

◆ Alaska Clean Water Advocacy ◆ Alliance of Nurses for Healthy Environments ◆ Amazon Watch ◆ Asian Pacific Environmental Network ◆ Association of Irrigated Residents ◆ Bayview Hunters Point Mothers and Fathers Committee ◆ Biofuelwatch ◆ California Chaparral Institute ◆ California Environmental Justice Alliance ◆ California River Watch ◆ California Safe Schools ◆ Center for Biological Diversity ◆ Center for Community Action and Environmental Justice ◆ Center on Race, Poverty, and the Environment ◆ Central Valley Air Quality Coalition ◆ Christians Caring for Creation ◆ Climate Action Now! ◆ Climate Hawks Vote ◆ Del Amo Action Committee ◆ EcoEquity ◆ Environmental Protection Information Center ◆ Filipino/American Coalition for Environmental Solidarity ◆ Food Empowerment Project ◆ Food Shift ◆ Forests Forever ◆ Forest Unlimited ◆ Friends of the Earth United States ◆ Global Alliance for Incinerator Alternatives ◆ Green Life Earth Island Project ◆ Greenaction for Health and Environmental Justice ◆ Greenpeace USA ◆ Idle No More SF Bay ◆ Indigenous Environmental Network ◆ John Muir Project ◆ Law Office of Edward E. Yates ◆ Los Padres ForestWatch ◆ Movement Rights ◆ National Religious Coalition on Creation Care ◆ Oakland Climate Action Coalition ◆ Physicians for Social Responsibility - Los Angeles ◆ Planting Justice ◆ Raptors Are The Solution ◆ Rino Consulting Solutions ◆ Sacred America ◆ Santa Barbara Standing Rock Coalition ◆ Santa Barbara Urban Creeks Council ◆ Sequoia ForestKeeper® ◆ Seventh Generation Fund for Indigenous Peoples ◆ SoCal 350 Climate Action ◆ Sunflower Alliance ◆ TUC Radio ◆ Wasteful Unreasonable Methane Uprising ◆ West Berkeley Alliance for Clean Air and Safe Jobs ◆ Western Watersheds Project ◆ Wild Heritage, a project of Earth Island Institute ◆ Wild Nature Institute ◆

November 6, 2020

Mary D. Nichols
Chair, California Air Resources Board
1001 I Street Sacramento, CA 95814

Gavin McCabe
Chair, Compliance Offset Task Force
California Air Resources Board

Via Email: OffsetTaskForce@arb.ca.gov

RE: Reject the Initial Draft Recommendations of Compliance Offsets Protocol Task Force

Dear Chair Nichols and Mr. McCabe:

On behalf of the undersigned environmental justice (EJ), Black, Indigenous, environmental, scientific and health organizations, we write to call into question, on numerous grounds, the legitimacy of the process of California Air Resources Board's (CARB) Compliance Offsets Protocol Task Force (Task Force) and its Initial Draft Recommendations ("Recommendations Report"). As outlined below, the Recommendations Report is fundamentally flawed and must be rejected.

The catastrophic wildfires impacting California's communities are worsening as the climate crisis grows. It is beyond question that we must double down on our climate goals to stabilize our climate and protect the health, safety, and welfare of Californians and all people throughout the world. Governor Newsom in response issued executive orders acknowledging our state of climate emergency and called for accelerating our efforts to meet our state's goals. Shockingly, the recommendations on the offsets program would have our state move in the opposite direction of meeting, and would actually *undermine* our climate, health, and equity goals.

The environmental justice movement has put forward critical, commonsense solutions to climate change, including those articulated in recommendations of the AB 32 Environmental Justice Advisory Committee (EJAC), such as direct emission reductions by big polluters and disallowing carbon offsets that harm EJ communities locally and internationally. The Task Force's recommendations would instead flood California's climate programs with *additional* carbon offsets. We are appalled by the proposed perpetuation of a mechanism that has failed to 1) provide any tangible benefits to the most impacted communities, 2) result in significant GHG emissions reductions, or 3) meaningfully protect the natural environment.

Additionally, we are concerned with CARB's process for developing these recommendations, including clear conflict of interests within the composition of the Task Force and limiting the scope to building the offset program without proper evaluation of past offset quality. The premise of the offset program and a genuine assessment of how it has failed or worked well must underlie the Task Force's recommendations. Instead, there are false assumptions embedded in the report that go unstated and unquestioned. For these reasons alone, the Recommendations Report is fundamentally flawed and calls into question the inherent legitimacy of the Task Force's Report and offset program itself.

Offsets Pollute Environmental Justice Communities

Offsets allow industries to continue polluting in the neighborhoods they operate in by paying someone else, somewhere else, to theoretically reduce emissions. To date, CARB has allowed 200 million tons of offsets to be used by the biggest polluters in the state, such as the Chevron oil refinery and Pacific Gas & Electric. That is 200 million tons of climate pollution (carbon dioxide with co-pollutants) that was emitted into the atmosphere, polluted EJ communities, and choked the lungs of mostly Black and brown children living next to those industries. EJ communities have for years warned about the projected increases in climate and other air pollution as a result of the offset program and exacerbated health impacts as a result of increased pollution. Unfortunately, but unsurprisingly, studies evidence that the highest rates of COVID cases are also in the most polluted areas of the state. People's respiratory health is jeopardized by the poisonous air assaulting their communities – their lungs were being weakened every day before the pandemic began. CARB is rightfully researching the links of COVID within disadvantaged communities in California, which behooves it to halt programs that, like offsets, exacerbate health concerns.

The Offset Program is Racist & Grounded in a Framework of White Supremacy

The official advisory body to CARB on the climate Scoping Plan, the AB32 Environmental Justice Advisory Committee (EJAC), has consistently recommended removing offsets from the program, citing environmental racism toward communities of color who bear the brunt of pollution from industries who use offsets, including the indigenous communities internationally whose forests, lands and livelihoods are compromised by offset projects. It is Black, Indigenous and people of color (BIPOC) who constantly testify at CARB meetings to oppose offsets, like the recent CARB Tropical Forest Standard, but whose concerns fall on deaf ears— those of CARB’s white and male majority leadership and staff. Instead, CARB promotes the arguments of corporations, industries, offset market proponents and mostly white environmental organizations, with no connection to the BIPOC communities inundated with the increased pollution allowed by offsets. We adamantly reject the Recommendations Report’s narrative that offsets are a means to address EJ concerns and the needs of indigenous and other disadvantaged communities. This perverse framing turns the consistent positions of EJ advocates on their head. Further, the framing of market offsets mechanisms as inevitable and efficient falls squarely within systemic structures of white supremacy that inherently center economic profit for white industry owners and stakeholders, and devalue the lives of impacted BIPOC communities. Inspired by the consciousness-raising of the Movement for Black Lives, including Black staff at CARB who challenged racism inside the agency, we call on CARB to reflect on its privilege and responsibilities and take action to prevent perpetrating overt and unconscious white supremacy when it comes to offsets and the other climate policies.

Offsets Undermine Urgent Action Needed on Climate Change

There is scientific consensus throughout the world that we must mitigate climate change by dramatically curbing greenhouse gas (GHG) emissions, while maximizing the protection of forests and other ecosystems that naturally sequester carbon, so they can do the essential work of drawing as much carbon as possible out of our atmosphere. The level of urgency that the climate crisis demands is fundamentally inconsistent with the concept of carbon emission offsets, where polluters are permitted to exceed their already generous carbon emission limits and free allowances, while the 417 ppm of carbon that presently resides in our atmosphere, and is driving the climate crisis, are ignored. Maintaining our current atmospheric carbon levels while increasing the amount of carbon, other GHGs, and co-pollutants being pumped into California’s air will exacerbate, not mitigate, climate change.

The Recommendations Report Fails to Meet the Requirement of Direct Environmental Benefits to California Forests

It is impossible to square AB398’s requirement that any new offset protocols increase offset projects with *direct environmental benefits* with the fact that many of the offsets proposed by the Task Force will result in *direct damage* to native ecosystems, including California’s forests. For example, in the consensus recommendation regarding reforestation (Recommendation #15), the Task Force proposes to make it easier for forest landowners to obtain carbon offsets by removing mature or old forest (which store and sequester large amounts of carbon) through logging (a fossil fuel intensive activity which increases carbon emissions while damaging soil and degrading a forests ability to function) and then replacing it with seedlings (which store and

sequester minimal amounts of carbon). Similarly, the Task Force's non-consensus wildfire avoidance protocol (Non-Consensus Recommendation #3) proposes to reward the timber industry with new carbon offsets for theoretically avoiding wildfire effects by destroying and degrading forests through logging (which does nothing to prevent weather driven wildfires, while actually making fires travel faster and burn at a higher intensity). These two recommendations would not only exacerbate climate change by increasing carbon emissions, but would directly harm forest ecosystems, native plants, wildlife, and communities dependent on these systems, including Indigenous communities.

The Recommendations Report Fails to Adequately Ensure Indigenous Rights

The Task Force has gone to great lengths to highlight opportunities for offset projects on Native American or tribal lands, even while acknowledging that the issues are "complex and challenging." Extensive discussion is given to the logistical, technical and even legal and economic factors related to tribal carbon offset projects, but not once is there a reference to the United Nations Declaration on the Rights of Indigenous People and specifically of the rights of Free Prior and Informed Consent (FPIC). Self-determination and sovereignty are only mentioned a very few number of times, despite these being tenets of the rights of Indigenous people. Again, this framing is part and parcel of institutionalizing white supremacy. Given the direction in AB 398, this Task Force would have been the exact forum for asking the necessary questions about how FPIC has been respected in previous Indigenous carbon credit projects in California and how those lessons would inform future decision-making processes for Indigenous peoples in California. But yet again, these draft recommendations fail to even mention FPIC, much less provide any insight as to how FPIC has been and should be applied in carbon credit projects on Indigenous territory in the state of California.

Task Force Members Have Conflicts of Interest

While CARB was given broad parameters for member appointments to this Task Force, unfortunate yet consistent with the culture of CARB, the selection of members was overwhelmingly weighted toward the appointment of non-diverse members who are tied to the industries which are financially interested in the very recommendations the Task Force now offers. This curated member selection has completely tainted the draft recommendations process, ensuring that the recommendations for new offset protocols amount to a deregulatory roadmap to unlock non-additional offsets poised to financially benefit some while doing nothing for our climate or environment, and perpetuating environmental racism. AB 398 required the Task Force to focus on developing recommendations for offsets that have "direct environmental benefits in the state while prioritizing disadvantaged communities, Native American or tribal lands, and rural and agricultural regions," yet the makeup of the Task Force proves that important representatives and perspectives were not included in the process or were significantly outnumbered by the sheer volume of pro-offset and industry proponents (over 70% of the Task Force). This completely delegitimizes any recommendations made by this Task Force.

Suspend Offsets

This Task Force and its draft recommendations highlight more than ever that the offset system that CARB has wholeheartedly adopted is rooted in white supremacy, bias and delayed action that is poised to benefit the few on the backs of the many. The Task Force cannot even prove direct environmental benefits of the offset protocols they reviewed as directed by AB 398. We believe the problems with offsets are not fixable, and that CARB should suspend its offsets program. We also call for an independent review of CARB's offset program to evaluate the quality and integrity of existing offset protocols.

We need real climate solutions that deal with root causes of environmental and climate devastation, and centers it on the protection and wellbeing of people. We need to take care of Californians who already struggle to breathe from toxic air and COVID. We need to go deep and challenge bias within our institutions, like CARB, so that our solutions going forward are righting the wrongs of the past and perpetuation of these in the present, like environmental racism. CARB needs to urgently step back and reexamine the severity of the climate crisis we are in, the contested role of market mechanisms in any mitigation efforts, and the impact those mechanisms have on BIPOC communities and native ecosystems. We call on CARB to do that hard work within the climate program, including in the upcoming Scoping Plan process, and beyond.

Sincerely,

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