





June 27, 2025

RE: OPPOSE AB/SB 131 CEQA Budget Trailer Bill

Dear Governor Newsom, President Pro Tempore McGuire, Speaker Rivas, Chair Wiener, Chair Gabriel, and Members of the Legislature:

The over 100 undersigned organizations write in strong opposition to AB/SB 131. **This bill is the worst anti-environmental bill in California in recent memory.** It represents an unprecedented rollback to California's fundamental environmental and community protections at a time in which the people of California grapple with unprecedented federal attacks to their lives and livelihoods.

Even worse, this bill was negotiated behind closed doors with NO input from the public or even other legislators. You only need to ask yourself: **If the only way you can change state law is to keep it out of the public eye as long as possible, and condition passage of the state budget on the proposed changes, does that not show that its backers know the public wouldn't support it if they knew the truth?**

We stand firm in our opposition to the removal of these protections under the California Environmental Quality Act (CEQA), especially for the projects with the most capacity to harm Californians and the environment. **A vote for AB/SB 131 in its present form condones both the substance and the process and would be a betrayal of environmental justice communities, Tribes, and the environment.**

You have been put in a terrible position by those who pushed for this bill and are now holding the state budget hostage until it passes. *This is a choice, and not one to which legislators need to acquiesce. We urge legislators to reject this bill, which would silence the voices of your constituents when harmful development is sited in their neighborhoods.*

Our concerns are laid out below.

Utter destruction of democratic processes

On a rapid turnaround and behind closed doors, California's foundational environmental law is under attack. SB/AB 131's dramatic policy changes – which destroy the ability for Californians to participate in and even *know about* the decisions that will *most* affect their lives, livelihoods, safety, and wellbeing – have had absolutely zero opportunity for public weigh-in, transparency, or deliberation. The cruel irony of annihilating democracy at the local level through the most undemocratic process available for state-level policymaking is not lost on us. The destruction of CEQA in this way would be an utter betrayal of elected officials' responsibility to the state and to their duty to serve a representative democracy.

Further, making funding of critical state resources – like affordable housing funding – dependent on gutting CEQA is an unconscionable tradeoff and false dichotomy. Low-income communities of color that need this funding the most are *exactly* the communities that depend on CEQA to have any say in the polluting and risky development that proportionately falls in their neighborhoods. It is the height of hypocrisy to hold this funding hostage in order to steamroll critical protections for the most vulnerable communities.

Forces blind exemptions for massive industrial projects in the most vulnerable communities

SB/AB 131 creates an entire exemption from CEQA for “advanced manufacturing” facilities on land zoned for industrial use. The bill includes zero protections for environmental justice communities living alongside industrially zoned land, and no guardrails to prevent local governments from simply upzoning land to industrial to take advantage of the CEQA exemption. Even as the state consistently expresses a lack of confidence in local decision-makers' zoning decisions around housing, this policy assumes they always get it right when drawing industrial zoning lines. We can tell you: they don't.

“Advanced” does *not* mean clean. These facilities can be massive sources of pollution, use extremely high amounts of water and energy, and emit toxic emissions, making them the very projects that should undergo a robust environmental review. Instead, they would be entirely exempted under SB 131.

The definition includes semiconductor manufacturing. Santa Clara County has 23 active Superfund sites, more than any other county in the United States, related to semiconductor facilities that were found to be leaking dangerous chemical solvents into local groundwater, with local residents reporting birth

defects and miscarriages for years¹. Semiconductor facilities are already exempted from NEPA; therefore, the additional CEQA exemption would mean these facilities would not receive any holistic environmental review. Of the existing facilities in the US, 10% violated federal environmental regulations in the past three years, and 1/3 violated water discharge regulations that had discharge permits².

The definition of advanced manufacturing facility further includes a catch-all for any facility that includes “systems that result from substantive advancement, whether incremental or breakthrough, beyond the current industry standard.” This creates a pathway for manufacturers to exploit, allowing them to claim to have a new “breakthrough” in order to exempt a polluting or risky facility from review.

This definition is so broad that it could sweep up facilities that manufacture lithium compounds, nuclear material, and biomaterials – all of which have incredibly high risks to surrounding communities and the environment. This would mean that projects handling highly explosive and hazardous materials would not be subject to environmental review under CEQA. This is unacceptable, yet the Legislature is being asked to approve this exemption with no information.

Furthermore, the bill would exempt these projects with *even less protection* than applies to other exemptions. For example, to qualify for a Class 32 exemption, a project may not significantly impact environmentally sensitive habitat areas, air quality, traffic, water quality, or noise³; those protections are completely absent here.

In short, this CEQA exemption is incredibly broad, includes some of the most polluting projects in California, and puts the health and safety of Californians directly at risk, especially environmental justice communities. While the bill offers minimal protections to natural resources, like wetlands, there are no protections in place for the actual people whose health will be impacted by these facilities.

Clears the way for a massive loss of habitat, an abandonment of protections for endangered species, and the inevitable decline of even healthy populations of biodiversity.

¹ <https://www.route-fifty.com/management/2019/09/silicon-valley-one-most-polluted-places-country/160066/>

² <https://www.ewg.org/news-insights/news/2024/10/what-building-chips-america-act-could-mean-public-health-and-environment>

³ CEQA Guidelines § 15332(c)&(d).

In an apparent attempt to limit the damage the bill will cause, AB/SB 131's provisions do not apply to "natural and protected lands." **However, inexplicably excluded from this bill is the language from Government Code Section 65913.4(a)(6)(J) regarding habitat for candidate, sensitive and endangered species, which is found in SB 35 (2017), SB 423 (2023) AND in the housing trailer bill, AB 130.**

Most of the areas AB/SB 131 purports to exclude are **already protected** from most harmful development (e.g., wilderness, marine and ecological reserves, national parks). In a cruelly ironic twist, hazardous waste sites are even classified as "natural and protected lands"⁴ **yet habitat for declining, rare and endangered species is not.** The failure to include habitat as part of "natural and protected lands" will mean that hundreds of thousands of acres of habitat lands — oak woodlands, chaparral, forests, desert vistas, coastal sage scrub and grasslands – will be destroyed without any environmental mitigation. The impacts to California's biodiversity will be extensive and irreparable.

Further, the failure to require CEQA review for projects that impact habitat for endangered and threatened species means that projects will drive species closer to extinction because we are **not even requiring industry to look at whether their projects will impact these species.** If this bill is enacted, California will be walking away from protecting our most threatened and endangered species at the same time that the federal government is directly gutting the federal Endangered Species Act.

Allows public agencies to hide their decision-making process by excluding key public documents from the administrative record

CEQA – like California's other open government laws – doesn't allow agency cover-ups. AB/SB 131 would change this by allowing agencies to exclude from the record nearly all internal agency emails, unless they were directly presented to the final decision-maker or a lead agency executive or a supervisor on the project – allowing agencies to hide internal disagreements and downplay environmental risks. Further, SB 131 would let agencies cherry-pick the record by omitting internal documents that undermine their decisions, solely including those that support their claims.

Fairness requires a level playing field. Allowing agencies to prepare a one-sided record undermines government transparency and allows agencies to cover up controversies about the harm major projects may cause to our environment and the safety of our communities.

⁴ See proposed Pub. Resources Code § 21067.5.

Numerous additional exemptions in the bill are uncooked and have unintended consequences.

For example, the vegetation management CEQA exemption would allow projects to proceed with no input from scientists and wildfire experts, including from CAL FIRE. Deviating from best scientific practices could result in projects that actually *increase* fire risk. There is no reasonable basis for cutting experts out of the process, and our communities will surely suffer as a result.

Conclusion

It cannot be overstated how critical CEQA's protections are for the health and safety of all Californians, but especially for at-risk frontline communities who are already overburdened by pollution. Rolling back CEQA on this magnitude would intentionally trade away human lives, as well as core Californian environmental values, for the sake of greater profit margins. This is the deal the budget proposal would strike: devastation for Californians, a windfall for corporate developers.

SB/AB 131 will poison our air, water, and land across the state, manufacture an *avoidable* public health crisis that drives healthcare costs sky-high, and destroy habitat for endangered species we will never recover. Polling data shows that Californians overwhelmingly support keeping CEQA's protections. That this budget language would sell out all of these values in order to allow industrial manufacturing, destruction of sensitive habitat, and other corporate schemes to evade transparency or mitigation is shocking and horrific, and we urge the Legislature to do more for its constituents⁵. **Failing to understand – or choosing not to engage with – the nuances of how proposed policies affect disadvantaged communities causes real harm. When decisions are made without this understanding, it's not just an oversight; it reflects a form of policy neglect that perpetuates injustice.**

For these reasons, we urge you to defend California from SB/AB 131, which would permanently destroy CEQA's guarantee of transparency and mitigations for projects with known health and environmental hazards. If we lose these protections for habitats and communities, we will *never* get them back.

We urge you to unequivocally reject this budget trailer bill.

Sincerely,

⁵ <https://www.neighborhoodsfirstca.org/poll>

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