January 20, 2017

Ms. Katie Valenzuela Garcia
via electronic mail

Ms. Sekita Grant
The Greenlining Institute
1918 University Avenue, 2nd Floor
Berkeley, California 94704

Ms. Mari Rose Taruc
Via electronic mail

Dear Ms. Garcia, Ms. Grant and Ms. Taruc:

Thank you for your letter dated January 12, 2017. We agree that the 2030 Scoping Plan needs to be developed using a full and open process. We are committed, as are you, to ensure that California’s climate change programs deliver benefits to disadvantaged communities and do not result in inequitable distribution of negative impacts. With these goals in mind, the California Air Resources Board (CARB) along with our partner agencies have engaged in an unprecedented series of public workshops and workgroup discussions comprised of both ARB staff and external experts, and community meetings with environmental justice advocates and citizen groups. The EJAC and other stakeholders have provided substantial input as reflected in the draft Scoping Plan released today. We plan to make further adjustments as described below. By releasing the draft Scoping Plan, with its accompanying environmental analysis, and initiating formal review, CARB is following correct administrative procedure, allowing for the broad interest public to review and comment on our work. This timing also honors the schedule we have previously announced.

Your recent request for a minimum six week delay in the release of the draft Scoping Plan and the start of the California Environmental Quality Act (CEQA) review process pending release of a number of studies and reports appears to be based on the belief that reports needed to evaluate the draft Scoping Plan will not be available in time for you to use the information in your comments. In fact, the reports we have discussed are incorporated in or attached to the draft Scoping Plan as appendices, and therefore can be reviewed simultaneously. These reports contain data and analysis that were...
used by the CARB staff in developing the draft plan. The only exception is the Office of Environmental Health Hazard Assessment (OEHHA) report that was developed using CARB data; that report is still undergoing final editing by OEHHA and is expected to be released within a few days.

Your proposed delay is also inconsistent with a schedule that would allow the Board to consider adoption of the Scoping Plan in time to make changes to the ongoing Cap-and-Trade rulemaking that would allow for sale of post-2020 allowances beginning in 2018. While we understand your preference for direct regulation or carbon taxes over Cap-and-Trade, the fact is that CARB is currently implementing an effective Cap-and-Trade regulation that enjoys the support of many stakeholders as well as the Administration. We take seriously the requirement to evaluate other options for post-2020 climate action, but a full and open evaluation process does not require that the current program be terminated in a manner that would preclude a timely and smooth transition to the next phase.

As you know, the current CARB schedule has been modified to accommodate EJAC’s requests for more time to provide input to the final Scoping Plan by moving back the Board’s public hearings and possible action on both the Proposed and Final Scoping Plan. We have also added more opportunities for engagement with staff and individual Board members by providing the Board a further update on the Scoping Plan at its February 2017 hearing. Finally, in order to assure that EJAC and other interested parties have ample time to review and comment on all relevant studies and reports, we plan to postpone the Board’s final consideration of the Scoping Plan until the April 2017 Board meeting. There is simply no justification, under all these circumstances, to delay the release of the draft Scoping Plan for a complete and thorough review.

**Public Engagement to Date**

Since December 2015, we have partnered with EJAC to hold 12 public EJAC meetings across California. And in response to EJAC’s request, we provided staff support for an additional 11 local community meetings hosted by EJAC in various locations around the State to garner local residents’ input on the Scoping Plan.

The timeline for the Scoping Plan development was a key point of discussion at EJAC’s early meetings. In response to EJAC’s request for more time to review and comment on the Scoping Plan, we extended the timeline. The draft Scoping Plan takes into account EJAC’s comments on the previous draft documents, as well as the numerous EJAC meetings and the public workshops. CARB staff will be prepared to discuss the
economic, environmental and health analyses in order to assist you in refining your recommendations.

**Reducing Emissions Statewide and in EJ Communities**

Your letter states that there are insufficient protections for environmental justice communities from adverse health impacts associated with increased emissions resulting from the Cap-and-Trade program. The report cited as the basis for your concern does not establish that the Cap-and-Trade program has caused increased emissions or negative health impacts anywhere in California. In fact, verified monitoring data shows that emissions of harmful air pollutants have decreased substantially across the State since 2000. For example, PM2.5 emissions from petroleum refining combustion have decreased by 55 percent across the State and by 30 percent in the South Coast air basin\(^1\). More importantly, emissions of harmful pollutants have decreased faster and to a greater extent in EJ communities relative to non-EJ communities, as we recently discussed with our Board\(^2\).

While we find no evidence to support the characterization the Cap-and-Trade presents a risk to disadvantaged communities, we strongly agree that public exposure to harmful pollutants needs to be further reduced, particularly in disproportionately impacted communities such as those near ports, railyards and multi-modal freight handling facilities. At our November 2016 hearing\(^3\), we discussed with the Board the broad review we will be undertaking of the State’s air toxics and criteria pollutant programs that will translate into additional actions to reduce emissions and exposure to pollutants of concern. We will work closely with the local air districts, EJ communities, and other stakeholders to identify and implement such policies and programs.

**Next Steps**

As you review the Draft, I believe you will see many areas where the document reflects the comments and suggestions of the EJAC and environmental justice advocates. As described above there will be further opportunity for detailed discussion of the information and ideas underlying the document both at the February 2017 EJAC meeting and in additional workshops on specific topics. It’s also important to note that economic and health research is not static, just as the State’s environmental programs continue to shape and be shaped by advances in technology. Investments of hundreds

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\(^1\) See [https://www.arb.ca.gov/app/emsinv/fcemssumcat2013.php](https://www.arb.ca.gov/app/emsinv/fcemssumcat2013.php).

\(^2\) See [https://www.arb.ca.gov/board/books/2016/062316/16-6-2pres.pdf](https://www.arb.ca.gov/board/books/2016/062316/16-6-2pres.pdf).

\(^3\) See [https://www.arb.ca.gov/board/books/2016/111716/16-10-5pres.pdf](https://www.arb.ca.gov/board/books/2016/111716/16-10-5pres.pdf).
of millions of dollars from the Greenhouse Gas Reduction Fund in disadvantaged communities, as directed the Legislature and the Governor, will also begin to bear fruit.

We look forward to continuing our important work together on behalf of all the State’s communities.

Sincerely,

Mary D. Nichols
Chair

Richard W. Corey
Executive Officer

cc: Environmental Justice Advisory Committee Members
    Honorable Board Members