

BOARD MEETING DATE: March 5, 2021

AGENDA NO. 24

REPORT: Legislative Committee

SYNOPSIS: The Legislative Committee held a meeting remotely on Friday, February 12, 2021. The following is a summary of the meeting.

Agenda Item	Recommendation/Action
H.R. 283 (Schweikert and Cardenas) Crowdsourcing of Environmental Data Act of 2021	Work With Authors
S. 101 (Markey and Duckworth) Environmental Justice Mapping and Data Collection Act of 2021	Support With Amendments

RECOMMENDED ACTIONS:

Receive and file this report, and approve agenda items as specified in this letter.

Michael A. Cacciotti, Chair
Legislative Committee

DJA:LTO:PFC:sd:ar

Committee Members

Present: Mayor Pro Tem Michael A. Cacciotti/Chair
Council Member Joe Buscaino/Vice Chair
Senator Vanessa Delgado (Ret.)
Supervisor V. Manuel Perez
Supervisor Janice Rutherford

Absent: Dr. William A. Burke

Call to Order

Chair Cacciotti called the meeting to order at 9:00 a.m.

DISCUSSION ITEMS:

1. Update on Federal Legislative Issues

South Coast AQMD's federal legislative consultants (Carmen Group, Cassidy & Associates, and Kadesh & Associates) each provided a written report on key Washington, D.C. issues.

Gary Hoistma of Carmen Group focused on transportation and infrastructure, which is the next priority legislative issue for Congress and the Administration after COVID-relief. It was reported that Congress is optimistic that a transportation and infrastructure bill will be completed this year. The Senate may hold their first hearing in late February and are seeking input from other members of Congress. The Committee on Environmental and Public Works Chair Senator Carper has stated that the Senate may complete work on a bill by Memorial Day with final passage by July 4. The transportation and infrastructure bill is critical for South Coast AQMD to support point-of-sale incentives for clean heavy-duty trucks, infrastructure to support electric, hydrogen and natural gas heavy-duty trucks and transportation electrification.

Council Member Buscaino inquired if the transportation and infrastructure bill would include funding for disadvantaged communities near ports. Mr. Hoistma confirmed that environmental justice (EJ) would be included in the transportation and infrastructure bill and has been a priority in the President's Executive Orders. Council Member Buscaino also noted that this could be an opportunity to secure clean energy infrastructure investments for EJ communities.

Jed Dearborn of Cassidy & Associates updated the committee on the COVID-relief bill known as the American Rescue Plan. The Oversight Committee bill includes \$350 billion in assistance for state and local governments and \$195 billion would be directed to states. States would have the authority to transfer funds to special purpose units of state or local government, which could include South Coast AQMD and other air pollution agencies. Efforts are underway to ensure the Senate version of the bill includes assistance for special districts. The Energy and Commerce Committee bill includes \$100 million for U.S. EPA - \$50 million focused on grants, contracts and initiatives that advance EJ purposes and \$50 million to fund activities under Section 103 under the Clean Air Act which includes grants for local air pollution control agencies. It is expected that the provisions will remain in the overall reconciliation package to be passed by the House and sent to the Senate for consideration.

Chair Cacciotti inquired about the \$50 million for air pollution control agencies and asked how many of these agencies exist throughout the nation. Mr. Dearborn responded that the funding for air pollution control districts would flow through the U.S. EPA Section 103 program. Mr. Wayne Nastri responded that there are 35 air

pollution control agencies in California and throughout the nation there are over 100 similar agencies.

Mr. Kadesh reported that the appropriations process is off to a slower start this year due to Congress' focus on the COVID-relief and transportation and infrastructure packages. Normally a budget would be released in early February, but this year the overall spending numbers will be available in March and a full budget with details will be released in May.

2. Update on State Legislative Issues

Consultants Resolute, California Advisors, LLC, and Joe A. Gonsalves & Son provided written reports on key issues in Sacramento.

David Quintana of Resolute reported that the state Senate recently released their committee hearing schedule for the legislative year. Senate committees relevant to South Coast AQMD, such as the Environmental Quality Committee and the Transportation Committee, will begin hearings in mid-March.

Supervisor Rutherford asked about efforts to seek redesignation of South Coast AQMD as an independent special district. Mr. Quintana responded that South Coast AQMD representatives have reached out to State Controller Betty Yee's office regarding this issue. Derrick Alatorre, Deputy Executive Officer of Legislative, Public Affairs and Media, explained that a change in the designation for South Coast AQMD might facilitate the agency's ability to receive federal relief funding expected to be provided through federal legislative action.

Ross Buckley of California Advisors, LLC reported that the Governor released his 2021-22 proposed state budget about a month ago and the Legislature is reviewing it through the budget subcommittees process. The Senate and Assembly budget subcommittees are expected to hear issues relating to CARB and other priority issues for air districts in the coming weeks. The budget subcommittees are vetting these issues and final decisions will be made later in the year.

The Governor announced that the state collected an additional \$10 billion more than what was included in his January budget proposal. December and January tax revenue was substantially higher than anticipated. The Governor indicated that this additional money will go to small businesses, vaccine distribution and reopening schools. After the Prop. 98 guarantee for education, and the rainy-day fund obligations are satisfied from this additional \$10 billion, there will be about \$4 billion remaining. Overall, the state has received approximately \$20 billion more in revenue than was anticipated.

Paul Gonsalves of Joe A. Gonsalves & Son reported that Senate President Pro Tem Toni Atkins announced the members of the Senate Democratic Caucus leadership team and changes to Senate standing committee assignments. The leadership team includes:

- Sen. Robert Hertzberg, Majority Leader
- Sen. Mike McGuire, Assistant Majority Leader
- Sen. Connie Leyva, Caucus Chair
- Sen. Lena Gonzalez, Majority Whip
- Sen. Maria Elena Durazo, Assistant Majority Whip
- Sen. Susan Rubio, Assistant Majority Whip
- Sen. Scott Wiener, Assistant Majority Whip

Changes to Senate standing committee assignments relevant to South Coast AQMD include:

- Budget and Fiscal Review: Sen. Shannon Grove replaced Sen. Scott Wilk
- Natural Resources and Water: Sen. Grove replaced Sen. Andreas Borgeas
- Rules: Sen. Grove replaced Sen. Wilk, and Sen. Patricia Bates is the new vice chair

Supervisor Rutherford asked about AB 426, relating to a statewide indirect source rule, inquiring if staff has analyzed the bill and when it will be brought before the Committee. Barbara Baird, Chief Deputy Counsel, responded that the bill was reviewed by staff and that we are awaiting changes to the bill language. Mr. Philip Crabbe III, Public Affairs Manager, responded that this bill will be discussed internally and discussed the bill with its sponsor, the Bay Area AQMD. Senator Delgado requested that AB 426 be sent out to the committee members. Supervisor Rutherford requested that AB 426 be placed on the March committee agenda. Chair Cacciotti agreed with this request. Mr. Nastri added that staff has been in discussions with Bay Area AQMD to ensure that AB 426 does not conflict with South Coast AQMD's indirect source rule authority. Mr. Nastri stated that AB 426 will be placed on the March committee agenda.

Chair Cacciotti inquired about Joe A. Gonsalves & Son's written report as it relates to AB 617 budget funding. He emphasized the significant resources to implement the AB 617 program. Mr. Gonsalves responded that \$50 million is not sufficient to fund statewide program implementation. Recent efforts to communicate this to the Legislature include a meeting with Assembly Member Luz Rivas, who sits on the Assembly Budget subcommittee addressing environmental issues. Additional legislative meetings are coming up as well. Mr. Nastri emphasized that seeking increased AB 617 funding has been a top priority for years. The AB 617 program has been consistently underfunded since its inception, especially with new communities being added. He reported that there have been recent discussions about

this funding need with Assembly Members Cristina Garcia and Eduardo Garcia. Mr. Nastri reminded the committee that resources are needed for multiple aspects of AB 617, including actions in the community, BARCT rulemaking, and creating emissions inventories. Further, communities are also seeking funding for their efforts in helping implement AB 617, and staff is pursuing an additional \$3-\$5 million for that purpose. Sustained funding for AB 617 efforts is critical because it is an ongoing program focused on benefitting disadvantaged communities.

Supervisor Perez asked about the responses by Assembly Members C. Garcia and E. Garcia. He suggested the possibility of a joint meeting with members that include AB 617 communities to provide more education on the program and its funding need, and to possibly form a task force to address the issue, to create an additional base of support. Mr. Nastri responded that Assembly Member E. Garcia was supportive of \$3-\$5 million in funding for community members. He also requested that South Coast AQMD work to recruit more legislative support for the AB 617 funding effort, including talking to the numerous legislators that previously signed on to a letter in support of AB 617 funding that Assembly Member E. Garcia helped lead last year. Assembly Member C. Garcia has been a champion of this AB 617 effort, and encouraged South Coast AQMD to reach out to other legislators, including budget committee members, and noted that she is working to build a coalition of support. Staff will continue to pursue outreach to the Governor's Office and to the Legislature, with budget committee members or members with or without AB 617 communities in their districts. Supervisor Perez also suggested possibly requesting a legislative hearing in Sacramento to highlight these funding needs. Mr. Nastri mentioned that staff has pursued a possible legislative hearing.

Supervisor Rutherford inquired if the two new AB 617 positions in LPAM are funded from South Coast AQMD's general fund or through state funding. Sujata Jain, Chief Financial Officer and Mr. Alatorre responded that both positions will be paid through the general fund.

Supervisor Rutherford inquired if the Bay Area AQMD is including a state funding component in AB 426 to support air districts' efforts relating to indirect source rules. Mr. Crabbe responded that the bill is currently focused on indirect source rule authority and not on funding. Mr. Nastri stated that staff can reach out to Bay Area AQMD to suggest that they include a state funding component in AB 426.

Harvey Eder, Public Solar Power Coalition, commented on federal and state legislation, stressing that it is important to have refundable tax credits relating to solar and renewables for low income people. He also commented on climate issues and indirect source rulemaking.

ACTION ITEMS:

3. Recommend Position on Federal Bills:

H.R. 283 (Schweikert and Cardenas) Crowdsourcing of Environmental Data Act of 2021

Lisa Tanaka O'Malley, Senior Public Affairs Manager, Legislative, Public Affairs & Media, presented H.R. 283 authored by Representatives David Schweikert and Tony Cardenas. The bill would amend the Clean Air Act to allow states to submit air monitoring data from air quality sensors, including mobile sensors, outside of the state and local air monitoring stations network. The alternative data must be measured by air monitoring equipment and methodologies that meet the federal standards.

There are challenges with existing low-cost sensors meeting federal standards. Instruments that meet federal standards require a substantial amount of maintenance, quality assurance, and quality control to ensure the data is accurate. Even if the current low-cost sensors were up to par with federal standards, it would be extremely difficult to maintain a network with hundreds of sensors deployed for regulatory purposes. The bill does not provide funding for the deployment of additional air monitoring sensor technologies in communities or address the need for funding for maintenance and operation.

Chair Cacciotti commented that in Orange County there is a facility that South Coast AQMD has monitored and another group has also collected data with differing results. Mr. Cacciotti pointed out that this bill could create a similar situation with conflicting data. Ms. Tanaka O'Malley responded that this type of issue would be important to discuss with the bill authors to ensure that there is a process to confirm air monitoring data is collected with equipment and methodologies that comply with federal standards.

Staff recommended a “WORK WITH AUTHORS” position on this bill.

Moved by Buscaino; seconded by Delgado; unanimously approved
Ayes: Buscaino, Cacciotti, Delgado, Perez, Rutherford
Noes: None
Abstain: None
Absent: Burke

S. 101 (Markey and Duckworth) Environmental Justice Mapping and Data Collection Act of 2021

Stacy Day, Legislative Assistant, Legislative, Public Affairs & Media, presented S. 101 authored by Senators Edward Markey and Tammy Duckworth. The bill would create an Interagency Environmental Justice (EJ) Committee consisting of

representatives from relevant agencies and would also create an Advisory Council of stakeholders. The Interagency Committee and Advisory Council would develop a plan for public engagement and incorporation of community feedback into the data and the resulting mapping tool. The bill would establish a Congressional finding that the mapping tool could assist in the effort to direct at least 40 percent of climate investment funding in EJ communities and would also authorize a total of \$94 million over a five-year period for the mapping tool, outreach, and engagement.

Staff recommended a “SUPPORT WITH AMENDMENTS” position on this bill.

Moved by Perez; seconded by Buscaino; unanimously approved

Ayes: Buscaino, Cacciotti, Delgado, Perez, Rutherford

Noes: None

Abstain: None

Absent: Burke

Mr. Eder expressed concern about the definition of EJ in the bill. Mr. Alatorre responded that the bill includes a broad array of socioeconomic and demographic criteria to identify EJ communities. Chair Cacciotti noted that the bill included a long list of criteria.

OTHER MATTERS:

4. Other Business

There was no other business.

5. Public Comment Period

Mr. Eder commented about a previous South Coast AQMD Board meeting.

6. Next Meeting Date

The next regular Legislative Committee meeting is scheduled for Friday, March 12, 2021 at 9:00 a.m.

Adjournment

The meeting adjourned at 10:01 a.m.

Attachments

1. Attendance Record
2. Update on Federal Legislative Issues – Written Reports
3. Update on State Legislative Issues – Written Reports
4. Recommend Position on Federal Bills

ATTACHMENT 1

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT LEGISLATIVE COMMITTEE MEETING (VIA ZOOM) ATTENDANCE RECORD – February 12, 2021

Council Member, Joe Buscaino	South Coast AQMD Board Member
Mayor Pro Tem Michael Cacciotti	South Coast AQMD Board Member
Senator Vanessa Delgado	South Coast AQMD Board Member
Supervisor V. Manuel Perez	South Coast AQMD Board Member
Supervisor Janice Rutherford.....	South Coast AQMD Board Member

Frank Cardenas	Board Consultant (Cacciotti)
Jacob Haik	Board Consultant (Buscaino)
Debra Mendelsohn	Board Consultant (Rutherford)
Mark Taylor	Board Consultant (Rutherford)
Ben Wong	Board Consultant (Cacciotti)
Ross Zelen	Board Consultant (Kracov)

Ross Buckley	California Advisors, LLC
Jed Dearborn	Cassidy & Associates
Paul Gonsalves	Joe A. Gonsalves & Son
Gary Hoitsma	Carmen Group, Inc.
Mark Kadesh.....	Kadesh & Associates
Ben Miller	Kadesh & Associates
David Quintana	Resolute

Mark Abramowitz	
Jessica Alvarenga	
Stephanie Bream	
Ramine Cromartie	
Ken Dami	
Peter Herzog	
Frances Keeler.....	CCEEB
Bill LaMarr	California Small Business Alliance
Amanda Meere	
David Rothbart	
Brissa Sotelo-Vargas	
Peter Whittingham.....	Whittingham Public Affairs Advisors

Derrick Alatorre	South Coast AQMD Staff
Debra Ashby	South Coast AQMD Staff
Barbara Baird.....	South Coast AQMD Staff
Naveen Berry	South Coast AQMD Staff
Philip Crabbe	South Coast AQMD Staff
Stacy Day	South Coast AQMD Staff
Amir Dejbakhsh	South Coast AQMD Staff
Iliana Garcia.....	South Coast AQMD Staff
Sheri Hanizavareh	South Coast AQMD Staff
Anissa (Cessa) Heard-Johnson.....	South Coast AQMD Staff
Mark Henninger	South Coast AQMD Staff
Sujata Jain	South Coast AQMD Staff
Cristina Lopez	South Coast AQMD Staff
Jason Low	South Coast AQMD Staff

Matt Miyasato	South Coast AQMD Staff
Ron Moskowitz	South Coast AQMD Staff
Wayne Nastri	South Coast AQMD Staff
Stacy Pruitt.....	South Coast AQMD Staff
Sarah Rees	South Coast AQMD Staff
Mary Reichert	South Coast AQMD Staff
Aisha Reyes	South Coast AQMD Staff
Angelica Reyes	South Coast AQMD Staff
Danielle Soto.....	South Coast AQMD Staff
Lisa Tanaka O'Malley	South Coast AQMD Staff
Anthony Tang	South Coast AQMD Staff
Maria Vides.....	South Coast AQMD Staff
Kim White	South Coast AQMD Staff
Jill Whynot.....	South Coast AQMD Staff
William Wong.....	South Coast AQMD Staff
Paul Wright	South Coast AQMD Staff
Victor Yip	South Coast AQMD Staff

ATTACHMENT 2A



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

To: South Coast AQMD Legislative Committee

From: Carmen Group

Date: January 28, 2021

Re: Federal Update -- Executive Branch

Top Incoming Executive Branch Officials

The President

Joseph Biden

The Cabinet

Senate Vote

Vice President	Kamala Harris	N/A
Secretary of State	Antony Blinken	78-22
Secretary of the Treasury	Janet Yellen	84-15
Secretary of Defense	Lloyd Austin	93-2
Attorney General	Merrick Garland	
Secretary of the Interior	Deb Haaland	
Secretary of Agriculture	Tom Vilsack	
Secretary of Labor	Marty Walsh	
Secretary of HHS	Xavier Becerra	
Secretary of HUD	Marcia Fudge	
Secretary of Transportation	Pete Buttigieg	
Secretary of Energy	Jennifer Granholm	
Secretary of Education	Miguel Cardona	
Secretary of VA	Denis McDonough	
Secretary of DHS	Alejandro Mayorkas	
Administrator of the EPA	Michael Regan	
Director of OMB	Neera Tanden	
Director of DNI	Avril Haines	84-10
US Trade Representative	Katherine Tai	
US Ambassador to the UN	Linda Thomas-Greenfield	
Chair of Economic Advisors	Cecelia Rouse	N/A
Administrator of the SBA	Isabel Guzman	
Presidential Science Advisor	Eric Lander	N/A
Chief of Staff	Ron Klain	N/A

The Executive Office of the President

Council of Economic Advisors	Cecilia Rouse	N/A
Council on Environmental Quality	Brenda Mallory	N/A
Domestic Policy Council	Susan Rice	N/A
National Economic Council	Brian Deese	N/A
National Security Council	Jake Sullivan	N/A

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Office of Intergovernmental Affairs	Julia Chavez Rodriguez	N/A
Office of Management and Budget	Neera Tanden	N/A
Office of Drug Control Policy		N/A
Office of Public Engagement	Cedric Richmond	N/A
Office of Science/Tech Policy	Eric Lander	N/A
Office of Domestic Climate Policy	Gina McCarthy	N/A

Federal Agency Roundup: Over the last month, the winding down of the outgoing administration and the ramping up of the incoming administration brought a flurry of activity in key federal agencies. Here are selected highlights of items of interest to SCAQMD:

Environmental Protection Agency (Notable Appointments)

Michael Regan, *Administrator*
(Sec., NC Dept. of Env. Quality) (Bush, Clinton EPA)

Janet McCabe, *Deputy Administrator*
(Indiana Univ. law prof., Obama EPA Air Office)

Dan Utech, *Chief of Staff*
(Obama WH and DOE, Sen. Clinton)

Alison Cassady, *Deputy Chief of Staff for Policy*
(House Climate Crisis Sel. Cmte., Center for American Progress)

Avi Garbow, *Senior Counselor to the Administrator*
(Patagonia's Environmental Advocate, Obama EPA)

Victoria Arroyo, *Associate Administrator for Policy*
(Georgetown Climate Center, Pew Center on Climate, Obama EPA)

Philip Fine, *Principal Deputy Associate Administrator for Policy*
(South Coast AQMD, CARB Research Screening Cmte., EPA CASAC)

Joseph Goffman, *Principal Dep. Asst. Administrator, Office of Air and Radiation*

EPA Finalizes First GHG Emissions Standards for Aircraft: In December, the EPA finalized emissions standards for airplanes used in commercial aviation and large business jets. This will align US standards with the international standards set by the International Civil Aviation Organization (ICAO).

EPA Finalizes Rule Increasing Science Transparency in Regulations: On January 5, the EPA finalized an internal rulemaking first proposed in April 2018 that it says will strengthen the transparency of its significant regulations. The rule establishes that EPA will give greater consideration to studies where the underlying data are available in a manner sufficient for independent verification. EPA Administrator Andrew Wheeler defended the rule in a *Wall Street Journal* op-ed (Jan. 4), admonishing critics: "*Please read the rule before you reflexively repeat tired misinformation or make another's interpretation of it your own.*" On January 20, President Biden ordered that the rule be reviewed for elimination "as soon as possible."

EPA Releases Environmental Justice Report: On January 11, the EPA released its *Fiscal Year 2020 Environmental Justice Progress Report*, citing the agency's progress in advancing environmental justice for minority, low-income, tribal, and indigenous communities across the country.

EPA Finalizes Action on Air Pollution Leaks at Storage Tanks: On January 11, the EPA finalized regulatory flexibility action offering alternate, less cumbersome “in-service” methods of inspection for finding and correcting air pollution leaks at large liquid storage tanks to show compliance with the Clean Air Act. The action affects more than 3,500 petroleum, chemical and coal products manufacturing facilities and petroleum bulk stations and terminals.

EPA Provides Framework for GHG Emissions Regulations: On January 12, the EPA laid out a new significance framework providing criteria for how the agency will determine when stationary sources of greenhouse gases trigger a requirement to set New Source Performance Standards under the Clean Air Act.

EPA Honors SCAQMD in Recognizing Innovative Work on Clean Air Projects: On January 12, the EPA recognized seven groups and individuals as part of its 2020 Clean Air Excellence Awards. Among those honored was the South Coast Air Quality Management District, which won the Education/Outreach Award for its Mobile App, the official air quality app for residents of the South Coast Basin, providing residents with real-time air quality information for multiple cities right down to their neighborhood.

Department of Transportation (Notable Appointments)

Pete Buttigieg, *Secretary*

(Presidential Primary Candidate, Former Mayor of South Bend, IN)

Polly Trottenberg, *Deputy Secretary*

(NYC DOT, Obama DOT, Sen. Schumer, Sen. Boxer)

Nuria Fernandez, *Federal Transit Administration, Deputy Administrator*

(CEO, Santa Clara Valley Transportation Authority)

Steve Cliff, *National Highway Traffic Safety Admin., Deputy Administrator*

(Dep. Exec. Officer, California Air Resources Board)

Amit Bose, *Federal Railroad Administration, Deputy Administrator*

(HNTB, Obama DOT/FRA, Sen. Menendez, NJ DOT)

Stephanie Pollack, *Federal Highway Administration, Deputy Administrator*

(Sec., Massachusetts DOT, MIT, Harvard Law)

Meera Joshi, *Federal Motor Carrier Safety Admin., Deputy Administrator*

(NYC Taxi & Limo Commission)

Lucinda Lesley, *Maritime Administration, Deputy Administrator*

(Staff, House Homeland and Oversight committees, Rep. Cummings)

A. Bradley Mims, *Federal Aviation Administration, Deputy Administrator*

(CEO, Conf. of Minority Transportation Officials, Clinton FAA)

USDOT Releases Automated Vehicles Plan: On January 11, the Department of Transportation released its Automated Vehicles Comprehensive Plan laying out a strategy to prepare the Nation’s transportation system for the safe integration of Automated Driving Systems.

FRA Announces Full PTC Implementation: The Federal Railroad Administration announced in December that positive train control (PTC) technology (designed to prevent train-to-train collisions and speeding derailments) became operational on all 57,536 required freight and passenger route miles in the U.S. in time to meet the Dec. 31, 2020,

deadline set by Congress pursuant to the Rail Safety Improvement Act of 2008 and subsequent amendments.

NHTSA Consent Order with Daimler Trucks Over Safety Issues: The National Highway Traffic Safety Administration announced in December a consent order with Daimler Trucks North America following an investigation that found the company failed to recall vehicles and failed to comply with reporting requirements in a timely fashion to address safety defects. The order includes a total civil penalty of \$30 million.

Department of Energy (Notable Appointments)

Jennifer Granholm, *Secretary*

(Former Governor of Michigan)

Tarak Shah, *Chief of Staff*

(Obama DOE)

Christopher Davis, *Senior Advisor to the Secretary*

(Obama WH and DOE, House Oversight and E&C Committees)

Kelly Speakes-Backman, *Principal Deputy Assistant Secretary for EERE*

(CEO, Energy Storage Association)

Shar Mohtadi, *Chief of Staff, Office of EERE*

(America's Pledge Initiative on Climate, Obama WH and OMB)

Vanessa Chan, *Director, Office of Technology Transitions (Commercialization)*

(University of Pennsylvania, Engineering Dept.)

Shalanda Baker, *Deputy Director for Energy Justice*

(Northeastern Univ. Law Prof., former Air Force officer)

Tanya Das, *Chief of Staff, Office of Science*

(House Science/Space/Tech Committee, Univ. of California, SB)

Ali Nouri, *Principal Deputy Assistant Secretary*

(Frmr Pres., Fed. of American Scientists, Sen. Webb, Sen. Franken)

Jennifer Wilcox, *Principal Deputy Assistant Secretary for Fossil Energy*

(University of Pennsylvania, Prof. of Chemical Engineering)

Avi Zevin, *Deputy General Counsel for Energy Policy*

(Attorney on Electricity Policies, NY Univ. School of Law)

DOE Announces Project to Advance Oil and Gas Emissions Monitoring: On January 12, the Department of Energy announced seven new projects as part of the ARPA-E Seeding Critical Advances for Leading Energy technologies with Untapped Potential (SCALEUP) program. One of these included \$5 million for a proposal for the largest continuous emissions monitoring network for the oil and gas industry. The network would be able to locate and monitor natural gas emissions in real time across 700 square miles of the Permian Basin in the Southwest U.S. Potential impacts include reducing oil and gas production emissions by 60-80% basin wide.

DOE Announces Funds Available for Hydrogen Research: On January 15, the Department of Energy announced plans to make \$160 million available for projects aimed to develop technologies for the production, transport, storage and utilization of fossil-based hydrogen, with progress towards net-zero carbon emissions.

White House Staff -- Climate Team (Notable Appointments)

Gina McCarthy, *Office of Domestic Climate Policy, Dir. (Nat. Climate Advisor)*
(Pres., Natural Resources Defense Council; Obama EPA Administrator)

Maggie Thomas, *Office of Domestic Climate Policy, Chief of Staff*
(Inslee, Warren Campaigns Climate Advisor, Evergreen Action)

David Hayes, *Special Assistant to the President for Climate*
(NYU State Energy/Env. Center; Clinton, Obama Interior Dept.)

Sonia Aggarwal, *Senior Advisor for Climate Policy and Innovation*
(Energy Innovation, ClimateWorks Foundation)

Jahi Wise, *Senior Advisor for Climate Policy and Finance*
(Biden Campaign, Coalition for Green Capital, BlocPower)

Cecilia Martinez, *CEQ, Senior Director for Environmental Justice*
(Biden Campaign, Exec. Dir., Center for Earth, Energy, Democracy)

Jeff Marootian, *Office of Presidential Personnel, Sp. Asst. for Climate/Science*
(Dir., DC Dept. of Transportation, Obama DOT)

Biden Executive Orders on Climate

Among the Administration's opening salvo of nearly 40 executive orders issued during its first days in office, those with probably most significance for South Coast AQMD are the two specifically addressing Climate Change. Here are detailed summaries of key highlights:

Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis

(January 20) (22-pages)

- Declares it is the policy to the Administration to:
 - Listen to the science
 - Improve public health and protect our environment
 - Ensure access clean air and water
 - Limit exposure to dangerous chemicals
 - Hold polluters accountable
 - Reduce greenhouse gas emissions
 - Bolster resilience to the impacts of climate change
 - Restore and expand national treasures and monuments
 - Prioritize environmental justice and union jobs
- Orders federal agencies to immediately review (and consider eliminating or changing) all Trump agency actions and rules deemed in conflict with these policies, including especially the following:
 - SAFE Rule Part One (by April 2021)
 - SAFE Rule Part Two (by July 2021)
 - Emissions Standards for Hazardous Air Pollutants (by August 2021)
 - EPA Costs Benefits in Clean Air Act Rule (As Soon as Possible)
 - EPA Transparency in Science Rule (As Soon as Possible)

- Orders EPA to:
 - Propose new oil and gas emissions regulations (by Sept. 2021)
 - Propose a FIP for CA (and others) re: ozone standards (by Jan. 2022)
- Orders Department of the Interior to:
 - Review appropriateness of Trump-set monument boundaries
 - Revoke ANWR and Northern Bering Sea oil/gas drilling orders
- Creates the “Interagency Working Group on the Social Cost of Greenhouse Gases”, co-chaired by WH officials:
 - To estimate/publish (by Jan. 2022) monetized global damages for:
 - Social cost of carbon (SCC)
 - Social cost of nitrous oxide (SCN)
 - Social cost of methane (SCM)
- Revokes Keystone XL pipeline permit
- Revokes other Presidential executive orders and memorandums including:
 - Expediting Environmental Reviews for Infrastructure Projects
 - Reviewing “Waters of the United States” Rule
 - Promoting Energy Independence and Economic Growth
 - Review Designations Under the Antiquities Act
 - America-First Offshore Energy Strategy
 - Promoting Energy Infrastructure and Economic Growth
 - Expediting Infrastructure Investments and Other Activities
 - Establishing Discipline in the Environmental Review Process
 - Promoting Domestic Manufacturing Policies Relating to Clean Air Act
 - Promoting the Reliable Supply and Delivery of Water in the West
 - Developing and Delivering More Water Supplies in California

Executive Order on Tackling the Climate Crisis at Home and Abroad

(January 27) (54 pages)

- Declares it is Administration policy:
 - That climate considerations will be an essential element of U.S. foreign policy and national security policy;
 - To conform with the Paris Climate Agreement’s three overarching objectives:
 - "A safe global temperature"
 - "Increased climate resilience"
 - "Financial flows aligned with a pathway toward low greenhouse gas emissions and climate-resilient development."
- The Administration will:
 - Create new post: “Special Presidential Envoy for Climate” (John Kerry)
 - Host a Leader’s Climate Summit (April 22)
 - Pay the US contribution under the Paris Agreement

- Reconvene the “Major Economies Forum on Energy and Climate”
 - Develop a “Climate Finance Plan” to assist developing countries
 - Seek Senate ratification of the Kigali Amendment (phasedown of HFCs)
 - Prioritize climate in foreign policy and national security policy
 - Develop a plan to promote protection of the Amazon rain forest
 - Identify steps to end international financing of fossil fuel energy
 - Identify steps for international collaboration on clean energy tech.
 - Require agencies to weigh climate considerations in international work
 - Prepare a National Intelligence Estimate on climate nat. security impacts
 - Prepare a “Climate Risk Analysis” for use in National Defense Strategy
- Declares it is Administration policy:
 - To implement a Government-wide approach that reduces climate pollution in every sector of the economy.
 - Creates a new office: “White House Office of Domestic Climate Policy” headed by a “National Climate Advisor” (Gina McCarthy) with which all federal agencies “shall cooperate and provide such information, support and assistance to the Office as it may request.”
 - Creates new “National Climate Task Force” consisting of all major federal agencies, chaired by the National Climate Advisor, to “facilitate planning and implementation of key Federal action to reduce climate pollution, increase climate resilience, protect public health, conserve our lands, waters, oceans and biodiversity, deliver environmental justice and spur well-paying jobs.”
 - Establishes a “Federal Clean Electricity and Vehicle Procurement Strategy” that will facilitate a plan for:
 - A carbon-free electricity sector by 2035
 - Purchasing clean and zero-emission vehicles for federal, state, local and tribal government fleets including vehicles of the USPS.
 - Spurring union jobs in the manufacture of those new vehicles.
 - Requires agencies to ensure that “federal funding is not directly subsidizing fossil fuels” and that -- starting with FY 2022 -- fossil fuel subsidies will be eliminated from Administration budget requests.
 - Requires agencies to ensure that Federal funding is used to spur innovation, commercialization, and deployment of clean energy technologies and infrastructure.
 - Establishes the “Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization”, co-chaired by National Climate Advisor and housed at the Department of Energy.
 - Creates the “White House Environmental Justice Interagency Council” chaired by the Chair of the Council on Environmental Quality.

- Creates the “White House Environmental Justice Advisory Council” (members appointed by the President) to advise the White House Environmental Justice Interagency Council.
- Requires CEQ to create a geospatial “Climate and Economic Justice Screening Tool” and publish interactive maps highlighting disadvantaged communities
- Requires EPA to strengthen enforcement of environmental violations impacting EJ communities; create a community notification program to monitor and provide data on current environmental pollution in frontline and fenceline communities.
- Requires Attorney General to rename the Environmental and Natural Resources Division the “Environmental Justice and Natural Resources Division,” develop a comprehensive environmental justice enforcement strategy, and consider creating a new ‘Office Environmental Justice’.”
- Requires HHS to create an “Office of Climate Change and Health Equity,” establish an “Interagency Working Group to Decrease Risk of Climate Change to Children, the Elderly, People with Disabilities, and the Vulnerable,” and a biennial “Health Care System Readiness Advisory Council.”
- Requires the Office of Science and Technology Policy to publish a report identifying the climate strategies and technologies that will result in the most air and water quality improvements.
- Requires CEQ, OMB and National Climate Advisor to publish recommendations on how certain clean energy Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities.
- Requires OMB to publish on a public website an annual “Environmental Justice Scorecard” detailing agency environmental justice performance measures.

Outreach: Contacts included the office of Sen. James Inhofe, the U.S. Chamber of Commerce, the Alliance for Vehicle Efficiency, and CALSTART on clean energy, electric vehicles, climate-related transition issues and upcoming legislation.

###

ATTACHMENT 2B



To: South Coast Air Quality Management District
From: Cassidy & Associates
Date: January 26, 2021
Re: January Report

HOUSE/SENATE

Joseph R. Biden, Jr. was sworn in as the 46th President of the United States on January 20th. During his first 100 days in office, President Biden will focus on leveraging executive authorities in order to combat COVID-19, reverse Trump Administration policies, advance action on climate, equity, and immigration, and confirm Cabinet nominees.

The Senate is continuing to negotiate on a power-sharing agreement, and both House and Senate committee assignments are still in flux.

House

During the week of January 25th the House will meet for a Committee Work Week. During the week of February 1st, the House is not expected to be in session.

On Monday, January 25th, Speaker Pelosi transmitted the articles of impeachment to the Senate. The full press release can be read [here](#). The Senate impeachment schedule is as follows:

- Monday, January 25th: Managers present article
- Tuesday, January 26th: Senators sworn in as jurors
- Monday, February 8th: Oral arguments begin
- Tuesday, February 9th: Trial begins

Senate

The Senate will continue to confirm Cabinet nominees while the impeachment managers and former President Trump's team prepare for the trial.

Cabinet nominees include:

- Secretary of State: Antony Blinken (Confirmed)
- Treasury: Janet Yellen (Confirmed)
- Defense: Lloyd Austin (Confirmed)
- Attorney General: Merrick Garland
- Homeland Security: Alejandro Mayorkas (Nomination Hearing 1/19)
- Veterans Affairs: Denis McDonough (Nomination Hearing 1/27)
- Health and Human Services: Xavier Becerra
- Energy: Jennifer Granholm (Nomination Hearing 1/27)
- Interior: Deb Haaland
- Transportation: Pete Buttigieg (Nomination Hearing 1/21)
- Commerce: Gina Raimondo (Nomination Hearing 1/26)
- Labor: Marty Walsh
- Agriculture: Tom Vilsack
- Housing & Urban Dev: Marcia Fudge (Nomination Hearing 1/28)
- Education: Miguel Cardona

Other Administration Officials

- White House Chief of Staff: Ron Klain
- White House OMB Director: Neera Tanden
- Office of Science & Tech Policy Director: Eric Lander
- EPA Administrator: Michael Regan
- Director of National Intelligence: Avril Haines (Confirmed)
- USTR: Katherine Tai
- SBA Administrator: Isabel Guzman
- Ambassador to the UN: Linda Thomas-Greenfield (Nomination Hearing 1/27)
- Special Presidential Envoy for Climate: John Kerry

Administration Priorities

The Administration's first priority is to organize a federal response to the growing COVID-19 outbreak. During the first 100 days President Biden will focus on working collaboratively with states to provide clear guidance about a national testing and vaccination strategy to get Americans vaccinated more quickly and ensure adequate testing.

Earlier this month President Biden unveiled his "America Rescue Plan," a proposed \$1.9 trillion legislative package that includes funding for direct payments to individuals, expanded unemployment insurance, small business funding, state and local aid, and funding for vaccine distribution, among other proposals. The Biden Administration will need to work closely with leaders of both parties in the narrowly-divided House and Senate to pass a major aid package. If they are unable to attract enough Republican votes, they will likely pursue legislation through budget reconciliation, which avoids the filibuster in the Senate and requires only a majority vote for passage.

To take immediate Administrative action on the COVID-19 National Strategy, President Biden has already signed dozens of executive orders to [strengthen the public health supply chain](#), [mandate masks](#) on federal property and on domestic flights, [safely reopen schools](#), expand testing, [protect workers](#), and create a [Coordinator of the COVID-19 Response](#) and Counselor to the President position (Jeff Zients) to coordinate the "Federal Government's efforts to produce, supply, and distribute personal protective equipment, vaccines, tests, and other supplies."

Biden has also nominated a team to lead the Federal government's health care agencies, and who have also held leadership roles on his Coronavirus Task Force.

They include:

- Dr. Vivek Murthy – nominated to be U.S. Surgeon General;
- Dr. Rochelle Walensky – nominated to lead the Centers for Disease Control; and
- Dr. Anthony Fauci – who will continue as head of the National Institute for Allergies and Infectious Diseases.

President Biden has signed 30 executive orders during his first three days of taking office. The orders included various actions to combat COVID-19, repealing some actions the Trump Administration had taken, rejoining the Paris Climate Agreement, cancelling the Keystone XL Pipeline, freezing drilling in the Arctic refuge, and orders reaffirming his administration's commitment to scientific data as a basis for decision making. President Biden has a full schedule of further executive orders planned to kickstart his agenda. Monday, January 25th was billed as "Buy American Day," with executive orders targeted at strengthening the requirements for procuring goods and services from sources that will support American businesses and workers. President Biden also signed an executive order repealing the Trump Administration's ban on transgender troops.

Tuesday, January 26th focused on equity with executive orders that create a policing commission and reinstate Obama-era policy on the transfer of military-style equipment to local law enforcement, establish steps to improve prison conditions and eliminate the use of private prisons, and formally disavow discrimination against the Asian American and Pacific Islander community. The President also signed a memorandum directing Housing and Urban Development to take steps to promote equitable housing politics.

Wednesday, January 27th will be climate day, with an expected executive order initiating regulatory actions to combat climate change domestically, along with a memorandum on scientific integrity.

Thursday, January 28th is set to be a health care themed day. President Biden is set to rescind the Mexico City Policy and review the Title X "Domestic Gag Rule." There may also be an executive Action on Medicaid, as well as the initiation of open enrollment under the Affordable Care Act.

Friday, January 29th will be centered on immigration with executive orders on regional migration and border processing, the U.S. refugee policy and the establishment of a family reunification task force, as well as an executive order directing immediate review of the Public Charge Rule.

Environmental Protection Agency

The EPA has announced key members of the agency's incoming leadership team. The team was sworn in on January 20th and includes:

- Radha Adhar, Deputy Associate Administrator for Congressional Affairs
- Victoria Arroyo, Associate Administrator for Policy
- Tomás Elias Carbonell, Deputy Assistant Administrator for Stationary Sources, Office of Air and Radiation
- Alison Cassady, Deputy Chief of Staff for Policy
- Dimple Chauhary, Deputy General Counsel for Nationwide Resource Protection Programs
- Rosemary Enobakhare, Associate Administrator for Public Engagement and Environmental Education
- Philip Fine, Principal Deputy Associate Administrator for Policy
- Radhika Fox, Principal Deputy Assistant Administrator, Office of Water
- Michal Ilana Freedhof, Principal Deputy Assistant Administrator for Chemical Safety and Pollution Prevention
- Joseph Goffman, Principal Deputy Assistant Administrator, Office of Air and Radiation
- Lindsay Hamilton, Associate Administrator for Public Affairs
- Sinceré Harris, White House Liaison
- Melissa Hoffer, Principal Deputy General Counsel
- Casey Katims, Deputy Associate Administrator for Intergovernmental Affairs
- John Lucey, Special Assistant to the Administrator
- Dan Utech, Chief of Staff

Cassidy and Associates support in January:

- Collected intel on the Administration's and Congressional Leadership's plan for COVID relief and infrastructure legislation, specifically with respect to whether such legislation will be pursued through reconciliation and the expected content of such legislation.
- Advocated to key Committee and leadership staff for inclusion of state and local funding and other SCAQMD priorities in COVID relief legislation.
- Participated in weekly strategy meetings with SCAQMD staff.

PANDEMIC RESPONSE PROGRAMS AND AUTHORITIES

The FDA is reissuing the Emergency Use Authorizations (EUAs) for decontamination systems that are authorized to decontaminate compatible N95 respirators for use by healthcare personnel (HCP) to prevent exposure to pathogenic biological airborne particulates when there is an insufficient supply of new respirators resulting from the Coronavirus Disease 2019 (COVID-19) pandemic. Among other things, the reissued EUAs for certain decontamination systems are now only authorized to decontaminate each compatible N95 respirator a maximum of four or fewer times.

Based on the FDA's review of real-world use of these systems and evidence from adverse events and scientific literature, including studies regarding N95 respirator failures from simulated and real-world use, the FDA has determined that it is appropriate to protect the public health or safety to revise certain decontamination system EUAs to limit the number of decontamination cycles and respirator reuses permitted under each authorization.

On January 22nd, the FDA also added two new devices to the device discontinuance list on our web page that lists medical device shortages during the COVID-19 public health emergency. There are no updates to the device shortage list at this time. The FDA will continue to update the device shortage and device discontinuance lists as the COVID-19 public health emergency evolves. Specifically, the FDA added the following devices to the device discontinuance list:

- 3M Company's 3M Triple Layer Molded Face Mask (2042F) and 3M Triple Layer Molded Face Mask, Petite (2042FP)
- BioFire Diagnostics, LLC's FilmArray Instrument (FLM1-ASY-0001)

As of January 22nd, the most recent COVID-19 update from the FDA, 319 tests and sample collection devices are authorized by the FDA under emergency use authorizations (EUAs). These include 237 molecular tests and sample collection devices, 69 antibody tests, and 13 antigen tests. There are 33 molecular authorizations that can be used with home-collected samples. There is one molecular prescription at-home test, one antigen prescription at-home test, and one over-the-counter (OTC) at-home antigen test.

End Date/Program

March 27, 2025

Special inspector General for Pandemic Recovery

Sept. 30, 2025

Pandemic Response Accountability Committee, Congressional Oversight Commission

AGENCY RESOURCES

USA.gov is cataloging all U.S. government activities related to coronavirus. From actions on health and safety to travel, immigration, and transportation to education, find pertinent actions [here](#). Each Federal Agency has also established a dedicated coronavirus website, where you can find important information and guidance. They include: Health and Human Services ([HHS](#)), Centers of Medicare and Medicaid ([CMS](#)), Food and Drug Administration ([FDA](#)), Department of Education ([DoED](#)), Department of Agriculture ([USDA](#)), Small Business Administration ([SBA](#)), Department of Labor ([DOL](#)), Department of Homeland Security ([DHS](#)), Department of State ([DOS](#)), Department of Veterans Affairs ([VA](#)), Environmental Protection Agency ([EPA](#)), Department of the Interior ([DOI](#)), Department of Energy ([DOE](#)), Department of Commerce ([DOC](#)), Department of Justice ([DOJ](#)), Department of Housing and Urban Development ([HUD](#)), Department of the Treasury ([USDT](#)), Office of the Director of National Intelligence ([ODNI](#)), and U.S. Election Assistance Commission ([EAC](#)).

Helpful Agency Contact Information:

U.S. Department of Health and Human Services – Darcie Johnston (Office – 202-853-0582 / Cell – 202-690-1058 / Email – darcie.johnston@hhs.gov)

U.S. Department of Homeland Security – Cherie Short (Office – 202-441-3103 / Cell – 202-893-2941 / Email – Cherie.short@hq.dhs.gov)

U.S. Department of State – Bill Killion (Office – 202-647-7595 / Cell – 202-294-2605 / Email – killionw@state.gov)

U.S. Department of Transportation – Sean Poole (Office – 202-597-5109 / Cell – 202-366-3132 / Email – sean.poole@dot.gov)

ATTACHMENT 2C

KADESH & ASSOCIATES

South Coast AQMD Report for the February 2021
Legislative Meeting covering January 2021
Kadesh & Associates

January:

This has been a very busy year in Washington already: in the first three weeks alone we saw the new House session begin, the balance of power shift after the Georgia elections yielded a 50-50 Senate tie (which can be broken by Vice President Harris), the Capitol attacked during the formal counting of electoral college votes, then-President Trump impeached for a second time, and the inauguration of President Biden and Vice President Harris.

The House has voted to approve a change to its rules that will allow the majority to carve out any bills responding to COVID or to climate—including bills responding to the economic impacts of those crises—from budgetary pay-as-you-go requirements. We expect this will help with floor consideration of many clean air initiatives that are important to South Coast AQMD. In addition, the House leadership has already revised its initial vote calendar with the goal of finalizing a COVID response bill by mid-March when December's unemployment policy changes expire. The House and Senate leadership are considering a fast-track "budget reconciliation" approach to this COVID response bill, which would only require a simple majority in the Senate, at least as a procedural option while bipartisan talks on the President's proposal get underway.

The majority and minority leaders in the Senate have reached an agreement on an organizing framework, so we expect committees on that side of Capitol Hill to begin their work soon. Once COVID response legislation has been finalized, the plan is for Congress to turn to the President's "build back better" plan, where we expect clean energy, environmental justice, and sustainable infrastructure to be priorities.

Kadesh & Associates Activity Summary-

- Planning for the priorities for the 117th Congress and the Biden administration;
- Look Ahead discussion with South Coast AQMD staff;
- Continue initial outreach to congressional delegation; and
- Review of prior sessions' legislation with South Coast AQMD staff to identify priorities and any changes needed for the 117th Congress, including on Electric Vehicle infrastructure

Contacts:

Contacts included staff and House Members throughout the CA delegation, especially the authors of key legislation, new members of the South Coast House delegation, and our new Senator, Alex Padilla. We have also started to reach out to incoming Biden-Harris team members.

###

South Coast Air Quality Management District

Legislative and Regulatory Update – January 28, 2021

❖ Important Dates

- Feb. 19 – Last day for bills to be introduced.
- Mar. 25 – Spring Recess begins upon adjournment of the Legislature.
- Apr. 5 – Legislature reconvenes from Spring Recess.
- 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.

❖ 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:

- Working with South Coast team to set up call with Asm. Water, Parks and Wildlife Chairman Eduardo Garcia (D-Coachella) to discuss AB 617 funding allocations.
- Working with South Coast team to set up call with Asm. Cristina Garcia (D-Bell Gardens) to discuss AB 617 funding allocations.
- Working with State Controller's Office to discuss South Coast's designation as an independent special district vs. a dependent special district.

❖ Governor Newsom Releases his Proposed 2021-22 Budget, Including an 'Immediate Action Package.' Governor Newsom has announced a \$227 billion budget for 2021-22, the highest in the state's history. The budget package includes a proposal for \$5 billion of immediate spending to reopen schools, fund a stimulus check to California residents making less than \$30,000 a year, and funding relief for small businesses and industries heavily impacted by the pandemic.

Immediate Action Package
Safely Reopen Schools and Accelerate Economic Recovery
 (Dollars in Millions)

Proposal	Description	Funding
Reopen Schools		\$2,000
Safe Reopening of K-12 Schools	Provide Proposition 98 General Fund for health and safety supplies and services to support in-person instruction for grades K-6.	2,000
Direct Support for Workers and Small Business		\$3,046
Low-Income Tax Refund	Provide tax refund payments of \$600 to nearly 4 million low-income Californians.	2,400
Small Business Aid	Provide additional funds for small business grants, including small non-profit cultural institutions.	575
Fee Waivers for Heavily Impacted Service Industries	Provide license and fee waivers for businesses and individuals heavily impacted by COVID-19, including those licensed by the Board of Barbering and Cosmetology and Department of Alcoholic Beverage Control.	71
Total Immediate Action Package		\$5,046

The Governor's proposal would potentially impact the Legislature's timetable for passing the budget. In an ordinary session, the budget committee reviews the budget bills through May. In May, the Governor issues a revised budget based on updated revenues the state has received since the January proposal. Lawmakers then work to pass the budget by June 15.

Under this scheme, lawmakers are considering taking quick and immediate budget action by the beginning of March and then tabling action on the budget until after the May revise, into the summer.

- ❖ **Regional Stay-At-Home Order Lifted.** Governor Newsom and California's public health officials have lifted the Regional Stay-At-Home Order that was implemented on December 3, 2020. The state will now revert to the multi-tiered color-based system established in July.

54 counties are now assigned to the most restrictive 'purple' tier, indicating a widespread risk of infection from COVID-19. Businesses in purple counties are mostly restricted to operating outdoors or indoors with modifications. Three counties—Alpine, Mariposa, and Trinity—are in the 'red' or 'substantial' tier. Sierra County is the only California county in the 'orange' or 'moderate' tier.

- ❖ **Governor Newsom and the Legislature Announce an Agreement to Extend State Eviction Moratorium to June 2021.** Legislators, the Governor, and stakeholders released a joint statement on January 25th announcing that they had reached a deal that would extend California's eviction moratorium to June 30th.

The proposal, SB 91, would allow for up to \$2.6 billion to be spent to pay up to 80% of Californian's unpaid rental debt if landlords agree to forgive the remaining 20%. The measure also extends a law scheduled that bans landlords from evicting people that have paid at least 25% of their rent until June 30th.

- ❖ **Efforts to Recall Governor Newsom Intensify.** Activists pursuing a campaign to recall Governor Newsom announced in mid-January that they have raised more than \$2.4 million and have gathered 1.2 million signatures. The state has verified 410,000 of those signatures, rejecting approximately 15% of the names submitted by the campaign.

The recall effort requires 1.5 million verified signatures by March 17; political experts suggest that the campaign will need to gather approximately 2 million signatures and significantly more money to succeed in qualifying a measure for the ballot in July or August.

- ❖ **Senator Wiener Introduces Carbon Emissions Disclosure Bill.** Senator Scott Wiener (D-San Francisco) has introduced SB 260, the 'Climate Corporate Accountability Act,' which would require the Air Resources Board to develop and adopt regulations that would require any corporation doing business in California with \$1 billion or more in revenue to annually disclose their greenhouse gas emissions. CARB would also be required to develop and adopt regulations that would require those corporations to set science-based emissions targets by January 1, 2024.

SB 260 is co-sponsored by Carbon Accountable, Sunrise Bay Area, and the California League of Conservation Voters. Its principal co-authors are Assembly Members Cristina Garcia (D-Bell Gardens) and Ash Kalra (D-San Jose).

- ❖ **Legislature Permitting Double-Referrals for Bills.** Both the Assembly and the Senate have indicated that bills will again be referred to multiple committees for hearings in the 2021 session. In the 2020 session, bills were limited to a single policy committee hearing in each house due to the truncated schedule lawmakers adopted after taking an extended Spring Recess in response to the growing concerns over the spread of COVID-19. This return to ordinary process will likely provide stakeholders more opportunity to move lawmakers with different perspectives to weigh in on legislation.

❖ **Assembly Releases ‘Floor Process Memo.’** On January 25, the Assembly released a memo detailing its policies for Floor activities throughout the year. The full memo follows this report. Some highlights include:

- No guests or non-essential staff will be permitted on the Floor. Limited seating is available for media and the public.
- Legislative staff of both houses will be admitted to the rear of the Chamber upon presentation of a valid staff pass if space is available . . . Staff should leave the Chamber once their business has concluded. Other means of communicating with Members include the Chamber phone booths (916) 319-907 and the window near the Member’s elevator where materials and/or notes can be sent to the Member or where staff can meet the Member. Staff entry into the rear of the Chamber should be reserved for matters of urgency.
- Floor amendments must be across the Desk by 5:00 p.m. or before Floor Session has adjourned, whichever is later to be eligible for action the next day.

FLOOR PROCESS MEMO

(rev. January 2021)



MEMORANDUM

Date: January 25, 2021 *Please retain this memorandum for future reference*

To: All Assembly Offices

From: Assembly Speaker Anthony Rendon
Assembly Speaker pro Tempore Kevin Mullin
Majority Leader Eloise Gómez Reyes
Republican Leader Marie Waldron
Republican Floor Manager Heath Flora

Subject: FLOOR PROCESS INFORMATION – Member Attendance for Floor Session and Committees, Floor Actions, Access to the Chamber, Phones & Electronic Communications, Floor Ceremonies, Requests to Adjourn-in-Memory, Floor Amendments, Committee Staff Session Responsibilities, Bills on Third Reading, Special Procedures for Deadlines and Letters to the Journal

The following memo outlines Assembly policies for a variety of Floor activities throughout the year and special procedures during the weeks preceding a major deadline and other periods as designated by the Speaker (e.g., June 1-4 and August 30-Sept. 10, 2021).

MEMBER ATTENDANCE – FLOOR/CHECK-IN SESSION

Members must notify the Speaker's Office of the following:

- Requests to be excused from session. A written request is required in advance of session and it must include the reason and/or category of the session excuse (i.e., illness, legislative business, personal business waiving per diem).
- Notice of late arrival or early departure to or from session. The Speaker's Office will confer with the Majority Leader regarding the request.

This information should be given with as much advance notice as possible.

Letters can be hand-delivered to the Speaker's Office, State Capitol, Room 219, Attention: Jenny Murphey and labeled "Session Excuse Request." Alternatively, a signed, scanned request on the Member's letterhead may be emailed to Jenny Murphey. Republican Members should also notify the Republican Leader's Office in addition to the Speaker's Office.

Please note that requests to be absent for legislative business for the weeks preceding major deadlines or during other designated periods, as determined by the Speaker, will not be granted (e.g., June 1-4 and August 30-Sept. 10, 2021).

If the Member needs to leave Floor session temporarily and plans to return before Floor session adjourns, the Member may ask the Majority Leader for a pass. Passes for this purpose will be given at the discretion of the Majority Leader. For example, if the Member has a meeting in their office, needs to go to the Senate, or is participating in an event elsewhere in the Capitol building.

If during session a Member must leave and not return, they must receive approval from the Majority Leader. If approved, the Member has the option of submitting a “Leave of Absence—Balance of Day” letter to the Journal. The Member is on the roll for part of session and the letter explains their absence on any Floor votes taken the rest of that day.

Additionally, Members should note that their presence at a particular Floor session can only be recorded by the Desk after the opening gavel has sounded. Members who report to the Floor, but leave before the gavel has sounded, cannot be recorded as being present for session until they actually return, provided session has not adjourned.

Finally, Members should also note that the Desk will only process vote changes and/or add-ons up to the time of adjournment of the particular session.

FLOOR ACTIONS

Majority Leader

It is the role of the Majority Leader to make appropriate motions, points of order, or other arrangements necessary to expedite the proceedings of the Assembly. The Majority Leader is responsible for the presentation of all matters that relate to the order of business, and the promotion of harmony among the Membership.

The following staff facilitates requests for Floor action:

Speaker's Office:

Brian Ebbert, Floor Director

Myra Turner, Deputy Floor Director; Brandon Seto, Senior Floor Consultant

Tabatha Vogelsang, Special Assistant to the Speaker (916) 319-2063

Majority Leader's Office: Mark Farouk, Chief of Staff
& Melissa Cosio, Legislative Director (916) 319-2047

Republican Caucus: Suzanne Sutton, Director; Jenna Guillen, Floor Manager
& Gregory Melkonian, Consultant (916) 319-3900

Chief Clerk's Office/Assembly Desk: Hugh Slayden, Asst. Chief Clerk (916) 319-2856/2358

Please contact them to request these Floor actions:

- File notice waivers
- Permission to take up items without reference to File (WORF)
- Permission to take up items out of File order
- Permission to print letters in the Journal
- Permission to speak on an adjournment-in-memory (AIM) of an individual
- Make an announcement
- Re-referral of bills (also cc: Rules Committee staff on these re-referral requests)
- Permission to speak on condition of the File
- Other procedural motions and rule waivers as they arise

Requests to place items on the Members' desks should be directed to the Speaker's Office. The Speaker's Office will notify the Majority Leader of the request so that she may review and consider for approval.

The Majority Leader will make all approved motions on the Floor during session on behalf of the requestor. Announcements will be made by the Presiding Officer on behalf of the requesting Assembly Member.

If Leadership on both sides of the aisle has not been contacted before session, the request for Floor action may be denied or delayed.

ACCESS TO THE CHAMBER AND FLOOR - DURING SESSION

Policy During the COVID-19 Pandemic

Due to requirements for physical distancing and the need to protect the health and safety of Members, staff, press, and the public, no guests or non-essential staff will be permitted on the Floor. Limited seating is available for media and the public. As circumstances evolve, the policies mentioned below may be reinstated.

Guests

Guests of Assembly Members may be seated in the rear of the Chamber or in the gallery/balcony if space is available. Guests should keep their pass with them at all times and present their pass to the Sergeant-at-Arms when entering the gallery/balcony or the rear of the Chamber. Large numbers of guests in the gallery/balcony must also go through the approval process. Submit requests for passes to the Speaker's Office. If the request is approved, the passes will be available for pick-up from the Speaker's Office, Room 219. Pass pick-up is generally after 4:00 p.m. the day before the visit (Wednesday or Friday). If we are meeting every day, pass pick-up begins the morning of session. If the guests are international visitors, please inform the Speaker's Office of International Relations and Protocol: (916) 319-3666. Approval is discretionary and access may not be granted during deadline weeks and other periods designated by the Speaker.

Guests at the Members' Desks

Immediate family of the Assembly Member is permitted on the Floor and may join the Assembly Member at their desk. Immediate family includes spouses/partners, children, or parents. Submit the request to have family on the Floor to the Speaker's Office at least two business days in advance of session. The notice should include the family member's full name and pronunciation. The Speaker's Office will notify the Majority Leader of the request so that she may review and consider for approval. Approval is discretionary and access may not be granted during deadline weeks and other periods designated by the Speaker.

The family member must remain in the rear of the Chamber until a motion to allow access to the Floor is made by the Majority Leader on behalf of the Assembly Member. Once the motion has been made and the request granted, the Assembly Sergeant-at-Arms will provide a chair for the family member at the Assembly Member's desk.

If the family member requires supervision or assistance, the staff of the Assembly Member should remain in the rear of the Chamber for this purpose until the family member is escorted to the Floor.

Staff

Legislative staff of both houses will be admitted to the rear of the Chamber upon presentation of a valid staff pass if space is available. Passes will be provided in the Speaker's Office, Room 219, upon presentation of a valid California State Assembly or California State Senate identification card. Staff is not allowed on the Floor or at the rostrum at any time during session, regardless of the reason. Staff should leave the Chamber once their business has concluded.

- Other means of communicating with Members include the Chamber phone booths (916) 319-2907 and the window near the Member's elevator where materials and/or notes can be sent to

the Member or where staff can meet the Member. Staff entry into the rear of the Chamber should be reserved for matters of urgency.

Media

Media will be admitted to the Chamber if space is available upon presentation of a valid legislative media credential or an Assembly media credential issued for that day. Further information on media credentials can be obtained from the Speaker's Communications Office at (916) 319-2408, State Capitol, Room 448, Sacramento, California.

In the case of a special event, these pass provisions for guests, staff, and media may not be in effect and special passes may be required.

Photography/Recording Rules

Floor session observers must comply with the recording rules contained in SCR 38 (Resolution Chapter 163, Statutes of 2018) and policies adopted by the Assembly Rules Committee, including:

- Recording devices shall not extend beyond the Gallery railing;
- Recording equipment shall not obstruct points or paths of entry or exit;
- Recording equipment shall not interfere with recording equipment operated by the Assembly.

The recording rules for the Chamber and committee hearing rooms are publicly available on the Assembly's web site and in the Assembly Rules Committee office.

Conduct of Guests/Immediate Family of Members/Staff/Media in the Chamber

Recipients of passes/guest cards should review the text on the reverse of the pass/guest card which states:

The holder of this guest card agrees to conduct themselves in a quiet and orderly fashion in order to maintain the decorum of session.

No packages, suitcases, food, or beverages are allowed in the Chamber or in the Gallery.

Use of cellular phones for phone calls is prohibited.

Guests may not disrupt or interfere with the proceeding or the experience of others present.

This guest card may be revoked by the Assembly Speaker, Assembly Majority Leader, Assembly Rules Committee, or the Assembly Sergeant-at-Arms.

Attire

Pursuant to Assembly Rule 118.1, all persons admitted to the Floor of the Assembly during session must be dressed in appropriate attire. This includes guests, immediate family of Assembly Members, staff, and members of the media.

ACCESS TO THE CHAMBER AND FLOOR – BEFORE /AFTER SESSION AND NON-SESSION DAYS

For access to the Assembly Chamber before or after session or non-session days, contact the Speaker's Office at (916) 319-2063.

Also refer to the memo from the Speaker's Office for this policy. (See Addendum 1).

TELEPHONES AND ELECTRONIC COMMUNICATIONS

Pursuant to Assembly Rule 117.5., while on the Floor of the Assembly during any session of the Assembly, a Member may not do either of the following:

- (a) Use a cellular telephone to make or receive calls.
- (b) Send electronic communications to, or receive electronic communications from, any lobbyist.

Members may use mobile phones for phone calls on the portico or outside of the Chamber.

FLOOR CEREMONIES

Policy During the COVID-19 Pandemic

To ensure physical distancing, and health and safety, only Members and essential staff will be allowed on the Floor during Floor sessions. Because of this, no ceremonies will be conducted on the Floor for the time being. As circumstances evolve, the policies mentioned below may be reinstated.

Floor ceremonies are events for a legislative or non-legislative purpose that impact the Floor session. These include:

- Guests on the Floor for a presentation, an introduction, performance, etc.

Requests for Floor ceremonies should be submitted to the Speaker's Office in advance of any event. For large or involved ceremonies, requests must be submitted 21 days or more in advance. For all other Floor presentations involving guests or special presentations on the Floor, requests must be submitted at least two business days prior to the Floor session. The e-mail or letter should include a thorough description of the nature and purpose of the presentation/ceremony, the number of guests, time commitment, and the full name and direct phone extension of the staff contact in the requesting Assembly Member's Office. Once the information is received, the Speaker's Office will notify the Majority Leader of the request so that she may review and consider for approval.

Invitations/announcements/press releases about ceremonial events shall not be released until the date and scope of the ceremony are approved by both the Speaker and the Majority Leader.

Requests for remarks by non-Members are at the Speaker's and Majority Leader's discretion.

Approved Floor ceremonies, presentations, and introductions generally will be made from the Member's desk and will take place at the beginning of session. A statement for the

introduction/Floor ceremony should be e-mailed to the Floor contacts for the Speaker's Office by Noon two business days before the introduction/Floor ceremony. The Speaker's Office will provide this information to the Majority Leader so that she may review. The statement may be edited for content and length.

Samples or first drafts of any materials that will be distributed to the Members on the Floor in conjunction with the ceremony should be forwarded to the Speaker's Office in advance. The Speaker's Office will notify the Majority Leader of the request so that she may review and consider for approval.

The number of guests introductions/welcomes/Floor ceremonies scheduled for each session day may be limited. Routine presentations should not exceed 5 minutes. No introductions, Floor presentations, or Floor ceremonies will take place during deadline weeks and other periods designated by the Speaker.

For further information about the accommodation of guests and/or ceremonies during session, please contact Myra Turner, Brian Ebbert, Brandon Seto, or Tabatha Vogelsang of the Speaker's Office (916) 319-2063, and Mark Farouk and Melissa Cosio of the Majority Leader's Office. Copy all six Floor staff for requests sent via e-mail.

REQUESTS TO ADJOURN-IN-MEMORY

The Assembly Rules require motions to adjourn-in-memory (AIM) be submitted to the Desk in writing.

This means a Member rising to speak on a request to adjourn-in-memory *during session* is an exception to the Rules. A rule waiver approved by the Majority Leader is required *prior* to making the request to speak on an AIM.

When making a request to speak on the Floor for an AIM, Members should consider reserving this privilege for exceptional circumstances. Approved requests to speak on an AIM should be under 2 minutes. Members should refrain from speaking on the broader policy issues that may relate to the individual(s).

Send e-mail requests to speak on an adjournment-in-memory to Mark Farouk and Melissa Cosio, and copy Brian Ebbert, Myra Turner, Brandon Seto, Tabatha Vogelsang, Suzanne Sutton, Jenna Guillen, Gregory Melkonian, Amy Leach, and Tammy Weis.

Adjournment-in-memory requests must be accompanied by a biography of the deceased, or a link to the obituary, and the city in which they resided. This information is in addition to the yellow form you will submit to the Desk. Please submit the yellow card to the Desk prior to Floor session.

Yellow adjourn-in-memory cards are available from Amy Leach or Tammy Weis at the Assembly Desk. Prior to the adjournment of session, the Presiding Officer will recognize Members whose requests to speak on an AIM have been approved by the Speaker and Majority Leader, and instruct the Clerk to read the written adjourn-in-memory cards that have been submitted. The request to adjourn-in-memory is then printed in the Assembly Journal. **A rule**

waiver is not required to submit a completed adjourn-in-memory card to the Desk for printing only, if the Member does not want to speak.

Another way for Assembly Members to extend their condolences is to order a memorial resolution or provide mourners with a copy of the Assembly Journal that shows the adjournment-in-memory of the deceased person.

SUBMITTING FLOOR AMENDMENTS

To be eligible for action the next day, amendments must be across the Desk by 5:00 p.m. or before Floor Session has adjourned, whichever is later.

COMMITTEE STAFF SESSION RESPONSIBILITIES

At least one committee consultant from each standing committee must be available 30 minutes before and until 30 minutes after session in case an analysis of a bill or an amendment is needed.

The designated consultant available before and after session must be:

- Available to come to the Floor during session if deemed necessary; and
- Able to successfully use a computer to send the bill/amendment analysis to the Floor Analysis Unit in the Chief Clerk's Office.

To be eligible for action the next day, amendments must be across the Desk by 5:00 p.m. or before Floor Session has adjourned, whichever is later. Proposed amendment analyses must be successfully delivered to the Floor Analysis Unit within one hour of receipt.

Before the conclusion of each work day, committee staff should check with the Floor Analysis Unit to determine if there are amendments for the committee to analyze.

To ensure that policy and fiscal committee staff can be reached if there is an urgent need for an analysis, please verify the committee's contact numbers on file at the Floor Analysis Unit of the Chief Clerk's Office [(916) 319-2557, State Capitol, Room 3196, Fax (916) 319-2855]. The Floor Analysis contact is Russell Tomas.

FOOD AND DRINK

Consumption of food in the area of the Members' desks is prohibited. Drinks are discouraged, but covered/sealed beverages in non-branded cups are acceptable.

BILLS ON THIRD READING

Plans for Bills

For the orderly management of the House, each Member is strongly encouraged to inform the Speaker's Floor Unit as to whether or not they intend to take up any bill eligible for Floor action at least 24 hours in advance of Floor session. E-mail floor@asm.ca.gov (cc: Mark Farouk) and indicate whether the Member is planning to take up a bill for passage, pass and retain, or is waiting for amendments, etc. In urgent circumstances, contact the Floor Unit staff directly (see page 3 for contacts).

Analyses of Bills on the Floor

When measures pass the last committee, staff in the Speaker's Office, the Chief Clerk's Assembly Floor Analysis Unit (AFA), a policy committee, the Assembly Republican Caucus' Office of Policy and Budget, and their counterparts in the Senate may contact you or your office for the information listed below. Policy committee staff may contact Members' office staff assigned to bills earlier than the last committee action, including while bills are on the Appropriations Suspense File, in order to meet the Floor deadline for publication.

Staff may be asked to provide the same or similar information several times; it is important to respond to those inquiries and to do so promptly.

The information these offices need includes:

Bill Background or Fact Sheet	Bill number. Author/Floor Manager, one-sentence description about the subject of the bill followed by background and the staff contact.
Support/Opposition Summary	A list of individuals/organizations for/or against the bill as of the current date.
Support/Opposition Letters	Copies/scans of the individual letters. If recent amendments have been taken that remove opposition to a bill, add the new letter or e-mail from the organization indicating the change in position. Send to the first policy committee of reference, who maintains the support and opposition lists. Contact the committees to see if they have letters which may have been sent to the committee instead of directly to the bill author. Give packets/electronic copies to committees and Offices listed below.
Author's Statement	The policy committees preparing Floor analyses will include an author's statement in their analyses. Make sure it is up-to-date based on the current version of the bill.

To ensure that you are sending the information in a timely fashion, regularly review the Daily File to determine when your bill will be eligible on the Assembly Floor.

Offices That Prepare Floor Analyses

Chief Clerk (AFA)	Floor Analysis is usually written by the first committee of reference. This is the non-partisan and official analysis of the bill.
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Support and opposition letters should be submitted to the policy committee web site before the non-fiscal and fiscal deadlines in order to meet the Floor deadline for publication. Do not send updates to the Chief Clerk.

Policy Committees	(Assembly)	Although e-mail, FAX, or hard copy delivery are still available, the submission of letters of support and opposition <u>via policy committee websites</u> should be the primary channel. Additionally, advocates should be encouraged to follow this process. Copies of fact sheets, author's statements, and any other relevant information may be e-mailed, faxed, or hand-delivered to the first committee of reference. A consultant will also contact the staff assigned to the bill and verify support and opposition in advance of the last committee action. Any change in support and opposition should be reported to the committee to be reflected in the Floor analysis. Written verification is required from individuals/organizations who have withdrawn opposition.
Republican Caucus	(Assembly)	E-mail, FAX, or hand-deliver copies of documents to the Caucus. Scan and email of hard copies is preferred. Any change in support and opposition should be reported to the Caucus to be reflected in its Floor Analysis. Written verification is required from individuals/organizations who have withdrawn opposition.
Secretary of the Senate Floor Analyses	(SSFA)	Floor Analysis is written by the first committee of reference. This is the non-partisan and official analysis of the bill. Positions are taken from the last record of support and opposition on file with the committee. Although e-mail, FAX or hard copy delivery are still available, the digital submission of letters of support and opposition is available through most Senate policy committee websites. Please check the Senate policy committee web site to make sure the digital option is available. Do not send updates to the Secretary of the Senate.
Republican Caucus	(Senate)	Scan and email of hard copies to the consultant analyzing the bill is preferred. Any change in

support and opposition should be reported to the Caucus to be reflected in its Floor analysis.

When to send the information

Assembly: Non-fiscal bills after policy committee hearing. For Fiscal bills after passing Appropriations and the bill moves to Second Reading. Also when bill comes back from the Senate for Concurrence.

Senate: Non-fiscal bills after policy committee hearing. For Fiscal bills after passing Appropriations and bill moves to Second Reading.

Relevant contact information

Assembly Republican Caucus Office of Policy and Budget
Phone (916) 319-3900
Republican Caucus FAX (916) 319-3902
Legislative Office Building, 1020 N Street, Room 400, Sacramento, 95814

Assembly Floor Analysis (AFA)
Phone: (916) 319-2557
State Capitol, Room 3196

Secretary of the Senate Floor Analyses (SSFA)
Phone (916) 651-1520

Senate Republican Caucus Office of Policy
Phone (916) 651-1501
FAX (916) 414-3681
Legislative Office Building, 1020 N Street, Room 234, Sacramento, CA 95814

During the weeks preceding a deadline, bills on Third Reading in the Assembly that are passed on file two consecutive times may be sent to the Inactive File.

The rules and procedures of the Senate and Assembly are different. Please watch for updates from the Chief Clerk and the Secretary of the Senate regarding deadline requirements and processes for each House.

FLOOR MANAGERS OF LEGISLATION IN THE OTHER HOUSE

Assembly Bills on the Senate Floor and Senate Bills on the Assembly Floor need a Member of that House to take up the legislation on the Floor.

When requesting a rule waiver or giving information about the plans for a bill, copy the staff person in the author's office on the e-mail to avoid duplicates.

Once a Floor manager has been designated, notify the appropriate Desk so that the Floor Manager's name will be listed in the Daily File.

SENATE BILLS: Contact Creston Whiting-Casey (Assembly File Clerk), Tabatha Vogelsang and Brandon Seto of the Speaker's Office via e-mail at Creston.Whiting-Casey@asm.ca.gov, Tabatha.Vogelsang@asm.ca.gov, and Brandon.Seto@asm.ca.gov. Include the staff contact in the Assembly Floor Manager's office in the e-mail. The Assembly Desk phone number is (916) 319-2358.

ASSEMBLY BILLS: Contact Holly Hummelt, Claudia Fuentes, Heshani Wijemanne, Francisca Zabala, and Bernadette "Bernie" McNulty at the Senate Desk via e-mail at Holly.Hummelt@sen.ca.gov, Claudia.Fuentes@sen.ca.gov, Heshani.Wijemanne@sen.ca.gov, Francisca.Zabala@sen.ca.gov, and Bernadette.McNulty@sen.ca.gov. Again, include the staff contact in the Senate Floor Manager's office on the e-mail. The Senate Desk phone number is (916) 651-4181.

RESOLUTIONS

In the Assembly, resolutions must be introduced or received by the Assembly at least 10 working days prior to being eligible for hearing. The 10-working day policy for Rules action also applies to resolutions received from the Senate.

This will allow time for the Rules Committee to hear the resolution or refer it to a policy committee, and if the resolution passes, report the measure to the Floor to the Consent Calendar or Third Reading File, so the resolution will be eligible for Floor action without rule waivers.

If the author intends to request permission to introduce guests in conjunction with the resolution, contact the Floor contacts listed in the Floor Ceremonies Section of this memorandum.

Ideally, commemorative resolutions should be **introduced 30-45 days** before the day/week/event to allow time for the measure to move through both Houses without rule waivers.

Refer to the memo from the Assembly Rules Committee for the policy on resolutions. (See Addendum 2).

LETTERS TO THE ASSEMBLY JOURNAL

Instances may arise when a Member needs to submit a letter to the Journal for clarification on one of their bills. Here are the instructions for preparing a letter to the Journal:

1. The letter should be in its final form and on the Member's letterhead
2. The letter must be addressed to Sue Parker, Chief Clerk, California State Assembly
3. The letter must have an original wet signature by the requesting Member
4. Scan the signed letter and send the pdf in an email to the Speaker's Floor Unit (Brian Ebbert, Brandon Seto, Myra Turner, and Tabatha Vogelsang). In the body

of the email, include the name and direct line of the staff contact for the letter
5. Bring the signed original to Room 449, or to Brian Ebbert, Brandon Seto,
Myra Turner, or Tabatha Vogelsang on the Assembly Floor if we are in session

The Speaker's and the Republican Leader's consultants will review the letter. They may ask for revisions, and if this occurs, repeat the steps above with the revised letter.

If the letter is approved, the Majority Leader will make a motion to have the letter printed in the Journal. During deadline periods, this motion will likely happen later on the final night of Floor session. At other times, the motion to print the letter will generally be done within one or two Floor session days.

Addendum 1. Assembly Policy on Group Visits to the Chamber



Date: January 25, 2021

To: Assembly Members and Staff

From: Speaker's Floor Unit

Subject: Group Visits to the Assembly Chamber

Policy During the COVID-19 Pandemic

Due to requirements for physical distancing and the need to protect the health and safety of Members and staff, no guests or non-essential staff will be permitted on the Floor. As circumstances evolve, the policies mentioned below may be reinstated.

The following policy has been established for groups entering the Assembly Chamber during non-session hours.

The Chief Clerk and staff use the Chamber as a working office. Any group wishing to access the Chamber must obtain permission from the Speaker's Office and comply with the following:

- Contact the Speaker's Office to confirm availability of the Chamber and request approval for the visit at (916) 319-2063.
- Upon approval from the Speaker's Office, all groups must enter and exit through the rear of the Chamber located across from the Speaker's Office, Room 219.
- Large groups (40 or more) will be split up and take turns visiting the Chamber.
- Visitors must be quiet, respectful, and courteous at all times.
- Requests to record, film, or photograph in the Chamber when the Assembly is not in Floor session should be directed to the Speaker's Office.
- Caucus photographers may only be utilized when the Member is present. When caucus photographers are utilized, Member offices need to schedule the photographer and then notify the Speaker's Floor Unit.
- Guests must not touch the laptop computers; the Members' voting mechanisms, the wiring under the desks and throughout the Chamber, or the microphones.

(next page)

- When possible, groups should remain at the back of the Chamber and must refrain from sitting at the Members' desks, walking up to the rostrum, or moving papers, furniture, and equipment in the Chamber.
- Staff from the sponsoring Member's office must be with the group until their departure from the Chamber.
- Lobbyists present with a group should refrain from posing in photographs on the Floor.
- Former Members of the Legislature should have a current Member make the Floor access request on their behalf, or directly seek permission from the Speaker's Office.
- No food or drink is allowed in the Chamber.

The Assembly Gallery is generally open from 9:00 a.m. to 5:00 p.m., Monday through Friday. Groups may continue to view the Chamber from the Gallery without a legislative escort during these hours. If access to the Gallery is closed, legislative staff with valid identification may escort groups to the Gallery after contacting the Chief Sergeant-at-Arms' Office at (916) 319-2808 to arrange for the doors to be unlocked.

If you have any questions, you may contact the Speaker's Office at (916) 319-2063. Thank you for your cooperation.

Addendum 2. Assembly Rules Procedures for Hearing Resolutions



Assembly Committee on Rules

COMMITTEE CHAIR
KEN COOLEY

ROOM 3016, STATE CAPITOL
SACRAMENTO, CA 95814
(916) 319-2800

CHIEF ADMINISTRATIVE OFFICER
DEBRA GRAVERT

TO: All Assemblymembers and Employees

FROM: Assembly Rules Committee

RE: Rules Committee Procedures for Hearing Resolutions

DATE: January 19, 2021

In addition to the information provided below, please be aware that the COVID-19 pandemic has temporarily altered policies related to events and guests in the Chamber. As circumstances develop, these policies may change.

The Assembly Rules Committee is required to provide analyses of resolutions to the public at least one working day prior to the hearing. Analyses must also be prepared prior to Floor action, unless the resolution is recommended for the Consent Calendar. The following is required for resolutions referred to the Assembly Rules Committee for hearing:

- Generally, resolutions must be introduced at least 10 working days prior to being eligible to be heard on the Assembly Floor. This will allow time for referral, analysis, and hearing in the Assembly Rules Committee. Please note that resolutions involving substantive policy issues may be referred to policy committees, which may require more time. *(Note: Please be aware that Rules Committee is not meeting as regularly as a result of the COVID-19 pandemic. Members and staff are advised to give extra time from introduction of a resolution to it being presented on the Floor.)*
- Members and staff must work with the Speaker's Office and Majority Leader's Office if they would like to have a Floor presentation coincide with the presentation of a resolution on the Floor. *(Note: Such events will not be held during the pandemic.)*
- Assembly Rules Committee staff will contact authors to provide a background sheet which must be completed before the resolution is set for hearing. Please note the 10-day requirement above.
- Similar resolutions will generally be considered on a first introduced basis. Authors will be asked to work together when they have resolutions on a similar topic.
- After being heard in the Assembly Rules Committee, all noncontroversial resolutions will be reported out to the Assembly Floor on the Consent Calendar. If a Member anticipates guests attending in conjunction with a resolution, please contact the Speaker's Office and Majority Leader's Office. *(Note: Due to the pandemic, guest visits will not be permitted during Floor session.)*

- Pursuant to Assembly Rule 74, resolutions are not in order on Third Reading during the final week of session, so they may be sent to the Consent Calendar in order to expedite passage and allow the Assembly to focus on pending legislation.

The Assembly Rules Committee usually meets prior to session on Mondays and Thursdays. Please call (916) 319-2800 if you have any questions.



CALIFORNIA ADVISORS, LLC

South Coast AQMD Report
California Advisors, LLC
February 12, 2021 Legislative Committee Hearing

General Update

The Legislature's January schedule has been different than in years past. The delay in their return to Sacramento due to COVID-19, a federal holiday, and the capitol shutting down for a day due to security concerns created a bit of an uneven pace this month. Nevertheless, the Governor and the Legislature had several priority issues to work on when they were in session.

The most pressing budget-related issue that they needed to tackle was the residential eviction moratorium that was set to run out at the end of January. On Monday, January 25th the Governor and legislative leaders announced they came to a deal to extend the protections until June 30th, 2021. They amended the language into budget trailer bills and passed both bills just before the end of the month.

Another issue that has dominated the Legislature in January was the confirmation of Assemblymember Shirley Weber as the state's new Secretary of State. Weber replaced former Secretary of State Alex Padilla after he was officially sworn into the United State Senate. The two houses finished their confirmation process on January 28th and unanimously approved her appointment. Governor Newsom announced that Weber would be sworn in on January 29th. With her appointment there will now be an open seat in the Assembly. We expect the Governor to announce a special election to fill that seat in the coming weeks.

On January 21st, the Senate Republican caucus announced that Senator Scott Wilk (R-Santa Clarita) was unanimously selected as the next Senate Republican Leader. Senator Wilk is one of nine Republican members in the state Senate as their caucus lost two seats in the November. Wilk assumes the leadership post as he enters his last four-year in the Senate before term limits set in.

Lawmakers will now turn their attention to the next legislative deadline of February 19th which marks the last day to introduce new bills for this year. At the end of January, both houses had introduced over 600 bills combined. We expect that in February hundreds of bills will be introduced leading up to the deadline. Additionally, the respective budget committees will continue working through the "early action" budget items.

Lastly, on the COVID-19 front, officials with the Department of Public Health ended the Regional Stay at Home Order on January 25th, lifting the order for all regions statewide. This allows counties to return to the rules and framework the state had laid out that included color-tiers that indicates which activities and businesses can be open. As it relates to the vaccine

distribution, the Governor also has announced he will streamline the rollout and starting in February individuals 65+ will be eligible along with essential workers that were previously identified. He also revealed that age will be prioritized moving forward.

Appointments:

On January 27th, the Senate Rules Committee met to review Gideon Kracov's appointment to the California Air Resources Board. The Rules committee voted 5-0 to support his appointment and it will not go before the full Senate.

ATTACHMENT 3C



Joe A. Gonsalves & Son

Anthony D. Gonsalves

Jason A. Gonsalves

Paul A. Gonsalves

PROFESSIONAL LEGISLATIVE REPRESENTATION

925 L ST. • SUITE 250 • SACRAMENTO, CA 95814-3766

916 441-0597 • FAX 916 441-5061

Email: gonsalves@gonsalvi.com

TO: South Coast Air Quality Management District

FROM: Anthony, Jason & Paul Gonsalves

SUBJECT: Legislative Update – January 2021

DATE: Thursday, January 28, 2021

The Legislature was initially scheduled to return for the 2021-22 legislative session on January 4, 2021, however, both houses postponed the January 4th return to January 11, 2021 as a result of the surging COVID-19 numbers.

Now that the Legislature has officially reconvened, the bulk of the work is being performed by staff working remotely, with limited numbers of staff allowed to enter the Capitol. In fact, the Legislature has recently provided a stipend to staff in order for them to buy computers, cameras etc. as we are hearing the COVID remote restrictions are likely to continue through the Legislature's July 16-August 16th summer recess. This is all subject to change depending upon COVID test numbers, vaccine distribution and the overall health of our State.

Taking proactive measures to protect public safety at the State Capitol and across California, Governor Gavin Newsom enacted a series of actions to bolster security in advance of the presidential inauguration, including a General Order authorizing the deployment of 1,000 California National Guard personnel to protect critical infrastructure, including the State Capitol.

Thankfully, the public safety measures worked in Sacramento and the Legislature has been able to continue with their work.

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

BUDGET

On January 8, 2021, Governor Newsom unveiled his proposed \$227 billion 2021-2022 budget. As the Governor noted himself, the last 12 months have been a financial roller coaster for the state. Coming into 2020, the Governor enjoyed a large budget surplus and healthy reserves. After the state's response to the pandemic intensified in March 2020, revenues were expected to plummet, and the Governor and Legislature believed that they were facing a massive \$54 billion deficit. The 2020 budget reflected that expectation.

However, state revenues have been stronger than anticipated. The state has been extremely reliant on high income earners and capital gains revenue for years. While this has historically been a driver for the state's infamous boom and bust budgeting cycle, state revenue has remained steadier than expected through the pandemic since many high-income earners have continued to earn from home without interruption. As such, the state outperformed the expectations of the 2020 budget and is entering 2021 in far better shape than expected.

The Governor's Budget anticipates a \$15.5 billion one-time surplus. The Governor proposes to use most of this revenue to support one-time expenses including repayment of debt, direct stimulus payments to low-income taxpayers, combatting homelessness, combatting COVID-19, and providing assistance to small businesses.

The 2020-2021 budget year left \$11.4 billion in reserves. The Governor's Budget proposes to increase reserves to \$18.9 billion. However, it is worth noting that most of the proposed increase in reserves is required by the Constitution. Discretionary increases in reserves only amount to \$267 million in the Governor's budget.

The Governor's proposed budget requested that the Legislature take early action on \$12.8 billion of accelerated funding. He has asked the Legislature to approve \$5 billion in the coming weeks which includes \$2 billion in grants to schools to incentivize in-person learning, \$2.5 billion to provide \$600 tax refunds to low-income Californians, and \$550 million for small business loans and grants.

In addition, the Governor has asked the Legislature to approve \$7.8 billion by early spring, most of which would go to education, combatting homelessness, and meeting the Governor's recently adopted goals to sell more zero emission vehicles.

The proposed Budget also includes a \$1.37 billion Cap and Trade Expenditure Plan. These funds include the revenues that were not allocated in last year's Budget Agreement. Of the \$1.37 billion, \$325 million is being directed to the AB 617 program, of which, \$50 million is dedicated to program implementation by

local air districts and \$10 million is dedicated for technical assistance to Community Groups.

The Cap and Trade Expenditure Plan also includes \$635 million to reduce emissions from the transportation sector. This includes \$315 million for clean trucks, buses & off road freight equipment, \$170 million for Agricultural Diesel Engine Replacement & Upgrades, and \$150 million for the Clean Cars 4 All & Transportation Equity projects.

The remaining Cap and Trade funds are proposed to be spent on wildfire prevention and water projects.

In addition to the Cap and Trade Program, the Governor has proposed the renewal of AB 8, the alternative fuel and vehicle technology program (Carl Moyer) that is set to expire in 2024. As you know, the Carl Moyer program provides incentive funding for air districts to distribute locally.

The reason the Governor wants to renew the program now is because he has proposed securitizing \$1 billion of future AB 8 revenues to expand the Clean Transportation Program for zero-emission vehicle infrastructure. Additionally, he wants to support incentive programs to accelerate the turnover of existing light-, medium-, and heavy-duty vehicles and equipment, including off-road construction and agricultural equipment and locomotives. The proposal would extend the AB 8 program to 2045, which coincides with the Governor's executive order for 100% zero emission vehicles by 2045.

Unfortunately, not all of the news relating to the Governor's Budget was good. The Department of Finance (DOF) projects that revenue growth will not keep pace with the growth in expenses in future years. This means that the state could be facing an operating deficit of \$7.6 billion in the next budget year which would grow to \$11.3 billion in the 2024-2025 budget year.

This is the start of the Budget negotiations between the Legislature and the Governor. The Legislature has between now and June 15, 2021, to put forward their budget proposals and send a budget package to the Governor. Our firm will continue to work collaboratively with SCAQMD staff, the Legislature and Governor to ensure that the District's needs are met.

SENATE REPUBLICAN LEADERSHIP CHANGE

On January 21, 2021, Senate Republican Leader Shannon Grove announced that Senator Scott Wilk from Santa Clarita was unanimously selected as Senate Republican Leader-elect. Leader Grove will continue to work with Senator Wilk and Senate pro Tem Toni Atkins during the transition.

Senate Republican Leader-elect Wilk was elected to a second term representing the 21st Senate District in Southern California in November 2020. The leadership change takes effect in a few weeks.

CARB APPOINTMENT

On January 13, 2021, CARB Executive Officer Richard Corey announced the appointment of Chanell Fletcher as the Deputy Executive Officer of Environmental Justice. Fletcher will oversee CARB's Environmental Justice and Community Air Protection Program and be responsible for developing CARB-wide environmental justice policies. She will play a key role in CARB's programs designed to address disproportionate impacts from air pollution and climate change and associated chronic health conditions affecting Black, Latino and other communities of color across the state.

For the past three years, Fletcher served as Executive Director of ClimatePlan, a nonprofit organization focused on advancing policies and programs to address the relationship between land use policy and climate change to realize more sustainable and equitable development throughout California. Prior to that, Fletcher was Senior Policy Manager for the Safe Routes to Schools National Partnership. She has worked with environmental justice organizations including the Leadership Counsel for Justice and Accountability, as well as racial equity organizations including PolicyLink and Public Advocates to shape legislation and advocate for competitive grant programs that increase access and opportunity for low-income communities and communities of color.

As part of CARB's senior executive team, Fletcher will serve as the primary internal and external contact for CARB on environmental justice, climate equity and community air protection efforts. As Deputy Executive Officer of Environmental Justice, she will work closely with several of CARB's internal programs and will contribute to CARB's ongoing racial equity efforts. Fletcher will also develop a training program to provide staff with the understanding and skills to more effectively partner with communities.

As the executive office lead on AB 617, Fletcher will also guide the implementation of the program by building on the successes and lessons learned since the program's inauguration three years ago. Given her experience and expertise, she brings an important voice to help inform strategies that better align California's air quality, climate, sustainable transportation and mobility, and housing goals.

Fletcher will represent CARB before the Board, the Legislature, in public meetings and workshops, and in in-person meetings. Fletcher will formally assume her new position on February 1, 2021.

2021 LEGISLATIVE CALENDAR

Jan. 1 - Statutes take effect.

Jan. 10 - Budget must be submitted by Governor.

Jan. 11 - Legislature reconvenes.

Jan. 22 - Last day to submit bill requests to the Office of Legislative Counsel.

Feb. 19 - Last day for bills to be introduced.

Apr. 30 - Last day for policy committees to hear and report to Fiscal Committees
fiscal bills introduced in their house.

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

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

May 21 - Last day for fiscal committees to hear and report to the Floor bills intro-
duced in their house. Last day for fiscal committees to meet prior to June
7th.

June 1-4 - Floor Session Only. No committee, other than Conference or Rules,
may meet for any purpose.

June 4 - Last day for bills to be passed out of the house of origin.

June 7 - Committee meetings may resume.

June 15 - Budget bill must be passed by midnight.

July 14 - Last day for policy committees to meet and report bills.

Aug. 27 - Last day for fiscal committees to meet and report bills to the Floor.

Aug. 30-Sept. 10 - Floor Session only. No committees, other than conference
committees and Rules Committee, may meet for any purpose.

Sept. 3 - Last day to amend bills on the Floor.

Sept. 10 - Last day for each house to pass bills. Interim Study Recess begins at end of this day's
session.

ATTACHMENT 4A

South Coast Air Quality Management District
Legislative Analysis Summary – H.R. 283
Version: As introduced, January 12, 2021
Analyst: LTO

H.R. 283 (Schweikert and Cardenas) Crowdsourcing of Environmental Data Act of 2021

Summary: This bill would amend the Clean Air Act to allow States to submit air monitoring data from air quality sensors, including mobile sensors, outside of the State and Local Air Monitoring Stations (SLAMS), for one or more criteria air pollutant, with exception of carbon monoxide and nitrogen dioxide. The air monitoring data is subject to review and approval by the U.S. Environmental Protection Administrator based upon meeting federal Clean Air Act requirements.

Background: South Coast AQMD operates 39 permanent air monitoring stations (AMS) and four (4) single-pollutant air monitoring sites for lead within its jurisdiction. In late 1980, South Coast AQMD and the California Air Resources Board (CARB) conducted an extensive review of the State and Local Air Monitoring Stations (SLAMS) designations. South Coast AQMD and CARB continue to inspect and audit the ambient air monitoring network, including a June 2020 comprehensive Technical System Audit.

Further, South Coast AQMD is required to conduct an annual review of its air monitoring network which includes technical analysis and requires public outreach. The review process focuses on current and future air monitoring strategies and network changes are made in consultation with the U.S. Environmental Protection Agency (U.S. EPA) and CARB. Any modifications to the air monitoring sites are documents in the annual report submitted to the U.S. EPA.

South Coast AQMD also deploys air monitoring equipment as part of special studies, such as the Multiple Air Toxics Exposure study, special air toxics investigations, and compliance and enforcement. This additional air monitoring data is critical and is often used in complement with the fixed SLAMS sites.

Status: 1/12/2021, Introduced and referred to House Committee on Energy and Commerce.

Specific Provisions: H.R. 283 would allow States to submit air monitoring data separate from SLAMS for State Implementation Plan (SIP) purposes upon review and approval by the U.S. EPA. The alternative data must be collected through air monitoring equipment and methodologies that meet the Federal Reference Method (FRM) and Federal Equivalent Methods (FEM) standards. The bill is supposed to provide “greater regulatory flexibility” to States in making a determination, “on whether an exceedance of the national ambient air quality standard for the criteria air pollutant involved has occurred.”

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: South Coast AQMD works in collaboration with the State and federal government on the SLAMS network. South Coast AQMD also utilizes a wide variety of sensors and novel approaches to collect air quality data. Further, South Coast AQMD’s Air Quality Sensor Performance Evaluation Center (AQ-SPEC) is the pre-eminent organization for the evaluation of commercially available “low-cost”

air quality sensors in both field and laboratory settings. AQ-SPEC also publishes technical papers and information on sensor technology and data interpretation.

While H.R. 283 seeks to provide flexibility to States in employing air monitoring data for SIP nonattainment demonstrations and to increase the deployment of air sensors in communities, there are challenges with existing low-cost sensors meeting FRM and FEM standards. Currently, low-cost sensors are utilized to supplement existing information and to get a better understanding of the spatial and temporal variations of the pollutant of interest. Low-cost sensors and modeling techniques also can be used to calculate more granular and refined air quality index values.

Additionally, FRM/FEM instruments require a substantial amount of maintenance, quality assurance, and quality control to make sure the data is accurate as possible. Even if the current low-cost sensors were up to par to FRM/FEM standards, it would be extremely difficult to maintain a network with hundreds of sensors deployed for regulatory purposes. The bill does not provide funding for the deployment of additional air monitoring sensor technologies in communities nor address the need for increased funding for the maintenance and operation of the SLAMS network.

H.R. 283 could create unintentional conflicts and legal issues if air monitoring data is collected by an organization or individual versus the local air pollution control agency or state. Air monitoring data could be submitted to either refute or support attainment issues in conflict with the local air pollution control agency or state. The bill does not define the process for verification nor who is responsible for ensuring the air monitoring data was collected by equipment meeting FRM and FEM standards. This uncertainty and issues related to the reliability of the data could delay timely development and approval of the South Coast Air Quality Management Plans and the State Implementation Plan.

Staff recommends working with the authors to address the need for more funding for additional research, development, testing, assessment and education on the use of low-cost sensors and mobile platforms, and issues related to SLAMS.

Recommended Position: WORK WITH AUTHORS

[116H1284]

.....
(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend the Clean Air Act to give States the option of monitoring covered criteria air pollutants in designated areas by greatly increasing the number of air quality sensors in exchange for greater regulatory flexibility in the methods of monitoring, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHWEIKERT introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Clean Air Act to give States the option of monitoring covered criteria air pollutants in designated areas by greatly increasing the number of air quality sensors in exchange for greater regulatory flexibility in the methods of monitoring, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crowd Sourcing of En-
5 vironmental Data Act of 2021”.

1 **SEC. 2. OPTION FOR EXPANDED MONITORING.**

2 (a) IN GENERAL.—Section 110(a) of the Clean Air
3 Act (42 U.S.C. 7410(a)) is amended by inserting after
4 paragraph (3) the following:

5 “(4) OPTION FOR EXPANDED MONITORING.—

6 “(A) IN GENERAL.—Any State may include in
7 a State implementation plan a program for moni-
8 toring one or more covered criteria air pollutants in
9 one or more designated areas by—

10 “(i) continuing to use the monitoring sys-
11 tem (including for purposes of baseline meas-
12 urements) that was in operation as of the sub-
13 mission of the revision to the plan; and

14 “(ii) greatly increasing the number of air
15 quality sensors, which may include mobile sen-
16 sors, for such monitoring system.

17 “(B) STATE DISCRETION.—Subject to subpara-
18 graphs (C) and (D), the Administrator shall allow a
19 State to make a revision to a State implementation
20 plan in accordance with subparagraph (A) at the
21 State’s discretion.

22 “(C) ENSURING QUALITY.—On an annual basis,
23 each State that conducts monitoring pursuant to
24 this paragraph, as a condition on the continuation of
25 such monitoring, shall demonstrate to the Adminis-
26 trator that the quality of the data produced through

1 such monitoring meets all applicable data quality
2 standards under this Act.

3 “(D) REVIEW BY ADMINISTRATOR.—A State’s
4 annual demonstration under subparagraph (C) is
5 deemed to have met the standard described in such
6 subparagraph unless the Administrator issues a
7 written response—

8 “(i) finding that such standard is not met;
9 and

10 “(ii) explaining the basis for such finding.

11 “(E) GREATER REGULATORY FLEXIBILITY.—
12 With respect to each designated area in which a
13 State conducts monitoring pursuant to this para-
14 graph, the Administrator—

15 “(i) shall not require any particular meth-
16 od of monitoring to be used or not used, so long
17 as the data derived from such monitoring meets
18 all applicable data quality standards under this
19 Act, as described in subparagraph (C); and

20 “(ii) shall allow the State involved to con-
21 sider data derived from monitoring pursuant to
22 this paragraph in making any determination on
23 whether an exceedance of the national ambient
24 air quality standard for the criteria air pollut-
25 ant involved has occurred.

1 “(F) DEFINITIONS.—In this paragraph:

2 “(i) The term ‘covered criteria air pollut-

3 ant’ means an air pollutant for which air qual-

4 ity criteria have been issued under section

5 108(a), except that such term does not include

6 carbon monoxide or nitrogen dioxide.

7 “(ii) The term ‘designated area’ means an

8 area that is designated under section 107(d) as

9 being in nonattainment, in attainment, or

10 unclassifiable.”.

11 (b) REGULATIONS.—Not later than 12 months after

12 the date of enactment of this Act, the Administrator of

13 the Environmental Protection Agency shall promulgate

14 final regulations to implement section 110(a)(4) of the

15 Clean Air Act, as added by subsection (a). Such regula-

16 tions shall specify how a State must demonstrate to the

17 Administrator, as required by subparagraph (C) of such

18 section 110(a)(4), that the quality of the data produced

19 through monitoring pursuant to such section 110(a)(4) is

20 at least as good as the quality of the data that would be

21 produced for the respective air pollutants in the respective

22 areas if the State did not exercise the option to conduct

23 monitoring pursuant to such section 110(a)(4).

ATTACHMENT 4C

South Coast Air Quality Management District
Legislative Analysis Summary – S. 101 (Markey and Duckworth)
Version: As introduced, January 28, 2021
Analyst: SD/LTO

S. 101 (Markey and Duckworth)

Environmental Justice Mapping and Data Collection Act of 2021

Summary: This bill would form an interagency environmental justice (EJ) mapping committee, led by the U.S. Environmental Protection Agency (EPA), to identify criteria, find data gaps, create a data repository, and work with communities to create an interactive mapping tool to locate environmental justice communities based on cumulative impacts. The mapping tool will assist in the effort to direct at least 40% of climate investment funding into communities facing environmental injustices.

Background: The state of California developed a mapping tool known as CalEnviroScreen based on environmental, health and socioeconomic information to produce scores for every census tract in the state. CalEnviroScreen is utilized by the Legislature and state agencies to identify EJ communities, including ranking to allocate funding. State programs that utilize CalEnviroScreen data include:

- SB 535 Disadvantaged Communities;
- Greenhouse Gas Reduction Fund program must be utilized for disadvantaged communities;
- Sustainable Communities Planning Grants and Incentive Programs;
- Affordable Housing and Sustainable Communities;
- Sustainable Agricultural Lands Conservation;
- Transit and Intercity Rail Capital Program;
- Low Carbon Transit Operation Program;
- Weatherization Upgrades and Renewable Energy;
- Sustainable Forests;
- Active Transportation Program; and
- Green Tariff Shared Renewables Program.

Additionally, South Coast AQMD utilizes CalEnviroScreen in combination with other sources of data including the Multiple Air Toxics Exposure Study (MATES) for environmental justice initiatives and programs. For example, South Coast AQMD first identified potential Year One AB 617 communities based on top 25% of MATES IV toxics cancer risk and top 25% of CalEnviroScreen 3.0.

Status: 1/28/2021, Introduced and referred to the Committee on Environment and Public Works.

Specific Provisions: S. 101 would create the federal “Environmental Justice Mapping Committee” (Interagency Committee) that would develop a comprehensive cumulative impacts mapping tool to identify EJ communities throughout the nation. The Interagency Committee would consist of representatives from relevant agencies, such as EPA, Commerce, Health and Human Services, Interior, Agriculture, Housing and Urban Development, Energy, and Transportation. The bill also would create an advisory council of stakeholders, at least half of

which would be representatives and members of communities harmed by environmental injustices and chaired by an EJ advocate. The Interagency Committee would:

- Identify and implement a methodology to determine the cumulative impacts of factors that fall into categories including demographics such as race and income related to socioeconomic hardship and social stressors, public health, and pollution burdens, resulting in EJ scores.
- Investigate how indicators of vulnerability to impacts of climate change may be used.
- Consider implementing regional factors or creating regional maps.
- Create an interactive tool capable of providing maps of cumulative EJ scores based on selected indicators in a region of size no larger than a census tract.
- Establish a method to self-identify as an EJ community via qualitative data.
- Update the indicators and methodology at least once every three years, and upload any new data sets at least yearly.
- Data should include, but is not limited to, public health metrics, toxic chemicals, economic demographics, air quality, and water quality.
- Conduct an audit would examine the granularity and accessibility of the data and include recommendations to other Federal entities to improve the quality, granularity, and transparency of, and public involvement in data collection and dissemination.
- Establish a publicly accessible EJ data repository.

The Interagency Committee in consultation with the stakeholder advisory council would develop a plan for comprehensive public engagement and incorporation of community feedback into the data and resulting mapping tool. The bill would authorize \$20 million for fiscal years 2021 and 2022; and, \$18 million for each fiscal year of 2023 through 2025.

S. 101 is supported by over 70 community-based organizations including GreenRoots, Sunrise Movement, Alternatives for Community and Environment, Missouri Coalition for the Environment, Action St. Louis, Front and Centered, Climate Justice Alliance, Michigan Environmental Justice Coalition, Deep South Center for Environmental Justice, California Environmental Justice Alliance, WE ACT for EJ, Evergreen Action, Renew Missouri, St. Louis County Branch of the NAACP, Union of Concerned Scientists, Data for Progress, Moms Clean Air Force, The Wilderness Society, and Sierra Club, in addition to over 40 leading environmental justice scholars. The bill is also supported in the House by Representatives Alan Lowenthal (CA-47), Nanette Diaz Barragán (CA-44), Grace Napolitano (CA-32), Jesús G. “Chuy” García (IL-04), Alcee L. Hastings (FL-20), Ro Khanna (CA-17), Adriano Espaillat (NY-13), Bennie Thompson (MI-02), , Terri A. Sewell (AL-07), Gwen S. Moore (WI-04), Debbie Wasserman Schultz (FL-23), Jerrold Nadler (NY-10), Mondaire Jones (NY-17), Eleanor Holmes Norton (D-DC), Mark DeSaulnier (CA-11), Alexandria Ocasio-Cortez (NY-14), Rashida Tlaib (MI-13), Bonnie Watson Coleman (NJ-12), Emanuel Cleaver, II (MO-05), Jamaal Bowman (NY-16), Juan Vargas (CA-51), Chellie Pingree (ME-01), Earl Blumenauer (OR-03), Ritchie Torres (NY-15), Gerald E. Connolly (VA-11), Lisa Blunt Rochester (D-Del.), Doris Matsui (CA-06), Hank Johnson (GA-04), A. Donald McEachin (VA-04), Diana DeGette (CO-01), Ayanna

Pressley (MA-07), Jim Cooper (TN-05), and Raul Grijalva (AZ-03) have joined the legislation as original co-sponsors.

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: The intent of S. 101, the “Environmental Justice Mapping and Data Collection Act of 2021” is positive for environmental justice communities in Southern California and the nation. Within California, nearly 67% of the State’s EJ communities are located within the South Coast AQMD’s jurisdiction. Staff recommend the following amendments to ensure South Coast AQMD has a role in developing the federal EJ mapping tool and the data utilized within the system.

- Page 3, Line 10, strike “and”, after “water quality infrastructure,” add “and industrial infrastructure and pollution control.”

This amendment would include infrastructure necessary to transition industry to cleaner technologies and pollution control.

- Page 13, Line 2 – after “communities,” add, “including State and local agencies for public health and the environment, community members, industry and non-profit organizations.”

This amendment would ensure State and local agencies such as South Coast AQMD are actively engaged in the development of the federal environmental mapping and data program.

- Page 14, Line 23 – after “and” add “(IV) State and local agencies with public health and environmental responsibilities.”

This amendment would ensure State and local agencies such as South Coast AQMD are actively engaged in the development of the federal environmental mapping and data program.

- Page 17, Line 3 – after “groups;” add, “(dd) coordination with State and local agencies;”

This amendment would ensure State and local agencies are included in outreach activities.

- Page 17, Line 11—after “transcript” add “add video”.

This amendment would add “video” as a methodology to share the information with stakeholders. South Coast AQMD’s Zoom webcast recordings and Facebook Live streaming of meetings has enabled more community participation by making the information accessible.

- Page 18, Line 2 – after “council.”, add “where State and local agency coordination to outreach and engage with environmental justice communities occurs, the Committee may provide sums as necessary as determined by the Administrator and in consultation with the advisory council.

This amendment would enable EPA to reimburse State and local agencies for coordination of outreach and engagement related to the program.

- Page 20, Line 17 – before “air”, add “criteria” and after “pollutants” add “and toxic air pollutants.”

This amendment specifies “criteria air pollutants and air toxic pollutants” versus “air pollution.”

- Page 21, Line 8 -- after “infrastructure”, add “, and goods movement related activity including but not limited to, medium- and heavy-duty trucks, ocean going vessels, rail, and other yard equipment.”

This amendment expands the types of facilities in proximity to EJ communities to include goods movement related activity.

- Page 21, Line 8 – after (IV), add “(V) title V facilities and those identified by State and local agencies with elevated health risks due to toxics.”

This amendment adds for consideration in the EJ mapping program title V facilities and other types of facilities as identified by State and local agencies.

- Page 21, Line 8 – after above amendment, add “(IV) regions where federal health-based standards for pollutants are not in attainment.

This amendment adds “non-attainment of federal health-based standards for pollutants” as an area to identify and consider the effects upon the EJ communities.

Staff recommend a position of SUPPORT with AMENDMENTS to work with the bill author and our California Delegation on this landmark legislation which could have far reaching impacts on the development of future environmental justice programs and funding.

Recommended Position: SUPPORT WITH AMENDMENTS

117TH CONGRESS
1ST SESSION

S. ■ ■

To establish the Environmental Justice Mapping Committee, and for other purposes.

IN THE SENATE OF THE UNITED STATES

■ ■ ■ ■ ■ ■ ■ ■

Mr. MARKEY (for himself and Ms. DUCKWORTH) introduced the following bill;
which was read twice and referred to the Committee on

■ ■ ■ ■ ■ ■ ■ ■

A BILL

To establish the Environmental Justice Mapping Committee,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Environmental Justice
5 Mapping and Data Collection Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) environmental hazards causing adverse
9 health outcomes have disproportionately affected en-
10 vironmental justice communities as a result of sys-

1 temic injustices relating to factors that include race
2 and income;

3 (2) environmental justice communities have in-
4 creased vulnerability to the adverse effects of climate
5 change and need significant investment to face cur-
6 rent and future environmental hazards;

7 (3) the Federal Government has lacked a cohe-
8 sive and consistent strategy to carry out the respon-
9 sibilities of Federal agencies described in Executive
10 Order 12898 (42 U.S.C. 4321 note; relating to Fed-
11 eral actions to address environmental justice in mi-
12 nority populations and low-income populations);

13 (4) it is necessary that the Federal Government
14 meaningfully engage environmental justice commu-
15 nities in the process of developing a robust strategy
16 to address environmental justice, including high lev-
17 els of review, input, and consent;

18 (5) there is a lack of nationwide high-quality
19 data relating to environmental justice concerns, such
20 as socioeconomic factors, air pollution, water pollu-
21 tion, soil pollution, and public health, and a failure
22 to update the existing data with adequate frequency;

23 (6) there is no nationally consistent method to
24 identify environmental justice communities based on

1 the cumulative effects of socioeconomic factors, pol-
2 lution burden, and public health;

3 (7) a method described in paragraph (6) is
4 needed to correct for racist and unjust practices
5 leading to historical and current environmental in-
6 justices through the targeted investment in environ-
7 mental justice communities of at least 40 percent of
8 the funds provided for a clean energy transition and
9 other related investments, including transportation
10 infrastructure, housing infrastructure, and water
11 quality infrastructure;

12 (8) funds targeted for environmental justice
13 communities should include set-asides for technical
14 assistance and capacity building for environmental
15 justice communities to access the funds;

16 (9) particular oversight and care are necessary
17 when investing in environmental justice communities
18 to ensure that existing issues are not exacerbated
19 and new issues are not created, particularly issues
20 relating to pollution burden and the displacement of
21 residents;

22 (10) several States, academic institutions, and
23 nonprofit organizations have engaged in cumulative
24 impact environmental justice mapping efforts that
25 can serve as references for a Federal mapping effort;

1 (11) many environmental justice communities,
2 such as communities in “Cancer Alley” in the State
3 of Louisiana, have been clearly affected by extreme
4 environmental hazards such that the communities—

5 (A) are identifiable before the establish-
6 ment of the tool under subsection (b) of section
7 5 and the completion of the data gap audit
8 under subsection (d) of that section; and

9 (B) should be eligible for programs tar-
10 geted toward environmental justice communities
11 that have faced extreme environmental hazards
12 before the establishment of that tool and the
13 completion of that audit;

14 (12) in addition to investment in environmental
15 justice communities, pollution reduction is essential
16 to achieving equitable access to a healthy and clean
17 environment and an equitable energy system; and

18 (13) specific policy and permitting decisions
19 and investments may rely on different combinations
20 of data sets and indicators relating to environmental
21 justice, and race alone may be considered a criterion
22 when assessing the susceptibility of a community to
23 environmental injustice.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) ADVISORY COUNCIL.—The term “advisory
5 council” means the advisory council established
6 under section 4(d)(2)(A).

7 (3) COMMITTEE.—The term “Committee”
8 means the Environmental Justice Mapping Com-
9 mittee established by section 4(a).

10 (4) ENVIRONMENTAL JUSTICE.—The term “en-
11 vironmental justice” means the fair treatment and
12 meaningful involvement of all people regardless of
13 race, color, culture, national origin, or income, with
14 respect to the development, implementation, and en-
15 forcement of environmental laws, regulations, and
16 policies to ensure that each person enjoys—

17 (A) the same degree of protection from en-
18 vironmental and health hazards; and

19 (B) equal access to any Federal agency ac-
20 tion relating to the development, implementa-
21 tion, and enforcement of environmental laws,
22 regulations, and policies for the purpose of hav-
23 ing a healthy environment in which to live,
24 learn, work, and recreate.

1 (5) ENVIRONMENTAL JUSTICE COMMUNITY.—

2 The term “environmental justice community” means
3 a community with significant representation of com-
4 munities of color, low-income communities, or Tribal
5 and indigenous communities, that experiences, or is
6 at risk of experiencing, higher or more adverse
7 human health or environmental effects, as compared
8 to other communities.

9 (6) GROUND-TRUTHING.—The term “ground-
10 truthing” means a community fact-finding process
11 by which residents of a community supplement tech-
12 nical information with local knowledge for the pur-
13 pose of better informing policy and project decisions.

14 (7) RELEVANT STAKEHOLDER.—The term “rel-
15 evant stakeholder” means—

16 (A) a representative of a regional, State,
17 Tribal, or local government agency;

18 (B) a representative of a nongovernmental
19 organization with experience in areas that may
20 include Tribal relations, environmental con-
21 servation, city and regional planning, and public
22 health;

23 (C) a representative of a labor union;

24 (D) a representative or member of—

- 1 (i) an environmental justice commu-
2 nity; or
3 (ii) a community-based organization
4 for an environmental justice community;
5 (E) an individual with expertise in cumu-
6 lative impacts, geospatial data, and environ-
7 mental justice, particularly such an individual
8 from an academic or research institution; and
9 (F) an advocate with experience in envi-
10 ronmental justice who represents an environ-
11 mental justice community.

12 **SEC. 4. ESTABLISHMENT OF COMMITTEE.**

13 (a) **IN GENERAL.**—There is established a committee,
14 to be known as the “Environmental Justice Mapping
15 Committee”.

16 (b) **MEMBERSHIP.**—

17 (1) **IN GENERAL.**—The Committee shall be
18 composed of not fewer than 1 representative of each
19 of the following:

20 (A) Of the Environmental Protection
21 Agency—

- 22 (i) the Office of Air and Radiation;
23 (ii) the Office of Chemical Safety and
24 Pollution Prevention;

1 (iii) the Office of International and
2 Tribal Affairs;

3 (iv) the Office of Land and Emer-
4 gency Management;

5 (v) the Office of Water;

6 (vi) the Office of Environmental Jus-
7 tice;

8 (vii) the Office of Research and Devel-
9 opment; and

10 (viii) the Office of Public Engagement
11 and Environmental Education.

12 (B) The Council on Environmental Qual-
13 ity.

14 (C) Of the Department of Commerce—

15 (i) the Office of Oceanic and Atmos-
16 pheric Research, including not fewer than
17 1 representative of the Climate Program
18 Office;

19 (ii) the Economics and Statistics Ad-
20 ministration, including not fewer than 1
21 representative of the Bureau of Economic
22 Analysis; and

23 (iii) the National Institute of Stand-
24 ards and Technology.

1 (D) Of the Department of Health and
2 Human Services—

3 (i) the Centers for Disease Control
4 and Prevention, not including the Agency
5 for Toxic Substances and Disease Registry;

6 (ii) the Agency for Toxic Substances
7 and Disease Registry;

8 (iii) the Administration for Children
9 and Families;

10 (iv) of the National Institutes of
11 Health—

12 (I) the National Institute of En-
13 vironmental Health Sciences;

14 (II) the National Institute of
15 Mental Health; and

16 (III) the National Institute on
17 Minority Health and Health Dispari-
18 ties; and

19 (v) the Office for Civil Rights.

20 (E) Of the Department of the Interior—

21 (i) the Bureau of Indian Affairs;

22 (ii) the Office of Civil Rights; and

23 (iii) the United States Geological Sur-
24 vey.

25 (F) The Forest Service.

1 (G) The Department of Housing and
2 Urban Development.

3 (H) The Department of Energy.

4 (I) The Department of Transportation.

5 (J) The Department of Justice.

6 (K) The Federal Energy Regulatory Com-
7 mission.

8 (L) The Department of the Treasury.

9 (M) Such other Federal departments,
10 agencies, and offices as the Administrator de-
11 termines to be appropriate, particularly offices
12 relating to public engagement.

13 (2) SELECTION OF REPRESENTATIVES.—The
14 head of a department or agency described in para-
15 graph (1) shall, in appointing to the Committee a
16 representative of the department or agency, select a
17 representative—

18 (A) of a component of the department or
19 agency that is among the components that are
20 the most relevant to the responsibilities of the
21 Committee; or

22 (B) who has expertise in areas relevant to
23 those responsibilities, such as demographic indi-
24 cators relating to socioeconomic hardship, envi-
25 ronmental justice, public engagement, public

1 health, exposure to pollution, future climate and
2 extreme weather mapping, affordable energy,
3 sustainable transportation, and access to water,
4 food, and green space.

5 (3) CO-CHAIRS.—

6 (A) IN GENERAL.—The members of the
7 Committee shall select 3 members to serve as
8 co-chairs of the Committee—

9 (i) 1 of whom shall be a representa-
10 tive of the Environmental Protection Agen-
11 cy;

12 (ii) 1 of whom shall be a representa-
13 tive of the Council on Environmental Qual-
14 ity; and

15 (iii) 1 of whom shall have substantial
16 experience in public engagement.

17 (B) TERMS.—Each co-chair shall serve for
18 a term of not more than 3 years.

19 (C) RESPONSIBILITIES OF CO-CHAIRS.—
20 The co-chairs of the Committee shall—

21 (i) determine the agenda of the Com-
22 mittee, in consultation with other members
23 of the Committee;

- 1 (ii) direct the work of the Committee,
2 including the oversight of a meaningful
3 public engagement process; and
4 (iii) convene meetings of the Com-
5 mittee not less frequently than once each
6 fiscal quarter.

7 (c) ADMINISTRATIVE SUPPORT.—

8 (1) IN GENERAL.—The Administrator shall pro-
9 vide technical and administrative support to the
10 Committee.

11 (2) FUNDING.—The Administrator may carry
12 out paragraph (1) using, in addition to any amounts
13 made available under section 7, amounts authorized
14 to be appropriated to the Administrator before the
15 date of enactment of this Act and available for obli-
16 gation as of that date of enactment.

17 (d) CONSULTATION.—

18 (1) IN GENERAL.—In carrying out the duties of
19 the Committee, the Committee shall consult with rel-
20 evant stakeholders.

21 (2) ADVISORY COUNCIL.—

22 (A) IN GENERAL.—The Committee shall
23 establish an advisory council composed of a bal-
24 anced proportion of relevant stakeholders, at

1 least ½ of whom shall represent environmental
2 justice communities.

3 (B) CHAIR.—The advisory council shall be
4 chaired by an environmental justice advocate or
5 other relevant stakeholder with substantial ex-
6 perience in environmental justice.

7 (C) REQUIREMENTS.—Consultation de-
8 scribed in paragraph (1) shall include—

9 (i) early and regular engagement with
10 the advisory council, including in carrying
11 out public engagement under paragraph
12 (3); and

13 (ii) consideration of the recommenda-
14 tions of the advisory council.

15 (D) RECOMMENDATIONS NOT USED.—If
16 the Committee does not use a recommendation
17 of the advisory council, not later than 60 days
18 after the date on which the Committee receives
19 notice of the recommendation, the Committee
20 shall—

21 (i) make available to the public on an
22 internet website of the Environmental Pro-
23 tection Agency a written report describing
24 the rationale of the Committee for not
25 using the recommendation; and

1 (ii) submit the report described in
2 clause (i) to the Committee on Environ-
3 ment and Public Works of the Senate and
4 the Committee on Energy and Commerce
5 of the House of Representatives.

6 (E) OUTREACH.—The advisory council
7 may carry out public outreach activities using
8 amounts made available under section 7 to sup-
9 plement public engagement carried out by the
10 Committee under paragraph (3).

11 (3) PUBLIC ENGAGEMENT.—

12 (A) IN GENERAL.—The Committee shall,
13 throughout the process of carrying out the du-
14 ties of the Committee described in section 5—

15 (i) meaningfully engage with relevant
16 stakeholders, particularly—

17 (I) members and representatives
18 of environmental justice communities;

19 (II) environmental justice advo-
20 cates; and

21 (III) individuals with expertise in
22 cumulative impacts and geospatial
23 data; and

1 (ii) ensure that the input of the stake-
2 holders described in clause (i) is central to
3 the activities of the Committee.

4 (B) PLAN.—

5 (i) IN GENERAL.—In carrying out
6 subparagraph (A), the Committee shall de-
7 velop a plan, in consultation with the advi-
8 sory council, for comprehensive public en-
9 gagement with, and incorporation of feed-
10 back from, environmental justice advocates
11 and members of environmental justice
12 communities.

13 (ii) STRATEGIES TO OVERCOME BAR-
14 RIERS TO PUBLIC ENGAGEMENT.—The
15 plan developed under clause (i) shall in-
16 clude strategies to overcome barriers to
17 public engagement, including—

- 18 (I) language barriers;
19 (II) transportation barriers;
20 (III) economic barriers; and
21 (IV) lack of internet access.

22 (iii) CONSIDERATION.—In developing
23 the plan under clause (i), the Committee
24 shall consider the diverse and varied expe-
25 riences of environmental justice commu-

1 nities relating to the scope and types of en-
2 vironmental hazards and socioeconomic in-
3 justices.

4 (C) CONSULTATION AND SOLICITATION OF
5 PUBLIC COMMENT.—

6 (i) IN GENERAL.—In carrying out
7 subparagraph (A), not less frequently than
8 once each fiscal quarter, the Committee
9 shall consult with the advisory council and
10 solicit meaningful public comment, particu-
11 larly from relevant stakeholders, on the ac-
12 tivities of the Committee.

13 (ii) REQUIREMENTS.—The Committee
14 shall carry out clause (i) through means
15 including—

16 (I) public notice of a meeting of
17 the Committee occurring during the
18 applicable fiscal quarter, which shall
19 include—

20 (aa) notice in publications
21 relevant to environmental justice
22 communities;

23 (bb) notification to environ-
24 mental justice communities
25 through direct means, such as

1 community centers and schools;
2 and

3 (cc) direct outreach to
4 known environmental justice
5 groups;

6 (II) public broadcast of that
7 meeting, including soliciting and re-
8 ceiving comments by virtual means;
9 and

10 (III) public availability of a tran-
11 script of that meeting through publi-
12 cation on an accessible website.

13 (iii) LANGUAGES.—The Committee
14 shall provide each notice, notification, di-
15 rect outreach, broadcast, and transcript
16 described in clause (ii) in each language
17 commonly used in the applicable environ-
18 mental justice community, including
19 through oral interpretation, if applicable.

20 (D) FUNDING.—Of amounts made avail-
21 able under section 7, the Administrator shall
22 make available to the Committee such sums as
23 are necessary for participation by relevant
24 stakeholders in public engagement under this

1 paragraph, as determined by the Administrator,
2 in consultation with the advisory council.

3 **SEC. 5. DUTIES OF COMMITTEE.**

4 (a) **IN GENERAL.**—The Committee shall—

5 (1) establish a tool described in subsection (b)
6 to identify environmental justice communities, in-
7 cluding the identification of—

8 (A) criteria to be used in the tool; and

9 (B) a methodology to determine the cumu-
10 lative impacts of those criteria;

11 (2) assess and address data gaps in accordance
12 with subsection (d); and

13 (3) collect data for the environmental justice
14 data repository established under section 6.

15 (b) **ESTABLISHMENT OF TOOL.**—

16 (1) **IN GENERAL.**—The Committee, in consulta-
17 tion with relevant stakeholders and the advisory
18 council, shall establish an interactive, transparent,
19 integrated, and Federal Government-wide tool for
20 assessing and mapping environmental justice com-
21 munities based on the cumulative impacts of all indi-
22 cators selected by the Committee to be integrated
23 into the tool.

24 (2) **REQUIREMENTS.**—In establishing the tool
25 under paragraph (1), the Committee shall—

- 1 (A) integrate into the tool multiple data
2 layers of indicators that fall into categories in-
3 cluding—
- 4 (i) demographics, particularly relating
5 to socioeconomic hardship and social
6 stressors, such as—
- 7 (I) race and ethnicity;
8 (II) low income;
9 (III) high unemployment;
10 (IV) low levels of home owner-
11 ship;
12 (V) high rent burden;
13 (VI) high transportation burden;
14 (VII) low levels of educational at-
15 tainment;
16 (VIII) linguistic isolation;
17 (IX) energy insecurity or high
18 utility rate burden;
19 (X) food insecurity;
20 (XI) health insurance status and
21 access to healthcare; and
22 (XII) membership in an Indian
23 Tribe;

1 (ii) public health, particularly data
2 that are indicative of sensitive populations,
3 such as—

4 (I) rates of asthma;

5 (II) rates of cardiovascular dis-
6 ease;

7 (III) child leukemia or other can-
8 cers that correlate with environmental
9 hazards;

10 (IV) low birth weight;

11 (V) maternal mortality;

12 (VI) rates of lead poisoning; and

13 (VII) rates of diabetes;

14 (iii) pollution burdens, such as pollu-
15 tion burdens created by—

16 (I) toxic chemicals;

17 (II) air pollutants;

18 (III) water pollutants;

19 (IV) soil contaminants; and

20 (V) perfluoroalkyl and
21 polyfluoroalkyl substances; and

22 (iv) environmental effects, such as ef-
23 fects created by proximity to—

24 (I) risk management plan sites;

25 (II) hazardous waste facilities;

1 (III) sites on the National Prior-
2 ities List developed by the President
3 in accordance with section
4 105(a)(8)(B) of the Comprehensive
5 Environmental Response, Compensa-
6 tion, and Liability Act of 1980 (42
7 U.S.C. 9605(a)(8)(B)); and

8 (IV) fossil fuel infrastructure;

9 (B) investigate how further indicators of
10 vulnerability to the impacts of climate change
11 (including proximity and exposure to sea level
12 rise, wildfire smoke, flooding, drought, rising
13 average temperatures, extreme storms, and ex-
14 treme heat, and financial burdens from flood
15 and fire insurance) should be incorporated into
16 the tool as an additional set of layers;

17 (C) identify and consider the effects of
18 other indicators relating to environmental jus-
19 tice for integration into the tool as layers, in-
20 cluding—

21 (i) safe, sufficient, and affordable
22 drinking water, sanitation, and stormwater
23 services;

24 (ii) access to and the quality of—

- 1 (I) green space and tree canopy
- 2 cover;
- 3 (II) healthy food;
- 4 (III) affordable energy and
- 5 water;
- 6 (IV) transportation;
- 7 (V) reliable communication sys-
- 8 tems, such as broadband internet;
- 9 (VI) child care;
- 10 (VII) high-quality public schools,
- 11 early childhood education, and child
- 12 care; and
- 13 (VIII) health care facilities;
- 14 (iii) length of commute;
- 15 (iv) indoor air quality in multiunit
- 16 dwellings;
- 17 (v) mental health;
- 18 (vi) labor market categories, particu-
- 19 larly relating to essential workers; and
- 20 (vii) each type of utility expense;
- 21 (D) consider the implementation of specific
- 22 regional indicators, with the potential—
- 23 (i) to create regionally and locally
- 24 downscaled maps in addition to a national
- 25 map;

1 (ii) to provide incentives for States to
2 collect data and conduct additional anal-
3 yses to capture conditions specific to their
4 localities;

5 (iii) to provide resources for and en-
6 gage in ground-truthing to identify and
7 verify important data with community
8 members; and

9 (iv) to develop companion resources
10 for, and provide technical support to, re-
11 gional, State, local, or Tribal governments
12 to create their own maps and environ-
13 mental justice scores with relevant re-
14 gional, State, local, and Tribal data;

15 (E) identify a methodology to account for
16 the cumulative impacts of all indicators selected
17 by the Committee under subparagraph (A), in
18 addition to other indicators as the Committee
19 determines to be necessary, to provide relative
20 environmental justice scores for regions that
21 are—

22 (i) as small as practicable to identify
23 communities; and

24 (ii) not larger than a census tract;

1 (F) ensure that the tool is capable of pro-
2 viding maps of environmental justice commu-
3 nities based on environmental justice scores de-
4 scribed in subparagraph (E);

5 (G) ensure that users of the tool are able
6 to map available layers together or independ-
7 ently as desired;

8 (H) implement a method for users of the
9 tool to generate a map and environmental jus-
10 tice score based on a subset of indicators, par-
11 ticularly for the purpose of using the tool in ad-
12 dressing various policy needs, permitting proc-
13 esses, and investment goals;

14 (I) make the tool customizable to address
15 specific policy needs, permitting processes, and
16 investment goals;

17 (J) account for conditions that are not
18 captured by the quantitative data used to de-
19 velop the 1 or more maps and environmental
20 justice scores comprising the tool, by—

21 (i) developing and executing a plan to
22 perform outreach to relevant communities;
23 and

24 (ii) establishing a mechanism by
25 which communities can self-identify as en-

1 vironmental justice communities to be in-
2 cluded in the tool, which may include cit-
3 ing qualitative data on conditions for which
4 quantitative data are lacking, such as cul-
5 tural loss in Tribal communities;

6 (K) consider that the tool—

7 (i) will be used across the Federal
8 Government in screening Federal policies,
9 permitting processes, and investments for
10 environmental and climate justice impacts;
11 and

12 (ii) may be used to assess commu-
13 nities for pollution reduction programs;
14 and

15 (L) carry out such other activities as the
16 Committee determines to be appropriate.

17 (c) TRANSPARENCY AND UPDATES.—

18 (1) IN GENERAL.—

19 (A) NOTICE AND COMMENT.—The Com-
20 mittee shall establish the tool described in sub-
21 section (b) after providing notice and an oppor-
22 tunity for public comment.

23 (B) HEARINGS.—In carrying out subpara-
24 graph (A), the Committee shall hold hearings,
25 which shall be time- and language-appropriate,

1 in communities affected by environmental jus-
2 tice issues in geographically disparate States
3 and Tribal areas.

4 (2) UPDATES.—

5 (A) ANNUAL UPDATES.—The Committee
6 shall update the tool described in subsection (b)
7 not less frequently than annually to account for
8 data sets that are updated annually.

9 (B) OTHER UPDATES.—Not less frequently
10 than once every 3 years, the Committee shall—

11 (i) update the indicators, method-
12 ology, or both for the tool described in sub-
13 section (b); and

14 (ii) reevaluate data submitted by Fed-
15 eral departments and agencies that is used
16 for the tool.

17 (C) REPORTS.—After the initial establish-
18 ment of the tool described in subsection (b) and
19 each update under subparagraph (A) or (B),
20 the Committee shall publish a report describ-
21 ing—

22 (i) the process for identifying indica-
23 tors relating to environmental justice in
24 the development of the tool;

1 (ii) the methodology described in sub-
2 section (b)(2)(E); and

3 (iii) the use of public input and com-
4 munity engagement in that process.

5 (3) TRAINING TUTORIALS AND SESSIONS.—

6 (A) IN GENERAL.—The Committee shall—

7 (i) develop virtual training tutorials
8 and sessions for environmental justice com-
9 munities for the use of the tool described
10 in subsection (b); and

11 (ii) where practicable, provide in-per-
12 son training sessions for environmental
13 justice communities for the use of that
14 tool.

15 (B) LANGUAGES.—The tutorials and ses-
16 sions under subparagraph (A) shall be made
17 available in each language commonly used in
18 the applicable environmental justice community.

19 (4) PUBLIC AVAILABILITY.—

20 (A) IN GENERAL.—The Committee shall
21 make available to the public on an internet
22 website of the Environmental Protection Agen-
23 cy—

24 (i) the tool described in subsection
25 (b);

- 1 (ii) each update under subparagraphs
2 (A) and (B) of paragraph (2);
3 (iii) each report under paragraph
4 (2)(C); and
5 (iv) the training tutorials and sessions
6 developed under paragraph (3)(A)(i).

7 (B) ACCESSIBILITY.—The Committee shall
8 make the tool, updates, and reports described in
9 subparagraph (A) accessible to the public by
10 publication in relevant languages and with ac-
11 cessibility functions, as appropriate.

12 (C) REQUIREMENT.—In carrying out sub-
13 paragraph (A)(i), the Committee shall take
14 measures to prevent the tool from being mis-
15 used to discriminate against environmental jus-
16 tice communities, such as by providing safe-
17 guards against the use of downscaled data that
18 may enable the identification of individuals.

19 (d) DATA GAP AUDIT.—

20 (1) IN GENERAL.—In establishing the tool de-
21 scribed in subsection (b), the Committee shall direct
22 relevant Federal departments and agencies to con-
23 duct an audit of data collected by the department or
24 agency to identify any data that are relevant to envi-

1 ronmental justice concerns, including data relating
2 to—

3 (A) public health metrics;

4 (B) toxic chemicals;

5 (C) socioeconomic demographics;

6 (D) air quality;

7 (E) water quality; and

8 (F) killings of individuals by law enforce-
9 ment officers.

10 (2) REQUIREMENTS.—An audit described in
11 paragraph (1) shall—

12 (A) examine the granularity and accessi-
13 bility of the data;

14 (B) address the need for improved air
15 quality monitoring; and

16 (C) include recommendations to other Fed-
17 eral departments and agencies on means to im-
18 prove the quality, granularity, and transparency
19 of, and public involvement in, data collection
20 and dissemination.

21 (3) IMPROVEMENTS.—The Committee shall di-
22 rect a Federal department or agency, in conducting
23 an audit under paragraph (1), to address gaps in ex-
24 isting data collection that will assist the Committee
25 in establishing and operating the tool described in

1 subsection (b), including by providing to the depart-
2 ment or agency—

3 (A) benchmarks to meet in addressing the
4 gaps;

5 (B) instructions for consistency in data
6 formatting that will allow for inclusion of data
7 in the environmental justice data repository de-
8 scribed in section 6; and

9 (C) best practices for collecting data in col-
10 laboration with local organizations and part-
11 ners, such as engaging in ground-truthing.

12 (4) REPORTS.—Not later than 180 days after a
13 Federal department or agency has conducted an
14 audit under paragraph (1), the Committee shall—

15 (A) make available to the public on an
16 internet website of the Environmental Protec-
17 tion Agency a report describing the findings
18 and conclusions of the audit, including the
19 progress made by the Federal department or
20 agency in addressing environmental justice data
21 gaps; and

22 (B) submit the report described in sub-
23 paragraph (A) to—

24 (i) the Committee on Environment
25 and Public Works of the Senate;

- 1 (ii) the Committee on Health, Edu-
2 cation, Labor, and Pensions of the Senate;
3 (iii) the Committee on Energy and
4 Commerce of the House of Representa-
5 tives; and
6 (iv) the Committee on Education and
7 Labor of the House of Representatives.

8 **SEC. 6. ENVIRONMENTAL JUSTICE DATA REPOSITORY.**

- 9 (a) **IN GENERAL.**—The Administrator shall establish
10 an environmental justice data repository to maintain—
11 (1) the data collected by the Committee
12 through the establishment of the tool described in
13 section 5(b) and the audits conducted under section
14 5(d)(1); and
15 (2) any subnational data collected under sub-
16 section (c)(2).
17 (b) **UPDATES.**—The Administrator shall update the
18 data in the data repository described in subsection (a) as
19 frequently as practicable, including every year if prac-
20 ticable, but not less frequently than once every 3 years.
21 (c) **AVAILABILITY; INCLUSION OF SUBNATIONAL**
22 **DATA.**—The Administrator—
23 (1) shall make the data repository described in
24 subsection (a) available to regional, State, local, and
25 Tribal governments; and

1 (2) may collaborate with the governments de-
2 scribed in paragraph (1) to include within that data
3 repository subnational data in existence before the
4 establishment of the tool described in section 5(b)
5 and the completion of the audits under section
6 5(d)(1).

7 (d) REQUIREMENT.—The Administrator shall take
8 measures to prevent the data in the data repository de-
9 scribed in subsection (a) from being misused to discrimi-
10 nate against environmental justice communities, such as
11 by providing safeguards against the use of downscaled
12 data that may enable the identification of individuals.

13 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Ad-
15 ministrator to carry out this Act, including any necessary
16 administrative costs of the Committee—

17 (1) \$20,000,000 for each of fiscal years 2021
18 and 2022; and

19 (2) \$18,000,000 for each of fiscal years 2023
20 through 2025.

21 **SEC. 8. EFFECT.**

22 Nothing in any provision of this Act relating to the
23 tool described in section 5(b) prohibits a State from devel-
24 oping a map relating to environmental justice or pollution

1 burden that relies on different data, or analyzes data dif-
2 ferently, than that tool.