



April 13, 2009

Mary Nichols, Chairwoman  
California Air Resources Board  
1001 "I" Street  
Sacramento, CA 95814

Dear Chairwoman Nichols and members of the board:

On behalf of 26,000 corn producers in the state of Nebraska, I thank the California Air Resources Board (CARB) for the opportunity to comment on the proposed low carbon fuel standard. I believe that with the increased usage and production of biofuels that states such as California and our nation can reduce our carbon footprint. But I have serious concerns about the proposed regulations that CARB is proposing to adopt.

First and foremost, I believe that standards such as the low carbon fuel standard (LCFS) that California is proposing need to be based on sound, peer reviewed and updated, scientifically based data. I don't believe that the proposed regulations achieve this based on these and other factors:

- A recently released peer reviewed publication in the *Journal of Industrial Ecology* titled Improvements in Life Cycle Energy Efficiency and Greenhouse Gas Emissions of Corn-Ethanol has shown that corn based ethanol reduces direct greenhouse gas (GHG) emissions by 48% - 59% as compared to gasoline. But CA LCFS look-up tables don't reflect this peer reviewed information.
- The large difference between California; dry mill; wet DGS pathway and Midwest; dry mill; wet DGS pathway. I have not been able to locate the pathway for California ethanol and thus not wanting to assume why the large difference, I believe you have not been completely open and upfront on disclosing of information.
- The adoption and usage of data of current production practices, input efficiencies and yield. According to various National Agriculture Statistics Service and Economic Research Service reports, yield is increasing at a faster pace than previous trendlines and we have increased our fertilizer use efficiency greatly over the past thirty years. But the CA-GREET model does not incorporate all of these advances and efficiencies.
- The use of current feeding rates of co-products and their adjusted credits. Dr Michael Wang, et al in September, 2008 released up to date feeding and displacement ratios for distillers grains. In the update, it indicates that for each pound of distillers grains that is placed in a ration, it replaces 1.28 pounds of conventional corn and soy-based feed. This is greater than the current ratio that CARB is using and the new data should be incorporated into the model.

The last issue that I request be reviewed is the adoption of land use change (LUC) into the LCFS. The usage of a model that is not peer reviewed for LUC modeling, uses data that does not reflect the increase in efficiencies to shock the model and is not widely adopted or supported amongst the scientific community I don't believe it should be used to develop or adopt regulations. A strategic goal of the adoption of LUC should be an approach in requiring a study on LUC, thus allowing any model to be peer reviewed and any data from a model to be validated for soundness.

Additionally to unfairly apply indirect effects such as land use change to only one segment of fuels, such as ethanol, and to not apply any indirect effects to others is simply unfair. To say that there are not indirect effects of the usage of petroleum in defending transportation routes for petroleum fuel is ignoring true facts that are happening now, thus all fuels should be treated equally in any adoption of indirect effects.

Again, I thank the board for the opportunity to provide the above comments on behalf of the 26,000 Nebraska corn producers we represent. Although it is an admirable task that California is undertaking, I request that only sound, scientific and updated, peer reviewed data be used in adoption of any regulations.

Sincerely,



F. Jon Holzfaster  
Chairman  
Nebraska Corn Board