

APPENDIX U8

California Health and Safety Code Section 38562

Cal Health & Saf Code § 38562

Deering's California Codes are current through Chapter 2 of the 2019 Regular Session.

Deering's California Codes Annotated > HEALTH AND SAFETY CODE > Division 25.5 California Global Warming Solutions Act of 2006 > Part 4 Greenhouse Gas Emissions Reductions

§ 38562. Adoption of greenhouse gas emissions limits and reduction measures [Operative January 1, 2031]

(a) On or before January 1, 2011, the state board shall adopt greenhouse gas emissions limits and emissions reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, to become operative beginning on January 1, 2012.

(b) In adopting regulations pursuant to this section and Part 5 (commencing with [Section 38570](#)), to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, the state board shall do all of the following:

- (1)** Design the regulations, including distribution of emissions allowances where appropriate, in a manner that is equitable, seeks to minimize costs and maximize the total benefits to California, and encourages early action to reduce greenhouse gas emissions.
- (2)** Ensure that activities undertaken to comply with the regulations do not disproportionately impact low-income communities.
- (3)** Ensure that entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this section receive appropriate credit for early voluntary reductions.
- (4)** Ensure that activities undertaken pursuant to the regulations complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant emissions.
- (5)** Consider cost-effectiveness of these regulations.
- (6)** Consider overall societal benefits, including reductions in other air pollutants, diversification of energy sources, and other benefits to the economy, environment, and public health.
- (7)** Minimize the administrative burden of implementing and complying with these regulations.
- (8)** Minimize leakage.
- (9)** Consider the significance of the contribution of each source or category of sources to statewide emissions of greenhouse gases.

(c) In furtherance of achieving the statewide greenhouse gas emissions limit, the state board may adopt a regulation that establishes a system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases, applicable from January 1, 2012, to December 31, 2020, inclusive, that the state board determines will achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions, in the aggregate, from those sources or categories of sources.

(d) Any regulation adopted by the state board pursuant to this part or Part 5 (commencing with [Section 38570](#)) shall ensure all of the following:

- (1)** The greenhouse gas emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the state board.

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- (2) For regulations pursuant to Part 5 (commencing with [Section 38570](#)), the reduction is in addition to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that otherwise would occur.
- (3) If applicable, the greenhouse gas emission reduction occurs over the same time period and is equivalent in amount to any direct emission reduction required pursuant to this division.
- (e) The state board shall rely upon the best available economic and scientific information and its assessment of existing and projected technological capabilities when adopting the regulations required by this section.
- (f) The state board shall consult with the Public Utilities Commission in the development of the regulations as they affect electricity and natural gas providers in order to minimize duplicative or inconsistent regulatory requirements.
- (g) The state board may revise regulations adopted pursuant to this section and adopt additional regulations to further the provisions of this division.
- (h) This section shall become operative on January 1, 2031.

History

Added [Stats 2017 ch 135 § 5 \(AB 398\)](#), effective July 25, 2017, operative January 1, 2031.

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