

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, California 94105  
(415) 749-5073

## **APPROVED MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Wednesday, February 17, 2021

**This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.**

### **1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Co-Chairperson, Margaret Abe-Koga, called the meeting to order at 1:01 p.m.

Present: Co-Chairpersons Margaret Abe-Koga and Pauline Russo Cutter; Vice Chairperson Brad Wagenknecht; and Directors David Canepa, Erin Hannigan, David Haubert, David Hudson, Rob Rennie.

Absent: Director Lynda Hopkins.

Also Present: None.

### **2. APPROVAL OF THE MINUTES OF NOVEMBER 12, 2020**

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

Co-Chair Cutter made a motion, seconded by Vice Chair Wagenknecht, to approve the Minutes of November 12, 2020; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Cutter, Hannigan, Hudson, Rennie, Wagenknecht.  
NOES: None.  
ABSTAIN: Haubert.  
ABSENT: Hopkins.

### **3. STATE LEGISLATIVE BUDGET UPDATE**

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Budget Update*, which is an update on recent events of significance in Sacramento including an update on the Fiscal Year (FY) 2021/22 Budget. The list included ten programs currently listed in the State budget that are of interest to the Air District: Assembly Bill (AB) 617 Incentives, Clean Truck & Bus, Agriculture Diesel Engine Replacement, and Clean Cars for All/School Bus/Equity, AB 617 Implementation, AB 617 Incentives, AB 617 Community Grants, Clean Truck & Bus, Agriculture Diesel Engine Replacement, and Clean Cars for All/School Bus/Equity, Prescribed Fire, Carl Moyer Program. All are funded by the Greenhouse Gas Reduction Fund (proceeds from Cap and Trade auctions) except for AB 836 (Wicks) and the Carl Moyer Program. Four of these ten programs are slated for proposed early action.

#### Public Comments

No requests received.

#### Committee Comments

The Committee and staff discussed whether “clean vehicles” include both zero emissions and alternative fuel vehicles; an increase of interest in hydrogen buses; the amount of Particulate Matter generated by fireplaces, and the funding source(s) for the Air District’s Wood Smoke Reduction Incentive Program; how the need for funds for AB 617 incentives and AB 617 community grants compares to the need for funds for AB 617 implementation; whether the State is addressing the need for electric vehicle charging infrastructure projects; the extension of sunset dates for the Carl Moyer Program, the Air District’s Mobile Source Incentive Fund Program (AB 923), and the California Energy Commission’s AB 118 from January 1, 2024 to January 1, 2046; and the anticipated timeline for the early action items.

#### Committee Action

None; receive and file.

### **4. AIR-DISTRICT SPONSORED BILLS**

Mr. Abbs gave the staff presentation *Air District-Sponsored Bills*, providing updates on the reintroduction of last year’s Air District-sponsored school siting and indirect sources bills.

- AB 3211 (Bauer-Kahan), which would allow air districts to adopt local rules related to toxic air contaminants at indirect sources of air pollution, and allow collection of data that will help air districts work with these sources and communities to reduce health impacts, failed in 2020. It will be introduced to the Legislature again on February 4, 2021 (committee referral pending).
- AB 2882 (K. Chu), which would require that private schools and charter schools meet the same siting requirements as public schools, failed last year. Alex Lee won the 25<sup>th</sup> California Assembly seat, replacing Kansen Chu, and Assemblymember Lee will introduce this bill as AB 762 this year (date and committee referral pending).

## Public Comments

No requests received.

## Committee Comments

The Committee and staff discussed whether the Air District anticipates any opposition to AB 762; the suggestion that the Air District and members of the environmental justice community in West Oakland educate legislators about the value of and need for indirect source authority; the status of Stratford school / Tri City Rock situation in Fremont; and the request that the Air District take a proactive stance about the new school and housing that will be built adjacent to AB&I Foundry, a cast iron soil pipe and fittings manufacturer, near the Oakland Coliseum.

## Committee Action

None; receive and file.

## **5. CONSIDERATION OF NEW BILLS**

Mr. Abbs gave the staff presentation *Consideration of New Bills*, including:

- **AB 220 (Voepel)** – *Smog check: exemption - **OPPOSE***
- **AB 467 (Grayson)** – *Smog check: exemption: historic vehicles - **OPPOSE***
- **AB 363 (Medina)** – *Carl Moyer Memorial Air Quality Standards Attainment Program - **OPPOSE***
- **AB 339 (Lee)** – *State and local government: open meetings*
- **Senate Bill (SB) 45 (Portantino)** – *Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.*
- **SB 260 (Wiener)** – *Climate Corporate Accountability Act*
- **SB 342 (Gonzalez)** – *Environmental justice*
- **AB 619 (Calderon)** – *Lung health*

## Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area.

## Committee Comments

The Committee and staff discussed the request to support and prioritize SB 30 (Cortese), which focuses on building decarbonization; the request for a list of wildfire bills; the request that bills be categorized by topic in future Legislative Committee meeting packets; and whether virtual attendance of board members will continue to be permitted, once the Board resumes meeting in person.

Committee Action

Director Hudson made a motion, seconded by Vice Chair Wagenknecht, to recommend the Board **adopts** an **OPPOSE** position for AB 220, AB 467, and AB 363; and the motion carried by the following vote of the Committee:

- AYES: Abe-Koga, Canepa, Cutter, Hannigan, Haubert, Hudson, Rennie, Wagenknecht.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Hopkins.

**6. 2021 LEGISLATIVE PLATFORM**

Mr. Abbs gave the staff presentation *2021 Legislative Platform*, including three sections – state budget, state legislation, and federal legislation. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion.

<b>Topic</b>	<b>State Budget</b>	<b>State Legislation</b>	<b>Fed. Legislation</b>
State Funding for Clean Air Projects	X		
AB 617 Community Air Protection Implementation	X		
Carl Moyer Program AB 1274 Funding	X		
Carl Moyer / Mobile Source Incentive Fund / AB 118 Reauthorization	X		
Wildfire Smoke Public Health Response	X	X	X
Support for Air District Activities Related to Wildfire Mitigation	X		
Clean Tech Financing	X		
Vehicle Emissions and Congestion Relief		X	
Climate Change		X	
AB 617 Community Air Protection Program		X	
Emergency Backup Generation		X	
Toxic Air Emissions		X	
Stationary Source Greenhouse Gas Authority		X	
Federal Funding for Air District Clean Air Programs			X
Clean Transportation Programs			X
Clean Energy Programs			X
Particulate Matter Standards			X
Vehicle Emission Standards			X

Public Comments

Public comments were made by Jed Holtzman, 350 Bay Area.

## Committee Comments

The Committee and staff discussed whether use of backup generators during Public Safety Power Shutoff events are an actual concern; and concerns from the public that the Air District's rulemaking process is not giving enough attention to socioeconomic analysis, which is required by the Health and Safety Code.

## Committee Action

None; receive and file.

## **7. FEDERAL LEGISLATIVE UPDATE**

Mr. Abbs gave the staff presentation *Federal Legislative Update*, including:

- Air District staff has spoken with Congressman DeSaulnier about his reintroduction of the Clean Corridors Act bill, which would direct the Department of Transportation to award grants to governmental entities and planning organizations for the installation of electric vehicle charging infrastructure and hydrogen fueling infrastructure along designated alternative fuel corridors.
- Two companion bills, under the "Smoke Planning and Research Act", will be reintroduced in the House of Representatives and Senate, respectively: H.R. 4924 (Eshoo) would help state and local governments protect their communities from the public risks of wildfire smoke; and S.1812 (Merkley) would require the United States Environmental Protection Agency (EPA) to research and mitigate the impacts of smoke emissions from wildland fires.
- H.R. 7073 (Garamendi), "Special Districts Provide Essential Services Act", addresses the fact that special districts were left out of direct federal support for state and local governments under the CARES Act and earlier federal laws passed by Congress in response to the coronavirus pandemic. However, it is not anticipated that local air districts will be prioritized to receive this money.
- The Air District is hopeful for funding allocation increases from the following federal sources: EPA's Diesel Emission Reduction Act, Targeted Airshed Grant Program, and Section 103 and 105 of the Clean Air Act.
- Federal earmarks may be rebranded as "Community Project Funding", in the form of annual spending bills that would benefit specific projects. The Air District will brainstorm local projects that would result in positive air quality and health impacts.

## Public Comments

Public comments were made by Jed Holtzman, 350 Bay Area.

## Committee Comments

The Committee and staff discussed the current status of the Air & Waste Management Association's 114<sup>th</sup> Annual Conference and Exhibition.

Committee Action

None; receive and file.

**8. PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

**9. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS**

Co-Chair Abe-Koga announced that she would follow up with Air District staff to prioritize rulemaking socioeconomic analyses.

**10. TIME AND PLACE OF NEXT MEETING**

Wednesday, March 17, 2021, at 1:00 p.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

**11. ADJOURNMENT**

The meeting adjourned at 3:01 p.m.

*/s/ Marcy Hirtzka*  
Marcy Hirtzka  
Clerk of the Boards