



June 12, 2024

The Honorable Cottie Petrie-Norris, Chair
Utilities and Energy Committee
1020 N Street, Room 408A
Sacramento, CA 95814

Re: SB 1298 (Cortese) - Certification of thermal powerplants: data centers - Oppose

Dear Chair Petrie-Norris and members of the Committee:

The American Lung Association writes to express our opposition to the expansion of exemptions to back-up generator certification requirements under Senate Bill 1298 (Cortese). This legislation would significantly expand exemptions to the certification process for the siting of new backup generators for data centers, including diesel-powered equipment.

Californians face the most difficult air pollution challenges in the United States and rely on strong environmental protections to reduce exposures to harmful air pollution. Ozone and particle pollution place significant health burdens on California communities, with over 9 in 10 Californians living in a community impacted by one or both of these pollutants. Diesel engines are a major contributor to the state's ozone and particle pollution burdens and a significant source of carcinogenic toxic air contaminants.

The California Energy Commission is responsible for certifying all locations on which an electrical transmission line or thermal powerplant is constructed. Existing law allows the Commission to exempt from certification a thermal powerplant with a generating capacity of up to 100 megawatts if the commission finds that no substantial adverse impact on the environment or energy resources will result. SB 1289 would increase this exemption for data center backup power generation of up to 150 megawatts. This is inviting a significant increase in projects that produce harmful diesel emissions without a robust, public process for engagement by local affected community stakeholders, air districts with expertise in best available control technologies for individual project applications, and other interested parties. SB 1298 would exempt larger diesel or other projects from an important public vetting process through which alternative technologies could be identified.

The American Lung Association opposes SB 1298 and shares concerns expressed by California's air districts about the potential for increased health risks. Please contact Will Barrett at William.Barrett@Lung.org with any questions.

Thank you,

A handwritten signature in blue ink that reads "Will Barrett".

Will Barrett
National Senior Director
Clean Air Advocacy