

8 February 2021

Compliance Offset Protocol Task Force
California Air Resources Board
Sacramento, California

To the California Air Resources Board and the Compliance Offsets Task Force:

I write to tender my resignation from the Compliance Offset Protocol Task Force, as it has become clear that my presence on the Task Force serves neither the purposes the Task Force was intended to serve nor the interests of the public, the environment, or environmental justice.

The current draft of the Task Force report--a compilation of recommendations developed separately by the different subgroups of the Task Force--is largely a wish list of ideas for expanding and deregulating the offset program, reflecting the desires of various Task Force members. In my perspective and experience, most of the members of the Task Force either represent organizations that have a vested interest in expanding the use of offsets or have ties to industries and organizations that stand to benefit financially from offsets. The resulting recommendations contradict the interests of the environmental and environmental justice communities who seek to ensure that California's climate policies fulfill their promises of improving public health and maintaining the integrity of emissions reductions.

The logistics of the Task Force further complicate the situation. Because the various sections of the report are being developed separately by different sub-groups, and because state open-meetings law restricts Task Force members from commenting on a section developed by another sub-group, the report must be understood as little more than an aggregation of disparate priorities of offset proponents, rather than as the result of collective deliberations or a consensus of Task Force members. This presumably serves well the various parties represented on the Task Force, who see the final report primarily as a way to promote their varied interests and agendas, but it runs counter to the interests of those who advocate for a comprehensive review of the offsets program and its implications for public health and the integrity of the cap-and-trade program.

In fact, there are specific recommendations and statements throughout the report with which I either disagree strongly or, in some cases, am simply not qualified to evaluate, as many sections are outside my area of expertise. For the final report to list me as an environmental representative would be misleading in implying that I endorse the final product when in reality I've had extremely limited input into much of the document.

As we heard several times at the November Task Force meeting, it is precisely the intention of both the Task Force and the Air Resources Board to describe the recommendations as the product of diverse stakeholder input, including environmental and environmental justice

advocates. However, the membership of the Task Force does not adequately represent either environmental or environmental justice interests. Nor does a perfunctory public comment process represent meaningful inclusion of environmental justice interests, or the free, prior, and informed consent that should be expected of such a product.

I understand that the composition and mandate of the Task Force is set by statute, which is beyond the control of either the Air Resources Board or the Task Force members. However, I do not feel that my participation adds value to a wish list from offset proponents and developers. In fact, I feel that my inclusion on the final product would serve only to obscure the true nature of the Task Force report and add to the misconception that the recommendations represent a broad array of interests.

I urge the Air Resources Board to engage an independent academic review of California's offsets program as a whole, and its implications for the integrity of California's greenhouse gas reduction program and its influence on the distribution of pollution within the state. The existing protocols should also undergo independent academic review—with full access to the project data—to determine the integrity of the credited reductions and the implications for the integrity of the Air Resources Board's cap-and-trade program.

I thank the California Air Resources Board for the opportunity to serve on the Compliance Offset Protocol Task Force. The ARB staff were highly supportive, professional and responsive, despite the many complications caused by the COVID shutdowns. I would also like to express my appreciation to the other members of the Task Force, who were consistently courteous and welcoming.

Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in black ink that reads "Brian Nowicki". The signature is written in a cursive, flowing style.

Brian Nowicki
Center for Biological Diversity