



525 East Cotati Avenue
Cotati, California 94931

T 707.795.2533
F 707.795.7280

info@aldf.org
aldf.org

September 28, 2023

Submitted via ca.gov

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

Re: September 28, 2023 Board Meeting – Update on the Low Carbon Fuel Standard

Dear Chair Randolph and Members of the Board:

On behalf of the Animal Legal Defense Fund (“ALDF”), a national nonprofit organization with a mission to protect the lives and advance the interests of animals through the legal system, we respectfully submit these written comments in response to the content of today’s meeting. We align our comments with Defensores, Leadership Counsel for Justice & Accountability, and the broader environmental justice community. Like our coalition partners, we urge you to eliminate avoided methane crediting in 2024, eliminate Low Carbon Fuel Standard (LCFS) credits for non-additional emission reductions, and immediately initiate rulemaking of dairy factory farms under SB 1383.

A CARB staff member made a comment earlier in the day that stakeholders have not yet presented sufficient data showing factory farm expansions as a result of the LCFS. First, it is CARB’s duty to gather that data. Second, CARB’s avoided methane crediting has created a manure gold rush, and it strains credulity to claim that creating a manure gold rush will not result in the production of more manure.

Previous commenters, including San Joaquin Valley residents, have already explained that expansions are happening in their communities, alongside the explosion of the numbers of digesters as a result of the LCFS and avoided methane crediting.

There are plenty of other examples of expansion as well, including from across the country. As you might recall, one of the very first commenters today represented Clean Energy Fuels Corporation. He asked you to keep avoided methane crediting until 2035. This corporation has contracts with California municipalities to produce RNG for transportation. This corporation also recently announced a contract with a massive dairy factory farm in Dimmitt, Texas, to install a digester and produce an anticipated 2.9 million gallons of RNG. *That same factory farm recently more than doubled the number of cows it confines to 32,000. It also increased its manure production by more than 50%.* Last spring, a massive cow confinement facility at this same factory farm caught fire and exploded, killing nearly 20,000 cows and injuring one worker. There are many other accounts of expansions as well, which have been shared with CARB. These expansions are not a coincidence—they are an inevitability of the manure gold rush that CARB has created via avoided methane crediting.

These expansions come with increased pollution in environmental justice communities. For decades the environmental justice communities in the San Joaquin Valley have unjustly borne the negative externalities of factory farms, and CARB has intensified that injustice via avoided methane crediting. The continuation of this policy would represent a doubling down on CARB's past mistake of treating the environmental justice communities in the San Joaquin Valley as a sacrifice zone. Choosing not to end avoided methane crediting at this juncture, as included in the EJ scenario, would be willful environmental injustice.

In addition to the severe environmental justice implications of avoided methane crediting, it is also technically bankrupt. Some of the factory farms that profit from this policy have had their digesters since before the LCFS even existed, and certainly before CARB began issuing credits for factory farm gas. CARB is also issuing credits for other nonadditional emission reductions, including for projects that received funds from the Dairy Digester Research and Development Program and/or the Aliso Canyon Settlement Mitigation Agreement. In all of these cases, credits are being issued for emission reductions that exist only on CARB staff's spreadsheets.

Finally, a staff member intimated that there is no way to address methane emissions from factory farm manure lagoons other than digesters. This is incorrect—as CARB knows, there are other forms of manure management. Yet CARB has instead created a gold rush for liquefied manure via its policy of avoided methane crediting. CARB should not be using the LCFS to encourage factory farming at all, let alone factory farming in its most environmentally devastating form. To be clear: factory farms intentionally create methane by *choosing* to use liquefied manure management. This is a choice driven by nothing but profit—after all, there is nothing cheaper than digging a hole in the ground and filling it with millions of gallons of manure and then spraying it all over fields. To reward this harmful choice is unconscionable. CARB must immediately initiate rulemaking under SB 1383—not continue to use the LCFS to fund factory farms, digester developers, and, ultimately, fossil fuel companies.

Sincerely,



Christine Ball-Blakely
Senior Staff Attorney
Animal Legal Defense Fund
525 East Cotati Avenue
Cotati, CA 94931