

From: Dennis Albiani <DALbiani@caladvocates.com>

Sent: Friday, August 16, 2024 3:18 PM

To: [REDACTED]

Subject: Board Member Eisenhut

[REDACTED] I was able to connect with Member Eisenhut this morning on the LCFS regulation. Since the regulation is out and in a 15 day comment period, he wanted to make sure the ex parte rules were followed. Below is what I shared with him:

I shared this section of the regulation:

4. With the proposed addition of subsection 95482(i), staff is proposing to provide credits for biomass-based diesel produced from virgin soybean oil and canola oil for up to 20 percent of annual biomass-based diesel reported on a company-wide basis. Biomassbased diesel from virgin soybean and canola oil in excess of 20 percent will be assessed the carbon intensity of the applicable diesel pool benchmark for that year, or the certified carbon intensity of the applicable fuel pathway; whichever is higher. California currently leads the nation in ZEV sales and stocks. As auto manufacturers comply with increasing ZEV sales requirements and as California prioritizes waste feedstocks and advanced decarbonization technologies, the State must ensure that other regions are able to also access increasing volumes of low-carbon alternative fuels. California expects that overall diesel demand will decline in the State over the coming decades due to the State's portfolio of ZEV and clean fuel policies. This proposed addition allows for California to displace up to 100% of the

State's current fossil diesel demand with cleaner alternative diesel. The proposed addition also avoids sending a long-term signal for virgin soy or canola oil to serve California demand. **For companies that already have a certified fuel pathway prior to the effective date of the amendments and for which the percentage of biomass-based diesel produced from virgin soybean oil or canola oil was greater than 20 percent of combined reported biodiesel and renewable diesel quantities for that company's 2023 LCFS reporting, this provision would take effect starting January 1, 2028, to provide time to adjust feedstock supply contracts as needed. All other companies would be subject to this requirement upon the effective date of the amended regulation.**

With the concerns on the last sentence that the date and requiring a "certified fuel pathway" essentially meant that businesses had to be in production no later than mid 2022, cuts out many entities that have initiated production since 2022.

I welcome the opportunity to complete a form or whatever other formalities need to be completed. Please let me know. Thanks.

Dennis Albani, President

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