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September 19, 2022

Governor Gavin Newsom
California State Capitol
Sacramento, CA 95814

Liane Randolph, Chair
Members of the Board
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

Submitted electronically via
https://www.arb.ca.gov/lispub/comm2/bcsubform.php?listname=lcfs-wkshp-aug18-ws&comm_period=1

Re: August 18 2nd Public Workshop to
Discuss Potential Changes to the Low Carbon Fuel Standard

Esteemed Governor Newsom, Chair Randolph and Members of the Board:

Our organization Biofuelwatch appreciates the opportunity to submit this brief letter to the California Air Resources Board (CARB) as comment on the August 18 2nd Public Workshop to Discuss Potential Changes to the Low Carbon Fuel Standard[1] (Workshop). Biofuelwatch[2] is an international organization that works to increase public understanding and civic engagement on the land-use implications of climate policy. We have a particular focus on the environmental harms and social inequities of large-scale industrial bioenergy projects, and we work extensively on addressing the negative ecological and social outcomes of policy and actions that are justified as being beneficial to the global climate, yet carry with them risks and threats to public health, economic stability and natural resources.

Soy and Palm Feedstock Phaseout for Liquid Biofuels Approved in European Parliament

There is a fair amount of hand wringing in Sacramento about California's aspirations to maintain a reputation, regardless of the evidence upon which it is earned, as a 'global climate leader.' If this is a shared objective for California climate authorities there a need to have a deeper and transparent discussion about what such leadership would look like. This entails observing, discussing and learning from what other jurisdictions are developing in the form of policy, as well as tracking and integrating what independent climate justice and non-governmental civil society organizations are saying and doing regarding the development of climate and energy policy.

[1] https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard/lcfs-meetings-and-workshops
[2] http://www.biofuelwatch.org.uk/

When it comes to the Low Carbon Fuel Standard (LCFS) a very important parallel dynamic for California climate policy decision makers to be watching is what is happening in Europe in the development of renewable energy policy, and specifically regarding the treatment of soy-based liquid biofuels as a renewable energy.

Regardless of profound concerns that continue to exist among civil society organizations as to how the European Union (EU) is qualifying forms of bioenergy, such as the burning of forests for electricity, as renewable energy that is eligible for substantial incentives[3], there have recently been very significant developments in the EU regarding specifically the rejection of the characterization of soy-based liquid biofuels as a climate solution.

In particular, EU lawmakers voted earlier this month on September 14 to effectively ban the use of soy as a feedstock of liquid fuels[4]. Under the European Parliament's decision soybeans would join palm oil as a restricted feedstock in the EU. Lawmakers also want to bring forward the phase out date for palm oil and soy, currently set for 2030, up to 2023.

What finally happens in the EU on these matters remains to be seen. However, it is important to note that civil society organizations decried the limited action on addressing the economic, environmental and public health harms arising from incentivizing the utilization of food commodities as feedstocks for liquid fuels, regardless of the significance of the signal in the EU regarding the limited future of soy as a renewable energy[5]. The incontrovertible evidence is building regarding the social inequities and environmental harms arising from making fuel from food.

Note that this measure as proposed in the EU is not requiring a cap on certain feedstocks, it is requiring a phase out altogether of those feedstocks. Capping feedstocks and fuels may qualify as incremental change in the right direction, but inevitably science-based policy will eventually require that soy and other vegetable oil-based liquid biofuels no longer be characterized as beneficial to the climate.

If California truly wants to offer global climate leadership that is equity focused and prioritizes climate and ecosystem protection the upcoming changes to the LCFS would prioritize a move away from incentivizing all food based liquid biofuels.

Living on a Land-Constrained Planet: The Imperative of Moving Beyond High Carbon Bioenergy

The moment has passed for assuming that bioenergy is inherently an option for supporting climate stability. The opposite is true. Though there do exist some industrial efficiencies, processing technologies and feedstock streams that offer bioenergy products that might have a climate 'benefit', the scale of these options is extremely limited. Bioenergy must be scrutinized with skepticism, as much bioenergy does not support climate stability and actually presents severe threats to food security, forest protection, public health, air quality, ecosystem protection, and social justice.

[3] https://www.fern.org/publications-insight/european-parliaments-biomass-proposal-ignores-realities-of-the-climate-crisis-2559/

[4] https://www.euractiv.com/section/biofuels/news/wins-and-losses-for-campaigners-as-eu-parliament-agrees-new-biofuels-restrictions/

[5] https://www.transportenvironment.org/discover/eu-lawmakers-fail-to-prioritise-food-over-fuels-in-midst-of-global-hunger-crisis/

Unfortunately, the Low Carbon Fuel Standard (LCFS) is in many instances inaccurately categorizing high carbon bioenergy as low carbon, due largely to embedded archaic assumptions, flawed carbon accounting, out of date climate science, and a failure to adequately assess impacts on public health, biodiversity, water resources and ecological integrity from both the production of feedstocks and the refining processes necessary for these energy products.

Some of the most common forms of bioenergy incentivized by the LCFS are not only associated with significant increases in food prices, but also with deforestation, industrial pollution, pesticide and herbicide poisoning, degraded water resources, biodiversity loss and increased overall greenhouse gas emissions. These trends are at risk of continuing unabated due to well-intentioned but poorly conceived clean energy targets, public subsidies and markets-based mechanisms.

Because of the public relations spin, economic opportunism and political convenience of replacing the production and distribution infrastructure of petroleum-based liquid fuels with bioenergy options, there is a tendency to overlook the growing evidence of the impacts of high carbon biofuel products and continue to treat them as sources of renewable energy. A course correction is needed. Pivoting strongly to convert emissions intensive petroleum infrastructure to function as emissions intensive bioenergy infrastructure will prove to be a climate dead end. To achieve the core objective of renewable energy policy to reduce greenhouse gas emissions and to protect air quality, greater efforts are needed to exclude high-carbon forms of energy from climate action plans and incentives mechanisms. What is needed are policies to avoid infrastructure 'lock-in' and the extension of the economic life of toxic 'stranded assets' and to instead move away not only from fossil fuels but to also move away from land-intensive bioenergy.

It is this kind of deep structural change that is most needed in the LCFS, and we implore CARB staff and the members of the board to have the courage to stand up to the wealthy and powerful interests pushing for bioenergy false solutions and promote alternatives that will protect public health and secure advances in the stewardship of the environment while centering equity and social justice.

Thank you for your attention to these comments. We remain available at any time to discuss these and other matters relevant to upcoming changes to the LCFS.

Sincerely,

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