

California Legislature Climate Watchdog Committee Has Little Bite

By: [Steve Horn](#) | August 7, 2019

The [California Joint Legislative Committee on Climate Change Policies](#) met for the first time this session on July 9, just days before the California Legislature's summer recess and two months before the close of session for the year.

The joint committee's chair, Assemblywoman Cristina Garcia (D-Bell Gardens), did not hire its chief consultant, the committee's only staff member, until late May. And at that first [hearing](#), though the committee [has eight members](#), only two even showed up—one of them the chairwoman. The other, Senator Ben Huseo (D-San Diego), came in late.

That [week was a busy one](#) in the California Legislature, with most committees having hearings and facing deadlines on bills, something conveyed to The Real News by staffers for multiple joint committee members who did not attend the hearing.

A spokesman for [Senator Nancy Skinner \(D-Berkeley\)](#) said she had sponsored a bill [moving through](#) the Assembly Higher Education Committee on paying student athletes and had to chair a hearing which [lasted nearly four hours](#) in the Senate Public Safety Committee. In total, this took up her entire day's schedule, so she didn't attend the joint committee.

The joint committee is supposed to be a watchdog over state policies aimed at combating the climate crisis. But Gary Hughes, the California policy monitor for the group Biofuelwatch, says that in practice it's a watchdog with little bite—and it would seem, given the poor attendance, that even the joint committee's members know it.

"The legislature is rolling around. You know, it's like, 'Oh, my gosh, climate change, that's going to kill us, we've got to do something,'" said Hughes. "And then this year, we can't even hardly get that committee into motion, and then they hold a hearing that's supposed to be about the annual inventory. Then they don't even have the numbers ready to go."

At the hearing, the California Air Resources Board (ARB) only presented old data, its newest data not yet ready. Hughes further knocked the joint committee leadership for not requesting an update or even a partial look at some of the data that ARB has compiled so far this year. It is that very updated data which the joint committee relies upon for the annual statutorily required hearing.

“It seems like if you were a legislator, you would be hungry for this data, as well, if you were concerned about California is progress and responding to climate change,” said Hughes. “So, climate is not a priority for this legislature, no matter what they say, These so called environmental leaders, they are not attentive. You know, and then, that’s what we have to ask. Why are they not attentive?”

He expects that part of the reason why ARB did not present the data is because it will force a “reckoning.”

“Hypothetically, now we can start to anticipate what’s going to be in this next round of emissions data,” said Hughes.

He pointed to [continued statewide oil drilling](#) and [California Energy Commission data](#) showing increasing intake capacity at the state’s oil refineries as one example of what could create rising levels of greenhouse gas emissions.

Crude Oil Supply Sources to California Refineries							
In Thousands of Barrels							
Year	California **	%	Alaska	%	Foreign	%	Total
2018	199,658	31.1%	72,945	11.4%	369,386	57.5%	641,990
2017	197,008	31.3%	77,740	12.3%	355,150	56.4%	629,898
2016	204,005	33.9%	67,843	11.3%	329,934	54.8%	601,782
2015	225,435	36.2%	73,182	11.8%	323,336	52.0%	621,953
2014	240,095	37.7%	67,702	10.6%	328,245	51.6%	636,042
2013	230,357	36.9%	74,382	11.9%	319,677	51.2%	624,416
2012	227,626	36.8%	77,150	12.5%	313,530	50.7%	618,306
2011	229,555	38.2%	71,138	11.8%	300,016	49.9%	600,709
2010	231,420	38.1%	86,382	14.2%	289,416	47.7%	607,218

Image Credit: [California Energy Commission](#)

“I think it’s just going to be very sobering for people to come to grips with the fact that California is not making progress on reducing emissions, like everyone thinks is just going to magically occur,” Hughes added. “To me, this just communicates a lack of transparency and lack of endeavoring to address this matter from the frame of the public interest. Because the public is losing on this by the fact that the climate is not being effectively addressed even though California is making a lot of noise about being a global leader.”

Prior to 2019 the joint committee met more frequently, and played host to deeper conversations about the state’s role in tackling the climate crisis. Joint committee leadership pointed to the difficulty of hiring for a position requiring a unique skillset as the main reason for the body remaining stagnant for 2019. Fully staffed up□, with its

potential fully realized□, observers of the joint committee see it having the ability to raise difficult questions on if the state is achieving its climate goals.

“Revolutionary”

During the 2017-2018 session, the joint committee held nine hearings on a range of issues, including the [state’s 2030 greenhouse gas emissions targets](#), supporting a [just transition to a lower carbon economy](#), [urban forestry and urban greening programs](#), policies to [decarbonize the electricity grid](#), the state’s [cap-and-trade program](#), and more.

[Katie Valenzuela](#), the joint committee’s first ever staffer, who served in that capacity for the 2017-2018 legislative session, said that the joint committee achieved the task of breaking the climate crisis out of single-issue committee and policy silos in the legislature.

“The power of the committee is that it sits at the intersection of so many policy areas,” said Valenzuela, who recently began a job as the political and policy director for the [California Environmental Justice Alliance](#), and is also running for city council in Sacramento. “It deals with transportation, it deals with resources, it looks at jobs and economic development. And that’s not how the legislative process really works, where you see these very topic-specific bills running through these very topical committees.”

She said it aimed to include the voices of Californians on the front lines of the climate crisis who are experiencing the air impacts of industrial activity in the state.

“It was simply about directing the frustration that some legislature members and community advocates felt,” said Valenzuela. “And we didn’t know enough about how the targets are being reached. And we wanted to have more of a say in what we did and the impact it will have in their communities.”

Valenzuela also praised the select committee for raising the level of transparency on difficult state climate policy discussions.

“Before the committee was created, so many big conflicts were being hashed out over the table and without much public oversight,” said Valenzuela. “I mean, a lot of these conversations were happening with leadership in the Governor’s Office and legislature members behind closed doors,”

Valenzuela highlighted the events transpiring at two hearings in 2018 as emblematic of the potential the committee has to realize such transparency. One of those ensued on January 4, 2018, a [hearing](#) in which joint committee members called into question some of the assumptions made by ARB about the state’s greenhouse gas emissions.

At that hearing, Skinner called into question if the state’s cap-and-trade program would achieve anywhere near the amount of greenhouse gas emissions cuts that ARB had assumed it would. That day, too, Assemblywoman Garcia further questioned ARB Chairwoman Mary Nichols on if the state’s cap-and-trade program is a form of “trickledown environmentalism that hasn’t trickled” into communities affected by industrial actions.



Photo Credit: Senator Nancy Skinner (D-Berkeley) speaks at Jan. 4, 2018 Joint Committee on Climate Change Policies Hearing; California State Legislature

At another hearing on [May 24, 2018](#), then-Chair Assemblyman Eduardo Garcia (D-Coachella) allowed those present to ask 10 minutes of questions directly to [Edie Chang](#), the deputy executive director for ARB. Normally, under committee rules, members of the public can only make public comments to committee members.

Valenzuela called that a “revolutionary” moment in the history of climate justice discourse inside the California State Capitol in Sacramento. “Not revolutionary in the way that you or I would think of it outside of the Capitol, but within the Capitol, that was mind blowing to people,” she said.

After May 2018, the joint committee did not hold another hearing until July 9 this year. Hughes does not see that as a coincidence.

“You could perhaps wonder if that frank and transparent discussion that so many of us were excited to see happening in this space, if that was actually an example of too frank and transparent of a discussion,” said Biofuelwatch’s Hughes. “I mean, this is all hypothetical. But cynically now, I can just imagine that’s why they tried to put the, you know, the chill on this. And then over a year later, they carried out this kind of, you know, pro forma hearing.”

Staffing Up

Assemblywoman Garcia, the new Chairwoman of the Joint Committee on Climate Change Policies, said the realities of the hiring process in Sacramento for this job are to blame for the lag time it took to hire a staffer for the committee. And Ashley Labar, chief of staff for Garcia, pointed to that week as a hectic one when asked why fellow committee members did not show up for the annually mandated hearing.

“The first five months, I was just trying to hire two consultants for the committee. And that’s a process that’s kind of beyond my control,” said Garcia. “Leadership has a lot of say and it took a long time to get to the point where I could finally interview the final candidate. I don’t get to have a say beforehand.”

Further, Garcia said, it is hard to find a staffer with the skill set needed for the job, which combines needing legal and policy knowledge with a sociological perspective of how laws play out on the ground.

Valenzuela reiterated that, saying multiple candidates were interviewed for the job. But she was told that they lacked the background needed for it, while praising the skillset possessed by the person ultimately hired, [Alana Mathews](#). Mathews, an attorney by training, formerly served as the Public Adviser for the California Energy Commission under Jerry Brown and as Deputy District Attorney in Sacramento County.

“She knows the bureaucracy, she has the relationships that they’re used to,” said Valenzuela. “An amateur like me, I mean, I had to get pushed into that role.”

The last day of the session for this year is on September 13, and the California Legislature is currently on recess until August 12.

Garcia said that she may hold another hearing between the 2019 and 2020 legislative sessions. She said she would like it to take place in her district, located in southeast Los Angeles County.

“In general, for myself, and why I want to have this hearing in the district, is that I have a low-income community of color that is heavily impacted,” said Garcia. “And we keep hearing about how these are going to be some of the most impacted communities with climate change if we don’t meet our goals. And so I want to highlight that, but I want to highlight it in one of these communities and give them the opportunity to be part of the discussion if they choose to.”

The July 9 hearing fulfilled legal obligations under [Assembly Bill 197](#), which calls for an annual hearing on the [state’s greenhouse gas inventory](#). That annual inventory, published by the [ARB](#), offers an in-depth analysis about the sectors within the state impacting climate change, offering a policy roadmap for California to cut emissions to meet the goals set forth in Senate Bill 32. SB 32 charges the ARB with reducing greenhouse gas emissions to 40 percent below 1990 levels by 2030.

AB 197, a companion bill to SB 32, called for the creation of the joint committee to exercise “permanent oversight over the implementation of the state’s climate policies.” It also mandates that the Chair of ARB “annually appear before the joint committee to present the state board’s annual informational report on the reported emissions of greenhouse gases, criteria pollutants, and toxic air contaminants from all sectors.”

Yet, though ARB Chairwoman Mary Nichols did testify about greenhouse gas data at the July 9 hearing, she only discussed data from the 2016 inventory report. That's because ARB has yet to release its most up to date statistics for 2017 data.

Stanley Young, communications director for ARB, said the agency releases its data about "18 months after the year it includes," referring to the 2017 annual state greenhouse gas data which has yet to be released. Young did not respond to questions about why at least some chunk of the latest available data was not presented at the July 9 hearing, nor did he indicate when the latest data will get a public release.

Full of Potential or "Toothless"?

Valenzuela believes that the joint committee could benefit from the addition of more resources, either additional funding for more staff or from creating an advisory committee with outside experts.

"I just think we had a lot of potential that we could have realized that we had that additional capacity," she said. "And I think that this committee is capable of so much, but it comes down to what's practical."

But Hughes is not as optimistic, calling the joint committee "toothless." He also called it a "watchdog with no bite that's willfully blind" by failing to give the climate state's policies a hard look so far.

"I really thought that at least it was going to be a forum for some transparent discussion about what's happening," said Hughes. "But there's a lack of interest on the part of the other committee leadership on really endeavoring to have that super transparent and frank conversation."

Labar, the chief of staff for Joint Committee Chairwoman Garcia, said that starting in 2020, the statutorily required hearing for the joint committee will take place in January or February annually.

Whether or not any other hearings beyond that one takes place, in the midst of a presidential election year, remains to be seen.