

August 27, 2024

The Honorable Liane M. Randolph, Chair

California Air Resources Board

P.O. Box 2815

Sacramento, California 95812

RE: California Farm Bureau's Comments Relating to the Proposed Low Carbon Fuel Standard Amendments

Dear Chair Randolph,

We appreciate this opportunity to provide feedback on the proposed amendments to the Low Carbon Fuel Standard.

California Farm Bureau (CAFB) is an innovative, service-based organization dedicated to being the foremost advocate, protecting the future and quality of life for all California farmers and ranchers. CAFB protects California's diverse farming and ranching legacy and enables the whole agriculture community to thrive. With over 29,000 members, CAFB is California's largest agricultural association.

California family farmers are community members and are committed to the health and wellbeing of their neighbors. Unlike other economic sectors, the products California's farmers produce are used and needed by all Californians. We take great exception to much of the anti-farming, and anti-science rhetoric being offered up at the workshop by representatives of the AB 32 Environmental Justice Advisory Committee and some public comments which are clearly attacks on the agriculture community.

Section 95481

CAFB supports the need to protect our forests. As such, we support language that defines forest biomass waste. However, the language that CARB has inserted in Section 95481 critically leaves out many or even most wildfire mitigation and forest restoration projects in California. That is because wildfire mitigation, forest restoration, and fuel removal to address bark beetle or other forest health issues generally includes some amount of merchantable residues. In addition, all forest biomass waste can be converted to wood pellets or biochar, which are "wood products," so the exclusion of biomass that can be converted into other wood products effectively excludes all forest biomass waste. Biochar is recognized and defined as an Auxiliary Soil and Plant Substance by the California Department of Food and Agriculture with benefits as a soil amendment. Biochar is primarily composed of carbon and can be used as a long-term carbon storage sink in soils. It contributes directly to carbon sequestration and efforts to mitigate climate change".

To ensure that LCFS eligible forest biomass waste is environmentally sustainable and protects forest health, CAFB recommends the following edits to the definition:

“Forest Biomass Waste” means **residues that are 1) removed for wildfire mitigation, forest restoration projects, or the protection of public safety, or 2)** small-diameter, non-merchantable residues, limited to forest understory vegetation, ladder fuels, limbs, branches, and logs that do not meet regional minimum marketable standards for processing into wood products.”

These changes will also make the definition of forest biomass waste consistent with the requirements of Section 95488.8(g)(1)(A)(3) which references wildfire mitigation, the need for defensible space (which often requires clearcutting), forest restoration, and threats to public safety or infrastructure.

Section 95482

Rather than outright eliminate credit generation for hydrogen produced using fossil gas as a feedstock, CARB would be better suited to incentivize non-fossil gas hydrogen at a higher level. We currently need all the hydrogen we can produce. Eliminating credits entirely from hydrogen from fossil gas does nothing to encourage and develop a hydrogen market.

Further, CAFB recommends that CARB not place a cap on crop-based fuels. We ought to be encouraging more native and homegrown fuel sources than limiting ourselves on a fuel source that we know is better and cleaner than diesel.

If CARB must place a cap on biofuels, we recommend the cap be based on science and available data and not just an arbitrary number. CARB’s own research shows a negative impact by placing a cap on crop-based fuels. By doing this, we continue to send the signal that LCFS is a bridge fuel, while removing diesel from the system.

Section 95488.9(g)

CAFB is very concerned that section 95488.9(g), which was originally written to ensure the sustainability of crop-based fuels, has been expanded to cover all waste biomass and the sustainability certification requirements. CAFB supports efforts to reduce deforestation, however the requirements in this section are entirely inappropriate for agricultural or forest residues where the feedstock is a waste product, and the fuels producer has no control over the crop growing practices. Applying the same standards to agricultural or forest residues as to purpose grown crops does not make sense and will effectively close the door to fuels that could be produced from agricultural and forest residues.

Section 95490(a)

CAFB supports the use of CCSU to drive down carbon intensities and generate carbon negative emissions where possible. The proposed amendments, however, limit sequestration to geologic storage and limit the use of captured carbon to fuels production. These restrictions exclude the use of biochar, which can be a co-product of hydrogen, electricity or biofuels production from waste biomass. Biochar can be used

for carbon sequestration in soil or to reduce emissions from cows, livestock manure and compost. Biochar can also be used in the production of concrete, pavement, tires, ink and other products. And biochar can replace charcoal for water filtration and purification. These are all beneficial uses that either sequester carbon or displace fossil fuel and higher emitting alternatives. Excluding the use of biochar will harm the economics and viability of forest waste and agricultural waste to fuel projects and contradicts the recommendations in the 2022 *Climate Change Scoping Plan* to increase the use of bioenergy with CCS (BECCS).

CAFB urges CARB to revise the definition of CCS in section 95490(a) as follows:

(a)(1) Alternative fuel producers, petroleum refineries, and oil producers that capture CO₂ on-site, including at the location of the production of hydrogen used as an intermediate input, and ~~geologically~~ sequester CO₂ **geologically or in the form of biochar**, either on-site or off-site.

CAFB urges CARB to revise the definition of CCS on page 8 as follows:

“Carbon capture and sequestration (CCS) project” means **either 1)** a project that captures CO₂ by an eligible entity specified in section 95490(a) of this sub article, transports the captured CO₂ to an injection site, and injects and permanently sequesters the captured CO₂ pursuant to the Carbon Capture and Sequestration Protocol and as specified by section 95490 of this sub article, **or 2) a project that captures carbon in the form of biochar during the conversion of waste biomass to fuels and that biochar is used in a manner that sequesters the carbon.**

These changes will allow for the use of biochar to sequester or use carbon that is captured during gasification or pyrolysis of waste biomass.

Sincerely,

Steven Fenaroli

Political Affairs Director, California Farm Bureau