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## **Comments on Draft IEPR Update**

*Additional submitted attachment is included below.*



December 7, 2022

California Energy Commission  
Docket Unit, MS-4  
Docket No. 22-IEPR-01  
715 P Street  
Sacramento, California 95814-5512

## **Introduction**

Leadership Counsel for Justice and Accountability (LCJA) appreciates the opportunity to comment on the Commissions' Draft 2022 Integrated Energy Policy Report Update (IEPR). We are encouraged to see all of the work that went into generating this report, especially the sections centering equity and environmental justice. Our requested revisions are intended to effectuate the Report's intent. We also provide comments on other components of the report, most notably we raise our significant concerns with California's approach to the use of hydrogen, both its production and use. We welcome the opportunity to engage with Commissioners and Staff in order to ensure the Energy transition is effective and equitable.

## **Equity and Environmental Justice**

LCJA supports the general approach that the CEC proposes here. The CEC must not merely incorporate but center equity and environmental justice. This is critical for its own sake and to achieve an effective energy transition. Without significant consideration of how all Californians will live through and engage with the energy transition, millions of Californians will be left behind with energy resources that are expensive, toxic, and/or unreliable, in addition to accelerating the impacts of climate change they are facing sooner, more frequently, and more intensely. Californians will either achieve our climate goals together or fail to achieve them apart. We urge the CEC to not only center equity and environmental justice in its own efforts, but model and communicate best practices for other state agencies to incorporate. This will not only service equity and justice goals, but serve the CEC as its work intersects with other state agencies.

In particular, LCJA supports the continuation of the regional approach in future IEPR proceedings and other major efforts.<sup>1</sup> We appreciated the opportunity for residents to meet with CEC Commissioners and Staff. In person community meetings and tours meant greater shared understanding for all involved.

We also support institutionalizing equity efforts through an ongoing proceeding, embedding it into future IEPR proceedings, and holding an annual equity summit.<sup>2</sup> Institutionalizing these efforts gives us greater confidence that the CEC will follow through with the commitments here and will hopefully lessen the burden on resource-strapped environmental justice organizations to need to raise these issues as frequently in every proceeding. With regard to the summit, we appreciate the CEC's intent to listen to and learn from community leaders and residents. In order to effectuate that intent, we encourage the CEC to hold the summit outside of normal business hours and in accordance with the best practices for community engagement laid out below.

We support more customized support to tribes and communities.<sup>3</sup> We are especially encouraged to see a call for funding to go toward food and childcare services for events. We ask that the CEC incorporate door-to-door transportation and the cost of printing materials into the examples of allowable funding, as these are recurring needs residents have in order to participate. We welcome the opportunity to collaborate in order to make this possible.

We support the CEC engaging with communities early, often, and meaningfully. The following revisions will help the CEC better achieve this goal:

1. Meetings with residents should be centered around discussions rather than around presentations. It is both a more effective way to present technical information and communicates to everyone participating that residents bring expertise to these meetings that the CEC values.
2. Ensure that meeting agendas include stating the goals of the meeting, what questions need to be answered during the meeting, and what facilitators will do with resident feedback.
3. Material should be provided in the language(s) that residents understand and should be clearly explained at the beginning of the meeting.
4. Ensure that agency staff will return to community to present on the final decision or work product and next steps. This should include showing residents where and how their feedback impacted the process and final decision and why certain feedback was not included.

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<sup>1</sup> Draft Report at 20.

<sup>2</sup> Draft Report at 101.

<sup>3</sup> Draft Report at 102.

Finally, although we acknowledge that the focus of this track of the IEPR was on procedural justice rather than substantive policies to advance environmental justice, CEC should key principles of environmental justice into its guidance. The Guiding Principles are good start,<sup>4</sup> but we encourage the Commission to incorporate the follow principles based on work from the California Environmental Justice Alliance (CEJA) the Building Energy Equity and Power Coalition (BEEP):<sup>5,6</sup>

- 1) Affordability: The CEC must consider the impact of its policies on residents' energy, housing, and other costs. This must include consideration that many low-income households are currently using less energy than needed to live safe and healthy lives.
- 2) Housing: Design programs to reach and equitably benefit low income housing, including multifamily, mobile homes, and renters.
- 3) Do no harm: Eliminate reliance on false climate solutions, especially those that disproportionately harm low-income and pollution-burdened communities. For example, remove investments in livestock biomethane, otherwise known as factory farm gas. Ensure that Lithium extraction includes substantial environmental oversight of the entire Salton Sea Region.<sup>7</sup>
- 4) Target investments in communities facing environmental injustice: Support energy democracy through community-scale distributed energy resources. Support community resilience to climate change

## Justice Communities

We recommend the following additions to the definition of Justice Communities<sup>8</sup>:

- SOMAH-eligible properties as defined by the SOMAH Program Handbook<sup>9</sup>
- Census tracts with low historic adoption rates as determined by the CPUC
- Small pollution-burdened rural and unincorporated communities whose pollution burden is not reflected in census tract level data.<sup>10</sup>

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<sup>4</sup> Draft Report at A-5.

<sup>5</sup> "Energy Justice Statement on Rooftop Solar and Distributed Generation in California" from the California Environmental Justice Alliance. Available at: <https://caleja.org/wp-content/uploads/2021/09/Energy-Justice-Statement-on-Rooftop-Solar-DG-in-CA-2.pdf>

<sup>6</sup> "Preliminary Report: Community Priorities for Equitable Building Decarbonization" by the Building Energy Equity and Power Coalition. March 1, 2022. Available at: [https://ww2.arb.ca.gov/sites/default/files/2022-03/BEEP%20Letter%20and%20Report\\_Equitable%20Decarb%20March%202022.pdf](https://ww2.arb.ca.gov/sites/default/files/2022-03/BEEP%20Letter%20and%20Report_Equitable%20Decarb%20March%202022.pdf)

<sup>7</sup> Leadership Counsel for Justice and Accountability, et al. Comments - RE Draft Report of the Blue Ribbon Commission on Lithium Extraction in California. October 28, 2022. Available at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=247116&DocumentContentId=81522>.

<sup>8</sup> Draft Report at A-4.

<sup>9</sup> Available at [https://calsomah.org/sites/default/files/docs/SOMAH-Handbook\\_FourthEdition.pdf](https://calsomah.org/sites/default/files/docs/SOMAH-Handbook_FourthEdition.pdf)

<sup>10</sup> "Energy Justice Statement on Rooftop Solar and Distributed Generation in California" from the California Environmental Justice Alliance. Available at:

## Hydrogen

We agree that “policy makers and the public need a way to assess consistently and confidently the benefits and costs of using hydrogen as a decarbonization solution.”<sup>11</sup> To that end, we have two key points on the future role of hydrogen in California.

First, the Commission must ensure that any investment in hydrogen production must be truly in service of California’s climate goals and not burden disadvantaged communities. Any definition of Renewable or Green Hydrogen must be limited to electrolytic hydrogen produced with dedicated wind or solar. In particular, the Commission must exclude livestock biomethane, otherwise known as factory farm gas, as a feedstock for hydrogen, either through stream reformation or combusted and used as a source of electricity. Factory farm gas production requires concentration of dairy herds and polluting manure management practices in already pollution-burdened communities in the San Joaquin Valley and does not mitigate these harms, in direct conflict with the Commission's commitment to do no harm.

Second, although there may be some specific application for truly renewable hydrogen, we are very concerned about the broad brush which California policymakers are considering for hydrogen. Hydrogen production, transportation, storage, and combustion present significant risks of air pollution and climate impacts. In addition, certain hydrogen applications risk delaying the retirement of fossil fuel extraction and infrastructure through greenwashing. For these reasons, it is vital that (1) California operates under the guidance of the precautionary principle especially when considering technologies whose harms may be substantial and whose benefits are not clear. Second, we are concerned that investment in hydrogen will be used to justify continued investment in fossil fuel infrastructure either by using hydrogen in the production process or through blending, as is currently being proposed at the CPUC. It is urgent that the Commission prioritize investigation of applications where electrification is not possible. We are concerned that the investigation of hydrogen is overly broad in a way that does not serve climate commitments nor environmental justice.

We understand that SB 1075 directs the Commission and other agencies to “study and model” the role of hydrogen as part of the state’s energy future. We also understand that the prospect of billions of dollars in Federal funding creates tremendous urgency to bring that money to California. However, it does not direct any particular outcome, and as a global leader in climate policy, California cannot follow when there is an opportunity to lead. The Commission must

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<https://caleja.org/wp-content/uploads/2021/09/Energy-Justice-Statement-on-Rooftop-Solar-DG-in-CA-2.pdf>

<sup>11</sup> Draft at 75.

ensure any exploration of a possible hydrogen economy models the Environmental Justice principles laid out in the Draft Report and in these comments.

## **Conclusion**

We appreciate the Commission's efforts over the past year to meaningfully engage with communities facing environmental injustice, especially those in the San Joaquin and East Coachella Valleys. We are encouraged by the community engagement best practices. We look forward to working in partnership with the Commission to ensure California's energy future incorporates those principles and the recommendations above.

Regards,

Jamie Katz  
Staff Attorney  
Leadership Counsel for Justice and Accountability