# Wake Up California

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**NO** ON PROP 45


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Ad paid for by Campaign for People Over Polluters, No on Prop. 45, sponsored by environmental, environmental justice, and health organizations. Ad Committee Top Funders: Earthjustice, Center for Biological Diversity & Amy J. Bricker

# Prop 45 Allows Corporations to Pollute While People Pay

- Silences community voices by reducing public oversight of polluting projects
- Funded by data center developers, Southern California Edison and other for-profit utilities
- Leaves California vulnerable to federal environmental rollbacks
- Likely impacts:
  - Air and water pollution
  - Greater health risks
  - Higher utility bills from data centers
  - **$100 million+ in annual costs** for taxpayers *(official LAO estimate)*

# Prop 45 Weakens Over-sight of Data Centers, Highways, and Other Development

- Dramatically weakens public's ability to set safeguards to protect air, water; Undercuts SB 887 controls for data centers
- Data center impacts include:
  - High energy/water consumption
  - Noise pollution
  - Air pollution
- Impacts frontline communities

# Prop 45 Won't Advance Housing Affordability or Sustainable Development

- **Most urban housing development already exempt from environmental review.** *AB 130 (2025).* Prop 45 would allow **sprawl development** in high fire areas.
- **Prop 45 will have no effect on rent/mortgages**
  - Includes no requirements that developers pass on savings to renters and buyers
  - Increases insurance costs
- **Most clean energy/transit projects already streamlined or exempt**
- **Prop 45 excludes high-speed rail but fast-tracks freeway expansions**

That's why 45 is opposed by Firefighters, Health Advocates, Environmental Organizations, and Labor Groups

# 500+ Organizations Oppose Prop 45

500 + organizations (health, environmental justice, good government, faith-based, housing, labor, political) Say NO including:

- League of Women Voters of California
- American Lung Association
- San Diego & Imperial Counties Labor Council
- California Federation Of Labor Unions
- California Democratic Party
- American Nurses Assoc California
- Physicians for Social Responsibility LA
- Calif Bicycle Coalition
- Housing NOW Coalition
- California Firefighters Association
- California Democratic Party
- ACLU
- State Building & Construction Trades Council of California
- Less than half of Californians support Prop 45

- Sierra Club California
- Calif Chaparral Institute
- California Coastkeeper Alliance
- Anza-Borrego Foundation
- Cleveland National Forest Foundation
- Escondido Creek Conservancy
- Elfin Forest Town Council
- Environmental Center San Diego'
- Friends of Rose Canyon
- Endangered Habitats League

- California Municipal Utilities Association
- South Bay Cities Council of Governments

- Elected officials- federal, state, and local

Learn more: [NoProp45ca.com/coalition](NoProp45ca.com/coalition)

- [Should Developers Build Faster with Less Environmental Review? – YouTube]
- [Prop 45 Promotes Pollution and Prevents Communities From Protecting Themselves]

# Special Treatment For “Certain” Projects

- Prop 45- a confusing 16-page fine print grab bag of favoritism and special treatment: (pp. 157-173 of November 3, 2026, General Election Official Voter Information Guide - Proposition 45 Text of Proposed Law at https://vig.cdn.sos.ca.gov/2026/general/pdf/prop45-text-proposed-laws.pdf)

- Applies to **broadband Internet**, e.g., Data centers, 5g towers, and other facilities (p. 169)
  Data Center inclusion confirmed by: (1) McKerley and Prof. Frank (Daily Journal Sep. 16, 2026; https://www.dailyjournal.com/articles/394431-prop-45-will-speed-data-center-construction); (2) Prof. Biber (https://legal-planet.org/2026/09/10/more-on-baca-and-data-centers/)
  (3) no exclusion stated as elsewhere; and (4) large contributions from data center developers

- Applies to **transportation**, e.g., I-5. 101. Century Freeway. SCIG. **Not High Speed Rail**. (p. 170)
- **Energy**. Solar. Transmission lines. Not nuclear. (p. 169)
- Applies to **Housing**. Including Sprawl, Coastal, Stream habitat (p. 169)
- **Water** Projects, e.g. dams, reservoirs. (p. 170) Not Delta Tunnel;
- Health/**medical** facilities (p. 171) ---- **Wildfire** clearance (p. 172)

- Uses word “affordable” (pp. 1 and 3) but has **no affordability requirements** or renter protection.

# What Prop 45 Would Do to Agency Review

- Creates **Rushed Review That Favors Proponents, Hamstrings Public Agencies** and **Silences the Public**
  - **Limits public agency discretion** for needed time to ensure complete application(s.21017,pp. 161-162).
  - Requires responsible agency permit approval *within 1 day* of lead agency approval. (s. 21023).
  - **Limits public comments** to maximums of 20 or 45 days (p. 164) and only during comment periods, not public hearings (p. 164- s.21021)
  - Creates a right of action for **project proponents to sue agencies** (p. 164- s.21020)
  - Allows only **one alternative** chosen by project proponent, not a reasonable range (p. 166- s.21025)
  - Vests rights to **prevent changes in law** like vesting tract map but with **no guardrails**. (p. 157- s.21014);
  - **Limits** Native American Tribal **consultation** to Federally Recognized Tribes, **not CA Tribes**. (p. 168)

# Takes Control Away from Local Agencies

- Developers choose the significance standards
  - Significant impacts determined “solely upon” compliance with “existing laws” (§ 21022(a)(1))
  - Applicants can “vest into” agency’s previously published or routinely used thresholds; agency has no ability to override (§ 21022(a)(2))
- Precludes consideration of latest science or lessons learned from past failures
- Developers can identify a single alternative; agencies are then prohibited from evaluating additional alternatives, including alternative sites

# Increases Administrative Burdens for Local Agencies

- Imposes PSA-type deadlines on large, complex projects
- Comment period deadlines may be extended only by court order, not by agency officials
- Imposes new, potentially unworkable deadlines for CEQA exemption determinations
- Gives responsible agencies **1 day** to issue discretionary permits after EIR certification by lead agency

# What Prop 45 Would Do to Judicial Review

- Limits Judicial review to **270 days** (p. 167). Judicial Council has a history of objections to such measures: See April 22, 2021 Letter to Hon. Luz M. Rivas re Opposition to Senate Bill 7 (Atkins) stating 270 days is an "arbitrary and unrealistically short timeframe for California's trial courts to address all the issues"
- Limits administrative record(evidence in court) to **exclude public comments** but include proponent's.(p. 164)
- Locks standards. **No fair argument** to show there may be impacts; instead uses existing laws only (p. 164)
- **Limits court power** to set aside project approvals or enjoin harmful project components (p. 168).
- **Overrules** any conflicting laws. (s.21015). Requires "fullest possible weight" to project approval. (s.21029.)
- **Can't be amended** or fixed without 2/3 vote of Legislature and only if in furtherance of the measure (p. 173.)
- Creates **independent counsel** to defend Prop, not the Governor or Attorney General, and creates an unlimited budget (p. 173)

# Will lead to more litigation from Funded Project Proponents

**Prop 45 significantly increases litigation exposure for local agencies**

- Grants applicants a **new right** to sue counties under CEQA, doubling litigation exposure (§ 21020(g))
- Unsettles five decades of established CEQA caselaw => more lawsuits from funded, economically vested project proponents
- No indemnification for local agencies over these types of lawsuits

**LAO estimates public costs potentially exceeding $100 million annually during the initial years of implementation**