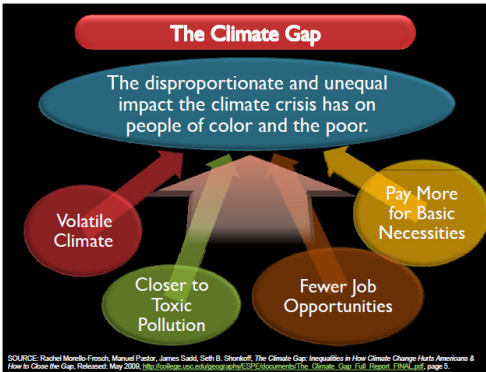


AB 32 Report to APEN



The global warming solutions bill AB 32 and California’s rising green economy gives residents from low income communities the opportunities to close the climate gap and increase their economic benefits. Implementing this bill correctly can reduce the harmful and disproportionate effects of climate change on low income residents while producing more inclusive green jobs.

The scoping plan, which will be implemented by the California Air Resources Board (CARB), outlines California’s plans to implement AB 32. Language in the bill states that AB 32 must “ensure that activities undertaken to comply with the regulations do not disproportionately impact low-income communities.” Although this inclusive language is present in the bill, there are not many direct measures that explicitly show how communities of color will benefit from AB 32. The Environmental Justice Advisory committee, which advised CARB with the development of the scoping plan, has strongly criticized CARB for their adopted regulations. Fortunately, implementation of AB 32 begins in 2012 and regulations for specific programs are still under development.

AB 32 Timeline

During 2009	Mar-10	Apr-09	1-Jan-10	Sep-10	Oct-10	During 2010	1-Jan-11	1-Jan-12
ARB adopts plan indicating how emission reductions will be achieved from significant sources of GHGs via regulations, market mechanisms and other actions.	Early reduction program, set asides, essentials of market oversight and operations, offsets compliance limits, competitiveness issues	Defining the essential elements of offsets and offset system requirements, evaluating potential impacts to vulnerable communities from cap and trade	Early action measures take effect.	Oil and Gas extraction GHG Emission Reduction—Planned approval date	Cap-and-trade—Planned approval date	ARB conducts series of rulemakings to adopt GHG regulations including rules governing market mechanisms.	ARB completes major rulemakings for reducing GHGs including market mechanisms and must adopt the cap-and-trade regulation	GHG rules and market mechanisms adopted by ARB take effect and are legally enforceable.

OPPORTUNITIES FOR EJ COMMUNITIES

GREEN JOBS

An expanded green economy has the potential to transform EJ communities by providing opportunities for green jobs and job training. Green jobs in construction, green energy, site cleaning in our own communities, and more are growing. Existing legal provisions like equal opportunity laws, local hiring and training ordinances, safety and health standards, and affirmative action provisions must also be incorporated into new green jobs programs.

Some groups have already taken advantage of expanding green jobs:

- Green for All in Portland, Oregon pushed for a community workforce agreement to ensure the participation of local women and people of color in residential retrofit projects.
- SCOPE in LA helped pass a green retrofit ordinance for municipal buildings that will create high quality jobs for communities of color.

There are plenty of organizations that have incorporated EJ communities into the green economy: Oakland Green Jobs Corps, Ella Baker Center, Apollo Alliance, Green For All, and more. Local communities have the power to work with coalition partners, local businesses and local government to make sure that their communities are being included in the green jobs movement.

MARKET-BASED SOLUTIONS: CAP-AND-TRADE

The ARB will work with stakeholders to design a California cap-and-trade program that meets the requirements of AB 32, *including the need to consider any potential impacts on disproportionately impacted communities*. The cap-and-trade system covers major industrial polluters, like oil refineries, electric utilities and cement plants.

A potential threat: If ARB allows offsets, which allow polluters to compensate for emissions without reducing them, the cap and trade system will fail to foster necessary technological innovations, and will allow continued exposure of fenceline communities to toxic air contaminants. There is also the possibility of increased pollution disparity.

Where the opportunity lies: Aside from reducing emissions from cap-and-trade, selling or auctioning off permits would generate revenue that could go to developing renewable energy infrastructure or tax breaks for consumers and businesses that could face higher electricity and fuel prices.

Recommendations for cap-and-trade include, but are not limited to:

1. Policy that identifies the CA communities with unfair burden due to pollution.
2. Community Benefits Fund [see AB1405 below]
3. Limits on relocation of pollution sources into highly polluted communities.

4. Limits on flarings and removal of methane exemption at refineries.
5. Create *trading zones* to incentivize pollution reduction in the areas with the dirtiest air.
6. Restrict trading/ fee options among facilities causing the most health impacts.

Implementation for market-based solutions like cap-and-trade has not been decided yet- there is room for public input! There is an opportunity to make sure that the industrial sources like refineries will be heavily regulated by cap-and-trade. This also creates the opportunity to ask Chevron to work on necessary upgrades to make the refinery cleaner and safer.

UTILIZING LOCAL GOVERNMENTS

AB32 calls on local governments to meet AB32 emissions goals in every community as well as to develop local climate action plans.

Local government can:

- Influence an exclusive authority over significant emissions sources
- Implement local programs
- Pass ordinances, standards, and codes

ARB has provided a local government toolkit as a one-stop-shop for guidance, tools, and resources to improve access to technical info, raise awareness of strategies and benefits.

Where the opportunity lies: Community organizations should work with local governments to have their voices heard and to implement local programs.

BIOFUELS

What are they? Satisfies the low carbon fuel standard on the list of discrete Early Action Measures.

The threat: Biofuel refineries could negatively impact the health of adjacent communities by exposing them to byproducts of the distillation processes necessary for fuel production. Communities that live closer to highways and goods transport corridors could bear increased health burdens if these fuels prove to be more toxic than gasoline.

What can be done: Community groups should push for alternatives to biofuels or safe processes for the creation of biofuels.

COMMUNITY BENEFITS FUND

Introduced in 2008, AB1405 would create a Community Benefits Fund to direct some revenues generated through the implementation of AB 32 to help Californians who are least able to confront the expected impacts of the climate crisis at a local level. This includes energy efficiency upgrades, deployment of pollution reduction technology, cooling centers for the anticipated increase in extreme heat episodes, and much more.

What can be done: Legislators need to hear support for this key issue. The Greenlining Institute has done organizing to pass AB1405 and has created a letter of support for other organizations to sign on to. The letter can be found at: <http://greenlining.org/publications/pdf/480>

A “Climate Gap Neighborhood Protection Fund” is a good alternative.

OTHER MEASURES TO ADVOCATE FOR:

Urban

agriculture- Modeling a program after Oakland’s Food Policy and requiring urban areas to source a percentage of their food locally via community gardens dramatically decreases the number of food miles needed to transport food, thus decreasing greenhouse gas emissions. Environmental justice co-benefits include improved nutrition and health of the communities served, elimination of “food deserts” in inner city areas, and creation of welcoming public spaces for local residents to enjoy.

CURRENT LITIGATION:

A coalition of EJ groups filed a lawsuit against ARB for failing to adhere to the mandates of AB32 including the inclusion of measures that will not disproportionately impact already overburdened communities. The petitioners are asking that ARB be required to comply with the law and change its Scoping Plan. If the EJ groups were to win this case there would be an even wider window of opportunity for EJ concerns to be incorporated.

PUBLIC INPUT:

As part of AB32 ARB is directed to conduct meetings and workshops in regions of the state that have the most significant exposure to air pollutants. ARB claims that it will collect community input, conduct outreach and education on AB 32 and climate change issues, promote community participation, and ensure transparency and accountability through ARB’s open stakeholder process. It is important that groups like APEN make their voice heard.

OTHER GROUPS working on this issue (both governmental and non-governmental): [meeting times and specific information can be found on respective website

Climate Action Team
The Public Health Working Group
Program Design Technical Stakeholder Work Group
Economic Analysis Technical Stakeholder Work Group
Refinery Technical Working Group

Greenlining Institute
Coalition for Clean Air
Green for All
Ella Baker Center
Mobilization for Climate Justice
Communities for a Better Environment
Richmond Equitable Development Initiative
Urban Habitat
California Environmental Rights Alliance

UPCOMING IMPORTANT DATES:

ARB Workshop

5/6/2010 -- 8:00 AM - 6:00 PM
Cal/EPA Headquarters, Byron Sher Auditorium
Coordinator: Sara Dastoum
sdastoum@arb.ca.gov

Low Carbon Fuel Standard Public Workshop

5/6/2010
Audio Video
Cal/EPA Headquarters, Sierra Hearing Room
1:00 PM - 6:00 PM
Coordinator: Carolyn Lozo clozo@arb.ca.gov

Greenhouse Gas Cap-and-Trade Workshop

5/10/2010 -- 9:00 AM - 5:00 PM
Cal/EPA Headquarters, Byron Sher Auditorium
Coordinator: Yachun Chow ychow@arb.ca.gov

Cap-and-Trade Program

5/17/2010 -- 9:00 AM - 5:00 PM
Cal/EPA Headquarters, Byron Sher Auditorium
Coordinator: Yachun Chow ychow@arb.ca.gov

**Climate Action Team Public Health
Workgroup**

05-20-2010 01:00 PM - 04:00 PM
1001 I St. - Coastal Hearing Room, Sacramento
([see map](#))
Candace Vahlsing
(916) 322-7554
cvalhsin@arb.ca.gov

Program Design

5/20/2010 -- 9:00 AM - 5:00 PM
Cal/EPA Headquarters, Byron Sher Auditorium
Coordinator: Ashley Dunn adunn@arb.ca.gov

Cap and Trade Workshop

5/24/2010 -- 9:00 AM - 5:00 PM
Cal/EPA Headquarters, Byron Sher Auditorium
Coordinator: Yachun Chow ychow@arb.ca.gov

ARB Board Meeting for May

05-27-2010 to 05-28-2010 -- 09:00 AM - 05:00
PM
1001 I St. - Byron Sher Auditorium, Sacramento
Sandra Bannerman
(916) 322-5594
sbannerm@arb.ca.gov

**Climate Action Team Public Health
Workgroup**

07-29-2010 09:30 AM - 12:30 PM
TBA, Sacramento Candace Vahlsing
(916) 322-7554
cvalhsin@arb.ca.gov

CAPCOA Climate Change Forum

08-30-2010 to 08-31-2010 -- 08:00 AM - 05:00
PM
San Francisco Marriott Marquis Hotel, San
Francisco
Anne Hellwig
(310) 573-8558
info@capcoaclimateforum.com

*Currently ARB has no scheduled upcoming
Climate Change Community meetings but
meetings will be announced here:

[http://www.arb.ca.gov/cc/community/meetings/
meetings.htm](http://www.arb.ca.gov/cc/community/meetings/meetings.htm)

FURTHER READINGS/ RESOURCES:

For full list of all 72 Scoping Plan Measures and their Planned Approval date, implementation date, and staff contacts:

http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf

Information on the Environmental Justice Advisory Committee and their recommendations:

<http://www.arb.ca.gov/cc/ejac/ejac.htm>

AB32 Implementation Group (independent coalition): <http://www.ab32ig.com/>

The Coalition for Clean Air's Protecting California's Communities from the Climate Crisis:

<http://www.coalitionforcleanair.org/climate.html#AB32>

<http://coalitionforcleanair.org/pdf/reports/CCA-AB-32-concept-paper.pdf>

CARB's Public Workshop Presentation for AB32 Cap-and-trade Rulemaking to Reduce Greenhouse Gases:

http://www.arb.ca.gov/cc/scopingplan/meetings/012909/pm_slides_jan29.pdf

Minding the Climate Gap : <http://college.usc.edu/pere/documents/mindingthegap.pdf>

For full text of the Scoping Plan and information on it:

<http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>

The Greenlining Institute's information and recommendations about AB32:

<http://greenlining.org/initiatives/green-assets/ab->

ARB's guide to public participation: <http://www.arb.ca.gov/html/decisions.htm>

Information on the lawsuit: <http://www.ej matters.org/docs/AB32%20Complaint.pdf>