

Assembly Bill No. 1757

CHAPTER 341

An act to add Section 38561.5 to the Health and Safety Code, relating to greenhouse gases.

[Approved by Governor September 16, 2022. Filed with
Secretary of State September 16, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1757, Cristina Garcia. California Global Warming Solutions Act of 2006: climate goal: natural and working lands.

The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level no later than December 31, 2030. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years.

Existing law requires, no later than July 1, 2023, the Natural Resources Agency, in coordination with the state board, the California Environmental Protection Agency, the Department of Food and Agriculture, and other relevant state agencies, to establish the Natural and Working Lands Climate Smart Strategy and, in developing the strategy, to create a framework to advance the state's climate goals. Existing law requires the state board, as part of its scoping plan, to establish specified carbon dioxide removal targets for 2030 and beyond.

This bill would require the Natural Resources Agency, in collaboration with specified entities including the state board and the expert advisory committee described below, to determine on or before January 1, 2024, an ambitious range of targets for natural carbon sequestration, and for nature-based climate solutions, that reduce greenhouse gas emissions for 2030, 2038, and 2045 to support state goals to achieve carbon neutrality and foster climate adaptation and resilience. The bill would require these targets to be integrated into the above-described scoping plan and other state policies. The bill would require the Natural Resources Agency, in consultation with specified agencies including the state board, to review and update the Natural and Working Lands Climate Smart Strategy to achieve these targets. The bill would require the Natural Resources Agency and the state board to jointly establish an expert advisory committee to

inform and review modeling and analyses for natural and working lands, to advise state agencies on implementation strategies and standardized accounting, and to provide recommendations on addressing barriers to efficient implementation of the provisions of the bill. The bill would require the Natural Resources Agency to publish data on its internet website on progress made in achieving these targets, as specified.

This bill would require the state board, no later than January 1, 2025, to develop standard methods for state agencies to consistently track greenhouse gas emissions and reductions, carbon sequestration, and, where feasible and in consultation with the Natural Resources Agency and the Department of Food and Agriculture, additional benefits from natural and working lands over time. The bill would require the state board, in estimating and tracking greenhouse gas emissions and reductions and carbon sequestration from natural working lands, to take into account, where feasible, greenhouse gas emissions and reductions of carbon dioxide, methane, and nitrous oxide related to natural and working lands and the potential impacts of climate change on the ability to reduce greenhouse gas emissions and sequester carbon from natural and working lands.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Climate change is causing historic droughts, devastating wildfires, torrential storms, extreme heat, the death of millions of trees, billions of dollars in property damage, and threats to human health and food supplies.

(2) The state's forests, agricultural lands, rangelands, wetlands, oceans, and other natural and working landscapes define the beauty and well-being of our state, but tragically are suffering increasing degradation caused by a changing climate.

(3) While the state's natural and working landscapes confront impacts from climate change, they continue to provide a valuable carbon sequestration service that can help the state meet its long-term climate, public health, environmental, and economic goals.

(4) Nations came together to adopt the Paris Agreement under the United Nations Framework Convention on Climate Change, which calls for preventing average global temperatures from rising more than 2 degrees Celsius (3.6 degrees Fahrenheit) above preindustrial levels and pursuing efforts to keep warming below 1.5 degrees Celsius (2.7 degrees Fahrenheit) above preindustrial levels.

(5) The state has strong partnerships through the Under2Coalition, with more than 200 jurisdictions around the world, representing 1.3 billion people, committing themselves to meeting the Paris Agreement goals and going beyond them wherever possible.

(6) Scientists agree that worldwide carbon pollution must start trending downward immediately, and carbon neutrality, which is the point at which

the removal of carbon pollution from the atmosphere meets or exceeds emissions, must be achieved by midcentury.

(7) The achievement of carbon neutrality will require both significant reductions in carbon pollution and the removal of carbon dioxide from the atmosphere, including sequestration in forests, soils, and other natural landscapes.

(8) California, through two executive orders, Executive Order No. N-82-20 and Executive Order No. B-55-18, has acknowledged that the state's natural and working lands have a critical role to play in the state's climate strategy and ability to achieve carbon neutrality.

(9) Strategies that include the state's natural and working lands to address climate change should also support associated values and benefits, such as food and job security, biodiversity, wildlife habitat, and water and air quality protection.

(10) The State Air Resources Board's 2017 Climate Change Scoping Plan, prepared pursuant to Section 38561 of the Health and Safety Code, charts the steps to achieve the state's greenhouse gas emissions goals, presenting a balanced set of economically viable and technologically feasible actions for carbon reduction.

(11) The state has taken the following specific steps to reduce greenhouse gas emissions:

(A) Requiring significant reductions of destructive super pollutants, including black carbon and methane.

(B) Supporting clean transportation to reduce petroleum use by 45 percent by 2030, as outlined in the State Air Resources Board's 2017 Climate Change Scoping Plan prepared pursuant to Section 38561 of the Health and Safety Code.

(C) Setting a goal of 5 million zero-emission vehicles by 2030 in Executive Order No. B-48-18.

(D) Proposing to double the reduction in the carbon intensity of fuels through the Low Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) by 2030.

(E) Moving the state to 100 percent clean energy by 2045 pursuant to Section 454.53 of the Public Utilities Code.

(F) Requiring the state to double the rate of energy efficiency savings in buildings.

(G) Extending and improving the state's market-based compliance mechanism, commonly known as cap and trade.

(H) Directing the cap-and-trade moneys to greenhouse gas emissions-reducing programs that benefit disadvantaged communities.

(I) Developing a Forest Carbon Plan to better manage the state's forest land.

(J) Establishing a goal of reducing at least five million metric tons of greenhouse gas emissions per year through the development and application of compost on working lands in Section 42649.87 of the Public Resources Code.

(b) It is the intent of the Legislature that the state accomplish all of the following:

(1) All policies and programs undertaken to achieve carbon neutrality seek to improve air quality and support the health and economic resiliency of urban and rural communities, particularly low-income and disadvantaged communities.

(2) All policies and programs undertaken to achieve carbon neutrality be implemented in a manner that maximizes ecological health and biodiversity and supports climate adaptation, including the protection of the state's water supply, water quality, and native plants and animals.

(3) State agencies engage the support, participation, and partnership of universities, businesses, investors, and communities, as appropriate, to achieve greenhouse gas emissions reductions goals.

SEC. 2. Section 38561.5 is added to the Health and Safety Code, to read:

38561.5. (a) For purposes of this section, the following definitions apply:

(1) "Natural carbon sequestration" means actions that are undertaken on natural and working lands to remove and provide storage of atmospheric greenhouse gases in vegetation and soils. This shall include preservation, conservation, restoration, and sustainable management of these lands, which may include compost application, cover crops, hedgerows, planned grazing, urban forestry, riparian restoration, restoration of tidal flows to wetlands, and other forms of wetland restoration, among other relevant actions.

(2) "Natural lands" has the same meaning as set forth in paragraph (2) of subdivision (d) of Section 9001.5 of the Public Resources Code.

(3) "Nature-based climate solutions" means activities, such as restoration, conservation, and land management actions, that increase net carbon sequestration or reduce greenhouse gas emissions in natural and working lands.

(4) "Vulnerable communities" has the same meaning as set forth in subdivision (d) of Section 71340 of the Public Resources Code.

(5) "Working lands" has the same meaning as set forth in paragraph (1) of subdivision (d) of Section 9001.5 of the Public Resources Code.

(b) (1) On or before January 1, 2024, the Natural Resources Agency, in collaboration with the state board, the California Environmental Protection Agency, the Department of Food and Agriculture, the expert advisory committee established pursuant to subdivision (c), and other relevant state agencies, shall determine an ambitious range of targets for natural carbon sequestration, and for nature-based climate solutions, that reduce greenhouse gas emissions for 2030, 2038, and 2045 to support state goals to achieve carbon neutrality and foster climate adaptation and resilience. These targets shall be integrated into the scoping plan prepared pursuant to Section 38561 and other state policies.

(2) Projects and actions developed to achieve the targets established pursuant to paragraph (1) shall support the state's efforts to achieve carbon neutrality, take into account climate impacts, increase resilience to climate change impacts, reduce greenhouse gas emissions, and enhance carbon

sequestration in a manner that maximizes ecological health and biodiversity, and complements other climate and resources goals.

(3) (A) The state board shall ensure that all emissions reductions from projects and actions developed to achieve the targets established pursuant to paragraph (1) shall be accounted for in a manner that does not result in double counting of emissions reductions.

(B) Notwithstanding any other law, emissions reduction projects and actions that receive state funding are not eligible to generate credits under any market-based compliance mechanism.

(4) On or before January 1, 2025, the Natural Resources Agency, in consultation with the state board, the California Environmental Protection Agency, and the Department of Food and Agriculture, shall review and update the Natural and Working Lands Climate Smart Strategy established pursuant to Section 39740.2 to achieve the targets established pursuant to paragraph (1).

(5) The review and update pursuant to paragraph (4) shall include all of the following:

(A) Descriptions of the actions and projects undertaken on natural and working lands to date.

(B) Quantified progress on emissions reductions, natural carbon sequestration, and cobenefits.

(C) A description of how the relevant agencies calculated emissions reductions, natural carbon sequestration, and cobenefits.

(D) A summary of the benefits to low-income communities, disadvantaged communities, vulnerable communities, disadvantaged farmers, and Native American tribes.

(E) An evaluation of the efficacy of the priority nature-based solutions, pathways, and priority actions for greenhouse gas reductions, climate resilience, and climate change adaptation.

(F) Identification and description of any barriers to achieving the range of targets pursuant to paragraph (1).

(G) Recommendations to address the barriers identified in subparagraph (F) to achieve the range of targets pursuant to paragraph (1).

(H) Recommendations from the expert advisory committee established pursuant to subdivision (c).

(c) The Natural Resources Agency and the state board shall jointly establish an expert advisory committee that is composed of university researchers, technical assistance providers, practitioners and other experts in the field of climate change and natural and working lands science and management, and Indigenous and environmental justice representatives, to inform and review modeling and analyses for natural and working lands, to advise state agencies on implementation strategies and standardized accounting, and to provide recommendations on addressing barriers to efficient implementation of this section.

(d) No later than January 1, 2025, the state board shall develop standard methods for state agencies to consistently track greenhouse gas emissions and reductions, carbon sequestration, and, where feasible and in consultation

with the Natural Resources Agency and the Department of Food and Agriculture, additional benefits from natural and working lands over time. In estimating and tracking greenhouse gas emissions and reductions and carbon sequestration from natural and working lands, the state board shall take into account, where feasible, both of the following:

(1) Greenhouse gas emissions and reductions of carbon dioxide, methane, and nitrous oxide related to natural and working lands.

(2) Potential impacts of climate change, including, but not limited to, increased fire risk, warming temperatures, and decreasing precipitation, on the ability to reduce greenhouse gas emissions and sequester carbon from natural and working lands.

(e) On or before January 1, 2025, and every two years thereafter, the Natural Resources Agency shall publish data on its internet website on progress made in achieving the targets established pursuant to paragraph (1) of subdivision (b), including on state expenditures made to implement these targets.