



October 26, 2021

Leadership Counsel for Justice and Accountability and Public Justice submit the following comment with regard to CARB’s proposed 2020 Mobile Source Strategy (MSS). We submit these comments as a supplement to comments submitted by Leadership Counsel through the CARB portal On October 18th (attached). In short, we have serious concerns about the proposed MSS’s reliance on dairy-produced fuels in order to reach its climate goals.

In its effort to address historical and present day inequities facing disadvantaged communities, the proposed strategy acknowledges the disproportionate pollution burden faced by these communities. The strategy elevates a variety of tactics to reduce mobile sources of emissions in these communities. However, the proposed strategy fails to address the impact of dairies, especially on disadvantaged communities. The proposed strategy includes an increased reliance on dairy-produced fuels, stating “CNG is assumed to be 100 percent RNG starting in 2022,” including “dairy biogas.”<sup>1</sup> The proposal includes increased production of dairy biogas through at least 2024 and continued production thereafter.<sup>2</sup>

Dairies, especially those of the scale required to generate dairy-produced fuels, crowd thousands, sometimes upwards of 10,000 animals in a single facility. This concentration of animals has a demonstrated and massive detrimental impact on nearby residents. These impacts range from polluted air, water unfit for human consumption, and odor and flies so potent residents often cannot leave their homes. These communities are the same communities the proposed MSS claims to protect in the name of environmental justice. By expanding the use of dairy-produced fuels, the proposed MSS would undermine its own stated goals by entrenching a polluting industry in pollution-burdened communities. In fact, this proposal would likely result in an increase in pollution-burdens and GHG emissions by incentivizing the expansion of these dairies in order to generate manure and methane for profit, as we are currently seeing in Merced County.<sup>3</sup>

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<sup>1</sup> Proposed MSS at 194

<sup>2</sup> Proposed MSS at 197

<sup>3</sup> Merced County, Contract Board Agenda Item (July 13, 2021), <https://web2.co.merced.ca.us/boardagenda/2021/20210713Board/271687/271692/271744/271832/ITEM%2032271832.pdf>.

Further, the proposed strategy's reliance on dairy-produced fuels in order to reach climate goals is premised upon the carbon intensity analysis as part of the Low Carbon Fuel Standard. As the undersigned commenters have raised elsewhere, this analysis fails to account for the full lifecycle of the fuels, including the emissions from the cattle themselves and the handling of digestate. As such, the substantially negative carbon intensity reported through the LCFS analysis inflates the climate benefits for dairy-produced fuels and hides substantial ongoing GHG emissions.

For these reasons, we urge CARB to revise the proposed MSS to exclude dairy-produced fuels and instead invest in strategies that will achieve California's climate goals in a meaningful and equitable manner.

Sincerely,

Brent Newell  
Public Justice

Jamie Katz  
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