a clean~~  
28 ~~energy standard with compliance periods and procurement targets~~  
29 ~~that require load-serving entities to procure clean energy equivalent~~  
30 ~~to defined portions of their load during different periods of the day~~  
31 ~~and during different seasons of the year, in addition to the existing~~  
32 ~~annual renewable portfolio standard compliance target.~~

AMENDED IN SENATE MARCH 23, 2021

**SENATE BILL****No. 18**

**Introduced by Senator Skinner**  
*(Coauthor: Senator Eggman)*

December 7, 2020

An act to add Section 38561.7 to the Health and Safety Code, to add and repeal Section 25327.5 of the Public Resources Code, and to amend Sections 400.2 and 400.3 of, and to add Sections 380.1 and 380.6 to, the Public Utilities Code, relating to energy.

## LEGISLATIVE COUNSEL'S DIGEST

SB 18, as amended, Skinner. Green hydrogen.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years.

This bill would require the state board, by December 31, 2022, as a part of the scoping plan and the state's goal for carbon neutrality, to prepare a strategic plan for accelerating the production and use of *hydrogen, including a specific plan to accelerate production and use of green hydrogen*, as defined, in California and an analysis of how curtailed ~~power~~ *electrical generation* could be better utilized to help meet the state's greenhouse gas emissions reduction goals. *The bill would require the state board, in developing the strategic plan, to*

*consult with the California Workforce Development Board and labor and workforce organizations.*

Existing law establishes the State Energy Resources Conservation and Development Commission (Energy Commission) and requires the Energy Commission, on a biennial basis, to adopt an integrated energy policy report containing an overview of major energy trends and issues facing the state. Existing law requires the Energy Commission, as a part of the report, to conduct transportation forecasting and assessment activities that include, among other things, an assessment of trends in transportation fuels, technologies, and infrastructure supply and demand.

~~This bill would require the Energy Commission, by June 1, 2022, to submit to the Legislature a report studying and modeling green hydrogen and its role in decarbonizing the power and transportation sectors, and helping to achieve, state’s clean energy as part of its update to the integrated energy policy report due by November 1, 2023, to study and model potential growth for hydrogen and its role in decarbonizing, as defined, the electrical and transportation sectors of the economy, and helping to achieve specified environmental, energy, and climate change goals.~~

Existing law requires the Public Utilities Commission (PUC) and the Energy Commission to undertake specified actions to advance the state’s clean energy and pollution reduction objectives, including, where feasible, cost effective, and consistent with other state policy objectives, increasing the use of large- and small-scale energy storage with a variety of technologies. Existing law specifies that green electrolytic hydrogen, as defined, is one of these energy storage technologies to be targeted for increased use and requires the PUC, state board, and Energy Commission to consider green electrolytic hydrogen an eligible form of energy storage, and to consider other potential uses of green electrolytic hydrogen.

Existing law requires the PUC to identify a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy resources in a cost-effective manner. Existing law requires that the portfolio rely upon zero carbon-emitting resources to the maximum extent reasonable and be designed to achieve any statewide limit on emissions of greenhouse gases established by the state board pursuant to the California Global Warming Solutions Act of 2006.

~~This~~

*Except as provided, this bill would require the PUC to consider both green hydrogen and green electrolytic hydrogen to be a zero carbon-emitting resource for purposes of identifying a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy resources in a cost-effective manner.*

Existing law requires the PUC to adopt a process for each load-serving entity to file an integrated resources plan to meet various requirements.

This bill would require the PUC to work to ~~advance~~ *include* green hydrogen within the integrated resources plan.

Existing law establishes a policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. Existing law requires the PUC, Energy Commission, and state board to utilize programs authorized under existing statutes to achieve this policy.

~~This~~

*Except as provided, this bill would require that the PUC, state board, and Energy Commission consider green hydrogen to be a zero-carbon resource for these purposes.*

Existing law requires the PUC, in consultation with the Independent System Operator, to establish resource adequacy requirements for all load-serving entities to ensure reliability of electrical services in California while advancing, to the extent feasible, the state's goals for clean energy, reducing air pollution, and reducing emissions of greenhouse gases.

~~This~~

*Except as provided, this bill would require the PUC to modify the resource adequacy requirements and accounting rules to provide equal consideration for dispatchable local and system resource adequacy resources made from green hydrogen. The bill would require the PUC, in a rulemaking proceeding related to energy storage, to consider green electrolytic hydrogen as part of encouraging portfolio diversity.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:

1 (1) Climate change and air pollution threaten the health and  
2 prosperity of all Californians. Historic droughts, devastating  
3 wildfires, storms, extreme heat, and the death of millions of trees  
4 are creating billions of dollars in property damage and threatening  
5 human health and food supplies.

6 (2) California has set ambitious targets to reduce the effects of  
7 climate change by reducing carbon emissions 40 percent below  
8 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

9 (3) In 2018, Governor Brown issued Executive Order No.  
10 B-55-18, creating a state goal to reach greenhouse gas neutrality  
11 by no later than 2045 and to maintain net negative greenhouse gas  
12 emissions thereafter, and directing the State Air Resources Board  
13 to work with relevant state agencies to develop a framework for  
14 implementation and accounting that tracks progress toward these  
15 goals.

16 (4) California's leadership in driving aggressive emissions  
17 reductions has helped bring to market many new forms of  
18 renewable energy and fuels, including supporting a rapid decline  
19 in prices for renewable power such as solar, wind, and battery  
20 storage, and has accelerated adoption and price reduction of  
21 zero-emission vehicles. The cost of utility-scale solar power  
22 dropped by 50 percent in just four years between 2011 and 2015,  
23 and electric vehicle battery prices dropped 87 percent in real terms  
24 from 2010 to 2019.

25 (5) Multiple studies show that renewable hydrogen, particularly  
26 green electrolytic hydrogen produced by splitting water, is poised  
27 to experience similar cost declines over the next decade.

28 (6) Achieving these cost reductions and deploying green  
29 hydrogen at scale would help decarbonize many  
30 difficult-to-decarbonize sectors, including buildings, industry,  
31 thermal power plants, and the transportation sector, including  
32 light-, ~~medium-~~ *medium-*, and heavy-duty vehicles, goods  
33 movement, and air travel, and accelerate progress towards the  
34 state's climate, clean air, and clean energy goals.

35 (7) Green hydrogen offers many climate and energy cobenefits,  
36 including better utilizing curtailed power and better integrating  
37 renewable resources into the electrical grid to achieve greater than  
38 100 percent zero-carbon energy and put renewable electricity to  
39 use to decarbonize many other sectors of the economy.

1 (8) Green hydrogen is a flexible resource that can be used for  
2 many things, including oil refining, ammonia and fertilizer  
3 production, and other industrial and chemical processes; storing  
4 renewable and zero-carbon electricity for multiple days and  
5 seasons; powering a variety of ~~on-road~~, *onroad*, off-road, rail,  
6 aviation, and maritime transport and materials handling  
7 applications; providing dispatchable electricity production  
8 including enhancing resiliency for behind-the-meter emergency  
9 backup generation and islanded microgrids; displacing coking coal  
10 used in the production of steel; fueling industrial thermal  
11 applications; and decarbonizing the existing natural gas pipeline.

12 (b) It is the intent of the Legislature to develop a leading green  
13 hydrogen industry in California in order to provide accelerated  
14 clean air, climate, and energy benefits, better integrate existing  
15 renewable resources into the electrical grid, create jobs, and provide  
16 new clean technology to decarbonize challenging sectors.

17 SEC. 2. Section 38561.7 is added to the Health and Safety  
18 Code, to read:

19 38561.7. (a) Not later than December 31, 2022, as part of the  
20 scoping plan prepared pursuant to Section 38561 and the state’s  
21 goal for carbon neutrality, the state board shall prepare both of the  
22 following:

23 ~~(a)~~

24 (1) A strategic plan for accelerating the production and use of  
25 ~~green hydrogen, as defined in subdivision (a) of Section 400.2 of~~  
26 ~~the Public Utilities Code~~, *hydrogen, including a specific plan to*  
27 *accelerate production and use of green hydrogen*, in California to  
28 help meet the goals set forth in this division. *For purposes of this*  
29 *section, “green hydrogen” has the same meaning as defined in*  
30 *Section 400.2 of the Public Utilities Code*. The scoping plan shall  
31 include all of the ~~following~~; *following*:

32 ~~(1)~~

33 (A) A strategic plan for *promoting, scaling, and utilizing green*  
34 *hydrogen industry* in the state to help achieve the state’s climate,  
35 clean energy, and clean air objectives.

36 ~~(2)~~

37 (B) An *assessment of difficult to decarbonize sectors of the*  
38 *economy for which green hydrogen may be a more feasible and*  
39 *cost-effective decarbonization method than other alternatives*. For  
40 *purposes of this section, to “decarbonize” means to reduce or*



1 *eliminate associated emissions of greenhouse gases. This*  
2 *assessment shall include an estimate of the amount of greenhouse*  
3 *gas emissions reduction and air quality benefits the state could*  
4 *achieve through deploying green hydrogen through a variety of*  
5 ~~scenarios.~~ *scenarios and the costs associated with using green*  
6 *hydrogen, when compared to other alternatives.*

7 ~~(3)~~

8 (C) A review of similar efforts to deploy ~~green~~ hydrogen  
9 internationally, including opportunities to collaborate with other  
10 jurisdictions to accelerate market scale, cost reductions, and global  
11 climate benefits.

12 ~~(4)~~

13 (D) Recommendations to the Legislature for legislative or  
14 agency actions to implement the strategic plan. The  
15 recommendations shall include ~~both of the following:~~

16 ~~(A) Recommendations~~ *recommendations* on how to overcome  
17 market barriers and accelerate progress in green hydrogen  
18 production and use, including through demonstration projects,  
19 incentives, financing mechanisms, or other policies, and  
20 recommendations to maximize economic, environmental, and  
21 equity benefits resulting from increased utilization of green  
22 hydrogen.

23 ~~(B) An analysis of how curtailed power could be better utilized~~  
24 ~~to help meet the goals set forth in this division, including, but not~~  
25 ~~limited to, whether curtailed power could be made available for~~  
26 ~~the production of green hydrogen. The state board shall consult~~  
27 ~~with the Independent System Operator in the preparation of the~~  
28 ~~analysis.~~

29 (E) *A strategic plan for supporting hydrogen infrastructure and*  
30 *end uses in difficult to decarbonize sectors of the economy for the*  
31 *purpose of preparing infrastructure and end uses for green*  
32 *hydrogen deployment. This plan shall identify policies that promote*  
33 *the reduction of economywide emissions of greenhouse gases*  
34 *through the deployment of hydrogen, including green hydrogen,*  
35 *while ensuring that hydrogen infrastructure will support the*  
36 *employment of a skilled and trained workforce in California to*  
37 *perform that work.*

38 (F) *The strategic plan should also include the potential for other*  
39 *forms of hydrogen, outside of green hydrogen, to achieve emission*

1 *reductions that can contribute to achieving the state’s climate,*  
2 *clean energy, and clean air objectives.*

3 ~~(b)~~

4 (2) An analysis of how curtailed ~~power~~ *electrical generation*  
5 could be better utilized to help meet the goals set forth in this  
6 division, including, but not limited to, whether curtailed ~~power~~  
7 *electrical generation* could be made available for the production  
8 of green hydrogen. The state board shall consult with the  
9 Independent System Operator in the preparation of the analysis.

10 (b) *In developing the strategic plan pursuant to subdivision (a),*  
11 *the state board shall consult the California Workforce Development*  
12 *Board and labor and workforce organizations, including those*  
13 *that administer state approved apprenticeship programs that train*  
14 *workers to construct, install, and maintain hydrogen infrastructure.*

15 SEC. 3. Section 25327.5 is added to the Public Resources Code,  
16 to read:

17 25327.5. (a) ~~By June 1, 2022, the commission shall, in~~  
18 ~~accordance with Section 9795 of the Government Code, submit a~~  
19 ~~report to the Legislature studying and modeling green hydrogen,~~  
20 ~~as defined in subdivision (a) of Section 400.2 of the Public Utilities~~  
21 ~~Code, and its role in decarbonizing the power and transportation~~  
22 ~~sectors. As part of its next update to the report required pursuant~~  
23 ~~to section 25301, the commission shall study and model potential~~  
24 ~~growth for hydrogen and its role in decarbonizing the electrical~~  
25 ~~and transportation sectors of the economy, and helping to achieve~~  
26 ~~goals set forth in The 100 percent Clean Energy Act of 2018~~  
27 ~~(Chapter 312 of the Statutes of 2018), the California Global~~  
28 ~~Warming Solutions Act of 2006 (Division 25.5 (commencing with~~  
29 ~~Section 38500 of the Health and Safety Code)), and the Clean~~  
30 ~~Energy and Pollution Reduction Act of 2015 (Chapter 547 of the~~  
31 ~~Statutes of 2015). For purposes of this section, “decarbonizing”~~  
32 ~~means reducing or eliminating associated emissions of greenhouse~~  
33 ~~gases.~~

34 (b) Pursuant to Section 10231.5 of the Government Code, this  
35 section becomes inoperative on June 1, 2026, and is repealed on  
36 January 1, 2027.

37 SEC. 4. Section 380.1 is added to the Public Utilities Code, to  
38 read:

39 380.1. ~~The~~ (a) *Except as provided in subdivision (b), the*  
40 *commission shall modify the resource adequacy requirements*

1 established pursuant to Section 380 and accounting rules to provide  
2 equal consideration for dispatchable local and system resource  
3 adequacy resources made from green hydrogen, as defined in  
4 subdivision (a) of Section 400.2.

5 *(b) If insufficient information exists to consider a hydrogen*  
6 *resource pursuant to subdivision (a), the commission may make*  
7 *a finding that the resource cannot be considered for resource*  
8 *adequacy purposes.*

9 SEC. 5. Section 380.6 is added to the Public Utilities Code, to  
10 read:

11 380.6. In a new rulemaking proceeding related to energy  
12 storage, the commission shall consider green *electrolytic* hydrogen,  
13 as defined in subdivision ~~(a)~~ (b) of Section 400.2, as part of  
14 encouraging portfolio diversity.

15 SEC. 6. Section 400.2 of the Public Utilities Code is amended  
16 to read:

17 400.2. For the purposes of this article, the following definitions  
18 apply:

19 (a) “Green hydrogen” means hydrogen gas that is not produced  
20 from fossil fuel feedstock sources and does not produce incremental  
21 carbon emissions during its primary production process.

22 (b) “Green electrolytic hydrogen” means hydrogen gas produced  
23 through electrolysis and does not include hydrogen gas  
24 manufactured using steam reforming or any other conversion  
25 technology that produces hydrogen from a fossil fuel feedstock.

26 SEC. 7. Section 400.3 of the Public Utilities Code is amended  
27 to read:

28 400.3. (a) The commission, State Air Resources Board, and  
29 Energy Commission shall consider green electrolytic hydrogen an  
30 eligible form of energy storage, both green hydrogen and green  
31 electrolytic hydrogen as a zero carbon-emitting resource pursuant  
32 to Section 454.51, and a zero-carbon resource pursuant to Section  
33 454.53, shall work to ~~advance the~~ *include* green hydrogen in the  
34 integrated resource plan required pursuant to Section 454.52, and  
35 shall consider other potential uses of green hydrogen in all of their  
36 decarbonization strategies.

- 1     *(b) A green hydrogen or green electrolytic hydrogen resource*
- 2     *shall only be considered a zero-carbon resource if it complies with*
- 3     *protections against resource shuffling pursuant to section 454.53.*

O

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 15, 2021

Re: 2021 Legislative Platform

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The legislative platform is an attempt to provide overall advocacy principles to the Legislative Committee (Committee) and Board of Directors, as well as provide guidance to Air District staff for the upcoming year.

DISCUSSION

Attached is the legislative platform for 2021, after comments from Committee Members at the February and March Committee meetings. The Committee voted and approved the legislative platform at the March Committee meeting with the inclusion of “Wildfire Smoke Mitigation” for State Legislation and “Climate Change” for Federal Legislation.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent

Attachment 6A: Legislative Platform for 2021



## Legislative Platform (2021)

### State Budget

1. **State Funding for Clean Air Projects:** Advocate for new and continued funding for investment in projects that reduce air pollution and exposure in the Bay Area. The Air District will pursue funding to support programs in the Bay Area Region from all available sources, including Carl Moyer, the Greenhouse Gas Revenue Fund, Assembly Bill (AB) 118, and the Air Pollution Control Fund.
2. **AB 617 Community Air Protection Implementation and Incentive Funding:** Advocate for adequate and continuous funding to support the Air District's AB 617 Community Air Protection Program. The state should provide necessary resources to fund the emissions inventory, regulatory, administrative, air monitoring, and community outreach activities necessary to effectively implement AB 617 requirements. The 2021/22 budget includes \$50 million (M) and \$265M statewide for implementation and incentives, respectively. When possible, the Air District will advocate support for continued funding and/or increases to funding.
3. **Carl Moyer Program AB 1274 Funding:** While passed in 2017 to boost funding to the Carl Moyer Program, AB 1274 funding was collected from certain motor vehicle registrations but not dispersed to air districts due to unchanged state budget caps. The 2021/22 budget corrects this error by providing approximately \$150M in collected funds to the Carl Moyer Program, of which approximately \$25M would go to the Bay Area Air District. The Air District will strongly advocate for this line item.
4. **Carl Moyer/Mobile Source Incentive Fund/AB 118 Reauthorization:** The 2021/22 budget proposes a reauthorization of the Carl Moyer Memorial Air Quality Standards Program, the AB 923 Program (also known as the Air District's Mobile Source Incentive Fund [MSIF]), and the California Energy Commission's AB 118 Program through 2045. These programs currently sunset at the end of 2023. The Air District will strongly advocate for extension of Moyer and 923 as part of the state budget process.
5. **Wildfire Smoke Public Health Response:** The Air District sponsored AB 836 Wildfire Smoke Clean Air Centers Pilot Program by Assemblymember Wicks in 2019, which received funding in the state budget for 2020/21 for \$5M. The 2021/22 budget does not currently fund this program, and the Air District will strongly advocate for continued funding.
6. **Support for Air District Activities Related to Wildfire Mitigation:** The passage of Senate Bill (SB) 1260 in 2018 provided funding for air districts to support prescribed fire and other forest health activities by land managers. The 2021/22 budget includes a small amount of funding for this purpose, which the Air District will continue to advocate for.
7. **Clean Tech Financing:** Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.



## Legislative Platform (2021)

### State Legislation

1. **Vehicle Emissions and Congestion Relief:** Support legislative proposals that encourage active transportation, reduce vehicle miles traveled, and reduce emissions in the transportation sector. Oppose legislative proposals that roll back existing smog check and vehicle maintenance requirements.
2. **Climate Change:** Support legislative proposals that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, accelerate low carbon buildings, supporting Community Choice Aggregation programs, and building energy efficiency in both new and existing buildings.
3. **AB 617 Community Air Protection Program:** Support legislative proposals that seek to reduce emissions and exposure in overburdened communities within the parameters of the Federal Clean Air Act and California Clean Air Act.
4. **Wildfire Smoke Public Health Response:** Support legislative proposals that would improve indoor air quality in public and non-public spaces through improved filtration or weatherization, especially in vulnerable and disadvantaged communities.
5. **Emergency Backup Generation:** Support legislative proposals that seek to reduce diesel particulate emissions in backup generation through use of cleaner generation. Oppose legislative proposals that restrict air district regulatory authority of diesel backup generators.
6. **Toxic Air Emissions:** Support legislative proposals to reduce emissions and exposure of air toxics. Oppose legislation that would potentially result in increases of air toxic emissions in the Bay Area Region.
7. **Stationary Source Greenhouse Gas Authority:** Support legislative proposals to allow local air district the authority to establish stationary source greenhouse gas permit requirements.
8. **Wildfire Smoke Mitigation/Prescribed Fire:** Support legislative proposals to proactively reduce smoke from catastrophic wildfires through responsible fuel management policies, including the use of prescribed fire.



## Legislative Platform (2021)

### Federal Legislation

1. **Federal Funding for Air District Clean Air Programs:** Advocate for continuous and increased funding for Air District programs that reduce emissions and exposure, or that support monitoring and planning efforts in the Bay Area Region, including federal 103 and 105 grants, Diesel Emission Reduction Act grants, and Targeted Airshed Grants.
2. **Wildfire Smoke Public Health Response:** Support federal level efforts, including legislative efforts, to improve wildfire smoke public health response and indoor air quality in the Bay Area Region.
3. **Clean Transportation Programs:** Support efforts to include funding for clean transportation infrastructure in future federal transportation bills and economic stimulus bills.
4. **Clean Energy Programs:** Support efforts to promote clean energy technology through incentive funding or tax credits, especially in disadvantaged communities in the Bay Area. Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
5. **Particulate Matter Standards:** Support efforts to review EPA's 2020 decision to leave federal PM2.5 unchanged, per recommendations of Air District Board and Advisory Committee.
6. **Vehicle Emission Standards:** Support efforts to develop more stringent vehicle emission standards that align with current California standards for light duty, medium duty, and heavy-duty vehicles. Support efforts to retain California vehicle emission standard authority.
7. **Climate Change:** Support federal level efforts, including legislative efforts, that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, accelerate low carbon buildings, supporting Community Choice Aggregation programs, and building energy efficiency in both new and existing buildings.



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 15, 2021

Re: Federal Legislative Update

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Legislative Committee (Committee) will receive an update on recent events of significance on the federal level.

DISCUSSION

Staff will provide a verbal update of any significant bill introductions for the 117th Congress (2021-2022).

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent