



October 29, 2020

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: CABA Comments on the Proposed Amendments to the Alternative Diesel Fuels Regulation

Dear Chairwoman Nichols and Members of the Board:

Thank you for the opportunity to comment on the proposed modifications, released October 14, 2020, to the Alternative Diesel Fuels (ADF) regulation. The California Advanced Biofuels Alliance (CABA) is a not-for-profit trade association promoting the increased use and production of advanced biofuels in California. CABA has represented biomass-based diesel (BMBD) feedstock suppliers, producers, distributors, retailers, and fleets on state and federal legislative and regulatory issues since 2006. Due to the technical issues laid out in the National Biodiesel Board's (NBB) comments and the lack of time given to comply with the regulation, we respectfully oppose the proposed modifications to the ADF Regulation.

As an industry, we appreciate CARB's engagement on this important regulation, but find that the additional 15-day modifications did not prove productive. In April, the Board directed staff to engage stakeholders to develop a workable certification process and the proposed modifications instead complicate the process.¹ The proposed modifications include a Single Engine, Single Emissions Test Facility certification testing that requires engine acceptability to be performed at a minimum of three Emission Test Facilities. Then, based on the results, the Executive Officer will determine which engines and Emission Test Facilities are acceptable for single engine, single Emission Test Facility certification testing. Like the 2-lab certification process brought before the Board and criticized in April, this certification process is unprecedented, needlessly complex and expensive. The complexity of this certification process makes the need for a 6-month phase-out extension even more necessary.

In our June comments, we asked to extend the phase out date for currently certified NOx additives and formulations to July 31, 2021, to provide a more orderly transition for producers to adjust their operations. The proposed modification extends the phase out date to April 1, 2021. While we appreciate the gesture, this short extension does not adequately provide the time needed to comply with proposed amendments.

As we previously stated, "Formulators will need months to work through the new requirements once they are finalized, identify appropriate test labs, develop and secure testing agreements and protocols, conduct the tests and take numerous other steps to comply. Further, producers need additional time to ensure an orderly transition to the recently adopted requirements and any subsequent changes CARB finalizes and implements. Particularly affected are those producers whose infrastructure and operations were built around the production of the certified additives and blends. Producers need time to install new mixing tanks, establish new supply chains and make numerous other infrastructure and operational changes to meet the

¹ <https://ww3.arb.ca.gov/board/mt/2020/mt042320.pdf>; pg. 116



new requirements. It is by no means a trivial effort to transition from one business model to another within the amendments' compressed timeframe.”²

The regulatory process for the proposed amendments to the ADF began in January 2020 with the original plan of finalizing the package by April 2020. We are now in October without finalized processes or clear direction for compliance. By the time the Office of Administrative Law (OAL) approves this regulation, stakeholders will only have 3 to 4 months to change their operations in order to comply, instead of the intended 6 to 8 month period in the original timeline. Stakeholders should not be punished with a shortened transition period because of the delay in the regulatory process.

Consistent with the Board’s direction, CABA recommends CARB Staff:

1. Revise the proposed changes to replace the screening procedure with a simplified, single-lab/engine/fuel standardized certification procedure that can be applied by anyone seeking certification for their blend/formulation, particularly for blends and formulations for which CARB had not previously identified any issues.
2. Extend the phase out date for currently certified NOx additives and formulations to no earlier than July 31, 2021 to provide a more orderly transition for producers to adjust their operations.

As explained in detail in NBB’s comment letter, CABA also recommends CARB Staff:

1. Simplify the Approved ADF Formulations provision by eliminating the superfluous R75/B20 language in Appendix 1, section (a)(1)(B)1. and including only the new language for R55/B20 language in section (a)(1)(B)2.
2. Eliminate the **new** 2% NOx reduction requirement in Appendix 1, Subarticle 2, section (a)(2)(F) and (G) (and any other provision where it is expressed or implied).
3. Work with stakeholders to develop and implement a scientifically valid, round-robin testing program to replace the recently-approved 2-lab procedure and the proposed new 3-lab screening process.

CABA promotes the increased use of advanced biofuels in the state and like CARB, our goal is to displace petroleum with alternatives like our low-carbon fuels. Unfortunately, this regulation could ultimately limit the amount of biodiesel and renewable diesel used in California. The biomass-based diesel industry is a vital part to California’s low-carbon future, and we look forward to continuing our cooperative and productive relationship with CARB.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tyson Keever".

Tyson Keever
Chair

California Advanced Biofuels Alliance

² https://ww3.arb.ca.gov/fuels/diesel/altdiesel/meetings/nbb_caba_6-15-20.pdf?_ga=2.131698447.1685458045.1603747913-1279392532.1597865421