



December 21, 2022

Ms. Cheryl Laskowski, Branch Chief
Low Carbon Fuel Standard Program
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Comments on the November 9, 2022, LCFS Public Workshop – Concepts and Tools for Compliance Target Modeling

Dear Ms. Laskowski:

The National Corn Growers Association (NCGA) appreciates the opportunity to provide feedback on the November 9, 2022, Low Carbon Fuel Standard (LCFS) Program: Public Workshop on the Concepts and Tools for Compliance Target Modeling. We recognize CARB staff's efforts to continue improving the LCFS program to support California's carbon neutrality goals. NCGA represents 40,000 dues-paying corn growers and more than 300,000 farmers who contribute to corn promotion programs nationally. Our members are the primary producers of the feedstock for low carbon ethanol.

NCGA is concerned that two of three preliminary scenario designs modeled for future LCFS targets and presented at the workshop include caps on crop-based feedstocks for biofuel production. NCGA strongly urges CARB against implementing such limits in the LCFS.

Including caps on biofuels in the LCFS will prevent California from reaching its decarbonization goals while thwarting the success of the LCFS, based on technology neutrality, ultimately leading to greater petroleum use. While the workshop presentation acknowledged staff have received mixed feedback on such limits and that staff continue to evaluate this issue, CARB did not offer data that demonstrates impacts of agriculture-based biofuels within the LCFS or show how the proposed caps might mitigate any such impacts. It is essential for CARB to provide adequate data to explain the need and impact of any suggested limits on crop-based feedstocks for biofuel production in the LCFS.

NCGA reiterates our comments in response to the July 7, 2022, workshop and asks CARB to reconsider the scenarios presented. Specifically, the federal Renewable Fuels Standard (RFS) provides protections against land use change for biofuels, including the requirement that land used to grow eligible feedstocks for biofuels must have been used as cropland prior to 2007. Any biofuel produced from feedstocks from land not used as cropland prior to 2007 is ineligible for RFS credit. The Environmental Protection Agency (EPA) has certified that cropland acres have not exceeded 2007 levels during any year in every RFS volume rule, most recently in the final

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volume rule issued June 3, 2022. In this rule, EPA concluded the 382.6 million cropland acres in 2021 did not exceed the 402 million baseline cropland acres of 2007.

With these limits, farmers have focused on increasing production efficiency on land already being used for crop production. For example, planted corn acres in 2022, at 89.9 million, are less than 2007 planted corn acres, at 93.5 million, yet total corn production is greater due to consistent higher yields. In addition to EPA's cropland analysis for the RFS, U.S. Department of Agriculture (USDA) data also demonstrates that the total land area planted to principal crops in the United States is contracting, not expanding, since enactment of the RFS.

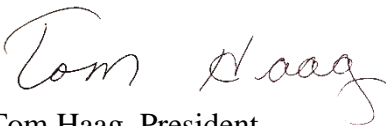
Due to the limits already in place under the RFS and the lack of demonstrated impacts, NCGA believes that a cap on crop-based feedstocks and biofuels in the LCFS is unnecessary. As CARB staff noted in the July 7 workshop, both direct and indirect effects of crop-based biofuels are already accounted for in the LCFS, including land use, because California's approved pathways for biofuels account for lifecycle GHG emissions. Any cap on crop-based feedstocks for biofuels will only serve as a barrier to greater GHG reductions and advancement towards cleaner transportation using less petroleum under the LCFS.

NCGA is supportive of a step-up in the stringency proposed for 2024 targets. This increase in stringency will encourage larger GHG reductions through the LCFS by sending direct market signals. Furthermore, higher blends of low carbon ethanol, such as E15 and E85, are readily available to help meet more stringent standards, offering immediate decarbonization in vehicles already on the road and a low-cost alternative fuel to replace more gasoline. Therefore, NCGA strongly urges CARB to take complementary actions to expeditiously approve use of E15, based on CARB-supported analysis demonstrating emissions reduction, and equitably incentivize flex-fuel vehicles as pathways to increase emissions reductions through the LCFS.

Today's ethanol is on track to reach net-zero emissions, and corn farmers' ongoing improvements in agriculture production practices and higher crop yields are key factors in achieving this goal, helping to further the objectives of the LCFS. With CARB's leadership, the LCFS has served as a model to other states transitioning to cleaner transportation. Thus, increasing stringency and taking these complementary actions for higher ethanol blends will not only accelerate California's progress toward achieving greater reductions, but also encourage similar efforts elsewhere.

NCGA thanks CARB for its work in continuing to update the LCFS and considering stakeholder input. We look forward to continuing our engagement and supporting CARB staff during this process.

Sincerely,

A handwritten signature in black ink that reads "Tom Haag". The signature is written in a cursive, flowing style.

Tom Haag, President
National Corn Growers Association