

**DUTY STATEMENT**

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**DUTY STATEMENT**

Employee Name: TBD	Current Date: TBD
Classification: Attorney IV	Position #: 673-110-5780-001
Division/Office: Executive Office	CBID: R02
Section: Legal Office	
Supervisor Name: Pippin Brehler	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**

<input type="checkbox"/> None	<input checked="" type="checkbox"/> Lead Person
<input type="checkbox"/> Supervisor	<input type="checkbox"/> Team Leader

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FOR SUPERVISORY POSITIONS ONLY: Indicate the number of positions by classification that this position **DIRECTLY** supervises: Not Applicable

Total number of positions in Section/Branch/Office for which this position is responsible: Not Applicable

FOR LEADPERSONS OR TEAM LEADERS ONLY:

Indicate the number of positions by classification that this position **LEADS**: May act as a lead for lesser experienced attorneys, as needed. Up to (4) Attorney III and (4) Attorney I, individually, at various times, by being a resource on assignments with an emphasis on those related to mobile source emission regulations, along with potential assignments on the range of matters handled by the Legal Office.

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.

CONCEPT OF POSITION: Under general direction of an Assistant Chief Counsel, 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, with a concentration on complex matters arising under CARB's mobile source programs. The attorney in this position has primary responsibility for overseeing all aspects of legal work related to CARB's mobile source programs. The Attorney IV will have expertise in one or more relevant legal authorities applicable to CARB, including the federal Clean Air Act and California Health and Safety Code. They will perform legal work in areas of their expertise in a high level of independence under general direction of the Assistant Chief Counsel.

Travel between CARB headquarters (Sacramento and Riverside locations), other offices, and occasionally out of state, as required to complete duties (see duties below).

<u>% OF TIME</u>	<u>RESPONSIBILITIES OF POSITION</u>
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35%-E	<p>With minimal direct supervision from the Assistant Chief Counsel, the attorney independently performs the following duties:</p> <p>Serves as primary attorney overseeing all phases of the development and implementation of the and technical regulations governing on-road and off-road mobile sources. This includes preparing and overseeing the completion of all waiver/authorization requests to the United States Environmental Protection Agency (U.S. EPA), including advising other attorneys on preemption and drafting documentation, and reviewing, editing, and finalizing all documents for timely submission to the U.S. EPA. The attorney is also responsible for drafting complex and sensitive regulations designed to produce maximum flexibility to regulated parties while achieving air quality goals and enforceability. These regulations must be designed to survive the subsequent legal challenges in both federal and State courts that continually occur. In developing and drafting the regulations, the attorney works closely with CARB staff and officials from other federal and State government agencies and oversees the preparation of rulemaking materials. The issues often involve questions of first impression that affect California's residents, economy, and the environment. Duties require expertise in State and federal air pollution law, administrative law, and constitutional law. The attorney will independently interpret and apply federal and State laws and regulations governing California's climate and air pollution control programs and will participate in policy development and sensitive negotiations with affected State and federal stakeholders, who are typically represented by counsel possessing a high level of specialization in the subject area. Work is performed independently and with broad discretion.</p> <p>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 the California and federal Clean Air, Environmental Quality, Administrative Procedure, Political Reform, and Bagley-Keene Open Meeting Acts. Work closely with CARB staff and, as needed, officials from other federal and State government agencies during development of CARB strategies, regulations, and programs.</p> <p>As primary attorney in the mobile source area, the attorney serves as a resource to other attorneys in the office working in the subject area by providing advice and assistance on the most complex and technical legal issues.</p> <p>Collaborate with CARB staff and officials from other federal and State government agencies during the development of CARB strategies, regulations, and programs. Stay current on national and state developments related to areas of assignment and independently conduct legal research to provide the highest level of legal advice on difficult and complex issues related to state and national environmental law and policy.</p>
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15%-E	In conjunction with the Attorney General's Office, the attorney represents CARB in complex litigation in State and federal court, at both trial and appellate levels, regarding challenges to the Board's mobile source regulatory programs. The attorney actively assists in the development of litigation strategy and the presentation and review of pleadings, briefs, and declarations.
15%-E	Provides CARB Board members, executive office, and staff with analysis, legal opinions, and interpretation of the California and federal Clean Air Acts, federal, State, and local air quality programs, as well as requirements of the Administrative Procedure Act, Public Records Act, and other statutes governing the procedures of the Board and its staff.
10%-E	Represents CARB in unique (California is the only State that may obtain waivers from federal preemption) and highly complex proceedings before the U.S. EPA seeking waivers of federal preemption for CARB's mobile source emission standards and enforcement procedures. In such proceedings, the attorney is typically opposed by major United States corporations and trade associations that are represented by counsel who are also experts in the field. Represent CARB and appears in interdepartmental and external meetings, hearings, and training seminars on these and other matters.
10%-E	Participates in mobile source enforcement activities, including negotiating and drafting settlement agreements with major United States and international corporations. Such cases involve complex and highly technical regulations and fact patterns, issues of first impression that have a major impact on California's environment, and penalties ranging into the millions of dollars. Settlements are often reached before CARB files formal litigation. Works directly with the defendant companies and their counsel in negotiating and drafting settlements. Settlements are often complex and require special expertise and understanding of State and federal law.
5%-E	Reviews requests for and schedules administrative hearings; prepares for and presides over administrative hearings and issues written decisions on behalf of the Board and the Executive Officer. Cases typically involve manufacturers' requests for variances from specific requirements of the CARB consumer products and fuel standard regulations.
5%-M	Work with staff and the Public Records Act Coordinator on records requests related to assigned programs and/or direct the work of other attorneys on review of responsive records. Perform other duties and assignments as directed by the Chief Counsel, Deputy Counsel, or Assistant Chief Counsel.
5%-M	Drafts, reviews, and comments on legislative matters. The attorney works with the executive and legislative offices in developing legislative concepts and drafting proposed legislation on matters within the attorney's specific expertise. In developing concepts and proposed legislation, the attorney participates in negotiating conferences with CARB executive staff, legislative staff, and affected parties. If concepts become proposed bills, assists the CARB Legislative Office in representing the agency before the Legislature.

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