

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

Legislative Committee  
Wednesday, November 29, 2023

### **APPROVED MINUTES**

*This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. **Opening Comments:** Per Legislative Committee (Committee) Chairperson Margaret Abe-Koga's request, Committee Vice Chair Tyrone Jue was asked to facilitate the meeting, even though she was present. Vice Chair Jue called the meeting to order at 10:10 a.m.

#### **Roll Call:**

Present, In-Person (Bay Area Metro Center (375 Beale Street, 1<sup>st</sup> Floor Board Room, San Francisco, California, 94105): Vice Chairperson Tyrone Jue; and Directors Ken Carlson and Juan Gonzalez.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, California 94530): Directors Joelle Gallagher and Erin Hannigan.

Present, In-Person Satellite Location (San Ramon City Hall, 7000 Bollinger Canyon Road, Community Conference Room, 2<sup>nd</sup> Floor, San Ramon, California, 94583): Director David Hudson.

Present, In-Person Satellite Location (Mountain View City Hall, Council Chambers, 500 Castro Street, Mountain View, California, 94041): Chairperson Margaret Abe-Koga; and Directors Noelia Corzo and Ray Mueller.

Absent: Board Chairperson John J. Bauters; and Director Brian Barnacle.

2. **PLEDGE OF ALLEGIANCE**

## CONSENT CALENDAR

### 3. APPROVAL OF THE DRAFT MINUTES OF THE LEGISLATIVE COMMITTEE MEETING OF OCTOBER 4, 2023

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

Director Gonzalez made a motion, seconded by Director Carlson, to **approve** the Draft Minutes of the Legislative Committee meeting of October 4, 2023; and the motion **carried** by the following vote of the Committee:

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

## ACTION ITEM

### 4. POTENTIAL LEGISLATIVE ACTIVITIES FOR 2024

Alan Abbs, Legislative Officer, gave the staff presentation *Potential Legislative Activities for 2024*, including: outcome; outline; requested action; 2024 Legislative Session; Green and Healthy Buildings; refinery/stationary sources penalties; fluorinated gases (F-Gas) recovery; brake wear particulate; and feedback requested.

NOTED PRESENT: Director Mueller was noted present at 10:26 a.m.

#### Public Comments

Public comments were given by Arieann Harrison, Marie Harrison Community Foundation.

#### Committee Comments

The Committee and staff discussed regenerative brakes and brake pad systems; the comparison of historical and current F-gas emission levels and their impacts, and comparison of current F-gas levels with those of methane; the suggestion of asking Assembly Member Ash Kalra to champion a bill to reduce F-gases; the suggestion of working with transit/transportation agencies to collect regenerative braking data; whether there are refrigerant options other than F-gases, and whether F-gases with high global warming potential will be phased out; the desire to see the Air District focus on indoor air quality and improved building filtration systems; the suggestion of educating the public on *the total impact* of

a given source, versus listing emission levels without context; the desire for legislation that drives grid reliability and distributed generation (using renewable energy sources instead of centralized generation sources from power plants); concerns regarding home electrification cost burdens for the consumer, and the suggestion of setting aside a State Budget allocation for that, as gas appliance mandates take effect; and the suggestion that the staff monitors bills related to sustainable cooling practices in the built environment.

Committee Action

Director Gonzalez made a motion, seconded by Director Carlson, to recommend the Board **approve** the following proposed legislative activities for 2024:

<b>Topic</b>	<b>Proposed Activity</b>
<p><b>Support for Green and Healthy Buildings (Disclosure Requirements for Sale of Property, Homeowner Association (HOA) limitations, State Housing and Community Development (HCD) restrictions)</b></p>	<p>Proposal would: 1) require disclosure of applicable state or local requirements that could potentially limit a future owner’s ability to purchase appliances that do not meet zero-NOx standards; 2) limit the ability of HOAs to deny a homeowner the ability to replace an older appliance with a new appliance if the new appliance may result in an alteration to the exterior of the property; and 3) amend various existing statutes that may limit the ability of HCD to allow certain zero-NOx appliances to be installed in mobile and manufactured homes.</p> <p>Staff Recommendation: Continue discussions with legislative offices and Sponsor/Co-Sponsor/Support any legislative efforts to address these concerns.</p>
<p><b>Refinery/Stationary Source Penalties</b></p>	<p>Assembly Bill (AB) 1465, introduced in 2023 by Assemblymember Wicks, was originally introduced to triple penalties at refineries for discharges of one or more toxic air contaminants and was later amended to increase penalties for all Title V stationary sources if the discharge includes one or more air contaminants.</p> <p>Staff Recommendation: Continue working with Assemblymember Wicks on potential amendments to AB 1465.</p>
<p><b>F-Gas Recovery from Discarded Refrigerators, Freezers, and Air Conditioners</b></p>	<p>Proposal could: 1) create a product stewardship model where manufacturers are required to create a program to properly recover refrigerants or develop an up-front fee on purchase of new appliances that fund an end-of-life program for discarded appliances; 2) require additional handling requirements for the network of solid waste handlers involved in various aspects of appliance recovery.</p> <p>Staff Recommendation: Continue research, and if feasible, Sponsor/Co- Sponsor/Support any legislative efforts to address these concerns.</p>
<p><b>Brake Wear Particulate</b></p>	<p>Proposal would look at the potential to reduce brake wear dust from light-duty vehicles by limiting the purchase of metallic brake pads upon replacement, with replacement options limited to semi-metallic, organic, or ceramic.</p>

	Staff Recommendation: Continue research, and if feasible Sponsor/Co-Sponsor/Support any legislative efforts to address these concerns.
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The motion **carried** by the following vote of the Committee:

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

**INFORMATIONAL ITEMS**

**5. DRAFT 2024 LEGISLATIVE PLATFORM**

Mr. Abbs gave the staff presentation *Draft 2024 Legislative Platform*, including: presentation for information only; outline; State Budget; State Legislation; and Federal Legislation and regulatory activity.

Public Comments

Public comments were given by Arieann Harrison, Marie Harrison Community Foundation.

Committee Comments

The Committee and staff discussed outreach methods of the Air District’s Community Engagement staff (regarding legislative activities), and the desire to give the public as much advanced notice as possible; the history of AB 398 (E. Garcia, 2017), which prohibits air districts from adopting or implementing an emission reduction regulation for carbon dioxide from any covered entity under Cap and Trade; the repeated desire for legislation that drives grid reliability; the desire to ban leaded aviation gas in flight paths over overburdened communities; whether the Air District may enforce the banning of wood burning in particularly dense urban areas within the Bay Area; the desire for larger State funding allocations for motor vehicle programs, more extensive project eligibility within those programs, and how to make changes to those programs.

Committee Action

None; receive and file.

**6. STATE LEGISLATIVE BUDGET PRIORITIES**

Mr. Abbs gave the staff presentation *State Legislative Budget Priorities*, including: presentation for information only; outline; State Budget process; and State Budget priorities.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

**7. FEDERAL LEGISLATIVE UPDATE**

Mr. Abbs spoke about an upcoming trip to Washington D.C. that members of Executive Management will take to discuss the Air District's federal priorities. Those attending include the Air District's Executive Officer/Air Pollution Control Officer, Deputy Executive Officer of Public Affairs, Legislative Officer, and several Board members. The Air District representatives plan to meet with multiple federal agencies and congressional members to discuss issues such as: environmental justice, the Green & Healthy Homes Initiative, wildfire smoke and particulate matter, leaded aviation gas, and Inflation Reduction Act of 2022 funds for clean transportation and energy efficiency programs.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District representatives will be meeting with the Federal Energy Regulatory Commission or the Department of Energy to discuss electrification and grid reliability issues; and the request that the Air District representatives discuss clean tech financing opportunities with the Department of Energy.

Committee Action

None; receive and file.

**OTHER BUSINESS**

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

Public comments were given by Arieann Harrison, Marie Harrison Community Foundation.

**9. COMMITTEE MEMBER COMMENTS**

None.

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

The next meeting of the Legislative Committee was to be scheduled at the Call of the Chair. As of January 1, 2024, the Legislative Committee will be combined with the Mobile Source and Climate Impacts Committee and Technology Implementation Office Steering Committee, to form the new

Policy, Grants, and Technology Committee. The first meeting of the Policy, Grants, and Technology Committee will be held on Wednesday, February 21, 2024, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.

11. **ADJOURNMENT**

The meeting was adjourned at 11:51 a.m.

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