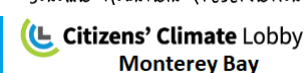
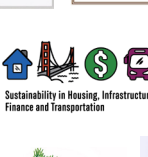
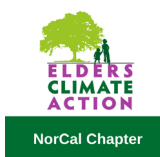
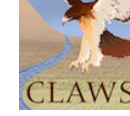


Opposition to CalChamber Initiative





Date: April 27, 2026

To: All Members of the California State Assembly and Senate

From: 210+ Public Health, Environmental, & Environmental Justice Organizations

Re: Urging Your Public Opposition to the CalChamber Ballot Initiative (Initiative 25-0023A1)
— "Modifies Environmental Review for Certain Projects"

Dear Members of the Legislature:

On behalf of our coalition of 210+ public health, environmental, and environmental justice organizations, we write to express our deep concern regarding the California Chamber of Commerce's statewide ballot initiative, officially titled "Modifies Environmental Review for Certain Projects" (Initiative 25-0023A1).¹ While proponents claim this measure would benefit the public by streamlining project approvals, it would instead fundamentally undermine the public health and environmental protections provided under the California Environmental Quality Act (CEQA), upon which our state has relied for over half a century.

By weakening environmental review requirements, the Initiative would strip public agencies of the tools they need to protect communities from the impacts posed by a broad array of large-scale and consequential projects, ranging from data centers to highway widening projects. It would also significantly increase agencies' litigation exposure while nearly eliminating their ability to enforce CEQA, and shift the long-term costs of inadequate environmental planning onto agencies and taxpayers.

The Initiative's rigid structure amplifies its dangers. The Legislature can amend the Initiative only by a two-thirds vote — and, critically, only if the amendment is "consistent with, and furthers the purpose of," the measure. This means that, even if the Initiative produces unintended consequences or circumstances change, the Legislature will be substantially restricted in its ability to correct course. And because the Initiative has no expiration date, this constraint on legislative authority would be permanent.

We respectfully ask that you review the concerns outlined below and join us in publicly opposing this measure.

I. The Initiative Reverses CEQA's Foundational Principle to Protect the Environment and Overrides Other Laws

The Initiative states that its language must be interpreted to "afford the fullest possible weight to the interest of, and the approval and realization of, [covered] projects." This would reverse CEQA's bedrock interpretive principle, which currently provides that the law must be interpreted to afford the fullest possible protection of the *environment*. This change fundamentally reorients California's environmental review framework from one that prioritizes public welfare and environmental protection to one that prioritizes developer interests.

¹ The full text of the initiative can be accessed [here](#); the official ballot title and summary can be read [here](#).

In addition, the Initiative would establish its own primacy over other state laws, directing that the measure “shall be controlling over any conflicting law.” As Berkeley law professor Eric Biber has explained, “if there is a conflict between this initiative and state water quality law, state air quality law, the California Endangered Species Act, or any other statute, this initiative wins,”² and its weakened protections prevail. This provision is not qualified or otherwise constrained within the Initiative’s text and thus could pose unpredictable effects across the whole of California’s environmental legislation, reaching far beyond CEQA.

II. The Initiative Applies to a Sweeping Range of Consequential Projects

The Initiative covers eight categories of projects labeled “essential” by the Initiative’s proponents: energy infrastructure, water infrastructure, housing, public health, public safety, transportation, educational facilities, and broadband internet. Each category encompasses a broad range of specific project types. Notably, the Initiative also applies to all “related and ancillary ... infrastructure” supporting the covered projects.³

Among the most consequential covered projects are:

- **Heavy industrial projects**, including waste-to-energy projects, landfill gas facilities, dairy biogas projects, and CO₂ pipelines, which can expose communities to toxic pollution.
- **Data centers may claim “covered project” status, as discussed by Professor Eric Biber.**⁴ These facilities can consume outsized quantities of water and electricity and expose communities to harmful pollution from back-up generators.
- **Large-scale transportation projects**, including highways, bridges, interchanges, tunnels, and ferry terminals, without full consideration of public transit alternatives or pollution mitigation.
- **Major water infrastructure projects**, including dams, reservoirs, canals, desalination plants, and other water system components, which can harm ecosystems, fragment habitat, and threaten public health.
- **High-risk sprawl housing**, such as large-scale residential and mixed-use developments in remote, undeveloped areas — including wildfire zones and flood zones — which can heighten disaster risks and strain local services.

² E. Biber, *What does BACA do? Part II: Proposed CEQA ballot initiative would override all other state environmental law* (LegalPlanet, February 26, 2026), <https://legal-planet.org/2026/02/26/what-does-baca-do-part-ii/>.

³ The Initiative does not apply to the Delta Conveyance Project, nuclear facilities, high-speed rail systems, jails and other detention facilities, or new oil or natural gas “production facilities” (though new oil and natural gas-related power plants or conveyance infrastructure may be included as “ancillary” features of other covered projects).

⁴ E. Biber, *What does BACA do? Part VII: Proposed CEQA ballot initiative would override all other state environmental law* (LegalPlanet, March 1, 2026), <https://legal-planet.org/2026/03/01/what-does-baca-do-part-vii/>

- **K-12 schools**, which the Legislature has already determined warrant special protections through CEQA in the siting process, in order to address grave concerns that arose when schools were located on contaminated sites.

III. The Initiative Undermines Recent Legislative Efforts

The Initiative's proponents claim it is needed to speed approvals for housing and clean energy projects. In reality, the Legislature has already enacted extensive streamlining for these project types. At least 36 laws have been passed since 2002 to exempt or limit environmental review for housing, and AB 130 (2025) exempted nearly all urban housing projects from CEQA. Solar, wind, transmission, and other clean energy projects are already eligible for expedited environmental review timelines under AB 205 (2022). Meanwhile, fewer than 1% of state agency-approved projects — including renewable energy facilities and public infrastructure — require full environmental impact reports,⁵ and the CEQA litigation rate is remarkably low: only 1.8% of CEQA projects were sued between 2013 and 2021, and between 2022 and 2023, the litigation rate dropped to just 1.05%.⁶

IV. The Initiative Strips Agencies of Tools to Protect Communities and the Environment

The Initiative's substantive changes to CEQA's environmental review requirements are not modest procedural refinements. Rather, they fundamentally subvert the balance between development and community protection that has underpinned California law for over five decades.

A. Reduces CEQA Review to a Rote Checklist of Compliance with Other Laws

Under the Initiative, environmental review would be limited to determining whether a proposed project complies with “existing laws.” This significantly reduces CEQA's protections because “existing laws” will not capture the full extent of a project's impacts or ensure effective mitigation. In fact, CEQA's comprehensive review protects communities by filling major gaps in other state environmental laws.

Consider, for example, whether a project's compliance with the Clean Air Act alone would adequately protect the adjacent community from harmful air pollution emitted by an industrial facility. The answer is no. The Clean Air Act measures and controls emissions from major stationary sources, with the aim of improving overall air quality across entire basins. The Act does not require an analysis of the proposed project's *site-specific* impacts on residents living near the fenceline. Only CEQA demands this analysis and requires the implementation of appropriate mitigation (which could include, for example, further reductions in emissions, reconfiguring the site footprint, installing vegetation or other barriers, or installing air filters in nearby schools and homes). And, whereas the Act regulates facilities in isolation from one

⁵ CEQA Survey, Senate Environmental Quality Committee (October 2017), https://senv.senate.ca.gov/sites/senv.senate.ca.gov/files/ceqa_survey_full_report_-_final_12-5-17.pdf

⁶ J. Smith-Heimer & J. Hitchcock, *CEQA for the Future* (The Housing Workshop, December 2025) at 17, <https://www.housingworkshop.com/>

another, CEQA is the only law that requires an analysis and mitigation of a project's *cumulative* air quality impacts on the community — i.e., the impact of the proposed project together with other projects in the area.

Similarly, while California has comprehensive hazardous waste laws, those laws do not require disclosure or mitigation of hazardous substances that are used at a facility but do not qualify as “waste.” Without comprehensive CEQA review, the lead agency will not be required to disclose these hazards to the public or impose effective mitigation. Again, as with air quality impacts, the surrounding community will be left unprotected from the proposed project's site-specific pollution.

At the same time, other state and local environmental laws are themselves effectuated *through* the CEQA process. For example, CEQA review documents typically provide the data that enables effective species protection under the California Endangered Species Act. Many public agencies, such as water districts, fire districts, and park districts, also rely on and draw from the lead agency's CEQA analysis. For this reason, some regard CEQA as a convenient “one-stop shop” for permitting.

Finally, some impacts, such as noise impacts and water availability, are left largely or entirely unaddressed by other laws.

By transforming CEQA from a statute that tailors analysis to project-specific circumstances into a rote checklist evaluating only whether a project violates existing laws, the Initiative undermines vital protections for community health and the environment.

B. Weakens Significance Standards, Allowing Agencies to Ignore Current Science

Under current law, CEQA requires lead agencies to use “thresholds of significance” based on up-to-date scientific information to determine whether a project's environmental impacts require mitigation. The lead agency — not the applicant — selects the applicable threshold.

The Initiative fundamentally changes this framework: as discussed above, a lead agency would determine a project's significant impacts based solely on compliance with “existing laws” — defined as any legal requirements in statutes, regulations, rules, standards, or ordinances in effect when the project's initial application was submitted. There is no requirement that these “existing laws” actually disclose harm to the environment or public health, and because they are locked in at the time of application, they may not reflect current scientific knowledge.

The Initiative also reverses existing law by transferring authority over environmental impact analysis from the lead agency to the applicant. It does so by allowing applicants to “vest into” thresholds of significance used by the agency at the time the application was filed.

C. Eliminates Meaningful Analysis of Alternatives

CEQA's alternatives analysis is one of the most important tools agencies use to improve projects. Current law requires that an environmental impact report (EIR) include a reasonable range of

feasible alternatives — typically at least three — designed to avoid or substantially lessen a project's significant environmental impacts. Agencies must also consider alternative project locations where doing so would reduce impacts, and must formally respond to feasible alternatives proposed in public comments.

The Initiative fundamentally weakens these requirements. If a developer opts into the Initiative's "preliminary scoping process," the EIR need only analyze a single project alternative selected by the developer, eliminating the requirement to consider a range of less harmful options. To this end, the Initiative expressly *prohibits* agencies from considering any additional alternatives: "all additional alternatives beyond those described in [Section 21025(b)] are unnecessary, and no public agency or other body or entity shall require analysis of unnecessary alternatives."

The Initiative also eliminates the requirement to consider alternative project locations. This change has substantial consequences for agencies that provide fire, police, and utility services, as project location often directly determines service costs.

D. Caps Comment Periods on Environmental Documents and Prohibits Their Extension

Comment periods are the principal opportunity for the public and agencies — including trustee agencies, responsible agencies, and neighboring jurisdictions — to review environmental documents, request information, and suggest mitigation measures. Current law sets minimum comment periods: at least 20 days for negative declarations and mitigated negative declarations (or 30 days if state agency review is required) and at least 30 days for EIRs (or 45 days if state agency review is required). Lead agencies may extend these periods as needed for complex projects.

The Initiative flips this framework entirely. Comment periods become maximums: 20 days for negative declarations and mitigated negative declarations, and 45 days for EIRs. Further, these deadlines "shall not be tolled or extended except by a court of competent jurisdiction." If an agency needs more time to review a large, complex project, it must go to court to obtain an extension. This will force agencies to increase staffing, incur litigation costs, or submit incomplete comments — impairing the ability of public agencies to protect their communities. Complicating further the legal consequences of the Initiative, it is unclear how a court would even obtain jurisdiction over a request for extension of project approval comment period timeframes, since there would be no active court case in which an agency or commenter could request an extension. In other words, the Initiative may require new litigation to be filed simply for the purpose of requesting a simple extension of an agency comment period.

E. Narrows Tribal Consultation

The Initiative eliminates the requirement for consultation with California Native American tribes that are not federally recognized, excluding these communities from a process that is critical to protecting tribal cultural resources. Under this provision, over one-third of California Native American human remains and tribal cultural resources — including burial grounds and other

culturally significant sites — would lose protections from large-scale development, protections previously affirmed by the Legislature under Senate Bill 18 (2004) and AB 52 (2014).

V. The Initiative Increases Agencies' Litigation Exposure While Undercutting CEQA's Enforcement

The Initiative creates a new right of action for developers to sue public agencies over project denials while sharply curtailing the remedies courts may issue when petitioners challenge inadequate environmental review.

A. Grants Developers a New Right to Sue Agencies that Deny Projects

Under current law, applicants generally cannot sue over project denials because CEQA does not apply to projects that agencies reject. The Initiative creates a new right for applicants of any covered project to sue agencies for "denial or imposition of unlawful conditions of approval." This could cause a substantial increase in litigation against local agencies that deny projects which are not in the best interests of their communities, and may pressure agencies to approve potentially harmful projects as a means of avoiding litigation.

B. Strips Courts of Authority to Issue Meaningful Remedies

One of the Initiative's most far-reaching provisions is its curtailment of judicial remedies when CEQA is violated — a restriction that raises constitutional questions.

Under current law, if a court finds that the lead agency has violated CEQA, the standard remedy is to direct the agency to rescind the project approval. The court may also enjoin construction during the pendency of the case, if doing so is necessary to prevent irreparable harm. The project can be reapproved, and the injunction lifted, once the agency demonstrates that the CEQA error has been corrected.

The Initiative removes or restricts courts' authority to issue these remedies, as follows:

- **No project rescission:** A court may not order a public agency to rescind its approval of a covered project under any circumstances. Even for egregious CEQA violations — such as an agency's failure to adequately analyze the water consumption of a proposed data center — the project approval remains in place.
- **Severely limited injunctive relief:** Courts can only issue a "temporary" injunction, and only upon clear and convincing evidence that a project would have a specific, adverse impact upon "public safety." Accordingly, courts cannot enjoin activities that would degrade water or air quality or pose risks to public health — these activities do not pose a risk to "public safety."

The Initiative's limitation on remedies is far-reaching. It means, for example, that many existing CEQA protections for K-12 public school siting — enacted by the Legislature in Public Resources Code section 21151.8 in response to siting of multiple schools on hazardous sites,

creating health risks for children — likely are not enforceable. Similarly, large-scale projects that would damage habitat for endangered species or destroy prime agricultural land could be constructed without regard to these impacts.

The Legislature has never passed legislation restricting courts' injunctive authority in this way. The Initiative would, in effect, make CEQA unenforceable in the vast majority of situations, reducing incentives to comply with the law and making it impossible to obtain effective remedies for noncompliance. If courts cannot remove unlawful approvals or halt construction to prevent irreparable harm, compliance with CEQA would be reduced to a mere paper-shuffling exercise.

C. Weakens Standard of Judicial Review

The Initiative changes the standard of review in CEQA cases in three fundamental ways, each designed to undercut challenges to the approval of covered projects.

First, petitioners' claims would be limited to whether the lead agency failed to comply with "objective existing laws." This significantly reduces CEQA's protections because not all "objective existing laws" will capture the full extent of a project's impacts or ensure effective mitigation.

Second, the Initiative replaces CEQA's longstanding dual standard of judicial review with a near-universal "substantial evidence" test that requires courts to defer to agency determinations on virtually all claims, including purely legal — as opposed to factual — questions, such as whether an EIR omitted critical analysis. Notably, the independent judgment standard currently applies to legal questions throughout all areas of state and local agency decision-making. The Initiative would change this standard uniquely for CEQA cases, limiting the judiciary's ability to provide a meaningful check on flawed environmental review. Moreover, because the "substantial evidence" standard of review has never before been applied to purely legal questions, CEQA litigation involving covered projects would require courts to develop a new body of case law to implement the new standard.

Third, the Initiative introduces a deferential "arbitrary and capricious" standard for claims alleging failures in public participation procedures, and eliminates the existing presumption that procedural errors are prejudicial.

D. Severely Limits Contents of Administrative Record

Because discovery is precluded in CEQA litigation, the administrative record is generally the only evidence a court can consider. The Initiative imposes significant new limitations on its contents, and thus on the evidence available to a court. Records would be limited to notices, studies, and documents that CEQA requires the lead agency to send, distribute, or make publicly available. Internal agency communications, project applications, and communications between agencies and applicants would be excluded.

The inclusion of public comments in the record is also restricted: comments submitted outside the formal comment period are generally excluded, with narrow exceptions. Comments and

responses by the lead agency or the applicant, by contrast, are included "without qualification" — a double standard that privileges developer interests over public participation.

VI. The Initiative Shifts Long-Term Costs onto Public Agencies and Taxpayers

When environmental impacts are not identified and mitigated upfront, local governments and their residents bear the costs. The Legislative Analyst's Office specifically noted this risk in its fiscal analysis of the measure, warning that the Initiative's modified environmental review requirements could result in projects being approved that cause unintended negative environmental impacts and that government agencies may incur costs to mitigate the resulting impacts.⁷ These costs may include:

- **Unmitigated impacts on public services:** CEQA currently requires lead agencies to analyze and mitigate a project's impacts on public services, including fire protection, police, water systems, and utilities. Under the Initiative's relaxed standards, agencies can rely on weaker significance thresholds that may not uncover the full impacts on these services. Local service providers could face sudden, unfunded increases in service demand, threatening agency budgets and increasing burdens on taxpayers.
- **Extra-jurisdictional impacts:** Cities and counties currently use CEQA to reduce impacts from projects approved in neighboring jurisdictions. By weakening environmental review standards and abbreviating comment periods, the Initiative would undercut those jurisdictions' ability to protect their residents from impacts such as those related to traffic, noise, and degraded air and water quality.
- **Increased wildfire response costs:** Through the current CEQA process, projects may be relocated away from high fire risk areas, or robust mitigation measures may be established and funded to reduce wildfire risk — such as training programs that allow firefighters to respond to battery fires at solar energy facilities. Weakened environmental review for projects in the wildland-urban interface would shift firefighting and risk prevention costs from developers to public agencies.
- **Environmental cleanup costs:** Without robust environmental review, projects may generate contamination or ecological damage requiring costly remediation, including brownfield cleanup, water treatment upgrades, and ecological restoration. For example, PFAS effluent from industrial facilities, can cost billions of dollars and decades of remediation to address (\$1.8 billion over 30 years, as projected in the case of Orange County⁸). These costs will likely fall on public agencies when developers are not required to prevent them upfront.

⁷ Legislative Analyst's Office, Fiscal Impact Estimate for Initiative No. 25-0023A1 (December 10, 2025) at 7, <https://lao.ca.gov/BallotAnalysis/Initiative/2025-023>.

⁸ Press Release, "ORANGE COUNTY WATER DISTRICT AND LOCAL WATER PROVIDERS SECURE MILLIONS IN PFAS SETTLEMENT TO KEEP WATER SAFE, RELIABLE AND AFFORDABLE," *Orange County Water District*, September 15, 2025, <https://www.ocwd.com/wp-content/uploads/OCWD-and-Local-Water-Providers-Secure-Millions-in-PFAS-Settlement-to-Keep-Water-Safe-Reliable-and-Affordable.pdf>.

In addition to the costs resulting from weakened environmental review, the Initiative imposes unreasonable permit processing deadlines that will further strain agency resources. It expands the Permit Streamlining Act's 30-day deadline for determining an application's "completeness" to *all covered projects*, including large infrastructure developments that require coordination between agencies and jurisdictions. If a determination is not made within 30 days, the application is automatically deemed complete, limiting the information agencies can require.

VII. Conclusion

The Initiative is not a good-faith effort to streamline environmental review. It is a sweeping rollback of foundational environmental protections that would harm communities, burden public agencies, and empower developers at the expense of the public interest. By overhauling major provisions of CEQA, the Initiative would also introduce enormous legal uncertainty. Courts will spend years interpreting its scope and vague terms, and agencies will need to commit significant resources to developing regulations and interpreting definitions. The Legislative Analyst's Office estimates these costs could reach tens of millions of dollars annually during the initial years of implementation.⁹

We urge you to publicly oppose this Initiative and to stand with the communities that depend on CEQA to protect California's environment, public health, and quality of life.

Respectfully,

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⁹ Legislative Analyst's Office, Fiscal Impact Estimate for Initiative No. 25-0023A1 (December 10, 2025) at 7, <https://lao.ca.gov/BallotAnalysis/Initiative/2025-023>.

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