



CA Gov. Jerry Brown Says Environmental Opponents Were ‘Vanquished’

Climate lobbyists literally inundate state legislatures with legislation, and then apply every kind of pressure to get them to pass it. It results in floods of new laws and regulations that can barely be kept up with. □ TN Editor

California doubled down on its green economy Wednesday as the legislature passed a pair of bills that set ambitious new targets for reducing greenhouse gas emissions. The new goals are being hailed by environmentalists for providing the certainty needed to ramp up clean-tech investment. Governor Jerry Brown announced in a press conference that opponents of the new targets were “vanquished.” Indeed, there had hardly been a squeak from the oil industry or anyone else.

Maybe that’s because the cap-and-trade exchange that allows heavy polluters to mitigate their damage by purchasing emission credits, and which is one of the state’s most embattled emission-reduction programs,

got kicked down the road. All summer the new emissions goals were embroiled in intense negotiations centered on cap-and-trade — talks that included the legislature, the governor and representatives of Big Oil and other heavy industries. Industry wants certainty about buying into the exchange, which has suffered from low participation in its auctions and is the subject of a lawsuit by the state Chamber of Commerce, and many programs seemed to be on the table.

Capital & Main [reported](#) in July on the tumultuous and confusing signals coming from the governor's office, which seemed to indicate that Brown was not only desperate to pass Senate Bill 32, but that he was also trying to strike a grand bargain with the Western States Petroleum Association (WSPA) and other trade groups to save the cap-and-trade program. This led many to speculate in background conversations that the state might have to sacrifice one of its nation-leading emission-reduction programs. SB 32 is a linchpin of state climate strategy, as it codifies the governor's former executive order to ratchet up greenhouse gas reduction goals from 1990 levels by 2020 to 40 percent below 1990 levels by 2030.

The negotiations were colored by bruising battles in 2015, when moderate Democrats helped block SB 32 and stripped a provision to reduce gasoline use out of another key bill, [SB 350](#), that increased the state's Renewable Portfolio Standard to require 50 percent clean-energy usage by 2030.

And then SB 32 sailed through. Have we entered a new era of climate change cooperation? Is somebody keeping their powder dry for bigger battles still to come over state cap-and-trade or other programs? Were foes truly “vanquished?”

Part of the answer is that SB 32 was tied to another measure, Assembly Bill 197, which was designed to quell the fears of the moderate Democrats. Each bill required passage of the other.

AB 197 was authored by former SB 32-doubting freshman Assemblymember Eduardo Garcia (D-Coachella). Garcia, like many legislators and public interest groups, was concerned that high-profile emission-reduction programs did little to address the effects of climate

change in the hardest-hit communities, such as neighborhoods next to refineries or ports or farming regions, where air quality is often the worst. Cap-and-trade, for instance, allows big polluters to pollute as long as they pay for credits or offsets purchased in other parts of the state or country. AB 197 requires that the California Air Resources Board, which directs implementation of emission-reduction programs, should target direct reductions at both stationary and mobile sources in those communities. Such direct reductions are bitterly opposed by oil interests and heavy industry.

The bill also restricts CARB board members to six-year terms, which can be repeated, creates a joint legislative oversight committee made up of three Senators and three Assemblymembers to make recommendations about CARB programs to the legislature, and places two legislators in nonvoting, ex-officio positions on the air board to increase legislative understanding and input into the board's work. Evidently this was enough to smooth the waters.

"I can't say anything's ever *smooth* with regard to climate policy!" laughs Bonnie Holmes-Gen, senior director for Air Quality and Climate Change at the American Lung Association. "A lot of legislators want to understand more of what's happening at the Air Resources Board, and they feel a little more comfortable with Eddie Garcia, that there is provision for more oversight, for engagement, for input from legislative voices. That does provide a lot of reassurance."

When SB 32 was introduced in 2015, many newer legislators were fuzzy on how it actually worked and now understand it better. The bill has also taken a few serious hits: A provision requiring emission reductions to 80 percent of 1990 levels by 2050 was stripped out of the bill by amendments.

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