



South Coast Air Quality Management District



21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

LEGISLATIVE COMMITTEE MEETING

Committee Members

Mayor Pro Tem Michael A. Cacciotti, Chair
Council Member Joe Buscaino, Vice Chair
Dr. William A. Burke
Senator Vanessa Delgado (Ret.)
Supervisor V. Manuel Perez
Supervisor Janice Rutherford

May 14, 2021 ♦ 9:00 a.m.

Pursuant to Governor Newsom's Executive Orders N-25-20 (March 12, 2020) and N-29-20 (March 17, 2020), the South Coast AQMD Legislative Committee meeting will only be conducted via video conferencing and by telephone. Please follow the instructions below to join the meeting remotely.

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Audience will be able to provide public comment through telephone or Zoom connection during public comment periods.

PUBLIC COMMENT WILL STILL BE TAKEN

AGENDA

Members of the public may address this body concerning any agenda item before or during consideration of that item (Gov't. Code Section 54954.3(a)). If you wish to speak, raise your hand on Zoom or press Star 9 if participating by telephone. All agendas for regular meetings are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the regular meeting. Speakers may be limited to three (3) minutes each.

CALL TO ORDER

- **Roll Call**

ACTION ITEM (Item 1):

1. Recommend Position on State Bills

(Motion Requested)

This item is to seek approval from the committee on staff's recommendation for position on the following bills:

[Attachment 1a-1d]

<u>Bill#</u>	<u>Author</u>	<u>Bill Title</u>	
AB 1260	Chen	California Environmental Quality Act: exemptions: transportation-related projects	<i>Denise Peralta Gailey Public Affairs Manager, Legislative, Public Affairs & Media pgs 5-12</i>
AB 1346	Berman	Air pollution: small off-road engines	<i>Philip Crabbe III Public Affairs Manager, Legislative, Public Affairs & Media pgs 13-19</i>

DISCUSSION/ACTION ITEMS (Items 2 through 4):

2. Update on South Coast AQMD Board membership legislation
(No Motion Required)
Staff will provide an update on AB 1296 (Kamlager) South Coast Air Quality Management District: District Board: Membership and SB 342 (Gonzalez) South Coast Air Quality Management District: Board Membership.
Philip Crabbe III
3. Update and Discussion on Federal Legislative Issues
(No Motion Required)
Consultants will provide a brief oral report of Federal legislative activities in Washington DC.
[Attachment 2a-2c - Written Reports]
*Gary Hoitsma
Carmen Group
pgs 20-24
Amelia Jenkins
Cassidy & Associates
pgs 25-30
Mark Kadesh
Kadesh & Associates, LLC
pgs 31-32*
4. Update and Discussion on State Legislative Issues
(No Motion Required)
Consultants will provide a brief oral report on State legislative activities in Sacramento.
[Attachment 3a-3c - Written Reports]
*David Quintana
Resolute pgs 33-36
Ross Buckley
California Advisors, LLC
pgs 37-38
Paul Gonsalves
Joe A. Gonsalves & Son
pgs 39-42*

OTHER MATTERS:

5. Other Business

Any member of this body, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, may 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 may take action to direct staff to place a matter of business on a future agenda. (Govt. Code Section 54954.2)

6. Public Comment Period

At the end of the regular meeting agenda, an opportunity is provided for the public to speak on any subject within the Legislative Committee's authority that is not on the agenda. Speakers may be limited to three (3) minutes each.

7. **Next Meeting Date** – Friday, June 11, 2021 at 9:00 am.

ADJOURNMENT

Document Availability

All documents (i) constituting non-exempt public records, (ii) relating to an item on an agenda for a regular meeting, and (iii) having been distributed to at least a majority of the Committee after the agenda is posted, are available by contacting Aisha Reyes at (909) 396-3074, or send the request to areyes2@aqmd.gov.

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the Legislative Committee meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to South Coast AQMD. Please contact Aisha Reyes at (909) 396-3074 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to areyes2@aqmd.gov.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

Please note: During the meeting, all participants will be placed on mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chairman will announce public comment.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.

Directions for Video ZOOM on a DESKTOP/LAPTOP:

- If you would like to make a public comment, please click on the **“Raise Hand”** button on the bottom of the screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for Video Zoom on a SMARTPHONE:

- If you would like to make a public comment, please click on the **“Raise Hand”** button on the bottom of your screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for TELEPHONE line only:

- If you would like to make public comment, please **dial *9** on your keypad to signal that you would like to comment.

South Coast Air Quality Management District
Legislative Analysis Summary – AB 1260 (Chen)
Version: Introduced 2/19/2021
Analyst: DPG

AB 1260 (Chen)

California Environmental Quality Act: exemptions: transportation-related projects.

Summary: This bill would exempt public transit projects to construct or maintain infrastructure to charge or refuel zero-emissions trains from the requirements of the California Environmental Quality Act (CEQA).

Background: CEQA requires a lead agency to prepare and certify the completion of an environmental impact report on a project that may have a significant effect on the environment. CEQA also requires a lead agency to prepare a negative declaration if it finds that the project will not have any effects on the environment or if revisions to a project avoid or mitigate effects on the environment.

CEQA includes exemptions for numerous categories of projects, including projects for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use; and projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission transit buses.

Status: 4/29/2021 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 2.) (April 28). Re-referred to Com. on APPR.

Specific Provisions: Specifically, this bill would exempt, from the requirements under CEQA, projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains, provided that the project is located on property owned by a transit agency or within an existing public right-of-way.

Impacts on South Coast AQMD's Mission, Operations or Initiatives: This bill involves a type of project, i.e. infrastructure for a zero-emission train, that is in line with South Coast AQMD's policy priorities to protect public health, reduce the impacts of air pollution and attain federal air quality standards. That type of project is also consistent with the South Coast AQMD priority to reduce mobile sources of pollution by promoting clean technology and related infrastructure.

However, in contrast, the creation of CEQA exemptions is generally problematic because it eliminates key tools that can be used to ensure that a project is being sited, constructed and implemented in an environmentally safe way. It is also important in helping ensure that surrounding communities are not negatively impacted. Consequently, such exemptions can create a bad precedent.

Recommended Position: NO POSITION

ATTACHMENT 1B

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1260

Introduced by Assembly Member Chen

February 19, 2021

An act to amend Section 21080.25 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1260, as introduced, Chen. California Environmental Quality Act: exemptions: transportation-related projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project 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. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA includes exemptions from its environmental review requirements for numerous categories of projects, including, among others, projects for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use and projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission transit buses.

This will would further exempt from the requirements of CEQA projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains.

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 21080.25 of the Public Resources Code
2 is amended to read:

3 21080.25. (a) For purposes of this section, the following
4 definitions apply:

5 (1) “Affordable housing” means any of the following:

6 (A) Housing that is subject to a recorded covenant, ordinance,
7 or law that restricts rents or sales prices to levels affordable, as
8 defined in Section 50052.5 or 50053 of the Health and Safety
9 Code, to persons and families of moderate, lower, or very low
10 income, as defined in Section 50079.5, 50093, or 50105 of the
11 Health and Safety Code, respectively.

12 (B) Housing that is subject to any form of rent or price control
13 through a public entity’s valid exercise of its police power.

14 (C) Housing that had been occupied by tenants within five years
15 from the date of approval of the development agreement by a
16 primary tenant who was low income and did not leave voluntarily.

17 (2) “Highway” means a way or place of whatever nature,
18 publicly maintained and open to the use of the public for purposes
19 of vehicular travel. “Highway” includes a street.

20 (3) “New automobile capacity” means any new lane mileage
21 of any kind other than sidewalks or bike lanes.

22 (4) “Project labor agreement” has the same meaning as defined
23 in paragraph (1) of subdivision (b) of Section 2500 of the Public
24 Contract Code.

25 (5) “Skilled and trained workforce” has the same meaning as
26 provided in Chapter 2.9 (commencing with Section 2600) of Part
27 1 of Division 2 of the Public Contract Code.

28 (6) “Transit lanes” means street design elements that delineate
29 space within the roadbed as exclusive to transit use, either full or
30 part time.

31 (7) “Transit prioritization projects” means any of the following
32 transit project types on highways:

- 1 (A) Signal coordination.
- 2 (B) Signal timing modifications.
- 3 (C) Signal phasing modifications.
- 4 (D) The installation of wayside technology and onboard
- 5 technology.
- 6 (E) The installation of ramp meters.
- 7 (F) The installation of dedicated transit or very high occupancy
- 8 vehicle lanes, and shared turning lanes.
- 9 (8) “Very high occupancy vehicle” means a vehicle with six or
- 10 more occupants.
- 11 (b) This division does not apply to any of the following projects:
- 12 (1) Pedestrian and bicycle facilities, including new facilities.
- 13 For purposes of this paragraph, “bicycle facilities” include, but
- 14 are not limited to, bicycle parking, bicycle sharing facilities, and
- 15 bikeways as defined in Section 890.4 of the Streets and Highways
- 16 Code.
- 17 (2) Projects that improve customer information and wayfinding
- 18 for transit riders, bicyclists, or pedestrians.
- 19 (3) Transit prioritization projects.
- 20 (4) On highways with existing public transit service or that will
- 21 be implementing public transit service within six months of the
- 22 conversion, a project for the designation and conversion of general
- 23 purpose lanes or highway shoulders to bus-only lanes, for use
- 24 either during peak congestion hours or all day.
- 25 (5) A project for the institution or increase of new bus rapid
- 26 transit, bus, or light rail service, including the construction of
- 27 stations, on existing public rights-of-way or existing highway
- 28 rights-of-way, whether or not the right-of-way is in use for public
- 29 mass transit.
- 30 (6) A project to construct or maintain infrastructure to charge
- 31 or refuel zero-emission transit buses, provided the project is carried
- 32 out by a public transit agency that is subject to, and in compliance
- 33 with, the State Air Resources Board’s Innovative Clean Transit
- 34 regulations (Article 4.3 (commencing with Section 2023) of
- 35 Chapter 1 of Division 3 of Title 13 of the California Code of
- 36 Regulations) and the project is located on property owned by the
- 37 transit agency or within an existing public right-of-way.
- 38 (7) *A project to construct or maintain infrastructure to charge*
- 39 *or refuel zero-emission trains, provided the project is carried out*

1 *by a public transit agency and the project is located on property*
2 *owned by a transit agency or within an existing public right-of-way.*

3 ~~(7)~~

4 (8) The maintenance, repair, relocation, replacement, or removal
5 of any utility infrastructure associated with a project identified in
6 paragraphs (1) to ~~(6)~~, (7), inclusive.

7 ~~(8)~~

8 (9) A project that consists exclusively of a combination of any
9 of the components of a project identified in paragraphs (1) to ~~(7)~~,
10 (8), inclusive.

11 ~~(9)~~

12 (10) A project carried out by a city or county to reduce minimum
13 parking requirements.

14 (c) Except as provided in subdivision (e), a project exempt from
15 this division under this section shall meet all of the following
16 criteria:

17 (1) A public agency is carrying out the project and is the lead
18 agency for the project.

19 (2) The project is located in an urbanized area.

20 (3) The project is located on or within an existing public
21 right-of-way.

22 (4) The project shall not add physical infrastructure that
23 increases new automobile capacity on existing rights-of-way except
24 for minor modifications needed for the efficient and safe movement
25 of transit vehicles, such as extended merging lanes. The project
26 shall not include the addition of any auxiliary lanes.

27 (5) The construction of the project shall not require the
28 demolition of affordable housing units.

29 (6) For a project exceeding one hundred million dollars
30 (\$100,000,000) in 2020 United States dollars, a project exempt
31 from this division under this section shall also meet all of the
32 following:

33 (A) The project is incorporated in a regional transportation plan,
34 sustainable communities strategy, general plan, or other plan that
35 has undergone a programmatic-level environmental review
36 pursuant to this division within 10 years of the approval of the
37 project.

38 (B) The project's construction impacts are fully mitigated
39 consistent with applicable law.

1 (C) (i) The lead agency shall complete and consider the results
2 of a project business case and a racial equity analysis. The Office
3 of Planning and Research may set standards for the project business
4 case and the racial equity analysis or delegate that authority to
5 metropolitan planning organizations.

6 (ii) The project business case required under this subparagraph
7 shall set forth the rationale for why the project should be
8 implemented to solve a problem or address an opportunity, outline
9 strategic goals and objectives of the project, evaluate other options
10 to achieve the project's objectives, describe the economic costs
11 and benefits of the project, describe the financial implications of
12 the project, and establish what is required to deliver and operate
13 the project.

14 (iii) The racial equity analysis required under this subparagraph
15 shall identify the racial equity impacts of the project, identify who
16 will benefit from and be burdened by the project, and, where
17 significant or disproportionate impacts exist, suggest strategies,
18 designs, or actions to mitigate those impacts.

19 (D) The lead agency shall hold noticed public meetings as
20 follows:

21 (i) Before determining that a project is exempt pursuant to this
22 section, the lead agency shall hold at least three noticed public
23 meetings in the project area to hear and respond to public
24 comments.

25 (ii) At least one of the three public meetings shall review the
26 project business case and the racial equity analysis. The review of
27 these documents does not inhibit or preclude application of this
28 section.

29 (iii) The lead agency shall conduct at least two noticed public
30 meetings annually during project construction for the public to
31 provide comments.

32 (iv) The public meetings held pursuant to clauses (i) to (iii),
33 inclusive, shall be in the form of either a public community
34 planning meeting held in the project area or in the form of a
35 regularly scheduled meeting of the governing body of the lead
36 agency.

37 (E) The lead agency shall give public notice of the meetings in
38 subparagraph (D) to the last known name and address of all the
39 organizations and individuals that have previously requested notice

1 and shall also give the general public notice using at least one of
2 the following procedures:

3 (i) Publication of the notice in a newspaper of general circulation
4 in the area affected by the project. If more than one area will be
5 affected, the notice shall be published in the newspaper of largest
6 circulation from among the newspapers of general circulation in
7 those areas.

8 (ii) Posting of the notice onsite and offsite in the area where the
9 project is located.

10 (iii) Posting of the notice on the lead agency’s internet website
11 and social media accounts.

12 (d) (1) Except as provided in subdivision (e), in addition to the
13 requirements of subdivision (c), before granting an exemption
14 under this section, the lead agency shall certify that the project
15 will be completed by a skilled and trained workforce.

16 (2) (A) Except as provided in subparagraph (B), for a project
17 that is exempted under this section, the lead agency shall not enter
18 into a construction contract with any entity unless the entity
19 provides to the lead agency an enforceable commitment that the
20 entity and its subcontractors at every tier will use a skilled and
21 trained workforce to perform all work on the project or a contract
22 that falls within an apprenticeship occupation in the building and
23 construction trades in accordance with Chapter 2.9 (commencing
24 with Section 2600) of Part 1 of Division 2 of the Public Contract
25 Code.

26 (B) Subparagraph (A) does not apply if any of the following
27 requirements are met:

28 (i) The lead agency has entered into a project labor agreement
29 that will bind all contractors and subcontractors performing work
30 on the project or the lead agency has contracted to use a skilled
31 and trained workforce and the entity has agreed to be bound by
32 that project labor agreement.

33 (ii) The project or contract is being performed under the
34 extension or renewal of a project labor agreement that was entered
35 into by the lead agency before January 1, 2021.

36 (iii) The lead agency has entered into a project labor agreement
37 that will bind the lead agency and all its subcontractors at every
38 tier performing the project or the lead agency has contracted to
39 use a skilled and trained workforce.

1 (e) Subdivisions (c) and (d) do not apply to a project described
2 in paragraph ~~(9)~~ (10) of subdivision (b).

3 (f) If the lead agency determines that a project is not subject to
4 this division pursuant to this section, and the lead agency
5 determines to carry out that project, the lead agency shall file a
6 notice of exemption with the Office of Planning and Research and
7 the county clerk of the county in which the project is located in
8 the manner specified in subdivisions (b) and (c) of Section 21152.

9 (g) This section shall remain in effect only until January 1, 2023,
10 and as of that date is repealed.

South Coast Air Quality Management District
Legislative Analysis Summary – AB 1346 (Berman)
Version: As Amended – 3/25/2021
Analyst: PC

AB 1346 (Berman)

Air pollution: small off-road engines.

Summary: This bill would require CARB, 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 (SORE). Those regulations shall apply to SORE produced on or after January 1, 2024, or as soon as CARB determines is feasible, whichever is later.

The bill would also require CARB, to the extent feasible, to make funding available for commercial rebate or similar incentive funding for air districts to implement to support the transition to zero-emission small off-road equipment operations.

Background: SORE are engines that produce 19 kilowatts gross power or less. These engines are primarily used in lawn and garden equipment (such as leaf blowers and lawn mowers) and other outdoor power equipment. SORE have been subject to emission controls by CARB since the 1990s. These small engines emit high levels of air pollutants, including oxides of nitrogen (NO_x), reactive organic gases (ROG), and particulate matter (PM). NO_x and ROG together contribute to the formation of ozone, a criteria air pollutant that has adverse impacts on health, including respiratory symptoms, damage to lung tissue, and worsening of lung disease which can lead to premature death. NO_x also contributes to the formulation of particulate matter (PM), which has direct negative health impacts. Many areas in California currently fail to meet PM standards, including the South Coast Air Basin.

One hour of operation of a commercial leaf blower can emit as much ROG and NO_x as driving 1,100 miles in a 2017 Toyota Camry. In 2020, California daily NO_x and ROG emissions from SORE surpassed emissions from light-duty passenger cars. SORE emitted an average of 16.8 tons per day of NO_x and 125 tons per day of ROG.

If the state does not act, emission levels from small engines are expected to increase. By 2031, small engine emissions will be more than twice those from passenger cars. There are zero-emission equivalents to all SORE that are regulated by CARB, generally electric alternatives that run on batteries or plug into an outlet. Many users, including over half of household users, have already begun the transition to zero-emission equipment. For most household applications, the zero-emission alternatives are in the same price range as the conventional gas-powered equipment. Commercial users require additional batteries but realize cost savings through lower fuel and maintenance costs. Additionally, several air districts provide robust rebate programs to help residential and commercial users make the switch to zero-emission equipment. Eight air districts offer residential rebates. Santa Barbara, San Joaquin Valley, and South Coast offer commercial rebates.

Status: 4/29/2021 - Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 3.) (April 28). Re-referred to Com. on APPR.

Specific Provisions: Specifically, this bill would:

- 1) Require CARB, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new SORE by July 1, 2022.
- 2) Provide that those regulations would apply to engines produced on or after January 1, 2024, or as soon as CARB determines is feasible, whichever is later.
- 3) Require CARB to identify and, to the extent feasible, make funding available for commercial rebate or similar incentive funding as part of any updates to existing applicable funding program guidelines for local air districts to implement to support the transition to zero-emission small off-road equipment operations.

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: The regulations proposed by this bill would only apply to new sales of SORE. Residential and commercial users would be free to continue using gas-powered equipment purchased before the regulations take effect. It is important to note that state regulation of numerous types of equipment is preempted by federal law. However, EPA may authorize CARB to adopt such regulations, similar to the waiver process for motor vehicles. CARB is currently working on a proposed rulemaking to amend SORE regulations. The author states that this legislative effort is complimentary to what CARB is doing and that CARB has provided technical assistance to this legislative effort. CARB is currently proposing to require that all SORE purchased be zero emission (ZE) beginning in 2024, and that small portable generators be ZE by 2028. The bill purposefully refers to rebate/incentive funding in a more general way to allow air districts flexibility as to how to implement it.

The Governor’s Executive Order No. N-79-20 directs CARB to achieve 100 percent zero emissions from off-road equipment in California by 2035, where feasible and cost-effective. California cannot achieve this goal without acting to transition all sales of new equipment to zero-emission equipment. AB 1346 will limit air pollution from small engines and mitigate the negative environmental and health consequences that result from SORE emissions within the South Coast region and the state. This will also help facilitate efforts to attain federal air quality standards within the South Coast.

Recommended Position: SUPPORT

Support:

Active SGV
American Lung Association in California
California Walks

South Coast Air Quality Management District
Legislative Analysis Summary – AB 1346 (Berman)
Version: As Amended – 3/25/2021
Analyst: PC

Carbon Free Mountain View
Coalition for Clean Air
Environment California
Greentown Los Altos
Natural Resource Defense Council
Physicians for Social Responsibility – Bay Area
Regional Asthma Management and Prevention Group
Sierra Club California
The Climate Center
Union of Concerned Scientists
350 Silicon Valley

Opposition:
N/A

ATTACHMENT 1D

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1346

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, Ting, and Friedman*)

February 19, 2021

~~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_x 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_x 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_x 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_x 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.~~

29

30

31 REVISIONS:

32 Heading—Line 5.

33

O



Carmen Group
I N C O R P O R A T E D

To: South Coast AQMD Legislative Committee
From: Carmen Group
Date: April 29, 2021
Re: Federal Update -- Executive Branch

SCAQMD Business Roundtable: On Wednesday, April 28, South Coast AQMD executive leadership held a virtual roundtable meeting with representatives of the nation’s trucking industry – including truck manufacturers and associated groups and trade organizations -- to discuss federal policy and regulatory issues concerning NOx emissions from medium- and heavy duty-trucks, and the significant challenges such emissions are continuing to present to South Coast AQMD and to the nation as a whole in reaching compliance with federal air quality standards. Topics included EPA’s Cleaner Trucks Initiative, and proposals being considered for infrastructure and incentives to advance the transition to a cleaner nationwide truck fleet. Carmen Group coordinated logistics for the meeting, bringing together representatives of five leading truck manufacturers (Cummins, Daimler, Navistar, PACCAR, and Volvo) and 12 groups and organizations (ATA, NADA, EMA, AESI, MECA, MEMA, NAM, NEMA, AVE, DTF, NGVAmerica, and the US Chamber). Previous meetings with this business coalition were held in recent years at in-person settings in Washington, DC. This virtual meeting, like the others, enabled a constructive exchange of information, ideas, and viewpoints. One notable point of consensus was the need to communicate firmly to Congress and the Administration that addressing truck emissions must be given higher priority in current debates over infrastructure and clean energy legislative proposals. Follow-ups and future meetings with this business coalition are being planned.

State and Local Fiscal Recovery Fund – Expected Guidance: Carmen Group continues to be in touch with Treasury Department officials, seeking answers to South Coast AQMD’s specific questions regarding the implementation of the provision of the American Rescue Act (COVID Relief bill) that calls for the distribution of \$350 billion in relief funds to state and local governments and related entities. Formal detailed guidance on this program is being prepared in the Treasury Department and is expected to be released in early May.

Infrastructure by the Numbers: Release of President Biden’s \$2.65 trillion infrastructure plan, along with a competing \$568 billion Republican alternative infrastructure plan, has prompted much commentary about the evolving definition of “infrastructure.” Traditionally, the four essential pillars of most-commonly-understood federal infrastructure investments have all been related to transportation: roads and bridges, public transit, passenger rail, and airports.

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Out of the \$2.65 trillion Biden Plan, a total of \$305 billion is allocated to roads and bridges, public transit, passenger rail, and airports. The Biden Plan assumes this amount will be added to current expenditure levels for these programs which are further assumed to be sustained for eight years and derived from sources outside of the plan.

Alternatively, out of the \$568 billion Republican Plan, a total of \$424 billion is allocated to roads and bridges, public transit, passenger rail, and airports. The Republican plan provides that this amount will replace current spending on these programs. The following provides a quick look at the rough numbers:

Here are current ballpark federal investment levels for these programs, paid for by a combination of highway and aviation trust fund user fees and general funds:

Current Federal Transportation Infrastructure Expenditures (Approx.)

	<u>One Year</u>	<u>Five Years</u>	<u>Eight Years</u>
Roads/Bridges	\$48 billion	\$240 billion	\$384 billion
Public Transit	\$10 billion	\$50 billion	\$80 billion
Passenger Rail	\$2 billion	\$10 billion	\$16 billion
Airports	\$3 billion	\$15 billion	\$24 billion
Total	\$63 billion	\$315 billion	\$504 billion

The \$2.65 trillion Biden Infrastructure Plan (over eight years) assumes the above amounts will stay roughly the same for the next eight years outside of the \$2.65 trillion, then – within the \$2.65 trillion -- adds the following amounts each year for eight years to these programs:

Biden Plan Transportation Infrastructure Expenditure Ad-Ons (Approx.)

	<u>One-Year</u>	<u>Five Years</u>	<u>Eight Years</u>
Road/Bridges	+\$14 billion	+\$70 billion	+\$115 billion
Public Transit	+\$11 billion	+\$55 billion	+\$85 billion
Passenger Rail	+\$10 billion	+\$50 billion	+\$80 billion
Airports	+\$3 billion	+\$15 billion	+\$25 billion
Total Ad-Ons	+\$38 billion	+\$190 billion	+\$305 billion

Meanwhile, the \$568 billion Republican Infrastructure Plan (over five years) simply replaces the current expenditure amounts with the following amounts for these programs:

Republican Plan Transportation Infrastructure Expenditures (Approx.)

	<u>One Year</u>	<u>Five Years</u>
Roads/Bridges	\$60 billion	\$299 billion
Public Transit	\$12 billion	\$61 billion
Passenger Rail	\$4 billion	\$20 billion
Airports	\$9 billion	\$44 billion
Total	\$85 billion	\$424 billion

Environmental Protection Agency

EPA Takes Steps to Revoke Withdrawal of California Waiver: In April, the EPA as expected began the process of undoing the Trump Administration’s withdrawal of California’s waiver to enforce emissions standards for cars and trucks. The process will include a public hearing on June 2 and a public comment period open through July 6.

EPA Awards DERA Grants: In April, the EPA awarded \$10.5 million in Diesel Emission Reduction Act (DERA) funding to replace 473 older diesel school buses. The funds are going to 137 school bus fleets in 40 states, including California, which is receiving \$885,000 that is going to the Center, Elk Grove, River Delta and Robla school districts.

EPA Revamps Science Advisory Committees: The EPA is completely resetting its Science Advisory Board (SAB) and Clean Air Scientific Advisory Committee (CASAC). All current members of these committees are being released, and a new application process instituted. In addition, policies related to these committees are being changed to reflect the priorities of the new administration.

EPA Releases Study on the San Pedro Bay Ports’ Clean Air Action Plan (CAAP): The CAAP is a program at the Ports of Los Angeles and Long Beach, a result of coordination between community members, port operators and state and local agencies to address air quality impacts from port operations. EPA says the effort is paving the way for significantly cleaner air for near-port communities with environmental justice concerns and can serve as a model for port stakeholders nationwide.

EPA Administrator Prioritizes Environmental Justice: EPA Administrator Michael Regan directed all EPA offices to clearly integrate environmental justice considerations into their plans and actions. EPA defines environmental justice as “the fair and meaningful treatment of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and projects.”

EPA Administrator in Joint Statement with Canadian Counterpart: Here is a relevant excerpt from the joint statement:

We also share the priority of making our roads cleaner by tackling vehicle emissions. Recognizing the importance of a zero-emission vehicle future, and understanding our closely connected supply chains, the U.S. and Canada commit to working collaboratively, including with sub-national governments, on stringent short- and long-term vehicle standards to improve fuel efficiency and reduce greenhouse gases from all vehicles – light-, medium- and heavy-duty.

EPA Seeks Experts for National Environmental Education Advisory Council (NEEAC): Applications are due by May 14, 2021.

Department of Transportation

DOT Announces RAISE Grant Program, Replacing BUILD/TIGER: DOT announced in April that \$1 billion was being made available for the FY 21 round of discretionary grants through the program now known as the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program. Maximum grant award is still \$25 million. The Department says it will prioritize projects “that can demonstrate improvements to racial equity, reduce impacts of climate change and create good paying jobs.” Applications are due July 12, 2021.

MARAD Announces Port Infrastructure Funding Availability: The Maritime Administration announced in April that \$230 million was being made available for discretionary grants for port and intermodal projects under the Port Infrastructure Development program. Applications are due July 30, 2021.

FTA Announces Funds Available for Transit Development Planning Grants: The Federal Transit Administration announced that \$10 million was being made available for competitive grants under the Pilot Program for Transit-Oriented Development Planning. Applications are due June 21, 2021.

FTA Awards Four BRT Grants, One in California

The Federal Transit Administration awarded \$187 million for four Bus Rapid Transit (BRT) grants under the Capital Investment Grant program, two in Washington state, one in Utah and one in California. The San Bernardino County Transportation Authority will receive \$86.75 million for a 19-mile zero-emission BRT line that will connect Pomona to Rancho Cucamonga. The project includes the purchase of 40-foot, zero-emission buses, and construction of 21 new bus stations. The BRT will improve transit connections to Ontario International Airport, two Metrolink lines, and multiple major activity centers along Route 61 including Ontario Mills and Victoria Gardens.

DOT Appoints Science Officer and Establishes Climate Change Center: DOT announced the appointment of a Chief Science Advisor for the first time in over 40 years and has begun work to reestablish its Climate Change Center, all in response to the President’s recent Executive Order on Tackling the Climate Crisis.

DOT Joint Statement with Singapore Addresses IMO Issues: Here is a relevant excerpt:

Both sides intend to also strengthen co-operation at the ... International Maritime Organization (IMO), to keep ... maritime transport open, efficient, reliable, safe, sustainable, and resilient, in a manner consistent with applicable international law, and in close consultation with industry and other stakeholders. On climate action and sustainability, this includes: ...At the IMO, to reduce emissions from ships, we plan to work towards at least achieving the ambition reflected in the Initial IMO Strategy on reduction of GHG emissions to halve emissions from ships by 2050 compared to 2008 levels, and to explore strengthening the levels of ambition, with the aim of contributing to the Paris Agreement temperature goals.

Department of Energy

DOE Announces Biofuels Research to Reduce Transportation Emissions: The Department of Energy announced the availability of \$61.4 million for research into technologies that produce low-cost, low-carbon biofuels that could power airplanes, ships, and other heavy-duty vehicles –to help accelerate the path to a net-zero economy by 2050. Applications are due June 21, 2021.

DOE Announces Funds for Research to Reduce Car and Truck Emissions: The Department of Energy unveiled two funding opportunities totaling more than \$162 million to improve efficiency and reduce carbon emissions among cars, trucks, and off-road vehicles. The funding will support the next stage of the SuperTruck initiatives— aimed at electrifying freight trucking—along with efforts to expand electric vehicle (EV) infrastructure and lower emissions for on- and off-road vehicles. Concept papers are due May 13, 2021.

White House

White House Climate Agenda – Selected Activity:

- Environmental Justice Advisory Council -- Members Named (March 29)
- National Climate Task Force – Third Meeting (April 21)
- Earth Day Proclamation (April 22)
- President Biden’s Leaders Summit on Climate (April 22)
- Announcements that US will target:
 - A zero-emission transportation revolution – at home and abroad
 - Reducing emissions by 50-52% by 2030 compared to 2005 levels
 - Joining the zero-emission vehicle transition council
 - Reducing emissions from international shipping
 - Reducing emissions from international aviation

Outreach: Contacts included representatives of all of our business group coalition members focused on truck emission issues. infrastructure and incentives for cleaner truck fleets; Sen. James Inhofe, Senate EPW committee staff, and House T&I committee staff on infrastructure and surface transportation; and Treasury Department, NGA and NACo officials on the American Rescue Act State and Local Fiscal Recovery Fund program.

###



To: South Coast Air Quality Management District
From: Cassidy & Associates
Date: April 27, 2021
Re: April Report

HOUSE/SENATE

At the beginning of the month the Office of Management and Budget submitted to Congress President Biden’s discretionary funding request for Fiscal Year (FY) 22. The “skinny budget” includes proposals to make a historic investment in high-poverty schools, launch the Advanced Research projects Agency for Health, help end the opioid epidemic, improve readiness for future public health crises, invest in tackling the climate crisis, extend housing vouchers and help end homelessness, reinvigorate civil rights enforcement, combat the gun violence public health epidemic, address the root causes of migration from Central America, help end gender-based violence, and to uphold our trust responsibility to tribal nations. A more detailed budget request will be released in the coming weeks.

With respect to the Environmental Protection Agency, the skinny budget requests \$11.2 billion, a 21.3-percent increase from the 2021 enacted level. The request includes the following:

- \$936 million toward a new Accelerating Environmental and Economic Justice initiative;
- \$100 million in air quality grants for States and Tribes to reduce greenhouse gas emissions under the Clean Air Act; and
- \$882 million for the Superfund Remedial program.

For complete information on the President’s FY 2022 discretionary funding request, please visit: <https://www.whitehouse.gov/omb/FY-2022-Discretionary-Request/>

As we slowly make our way towards Appropriations season the current focus is on the proposed infrastructure package and the GOP counterproposal. The Administration’s proposal is roughly \$2 trillion and focused on infrastructure and the climate crisis with a transition to greener energy in eight years. The Republican \$568 billion counterproposal is a five-year

package that they're calling a good-faith effort toward bipartisan negotiations with a focus on traditional infrastructure projects and broadband access. Negotiations and bipartisan conversations are ongoing.

The House is not in session this week and will return on the evening of Tuesday, May 11. When the House returns, they expect to address:

- HR 603 - Raise the Wage Act
- Debt Collection Legislation
- Postal Reform Legislation
- Capitol Security Supplemental
- Senate Hate Crimes Legislation
- Methane Emissions CRA
- Workplace Violence CRA

The Senate is expected to vote on three nominations this week: Jason Scott Miller for Deputy Director for Management at OMB, Janet McCabe to be Deputy Administrator at EPA, and Colin Kahl to be the Under Secretary of Defense for Policy. Senate Majority Leader Schumer is also expected to continue work on the bipartisan Drinking Water and Wastewater Infrastructure Act of 2021, which could pass this week. It is also possible that on Wednesday the Senate will call a vote on a Congressional Review Act resolution disapproving of the Trump administration's rule on methane emissions, which only needs a simple majority to pass.

Congressionally Directed Spending (CDS) guidance is coming from Senators Leahy and Shelby today, announcing the return of earmarks. What to expect:

- Will adhere to Senate Rule 44: <https://www.govinfo.gov/content/pkg/CDOC-113sdoc18/pdf/CDOC-113sdoc18.pdf#page=73>
- Will have additional reforms, to be announced.
- There will be no cap/limit on requests submitted.
- There will be no dollar cap on individual requests or requests in the aggregate.
- Will prioritize requests.
- Will post requests on Member website. Special guidance coming to new members with websites under construction.
- There will be no subcommittee guidance (with eligible accounts) on Monday but should expect that before the end of the recess. Guidance will likely not have deadlines, since Congress is still waiting on the budget - do not expect identical accounts to the House.
- There will be a caucus wide training on earmarks with LDs and approps leads for the offices.
- There will be a 1% cap on earmarks across the entire omnibus/12 bills. TBD on details.
- Leahy's office recommends earmark application windows be between May 1 (or asap after subcommittee guidelines) – May 14, to give offices time to process their requests.

On April 1, the EPA released the case study on California's San Pedro Bay Ports' Clean Air Action Plan (CAAP) addressing air quality and environmental justice in nearby communities. CAAP was the first U.S. port air quality program to include air emission reduction targets. The case study originated from conversations with EPA, the Moving Forward Network and near-port community stakeholders and was developed as part of the EPA Ports Initiative.

The case study summarizes the CAAP's background and history and includes three discussions on environmental justice and levers of community influence; technologies and practices for development and deployment; and an overview of the San Pedro Bay Ports' 2017 Clean Truck Program.

To review the CAAP case study, please visit: <https://www.epa.gov/ports-initiative/san-pedro-bay-ports-clean-air-action-plan-best-practices-and-lessons-learned>

On April 20, the EPA awarded approximately \$10.5 million in Diesel Emissions Reduction Act (DERA) funding to replace 473 older diesel school buses. The funds are going to 137 school bus fleets in 40 states, including California, which is receiving \$885,000 to be awarded to the Center Unified School District, Elk Grove Unified School District, River Delta Unified School District, and the Robla School District. The new buses will reduce pollutants that are linked to health problems such as asthma and lung damage. This is the first year in which EPA is offering additional funds for alternative-fuel and electric bus replacements.

As directed in President Biden's Executive Order 13990 on "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," and in response to requests by states and other stakeholders, the EPA is seeking public input on its reconsideration of the Agency's 2019 action titled The Safer Affordable Fuel-Efficient Vehicles Rules Part One: One National Program Rule (SAFE-1) for the purposes of rescinding the action taken by the prior administration. EPA is reconsidering whether it was proper for EPA to reconsider previously issued CAA waiver, whether EPA's action to withdraw California's waiver in consideration of EPCA preemption was appropriate, whether the SAFE-1 interpretation of the CAA that enabled EPA to withdraw California's waiver was appropriate, and whether the SAFE-1 interpretation of CAA section 177 that could disallow other states' ability to adopt California GHG emission standards was appropriate.

EPA will hold a virtual public hearing on June 2, and the public comment period on the Notice of Reconsideration will be open until July 6. For more information on today's action, the public comment period, and the public hearing details, see <https://www.epa.gov/regulations-emissions-vehicles-and-engines/notice-reconsideration-previous-withdrawal-waiver>

Cassidy and Associates support in April:

- Engagement with Energy and Commerce staff on CLEAN Future Act provisions relevant to SCAQMD.
- Tracking of relevant tax provisions in Senate Democrats' Clean Energy for America Act.
- Tracking infrastructure discussions among House Transportation and Infrastructure Committee, Senate Environment and Public Works Committee, and bicameral leadership.
- Participation in weekly strategy calls with SCAQMD staff.

PANDEMIC RESPONSE PROGRAMS AND AUTHORITIES

Following a thorough safety review, including two meetings of the CDC's Advisory Committee on Immunization Practices, the U.S. Food and Drug Administration and the U.S. Centers for Disease Control and Prevention have determined that the recommended pause regarding the use of the Johnson & Johnson (Janssen) COVID-19 Vaccine in the U.S. should be lifted and use of the vaccine should resume.

The pause was recommended after reports of six cases of a rare and severe type of blood clot in individuals following administration of the Janssen COVID-19 Vaccine. During the pause, medical and scientific teams at the FDA and CDC examined available data to assess the risk of thrombosis involving the cerebral venous sinuses, or CVST (large blood vessels in the brain), and other sites in the body (including but not limited to the large blood vessels of the abdomen and the veins of the legs) along with thrombocytopenia, or low blood platelet counts. The teams at FDA and CDC also conducted extensive outreach to providers and clinicians to ensure they were made aware of the potential for these adverse events and could properly manage and recognize these events due to the unique treatment required for these blood clots and low platelets, also known as thrombosis-thrombocytopenia syndrome (TTS).

The two agencies have determined the following:

- Use of the Janssen COVID-19 Vaccine should be resumed in the United States.
- The FDA and CDC have confidence that this vaccine is safe and effective in preventing COVID-19.

- The FDA has determined that the available data show that the vaccine's known and potential benefits outweigh its known and potential risks in individuals 18 years of age and older.
- At this time, the available data suggest that the chance of TTS occurring is very low, but the FDA and CDC will remain vigilant in continuing to investigate this risk.
- Health care providers administering the vaccine and vaccine recipients or caregivers should review the [Janssen COVID-19 Vaccine Fact Sheet for Healthcare Providers Administering Vaccine \(Vaccination Providers\)](#) and [Fact Sheet for Recipients and Caregivers](#), which have been revised to include information about the risk of this syndrome, which has occurred in a very small number of people who have received the Janssen COVID-19 Vaccine.

CDC's independent Advisory Committee on Immunization Practices met today to discuss the latest data on TTS, hearing from the vaccine manufacturer Janssen and the COVID-19 Vaccine Safety Technical (VaST) Subgroup, as well as a risk benefit analysis. ACIP is committed to be vigilant and responsive to additional information that could impact the risk benefit analysis of any of these vaccines. Vaccine safety monitoring will continue and any new information about TTS will be brought to ACIP as needed.

Assessment of Available Data

Medical and scientific teams at the FDA and CDC reviewed several sources of information and data related to the Janssen COVID-19 Vaccine to reach today's decision.

Specifically, the agencies assessed reports submitted to the [Vaccine Adverse Event Reporting System \(VAERS\)](#), reviewed the medical literature and considered the information from global regulatory partners about thrombosis with thrombocytopenia that have been reported following use of a similar, yet not identical, COVID-19 vaccine using a virus from the adenovirus family that has been modified to contain the gene for making a protein from SARS-CoV-2.

Update on Adverse Events

On April 13, the FDA and CDC announced that, out of more than 6.8 million doses administered, six reports of a rare and severe type of blood clot combined with low blood platelet levels occurring in people after receiving the Janssen COVID-19 Vaccine had been reported to VAERS. In these cases, a type of blood clot called cerebral venous sinus thrombosis (CVST) was seen in combination with low levels of blood platelets (thrombocytopenia).

The agencies can confirm that a total of 15 cases of TTS have been reported to VAERS, including the original six reported cases. All of these cases occurred in women between the ages of 18 and 59, with a median age of 37 years. Reports indicated symptom onset between 6 and 15 days after vaccination.

Monitoring for Safety Will Continue

The surveillance systems that are in place to monitor the safety of COVID-19 vaccines authorized for emergency use are working, as demonstrated by both agencies' quick work to

identify and investigate these rare, but serious adverse events. The FDA and CDC will continue with these efforts to closely monitor the safety of these vaccines.

Reports of adverse events following vaccination can be made to the [Vaccine Adverse Event Reporting System](#).

Additional Resources:

- [Fact Sheet for Healthcare Providers Administering Vaccine](#)
- [Fact Sheet for Recipients and Caregivers](#)
- [CDC Health Alert for Health Care Providers](#)
- [Johnson & Johnson Granting EUA Amendment \(April 23, 2021\)](#)

Reminders:

- FDA holds weekly Virtual Town Halls on COVID Diagnostics, every Wednesday – from 12:15 to 1:15 pm ET. For more information, click [here](#).
- FDA hosts regular webinars to share information and answer your questions about respirators and other personal protective equipment (PPE). The next webinar will be held on February 23 at 12:00 pm ET. For more information, click [here](#).
- [FDA's Coronavirus Disease 2019 \(COVID-19\) webpage](#) provides the latest news and information.
- FDA's COVID-19 Vaccines webpage at www.fda.gov/covid19vaccines highlights new information as it becomes available.
- For a Vaccine Development 101 click [here](#)
- Emergency Use Authorization for Vaccines Explained can be found [here](#)
- FDA Vaccine Facts - [The Path for a COVID-19 Vaccine from Research to Emergency Use Authorization](#)
- FDA's webpage - [A Closer Look at COVID-19 Diagnostic Testing](#) - provides health care providers and other public health professionals, including those who might purchase COVID-19 tests, with more technical information and resources.

End Date/Program

March 27, 2025

Special inspector General for Pandemic Recovery

Sept. 30, 2025

Pandemic Response Accountability Committee, Congressional Oversight Commission

KADESH & ASSOCIATES

South Coast AQMD Report for the May 2021
Legislative Meeting covering April 2021
Kadesh & Associates

April:

This month saw the preliminary rollout of two more components of President Biden's "build back better" agenda, along with progress on the Fiscal Year (FY) 22 budget and appropriations process.

Budget: The timing of the President's full FY22 budget request has been pushed back further into the spring, potentially as far as Memorial Day, but the preliminary spending request was released in early April. This initial document outlines President Biden's requests for discretionary spending levels across government departments and agencies. According to the White House documents, the budget request will include \$11.2 billion for EPA, which includes an additional \$100 million in air quality grants, an increase in funding for the Diesel Emissions Reduction Act grant program, and \$100 million to develop a new community air quality monitoring and notification program. This is just the opening bid in the annual appropriations process that lawmakers will try to complete by the October 1 start of the FY22 fiscal year to avoid a government shutdown. The fast-track process known as reconciliation, which bypasses Senate filibusters, cannot be used for annual appropriations spending. This year, the House has opened up a few categories of annual funding for Community Project Funding projects (also known as earmarks); as of this week, the Senate has agreed to participate in this effort.

Infrastructure: Separately, the White House has provided an initial summary of its infrastructure plan, the American Jobs Plan. The transportation section makes up \$621 billion, which includes funds for electrification (including EV charging infrastructure and consumer rebates); the plan also includes funding to replace 50,000 diesel transit vehicles and electrify at least 20 percent of the school bus fleet. However, only a summary has been released, and Congress will need to fill in many details. To take one example, Senator Padilla and Representative Cardenas just introduced the Clean Commute for Kids Act to invest \$25 billion to replace existing diesel buses with electric buses. The American Jobs Plan's prospects could be enhanced by a ruling from the Senate parliamentarian that opens the door to passing multiple bills this year without any Republican support. The House and Senate leadership still need to determine how much of the American Jobs Plan will be managed through this process, which will dictate the policy scope. Speaker Pelosi has set a goal of July 4 for the House to complete its work.

Other activities: The House Energy & Commerce Committee continues to consider its sweeping climate bill, the CLEAN Future Act, which includes numerous provisions of interest, including funding to reduce air pollution at ports and in nearby communities, and vehicle emission policy and funding. Finally, the President has begun to roll out his American

KADESH & ASSOCIATES

Families Plan, which includes proposed investments in education, child care and paid family leave.

Kadesh & Associates Activity Summary-

- Continue to work with South Coast AQMD staff to prioritize and submit timely funding and community-based project requests to members of Congress;
- Continue outreach to the California congressional delegation, including introductions and a presentation on our key issues to new offices;
- Adding cosponsors to key priorities like the Clean Corridors Act and the Climate Smart Ports Act.
- Discussions with House and Senate Committee staff on issues of concern to South Coast AQMD such as incentives for medium- and heavy-duty trucks, ocean going vessels/vessel speed reduction programs, permitting, air monitoring, and other issues.

Contacts:

Contacts included staff and House Members throughout the CA delegation, especially the authors of priority legislation, members of the South Coast House delegation, and members of key committees. We have also been in touch with administration staff.

###

South Coast Air Quality Management District Legislative and Regulatory Update – April 29, 2021

❖ Important Dates

- Apr. 30 – Last day for policy committees to meet and report to fiscal bills introduced in their house to the Appropriations Committee.
- May 7 – Last day for policy committees to meet and report to non-fiscal bills introduced in their house to the floor.
- May 14 – Last day for policy committees to meet until June 7.
- May 21 – Last day for Appropriations Committees to meet and report to non-fiscal bills introduced in their house to the floor.
- Jun. 1-4 – Floor session only.
- Jun. 4 – Last day for each house to pass bills introduced in that house.
- Jun. 7 – Committee meetings resume.
- Jun. 15 – Budget bill must be passed by midnight.

❖ RESOLUTE Actions on Behalf of South Coast AQMD. RESOLUTE partners David Quintana and Jarrell Cook continued their representation of SCAQMD before the State’s Legislative and the Executive branch. Selected highlights of our recent advocacy include:

- Organized and facilitated a meeting between the leaders of the major air quality management districts and Assemblymembers Eduardo García and Cristina García to discuss AB 617 funding and the needs of SCAQMD.

❖ Campaign to Recall Governor Newsom Succeeds in Getting on the Ballot. The California Secretary of State has certified that the campaign to recall Governor Gavin Newsom has secured 1,626,042 valid signatures, roughly 120,000 more than they needed to place the issue on the ballot. Voters will have until June 8 to withdraw their names from the petition, which could bring the number of valid signatures below the threshold needed to qualify—but that appears unlikely.

Four Republicans have announced that they will run as candidates against Governor Newsom: Former San Diego Mayor Kevin Faulkner, former Gubernatorial candidate John Cox, former congressman Doug Ose, and reality TV star Caitlyn Jenner.

Supporters of Governor Newsom have pitched the recall campaign as partisan and a waste of money in the middle of the state’s efforts to combat the coronavirus, wildfires, and emerging drought conditions. The estimated high price of this recall—as high as \$400 million—is expected to place significant strain on local government resources.

Speaker Anthony Rendon (D-Lakewood) stated that “Neither the state nor the counties should be stuck footing the bill for such an unnecessary election.” However, California is also projected to have secured massive tax windfall and discretionary revenue in the state budget totaling as high as \$20 billion through the summer of 2022 that can cover the costs of the conducting an election.

- ❖ **Senate and the Assembly Release Budget Plans.** On April 14, the Senate announced its [‘Build Back Boldly’ budget proposal](#) that would outline its priorities and be a framework for negotiating for 2021-22. Senate Senate Budget Subcommittee 5 (Public Safety, the Judiciary, Labor and Transportation) Chair María Elena Durazo (D-Los Angeles): “Through this budget, we are seeking to address this rise in pandemic-induced economic inequity. This ambitious and practical plan is a road map to a just recovery from this crisis that has exacerbated the disparities that already existed in our communities, and a framework to create quality, high-road jobs that will prepare our workforce for the 21st century. This budget is a strong reflection of what California values should be.” The Senate proposal is anchored by eight proposals:

Build Back Boldly Proposals

The Build Back Boldly budget proposes eight transformative proposals and key subcommittee packages:

- Transformative Build Back Boldly proposals:**
- Debt Free College.
 - Path to Universal 0-3 Early Care and Education.
 - Homelessness, Housing Affordability & Homeownership.
 - Wildfire Prevention and Resilience.
 - Drought Protection.
 - Health Care Access and Affordability.
 - Small Business and Non-Profits Bounce-Back.
 - State Systems Improvements.

Following that, on April 28, Assembly Budget Chair Phil Ting (D-San Francisco) released the Assembly Democrats’ [‘Budget of Opportunity’](#) describing that chamber’s budget priorities for 2021-22. The Assembly budget lists four priorities: ‘Preserve,’ ‘Respond,’ ‘Protect,’ and ‘Recover.’


<p>2021 Budget: Preserve, Respond, Protect, Recover</p> <ul style="list-style-type: none"> • Preserve: Restore state services, prepare for future downturns • Respond: Provide essential state response to COVID-19 • Protect: Help those Californians most impacted by the crisis • Recover: Targeted stimulus to help Californians rebuild the economy 	<p>Preserve</p> <ul style="list-style-type: none"> • Continue to build reserves and reduce liabilities • End phony program suspensions, such as the 7 percent IHSS hours reduction, disabled individuals and foster youth, and the diversion of Proposition 56 funds for Medi-Cal rates • Provide multi-year funding packages with one-time federal and state funds 
<p>Respond</p> <ul style="list-style-type: none"> • COVID-19, vaccinate Californians and be prepared for new variants • Reopen schools in the fall • Provide transitional resources to families and businesses to help state’s reopening <ul style="list-style-type: none"> • Early Care and Education: 1 million slots by 2025, universal TK starting 2021 • Homelessness Prevention: \$20 billion over five years • Affordable Housing • More support for families: expand Golden State Stimulus, increase grant levels • Workforce Development: expand job training opportunities to help reengage the workforce in high paying jobs 	<p>Protect</p> <ul style="list-style-type: none"> • Health Care: expand access to Medi-Cal and Covered California • Ongoing funding for public and behavioral health and human services • Streamline CalWORKs to better support families • Make EDD deliver for Californians 

<p>Recover</p> <ul style="list-style-type: none"> • Higher Education: Add 1 million university degrees by 2030, debt-free college, and student housing • Broadband: Eliminate gaps in service and make affordable • Green Economy Investments <ul style="list-style-type: none"> • Increase investments in parks, urban greening, drought resiliency, wildfire prevention, toxic clean up, clean transportation • Respond to our climate crisis with new adaptation funding 	<p>Recover</p> <ul style="list-style-type: none"> • Anti-Racism Investment Portfolio <ul style="list-style-type: none"> • Celebrate diversity by building and enhancing state cultural institutions • Empower and protect communities through investments in stopping hate, community empowerment, and safety. • Lift up communities of color and women most impacted by the pandemic • Fund recidivism reduction strategies 
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The Assembly plan also details an emphasis on funding clean transportation programs and infrastructure.


Subcommittee 3 on Climate Crisis, Resources, Energy, and Transportation

- Responding to Climate Change
 - Wildfire prevention
 - Drought reliance and clean water
 - Adaption and heat impact project planning
 - Clean transportation programs and infrastructure



Subcommittee 3 on Climate Crisis, Resources, Energy, and Transportation

- Enhancing environmental justice and increasing access to green spaces
 - Remediate air, water, and ground pollution that impact our most disadvantaged communities
 - Additional parks and urban greening funding
 - Fully-fund active transportation project backlog to expand bicycle use and improve pedestrian safety



❖ **Newly Appointed Attorney General Rob Bonta Announces an Emphasis on Environmental Justice.** Attorney General Rob Bonta announced that one of his first acts leading California’s Department of Justice will be to expand the state’s environmental justice unit to 11 attorneys, working on land use, drinking water, lead exposure and air and water pollution issues, as well as challenging federal policies that "repeal or reduce public health and environmental protections."

As Bonta lays out his plan of action to complete the remainder of Xavier Becerra's term, potential challengers have already announced their candidacy: Sacramento District Attorney Anne Marie Schubert and Republican former assistant U.S. attorney Nathan Hochman have both stated that they will run against Bonta in 2022.

- ❖ **Biden Administration to Withdraw Trump Rule that Banned California Setting Vehicle Emissions Rules.** In late April, the National Highway Transportation Safety Administration (NHTSA) released a draft of its repeal of the Trump Administration's 'Safer Affordable Fuel-Efficient (SAFE) Vehicles' rule. Following that, the Federal Environmental Protection Agency issued a notice that it would reconsider the Trump administration's withdrawal of California's waiver that allowed the state to set its own standards for greenhouse gas emissions and zero emissions vehicles.

Taken together, these actions would lay the foundation to restore California's waiver. The NHTSA rule would reach a broader finding that the agency never had the authority to issue a regulation that would preempt states from adopting rules on GHG emissions standards.



CALIFORNIA ADVISORS, LLC

South Coast AQMD Report

California Advisors, LLC

May 14, 2021 Legislative Committee Hearing

General Update

April 30th marked the deadline for policy committees to meet and report fiscal bills to the Appropriations committee that were introduced in their house. An overwhelming majority of bills are fiscally tagged, and this means the Legislature is slowly making its way to the halfway point of its legislative calendar. As it relates to legislation, the focus in May will be on the Appropriations Committees' suspense hearings which will decide the fate of hundreds of bills in each house.

On April 22nd, the Legislature confirmed Assemblymember Rob Bonta (D-Oakland) as California's 34th Attorney General. The next day, he was officially sworn in by Governor Newsom. Newsom nominated Bonta for the job last month and he fills the vacancy created when Xavier Becerra was appointed by President Biden as Secretary of the U.S. Department of Health and Human Services. Bonta has indicated that one of his first priorities will be to increase the Department of Justice's Bureau of Environmental Justice. He will hold the position until the 2022 election.

The Governor subsequently declared a special election in California's 18th Assembly District to fill the seat vacated by now Attorney General Rob Bonta. The primary will be held on June 29, 2021. If no candidate receives more than 50 percent of the vote, a runoff will be held on August 31st. The 18th Assembly District encompasses parts of Oakland, Alameda, and San Leandro.

Finally, the Secretary of State's office reported that enough valid signatures have been received to trigger a recall election on Governor Gavin Newsom. Specifically, the latest tally shows recall proponents gathered 1,626,042 valid voter signatures. That surpasses the 1,495,709 signatures needed to trigger an election. However, the recall has not yet technically qualified. Before the recall petition can be certified, any voter who signed the recall petition will have 30 days to withdraw their signature. Additionally, the Department of Finance must analyze the cost of an election. The election likely will not occur until November of this year.

Regulatory

The Governor also took action to end the issuance of new permits for hydraulic fracturing ("fracking") by January of 2024. He further directed the California Air Resources Board to analyze pathways to phase out oil extraction across the state by no later than 2045. This action

built upon his executive order last September which called for an end to fracking and to accelerate California's transition away from gasoline-powered cars and trucks.

Budget

The state published its March 2021 finance bulletin and California continues to exceed its revenue expectations. General Fund revenues are now running \$16.6 billion above January's revenue forecast, with receipts for March exceeding the months projection by \$2.3 billion. This is lower than the month of February which exceeded its monthly projection by \$3.8 billion. Nonetheless, California has a significant amount of money to spend in the upcoming budget cycle.

As May begins, the focus of the Legislature will once again turn back to budget hearings. With most policy committees finishing the bills that were introduced in their house. The budget conversations are already heating up around Sacramento. There will continue to be a focus on one-time spending as California continues to build on its surplus.



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TO: South Coast Air Quality Management District

FROM: Anthony, Jason & Paul Gonsalves

SUBJECT: Legislative Update – April 2021

DATE: Thursday, April 29, 2021

The Legislature returned from Spring Recess on April 5, 2021. Upon return, Legislative Committee hearings started in full swing to hear the 2,369 bills (1,560 in the Assembly and 809 in the Senate) introduced this year in an effort to meet the upcoming legislative deadlines. We will continue to work with South Coast AQMD staff to identify bills and amendments that are of interest to the District.

The following will provide you with updates of interest to the District:

RECALL WATCH

On Monday, April 26, 2021, the campaign to recall Governor Newsom secured enough valid signatures to qualify for the ballot. Overall, 1,626,042 valid signatures were collected across all 58 California counties. The recall needed 1,495,709 valid signatures to make the ballot, or 12% of the 12,464,235 votes cast in the previous gubernatorial election. Each county registrar had until April 19 to verify the validity of signatures.

There are still several more deadlines before the recall becomes official. Counties have until April 29 to certify the results of their verification of signatures. Voters also have 30 business days (April 26 to June 8) to withdraw their names from the petition if they so choose. Around mid-May county elections officials must report the total number of signatures withdrawn to the Secretary of State. If the recall qualifies for the ballot, the Department of Finance will estimate the costs of the recall election and submit this

estimate to the Chair of the Joint Legislative Budget Committee, Governor, Lieutenant Governor, and the Secretary of State.

The recall ballot would then have two parts. Voters would be able to vote "yes" or "no" on whether to remove the Governor from office. The second question would give voters the option to vote for a successor candidate. If a majority of voters said yes to the first question to recall, the votes on the second question would be counted. The candidate who received a majority of that vote would be the successor.

A recent poll by the Public Policy Institute of California found 40% of people in the state in support of the recall. Four prominent Republicans have already announced their bid in the possible recall election, the most recent being transgender activist and Olympian Caitlyn Jenner. Additionally, former San Diego Mayor Kevin Faulkner and Governor Newsom's previous gubernatorial challenger, John Cox, also threw their hat in the ring. Former Republican congressman Doug Ose announced that he was entering the recall election, as well.

ATTORNEY GENERAL

On April 23, 2021, Governor Newsom swore in now former Assemblymember Rob Bonta as California's 34th Attorney General. Bonta is the first Filipino American in the state's history to serve in the role.

Attorney General Bonta was selected by Governor Newsom to fill the position vacated by Xavier Becerra, who was recently sworn in as Secretary of the U.S. Department of Health and Human Services. The Governor announced the nomination last month at the historic International Hotel in San Francisco, a site where Asian and Pacific Islander Californians famously rallied in 1977 to save the homes of elderly residents and preserve their community.

The son of activists, Bonta grew up in a trailer in La Paz, where his parents served at the headquarters of the United Farm Workers movement. Inspired to pursue justice through the law, Bonta studied at Yale Law School and went on to work pro-bono protecting vulnerable Californians from exploitation and racial profiling. He served nine years as a Deputy City Attorney in the San Francisco City Attorney's Office before running for local office in Alameda County. In 2012, Bonta became the first Filipino American in California history to win election to the Legislature, representing Assembly District 18 in the cities of Oakland, Alameda and San Leandro.

SPECIAL ELECTIONS

Assembly District 79

Dr. Akilah Weber, the daughter of California's Secretary of State Dr. Shirley Weber, succeeded her mother in the state Legislature. Dr. Akilah Weber won the San Diego area's 79th Assembly District seat with 52% of the vote, avoiding a runoff election by securing more than half the tally.

She was sworn into office by her mother, who in her new position had certified her daughter's election. Dr. Akilah Weber was a La Mesa city councilwoman and is an OBGYN with Rady Children's Hospital and UC San Diego Health. She defeated four other candidates in a special election this month to succeed her mother, who resigned in January to replace Alex Padilla as Secretary of State. Padilla previously left when he was appointed to the U.S. Senate to replace Vice President Kamala Harris.

Assembly District 18

On April 26, 2021, Governor Newsom issued a proclamation declaring a special election for the 18th Assembly District of the State of California on August 31, 2021. The primary for the special election will be held on June 29, 2021.

Assembly District 18, which includes most of Oakland, along with the cities of Alameda and San Leandro, has been represented by Assemblymember Rob Bonta. His nomination to be the State's Attorney General has triggered a special election to fill his seat.

Assemblymember Bonta's wife, Mia Bonta, has launched a campaign to fill her husband's seat. Mia Bonta is the Alameda Unified Board of Education President and she will benefit greatly from the name identification in the District. Three other candidates have already made plans to run for the seat: San Leandro school board member James Aguilar, social justice attorney Janani Ramachandran and Alameda City Councilmember Malia Vella.

Mia Bonta enters the race with endorsements from the Secretary of State, State Treasurer and the California Legislative Black Caucus. Malia Vella has been backed by Assemblymember's Lorena Gonzalez (D-San Diego), and Bill Quirk (D-Hayward), along with two of Bonta's colleagues on the Alameda school board: Jennifer Williams and Heather Little.

CARB'S APPOINTMENT

Earlier this month, CARB Executive Officer Richard W. Corey announced the appointment of Rajinder Sahota as the new Deputy Executive Officer of Climate Change and Research. In her new role, Sahota will continue to help lead CARB's climate change programs while assuming additional responsibilities in the Research Division and working with the executive team to support strengthening collaboration throughout the agency.

Sahota started with CARB in 2001 and is currently the Chief of the Industrial Strategies Division. Her work since joining CARB includes: working on air quality data analyses of studies focused on harmful exposure to local air pollution; assessing ways to reduce locomotive emissions as part of the goods movement effort; developing verification requirements for reporters of greenhouse gas emission data; and implementing major climate change regulations like the Cap-and-Trade Program and the Low Carbon Fuel Standard. In addition, Sahota also led a multi-agency team in developing the 2017 Climate Change Scoping Plan.

LEGISLATIVE DEADLINES

Apr. 30 Last day for policy committees to meet and report to fiscal committees fiscal bills introduced in their house.

May 7 Last day for policy committees to meet and report to the floor non-fiscal bills introduced in their house.

May 10 - Governor's Budget Revise.

May 14 Last day for policy committees to meet prior to June 7.

May 21 Last day for fiscal committees to meet and report to the floor bills introduced in their house.

June 1-4 Floor session only.

June 4 Last day for each house to pass bills introduced in their house.

June 15 Budget Bill must be passed.