



February 20, 2024

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

RE: 2024 Proposed Low Carbon Fuel Standard Amendments

Dear Chair Randolph:

I write on behalf of the Biotechnology Innovation Organization (BIO) - the world's largest biotechnology focused trade group with members that produce agricultural, environmental, industrial, and health care products – to comment on the California Air Resources Board (CARB) 2024 proposed amendments to the Low Carbon Fuel Standard (LCFS).

Specific to the pending rulemaking, BIO members produce both the feedstock and biofuels from which California's LCFS – along with the state's environment and economy - has benefitted so greatly the last 14 years.

Effective since 2011, California's LCFS has, by any standard, been wildly successful. In 2022 alone, the LCFS program helped to replace nearly two billion gallons of regular diesel fuels with a combination of renewable diesel, biodiesel, electricity, and hydrogen. Since compliance began, the program has helped replace more than 8.6 million gallons of diesel. In 2023, California hit an important milestone in its shift away from polluting fuel sources, with clean fuels replacing over 50% of the diesel used in the state in the first quarter of the year.

Thanks to the LCFS' technology neutral, market driven approach, California also receives significant volumes of other low carbon fuels, including ethanol, biomass-based diesel, and biomethane. To that end, since the inception of the LCFS, California has increased consumer choice by considerably diversifying the fuel mix and, in doing so, the state has doubled the volume of low-carbon fuel consumption. Collectively, alternative fuels supported by the LCFS displaced over 3.9 billion gallons of petroleum fuel in 2022 in California.

It is therefore puzzling then that CARB is proposing unworkable certification requirements instead of relying on existing and proven certification programs. Moreover, CARB's multiple references about "deforestation" in the documents accompanying the rulemaking seem to bely a general unawareness of the significant gains farmers have made in productivity over the years, leading to higher yields on the same or fewer acres,

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with less carbon intensive inputs. It also telling that the primary references for the “deforestation” claims come from European and not U.S. sources, leading one to wonder about the applicability and relevance of such information. Furthermore, the timber sector is in dire need of additional markets for low grade timber, so the idea that large swaths of land in the U.S. land is being deforested either in the agriculture or forestry sectors to benefit from California’s LCFS appears unsubstantiated and misplaced.

Not only is proposed Section 95488.9(g): “Sustainability Requirements for Crop-Based and Forestry Based Feedstocks” not technology neutral, it appears aimed at eliminating the low carbon fuels that have been largely responsible for the program’s overall success.

Frankly, it isn’t clear why crop and forestry-based fuels are being singled out for meeting social and economic criteria, which have implications for any fuel pathway participating in the LCFS program, including electric vehicles. These additional criteria have the potential to add substantial administrative burden to both farmers and fuel producers, potentially creating barriers to participation in the LCFS. As such, this requirement should be dropped altogether.

BIO also wishes to take this opportunity to urge CARB push for the use of E15 in California in whatever way possible. Although E15 is technically not related to this rulemaking, it should be noted that California is one of only two states that does not permit the sale of E15.

Allowing E15 will help reduce the carbon intensity of the state’s gasoline supply and cut emissions of criteria pollutants. In fact, the University of California-Riverside’s Center for Environmental Research and Technology found that replacing E10 with E15 in California will significantly improve air quality. Additionally, E15 is EPA-approved for nearly all vehicles on the road and offers meaningful cost savings, but Californians are currently paying more at the pump because CARB has not yet approved E15.

Again, BIO appreciates the opportunity to comment on CARB’s proposed amendments to the LCFS. Please feel free to contact me at gharrington@bio.org or (202) 365-6436 if you have any questions regarding BIO’s comments.

Sincerely,

Gene Harrington
Senior Director, State Government Affairs, Agriculture & Environment

