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HEALTH AND SAFETY CODE - HSC

DIVISION 25.5. CALIFORNIA GLOBAL WARMING SOLUTIONS ACT OF 2006 [38500 - 38599.11] (*Division 25.5 added by Stats. 2006, Ch. 488, Sec. 1.*)

PART 7. Miscellaneous Provisions [38590 - 38599] (*Part 7 added by Stats. 2006, Ch. 488, Sec. 1.*)

38590. If the regulations adopted pursuant to Section 43018.5 do not remain in effect, the state board shall implement alternative regulations to control mobile sources of greenhouse gas emissions to achieve equivalent or greater reductions.

(*Added by Stats. 2006, Ch. 488, Sec. 1. Effective January 1, 2007.*)

38590.1. (a) It is the intent of the Legislature that moneys collected from the auction or sale of allowances pursuant to a market-based compliance mechanism established pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)) shall be appropriated to include, but need not be limited to, the following priorities at the time an expenditure plan is adopted:

- (1) Air toxic and criteria air pollutants from stationary and mobile sources.
- (2) Low- and zero-carbon transportation alternatives.
- (3) Sustainable agricultural practices that promote the transitions to clean technology, water efficiency, and improved air quality.
- (4) Healthy forests and urban greening.
- (5) Short-lived climate pollutants.
- (6) Climate adaptation and resiliency.
- (7) Climate and clean energy research.

(b) This section shall remain in effect only until January 1, 2031, and as of that date is repealed unless a later enacted statute that is enacted on or before that date deletes or extends that date.

(*Added by Stats. 2017, Ch. 135, Sec. 6. (AB 398) Effective July 25, 2017. Repealed as of January 1, 2031, by its own provisions.*)

38591. (a) The state board, by July 1, 2007, shall convene an environmental justice advisory committee, of at least three members, to advise it in developing the scoping plan pursuant to Section 38561 and any other pertinent matter in implementing this division. The advisory committee shall be comprised of representatives from communities in the state with the most significant exposure to air pollution, including, but not limited to, communities with minority populations or low-income populations, or both.

(b) The state board shall appoint the advisory committee members from nominations received from environmental justice organizations and community groups.

(c) The state board shall provide reasonable per diem for attendance at advisory committee meetings by advisory committee members from nonprofit organizations.

(d) The state board shall appoint an Economic and Technology Advancement Advisory Committee to advise the state board on activities that will facilitate investment in and implementation of technological research and development opportunities, including, but not limited to, identifying new technologies, research, demonstration projects, funding opportunities, developing state, national, and international partnerships and technology transfer opportunities, and identifying and assessing research and advanced technology investment and incentive opportunities that will assist in the reduction of greenhouse gas emissions. The committee may also advise

the state board on state, regional, national, and international economic and technological developments related to greenhouse gas emission reductions.

(Added by Stats. 2006, Ch. 488, Sec. 1. Effective January 1, 2007.)

38591.1. (a) The Compliance Offsets Protocol Task Force is hereby established to provide guidance to the state board in approving new offset protocols for a market-based compliance mechanism for the purposes of increasing offset projects with direct environmental benefits in the state while prioritizing disadvantaged communities, Native American or tribal lands, and rural and agricultural regions. The state board shall appoint members to the Compliance Offsets Protocol Task Force to include a representative from each stakeholder group, including, but not limited to, all of the following:

- (1) Scientists.
- (2) Air pollution control and air quality management districts.
- (3) Carbon market experts.
- (4) Tribal representatives.
- (5) Environmental justice advocates.
- (6) Labor and workforce representatives.
- (7) Forestry experts.
- (8) Agriculture experts.
- (9) Environmental advocates.
- (10) Conservation advocates.
- (11) Dairy experts.

(b) The Compliance Offsets Protocol Task Force shall consider the development of additional offset protocols, including, but not limited to, protocols for the enhanced management or conservation of agricultural and natural lands, and for the enhancement and restoration of wetlands.

(c) The Compliance Offsets Protocol Task Force shall develop recommendations for the state board on the inclusion of methodologies to allow groups of landowners to jointly develop natural and working lands offset projects under the approved offset protocols. The recommendations shall address how to lower project transaction costs for participants and enable a greater number of landowners to participate in those projects while protecting the integrity and transparency of those projects.

(d) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 85, Sec. 1. (AB 293) Effective January 1, 2020. Repealed as of January 1, 2031, by its own provisions.)

38591.2. (a) The Independent Emissions Market Advisory Committee is hereby established within the California Environmental Protection Agency.

(b) (1) (A) The committee shall be composed of at least five experts on emissions trading market design appointed according to the following:

- (i) Three members appointed by the Governor.
- (ii) One member appointed by the Senate Committee on Rules.
- (iii) One member appointed by the Speaker of the Assembly.

(B) (i) The committee shall include a representative from the Legislative Analyst's Office.

(ii) The representative from the Legislative Analyst's Office shall be a nonvoting committee member.

(2) The committee members shall meet all of the following requirements:

(A) Have academic, nonprofit, and other relevant backgrounds.

(B) Lack financial conflicts of interest with entities subject to the regulation adopted by the state board pursuant to subdivision (c) of Section 38562.

(c) The committee, at least annually, shall hold a public meeting and report to both the state board and the Joint Legislative Committee on Climate Change Policies on the environmental and economic performance of the regulation adopted by the state board pursuant to subdivision (c) of Section 38562 and other relevant climate policies.

(d) The activities of the committee pursuant to this section shall not be subject to subdivision (b) of Section 11122.5 of the Government Code.

(e) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 31, Sec. 14. (SB 85) Effective June 27, 2019. Repealed as of January 1, 2031, by its own provisions.)

38591.3. (a) No later than January 1, 2019, the California Workforce Development Board, in consultation with the state board, shall report to the Legislature on the need for increased education, career technical education, job training, and workforce development resources or capacity to help industry, workers, and communities transition to economic and labor-market changes related to statewide greenhouse gas emissions reduction goals, pursuant to Sections 38550 and 38566, and the scoping plan, adopted pursuant to Section 38561. The California Workforce Development Board shall ensure that the report aligns, as appropriate, with California's Unified Strategic Workforce Development Plan, developed by the California Workforce Development Board. The California Workforce Development Board and the state board shall work in consultation with all of the following:

(1) State Department of Education.

(2) California Community Colleges.

(3) Trustees of the California State University.

(4) Regents of the University of California.

(5) Governor's Office of Business and Economic Development.

(6) Interested stakeholders.

(b) The report to the Legislature shall address all of the following:

(1) Creating and retaining jobs and stimulating economic activity in the state.

(2) Imbedding workforce training and employment services in infrastructure investments so that services more directly connect to the jobs created.

(3) The use of community benefits agreements, community workforce agreements, and project labor agreements that connect workforce services and job training directly to jobs impacted or jobs created.

(4) Preparing the state's students with relevant career technical education that responds to business and industry demands.

(5) Developing worker retraining programs to assist the existing workforce with the necessary tools to upgrade their skills.

(6) Responding to the job creation and workforce needs of the state's new and emerging industries, including emerging technologies that will result in greater greenhouse gas emissions reductions.

(7) Developing job training programs to assist specific populations, such as at-risk youth, displaced workers, veterans, the formerly incarcerated, and others facing barriers to employment.

(8) Opportunities for community-based organizations to partner with local workforce agencies to improve the labor-market outcomes of targeted disadvantaged populations.

(9) Targeting workforce development programs and activities in disadvantaged communities, as identified pursuant to Section 39711, and communities that are located near entities regulated by the state board pursuant to this division.

(10) Identifying and leveraging state and federal funding resources to implement the recommendations made in the report consistent with the regulatory purposes of this division.

(c) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

(Added by Stats. 2017, Ch. 135, Sec. 9. (AB 398) Effective July 25, 2017. Repealed as of January 1, 2031, by its own provisions.)

38592. (a) All state agencies shall consider and implement strategies to reduce their greenhouse gas emissions.

(b) Nothing in this division shall relieve any person, entity, or public agency of compliance with other applicable federal, state, or local laws or regulations, including state air and water quality requirements, and other requirements for protecting public health or the environment.

(Added by Stats. 2006, Ch. 488, Sec. 1. Effective January 1, 2007.)

38592.1. (a) Every three years, the California Council on Science and Technology (CCST), in its mission to increase collaboration among agencies and scientists and convene stakeholders across institutions, is requested, at its discretion, to assess the infrastructure project types, scale, and pace necessary to achieve the state's energy, climate change, and air quality goals, including, but not limited to, the goals established pursuant to Sections 38561.5, 38562.2, 38566, 39730.5, and 39730.6 of this code, and the goals established pursuant to Section 454.53 of the Public Utilities Code. In preparing the assessment, the materials CCST reviews shall include, but not be limited to, the most current versions of all of the following reports and plans:

(1) The integrated energy policy report prepared pursuant to Section 25302 of the Public Resources Code.

(2) The integrated resource plans filed pursuant to Section 454.52 of the Public Utilities Code.

(3) The joint reliability progress report issued pursuant to Section 913.11 of the Public Utilities Code.

(4) The report produced by the Independent System Operator on the 20-year transmission outlook.

(5) The reports prepared by the state board pursuant to Section 38561.8 and paragraph (1) of subdivision (d) of Section 44274.

(6) The scoping plan prepared pursuant to Section 38561.

(7) The report prepared by the State Energy Resources Conservation and Development Commission pursuant to Section 25307 of the Public Resources Code.

(b) The list of infrastructure projects the CCST shall assess pursuant to subdivision (a) may include, but are not limited to, all of the following project types:

(1) Deployment of, or upgrades to, utility-scale and distributed renewable and carbon-free energy capacity, substations, transformers, transmission and distribution lines, and biomethane and renewable hydrogen production and distribution.

(2) Deployment of, or upgrades to, electric vehicle charging stations, hydrogen refueling stations, petroleum refinery conversions, sustainable aviation fuels, and other low-carbon and carbon-free transportation fuels projects.

(3) Deployment and retrofitting of buildings to reduce greenhouse gas emissions.

(4) Deployment of, or upgrades to, industrial processes to reduce greenhouse gas emissions.

(5) Projects for the reduction and mitigation of short-lived climate pollutants, including, but not limited to, methane, hydrofluorocarbon gases, and anthropogenic black carbon.

(6) Natural carbon sequestration and nature-based climate solutions.

(7) Carbon capture, utilization, and sequestration projects.

(8) Projects for the reduction and mitigation of criteria air pollutants.

(9) Any other project types necessary to achieve the state's energy, climate change, and air quality goals, including, but not limited to, the goals established pursuant to Sections 38561.5, 38562.2, 38566, 39730.5, and 39730.6 of this code, and the goals established pursuant to Section 454.53 of the Public Utilities Code.

(c) CCST is requested, at its discretion, to commit to regular updates of the assessment and to rapidly incorporate new research into the assessment.

(Amended by Stats. 2024, Ch. 353, Sec. 1. (AB 1533) Effective January 1, 2025.)

38592.5. (a) (1) No later than January 1, 2018, the state board shall update the scoping plan, prepared pursuant to Section 38561, to achieve the greenhouse gas emissions reductions required pursuant to Section 38566. The state board shall designate the market-based compliance mechanism adopted pursuant to subdivision (c) of Section 38562 as the rule for petroleum refineries and oil and gas production facilities to achieve their greenhouse gas emissions reductions.

(2) All greenhouse gas rules and regulations adopted by the state board shall be consistent with the updated scoping plan.

(3) Nothing in this section shall limit the state board's authority to adopt, maintain, or revise any other measure, including, but not limited to, any of the following:

(A) Measures governing methane and fugitive emissions at refineries and oil and gas facilities.

(B) Advanced clean cars program adopted by the state board.

(C) Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Article 4 of Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations).

(D) Regulations addressing short-lived climate pollutants.

(E) Implementation of the sustainable freight action plan released in July 2015 pursuant to Executive Order B-32-15.

(b) This section shall remain in effect only until January 1, 2031, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2031, deletes or extends that date.

(Added by Stats. 2017, Ch. 135, Sec. 10. (AB 398) Effective July 25, 2017. Repealed as of January 1, 2031, by its own provisions.)

38592.6. (a) The Legislative Analyst's Office shall, until January 1, 2030, annually report to the Legislature on the economic impacts and benefits of the greenhouse gas emissions targets established pursuant to Sections 38550 and 38566.

(b) This section shall remain in effect only until January 1, 2031, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2031, deletes or extends that date.

(Added by Stats. 2017, Ch. 135, Sec. 11. (AB 398) Effective July 25, 2017. Repealed as of January 1, 2031, by its own provisions.)

38593. (a) Nothing in this division affects the authority of the Public Utilities Commission.

(b) Nothing in this division affects the obligation of an electrical corporation to provide customers with safe and reliable electric service.

(Added by Stats. 2006, Ch. 488, Sec. 1. Effective January 1, 2007.)

38594. (a) Except as provided in subdivision (b), nothing in this division shall limit or expand the existing authority of any district.

(b) A district shall not adopt or implement an emission reduction rule for carbon dioxide from stationary sources that are also subject to a market-based compliance mechanism adopted by the state board pursuant to subdivision (c) of Section 38562.

(c) Nothing in this section affects in any manner the authority of a district to adopt or implement, as applicable, any of the following:

(1) A rule, regulation, standard, or requirement authorized or required for a district to adopt under Division 26 (commencing with Section 39000) for purposes other than to reduce carbon dioxide from sources subject to a market-based compliance mechanism adopted by the state board pursuant to subdivision (c) of Section 38562.

(2) A rule, regulation, standard, or requirement authorized pursuant to a law affecting emissions associated with landfills, refrigerants, natural gas or methane, volatile organic compounds, or a rule required to comply with the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or regulations implementing that act.

(3) A rule, regulation, standard, or requirement authorized pursuant to a law to reduce vehicle trips, vehicle miles traveled, parking, or vehicular air emissions, including, but not limited to, a rule adopted pursuant to Chapter 728 of the Statutes of 2008.

(4) A rule, regulation, standard, or requirement established pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(5) A rule, regulation, standard, or requirement adopted by any state agency.

(d) This section shall become inoperative if the state board repeals the market-based compliance mechanism adopted by the state board pursuant to subdivision (c) of Section 38562. The state board shall notify the Secretary of State if this section becomes inoperative.

(e) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

(Amended by Stats. 2017, Ch. 135, Sec. 12. (AB 398) Effective July 25, 2017. Conditionally inoperative by its own provisions. Repealed as of January 1, 2031, by its own provisions. See later operative version added by Sec. 13 of Stats. 2017, Ch. 135.)

38594. (a) Nothing in this division shall limit or expand the existing authority of any district, as defined in Section 39025.

(b) This section shall become operative on January 1, 2031.

(Repealed (in Sec. 12) and added by Stats. 2017, Ch. 135, Sec. 13. (AB 398) Effective July 25, 2017. Section operative January 1, 2031, by its own provisions.)

38595. Nothing in this division shall preclude, prohibit, or restrict the construction of any new facility or the expansion of an existing facility subject to regulation under this division, if all applicable requirements are met and the facility is in compliance with regulations adopted pursuant to this division.

(Added by Stats. 2006, Ch. 488, Sec. 1. Effective January 1, 2007.)

38596. The provisions of this division are severable. If any provision of this division or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(Added by Stats. 2006, Ch. 488, Sec. 1. Effective January 1, 2007.)

38597. The state board may adopt by regulation, after a public workshop, a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to this division, consistent with Section 57001. The revenues collected pursuant to this section, shall be deposited into the Air Pollution Control Fund and are available upon appropriation, by the Legislature, for purposes of carrying out this division.

(Added by Stats. 2006, Ch. 488, Sec. 1. Effective January 1, 2007.)

38598. (a) Nothing in this division shall limit the existing authority of a state entity to adopt and implement greenhouse gas emissions reduction measures.

(b) Nothing in this division shall relieve any state entity of its legal obligations to comply with existing law or regulation.

(Added by Stats. 2006, Ch. 488, Sec. 1. Effective January 1, 2007.)

38599. (a) In the event of extraordinary circumstances, catastrophic events, or threat of significant economic harm, the Governor may adjust the applicable deadlines for individual regulations, or for the state in the aggregate, to the earliest feasible date after that deadline.

(b) The adjustment period may not exceed one year unless the Governor makes an additional adjustment pursuant to subdivision (a).

(c) Nothing in this section affects the powers and duties established in the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(d) The Governor shall, within 10 days of invoking subdivision (a), provide written notification to the Legislature of the action undertaken.

(Added by Stats. 2006, Ch. 488, Sec. 1. Effective January 1, 2007.)