

MARIN CONSERVATION LEAGUE

Climate Action Working Group: July 21, 2017

Mt. Tam Conference Room, 175 N. Redwood Blvd., San Rafael

Present: Doug Wilson, Pam Reaves, Nona Dennis, Pat Nelson, Jodi Timmons, David Haskell, Kate Powers, Bob Spofford, Bill Carney, Judy Teichman, Helene Marsh, Bob Archer, Tamra Peters, Belle Cole, Mary Sackett (aide to Sup. Damon Connolly), Kiki La Porta, Bob Miller, Max Perrey (aide to Sup. Katie Rice), Norma Fragoso, Susan Stompe, Maureen Parton (aide to Sup. Kate Sears). Guest speakers: Abby Young, Sup. Kate Sears, Wendi Kallins.

Doug called the meeting to order at 9:06.

Brief Introductions

Agenda and Minutes

The agenda was revised to include a report by Supervisor Kate Sears on the recently filed lawsuit re climate change, and was adopted by consensus,

The minutes were approved by consensus with corrections.

9:13 Discussion 1

GHG initiatives, AB 398 and BAAQMD's Role in the Larger Picture (presenter: Abby Young, Manager of the Bay Area Air Quality Management District's Climate Protection Program)

Doug noted that AB 398, reauthorizing the cap-and-trade program, had passed in the legislature. He briefly introduced Abby Young and indicated the procedure for her discussion: A PowerPoint presentation that would allow for ongoing comment and questions from the group.

Abby completed the introduction. She noted that she is a Marin resident who has worked for the BAAQMD for ten years. She is currently is the manager of the district's Climate Protection Program. In this capacity, she is responsible for managing the development of the district's Regional Climate Protection Strategy and coordinating the implementation of the district's greenhouse gas-related work. Before coming to the BAAQMD, she had worked with local governments on reducing greenhouse gas emissions.

In her time at the BAAQMD, climate protection has grown to be a major focus in the district's work. One of the district's efforts is to reach out to local governments that are preparing climate plans. The district's work addresses connections between air quality and climate change. Heat worsens smog. The same sources produce air pollutants and greenhouse gases. The district identifies the value added via GHG reductions. The district is taking a multi-pollutant approach.

The district is reaching out to local groups to implement the district's vision for meeting climate and social equity challenges: an updated plan called "Spare the Air and Cool the Climate." Its plan consists is a broad strategy of 85 measures to reduce ozone and fine particulates, reduce air toxics in impacted communities, moving to reduce GHGs toward long-range state targets: 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. This is an update to the district's 2010 plan, a blueprint for clean air and climate protection in the Bay Area. The plan focuses on strategies to address the challenges presented by climate change and also address health inequities.

Abby emphasized that equal access to clean air is fundamental right that still eludes many in the Bay Area. She described the district's CARE (Community Air Risk Evaluation) program. There has been significant progress in the public health piece of the district's efforts in the past 25 years, as evidenced by data on deaths, hospital admissions and emergency room visits.

Abby showed the group a map of air quality inequities. Concentrations appear in hot, sunny areas and areas affected by winter particulates. An area of concentration in San Rafael reflects wind patterns. Wood smoke is a significant problem in Marin. Freeway exhaust is actually a bigger contributor to regional air pollution than refineries. The ports are a major source as well.

The district's work also includes a regional GHG inventory, which is updated every two years. The district is looking at what we are likely to achieve under plans and state requirements. Estimates will be fleshed out at a Bay Area basis. For example, the district has set up a methane monitoring system, taking measurements of clean air and downwind areas. They also go to specific sources of pollution and contract with outside parties to do flyovers. Sources include refineries and areas where the pipes go. Goals include identifying what needs to be fixed and improving accounting.

Comments

There is a huge disparity re reaching goals. And there is the "drop in the bucket" attitude that assumes local efforts don't really matter.

Purchasing power matters. UC Berkeley collaborated on a consumption-based inventory. The impact of reducing consumption is significant and the setting of an example is important.

Q. What will it take to reach the state's 2050 goal of reducing GHG emissions to 80% below 1990 levels? A. The power supply will need to be close to 100% renewable. Buildings should be net-zero carbon. This is difficult to achieve because 70% of buildings were built before state energy-efficiency requirements were initiated. Transportation should be based on renewables and incorporate trip reduction. Oil and gas companies should be part of the solution.

Q. What is the Air District's role? A. The district has no authority re building codes. It regulates only stationary sources. It has identified priorities such as "super GHGs" like refrigerants. But these are not emission sources unless they are leaking; the focus is on registering. Working with potential sources is an unfunded mandate, and the district does not issue permits for AC systems. The current goal is to work with local communities. Regulation and incentives are planned. Fossil fuel combustion is addressed with regulation and a region-wide strategy. There is also demand-side energy efficiency action. This goes hand-in-hand with decarbonizing the economy and the movement toward Deep Green and Community Choice Energy.

Ed: Make 100% renewable the default product offering. But this would make the Deep Green product more expensive than the PG&E product. There would be a mass opt-out.

Helene: It's a pricing issue.

Bill: It's not just about CCA startups, but about phasing in, and about combining it with the regulation of PG&E so that the prices converge.

Ed: For poor people, the price differential is not trivial.

Kiki: Use energy efficiency funds to subsidize low-income consumers.

Abby (cont.): Tools to implement district priorities include permits, rulemaking authority, partnerships, grants and incentives, work with local governments, and research and science.

Bob M.: What are the components of the \$160 million budget? A. The district has approximately 350 staff people. Grant monies are a major source of funds, as are state programs. Other sources include permit fees, small amounts from DMV registration and property tax, as well as federal sources (5-7%).

Abby (cont.): Regarding the passage of AB 398, the cap-and-trade reauthorization bill, district personnel met with the governor and suggested amendments (which were not included in the legislation). The bill extends Cap and Trade (C&T) through 2030, eliminates local air district authority to adopt CO₂ rules on sources covered by C&T, and bars the Air Resources Board from imposing emission reduction requirements beyond C&T on the oil and gas industry. The district cannot move forward with its own caps on refineries.

The district can still regulate capped sources for methane, fluorinated gases, and non GHG pollutants. It can regulate non capped sources for all GHGs, including CO₂. It can regulate combustion. It can still take "many, many" non-regulatory actions, including awarding grants and incentives, working with local governments, continuing education and outreach, and conducting research.

AB 617, the air quality companion bill to AB 398, inserts the Air Resources Board into local air quality management, expands Best Available Retrofit Control Technology requirements, requires community emission reduction programs, and requires air monitoring networks. Inserting the ARB into local regulation is well intended but unworkable due to the ARB's lack of experience in this area. The local air quality management districts do not need another layer. This change pulls resources away from efforts that are working, and does not provide additional funding to carry it out.

Ed: If the package failed, would they look at SB 775 or draw up an alternative cap-and-trade program? A. This has not been studied with the ballot measure. Revenues to 2024 have been allotted. Change would require a 2/3 vote. Republicans have a veto power. There is an impact on the Air District. The district wants the revenues. And there is a need to benefit disadvantaged communities. There is a formula and scoring criteria to help such communities in the Bay Area.

Bob M.: There appears to be a conflict in saying the district can regulate combustion, but cannot regulate CO₂. A. The purpose of the legislation is to reduce other pollutants, but CO₂ reduction is

a co-benefit. The conflict is not blatant. The district has substantial ability to influence CO₂ production where it works with MTC. The district plans 300 individual actions over the next 5 years. And the current budget provides a couple of additional tools: 1) a one-time \$4½ million grant program for communities to identify funding gaps; and 2) creation of a Technology Implementation Office to bring technologies to scale. There are a number of promising initiatives that could move forward under the umbrella of the Technology Implementation Office. Young noted [zero emission vehicles](#), [smart/connected technologies](#), [zero emission energy generation](#), and [efficiency technologies](#). Carbon farming, an approach actively championed in Marin, is an additional and important technological frontier. The air district plans to host a technology forum in the last quarter of 2017.

Doug: How can Marin help expedite? A. Vehicle programs. Areas of collaboration include low-carbon buildings, model ordinances. The district has a toolkit with a model solar ordinance for new construction. CEQA guidance, trip reduction, organics siting and permitting. District planning help includes a vehicle-miles-traveled tool.

Ed: Provide muscle for time-of-sale upgrades.

Norma: Fairfax has a funding source.

Abby (cont.): Local governments are a cornerstone of meeting goals. They contribute to a culture of innovation, along with universities.

Doug thanked Abby and thanked Supervisor Katie Rice, who serves on the district's Climate Protection Committee, for facilitating the presentation.

10:11 Discussion 2: Lawsuit filed by Marin and San Mateo Counties against 37 fossil fuel companies re climate change and sea level rise (Sup. Kate Sears)

Doug introduced Supervisor Kate Sears. Sup. Sears first noted progress in meeting climate challenges, such as an estimated 70% increase in utility customers going Deep Green, and MTC meeting its 5% target 7 years early.

She then described the recently filed lawsuit, in which Marin County, San Mateo County, and the City of Imperial Beach in southern California charge that 37 fossil fuel companies are complicit in climate change and sea level rise. The 100 page complaint is based on up-to-date science, and an attachment serves as a primer in CO₂ Truth or Consequences. The companies are responsible for 20 percent of industrial carbon dioxide and methane emissions between 1965 and 2010. Archival material indicates that that they have known of the consequences since the 1960s. In 1988, Richard Tucker gave a presentation on the unintended consequences of fossil fuel emissions and posited an "environmental covenant" to reduce pollution at the source and prevent these consequences through an energy industry transformation. Nevertheless, the industries embarked instead on a disinformation campaign about climate change. (There is an informative third party blog posted by a New York law professor, which Sup. Sears will email to Doug.)

Doug: The governors are planning a lawsuit. A. This has not been filed yet. They are hoping that others may join the suit.

Sup. Sears (cont.): The lawsuit consists wholly of state law claims, such as public and private nuisance, design defect, failure to warn, trespass, strict liability. The plaintiffs are not trying to control GHG emissions, and there are no preemption issues. The parties are likely to be engaged in motion practice for a few years. The parties are all coastal communities. Marin and San Mateo worked together on sea level rise vulnerability assessments. Their attorneys have previously collaborated with Imperial Beach's experienced counsel on litigation. The plaintiffs seek to "move the dial" with impact litigation. Each party filed a separate lawsuit; there is collaboration, not joinder. The separate lawsuits reflect a standing issue; the suit must be filed where the damage occurred or where the polluters are located. In 3 years, they will know if the matter will go to trial.

Belle: Is this disinformation campaign comparable to the campaign re the dangers of smoking?
A. The story is similar re hiding facts, deceptive practices. The major entities are collectively responsible for approximately 20% of global emissions, and the science has advanced to establish this. There is a similar argument: "You smoke, therefore you are responsible"; "You drive, therefore you are responsible."

Sup. Sears (cont.): The lawsuit represents a responsible use of resources. The plaintiffs are not using taxpayer dollars. They are working on a contingency basis. They are teaming up with a reputable law firm (Sher Edling) and using staff time. The possible monetary gain for the parties is the \$15.5 billion in damages. This does not take into account the cost of adaptation, \$3 billion spent. San Mateo and Marin are number 1 and 2 for sea level rise impact.

The parties have been talking to the Washington Post and a Canadian reporter. (Read Merchants of Doubt.) How to support the effort: Speak publicly to counter skeptics. Explain the intention and how the lawsuit will be paid for. Speak about the prior knowledge and disinformation; the story is damning.

Bob A.: Will there be amicus briefs down the line? A. Yes.

Doug spoke about formulating a CAWG action plan. Sup. Sears said reading the complaint is a prerequisite; there is an e-blast on her home page.

Bill: Will you be keeping actual tabs on costs as they accumulate? A. We will be tabulating costs. Q. Will you create an impactful name for the lawsuit? A. Good idea.

Helene: Mold public perception; engage the public. Go beyond the website. Go into the community. Form a subgroup to help tell the story. Communicate the science in a user-friendly way. Use the Sher Edling webpage, the media, the press.

Doug stated that he would put together a meeting and coordinate with Kate.

10:42 Discussion 3: Sustainable Marin New Initiative (Wendi Kallins)

How Marin is achieving its goals for carbon reduction: Each city has a Climate Action Plan, and the County is tracking the issue. Wendi/Sustainable Marin are proposing that parties come together to look at carbon reduction systematically, and plan in a comprehensive and collaborative way. They are need partners, expertise, and funding to achieve this. They will form collaborative committees. The nonprofit venture would be similar to the efforts of the Climate

Protection Campaign in Sonoma County. It would continue the tradition of Marin being first in many ways.

Pam: Who would the partners be? What communities are you combining? How is this separate from what communities are doing? A. It's an NGO effort, not government. We are looking for partners and have an individual working on planning and doing outreach.

David: It's not a planning objective but a professional entity that helps make planning efforts coherent. Coherence and professional activity unify a constellation of inputs.

Wendi (cont.): Baby steps lead to giant steps, change institutional thinking. We need a steep dive. Funders look fondly on collaboration.

Doug: What are the next/additional steps? A. Quantify and qualify what everyone is doing. Formalize. This is what Sustainable Marin is doing. We are meeting with the Climate Protection Campaign. This will lead to a larger presentation and a larger discussion.

David: A cadre of full-time professionals will produce solutions commensurate to the problem.

Kiki: With all the efforts and money expended, we have not been able to move the needle. Refine the efforts.

Wendi: We will get more people involved. A one-stop site to get people involved.

Bill: Come back with a slide show.

10:57 Reports

Resilient Neighborhoods (Tamra): Things are going great. In the first 8 months of the year, we have doubled carbon reduction from last year. Cumulative results: 3,836,411 lbs. of CO₂ reduced; 326 households engaged; 811 people. New teams include the Tiburon Carbon Sharks, the Lean Green Solutions from Mill Valley, the first official team in the Hamilton area of Novato. We are compiling results by municipality. Tamra spoke at a Rotary Club meeting 3 ½ years ago, with little response. When she gave a new presentation recently to the same Rotary Club, the whole club wanted to join a team and to lead other Rotaries to join. The grant is finalizing next month, and there will be a marketing plan.

Deep Green Campaign (Helene): Eleven of the twelve jurisdictions have gone Deep Green. Only Tiburon is left.

Update on the County's CAP Citizen's Advisory Committee (Mary Sackett, Sup. Damon Connolly's new aide): The County is aiming to go Deep Green. The County has two new electric vehicles. Mary has been attending meetings on the Supervisors' Climate Action Subcommittee. June updates: a green building ordinance, an MCE presentation and technical analysis, more charging stations for employees. Next month, they will address agriculture. She attended a BCDC meeting yesterday. OPR has a funding wizard for implementing plans. The County is working on a public meeting but finds that this conflicts with an Environmental Forum of Marin event. Possibly combine them?

Doug: The public meeting should be a conversation, rather than a PowerPoint presentation. Develop a working relationship. A. It should also draw in a wider audience, not just “the choir.”

Pam: At the San Rafael Climate Plan update with Cory Bytoff and Kate Colin, the conversation was collaborative and well done. Why not include this model in the County proceeding?

Kate: It should not be scattershot, with efforts dissipated.

Announcements

The Sustainable Enterprise Conference will take place October 26.

An Inconvenient Sequel is showing Aug. 5th at the Mill Valley theater, with a reception following.

The MCL picnic will take place tomorrow, from 12:00 to 3:00.

There will be a preview for the Environmental Forum Master Class on 8/12 on B Street in San Rafael.

On 8/1, the Supervisors will hold a workshop on the sea level rise adaptation plan.

Belle: Re the proposed Lead On Climate event, after consultation with OPR, they have concluded that it would not make sense to have the event. The governor is having a Climate Summit in 2018.

Tamra: Registration is open for Resilient Neighborhoods classes in the Mill Valley library and San Rafael Community Center.

Kiki: Re the Game of Floods, on the basis of consultation with Chris Chu, there will be a progressive playing of the Game over a 5-month period. There is interest in focusing on the Canal district. There will be a write-up and they will set up a Doodle poll.

Next Meeting: Bob Archer, Michelle Passero will lead a discussion of Cap and Trade vs. Fee and Dividend approaches to carbon pricing; electric vehicles and battery storage, other ideas.

Belle: Rock the Congress, an effort to coordinate for the midterm elections, will involve Jared Huffman and Barbara Lee and will entail approximately 4 sessions. The first one will be held in Northern California.

Meeting adjourned 11:22.

Minutes: PN.