

Bay Area Air Quality Management District  
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## **APPROVED 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.

*/s/ Marcy Hirtzka*  
Marcy Hirtzka  
Clerk of the Boards