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Deliver rapid greenhouse gas reductions at scale, starting in California.

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Contact

www.theclimatecenter.org
P.O. Box 3785
Santa Rosa, CA 95402
707-525-1665

August 23, 2021

The Honorable Al Muratsuchi
State Capitol
Room 2148
Sacramento, CA 95814

RE: AB 1395 (Muratsuchi) - Support with Amendments

Dear Assemblymember Muratsuchi:

On behalf of The Climate Center and our thousands of supporters, I write to express our support with amendments for AB 1395, which will: 1) codify a state goal of achieving net zero greenhouse gas emissions by 2045; 2) set the goal of achieving and maintaining net negative emissions thereafter; 3) set interim greenhouse gas reduction goals every five years; and 4) require state agencies to develop criteria for the use of nature-based climate solutions.

The existential threat posed by climate change is well-known and is rapidly accelerating its pace. The recent release of the Sixth Assessment Report from the United Nations' Intergovernmental Panel on Climate Change (IPCC) was called "nothing less than a code red for humanity" by the UN Secretary-General,¹ with scientists sounding the alarm that changes are being observed in every region and across the whole climate system. And in a dismaying new milestone, the National Oceanic and Atmospheric Administration (NOAA) officially declared that July 2021 was the hottest month on record globally, when all land and sea temperatures are combined.²

Nowhere is this more evident than in California, where we have been subject to near constant wildfires, heat waves, and threatened electricity outages for months on end. With the state in the early phases of a multi-decadal drought made severe by climate change, it has never been clearer that the time for accelerated climate action is now.

¹ <https://news.un.org/en/story/2021/08/1097362>

² <https://www.noaa.gov/news/its-official-july-2021-was-earths-hottest-month-on-record>

There is a narrow window in which we can act to limit further damage. The science³ is clear that these changes are being driven by anthropogenic emissions, not natural factors, and no credible source questions that conclusion. Instead, the real question is what measures must be taken to avoid the worst-case scenarios predicted by climate scientists. Determining what these steps look like, however, will be shaped by what goals we set out to achieve. Goals dictate the paths that need to be taken, the milestones that need to be met, and the pace at which all this needs to happen. This is why setting a goal is a foundational policymaking tool and not just an exercise in optics.

By setting in statute a target date to achieve net zero greenhouse gas emissions and requiring certain key processes and milestones—such as developing criteria for nature-based solution carbon accounting and requiring interim five-year GHG reduction goals—AB 1395 sends the signal that California is upping its commitment to tackling climate change and ensuring that the state is taking concrete steps to address this crisis. We support AB 1395’s focus on climate targets and would like to suggest some ways to strengthen the bill. With that framework in mind, we respectfully submit the following amendments for consideration:

1. Set a More Ambitious Target of Net Negative Emissions By 2030

We support AB 1395’s primary goal of setting climate targets, especially the goal of reducing statewide anthropogenic GHG emissions to 90% below 1990 levels. To further strengthen the bill, we encourage the incorporation of a more ambitious metric in place of the net zero emissions by 2045 goal: **achieving net negative emissions by 2030**.

While California has long been a leader in climate policy, it has been falling behind in recent years. Even with the adoption of AB 1395’s goal of carbon neutrality by 2045, the state would be achieving parity with targets that have already been adopted by other major jurisdictions, such as the 2050 net zero emissions target shared by both the Biden Administration and the European Union, which is a far cry from bold leadership. In a recently released paper,⁴ Professor Dan Kammen, the Chair of UC Berkeley’s Energy and Resources Group, and other distinguished scientists and academics reinforce the need to take bold action and outline pathways that can be taken to achieve much more ambitious emissions reduction targets.

By amending in a 2030 net negative emissions goal, AB 1395 will become a much stronger bill aligned with the urgency of the latest science and rapidly deteriorating climate reality. California will reassert its global leadership role in response to the climate crisis, setting an example that can be replicated by jurisdictions the world over.

³ https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Chapter_02.pdf

⁴ <https://arxiv.org/abs/2103.07801>

2. Remove Provisions Related to Carbon Capture and Sequestration

As it is a technology that perpetuates the continued extraction of carbon that is already safely sequestered underground, the state should not rely on carbon capture and sequestration (CCS) as a carbon removal strategy. First, the technology's viability is dubious at best. Despite being backed by the fossil fuel industry for over five decades, there are only 26 large-scale CCS facilities globally and the technology has clearly not enjoyed the rapid commercial successes enjoyed by solar, batteries, and other renewable technologies.⁵ This seems to be due to fundamental issues with the technology itself, as well as the inability of the industry to drive down costs. Indeed, just this past July, Chevron acknowledged that one of its most prominent CCS projects, located in Western Australia, did not achieve its promised emissions reductions due to mechanical failures. The company is currently negotiating with the government on how to "make up the shortfall."^{6 7}

This case raises an important second point: relying on capturing carbon to find a way to continue to utilize fossil fuels will likely lead to similar failures. Climate polluting emissions, the release of air toxics impacting surrounding communities, and spills resulting from mechanical and engineering failures in oil and gas infrastructure are problems endemic to the industry. While such failures can happen in any industry, few industries have the environmental impact on our atmosphere and oceans as that of the fossil fuel industry. Taking these risks is unnecessary since cheaper and more environmentally sound alternatives exist. Importantly, the vast majority of immediate harms associated with these failures fall on the frontline communities that surround these facilities. If the state is serious about reducing greenhouse gas emissions and protecting public health, it is critical that we do not rely on carbon capture and sequestration to achieve those reductions. Lastly, to the extent that other carbon removal technologies, such as Direct Air Capture, are contemplated as part of the state's carbon reduction strategy, there must be ample guardrails in place to ensure that such technologies reduce toxic and criteria pollutants while also decreasing impacts on surrounding communities and ecosystems.

As the pace of the climate crisis continues to accelerate, our response window to avert the worst consequences narrows. The first step to avoid those consequences is to set scientifically-sound greenhouse gas reduction targets and begin the planning needed to achieve those targets. By putting into statute more ambitious goals, AB 1395 takes those critical first steps to

⁵ <https://www.sciencedirect.com/science/article/abs/pii/S1040619021000890?dgcid=author>

⁶ <https://www.bloomberg.com/news/articles/2021-07-19/chevron-s-carbon-capture-struggle-shows-big-oil-s-climate-hurdle?sref=ABTRBDIh>

⁷ <https://www.theguardian.com/environment/2021/jul/20/a-shocking-failure-chevron-criticised-for-missing-carbon-capture-target-at-wa-gas-project>

addressing the ever-growing threat of climate change. For the reasons above, The Climate Center thanks you for your leadership and supports AB 1395, with amendments.

Sincerely,

A handwritten signature in black ink, appearing to read 'EC', with a long, sweeping horizontal line extending to the right.

Ellie Cohen
Chief Executive Officer
The Climate Center