

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, California 94105
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APPROVED MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Monday, February 27, 2023

This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 9:01 a.m.

Present: Chairperson Margaret Abe-Koga; Vice Chairperson Tyrone Jue; and Directors Ken Carlson, Noelia Corzo, Joelle Gallagher, Juan Gonzalez, and Erin Hannigan.

Absent: Board Chair Bauters; and Directors Brian Barnacle, and David Hudson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. APPROVAL OF THE MINUTES OF DECEMBER 12, 2022

Director Hannigan made a motion, seconded by Chairperson Abe-Koga, to approve the Minutes of December 12, 2022; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Gallagher, Hannigan.
NOES: None.
ABSTAIN: Carlson, Gonzalez.
ABSENT: Barnacle, Bauters, Corzo, Hudson, Jue.

5. APPROVAL OF THE LEGISLATIVE PLATFORM FOR 2023

Alan Abbs, Legislative Officer, gave the staff presentation *2023 Legislative Platform*, including: outcome; outline; requested action; State Budget; State Legislation; and Federal Legislation and regulatory activity.

NOTED PRESENT: Vice Chair Jue was noted present at 9:11 a.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the history of how Assembly Bill (AB) 398 (E. Garcia, 2017) prevented the Air District from setting limits on carbon dioxide at stationary sources that are subject to the State’s Cap-and-Trade program, and the subsequent curtailing of the Air District’s regulatory authority; the desire that the Air District would pursue Federal legislation regarding decarbonization and zero-emission technologies and incentives; concerns about lack of energy diversification; the desire to focus on hydrogen fueling for power generation; concerns about leaded aviation gas-powered planes flying over schools; and why the Air District is no longer pursuing legislation that would place environmental school-site acquisition requirements on charter and private schools, and the importance of sharing the history of the bills that died (regarding this issue) with new Board members.

Committee Action

Director Hannigan made a motion, seconded by Director Carlson, to **approve** the proposed Legislative Platform for 2023:

| State Budget | State Legislation | Federal Legislation & Regulatory Activity |
|---|--|--|
| 1. State Funding for Clean Air Projects | 1. Vehicle Emissions and Reducing Vehicle Miles Traveled | 1. Federal Funding for Air District Clean Air Programs |
| 2. AB 617 Community Air Protection Program Implementation and Incentive Funding | 2. Climate Change | 2. Wildfire Smoke Public Health Response |
| 3. Wildfire Smoke Public Health Response | 3. AB 617 Community Air Protection Program | 3. Clean Transportation Programs |
| 4. Support for Air District Activities Related to Wildfire Mitigation | 4. Wildfire Smoke Public Health Response | 4. Clean Energy Programs |
| 5. Clean Tech Financing | 5. Emergency Backup Generation | 5. Particulate Matter Standards |
| 6. Low-Carbon Transportation Incentives | 6. Toxic Air Emissions | 6. Vehicle Emission Standards |
| 7. Commercial Harbor Craft Funding | 7. Wildfire Smoke Mitigation/Prescribed Fire | 7. Climate Change |
| | 8. Stationary Source Greenhouse Gas Authority | 8. Leaded Aviation Gas |
| | 9. Land Use | |

The motion carried by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Gallagher, Gonzalez, Hannigan, Jue.
NOES: None.
ABSTAIN: None.
ABSENT: Barnacle, Bauters, Corzo, Hudson.

6. STATE LEGISLAIVE UPDATE AND CONSIDERATION OF NEW BILLS

Mr. Abbs gave the staff presentation *Consideration of New Bills*, including: outcome; outline; requested action; AB 849 (Garcia); Senate Bill (SB) 312 (Wiener); SB 411 (Portantino); SB 415 (Durazo); SB 563 (Archuleta); and SB 674 (Gonzalez).

NOTED PRESENT: Director Corzo was noted present at 10:00 a.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District is monitoring AB 99 (Connolly), regarding State highways: vegetation management: herbicides and pesticides, and the Air District’s position might be; whether SB 674 is aligned with the Air District’s emergency response and reporting practices; the difference between SB 312 and existing laws; the difference between SB 415 and existing laws; the definition of “independent special district” as stated in SB 563; whether the Committee should recommend proposed action on the bills listed above on February 27, versus wait until the Committee meets on March 15; and the types of bills that the Air District has opposed in previous years.

Committee Action

Director Hannigan made a motion, seconded by Director Gonzalez, to recommend the Board **adopts** the following positions on the legislation listed below:

| Bill | Suggested Action to the Board |
|---|--------------------------------------|
| AB 849 (Garcia) – Community emissions reduction programs. | Support |
| SB 563 (Archuleta) – Air pollution control districts and air quality management districts: independent special districts: funding. | Support |
| SB 415 (Durazo) – Air quality: rules and regulations: socioeconomic impacts assessment. | Work with Author |
| SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems. | Work with Author |

The motion carried by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Hannigan, Jue.
NOES: None.
ABSTAIN: None.
ABSENT: Barnacle, Bauters, Hudson.

7. STATE LEGISLATIVE BUDGET UPDATE

Mr. Abbs gave the staff presentation *State Legislative Budget Update*, including: presentation for information only; outline; and 2023-24 State Budget versus previous year.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

8. AIR DISTRICT – SPONSORED BILLS

Mr. Abbs gave the staff presentation *Air District – Sponsored Bills*, listing five bills that the Air District is currently sponsoring, co-sponsoring, or will consider sponsoring or co-sponsoring once substantive language has been added to the bill:

- **AB 536 (Wilson)** – Bay Area Air Quality Management Advisory Council: compensation. (Sponsor);
- **AB 953 (Connolly and Hart)** – Coastal resources: voluntary vessel speed reduction and sustainable shipping program. (Co-Sponsor);
- **AB 1465 (Wicks)** – Nonvehicular air pollution: civil penalties. (Spot Bill - No position is being proposed at this time);
- **AB 1609 (Garcia)** – Air pollution: motor vehicles: district fees. (Spot Bill - No position is being proposed at this time); and
- **SB 849 (Stern)** – Air pollution: emissions from ports. (Intent Bill - No position is being proposed at this time).

Mr. Abbs noted that AB 1465, AB 1609, and SB 849 were currently in spot or intent bill form, meaning they had no actual bill language, and that he was working with the relevant author's offices and co-sponsors to add language.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the function of spot bills; whether AB 953 is more about air pollution or protecting marine life; and how the Air District would use the additional fees collected from surcharges on registration fees for motor vehicles, per the intent of AB 1609.

Committee Action

None; receive and file.

9. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by John Harris.

10. COMMITTEE MEMBERS' COMMENTS

None.

11. TIME AND PLACE OF NEXT MEETING

The next meeting had originally been scheduled for Wednesday, March 15, 2023, at 375 Beale Street, San Francisco, CA 94105 at 3:30 p.m. After the meeting adjourned, the next meeting was scheduled for Wednesday, April 5, 2023, at 375 Beale Street, San Francisco, CA 94105 at 10:00 a.m. The meeting will also be webcast for members of the public.

12. ADJOURNMENT

The meeting was adjourned at 11:02 a.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards