



October 22, 2021

Rajinder Sahota
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Scoping Plan Scenarios Should Reflect Existing Law, Especially SB 1383 and 75% Organics Diversion by 2025, in Baseline Assumptions and as Minimum Climate Ambition in All Scenarios

Dear Ms. Sahota:

We appreciate the opportunity to comment on the September 30 “Public Workshop: 2022 Scoping Plan Update – Scenario Inputs Technical Workshop.” We also appreciate the depth and clarity of the presentation and associated materials, covering a wide range of input assumptions that CARB will consider in its Scoping Plan modeling. There is an immense amount that our organizations may individually comment on, but we write here to share our collective surprise specifically regarding the assumption about organics diversion. We urge you to treat existing law – established through both statute and regulation – of 75 percent organics diversion by 2025 as a minimum level of ambition in your assumptions related to short-lived climate pollutants (SLCPs) in all scenarios.

As you know, SLCPs – often referred to as “super pollutants” for good reason – are responsible for nearly half of current global warming and millions of premature deaths globally each year. They have short atmospheric lifetimes, so efforts to reduce them now delivers significant near-term climate and health benefits. As California already grapples with the very real, devastating impacts of climate change, delaying near-term action to reduce these most potent climate pollutants, including landfill methane, is the exact opposite of what we need to do.

Diverting organics from landfill must be a priority and puts the state on the quickest path to reducing SLCPs in the near-term. Putting diverted organics to use instead as compost or renewable gas or fuel provides double climate benefit by also supporting healthy soils and displacing the use of fossil fuels. Food waste, in particular, has a higher energy content than other organic waste streams, such as yard waste, and therefore tends to generate more methane in landfill than other organic waste streams. It is

therefore particularly important that CARB highlight efforts to divert food waste from landfills, and support developing the infrastructure to accommodate it.

Unfortunately, the proposed scenarios don't seem to prioritize methane reductions from landfills. Both 2045 scenarios, Alternatives 3 and 4, assume the state misses existing statutory targets and only diverts 55 percent of organics from landfills by 2025 and doesn't reach 75 percent organics diversion until 2030. This is an implicit assumption that local jurisdictions will be out of compliance with existing state law, which is not how other input assumptions are treated. In virtually all other variables, existing state law serves as a baseline input assumption and alternative scenarios only explore greater levels of climate ambition than currently required. For organics diversion, however, none of the scenarios consider outcomes that would deliver greater emissions benefits than the minimum requirements in law. **We urge you to update these input assumptions so that all scenarios include at least 75 percent organics diversion by 2025, as already required in law, and consider exploring scenarios that would achieve greater levels of organics diversion than these minimum requirements.**

Despite the fact that these diversion levels are included in statute and regulations developed by CalRecycle, the sentiment persists that these regulations ultimately will not be enforced as currently designed. The input assumptions in Alternatives 3 and 4 reflect this sentiment and help to create uncertainty in the market that only serves to delay progress to divert organic waste and cut potent SLCP emissions. If left to persist and even bolstered through mixed messages from state agencies, this sentiment will only grow more powerful, reinforce itself, and ultimately may prove self-fulfilling.

The fact is, the state's organics diversion requirements can be met, but jurisdictions, haulers, project developers and state agencies need to work quickly and diligently to develop dozens of new composting and anaerobic digestion facilities that CalRecycle has identified will be needed. This should be a state priority. In addition to the important methane and other climate and energy benefits, CalRecycle estimates diverting 75 percent of organic waste from landfills by 2025 will deliver \$17 billion in economic benefits and create 11,700 permanent green jobs.

Those of us in the industry stand ready to invest in California to quickly bring the necessary infrastructure online. However, we need the certainty that jurisdictions and waste haulers will indeed comply with SB 1383 in its entirety, and plan to divert both food waste and other organic streams from landfills on the required timelines. That requires the state to speak with a common voice and to firmly commit to organics diversion and the targets enshrined in law.

To its credit, CalRecycle has consistently reaffirmed its commitment to its regulations, timelines, and enforcement. We encourage CARB to support them in their efforts and reinforce the State's commitment to SB 1383 and CalRecycle's regulations by:

- Including minimum organics diversion requirements in state law (at least 75 percent by 2025) as a baseline assumption across all Scoping Plan modeling scenarios,
- Further exploring the potential emissions benefits associated with diverting additional levels of organics from landfills above and beyond those levels in alternative scenarios, and
- Clearly highlighting CARB's and the State's commitment to SB 1383 and CalRecycle's regulations in the Scoping Plan itself, by:
 - Clearly expressing CARB's support for CalRecycle's regulations as written, including their specific diversion targets and timelines,

- Specifically identifying the important role that diverting organic waste from landfills, and food waste in particular, plays in meeting the state's SLCP reduction and climate change goals, and
- Supporting deploying the infrastructure needed to meet the state's SLCP reduction targets, including for diverted food waste.

Your strong and clear support for CalRecycle and its regulations will help ensure that jurisdictions, haulers, and project developers quickly get down to the important business of diverting organic waste from landfills and putting it to beneficial use as renewable energy and soil-amending compost. This will go a long way toward ensuring that the state stays on track to meet its SLCP reduction goals, which may well be one of our most important immediate responses to the climate impacts we're facing.

Thank you,

Gary Aguinaga, True North Renewable Energy, LLC

Ellie Cohen, The Climate Center

Andrea Collins, Natural Resources Defense Council

Lauren Cullum, Sierra Club California

Neil Edgar, California Compost Coalition

Shawn Garvey, Momentum

Geertje Grootenhuis, San Diego Food System Alliance

Nick Lapis, Californians Against Waste

Bill Magavern, Coalition for Clean Air

Obai Rambo, Recology

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