

BOARD MEETING DATE: December 3, 2021

AGENDA NO. 29

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a meeting on November 19, 2021. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Gideon Kracov, Member
South Coast AQMD Governing Board

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The California Air Resources Board (CARB or Board) held a meeting remotely on November 19, 2021 via a web-based videoconferencing service. The key items presented are summarized below.

DISCUSSION ITEMS

21-12-1: Public Meeting to Consider Proposed Research Contract with the University of California, Davis, Titled "Understanding Travel Demand and Built Environment Factors to Optimize Increased Zero Emission Vehicle Access in Underserved Communities"

The Board approved funding for the proposed research contract with the University of California, Davis titled "Understanding Travel Demand and Built Environment Factors to Optimize Increased Zero Emission Vehicle Access in Underserved Communities." Growing the Zero-Emission Vehicle (ZEV) market to meet the Governor's Executive Order N-79-20 goal of 100 percent electric vehicle sales by 2035 and achieving the State's long-term air quality and climate goals will require expanding ZEV access and usage to all California drivers. The research will examine a variety of scenarios to identify the opportunities and barriers to post-pandemic transportation and land-use policies that CARB and the State could institute to help meet California's air quality, climate, and equity goals. Specifically, this research project will help address three core

research questions: 1) are mobility needs being met in underserved communities, 2) how can ZEVs meet the mobility needs of underserved communities, and 3) what barriers exist in ZEV purchase and use in underserved communities? The information that will be gained through this contract will support both the Board's decisions on a variety of ZEV programs and effective program implementation by CARB staff.

21-12-2: Public Meeting to Consider a Proposed Research Contract with the University of California, Los Angeles, Titled "Preterm Birth, Low Birth Weight, Childhood Autism, Parkinson's and Alzheimer Disease and Air Pollution – California Studies"

The Board approved funding for the proposed research contract with the University of California, Los Angeles titled "Preterm Birth, Low Birth Weight, Childhood Autism, Parkinson's and Alzheimer Disease and Air Pollution – California Studies." In April 2020, the Board directed CARB staff to develop new quantitative and qualitative approaches for our health benefit assessment that include additional California-specific health outcomes, such as preterm birth associated with air pollution exposure. The investigators will use novel air pollution modeling techniques to better understand public exposures to criteria and toxic pollutants over the past 20 years and will analyze the health effects of the exposure in racial and ethnic subgroups in addition to the statewide population. The information gained through this contract will support CARB's ability to evaluate the effects of its policies and better determine benefits of future air pollution regulations and policies in California.

21-12-3: The 2019 Haagen-Smit Clean Air Awards

The Board presented the 2019 Haagen-Smit Clean Air Awards. The Haagen-Smit Clean Air Awards are presented annually to extraordinary individuals in recognition of their significant career accomplishments helping improve air quality and address climate change. However, due to the pandemic, the Board presentation of the 2019 Haagen-Smit Clean Air Awards was postponed. In January 2021, the Haagen-Smit Advisory Committee scheduled a belated 2019 Haagen-Smit awards ceremony to coincide with the dedication of the new Riverside campus. The 2019 Award Recipients were: Karl Taylor, Ph.D. who is being honored in the Climate Change Science category; Joy Williams, MPH, who is being honored in the Community Service and Environmental Justice category; Janice E. Nolen, M.A. who is being honored in the category of Education; Junji Cao, Ph.D. who is being honored in the category of International Leadership; Stephen O. Andersen, Ph.D. who is being honored in the category of Environmental Policy; William B. DeMore, Ph.D. who is being honored in the category of Research; and John Birks, Ph.D. who is being honored in the Science and Technology category.

21-12-4: Public Hearing to Consider Proposed Fiscal Year 2021-22 Funding Plan for Clean Transportation Incentives Accompanied by Proposed Carl Moyer Program Changes, Agricultural Burning Incentives for Combustion Equipment, and the Climate Heat Impact Response Program.

The Board approved the proposed Fiscal Year 2021-22 Funding Plan for Clean Transportation Incentives and other accompanied proposals including changes to the Carl Moyer Program, agricultural burning incentives for combustion equipment in the San Joaquin Valley, and staff's Climate Heat Impact Response Program (CHIRP) Plan. To achieve California's numerous climate change, air quality, zero-emission vehicle (ZEV) deployment, and petroleum reduction goals, CARB has adopted an aggressive, multi-pronged strategy that uses incentives to complement regulatory approaches. Annually, the State appropriates funding to a portfolio of incentive programs, and each program plays a unique role in improving air quality, enhancing community protection, and reducing greenhouse gas emissions. The FY 2021-22 Funding Plan will continue to build on investments from previous budget cycles. These projects are designed to achieve both immediate emission reductions and, as emphasized in Governor Newsom's Executive Order N-79-20, support the transformation of California's vehicle and equipment fleet to one that is zero-emitting, where feasible. In designing these investments, CARB strove to maximize the benefits for disadvantaged communities, low-income communities, and low-income households.

South Coast AQMD Staff Comments/Testimony: Staff provided testimony regarding the investment plan and proposed changes to the Carl Moyer Program. Although increasing the cost-effectiveness limit is helpful, staff indicated there is a list of changes that the Air Districts have been advocating through CAPCOA with CARB but no changes have been implemented. The South Coast Air District urged CARB to reconvene the advisory committee comprised of CARB Board Members, including Vice-Chair Berg, and Board Members Kracov, Hurt and Pacheco-Werner, to ensure that changes to Moyer will be effective in replacing older diesel, on-road heavy-duty trucks.

21-12-5: Public Hearing to Consider Draft Final Cap-and-Trade Auction Proceeds Fourth Investment Plan: Fiscal Years 2022-23 through 2024-25

The Board approved Resolution 21-25 in support of the recommendations included in the *Draft Final Cap-and-Trade Auction Proceeds Fourth Investment Plan* (Draft Final Fourth Investment Plan). Each year, the Legislature and the Governor work together to develop an expenditure plan for the Greenhouse Gas Reduction Fund (GGRF) through the annual budget act. The GGRF funds California Climate Investments programs to facilitate greenhouse gas (GHG) emission reductions programs and provide a variety of co-benefits.

The Health and Safety Code requires the Department of Finance, in consultation with CARB and other State agencies, to submit an Investment Plan to the Legislature every three years to help guide the Legislature and Governor in developing the expenditure plan. The Draft Final Fourth Investment Plan identifies high-level strategies to facilitate GHG emission reductions while supporting the State's other climate, environmental equity, and economic goals. The Draft Final Fourth Investment Plan establishes five guiding principles to prioritize investments, these are: to support implementation of State climate goals; to advance equity and environmental justice; to improve public health; to support a climate-resilient and a prosperous economic future; and to foster interagency coordination. CARB staff will work with the Department of Finance to develop a final Cap-and-Trade Auction Proceeds Fourth Investment Plan, which the Department of Finance will submit to the Legislature in January 2022. The Fourth Investment Plan will serve as a resource for the annual budget process for Fiscal Years 2022-23 through 2024-25.

21-12-6: Public Hearing to Consider Proposed Amendments to the Commercial Harbor Craft Regulation

The Board heard the first of two hearings on the Proposed Amendments to the Commercial Harbor Craft Regulation (CHC Amendments). While the existing CHC Regulation has resulted in important emission reductions, to meet State and federal air quality mandates, additional emissions reductions from CHCs will be needed. Many of these vessels operate in or adjacent to disadvantaged communities, and emission reductions from these vessels will directly benefit these communities that experience significant burden from air pollution. In addition, the CHC Amendments will support Governor Newsom's Executive Order N-79-20 which directed CARB to transition, where feasible, off road vehicles and equipment to 100 percent zero emissions by 2035. The Proposed CHC Amendments would apply more stringent requirements to in use and new vessels and expand the regulatory requirements to vessel categories that were previously exempt from the existing CHC regulation. Furthermore, the CHC Amendments will apply reporting, infrastructure, and other requirements onto facilities, such as seaports, terminals, marinas, and harbors that conduct business with CHC. It will also require the use of renewable diesel, biennial opacity testing, and fees. Emission reductions will begin in 2023 when the Proposed Amendments impose new emission reduction and fuel requirements. The CHC Amendment will reduce the incidence of premature deaths, hospital admissions, and emergency room visits, as well as reducing criteria pollutants and GHGs. The Board heard from many commercial harbor craft vessel owners and operators, particularly those associated with commercial passenger fishing vessels expressing concerns about costs, scheduled, and feasibility. Others testified that the Board should strive to electrify several other categories of vessels. Staff plan to work on streamlining the exemption process as well as refining the scope and timing of a technology and implementation assessment to be completed within the next

few years. The Board will consider adoption of the CHC Amendments at a subsequent hearing scheduled for the Spring of 2022.

Attachment

CARB November 19, 2021 Meeting Agenda



Public Meeting Agenda

Friday, November 19, 2021

In accordance with recently enacted legislation, [Assembly Bill 361](#) (Chapter 165, Stats. of 2021) the November 19, 2021, meeting of the California Air Resources Board will not have a physical location open to the public. It will be a remote-only meeting conducted via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

[Register for the Webinar](#) – for those who wish to comment verbally at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833

Webinar ID: 865 9912 9877

To only watch the Board Meeting and not provide verbal comments, please view the webcast. The webcast is the same video stream offered by the California Air Resources Board (CARB or Board) during normal Board Meetings. If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments.

[Webcast](#) – for those who only plan to observe the hearing.

[How to Participate in the Remote Board Meeting](#)

[Como Participar en la Reunión del Consejo a Distancia](#)

[Agenda de la Reunión del Consejo del 19 de noviembre de 2021](#)

Spanish interpretation will be provided for the November 19, 2021, Board Meeting.

Friday, November 19, 2021 @ 9:00 a.m.

Discussion Items:

21-12-1: Public Meeting to Consider Proposed Research Contract with the University of California, Davis, titled "Understanding Travel Demand and Built Environment Factors to Optimize Increased ZEV Access in Underserved Communities"

The Board will consider approval of a research contract to examine mobility needs of underserved communities and how zero-emission vehicles can cost effectively meet this need. This item is added to the agenda to satisfy Board approval requirements in Health and

Safety Code section 1091 because one or more Board members are affiliated with the University of California system.

- [More Information](#)
- [Item Summary](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-12-2: Public Meeting to Consider a Proposed Research Contract with the University of California, Los Angeles, titled "Preterm Birth, Low Birth Weight, Childhood Autism, Parkinson's and Alzheimer Disease and Air Pollution – California Studies"

The Board will consider approving a research proposal regarding quantification of air pollution health impacts. This item is added to the agenda to satisfy Board approval requirements pursuant to Health and Safety Code section 1091 because one or more Board members are affiliated with the University of California system.

- [More Information](#)
- [Item Summary](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-12-3: The 2019 Haagen-Smit Clean Air Awards

The Board will announce the 2019 Haagen-Smit Clean Air Awards, considered the "Nobel Prize" in air quality achievement. These awards recognize extraordinary individuals who have made significant career accomplishments in air quality and climate change. Due to the pandemic, the selection of these 2019 Clean Air Awards has been postponed since April 2020.

- [More Information](#)
- [Item Summary](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-12-4: Public Hearing to Consider Proposed Fiscal Year 2021-22 Funding Plan for Clean Transportation Incentives Accompanied by Proposed Carl Moyer Program Changes, Agricultural Burning Incentives for Combustion Equipment, and the Climate Heat Impact Response Program

The Board will consider staff's proposal for investments appropriated to CARB for clean transportation incentives, as well as proposed changes to related incentive programs.

- [More Information: Carl Moyer Program](#)
- [More Information: Agricultural Burning](#)
- [More Information: Climate Heat Impact Response Program](#)
- [Public Meeting Notice](#)
- [Proposed FY 2021-22 Funding Plan for Clean Transportation Incentives](#)
- [Item Summary](#)
- [Meeting Presentation](#)

- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-12-5: Public Hearing to Consider Draft Final Cap-and-Trade Auction Proceeds Fourth Investment Plan: Fiscal Years 2022-23 through 2024-25

The Board will hear an update on the Draft Final Cap-and-Trade Auction Proceeds Fourth Investment Plan, a Department of Finance document that will guide the investment of Cap-and-Trade auction proceeds from Fiscal Years 2022-23 through 2024-25.

- [More Information](#)
- [Public Meeting Notice](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-12-6: Notice of Public Hearing to Consider Proposed Amendments to the Commercial Harbor Craft Regulation

The Board will consider the Proposed Amendments to the Commercial Harbor Craft Regulation, which aim to further reduce emissions from harbor craft in California. This hearing will be the first of two planned Board hearings.

- [More Information](#)
- [Public Meeting Notice](#)
 - [Errata and Comment Period Extension](#)
- [Item Summary](#)
- [Hearing Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Closed Session

The Board may 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:

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

American Lung Association, et al. v. United States Environmental Protection Agency, et al. (D.C. Cir. 2021) 985 F.3d 914, cert. granted sub nom. *Westmoreland Mining Holdings v. EPA* (U.S., Oct. 29, 2021, No. 20-1778).

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

State of North Dakota, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1242.

State of Wyoming, et al. v. United States Department of the Interior, et al., U.S. District Court, District of Wyoming, Case No. 16-CV-285-SWS; United States Court of Appeals, Tenth Circuit, Case No. 20-8073.

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.

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

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

Western States Petroleum Association v. California Air Resources Board, Los Angeles County Superior Court, Case No. 20STCP03138x.

Westmoreland Mining v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1160.

W.O. Stinson & Son LTD. v. Western Climate Initiative, Inc., Ontario Canada Superior Court, Case No. CV-20-00083726-0000.

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. The public will also have an opportunity to [submit written comments](#) for open session the morning of the Board Meeting.

Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

Please Note: PowerPoint presentations to be displayed during public comment at the Board meeting must be electronically submitted via email to the Clerks' Office 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 Clerks' Office:

1001 I Street, 23rd Floor, Sacramento, California 95814
cotb@arb.ca.gov or (916) 322-5594
CARB 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 Clerks' Office at cotb@arb.ca.gov or at (916) 322-5594 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.

Acomodación Especial

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 alternativo u otro idioma
- Una acomodación razonable relacionados con una incapacidad

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor contacte la oficina del Consejo al (916) 322-5594 o por correo electrónico al cotb@arb.ca.gov 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.