

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

Summary of Board of Directors  
Legislative Committee Meeting  
Wednesday, April 21, 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, Pauline Russo Cutter, called the meeting to order at 1:00 p.m.

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

Absent: Vice Chairperson Brad Wagenknecht; and Director Erin Hannigan.

Also Present: None.

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

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

Director Haubert made a motion, seconded by Director Hudson, to approve the Minutes of March 17, 2021; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Cutter, Haubert, Hudson, Rennie.

NOES: None.

ABSTAIN: None.

ABSENT: Hannigan, Hopkins, Wagenknecht.

### **3. SACRAMENTO LEGISLATIVE UPDATE**

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Update*. He reported that legislative budget hearings concluded early this year (in March), and that he is waiting for the

Governor's May revision of the Proposed 2021-2022 State Budget to be released. Mr. Abbs added that the early action program funding that the Air District had hoped would be approved did not materialize and has been rolled into regular budget negotiations, but that he is hopeful about certain budget trailer bills that would help the Air District's programs and initiatives.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed elements of Assembly Bill (AB) 617 that are not receiving Cap and Trade Program revenues in the Proposed 2021-2022 State Budget; and whether the Governor's May revision of the Proposed 2021-2022 State Budget will include federal stimulus funding for certain state programs.

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 allow air districts to adopt local rules related to toxic air contaminants at indirect sources of air pollution and allow collection of data that will help air districts work with these sources and communities to reduce health impacts. Mr. Abbs announced that this bill will not moving forward in 2021.
- **AB 762 (Lee & C. Garcia) – Hazardous Emissions and Substances: School Sites; Private and Charter Schools.** This bill would require that private schools and charter schools meet the same siting requirements as public schools. This bill was presented to the Assembly's Environmental Safety and Toxic Materials Committee and will be heard in the Assembly's Education Committee on April 28, 2021. Mr. Abbs mentioned that he will discuss concerns about this bill with the California Association of School Business Officials.

Public Comments

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

NOTED PRESENT: Director Hopkins was noted present at 1:26 p.m.

Committee Comments

The Committee and staff discussed whether charter schools are opposing AB 762 (Lee and C. Garcia) and how much opposition is anticipated as the bill moves forward in the legislative process; and whether to find another author for the toxic air contaminants bill or salvage and move it forward in 2022.

## Committee Action

None; receive and file.

### 5. CONSIDERATION OF NEW BILLS

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

- **AB 1346 (Berman) – Air Pollution: Small Off-Road Engines.** This bill would require the California Air Resources Board, by July 1, 2022, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines. 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. **(SUPPORT)**
- **AB 1547 (Reyes) – Air Pollution: Warehouse Facilities.** This bill would authorize the State Air Resources Board to regulate indirect sources. 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.
- **AB 1001 (C. Garcia) – Environment: Air Pollution and Mitigation Measures for Air and Water Quality Impacts.** 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 provide that industrial sources that, as of January 1, 2027, were subject to the market-based compliance mechanism and that fail to implement BARCT by December 31, 2023, are not eligible to participate in the market-based compliance mechanism. Because this bill would impose additional duties on air districts, this bill would impose a state-mandated local program.
- **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 require the state board, by January 1, 2024, to take specified actions to meet the goals of the Clean Cars 4 All Program.
- **AB 794 (Carrillo) – Air Pollution: Purchase of New Vehicles: Incentive Programs: Eligibility: Labor and Workforce Standards.** This bill would establish specified labor and workforce standards that a manufacturer of new vehicles would be required to meet in order for the vehicles to be eligible under the incentive programs. The bill would specify that new vehicles eligible for incentives would be required to comply with the Federal Transit Administration's domestic content standards for federal procurement of vehicles. The bill would require that 100% of the vehicles eligible for incentives be assembled at a final assembly point, as defined, in the United States. 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 for new vehicles under the incentive programs.
- **Senate Bill (SB) 67 (Becker) – Clean energy: California 24/7 Clean Energy Standard Program.** 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 load, as defined, annually and at least 60% of retail load within certain subperiods by December 31, 2030, and 90% of retail load annually and at least 75% of retail load 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.

- **SB 18 (Skinner) – Green Electrolytic Hydrogen.** 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 in California and an analysis of how curtailed 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.

Other bills highlighted by Mr. Abbs included:

- **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. The bill would require the department to develop the California State Building Decarbonization Plan that will lead to the operational carbon-neutrality of all state-owned buildings by January 1, 2035. The bill would, except as provided, prohibit state agencies from providing funding or other support for projects for the construction of residential and nonresidential buildings that are connected to the natural gas grid.
- **AB 363 (Medina) – Carl Moyer Memorial Air Quality Standards Attainment Program.** This bill would require the state board, by July 1, 2022, to revise the program guidelines to provide additional incentives for projects eligible for program funding that are deployed in disadvantaged communities, as defined. The bill would also require the state board to revise the program guidelines, for purposes of the VIP, to allow all on-road heavy-duty vehicle types, regardless of vehicle type or application, to participate in the VIP, existing engines, as defined, to be replaced with new engines with lower emissions, and fleets participating in the VIP to lease replacement vehicles, as specified, among other VIP modifications.
- **AB 619 (Calderon) – Lung Health.** This bill would require the department to conduct a Chronic Obstructive Pulmonary Disease (COPD) Provider Awareness Campaign to increase awareness of COPD, as specified, and to target the COPD Provider Awareness Campaign to, among others, primary care providers and family care providers. The bill would make related findings and declarations. This bill would require the department to develop a plan, addressing specified issues, with recommendations and guidelines for counties to use in the case of a significant air quality event caused by wildfires or other sources. The bill would require the department to consult with specified stakeholders in developing the plan. The bill would also require the department, in consultation with the State Air Resources Board, to undertake a statewide public educational campaign regarding wildfires and other environmental hazards triggering asthma, COPD, and other respiratory illnesses. This bill would require a county, in advance of its next emergency plan update, to create a task force to use the air quality plan developed by the department and to develop a county-specific plan

that addresses all of the recommendations and guidelines of the department’s air quality plan, as specified. By requiring a county to create an air quality emergency planning task force, this bill would impose a state-mandated local program.

- **AB 1205 (Frazier) – State Air Resources Board: Elections.** This bill would require, as of January 1, 2025, that the state board consist of 14 voting members, 11 of whom shall be elected by district voters and 3 of whom shall be appointed by the Governor, the Senate pro Tempore, and the Speaker of the Assembly. The bill would provide that each elected state board member shall serve a 4-year term commencing on January 1 of the calendar year following a statewide election, with the first state board election occurring in 2024, and that no elected state board member shall serve more than a total of 3 terms. The bill would provide that the office of an elected state board member shall be a nonpartisan office, subject to the provisions specified in the Elections Code for nominations and elections. The bill would require the state board, on or before January 1, 2023, and within one year of each federal decennial census, to establish and adopt 11 districts within the state, as provided, and develop a map depicting the geographical boundaries of each district. The bill would require the state board to engage the public, as specified, prior to adopting the district boundaries and map. The bill would require that a vacancy of an elected state board position be filled by the Governor within 30 days of the date on which the vacancy occurs, and would identify the process pursuant to which an elected state board member may be recalled.
- **SB 475 (Cortese) - Transportation Planning: Sustainable Communities Strategies.** This bill would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities’ strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan’s consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity. The bill would also require the State-Regional Collaborative for Climate, Equity, and Resilience to identify best practice implementation actions and generate point-based climate impact scores for each implementation action. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience, on or before December 31, 2022, to issue its recommendations to the State Air Resources Board for incorporation into the new guidelines for sustainable communities’ strategies. The bill would require the State Air Resources Board, in consultation with California Transportation Commission and the Department of Housing and Community Development, to identify regional greenhouse gas emission reduction targets for long-range strategies through 2050 and near-term implementation actions through 2030 to reduce emissions from automobiles and light trucks. The bill would require the State Air Resources Board to demonstrate, by March 30, 2023, how the targets could be achieved with existing revenues using tools developed by the State-Regional Collaborative for Climate, Equity, and Resilience, and would require an opportunity for public comment and a public hearing before adoption of targets on or before June 30, 2023. The bill would require the state board to update the regional greenhouse gas emission reduction targets for near-term implementation actions every 4 years consistent with each metropolitan planning organization’s timeframe for updating its regional transportation plan under federal law until 2050 and ensure that the targets are achievable within the context of

each region’s approach to meeting specified housing goals and climate adaptation strategies. The bill would also require the State Energy Resources Conservation and Development Commission, on or before July 1, 2023, and in consultation with various state entities, to set regional building decarbonization targets for 2030 and 2045 consistent with the state’s targets for reducing emissions of greenhouse gases in the state’s residential and commercial building stock for each geographic area represented by a metropolitan planning organization.

- **AB 585 (Rivas) - Climate change: Extreme Heat and Community Resilience Program.** This bill would establish the Extreme Heat and Community Resilience Program and would require the Office of Planning and Research to administer the program. Under the program, the bill would require the Office of Planning and Research to coordinate the state’s efforts to address extreme heat and to facilitate the implementation of local, regional, and state climate change planning into effective projects through the awarding of competitive grants to eligible entities for implementation of those projects. The bill would establish the Extreme Heat and Community Resilience Fund in the State Treasury and would require the office, upon appropriation by the Legislature, to expend moneys in the fund for the implementation of the program.

#### Public Comments

None; receive and file.

#### Committee Comments

The Committee and staff discussed the anticipated timeline for AB 1346 (Berman) and whether it applies to new engines or leaf blowers; positions that local Community Choice Energy organizations are adopting regarding SB 67 (Becker), and what are the amendments to that bill the Air District wants; regarding AB 1205 (Frazier), concerns about a lack of campaign funds for candidates from disadvantaged/low-income communities, and whether the Air District should allocate funds for candidates to support; and the request that the Air District monitors AB 1205 (Frazier) regarding the composition of the California Air Resources Board’s Governing Board.

#### Committee Action

Director Hudson made a motion, seconded by Director Canepa, to recommend the Board **adopts** a position of SUPPORT on AB 1346 (Berman); and the motion carried by the following vote of the Committee:

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

## **6. 2021 LEGISLATIVE PLATFORM**

Mr. Abbs gave the staff presentation *2021 Legislative Platform*, including three sections – state budget, state legislation, and federal legislation.

<b>Topic</b>	<b>State Budget</b>	<b>State Legislation</b>	<b>Fed. Legislation</b>
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	X
Emergency Backup Generation		X	
Toxic Air Emissions		X	
Stationary Source Greenhouse Gas Authority		X	
Wildfire Smoke Mitigation/Prescribed Fire		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

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

**7. FEDERAL LEGISLATIVE UPDATE**

Mr. Abbs gave the staff presentation *Federal Legislative Update*. Mr. Abbs stated that that the Air District's 2021 Legislative Platform (Item 6) now includes comments made by Committee members at the March 17, 2021 Committee meeting.

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, 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 meeting adjourned at 2:33 p.m.

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