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## SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator Maria Elena Durazo, Chair

2025 - 2026 Regular

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**Bill No:** SB 1075

**Author:** Reyes

**Version:** 3/25/26

**Hearing Date:** 4/22/26

**Fiscal:** Yes

**Consultant:** Favorini-Csorba

***AIR RESOURCES: TOXIC AIR CONTAMINANTS: CRITERIA AIR POLLUTANTS:  
COMMUNITY EMISSIONS REDUCTION PROGRAMS: LOCAL COMMUNITY  
EMISSIONS REDUCTION PLANS***

*Requires cities and counties to comply with specified air quality plans when approving land uses.*

### **Background**

***Land use planning.*** The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

The Planning and Zoning Law requires every county and city to adopt a general plan that sets out planned uses for all of the area covered by the plan. A general plan must include seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. The general plan must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements (SB 1000, Leyva, 2016).

The general plan must be “internally consistent,” which means the various elements must work together and cannot have conflicting information or assumptions. Additionally, cities’ and counties’ major land use decisions—including zoning ordinances and development permitting—must be consistent with their general plans. In this way, the general plan is a blueprint for future development.

***Environmental justice legislation.*** Since 1999, the Legislature has enacted several laws to advance consideration of environmental justice; as defined in state law, environmental justice means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. SB 115 (Solis, 1999) designated the Office of Planning and Research (OPR)—now known as the Office of Land Use and Climate Innovation—as the lead state agency on environmental justice matters. Subsequently, AB 1553 (Keeley, 2001) required OPR to adopt recommendations in its general plan guidelines that local governments may use to address environmental justice issues. Recognizing the importance of local planning in environmental justice issues, SB 244 (Wolk, 2011) required consideration of specific water, wastewater, and

fire protection needs for disadvantaged communities in general plans as well as in some proceedings that determine local government boundaries.

SB 1000 formalized consideration of environmental justice in local planning. As a result, whether in a standalone element or throughout the document, the general plan must identify disadvantaged communities and identify objectives and policies to:

- Reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity;
- Promote civil engagement in the public decisionmaking process; and
- Prioritize improvements and programs that address the needs of disadvantaged communities.

Cities and counties only have to comply with these requirements upon adopting or revising two or more elements of the general plan concurrently.

In February of 2018, then-Attorney General Xavier Becerra established a Bureau of Environmental Justice within the California DOJ. The Bureau's stated mission is to, "Protect people and communities that endure a disproportionate share of environmental pollution and public health hazards." The Bureau has engaged on local land use matters, including to identify best practices for the citing of logistics uses and development of environmental justice elements, as well as to provide comments to communities on their implementation of SB 1000. SB 352 (Reyes, 2025) formally codified the existence of the Bureau.

**California Air Resources Board.** California's efforts to protect the public from the harmful effects of air pollution and help prepare the state for the effects of climate change involves federal, state, and local governments. The California Air Resources Board (CARB) works with the federal Environmental Protection Agency (EPA) and spearheads the state's non-vehicular air pollution efforts through 35 air pollution control districts and air quality management districts (air districts).

**Local air districts.** CARB oversees the state's 35 air districts, who adopt and enforce rules and regulations to achieve and maintain state and federal air quality standards affected by businesses and facilities, ranging from oil refineries to auto body shops to dry cleaners. State law spells out the membership of these local air districts' governing boards, but there are many variations. Some are county-specific, while others are regional entities with representation from more than one county, and some have their own specific governing statutes. While governance structures vary, each district appoints an air pollution control officer, whose responsibilities include enforcing all orders, regulations, and rules the district board prescribes.

There are five different types of air district boards:

- Eleven single-county districts where the air district board consists only of the five members of the county board of supervisors;
- Eleven single-county districts where the air district board consists of elected officials from cities and members of the county board of supervisors;

- Eight unified air districts where the air district board consists of city councilmembers or city mayors, members of a county board of supervisors, and may include public members;
- Four air districts that consist of multi-county or single county air districts, each with an individual statute specifying their exact membership, specifically: the Bay Area AQMD, South Coast AQMD, San Diego APCD, and Sacramento Metropolitan AQMD; and
- The Antelope Valley AQMD where the air district board consists of four city councilmembers, two members of the Los Angeles County board of supervisors, and one public member.

***Statewide strategy for reducing community emissions.*** To address inequitable impacts of air pollution, in 2017 the Legislature directed CARB to prepare a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden (AB 617, C. Garcia). The statewide strategy must include criteria for the development of community emissions reduction programs (CERPs), including:

- An assessment of communities with high cumulative burdens for toxic air contaminants and criteria air pollutants;
- A methodology for assessing contributing sources;
- An assessment of whether a district should update and implement the risk reduction audit and emissions reduction plan for a facility to address its contribution to emissions; and
- An assessment of the measures available for reducing emissions for contributing sources.

CARB must update the statewide strategy every five years.

AB 617 requires CARB to select locations around the state for preparation of CERPs. AB 617 requires an air district with jurisdiction over a location CARB selects to implement a CERP in consultation with a variety of entities, and within one year of CARB selecting the location, each air district must submit its CERP to CARB for approval, with specified timelines and public processes. Development of a CERP is typically performed by a “steering committee” that can include local residents, community leaders, environmental justice organizations, industry representatives, and government agency staff. Air districts and CARB enforce compliance with CERPs.

CARB established the Community Air Protection Program (CAPP) to implement AB 617 and select communities for the development of CERPs. Since the passage of AB 617, 19 communities statewide have begun or completed development of a CERP. 16 the 19 CAPP communities are implementing CARB-approved CERPs, while three communities are in the latter stages of developing their CERPs.

CARB’s latest CAPP Blueprint update (Blueprint 2.0) introduced a new mechanism for communities to effect change, a Local Community Emissions Reduction Plan, or LCERP. Specifically, “An LCERP is distinguished from a CERP in that the LCERP is developed and implemented by community-based organizations or California Native American Tribes, ideally with air district participation, and is financially supported through the Community Air Grants (CAGs).” As of December 2025, 15 communities were awarded grants for the development of an LCERP. Neither CARB or the air districts enforce LCERPs.

***AB 617 effectiveness.*** Some environmental justice advocates have raised concerns that AB 617 is not delivering the promised emissions reductions for overburdened communities. Among a long litany of concerns, a report by the California Environmental Justice Alliance argued that CERPs consistently fail to enforce land use protections against industrial operations situated near sensitive populations.<sup>1</sup> For example, the report notes that regulators failed to set enforceable targets for reducing emissions from polluting land uses, choosing instead to rely on voluntary partnerships, outreach, and compliance assistance. It also notes that across multiple CERPs, planners identified schools and daycares in close proximity to major pollution sources like rail yards, rendering plants, and warehouses, but air districts did not implement permanent regulatory limits to protect these sensitive receptors.

They want the Legislature to increase the effectiveness of CERPs and L-CERPs by integrating them into land use planning decisions.

### **Proposed Law**

Senate Bill 1075 makes various changes to CERPs and LCERPs and requires cities and counties to comply with them.

***Changes to CERPs and LCERPs.*** SB 1075 makes numerous changes to the development of CERPs and LCERPs. First, it applies the existing criteria for and procedures for adopting CERPs to LCERPs, including to:

- Require an LCERP to result in emissions reductions in the community;
- Require an LCERP to be consistent with the statewide strategy;
- Require CARB approval for an LCERP; and
- Make an LCERP enforceable by the applicable air district and CARB.

SB 1075 expands the communities that may qualify for the development of a CERP or LCERP from just those communities identified as disproportionately affected by pollution or concentrated poverty under CalEnviroScreen to also include disadvantaged unincorporated communities.

The bill also establishes requirements for the membership of the steering committees formed by an air district for the purpose of developing a CERP or LCERP to require:

- All members of the steering committee to live, work, or own businesses within the CERP or LCERP area, as specified;
- A majority of the members to be residents; and
- The steering committee to use an open and transparent process to select members, such that the membership of the committee reflects the diverse makeup of the community.

SB 1075 provides that the requirements for CERPs and LCERPs apply until the communities for which they are developed meet certain standards under the federal Clean Air Act.

The bill makes other changes to the laws governing CERPs, including to:

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<sup>1</sup> CEJA, “Lessons from California’s CERPs: AB 617’s flawed implementation must not be repeated.” (2021)

- Require CARB to update its statewide strategy every three years, instead of every five;
- Allow an air district an initial two years, instead of one, to adopt a CERP; and
- Specify allowable uses of grant funds for CERPs and allows CARB to audit and take corrective action for improper use of funds;
- Make technical and conforming changes.

**Land use changes.** SB 1075 requires a local land use agency—which is a city or county—to comply with a CERP or LCERP approved by CARB and the city or county’s EJ element. If any inconsistency exists among the CERP, LCERP, or EJ element, the most health protective standard applies. The bill specifies that compliance means to align local land use decisions to ensure those decisions:

- Support the goals of the CERP or LCERP and the environmental justice element; and
- Prevent new, substantial modification or substantial expanded uses that contribute to poor air quality, as determined by the CERP and the environmental justice element.

The bill allows a city or county to make a land use decision that conflicts with a CERP or LCERP if it would serve an essential environmental, health, or safety need of the community and there is no reasonable alternative. Before doing so, the city or county must conduct a regular public meeting to describe the essential need and provide analyses in support of its decision.

**Enforcement.** SB 1075 allows a resident within an area covered by a CERP or LCERP, or the relevant steering committee, to ask the Attorney General to review a land use decision and halt the decision if the local agency has not complied with the land use requirements in the bill, as specified. The AG can also require the city or county to conduct additional analyses or void the city or county’s decision.

If the AG sues to enforce its determinations, SB 1075 subjects the city or county that has violated the law to both of the following remedies, in addition to any other liability or remedies under other law:

- Equitable, injunctive, and declaratory relief, as the court deems appropriate; and
- All costs of investigating and prosecuting the action, including expert fees, reasonable attorney’s fees, and costs, whenever the Attorney General prevails.

**Air district board composition.** SB 1075 adds to the boards of air districts that include a location with a CERP or LCERP one additional member who is a member of an environmental group or the steering committee for the CERP or LCERP. CARB appoints this member in collaboration with the steering committee for the CERP or LCERP.

**State agency requirements.** SB 1075 imposes new duties on state agencies to increase coordination and oversight of CERPs. Specifically, the bill requires the Secretary of the Environmental Protection Agency to periodically convene representatives of agencies and departments within that agency that have jurisdiction over pollution sources addressed in a CERP to address concerns raised about those sources.

The bill also requires CARB, on or before June 30, 2027, and annually thereafter, to report to the appropriate subcommittees of the budget committee of each house of the Legislature about the

progress the state board has made in implementing AB 617, with specified contents that include the status of implementation of CERPs, best practices, outcome data, and expenditures on the program.

### Comments

1. Purpose of the bill. According to the author, “SB 1075 fulfills the promise of the AB 617 (Garcia, 2017) program by strengthening community representation, enforcement, and oversight of the program while ensuring alignment between land use decisions and approved emissions reduction plans.

“As of 2026, there have been 19 communities granted ‘CERP’ designation, with each CERP serving as a documented plan that requires specific reduction measures and an enforcement plan for impacted communities.

“Despite the importance of this program there has consistently been a fundamental disconnect between program goals and efforts to maximize emissions reductions in impacted communities. For example, even when emissions reductions plans are identified for implementation there are no requirements that local governments comply with the emissions reductions measures identified by state agencies, local air districts, and community members.

“In order for AB 617 to reach its goal of significantly reducing air pollution in overburdened communities, statutory changes are needed to ensure the full implementation of CERPs. SB 1075 will bridge this gap and ensure more effective enforcement and implementation of the Statewide Strategy to reduce emissions.”

2. Who’s in charge here? The California Constitution grants the police power to cities and counties, to be exercised by elected representatives. Within the confines of procedures laid out by the Legislature in state law, local officials have broad latitude to make land use decisions in their jurisdictions, on the theory that local elected officials are able to be the most knowledgeable about and responsive to the needs of their community. Those officials balance competing considerations in making their land use decisions, including economic development, public health, aesthetics, and other considerations. They also have to consider how to comply with state laws, including numerous state housing laws that ensure local governments plan for and approve new housing development.

SB 1075 seeks to link land use policy and environmental justice concerns by prohibiting local governments from taking actions that are inconsistent with the CERP unless they make findings that the project is essential. In doing so, the bill transfers land use authority to CERP or LCERP steering committees, the air districts, and CARB, which have responsibility for reviewing and approving those plans. Because the bill allows for review and enforcement by the AG—with the threat of fees if a city or county loses—and doesn’t specify the criteria for determining a project is essential, cities and counties may have great difficulty approving new land uses. The bill also subjects all land uses to review, no matter how small and regardless of whether they are likely to have air quality impacts. This could significantly limit economic development or result in other unintended consequences. For example, if a CERP or LCERP were to consider traffic from new housing development an impact on air quality, a city or county may not be able to approve new housing projects, potentially exacerbating affordability concerns.

To address some of these concerns while maintaining an element of coordination on air quality and land use, the Committee may wish to consider amending SB 1075 to:

- Recast the bill’s land use provisions to instead require *consideration* of means to reduce negative air quality impacts associated with new commercial and industrial land uses;
- Clarify when local governments must perform this analysis; and
- Remove the enforcement role for the AG.

3. Whither environmental justice? California land use laws follow a hierarchical structure. The general plan sets out broad categories of development, goals, and policies; zoning ordinances make those concrete and implementable; and then the city or county decides on individual projects. All land use decisions must be consistent with the general plan, and the general plan must be internally consistent, meaning the parts must all work together.

When in 2016 the Legislature added a requirement for an environmental justice element, or consideration of environmental justice throughout other elements, the goal was to ensure that all land use decisions took environmental justice into account. However, in the 10 years since, many cities and counties have not enacted an environmental justice element or otherwise addressed environmental justice throughout their general plans. Although definitive counts are difficult to develop, a 2023 policy brief from the University of California, Irvine, and the University of North Carolina, Charlotte, found that of the 238 cities and 29 counties with census tracts that are overburdened by environmental health issues, only 33 had general plans that included environmental justice provisions.<sup>2</sup> In part, this was by design: SB 1000 allowed cities and counties to wait to comply with the bill until they update two or more elements of their general plan simultaneously to ease implementation for cities and counties. The practical result of this structure is that environmental justice concerns are often left out of local planning efforts.

SB 1075 ensures consideration of environmental justice in local land use decisions, but in doing so, upends the structure of land use planning so that the general plan is no longer the supreme guiding document for development in the jurisdiction. Alternative approaches, such as revisiting the mandates around the environmental justice element, may comprehensively address environmental justice issues while working within the framework of local land use planning.

4. Board makeup. Almost universally, the state’s 35 air district boards comprise local elected officials—city council members or county supervisors. Only one district, the San Diego Air Pollution Control District, requires members with specific expertise. SB 1075 makes sweeping changes to air district board membership across the state by requiring any air district with a CERP or LCERP to include an environmental justice representative appointed by CARB. This would expand membership for at least 12 of the air districts, and others as more LCERPs are funded. In doing so, SB 1075 may prioritize environmental justice considerations above all others in the decisions made by air districts, to the exclusion of considerations of jobs, economic impact, or even public health more broadly. Additionally, SB 1075 would set a precedent for CARB, rather than the Legislature, determining membership on air district boards. The Committee may wish to consider amending SB 1075 to remove the changes to air district board membership.

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<sup>2</sup> Michelle E. Zuñiga, Assistant Professor, Geography & Earth Sciences, UNC Charlotte, and Michael Méndez, Assistant Professor, Urban Planning & Public Policy, UC Irvine. “The Emergence of Environmental Justice in General Plans: Lessons from California’s Senate Bill 1000.”

5. Charter city? The California Constitution allows cities that adopt charters to control their own “municipal affairs.” In all other matters, charter cities must follow the general, statewide laws. Because the Constitution doesn’t define “municipal affairs,” the courts determine whether a topic is a municipal affair or whether it’s an issue of statewide concern. SB 1075 establishes new requirements on cities, but doesn’t say that it applies to charter cities. To ensure that environmental justice is considered statewide, the Committee may wish to consider amending SB 1075 to say that it applies to all cities, including charter cities.

6. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because SB 1075 adds to the duties of local officials and by expanding the membership of air district boards, Legislative Counsel says the bill imposes a new state mandate. SB 1075 disclaims the state’s responsibility for providing reimbursement by citing local governments’ authority to charge for the costs of implementing the bill’s provisions, but also provides that if the Commission on State Mandates finds reimbursable mandates, reimbursement must be made pursuant to existing statutory provisions.

7. Incoming! The Senate Rules Committee has ordered a double referral of SB 1075: first to the Committee on Environmental Quality, which approved the bill at its April 15<sup>th</sup> hearing on a vote of 5-2, and second to the Committee on Local Government. The author agreed to amendments in the Committee on Environmental Quality that revise portions of the bill pertaining to the procedures for establishing CERPs. For timing reasons, those amendments will be adopted by this Committee.

### **Support and Opposition** (4/17/2026)

Support: Center for Community Action and Environmental Justice (CCA EJ) (Co-Sponsor)  
 Center on Race, Poverty & the Environment (Co-Sponsor)  
 Central California Asthma Collaborative (CCAC) (Co-Sponsor)  
 Leadership Counsel Action (Co-Sponsor)  
 Sacramento Environmental Justice Coalition (Co-Sponsor)  
 350 Bay Area Action  
 Active San Gabriel Valley  
 Asian Pacific Environmental Network Action  
 Breathe Southern California  
 California Environmental Justice Alliance (CEJA) Action  
 California Environmental Voters  
 Center for Environmental Health  
 Center on Race, Poverty and the Environment  
 Central California Environmental Justice Network (CCEJN)  
 Central Valley Air Quality Coalition (CVAQ)  
 Clean Water Action  
 Cleaneart4kids.org  
 Coalition for Clean Air  
 Communities for a Better Environment  
 Little Manila Rising  
 Natural Resources Defense Council (NRDC)  
 Nextgen California  
 Physicians for Social Responsibility - Los Angeles

Planning and Conservation League  
Regional Asthma Management and Prevention (RAMP)  
Resource Renewal Institute  
San Francisco Bay Physicians for Social Responsibility  
Strategic Concepts in Organizing and Policy Education (SCOPE)

Opposition: Agricultural Energy Consumer Association  
American Planning Association, California Chapter  
Associated General Contractors of California  
California Air Pollution Control Officers Association  
California Building Industry Association  
California Business Properties Association  
California Chamber of Commerce  
California Cotton Ginners and Growers Association  
California Grocers Association  
California Manufacturers & Technology Association (CMTA)  
California State Association of Counties (CSAC)  
California State Council of Laborers  
California Trucking Association  
City of Fresno  
Greater Bakersfield Chamber of Commerce  
Industrial Environmental Association  
League of California Cities  
Naiop of California  
Naiop Social  
Rural County Representatives of California (RCRC)  
Supply Chain Federation  
Transportation California  
Western Tree Nut Association  
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