STATE OF CALIFORNIA CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY CALIFORNIA AIR RESOURCES BOARD

DUTY STATEMENT

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DUTY STATEMENT

Employee Name: TBD	Current Date: TBD	
Classification: Attorney I	Position #: 673-110-5778-016	
Division/Office: Executive Office	CBID: R02	
Section: Legal Office		
Supervisor Name: Dana Grubaugh	Supervisor Classification: Assistant Chief Counsel	
I certify that this duty statement represents an accurate description of the essential functions of this position.		
Supervisor:	Date:	
I have read this duty statement and agree that it represents the duties I am assigned.		
Employee:	Date:	
SPECIAL REQUIREMENTS OF POSITION (IF ANY):		
Designated under Conflict of Interest Code. Duties performed may require pre-employment physical. Duties performed may require drug testing. Duties require participation in the DMV Pull Notice Program. Requires the utilization of a 32-pound self-contained breathing apparatus. Operates heavy motorized vehicles. Requires repetitive movement of heavy objects. Works at elevated heights or near fast moving machinery or traffic. Performs other duties requiring high physical demand. (Explain below): Duties require use of hearing protection and annual hearing examinations. SUPERVISION EXERCISED		
⊠ None	Lead Person	
Supervisor	☐ Team Leader	

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<u>FOR SUPERVISORY POSITIONS ONLY</u>: Indicate the number of positions by classification that this position DIRECTLY supervises: N/A

Total number of positions in Section/Branch/Office for which this position is responsible: N/A

FOR LEADPERSONS OR TEAM LEADERS ONLY:

Indicate the number of positions by classification that this position LEADS: N/A

MISSION OF SECTION: The California Air Resources Board (CARB) is a global leader in protecting air quality, fighting climate change, and furthering environmental justice. CARB's Executive Office plans, organizes, and directs the activities of staff to further the Board's mission to protect and preserve California's air quality while considering the effects on the State's economy. The Legal Office is part of the Executive Office. Its mission is to provide the highest quality legal advice and representation to the Board and staff to support programmatic efforts to improve air quality to protect public health and the environment and to ensure that all legal obligations of CARB are met in carrying out these efforts. The Legal Office provides legal support to the agency on a variety of complex topics related to the control of air pollution (criteria pollutants, toxic air contaminants, and greenhouse gases), including, but not limited to: adoption, interpretation, implementation, and enforcement of State and federal environmental and administrative laws and regulations, litigation in conjunction with the Attorney General's Office, personnel matters, contracts, grants, conflicts of interest, hearing procedures, and proposed legislation. The Legal Office maintains the primary responsibility for assisting CARB staff in the development of regulations and the documentation necessary to support their adoption. The Legal Office also provides legal assistance to California's 35 Air Pollution Control and Air Quality Management Districts.

<u>CONCEPT OF POSITION</u>: Under direction of an Assistant Chief Counsel, and under direction of the Deputy Counsel and Chief Counsel, this position is responsible for providing written and oral legal advice to CARB's executives, management, and staff on legal issues, many of them relating to California's climate change program. The attorney in this position will focus on developing, implementing, and enforcing regulations, including regulations related to climate change programs. These assignments may include legal support for the Cap-and-Trade Program, direct control requirements, and related programs.

The attorney in this position will work closely with CARB staff, and as needed officials from other federal and State government agencies, on all phases of the development and implementation of regulations and programs implementing the state's climate change program. This includes developing and drafting regulations and overseeing rulemaking material preparation to ensure regulations can withstand any subsequent legal challenges in both federal and State courts. Key functions of this position include: legal advice on requirements of the California Administrative Procedure Act, Public Records Act, California Environmental Quality Act, federal Clean Air Act, and California environmental statutes; review of staff reports, letters, guidance and other documents for potential legal issues; and legal assistance to support Board actions. This position will provide CARB staff, Deputy Counsel, and the Chief Counsel with written and oral advice, draft and review legal correspondence, and perform a variety of related legal tasks (see duties below).

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% OF TIME	RESPONSIBILITIES OF POSITION	
40%-E	Provide written and oral legal advice, statutory interpretations, and opinions on matters related to the development of regulations and programs, including those related to climate change programs. Assist staff and managers with all phases of the rulemaking process and program development and implementation. Ensure all legal requirements are met in rulemaking and planning processes, including California Health and Safety Code provisions applicable to CARB, the California Administrative Procedure Act, California Environmental Quality Act, and the Bagley-Keene Open Meeting Act. Work closely with CARB staff and, as needed, officials from other federal and State government agencies during development of statewide climate strategies, regulations, and programs. Stay current on national and state developments related to areas of assignment, and conduct legal research to provide advice on legal issues related to state and national environmental law and policy. This work may be focused in large part on California's Cap and Trade Program.	
20%-E	Work with other attorneys and Enforcement Division staff to investigate compliance with regulations and programs, including the climate change programs. Assist with negotiating and drafting settlement agreements. Assist with analyzing and identifying implementation issues that impede enforcement, and provide advice on drafting amendments to existing regulations or language for new regulations to ensure they can be effectively enforced and survive legal challenges in both federal and State courts.	
20%-E	Assist in developing litigation strategy in any legal challenges to programs worked on, review pleadings and briefs, and coordinate response to any related discovery requests. Work with staff and the Public Records Act coordinator on records requests related to assigned programs. Review for release documents requested under the Public Records Act or through discovery.	
10%-E	Draft, review, and comment on proposed legislation and assist with other legislative matters.	
5%-M	Represent CARB and appear in interdepartmental and external meetings, hearings, and training seminars. Travel between CARB headquarters and other offices (including Southern California), and occasionally out of state, as required.	
5%-M	Perform other duties and assignments as directed by the Chief Counsel, Deputy Counsel, or Assistant Chief Counsel within the scope of the classification.	

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