



July 9, 2021

The Honorable Liane Randolph
Chair, California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Environmental Justice Guidance for the 2022 Scoping Plan Update

Dear Chair Randolph, Board Members, and staff:

We thank the Air Resources Board, Office of Environmental Justice Division, and Industrial Strategies Division for collaborating to update the 2030 Scoping Plan and the opportunity to provide comments. Leadership Counsel for Justice and Accountability works directly with and supports historically excluded communities throughout the San Joaquin and East Coachella Valleys. Our work is founded on the principle that California's climate and environmental justice goals will only be reached when state policy delivers real, equitable benefits and improved wellbeing to our most impacted communities, and when these communities are enabled to be active and decisive participants in the development of these policies impacting them. We remain in solidarity with BIPOC and environmental justice communities calling for the most widespread, rigorous, and equitable climate mitigation and adaptation measures seen to date. The following comments aim to help strengthen the feasibility and achieved impact of the Scoping Plan, and ensure that these communities are a critical part of the strategy to achieve significant and direct greenhouse gas reductions.

This Scoping Plan update comes at a pivotal time in California's climate change history, when climate impacts have never felt so urgent and the loss of human health and life have never been so apparent:

- California cities are consistently ranked among the most polluted cities in the United States¹
- The hottest months and worst fires in California's history occurred last year², and we are approaching an even more severe 2021 wildfire season.³
- Fossil fuel air pollution is now responsible for 1 in 5 deaths worldwide⁴
- Agricultural production in the United States results in 17,900 annual air quality-related deaths, 15,900 of which are from food production, 80% of which are attributable to animal-based foods.⁵

¹ American Lung Association, April 2021. Available at <https://www.lung.org/research/sota/city-rankings/most-polluted-cities>.

² *LA Times*, Nov 2020. Available at <https://www.latimes.com/california/story/2020-11-07/california-shatters-fall-temperature-records>.

³ Yale Climate Connections, June 2021. Available at: <https://yaleclimateconnections.org/2021/06/how-people-are-preparing-for-the-2021-california-wildfire-season/>.

⁴ Harvard School of Public Health, Feb 2021. Available at <https://www.hsph.harvard.edu/c-change/news/fossil-fuel-air-pollution-responsible-for-1-in-5-deaths-worldwide/>.

⁵ Air quality-related health damages of food. Domingo, N.G. et al. Proceedings of the National Academy of Sciences. May 2021, 118 (20) e2013637118; DOI: 10.1073/pnas.2013637118



- Greenhouse gases (GHGs) and toxic air contaminants (TACs) share similar source sectors and impacts on climate and public health⁶

We believe ARB can better respond to the exigencies of climate change and incorporate the concerns of historically excluded, environmental justice communities in the state's climate actions in the following ways:

1. Develop a Scoping Plan Rooted in Community Expertise and Historic Trends
2. Fundamentally Shift California's Climate Strategy to Simultaneously Further Climate, Social, Environmental and Racial Justice
3. Include Intersecting Land Use, Transportation, and Housing Strategies that Redirect Patterns of Unjust and Polluting Economic Development
4. Ensure Advances in Zero-Emission Energy are Equitable and Do Not Further Local Pollution
5. Advance Sustainable Agricultural Solutions, Including Pesticide Reduction, as a Critical Component of California's Climate Strategy
6. Protect Community Water Systems and Properly Plan for Decreased Water Supply and Quality
7. Reduce Waste Streams and Volume

1. Develop a Scoping Plan Rooted in Community Expertise and Historic Trends

Public Process

CARB should continue creating accessible engagement opportunities such as educational public workshops and community meetings to include community guidance into the Scoping Plan, keep the public abreast of what decisions are being made throughout plan development, and update the public on content that is incrementally finalized. Additionally, materials should be available that bridges technical gaps and brings greater public understanding of the models, calculations, assumptions, and scenarios that CARB is utilizing to develop the Scoping Plan. As part of this, CARB should support EJAC's acute understanding and potential revisions to its modeling and emission scenarios. To do this, we urge CARB to host a workshop for EJAC members (that is also open to the public) to substantively discuss the formative models CARB is relying on at the outset of this Scoping Plan update.

Historical Context of Climate Change & Economic Development in California

The Scoping Plan would be incomplete without an in-depth historical account and analysis of the state's economic development to date, describing how California has arrived at this point in time of economic development and of disproportionate health and climate impacts in BIPOC communities. A documented

⁶ C40 Knowledge Hub, Dec 2019. Available at https://www.c40knowledgehub.org/s/article/Win-Win-Why-cities-should-tackle-climate-change-and-air-pollution-together?language=en_US (citing, among others, the 2018 IPCC Chapter 11 – Human Health' in the IPCC Fifth Assessment Report; Watts et al (2019) The 2019 report of The Lancet Countdown on health and climate change: ensuring that the health of a child born today is not defined by a changing climate. The Lancet 394(10211): P1836–1878; CDC Brief: Climate change decreases the quality of the air we breathe)



shared understanding of the history and realities of our state's economic ties to climate change should be a chapter of the Scoping Plan itself, and be ground truthed with local communities through public engagement. This is essential to ensuring that agencies, community members, workers, business partners, and local governments alike are all ready to collaborate from the same shared reality and baseline understanding of the widespread yet varied impacts of California's economy on environmental pollution and climate change.

2. Fundamentally Shift California's Climate Strategy to Simultaneously Further Climate, Social, Environmental and Racial Justice

In order to properly respond to climate change, all communities must be able to participate in the transition to California's clean economy and avail themselves of protections from climate change impacts at an equitable pace. The Scoping Plan should identify shifts from inequitable and polluting activities to directly reduce emissions within each sector that will also disrupt patterns of inequity, systemic racism, and extractive economic, labor, and environmental practices. As part of this, CARB must conduct an analysis of the health and social implications for all GHG reduction strategies, take into account all socio-economic and environmental impacts, and describe how racial and economic justice will be advanced through its strategies.

Build Capacity for Sustained Public Participation in Scoping Plan Update and Climate Policy Beyond

All California residents--especially historically excluded and vulnerable communities--not only deserve to benefit from equitable climate and air protective policies, but to also actively participate in their design and development. All agencies implementing elements of the state's climate strategy should adopt coordinated practices and secure resources for sustaining partnerships with local communities across California. Furthermore, this reliance on community participation in continuous policy development should be considered indispensable and requisite for feasible, locally-informed state climate policy that is grounded in local realities. Activities undertaken by state agencies should include disseminating accessible climate curriculum that builds local capacity to partake in problem solving for climate impacts, holding forums for local communities to sustain discourse and local strategy for climate change, financially supporting local climate adaptation and mitigation solutions, sharing learnings and strategies across communities, and scaling solutions (as appropriate and desired) across communities.

California Must Move Beyond Cap-and-Trade & Ensure Direct Emissions Reductions

An equitable and effective climate change strategy must move beyond cap-and-trade and other harmful pollution trading and offset schemes that allow pollution to persist in the most environmentally burdened communities. Cap-and-trade is flawed both fundamentally in its reliance on trading as opposed to direct emissions reductions at the most harmful sources, and also in its implementation. The damaging offset component not only allows polluters to continue polluting where they are, but also, ironically but also expectedly, can cause pollution at the offset location, for example to the extent that dairy digesters are eligible offsets. The oversupply of allowances cheapens pollution, limits the efficacy of cap-and-trade's



climate change mitigation tactics, and allows pollution to continue in the most burdened communities.⁷ The Scoping Plan must eliminate offsets and the abundance of unreasonably flexible allowances from all market mechanisms intended to reduce GHG and, in coordination with other agencies, CARB must develop a new framework for achieving much needed GHG and air pollution reductions.

We are similarly concerned with efforts to increase reliance on carbon removal and carbon sequestration technologies to the extent that they allow for any continuation of climate and air pollution from pollution sources. As stated throughout this letter, and correspondence of others, the state's climate change policies should focus on direct emission reductions and promotion of health and well-being in overburdened communities.

Finally, we urge CARB to establish enforceable direct greenhouse gas and air quality emission reduction goals for pollution sources that are not currently regulated through California's climate programs, including dairies and other agricultural sources.

Redefine “Renewable” Solutions and Energy

California needs to set a high and clear standard when defining which energy sources and technologies will be prioritized, subsidized, and implemented as part of California's climate strategy. The proliferation of terminology used to describe energy sources and technologies as “clean”, “green”, “renewable”, “zero-carbon”, “carbon neutral”, and “carbon negative” lead to incorrect assumptions about these sources and technologies and perverse policy incentives. While certain technologies may produce fewer GHG emissions than status quo fossil fuel technologies, they continue to generate water and air pollution, especially in nearby communities which are often lower income, communities of color. They produce far more air and climate pollutants than truly clean energy options. For example biogas emits the same pollutants as fossil fuel gas when combusted but is labeled as renewable and clean. It is at best inaccurate and at worst deceptive to refer to such technologies as “clean.” Similar concerns arise when technologies are referred to as “carbon neutral,” yet the full lifecycle of the technology and its feedstocks produces substantial carbon emissions. Any analysis of carbon neutrality must consider the full impact of that technology and the ongoing pollution that it allows, rather than narrowly focusing on one small portion of the process that creates the appearance of reduced carbon emissions. Another example is California's growing exploration of hydrogen as an energy source. The proliferation of hydrogen pathways has resulted in a proliferation of terminology such as “green hydrogen,” “green electrolytic hydrogen,” “renewable hydrogen,” and more. This proliferation of terms not only muddies the water, but opens the door for polluting pathways to receive funding ahead of technologies that both work to achieve California's GHG emission goals and provide a benefit to neighboring communities rather than further burdening already pollution-burdened communities.

⁷ USC Dornsife Program for Environmental and Regional Equity, Sept 2016. Available at: <https://dornsife.usc.edu/PERE/enviro-equity-CA-cap-trade>.



As California agencies have sought to identify and scale lesser polluting fuels and the most cost effective GHG-reducing technologies, local community members have witnessed the lethal impacts of hurried and inattentive adoption of new technologies. Certain technological climate solutions will unsurprisingly perpetuate environmental injustice in California if they are born from the same reflexive compromise of human life and wellness in exchange for near-sighted and profit-seeking interests that seek to entrench the unjust systems they profit from. Moreover, it is counterproductive for mitigating climate change to overlook viable claims regarding the efficacy and negative health impacts of supposed GHG-reducing technologies. We strongly caution the Air Resources Board in its exploration and advancement of alternative fuel sources and recommend that agencies achieve a robust understanding of the social and health impacts of alternative technologies and fuel sources before adoption and advancement.

3. Include Intersecting Land Use, Transportation, and Housing Strategies That Redirect Patterns of Unjust and Polluting Economic Development

Include Land Use Transition Strategies

Incorporating strategy in the Scoping Plan to align local land use plans and zoning ordinances with the state's GHG reduction goals is essential to remedying historic on and ongoing discrimination that has imposed disproportionate pollution burdens on communities of color, equitably implementing climate and health-informed local policy throughout all regions of California and a necessary element in a just transition. Throughout inland California, such as in South Fresno and throughout the Inland Empire, residents of low-income communities and communities of color have watched their communities become surrounded by polluting heavy industrial factories and warehouses attracting thousands of diesel trucks per day, on top of the long-standing concentration of a variety of polluting industrial, waste management, energy production, commercial agricultural, and other land uses in their neighborhoods. This is why in addition to setting just and swift zero-emissions fuel, infrastructure, and vehicles standards, we must incorporate long-term--and quickly initiated--state strategy for transitioning current land uses and patterns of unjust, polluting development that both emits GHGs and causes a myriad unconscionable harms to nearby residents. In the Scoping Plan, CARB should include a strategy for the state to prohibit further concentration of polluting land uses in disadvantaged communities and communities of color, evaluate local land use plans and require local jurisdictions to modify their plans where there are significant or inequitable GHG emissions and air toxic burdens. Such a strategy will assist the state and local governments in complying with their duties to affirmatively further fair housing by addressing inequitable pollution burdens which disproportionately impact communities of color due to historic and ongoing discriminatory land use policies and practices.

Additionally, equitable climate resilience investments in existing neighborhoods--such as increasing park and green space development in rural and urban areas--must be prioritized over new luxury developments. Urban sprawl and luxury development projects continue to appear in regions with disproportionately few resources going towards historically excluded and disadvantaged communities. In addition to perpetuating highly inequitable land use practices, sprawling luxury developments increase energy use, GHG emissions, and air pollution with the increase in car and air travel, and contribute to



surface warming through the retention of heat in their building materials. The Thermal Beach Club located in the East Coachella Valley is one example of a luxury development whose climate and health impacts are being ignored as thousands of families right nearby continue to lack clean and affordable drinking water and other basic needs⁸. Meanwhile, both urban and rural communities lack essential infrastructure to be climate-resilient such as clean water connection, electric grid capacity, and neighborhood greening to counteract extreme heat and air pollution.

Prioritize Equitable Mobility and Increase Accessibility of Local, Community-Supported, Zero-Emission Transportation Options

The Scoping Plan must address the links between just economic development and access to clean, equitable transportation and mobility options. The state should reinforce and expand programs that further community-based, zero emission mobility options, such the Sustainable Transportation Equity Program and the Active Transportation Program. We also urge CARB to include measures in the Scoping Plan that enable communities and municipalities to create innovative local programming and capacity-building initiatives that facilitate long-term VMT & GHG reduction, land use change, air quality improvement, public health and community development while avoiding displacement. Examples of projects that could be explored and funded within this frame are subsidized, flexible and reliable zero emission rural-serving transit, vanpools or shared rides; safe and active streets and other active transportation infrastructure; “15-minute communities” (where goods, services, jobs, recreation and other essential destinations are within a 15-minute walk, roll, bike ride or transit ride) that are inclusive of unincorporated and rural neighborhoods in addition to urban areas; programs that localize essential goods and services to improve access for neighborhoods which historically have had to rely on driving far distances; improving sustainable mobility within neighborhoods; education and community-building events focused on walking, biking, skating or scootering; community “bicycle kitchens,” incubators and other community-driven programs. Initiatives similar--but not limited--to these that are designed by local communities and made possible by government support will lay the groundwork for the longer-term reconceptualization of sustainable communities and clean, healthy transportation across California.

The Regional Transportation Plans (RTP) and Sustainable Community Strategies (SCS) planning processes intend to have this impact and remain a core strategy in California’s climate efforts, yet have not yielded the significant emissions reductions or changes in regional transportation as imagined. The Scoping Plan should include strategies towards strengthening SB 375 implementation by bolstering the equity, fair housing, and air quality analyses and mandates of RTP/SCSs, more rigorously evaluating the plans and holding MPOs and local governments accountable to them, and increasing collaboration between CARB and state transportation agencies to ensure meaningful public participation and tangible, equitable benefits to disadvantaged and underserved communities⁹.

⁸ See: https://leadershipcounsel.org/wp-content/uploads/2020/10/LCJA_ECV.NSV_NPCA-10.27.20-Comments-Re-Therma-Beach-Club-Item-21.pdf

⁹ See “Strengthening SB 375: An Interview with Leadership Counsel’s Julia Jordan“ for more: https://www.climateplan.org/strengthening_sb375



Additionally, as the state transitions its economy to zero-emissions energy sources, there are still significant barriers to ZEV ownership and infrastructure for residents of low-income and disadvantaged communities in rural and urban areas. Greater assistance needs to be provided so that the most impacted and historically excluded groups are able to pursue, acquire, and maintain ZEVs and quality charging infrastructure.

Freight & Land Use

Residents in disadvantaged communities near expanding warehouses and distribution centers have not had a voice in the development of goods movement around them, but now face the lethal impacts of truck pollution emitted right outside their homes. This injustice demands only the most rigorous and health-protective transition to completely 100% zero-emission trucks. In CARB's and other agencies' forthcoming diesel regulations and efforts to transition to electric trucks, "near zero" or "lesser polluting" fuels must not be allowed as interim half-steps. Residents must not be made to endure continued pollution in any amount, especially when the supply and performance of zero-emission truck utilization can well meet the demand.

To implement health-protective and equitable practices in heavy duty trucking, the state must also release enforceable rules to which existing and new freight operations must conform. There are already starting documents which can be used to develop enforceable guidance, such as the Office of the Attorney General's Warehouses Best Practices guidance and CARB's Concept Paper for the Freight Handbook.

CARB should also work with state transportation agencies to redirect investments for highway expansions (which will only induce more demand for more vehicles on the road) instead to programs increasing local mobility and connectivity. CARB should evaluate its programs, policies and investments in relation to the Climate Action Plan for Transportation Infrastructure, for example, and provide air quality and public health impact analyses to further the evidence that such highway expanding projects are counter to the GHG reduction goals -- as well as VMT reduction, equity, land use and public health priorities -- that the state hopes to accomplish.

Incorporate Equitable Housing Policy and Strategies to Achieve Greater Climate Mitigation

Affordable and equitable housing development is also instrumental to mitigating and adapting to climate change. GHG reduction is linked to the affordability and equity of housing, so CARB must consider fair housing practices as powerful strategies to combat climate change. Several policy areas that present opportunities for addressing regional housing needs and equity and should be addressed in the Scoping Plan are the Regional Housing Needs Allocation (RHNA), housing elements, and public agencies' duty to Affirmatively Furthering Fair Housing (AFFH). In implementing these policies, the state must ensure that any local outward growth includes a variety of housing densities and types that include housing opportunities for low and very low-income and unhoused individuals, rather than low-density sprawl developments that increase VMTs and perpetuate and exacerbate historic patterns of segregation. The state should consider revisions to the RHNA process and Housing Element sites inventory requirements.



to ensure that land within cities' sphere of influence but outside of existing boundaries are captured in determining local housing development capacity and incorporated into the RHNA and sites inventory requirements in order to ensure that complimentary AFFH and GHG reduction goals are achieved.

4. Ensure Equitable Advances in Zero-Emission Energy and Do Not Perpetuate Local Pollution

Reject False Solutions That Sacrifice Human Wellbeing

We urge CARB and corresponding state agencies to require in the Scoping Plan that the social and environmental impacts of all technological solutions be analyzed, publicly released, and serve as a primary consideration in the development of state climate strategy. This has not happened in the case of dairy digesters, which have been propped up by *at least* \$650 million of taxpayer and ratepayers subsidies and problematic credit schemes that ignore the structural problems of factory farming and natural gas industries. The proliferation of dairy digesters throughout the San Joaquin Valley in particular is one of the most visible examples of the lethal negligence in investigating the health and social impacts of technological solutions, and the lack of interest in ensuring the most rigorous climate mitigation strategies are pursued. While dairy operations have grown their herd sizes in thousands (exacerbating enteric methane emissions, air pollutants, odor, water contamination, etc.) to maximize profits from their attached bioenergy operations, local community members have felt their air become nearly unbreathable and witnessed their water become polluted with nitrates.¹⁰ The eventual biogas product is not a sustainable alternative either, but rather releases the same health-harming emissions as fossil gas.¹¹ For these reasons, CARB must eliminate dairy digesters from the State's climate strategy, re-evaluate the true costs of dairy digesters, and include actions in the Scoping Plan that prevent the continued exacerbation of air pollution from biogas development.

Require a Robust Understanding of the Social and Health Impacts of Alternative Energy Solutions Prior to Adoption

Prior to committing to and investing in a continued climate mitigation strategy that centers biofuels, biomass, or bioenergy, CARB and CEC must release to the public exhaustive descriptions of the technologies that the state considers to fall within "clean" biofuel, biomass, or bioenergy. Information on each technology that must be made available to the public are: the state's rationale for considering these technologies "clean," how much and what types of emissions are released by each, and whether or not the "clean" alternatives use combustion at any point in their operation or utilize technology that rely on ongoing locally polluting activities. Furthermore, ongoing discussions on alternatives to polluting fuels, such as CARB's forthcoming Clean Biomass Collaborative, must be made publicly accessible and transparent, and ensure representation from disadvantaged community members, community-based organizations, and researchers. Specifically, the Clean Biomass Collaborative must publicly develop

¹⁰ <https://leadershipcounsel.org/dairy-digesters-not-a-solution/>

¹¹ <https://earthjustice.org/features/report-building-decarbonization>



requirements that each of the technologies must fulfill in order to be considered “clean.” As part of these requirements, it should be made clear that an energy source is not considered “clean” if it is intended to be combusted or relies on technologies perpetuating locally polluting activities.

Communities in the East Coachella Valley have also raised similar concerns about the lifecycle impact of lithium batteries and lithium extraction in the Salton Sea on residents, but have not been provided detailed information about these impacts. Prior to approving and implementing additional lithium extraction projects, the state energy and health agencies should conduct an analysis of the social and health impacts of lithium extraction in the Salton Sea region and release the findings in a public report. Additionally, we request that each lithium extraction project proposal be evaluated by OEHHA for its health and social impacts before project approval and implementation.

Invest in Community Energy Resilience By Significantly Expanding Clean Energy Infrastructure and Grid Capacity in Disadvantaged Communities

Building electrification is an essential component of California’s climate strategy. We conceptually support California’s effort to retrofit existing buildings and set high standards for new construction to ensure California transitions away from heating and cooking with polluting gases. However, it is essential that this transition not exclude communities with a long history of underinvestment. Communities of color and low-income communities have long been excluded from infrastructure investments. This historic disinvestment has resulted in communities with grid capacity and resilience that lags well behind wealthier and whiter communities. This disparity is most stark in rural and unincorporated communities.

As a prerequisite to building electrification, California needs to ensure community-level electric grids are resilient and have the capacity to support not only electrified buildings, but electrification more broadly, including transportation. The electrification transition must include standards and funding that allow all Californians to participate in this transition, including renters and mobile home residents. California needs to work with communities to build out community-level electric grids and uplift community-driven visions that will copower all communities to equitably electrify.

Protect Communities from Climate Impacts and Access to Zero-Emission Infrastructure in Homes

Even as we actually reduce emissions in the air, the reality is that the deadly impacts of climate change will continue long after significant emissions reductions. Extreme heat events will become more common, and average daytime and nighttime temperatures will keep rising. This is only exacerbated by the urban heat island effect for communities living in materially developed areas that trap heat, and often endure high concentrations of industrial and transportation pollution as well. These communities most vulnerable to the extreme heat impacts also do not have access to affordable, life-saving cooling and air filtering technology, or do not have access to the funds to cool their homes. Moreover, rural and unincorporated communities do not have the necessary infrastructure to connect clean energy appliances and technology in the first place. The Scoping Plan must detail specific actions to help vulnerable communities install



clean cooling and air filtration technology in homes, weatherize homes, develop the prerequisite residential and community infrastructure for clean, energy efficient technology use, and subsidize costs of utility expenses in the time of transition and worsening extreme heat events.

Phase Out Oil and Gas Extraction and Refining in California

We stand with the countless frontline communities, community based organizations, and labor groups calling for a swift and measured phase out of oil and gas extraction and refining in California. California is in no position to extend its reliance on polluting fuels, and the Scoping Plan must detail a measured decline from all industries as soon as possible.

5. Advance Sustainable Agricultural Solutions, Including Pesticide Reduction, as a Critical Sector in California's Climate Strategy

Prioritize Just, Agroecological Farm Strategies

The Scoping Plan should include strategies that advance just and agroecological food and farm systems that simultaneously reduce GHGs, avoid air and water pollution, regenerate biodiversity and soil health, provide equitable resources--technical assistance, land, funding--to BIPOC farmers; and advance just and accessible food access infrastructure. These efforts should be in coordination with the State's 30x30 initiatives for advancing nature-based solutions. CARB should work with relevant agencies to prioritize agroecological practices within all agricultural conservation programs and emissions reductions programs that maximize not only climate benefits but also public health and economic co-equal benefits for farmworkers, BIPOC farmers, communities of color, and environmental justice communities.

Hundreds of rural communities are surrounded by large-scale industrial agriculture and experience extreme pollution burden from common agricultural activities that also release greenhouse gases. La Vina residents in Madera County, for example, often experience unexpected agricultural burning, extreme events of dust pollution caused by machinery used to harvest almonds, and impacts from heavy pesticide application including toxic pesticide drift. The Scoping Plan should include health protective and climate mitigating agricultural strategies, such as reversing inequities in farmland ownership and land stability, phasing out agricultural burning statewide, divesting from polluting dairy digesters, enforcing measurable reductions in pesticide use, enforcing measurable reductions in polluting fertilizer runoff and leaching to preserve groundwater quality in rural communities, and providing co-equal health and safety benefits to farmworkers exposed to extreme heat and wildfire smoke.

Include Pesticides in the Scoping Plan

Given the negative role that pesticides play in increasing greenhouse gas emissions, decreasing the ability for soil carbon sequestration, degrading air & water quality, harming public health, and decreasing biodiversity, the Scoping Plan must include a discussion of synthetic pesticides and specific strategies to



reduce their production and use. We echo the comments from a large coalition of groups on this matter¹². CARB should collaborate with the Department of Pesticide Regulation (DPR) and other relevant agencies to identify a sustainable funding source for a transition to agroecological and sustainable farming without the use of toxic pesticides; increase research, markets, and supportive policies for such farming models; provide interim direct community protections to the disproportionately Latinx and low-income communities affected by pesticide exposure; include workforce development for farmworkers and underserved community members in sustainable, non-chemical pest management; establish procurement goals to support such efforts; and robustly analyze the impacts of pesticides on GHG emissions as well as the potential for soil carbon sequestration .

Prioritize Equity for Farmers of Color and BIPOC, Underserved & Low-Income Communities

Additionally, consistent with the Farmer Equity Act of 2017, all support for farmers should prioritize and be accessible to “socially disadvantaged farmers.” Meaningful and direct benefits from these investments should be clear and measurable for low-income, underserved and disadvantaged communities, particularly those surrounding large industrial, chemically intensive agriculture. The majority of this funding available to support nature-based solutions and transitions in agriculture should be prioritized for agricultural conservation projects led by farmers of color and landowners *living* in disadvantaged communities.

Furthermore, as discussed above, the Scoping Plan must not set goals or adopt strategies for methane reduction in livestock that simply subsidize expansions in natural gas infrastructure and unsustainable dairy operations with taxpayer and ratepayer money, and perpetuate local pollution. We urge all state agencies to divest from dairy digesters altogether and conduct an analysis of the local air and water impacts of dairy digesters already in operation today, especially those utilizing combustion or flaring on-site. Alternatives such as pasture-based dairying and direct methane reduction regulatory pathways should be better analyzed and supported instead.

6. Protect Community Water Systems and Properly Plan for Decreased Water Supply and Quality

Especially given the worsening intersecting climate impacts on water quality and supply, the Scoping Plan must include strategies that support the sustainability of community water systems and access to water in disadvantaged communities, such as investing in solar power for small and large scale water systems, divesting from dairy and pesticide-intensive crops that contribute to GHG emissions and water pollution, and enforcing sustainable groundwater management practices like land fallowing, crop conversion, and pesticide reduction.

¹² See here: “Re: Pesticides must be included in the 2022 Scoping Plan” <https://www.pesticidereform.org/wp-content/uploads/2021/07/Sign-on-comment-letter-to-CARB-re-pesticides-in-scoping-plan-July-2021.pdf>



Coordination between state and local water agencies must be incorporated to ensure Groundwater Sustainability Agencies (GSAs) have realistic plans for groundwater management given decreasing surface water supplies. The State Water Resources Control Board board is accurately measuring the surface water available and setting guidelines for sustainable consumption of water, and state and regional water boards are managing contamination (by arsenic and other pollutants) as groundwater decreases. The Scoping Plan should encourage and support efforts to reduce climate impacts on water.

7. Reduce Waste Streams and Volume

As with most undesirable land uses, waste facilities disproportionately impact disadvantaged communities who endure the air and toxic emissions, flaring, spontaneous combustion (fires), groundwater impacts, and truck traffic. Waste management strategies in the Scoping Plan must be primarily concerned with reducing waste streams and must avoid creating market strategies that incentivise increased concentration of waste.

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We look forward to working with the CARB board, Office of Environmental Justice, and Industrial Strategies Division to ensure the 2022 Scoping Plan sufficiently and accurately responds to the interrelated climate and health impacts in environmental justice communities across the state. We would be eager to provide more detail based on the experiences of the residents and communities with whom we work. For any questions or further discussion, please reach out to Shayda Azamian at sazamian@leadershipcounsel.org.

Sincerely,

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Leadership Counsel for Justice & Accountability

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