

45. Direct the Chair to send a letter of support for Assembly Bill 1243, the Polluters Pay Climate Superfund Act of 2025, to the bill's author and our legislative delegation ()



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Board of Supervisors - Third District and Second District

Subject: Support for AB 1243--the Polluters Pay Climate Superfund Act of 2025

Meeting Date: June 10, 2025

Formal Title: Direct the Chair to send a letter of support for Assembly Bill 1243, the Polluters Pay Climate Superfund Act of 2025, to the bill's author and our legislative delegation

Recommended Actions

Direct the Chair to send a letter of support for Assembly Bill 1243 (Addis), the Polluters Pay Climate Superfund Act of 2025, to the bill's author and our legislative delegation.

Executive Summary

Assembly Bill 1243 (AB 1243), authored by Assemblymember Addis, establishes the Polluters Pay Climate Superfund Program, which directs the California Environmental Protection Agency (CalEPA) to calculate and recover the cost of climate-related damages resulting from fossil fuel emissions in California between 1990 and 2045. The revenues generated would fund efforts to prepare for, prevent, and respond to the climate crisis, with a minimum of 40% of funds designated for disadvantaged communities.

Modeled after the federal Superfund law (CERCLA), AB 1243 applies the “polluter pays” principle to climate damages, shifting some of the financial responsibility from taxpayers to fossil fuel companies. This approach supports climate resilience, justice, and equity while aligning with Santa Cruz County’s Climate Action and Adaptation Plan goals.

Discussion

California is already grappling with severe and escalating climate impacts—including record-breaking heat, prolonged droughts, catastrophic wildfires, and sea level rise—that are placing immense pressure on local governments and frontline communities. These impacts not only undermine public health and safety but also result in enormous economic costs. The 2020 CZU Fires cost \$68 million for suppression and caused over \$2.4 billion in (reported) losses. The January 2025 wildfires in Los Angeles has been estimated to have caused up to \$53.8 billion in property losses and climate related damages are expected to dramatically increase in coming years

AB 1243 responds to these realities. Specifically, it would:

- Hold major polluters accountable by requiring CalEPA to identify fossil fuel entities responsible for a significant share of the state’s emissions and demand cost recovery proportionate to the climate damages caused.
- Establish a dedicated Climate Superfund to support statewide resilience and adaptation projects, including investments in green job training, energy efficiency, regenerative agriculture, and community preparedness.
- Ensure equity by requiring that at least 40% of fund expenditures benefit disadvantaged communities most vulnerable to climate change.
- Promote transparent implementation through regular program evaluations by the

Legislative Analyst's Office and coordinated efforts across state departments and tribal governments.

Supporting AB 1243 would directly advance Santa Cruz County's climate priorities, particularly those articulated in the County's Climate Action and Adaptation Plan. By holding fossil fuel corporations accountable for the harm caused by their emissions, the bill helps ensure that those most responsible contribute to the solution—easing the financial strain on local governments and enhancing the state's capacity to protect communities from further climate disruption.

Financial Impact

The recommended action does not have a financial impact.

Strategic Initiatives

Operational Plan - Sustainable Environment

Submitted By:

Justin Cummings, Third District Supervisor and Kimberly De Serpa, Second District Supervisor

Recommended By:

Carlos J. Palacios, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

AMENDED IN ASSEMBLY APRIL 10, 2025

AMENDED IN ASSEMBLY APRIL 7, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1243

Introduced by Assembly Member Addis

**(Coauthors: Assembly Members Connolly, Garcia, Haney, Kalra,
Pellerin, Rogers, Schultz, and Ward)**

(Coauthors: Senators Allen, Gonzalez, Menjivar, Stern, and Wiener)

February 21, 2025

An act to add Part 4.8 (commencing with Section 71370) to Division 34 of the Public Resources Code, relating to climate change, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 1243, as amended, Addis. Polluters Pay Climate Superfund Act of 2025.

The California Global Warming Solutions Act of 2006, until January 1, 2031, authorizes the State Air Resources Board to adopt a regulation establishing a system of market-based declining aggregate emissions limits for sources or categories of sources that emit greenhouse gases (market-based compliance mechanism) that meets certain requirements. Existing law establishes the Greenhouse Gas Reduction Fund and requires all moneys, except for fines and penalties, collected by the state board from the auction or sales of allowances as a part of a market-based compliance mechanism to be deposited into the fund and requires the Legislature to appropriate moneys in the fund for the purpose of reducing greenhouse gas emissions in the state, as provided.

Existing law, the California Climate Crisis Act, declares that it is the policy of the state both to achieve net-zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net-negative greenhouse gas emissions thereafter, and to ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels.

This bill would enact the Polluters Pay Climate Superfund Act of 2025 and would establish the Polluters Pay Climate Superfund Program to be administered by the California Environmental Protection Agency to require fossil fuel polluters to pay their fair share of the damage caused by greenhouse gases released into the atmosphere during the covered period, which the bill would define as the time period between the 1990 and 2024 calendar years, inclusive, resulting from the extraction, production, refining, sale, or combustion of fossil fuels or petroleum products, to relieve a portion of the burden to address cost borne by current and future California taxpayers. The bill would require the agency, within 90 days of the effective date of the act, to determine and publish a list of responsible parties, which the bill would define as an entity with a majority ownership interest in a business engaged in extracting or refining fossil fuels that, during the covered period, did business in the state or otherwise had sufficient contact with the state, and is determined by the agency to be responsible for more than 1,000,000,000 metric tons of covered fossil fuel emissions, as defined, in aggregate globally, during the covered period.

This bill would require the agency, within one year of the effective date of the act, to conduct and complete a climate cost study to, among other things, quantify the total damage amount, which the bill would define as all past and future climate harms and damages to the state from January 1, 1990, through December 31, 2045, inclusive. The bill would require the agency to update the climate cost study, not less frequently than every 5 years, through January 1, 2045, as provided. The bill would require the agency, within 60 days of the completion of the climate cost study, to determine and assess, as provided, a cost recovery demand for each responsible party listed, which represents the responsible party's proportionate share of the total damage amount. The bill would require responsible parties to pay their cost recovery demand, as provided. The bill would require the collected cost recovery demands to be deposited in the Polluters Pay Climate Superfund, which the bill would create in the State Treasury. The bill would, upon appropriation by the Legislature, require moneys in the ~~Polluters Pay~~

~~Climate Superfund~~ fund be expended for, among other things, qualifying expenditures, which the bill would define to include expenditures for projects and programs to mitigate, adapt, or respond to the damages and costs caused to the state from climate change. *The bill would require all interest earned on moneys that have been deposited into the fund to be retained in the fund for use in implementing the program.* The bill would require the agency to determine the initial implementation costs for the act, as provided, and would require the agency to assess an amount allocated equitably among responsible parties to cover those costs.

This bill would require the Director of Finance, within 45 days of the effective date of the act, to perform an initial assessment of the reasonable and appropriate initial implementation costs that will be incurred by the agency.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Polluters Pay Climate Superfund Act of 2025.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) Climate change, resulting primarily from the combustion of
6 fossil fuels, is an immediate, grave threat to the people,
7 communities, biodiversity, environment, and economy of the state.

8 (2) Severe consequences of climate change, including rising
9 sea levels, increasing temperatures, intensifying droughts, wildfires,
10 flooding, heat waves, loss of biodiversity, and other climate
11 change-driven ecosystem threats and extreme weather events, have
12 already materialized, are costing Californians billions of dollars,
13 and constitute an emergency for the state, which must now take
14 urgent action to prevent further damages, protect California
15 residents and communities, and transition to clean renewable
16 energy.

17 (3) Californians, especially California's most vulnerable
18 populations, low-income communities and communities of color,
19 children, and the elderly, are harmed by the climate emergency

1 and climate-related costs, including escalating costs of utilities,
2 housing, health care, and insurance.

3 (4) The state must develop and implement protective measures
4 to counteract the adverse effects of climate change.

5 (5) Protective measures necessary to mitigate climate change,
6 adapt to the adverse effects of climate change, and expedite the
7 transition away from fossil fuels will require significant new
8 investment.

9 (6) Peer-reviewed research has determined with great accuracy
10 the share of carbon dioxide and methane released into the
11 atmosphere by the operations and products of specific fossil fuel
12 companies.

13 (7) *Existing accounting of climate damage costs is known to be*
14 *significantly undercounted because scientific modeling to calculate*
15 *damage amounts is conservative by design and continually being*
16 *refined, and because certain damages are difficult to monetize,*
17 *including impacts to culture, health, and communities.*

18 (8) *The fees imposed by this act represent only a subset of the*
19 *extraordinary costs from climate-driven harms currently borne by*
20 *state, local, and tribal governments and California residents.*

21 (9) *The legislative purposes of the fees and the act are designed*
22 *to have a meaningful impact on the burden borne by taxpayers*
23 *while being justly and fairly proportional to a fraction of actual*
24 *historic emissions by the fossil fuel industry. This industry, despite*
25 *its massive profits of \$2,800,000,000 per day for the last 50 years,*
26 *has thus far externalized its pollution costs on state, local, and*
27 *tribal governments and California residents.*

28 ~~(7)~~

29 (10) The fossil fuel industry should now contribute its fair share
30 to government expenditures to protect the state from climate
31 disaster.

32 (b) In enacting this act, it is not the intent of the Legislature for
33 either of the following:

34 (1) For the act to be a determination of fault.

35 (2) For the act to have any impact on the ability of any person
36 or entity to hold polluters accountable for harms caused.

37 (c) *It is the intent of the Legislature for this act, the program*
38 *created by this act, and the programs and projects funded by this*
39 *act to benefit disadvantaged communities and to do no harm to*
40 *these communities.*

SEC. 3. Part 4.8 (commencing with Section 71370) is added to Division 34 of the Public Resources Code, to read:

PART 4.8. POLLUTERS PAY CLIMATE SUPERFUND ACT
OF 2025

CHAPTER 1. DEFINITIONS

71370. For purposes of this part, the following definitions apply:

(a) “Agency” means the California Environmental Protection Agency.

(b) “Annual payment date” means the date, as determined by the agency, not later than October 1 of each calendar year, by which a responsible party shall pay its cost recovery demand.

(c) “Climate cost study” means a study conducted pursuant to Section 71371.3.

(d) “Cost recovery demand” means a charge assessed against a responsible party for compensatory cost recovery payments, as determined pursuant to Section 71371.4.

(e) “Costs” means direct and indirect costs in current dollars to the state, local and tribal governments, and California residents incurred and projected to be incurred into the future to prepare for, prevent, adapt, or respond to the damages and harms associated with the impacts of covered fossil fuel emissions.

(f) “Covered fossil fuel emissions” means the *total* quantity of greenhouse gases released into the atmosphere during the covered period, expressed in metric tons of carbon dioxide equivalent, attributable to the extraction, production, refining, sale, or combustion, including by third parties, of fossil fuels or petroleum products.

(g) “Covered period” means the time period between January 1, 1990, and December 31, 2024, inclusive.

(h) “Fossil fuel” means coal, crude oil, petroleum products, or fuel gases, or their byproducts.

(i) “Fuel gas” includes, but is not limited to, methane, natural gas, liquefied natural gas, and manufactured fuel gas.

(j) “Fund” means the Polluters Pay *Climate* Superfund established pursuant to Section 71372.

(k) “Greenhouse gas” has the same meaning as set forth in Section 38505 of the Health and Safety Code.

(l) “Notice of cost recovery demand” means a written or electronic communication informing a responsible party of the amount of cost recovery demand due, payable to the fund.

(m) “Petroleum products” means a liquid hydrocarbon at atmospheric temperature and pressure that is the product of the fractionation, distillation, or other refining or processing of crude oil and that is used as, useable as, or may be refined as, a fuel or fuel blendstock, including, but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and renewable fuels containing more than 5 percent petroleum products.

(n) “Program” means the Polluters Pay Climate Superfund Program established pursuant to Section 71371.

(o) (1) “Qualifying expenditures” means expenditures for projects and programs within the state to mitigate, adapt, or respond to the damages and harms from climate change, as well as ongoing operation and maintenance for those projects or programs that satisfy the regulations adopted pursuant to Section 71373.2.

(2) Qualifying expenditures shall include all reasonable costs incurred by the agency and other public agencies for administering and implementing projects or programs financed by the fund. Administrative costs shall not exceed 10 percent for any project or program financed by the fund.

(3) Qualifying expenditures shall include expenditures for projects and programs that mitigate or adapt to climate change and its impact to the state, local and tribal governments, and California residents. Qualifying expenditures *may* include, but are not limited to, investments in any of the following:

(A) Community disaster preparedness, response, and recovery, ~~that includes~~ *including, but not limited to*, any of the following:

(i) Hardening of structures in existing, at-risk, and recovering communities.

(ii) Evacuation planning and design.

(iii) Postdisaster soil and water remediation.

(iv) Emergency housing, health, *transportation*, and medical response.

(v) Sustainable community planning and infrastructure, including community resilience centers, affordable infill housing, and public services funding to support emergency services and

1 ~~disaster response.~~ *response, including support for local and tribal*
2 *governments and public agency operational continuity during and*
3 *after climate-related events.*

4 (B) Energy efficiency and resiliency, including, *but not limited*
5 *to, climate-resilient schools, electric school buses, vehicle-to-grid*
6 *bidirectionality, microgrids, community solar, accelerating the*
7 *transition to clean energy sources, building and infrastructure*
8 *decarbonization, and maintaining, enhancing, and expanding*
9 *zero-emission infrastructure, including public transit, or building*
10 ~~and infrastructure decarbonization.~~ *transit operations, to increase*
11 *ridership and transition to zero-emission fleets.*

12 (C) Green workforce ~~development and development,~~ job
13 training, and support for first responders and essential workers
14 ~~during responding to~~ climate disasters, and financial support
15 programs for workers whose livelihoods are impacted by climate
16 change.

17 (D) Regenerative agricultural practices.

18 (E) Natural system protections, such as preservation or
19 nonextractive restoration of shrublands, forests, grasslands, deserts,
20 or riparian areas, ~~or groundwater recharge or recharge,~~ storage,
21 or instream flow projects.

22 (p) “Responsible party” means an entity, including, but not
23 limited to, an individual, trustee, agent, partnership, association,
24 corporation, or other legal organization, including a foreign nation,
25 that satisfies all of the following conditions:

26 (1) (A) The entity holds or held a majority ownership interest
27 in a business engaged in extracting or refining fossil fuels during
28 the covered period or is a successor in interest to the entity.

29 (B) For ~~purpose~~ *purposes* of subparagraph (A), entities in a
30 commonly controlled group, as defined in Section 25105 of the
31 Revenue and Taxation Code, shall be treated as a single entity for
32 purposes of this subdivision and shall be jointly and severally liable
33 for the payment of any cost recovery demand owed by any entity
34 in the commonly controlled group.

35 (2) During any part of the covered period, the entity did business
36 in the state or otherwise had sufficient contacts with the state to
37 give the state jurisdiction over the entity pursuant to Section 410.10
38 of the Code of Civil Procedure.

39 (3) The agency determines that more than ~~one billion~~
40 *1,000,000,000* metric tons of covered fossil fuel emissions, in

1 aggregate globally, are attributable to the entity during the covered
2 period.

3 (q) “Total damage amount” means the costs determined by the
4 agency in its climate cost study of past and future climate damages
5 and harms from January 1, 1990, up to, and including, December
6 31, 2045, attributable to covered fossil fuel emissions.

7
8 CHAPTER 2. POLLUTERS PAY CLIMATE SUPERFUND PROGRAM
9

10 71371. (a) There is hereby established the Polluters Pay
11 Climate Superfund Program to be administered by the agency.

12 (b) The purpose of the program is to require fossil fuel polluters
13 to pay their fair share of the damage caused by covered fossil fuel
14 emissions, thereby relieving a portion of the burden to address
15 costs otherwise borne by current and future California taxpayers.

16 71371.1. (a) A responsible party, as determined by the agency
17 pursuant to Section 71371.2, shall be strictly liable for a cost
18 recovery demand.

19 (b) Beginning January 1, 2026, each responsible party shall pay
20 to the agency its cost recovery demand established pursuant to
21 Section 71371.4.

22 71371.2. Within 90 days of the effective date of this part, the
23 agency shall determine and publish on its internet website a list of
24 responsible parties subject to this part. The agency may update the
25 list from time to time, as appropriate.

26 71371.3. (a) The agency shall conduct or commission a climate
27 cost study and the study shall be completed within one year of the
28 effective date of this part.

29 (b) The climate cost study shall include, at a minimum, an
30 evaluation of all of the following:

31 (1) (A) The cost-driving effects of covered fossil fuel emissions
32 on the state, local and tribal governments, and California residents,
33 including effects on public health and safety, biodiversity and
34 ecosystems, agriculture and food systems, water, wildfire, the built
35 environment, economic development, and any other effects that
36 may be relevant.

37 (B) The evaluation shall be based on a review of existing best
38 peer-reviewed and publicly available science on climate impacts
39 and costs, including climate attribution science and methodologies,
40 California’s Fourth Climate Change Assessment, information

1 available from California's ongoing Fifth Climate Change
2 Assessment, and any future relevant assessments.

3 (C) Climate impacts, including, but not limited to, extreme
4 weather events, such as heat waves, droughts, and flooding, sea
5 level rise, air and water temperature shifts, changes in wildfire,
6 such as to area burned, smoke, air quality, and damage to
7 communities, and related economic impacts, such as agricultural
8 and food system costs, health costs, housing insurability,
9 affordability, and access, shall be considered in the evaluation.

10 (2) A calculation of the costs incurred since January 1, 1990,
11 and projected to be incurred into the future up to, and including,
12 December 31, 2045, within the state for effects identified under
13 paragraph (1).

14 (3) A list to identify potential harms and impacts incurred since
15 January 1, 1990, and projected to be incurred into the future up
16 to, and including, December 31, 2045, within the state attributable
17 to covered fossil fuel emissions, that are not yet quantifiable using
18 current best available scientific methodologies, for consideration
19 in future updates as science and quantification methods evolve.

20 (4) A calculation of the total damage amount.

21 (5) An assessment of potential qualifying expenditures meeting
22 the requirements of Section 71371.6.

23 (6) *An analysis of climate impacts to local and tribal government*
24 *budgets, including, but not limited to, increased costs for*
25 *infrastructure maintenance, emergency services, natural disaster*
26 *recovery, and public health, and how potential qualifying*
27 *expenditures could be used to offset those costs.*

28 (c) The agency shall update the climate cost study using the
29 best publicly available peer-reviewed science, data, and
30 methodology, not less frequently than every five years, through
31 January 1, 2045.

32 (d) The agency shall, in accordance with Section 9795 of the
33 Government Code, submit to the Legislature the climate cost study
34 and update.

35 71371.4. (a) Within 60 days of the completion of the climate
36 cost study, the agency shall determine and assess a cost recovery
37 demand upon each responsible party by doing all of the following:

38 (1) Quantify covered fossil fuel emissions attributable to each
39 responsible party based on publicly reported data on the operations
40 and production of the fossil fuel industry and the best available

1 and most up-to-date Intergovernmental Panel on Climate Change
2 emissions factors for greenhouse gas inventories.

3 (2) Establish the proportionate share percentage of each
4 responsible party as equal to the ratio of the responsible party's
5 covered fossil fuel emissions to covered fossil fuel emissions
6 globally.

7 (3) Establish a cost recovery demand for each responsible party
8 in an amount equal to the proportionate share percentage of the
9 responsible party as determined pursuant to paragraph (2)
10 multiplied by the total damage amount determined pursuant to the
11 climate study or its update prepared pursuant to Section 71371.3.

12 (b) Within 60 days of an update of the climate cost study, the
13 agency shall update and adjust, as necessary, the quantification
14 and determinations made pursuant to subdivision (a).

15 (c) (1) The notice of cost recovery demand shall inform the
16 responsible party of its obligation to remit the cost recovery
17 demand, or any adjustment to the cost recovery demand, in full,
18 on or before the annual payment date of the calendar year in which
19 the notice is issued or the next calendar year if the provided notice
20 is issued less than 60 days before the annual payment date.

21 (2) A responsible party may elect to pay its cost recovery
22 demand in 20 installments by providing written notice of its
23 election and submission of at least 10 percent of the cost recovery
24 demand on or before the annual payment date of the calendar year
25 in which the initial notice is issued or the next calendar year if the
26 notice is issued less than 60 days before the annual payment date.
27 The remaining balance shall be paid in equal installments that are
28 due on or before the annual payment of each calendar year after
29 the initial payment.

30 (3) The unpaid balance of all remaining installments shall
31 become due immediately if any of the following occurs:

32 (A) The responsible party fails to pay any installment by the
33 due date pursuant to this subdivision.

34 (B) Except as provided in paragraph (4), there is a liquidation
35 or sale of substantially all the assets of the responsible party.

36 (C) The responsible party ceases to do business.

37 (4) In the case of a sale of substantially all the assets of a
38 responsible party, the remaining installments shall not become due
39 immediately if the buyer enters into an agreement with the agency
40 under which the buyer assumes liability for the remaining

1 installments due under paragraph (2) in the same manner as if the
2 buyer was the responsible party.

3 (5) If an update to the climate cost study results in an adjustment
4 to the responsible party's cost recovery demand, the agency shall,
5 within 60 days, issue a revised written notice of cost recovery
6 demand notifying the responsible party of the adjusted payment
7 due.

8 (6) Payment of the cost recovery demand may be stayed by the
9 agency or a court pending administrative or judicial resolution, as
10 applicable, of a challenge filed under Section 71371.5.

11 71371.5. (a) The agency shall establish procedures for an entity
12 to challenge its designation as a responsible party under Section
13 71371.2 or its cost recovery demand established pursuant to Section
14 71371.4.

15 (b) The agency may adjust a responsible party's cost recovery
16 demand if the responsible party establishes, to the satisfaction of
17 the agency, both of the following:

18 (1) A portion of its cost recovery demand amount is attributable
19 to fossil fuel extracted by another responsible party.

20 (2) The fossil fuel extracted by the other responsible party was
21 accounted for when the agency determined the cost recovery
22 demand amount for the other responsible party.

23 (c) This section does not limit a real party's right to seek judicial
24 review of a determination made by the agency, except that no civil
25 action shall be maintained under this part unless it is commenced
26 within 30 days after the claim accrued.

27 71371.6. The agency shall establish funding criteria and
28 guidelines in accordance with the climate cost study for programs
29 and projects that are eligible as qualifying expenditures funded
30 from moneys collected pursuant to this chapter.

31 71371.7. Until December 31, 2045, every five years after the
32 effective date of this part, the Legislative Analyst's Office shall
33 conduct an independent evaluation of the Polluters Pay Climate
34 Superfund Program to be provided to the Governor, the President
35 pro Tempore of the Senate, and the Speaker of the Assembly. The
36 purpose of this evaluation shall be to determine the effectiveness
37 of the program in achieving its purposes as described in this chapter
38 and to provide recommendations for improving program
39 administration.

CHAPTER 3. POLLUTERS PAY CLIMATE SUPERFUND

71372. (a) There is hereby established the Polluters Pay Climate Superfund in the State Treasury. Moneys in the fund shall, upon appropriation by the Legislature, be used to implement the program pursuant to Chapter 2 (commencing with Section 71371), including qualifying expenditures, and to reimburse any outstanding loan made from other funds used to finance the initial costs of the agency's activities in implementing this part. Moneys in the fund shall not be expended for any purposes not specified in this part.

(b) Moneys collected pursuant to Chapter 2 (commencing with Section 71371) or Chapter 4 (commencing with Section 71373) shall be deposited into the fund.

(c) *All interest earned on the moneys that have been deposited into the fund shall be retained in the fund for use in implementing the Polluters Pay Climate Superfund Program.*

71372.1. Moneys in the fund shall be expended on qualifying expenditures in accordance with the findings of the climate cost study and updates to the study and guidelines and criteria established pursuant to Section 71371.6 so that both of the following occur:

(a) Not less than 40 percent of the moneys are expended for projects and programs that directly benefit disadvantaged communities, as defined by the ~~agency~~, *agency pursuant to Section 39711 of the Health and Safety Code*, facing climate impacts.

(b) Programs and projects funded by the fund include the assessment and implementation of strategies to increase employment opportunities and improve job quality.

71372.2. *If any expenditure of moneys from the fund for any project or program is determined by a court to be inconsistent with law, the funding for the remaining projects or programs shall be severable and shall not be affected by the determination.*

CHAPTER 4. MISCELLANEOUS PROVISIONS

71373. Within 45 days of the effective date of this part, the Director of Finance shall perform an initial assessment of the reasonable and appropriate initial implementation costs as described in Section 71373.3.

1 71373.1. In implementing this part, the agency shall conduct
2 regular consultations with the Integrated Climate Adaptation and
3 Resiliency Program, the State Air Resources Board and the
4 Environmental Justice Advisory Committee of that state board,
5 the State Water Resources Control Board, the Natural Resources
6 Agency, the State Energy Resources Conservation and
7 Development Commission, the Office of Emergency Services, the
8 Strategic Growth Council, the State Department of Public Health,
9 the Office of Environmental Health Hazard Assessment, the
10 California Coastal Commission, the Public Utilities Commission,
11 the Attorney General, and other appropriate public agencies and
12 nongovernmental entities.

13 71373.2. (a) Within 180 days of the effective date of this part,
14 the agency shall adopt all regulations, including those establishing
15 requirements for projects and programs eligible for funding from
16 the fund, necessary to carry out this part.

17 (b) The agency may prescribe, adopt, and enforce any
18 emergency regulations as necessary to implement, administer, and
19 enforce its duties under this part. Emergency regulations prescribed,
20 adopted, or enforced pursuant to this part shall be adopted in
21 accordance with Chapter 3.5 (commencing with Section 11340)
22 of Part 1 of Division 3 of Title 2 of the Government Code, and,
23 for purposes of that chapter, including Sections 11349.1 and
24 11349.6 of the Government Code, the adoption of the regulation
25 is an emergency and shall be considered by the Office of
26 Administrative Law as necessary for the immediate preservation
27 of the public peace, health and safety, and general welfare.
28 Notwithstanding any other law, the emergency regulations adopted
29 by the California Environmental Protection Agency may remain
30 in effect for two years from adoption.

31 71373.3. (a) Within 120 days of the effective date of this part,
32 the agency shall determine the initial implementation costs,
33 including the costs of the initial climate cost study, the development
34 and adoption of regulations to implement this part, and other
35 appropriate initial program implementation costs.

36 (b) The agency shall equitably assess a charge on the responsible
37 parties for the full amount of the agency's initial implementation
38 costs determined pursuant to subdivision (a). The agency shall
39 notify responsible parties of the charge.

1 (c) Within 60 days of the notification, each responsible party
2 shall remit the charge to the agency for deposit into the fund.

3 (d) A responsible party's payment of the charge may be stayed
4 by the agency or a court pending administrative or judicial
5 resolution, as applicable, of a challenge filed under Section
6 71371.5.

7 71373.4. The agency and the Attorney General shall have the
8 authority to enforce the requirements of this part and to assess fees
9 for late payments of cost recovery demands pursuant to Chapter
10 2 (commencing with Section 71371) or the charge assessed under
11 Section 71373.3. The late fees shall accrue daily, assessed at the
12 rate of 10 percent per annum, on amounts remaining due.

13 71373.5. The Secretary of State shall have the authority to
14 revoke or suspend the business license of a responsible party that
15 fails to comply with this part.

16 71373.6. (a) This part does not do either of the following:

17 (1) Relieve the liability of an entity for damages resulting from
18 climate change, as provided by law.

19 (2) Preempt, displace, or restrict any rights or remedies of a
20 person, the state, units of local government, or tribal government
21 under law relating to a past, present, or future allegation of any of
22 the following:

23 (A) Deception concerning the effects of fossil fuels on climate
24 change.

25 (B) Damage or injury resulting from the role of fossil fuels in
26 contributing to climate change.

27 (C) Failure to avoid damage or injury related to climate change,
28 including claims for nuisance, trespass, battery, design defect,
29 negligence, failure to warn, or deceptive or unfair practices and
30 claims for injunctive, declaratory, monetary, or other relief.

31 (b) This part does not preempt or supersede any state law or
32 local ordinance, regulation, policy, or program, including, but not
33 limited to, those that do any of the following:

34 (1) Limit, set, or enforce standards for emissions of greenhouse
35 gases.

36 (2) Monitor, report, or keep records of emissions of greenhouse
37 gases.

38 (3) Collect revenue through fees or levy taxes.

39 (4) Conduct or support investigations.

To fund and implement measures to address the immediate, ongoing threats to public safety, and the health and welfare of the people, the environment, and the State of California from climate change, it is necessary for this act to take effect immediately.

Heading—Lines 2 and 3.

Juliette Rezzato

From: Board Of Supervisors
Sent: Monday, June 9, 2025 1:43 PM
To: Agenda Management Support
Subject: Item 45 Comment_Pace, A

From: Ann Pace <annpace123@gmail.com>
Sent: Tuesday, June 3, 2025 5:07 PM
To: Board Of Supervisors <boardofsupervisors@santacruzcountyca.gov>
Subject: Support for "Make Polluters Pay" legislation

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Dear Santa Cruz County Board of Supervisors,

I've been a resident of Santa Cruz County District 5 since 1996, but being a full time mom while having a full time job and trying to juggle career, family, home, and health, I have not found time to be politically active or to write to elected officials until now. I also recently joined the Indivisible Santa Cruz Environmental Group.

While I am still juggling career, family, home and health, I am extremely concerned about what humans are doing to our planet. Once ecosystems are destroyed and species have gone extinct, very extreme measures and vast amounts of money, as well as decades to centuries of effort, will be required to generate any hope of bringing some of these natural resources back, not to mention the need for highly advanced (and potentially dangerous) technologies, many of which do not yet exist today. I am very worried that if we are unable to adjust our behavior now, to conserve our existing ecosystems and species, how can we rationally hope that humanity will see the light and be willing to change its behaviour later to bring back our natural resources?

I know you understand that our natural resources underpin everything that humans care about – our economy, our health and well-being, our food and water, climate resiliency, protection from the spread of zoonotic diseases (e.g. Covid-19), etc.

One step we can take is to create legislation that requires corporations to change the behaviors that are harmful to the environment or to make them pay into a fund to remedy the harm they have created.

I am asking you as a Board to discuss and create a resolution in support of the Polluters Pay Climate Support Superfund Act (SB684/AB1243) as one such piece of legislation, and to show your individual support by signing on to this letter: <https://protectingamerica.net/ca/casuperfund/>.

Thank you very much for considering this request.

Sincerely,
Ann Pace
annpace123@gmail.com
831-325-8325