



# Consideration of State Legislation

## Board of Directors Meeting

April 2, 2025

Alan Abbs

Legislative Officer

Legislative and Government Affairs

AGENDA: 18

# Action Requested (1 of 2)

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**Adopt the following positions on current State Legislation introduced in the California State Assembly (AB) or California State Senate (SB):**

- 1. Oppose AB 339 (Ortega)** – Local public employee organizations: notice requirements
- 2. Oppose AB 1368 (Wallis)** – Smog check: exemption
- 3. Oppose SB 712 (Grove)** – Smog check: exemption
- 4. Oppose SB 318 (Becker)** – Air pollution: stationary sources: best available control technology: indirect sources

**The Committee voted to recommend items 1-3 for Board adoption at its meeting on March 19, 2025. Item 4 is a staff recommendation, and the recommended position has not been considered or voted on by the Committee.**

# Action Requested (2 of 2)

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## Consider adopting a position on current State Legislation:

- **AB 1226 (Essayli)** – Air quality: wildland vegetation management burning: permits: exemption

**Staff note: At the Committee meeting on March 19, 2025, the Committee recommended the Board discuss and consider AB 1226 (Essayli). An “Oppose” position was recommended by Air District staff, but no position was taken by the Committee.**

**Slide 8 includes details on the motions.**

# AB 339 (Ortega)

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## **Local public employee organizations: notice requirements**

This bill would require the governing body of a public agency, and boards and commissions designated by law or by the governing body of a public agency, to give the recognized employee organization no less than 120 days' written notice before issuing a request for proposals, request for quotes, or renewing or extending an existing contract to perform services that are within the scope of work of the job classifications represented by the recognized employee organization. The bill would require the notice to include specified information, including the anticipated duration of the contract.

Recent Status: The bill was heard and passed favorably on March 19, 2025, in the Assembly Public Employment and Retirement Committee. It has been referred to the Assembly Appropriations Committee – hearing date pending.

Committee Recommendation: Oppose

# AB 1368 (Wallis)

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## **Smog check: exemption**

This bill would create a 30-year rolling exemption from smog check for all motor vehicles.

Status: Introduced on February 21, 2025, as a spot bill and was amended on March 24, 2025, to include substantive language. This bill has been referred to the Assembly Transportation Committee – hearing date pending.

Committee Recommendation: Oppose

# SB 712 (Grove)

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## **Smog check: exemption**

This bill would fully exempt a collector motor vehicle from the smog check requirement if the vehicle is at least 35 model years old. This bill does not require proof that the motor vehicle is insured as a collector motor vehicle.

Status: Introduced on February 21, 2025, and was amended on March 24, 2025. This bill has been referred to the Senate Transportation Committee – hearing scheduled for April 8, 2025.

Committee Recommendation: Oppose

# AB 1226 (Essayli)

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## **Air quality: wildland vegetation management burning: permits: exemption**

This bill would exempt wildland vegetation management burning (prescribed burns) from local air district permitting requirements, including burn and no-burn decisions, if the burn was conducted by, or under the supervision of, an applicable public fire management agency.

Status: Introduced on February 21, 2025, and has been referred to the Assembly Natural Resources Committee – hearing date pending.

Committee Recommendation: None (see staff note on page 8)

# AB 1226 (Essayli) (cont.)

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Staff note: The Committee discussed and considered the staff recommendation to recommend the Board oppose AB 1226 (Essayli) at their meeting on March 19, 2025.

- A motion was made to recommend the Board adopt a position of “Oppose Unless Amended” – the vote result was 5 in favor and 3 opposed, however the motion did not carry, due to the fact that a majority of 11 Committee members (6) did not vote in favor
- A second motion was made to recommend the Board as a whole discuss and consider AB 1226 (Essayli) with no recommendation from the Committee – the motion carried



# SB 318 (Becker)

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## **Air pollution: stationary sources: best available control technology: indirect sources**

This bill would make significant changes to the air district permitting process that would lengthen permit times and create uncertainty about equipment and permit requirements.

Status: Introduced on February 11, 2025, and amended on March 26, 2025 – Committee referral pending.

Staff note: The Committee did not consider or recommend a position for SB 318 (Becker) at the meeting on March 19, 2025.

Staff Recommendation: Oppose

# Recap: Action Requested (1 of 2)

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# Recap: Action Requested (2 of 2)

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**Slide 8 includes details on the motions.**

# Questions?

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## **For more information:**

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# United States Environmental Protection Agency (US EPA) Initiatives Under the New Federal Administration and How the Bay Area May be Affected

Board of Directors Meeting

April 2, 2025

Carrie Schilling  
Senior Assistant Counsel  
Legal Division



# Presentation Outline

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- Factors that May Impact US EPA's Agenda
- California's Motor Vehicle Waivers
- Reconsideration of Recent Fine Particulate Matter (PM<sub>2.5</sub>) Air Quality Standard
- Reconsideration of Greenhouse Gas (GHG) "Endangerment Finding"
- Federally Funded Grants
- Environmental Justice

# Factors that May Impact US EPA's Agenda

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- Potential Implications of the Congressional Review Act
- Notice and Comment Rulemaking Procedural Requirements
- Litigation on Rulemakings

# California's Motor Vehicle Waivers

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- The Clean Air Act allows California to adopt more stringent standards
  - But requires a waiver from US EPA
- US EPA has historically approved waivers, but the new Administration has signaled it will not
- Congress may attempt disapproval under Congressional Review Act
- Fewer emissions reductions achieved without these waivers



# California's Motor Vehicle Waivers (cont.)

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- Up to eight waivers are either withdrawn or at risk of denial under the new Administration
- While emissions reductions under these waivers is somewhat uncertain, the totality of reductions lost without these waivers in place could be significant in the Bay Area.
- This is particularly true for Particulate Matter (PM) and Nitrogen Oxides (NO<sub>x</sub>) emissions and within specific communities.
- Example: Without certain waivers, impacts could be significant in communities near areas of concentrated diesel truck activities.

# California's Motor Vehicle Waivers (cont.)

California Waiver	Status	Potential Regional Impact	Potential Local Impact
Advanced Clean Cars II regulations	Granted	Low	Low
Omnibus Low NOx regulations	Granted	Low	Low
Small Off-Road Engines Amendments	Granted	Low	Low
In-Use Off-Road Diesel-Fueled Fleet Amendments	Granted	Low	High
Commercial Harbor Craft Amendments	Partially Granted	Low	Medium
Transport Refrigeration Unit (TRU) Amendments	Partially Granted	Low	Medium
Advanced Clean Fleets	Withdrawn	Medium	Medium
In-Use Locomotive Standards	Withdrawn	Low	High

# Reconsideration of Recent PM<sub>2.5</sub> Standard

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- In 2024, US EPA revised the standard from 12 µg/m<sup>3</sup> to 9 µg/m<sup>3</sup>
- Bay Area would be designated non-attainment
- On March 12, 2025, US EPA announced it intends to reconsider the revised standard
- US EPA is likely to stay the rule while undergoing reconsideration, which delays the Air District's obligations
- US EPA is "reconstituting" the Clean Air Scientific Advisory Committee

# Reconsideration of GHG Endangerment Finding

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- In order to regulate an air pollutant, US EPA must make an “Endangerment Finding”
- US EPA issued the GHG Endangerment Finding in 2009
- The Finding is the foundation of many rules, including:
  - Clean Power Plan 2.0;
  - Methane emission standards; and
  - Vehicle emission standards
- The new Administration has stated intent to reconsider the Finding
- Multiple legal impediments to this goal

# Federally Funded Grants

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- The new Administration issued a memo and executive orders to freeze all federal funding
- Rhode Island District Court issued a nationwide preliminary injunction putting the funding freeze on hold (*NY v. Trump*)
- Litigation ongoing
- Potential impact on Air District is minimal
  - Recurring grants are less than 2% of the Air District's total budget
  - Plus, occasional discretionary grants

# Environmental Justice

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- US EPA is removing all references to and closing its Environmental Justice Division
  - Example: “[E]nvironmental justice considerations shall no longer inform EPA’s enforcement and compliance assurance work.”  
<https://www.epa.gov/system/files/documents/2025-03/necimemo-20250312.pdf>
- The Air District is unwavering in our commitment to Environmental Justice
- Even without federal Environmental Justice requirements, Environmental Justice principles are enshrined in California Law under Government Code § 11135 and AB617

# Questions?

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**For more information:**

Carrie Schilling, Senior Assistant Counsel

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