

AB 32 – California Global Warming Solutions Act of 2006 Implications for General Plans

What is AB 32?

Assembly Bill 32 is a California law that commits the state to reducing greenhouse gas (GHG) emissions to 1990 levels by 2020, and to 80% below 1990 levels by 2050. It establishes a timeline for the California Air Resources Board (ARB) to adopt regulations to achieve this goal, including both market and compliance mechanisms. **The regulations will go into effect on January 1, 2012.** So far, ARB has established that the 2020 emissions limit for California will be 427 million metric tonnes. The next action will be adoption of mandatory reporting rules for significant sources of GHGs such as electricity producers and cement plants.

Greenhouse Gases (GHGs)

GHGs regulated by AB 32 include carbon dioxide, methane, nitrous oxide, hydro-fluorocarbons, per-fluorocarbons and sulfur hexafluoride.

Climate Change and CEQA

The California Environmental Quality Act (CEQA) requires that state and local agencies **disclose and evaluate the significant environmental impacts of proposed projects, and adopt all feasible measures to mitigate those impacts.** Because AB 32 has determined that climate change poses a serious threat to the environment, the California Attorney General argues that CEQA applies to climate change impacts. This is creating some confusion because the methodology has not yet been established to determine whether impacts due to GHG emissions are significant.

San Bernardino County Lawsuit

Issue

The Attorney General filed suit against the County of San Bernardino, saying that the EIR for its recently adopted **General Plan violated CEQA because it did not adequately analyze the General Plan's impacts on climate change and did not propose mitigation measures for such impacts.** The County argued that analysis of impacts would be speculative because it is unclear whether the climate change impacts attributable to the General Plan would have a "significant" environmental impact.

Settlement

The case was settled in August 2007, leaving the legal issues unresolved. However, the settlement indicates the types of actions that a jurisdiction might take to avoid a similar lawsuit from the Attorney General.

Under the settlement, San Bernardino County will **add a policy to its General Plan** that includes a goal to reduce GHG emissions that are reasonably attributable to the County's discretionary land use decisions and its internal government operations, and calls for **adoption of a Greenhouse Gas Emissions Reduction Plan.**

This Greenhouse Gas Emissions Reduction Plan will include the following:

- Inventory of GHG sources in the county
- Inventory of 1990 and current GHG emissions from these sources
- Projected inventory of 2020 emissions expected to result from the County's discretionary land use decisions and internal government operations
- Reduction target and feasible reduction measures for emissions from the County's discretionary land use decisions and internal government operations

The settlement does not specify targets for emission reduction, but instead leaves this to the County's discretion.

Local Jurisdictions Should Set Targets

The state has not established GHG reduction targets for local jurisdictions to meet. However, the state sees cities and counties as playing a vital role in reducing climate change impacts. So local jurisdictions are expected to start taking action to reduce climate change impacts, and at least for now they have a free hand in determining the specific targets for GHG reduction. Judging from the San Bernardino settlement, it is important for jurisdictions to establish emission reduction targets.

Addressing Climate Change in General Plans

General Plans can address climate change through goals that:

- **Reduce GHG emissions**
 - This goal should include an inventory of GHG emissions, a target for emissions reduction, and an implementation plan.
- **Help reverse climate change**
 - This can be achieved through the absorption of GHGs, for instance by increasing vegetation.
- **Adapt to climate change**
 - Protect lives, resources and property from adverse impacts of climate change.

Some **emission reduction goals** are a continuation of other goals commonly found in General Plans—for instance, increasing energy efficiency, promoting alternative forms of transportation, reducing sprawl, and providing green space. Reversing climate change may require more creativity, although existing strategies such as green roofs can help. Adapting to climate change will involve predictions about environmental conditions such as sea levels, water supplies, and wildfires—then creating strategies to prepare for the future.

Resources

The California Attorney General has a Global Warming website (<http://ag.ca.gov/globalwarming/>) that provides resources designed to help local governments create inventories of GHGs and adopt mitigation measures (i.e., reduce GHG emissions). A fact sheet available on that site (http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf) provides examples of mitigation measures that can be incorporated into general plans, and lists further resources.