The California Air Resources Board’s (CARB or Board) May meeting was held on June 22, 2017 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

DISCUSSION ITEMS

17-6-2: The 2016 Haagen-Smit Clean Air Awards

The Board presented the 2016 Haagen-Smit Clean Air Awards to recognize individuals that have made significant contributions to improving air quality and climate. The Haagen-Smit Clean Air Awards are given annually to scientists, legislators, professors, activists, business leaders, and others who have made significant contributions toward improving air quality, public health, and our understanding of climate change issues. This year’s five recipients are Chester J. France, the Former Director of the Assessment and Standards Division at U.S. EPA, Daniel Greenbaum, the President and CEO, Health Effects Institute, Joyce E. Penner, Professor of Atmospheric Science at University of Michigan, Veerabhadran Ramanathan, Distinguished Professor of Atmospheric and Climate Sciences at Scripps Institution of Oceanography, University of California at San Diego and Anumita Roychowdhury, Executive Director for Research and Advocacy, Centre for Science and Environment, India.
17-6-5: Public Meeting to Hear the Enforcement Division 2016 Annual Report

The Board heard a presentation from staff on the Enforcement Division 2016 Annual Report highlighting the 2016 enforcement activities for key CARB programs including truck and bus requirements, vehicle certification and aftermarket parts, consumer products, ocean-going vessels and other programs enforced by the Division. Staff also described recent activities in the portable equipment registration program and staff’s latest efforts to enhance enforcement in disadvantaged communities. Finally, staff provided estimates of compliance rates in key programs and informed the Board of the Division’s goals for 2017 and beyond.

17-6-1: Public Meeting to Hear an Informational Update on the Enhanced Fleet Modernization Program and Plus-Up Car Scrap and Replace Programs

The Board heard an informational update on the performance and impacts of the Enhanced Fleet Modernization Program and the Plus-Up Car Scrap and Replace Program. The briefing discussed the program’s focus on lower-income consumers, expanded outreach and consumer protections, increased flexibility to allow region-specific approaches, assurance that retired vehicles could operate to maximize air quality benefits, creation of the EFMP Plus-Up, and direct Cap-and-Trade auction proceeds to benefit disadvantaged communities. Staff also discussed the potential expansion of the program and its integration with other light-duty incentive programs.

SCAQMD Staff Comments/Testimony: Staff provided comments in support of the EFMP program and future expansion of the program.

17-6-3: Public Meeting to Hear an Informational Update on the Red Sticker Off-Highway Recreational Vehicle Program

The Board heard an informational update on staff’s assessment of the effectiveness of the Red Sticker Off-Highway Recreational Vehicle (OHV) program. The program was adopted by the Air Resources Board in 1998 in response to industry’s concerns over the availability of OHVs capable of meeting the Board’s new exhaust emissions standards. The Red Sticker program allowed manufacturers to certify vehicles as emissions non-compliant, having no engine controls and relying on limited usage restrictions to provide needed emissions reductions during the ozone season. In 2013, the Board considered evaporative emissions standards for OHVs but excluded the Red Sticker vehicles to allow staff additional time to assess the program and consider solutions to reduce both exhaust and evaporative emissions from the Red Sticker vehicles. Staff will work with stakeholders to develop regulations and return to the Board with proposals to sunset the program, clarify competition definitions, and adopt lower emissions standards for On-road motorcycles and OHVs.
17-6-4: Public Meeting to Hear the 2017 Progress Report on the Low Carbon Fuel Standard

The Board heard a progress report on implementation of the Low Carbon Fuel Standard (LCFS) program. The LCFS program was first adopted in 2009 and re-adopted in 2015 with the goal to reduce the carbon intensity (CI) of transportation fuels by at least 10 percent by 2020. The benefits of the LCFS program include the reduction of greenhouse gases, encouraging the transformation and diversify of California’s fuel options, reducing our dependency on petroleum, and reducing emissions of criteria pollutants and toxics. In the presentation, staff discussed progress in achieving LCFS targets, the availability of ultra-low carbon fuel to achieve the standards, and benefits of specific provisions within the regulation. The Board heard that the LCFS program is ahead of schedule having achieved a 2.6 percent reduction in average CI so far, that low carbon diesel substitutes made up over 12 percent of the energy used in heavy duty vehicles in California in 2016, and that nearly 10 million excess credits are now banked. Staff also informed the Board about current work developing post-2020 targets that the Board is scheduled to consider in early 2018.

Attachment
CARB June 22, 2017 Meeting Agenda
Thursday
June 22, 2017
9:00 a.m.

DISCUSSION ITEMS:

Note: The following agenda items may be heard in a different order at the Board meeting.

Agenda Item #

17-6-2: The 2016 Haagen-Smit Clean Air Awards

The recipients of the 2016 Haagen-Smit Clean Air Awards will be presented with their awards. The Air Resources Board annually presents the Haagen-Smit Clean Air Awards to esteemed persons in the air quality and climate change community – scientists, legislators, professors, activists, business leaders, and others who have made significant contributions toward improving air quality, public health, and our understanding of climate change issues.

More Information  Staff Presentation

17-6-5: Public Meeting to Hear the Enforcement Division 2016 Annual Report

The Board will hear the Enforcement Division 2016 Annual Report, which will include highlights of 2016 enforcement activities in key programs including truck and bus requirements, vehicle certification and aftermarket parts, consumer products, ocean-going vessels and other programs enforced by the Division. Staff will also describe recent activities in the portable equipment registration program and efforts to enhance enforcement in disadvantaged communities. Finally, staff will provide estimates of compliance rates in key programs and explain the Division’s goals for 2017 and beyond.

More Information  Staff Presentation

17-6-1: Public Meeting to Hear an Informational Update on the Enhanced Fleet Modernization Program and Plus-up Car Scrap and Replace Programs

The Board will hear an informational update on the program’s performance and impacts from changes made in June 2014, including a discussion on the expansion of the program and potential integration with other light-duty incentive programs.

More Information  Staff Presentation
17-6-3: Public Meeting to Hear an Informational Update on the Red Sticker Off-Highway Recreational Vehicle Program

The Board will hear an informational update on staff’s assessment of the effectiveness of the Red Sticker program. This program was adopted by the Air Resources Board in 1998 in response to industry’s concerns over the availability of off-highway recreational vehicles capable of meeting the Board’s new exhaust emissions standards. The Red Sticker program allows manufacturers to certify vehicles as emissions non-compliant, relying on limited usage restrictions to provide needed emissions reductions during the ozone season. In 2013, the Board considered evaporative emissions standards for off-highway recreational vehicles that would have included Red Sticker vehicles. Red Sticker vehicles were ultimately excluded from the regulation to allow staff additional time to develop an assessment of the program and a holistic solution to reduce both exhaust and evaporative emissions from Red Sticker vehicles.

More Information  Staff Presentation

17-6-4: Public Meeting to Hear the 2017 Progress Report on the Low Carbon Fuel Standard

The Board will hear a progress report on implementation of the Low Carbon Fuel Standard (LCFS) program. The report will include discussion of progress on achieving LCFS targets, ultra-low carbon fuel availability to achieve the standards, and program benefits provided by specific provisions within the regulation.

More Information  Staff Presentation

CLOSED SESSION

The Board will hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation, and as authorized by Government Code section 11126(a):


California Chamber of Commerce et al. v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2012-80001313; plaintiffs’ appeal, California Court of Appeal, Third District, Case No. C075930.


POET, LLC, et al. v. California Air Resources Board, et al., Superior Court of California (Fresno County), Case No. 09CECG04659; plaintiffs’ appeal, California Court of Appeal, Fifth District, Case No. F064045; California Supreme Court, Case No. S213394 [remanded to trial court]; plaintiff’s appeal of trial court order discharging peremptory writ of mandate, Court of Appeal, Fifth District, Case No. F073340.

POET, LLC, et al. v. California Air Resources Board, et al., Superior Court of California (Fresno County), Case No. 15CECG03380.


Sowinski v. California Air Resources Board, et al., U.S. District Court, Central District of California, Case No. 8:15-CV-02123.


Transportation Solutions Defense and Education Fund v. California Air Resources Board, Fresno County Superior Court, Case No. 14CECG01788 (plaintiff’s transfer to Sacramento Superior Court, Case No. 34-2014-80001974-CU-WM-GDS).

Adam Brothers Farming, Inc. v. California Air Resources Board, et al., Santa Barbara County Superior Court, Case No. 15 CV04432.

Alliance for California Business v. California Air Resources Board, et al., Glenn County Superior Court, Case No. 13CV01232; plaintiffs’ appeal, Court of Appeal, Third District, Case No. C082828.

Alliance for California Business v. California State Transportation Agency, et al., Sacramento County Superior Court, Case No. 34-2016-80002491.

American Coatings Association, Inc. v. State of California and California Air Resources Board, Sacramento County Superior Court, Case No. 04CS01707.


Hamilton v. California Air Resources Board, et al., U.S. District Court for the Eastern District of California, Case No. 1:15-CV-01942-AWI-SKO.

John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al., Fresno County Superior Court, Case No. 14-CECG01494; ARB’s appeal, Court of Appeal, Fifth District, Case No. F074003.

Truck Trailer Manufacturers Association, Inc. v. United States Environmental Protection Agency, et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1430.


California Air Resources Board v. Bombardier Recreational Products, Los Angeles Superior Court, Case No. BC608480.

California Air Resources Board v. BP West Coast Products LLC, Contra Costa County Superior Court, Case No. C12-00567.

California Air Resources Board v. SSA Containers, Inc., Los Angeles County Superior Court, Case No. BC628573 and No. BC628722.

California Air Resources Board v. West Coast Diesel, Inc., Fresno County Superior Court, Case No. 15 CECG 03337.

California Air Resources Board v. Adam Brothers Farming Inc., Santa Barbara County Superior Court, Case No. 16CV01758.

People of the State of California ex rel. California Air Resources Board v. Marten Transport Logistics, LLC, Los Angeles County Superior Court, Case No. BC645288.

People v. Southern California Gas Company, Los Angeles Superior Court, Case No. BC 602973.

In re: Volkswagen “Clean Diesel” MDL, United States District Court, Northern District of California, Case No. 15-MD-2672-CRB (JSC).

Mahan v. California Air Resources Board, Sacramento County Superior Court, Case No. 34-2016-80002416.

OPPORTUNITY FOR MEMBERS OF THE BOARD TO COMMENT ON MATTERS OF INTEREST

Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.

OPEN SESSION TO PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD ON SUBJECT MATTERS WITHIN THE JURISDICTION OF THE BOARD

Although no formal Board action may be taken, the Board is allowing an opportunity to interested members of the public to address the Board on items of interest that are within the Board’s jurisdiction, but that do not specifically appear on the agenda. Each person will be allowed a maximum of three minutes to ensure that everyone has a chance to speak.

TO ELECTRONICALLY SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:

https://www.arb.ca.gov/lispub/comm/bclist.php

(Note: not all agenda items are available for electronic submittals of written comments.)
PLEASE NOTE: No outside memory sticks or other external devices may be used at any time with the Board audio/visual system or any ARB computers. Therefore, PowerPoint presentations to be displayed at the Board meeting must be electronically submitted via email to the Clerk of the Board at cotb@arb.ca.gov no later than noon on the business day prior to the scheduled Board meeting.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK OF THE BOARD:
1001 I Street, 23rd Floor, Sacramento, California 95814
(916) 322-5594
ARB Homepage: www.arb.ca.gov

SPECIAL ACCOMMODATION REQUEST
Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 7 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alterno u otro idioma
- Una acomodación razonable relacionados con una incapacidad

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 7 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

SMOKING IS NOT PERMITTED AT MEETINGS OF THE CALIFORNIA AIR RESOURCES BOARD