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AB-1279 The California Climate Crisis Act. (2021-2022)

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Assembly Bill No. 1279

CHAPTER 337

An act to add Section 38562.2 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 1279, Muratsuchi. The California Climate Crisis Act.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required 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 by 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.

This bill, the California Climate Crisis Act, would declare the policy of the state both to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter, and to ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels. The bill would require the state board to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and to identify and implement a variety of policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in California, as specified. The bill would require the state board to submit an annual report, as specified.

This bill would make its operation contingent on the enactment of SB 905 of the 2021–22 Regular Session, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

(a) The State Air Resources Board commissioned an initial report that analyzed three scenarios to net zero greenhouse gas emissions in California. All three scenarios require direct greenhouse gas emission reductions, removal of carbon dioxide from the atmosphere, and almost complete transition away from fossil fuels.

(b) This report reflects findings from numerous studies recognizing the benefits, risks, and uncertainties around the use of carbon dioxide removal technologies and carbon capture, utilization, and storage technologies.

(c) According to these studies, carbon dioxide removal technologies and carbon capture, utilization, and storage technologies are currently available, but they do not negate the need to make drastic reductions in fossil fuel use.

(d) Millions of Californians breathe unhealthy air.

(e) Prioritizing direct emission reductions will help California to meet both its air quality standards and net zero greenhouse gas emissions.

SEC. 2. Section 38562.2 is added to the Health and Safety Code, to read:

38562.2. (a) This section shall be known, and may be cited, as the California Climate Crisis Act.

(b) For purposes of this section, "net zero greenhouse gas emissions" means emissions of greenhouse gases, as defined in subdivision (g) of Section 38505, to the atmosphere are balanced by removals of greenhouse gas emissions over a period of time, as determined by the state board.

(c) It is the policy of the state to do both of the following:

(1) Achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter. This goal is in addition to, and does not replace or supersede, the statewide greenhouse gas emissions reduction targets in Section 38566.

(2) Ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85 percent below the statewide greenhouse gas emissions limit established pursuant to Section 38550.

(d) The state board shall work with relevant state agencies to do both of the following:

(1) Ensure that updates to the scoping plan required pursuant to Section 38561 identify and recommend measures to achieve the policy goals stated in subdivision (c).

(2) Identify and implement a variety of policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in California to complement emissions reductions and achieve the policy goals stated in subdivision (c).

(e) (1) By December 31, 2035, the state board shall evaluate the feasibility and tradeoffs of achieving the policy goal stated in paragraph (2) of subdivision (c) relative to alternative scenarios that achieve the policy goals stated in paragraph (1) of subdivision (c), and report its findings and recommendations to the Legislature.

(2) The state board shall report to the Joint Legislative Committee on Climate Change Policies annually on progress toward the goals stated in subdivision (c).

(3) The Legislative Analyst's Office shall conduct independent analyses of the state board's progress toward the goals stated in subdivision (c) every two years and shall prepare a report detailing its review, including any recommendations for improvements, including, but not limited to, shortfalls in direct emission reductions, barriers to carbon dioxide removal deployment, and potential changes to the state board's evaluation and reporting practices that will advance transparency and accountability. The report shall be made available to the public.

SEC. 3. This act shall become operative only if Senate Bill 905 of the 2021–22 Regular Session is enacted and becomes operative on or before January 1, 2023.