

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0066
(916) 319-2066

DISTRICT OFFICE
3424 WEST CARSON STREET, SUITE 450
TORRANCE, CA 90503
(310) 375-0691
FAX (310) 375-8245



COMMITTEES
BUDGET
BUDGET SUBCOMMITTEE NO. 3 ON
EDUCATION FINANCE
HIGHER EDUCATION
NATURAL RESOURCES
JOINT LEGISLATIVE COMMITTEE ON
CLIMATE CHANGE POLICIES

AL MURATSUCHI

CHAIR, EDUCATION COMMITTEE
ASSEMBLYMEMBER, SIXTY-SIXTH DISTRICT

September 11, 2024

Liane Randolph, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Chair Randolph,

The undersigned legislators thank you for your leadership in California's continued efforts to chart a trail of effective and innovative climate change policy. We write this letter to raise concerns regarding one of CARB's longest-standing climate programs with the hope that the Board will correct deficiencies that we fear are undermining our climate, clean air, and environmental justice goals.

We are concerned that the Low Carbon Fuel Standard (LCFS), as currently implemented and as envisioned by CARB staff in its proposed rule changes, overvalues the environmental benefits of fuel produced from livestock manure. This is creating nonsensical preferences for such fuels over cleaner fuels (including electric vehicles) and incentivizing the production of methane and other contaminants. Furthermore, we are concerned that the LCFS, if not corrected immediately, could perpetuate disastrous environmental justice harms on Californians living near dairies.

CARB has an opportunity right now to address deficiencies in the LCFS through its current rulemaking, however the staff proposals released in December 2023 and August 2024 only deepen subsidies and preferences for livestock gas. Originally implemented as an early action item, this far-reaching agency program is in need of an update that takes into account our expanded environmental justice commitments, air quality mandates, and the current outlook for clean energy fuels. According to CARB's existing program and proposed plan for future implementation of the LCFS, gas derived from livestock manure will continue to be considered much cleaner and lower carbon than electric vehicles and electric vehicle charging infrastructure far into the future. Under the current and proposed LCFS framework, a fleet of seven trucks, five of them diesel and two of them conventional gas paired with environmental credits of livestock gas (i.e. its characterization as carbon negative) would be considered a carbon *negative* fleet and "cleaner" than a fleet of seven electric trucks. This does not align with the state's clean transportation or air quality goals. Indeed, CARB has articulated that the only way to comply with federal air quality standards is to advance zero-emission transportation.

Continued LCFS support for dirty combustion is thwarting fulfillment of our clean transportation mandate.

Massive subsidies for gas derived from livestock manure also create profit incentives for the production of fuel from livestock operations – in other words, manure. CARB's current approach to evaluating the carbon intensity of this fuel fails to consider the full scope of emissions associated with the fuel production, the fundamental decision to create methane in the first place through storage in massive manure pits when other manure management techniques prevent the creation of methane in the first place, and the assumption that livestock operations, unlike any other major methane producer in the state, are free to pollute. Just as important, the overstated value assigned to this gas fails to consider the implications for the communities in the watershed and airshed of dairy and swine facilities. Big dairy facilities in California are one of the largest sources of ammonia and volatile organic compounds, and the largest source of nitrate pollution of groundwater in the region. The San Joaquin Valley zip codes where dairies dominate have percentages of people of color far above, and median incomes far below, the state's average. The San Joaquin Valley is also the most polluted air basin for fine particles and one of the most polluted air basins for ozone in the country.

Communities near dairies aren't the only ones affected by the LCFS program's preference for livestock gas. Refineries, also disproportionately located in lower-income communities of color, are taking advantage of the LCFS program to generate profits from livestock gas in their production of steam methane reformed (SMR) hydrogen. In fact, SMR *fossil* hydrogen paired with the purchase through the LCFS of the environmental attributes of livestock gas is considered carbon-negative, thus generating a significantly lower carbon intensity score than electrolytic hydrogen powered by wind or solar despite the significant pollution and greenhouse gas emissions generated by steam methane reformation.

We look forward to engaging with CARB members and staff throughout the rulemaking process, and to seeing an LCFS that operates to truly decarbonize and clean up the transportation sector, improve air quality, and strengthen environmental justice.

Sincerely,



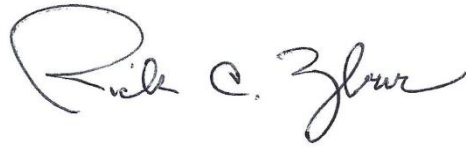
AL MURATSUCHI
Assemblymember, 66th District



BEN ALLEN
Senator, 24th District



SCOTT WIENER
Senator, 11th District



RICK CHAVEZ ZBUR
Assemblymember, 51st District



ANTHONY RENDON
Speaker Emeritus, 62nd District



ASH KALRA
Assemblymember, 25th District



ELOISE GÓMEZ REYES
Assemblymember, 50th District



LUZ RIVAS
Assemblymember, 43rd District



GAIL PELLERIN
Assemblymember, 28th District