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AB-34 Air pollution: regulations: consumer costs: review. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 13, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 34

Introduced by Assembly Member Patterson

December 02, 2024

An act to amend Section 39602.5 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 34, as amended, Patterson. Air pollution: regulations: consumer costs: review.

~~Existing law requires the State Air Resources Board to adopt rules and regulations relating to vehicular emissions standards, as specified, that will achieve the ambient air quality standards required by federal law in conjunction with other measures adopted by the state board, air pollution control and air quality management districts, and the United States Environmental Protection Agency. Existing law requires the state board to adopt and enforce rules and regulations that anticipate the development of new technologies or the improvement of existing technologies if necessary to carry out its duty.~~

The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Pursuant to the act, the state board has adopted the California Greenhouse Gas Cap-and-Trade Program to reduce emissions of greenhouse gases by applying a greenhouse gas allowance budget to specified entities and providing a trading mechanism for achieving compliance, as provided. The act requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the state board has adopted the Low Carbon Fuel Standard regulations to reduce the carbon intensity of transportation fuels used in California, as specified.

This bill would prohibit the state board from adopting any standard, regulation, or rule ~~under this authority that affects the Low Carbon Fuel Standard or the California Greenhouse Gas Cap-and-Trade Program~~ until the Legislative Analyst has analyzed the cost to the consumer of the proposed standard, regulation, or ~~rule rule, as specified~~, and submitted its analysis to the Legislature.

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

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

SECTION 1. Section 39602.5 of the Health and Safety Code is amended to read:

39602.5. (a) The state board shall adopt rules and regulations pursuant to Section 43013 that, in conjunction with other measures adopted by the state board, the districts, and the United States Environmental Protection Agency, will achieve ambient air quality standards required by the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) in all areas of the state by the applicable attainment date, and to maintain these standards thereafter. The state board shall adopt these measures if they are necessary, technologically feasible, and cost effective, consistent with Section 43013.

(b) If necessary to carry out its duties under this section, the state board shall adopt and enforce rules and regulations that anticipate the development of new technologies or the improvement of existing technologies. The rules and regulations shall require standards that the state board finds and determines can likely be achieved by the compliance date set forth in the rule.

(c) The state board shall not adopt any standard, regulation, or rule ~~pursuant to this section or Section 43013~~ *that affects the Low Carbon Fuel Standard (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) or the California Greenhouse Gas Cap-and-Trade Program (Article 5 (commencing with Section 95801) of Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations)* until the Legislative Analyst has analyzed the cost to the consumer *from the impact on the price per gallon of fuel or price per kilowatthour of electricity* of the proposed standard, regulation, or rule and submitted its analysis to the Legislature.