

The Honorable Liane M. Randolph, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

August 27, 2024

RE: Comment on Draft Amendments to the Low Carbon Fuel Standard (LCFS) Regulation 15-day Changes

Dear Chair Randolph,

On behalf of the Low Carbon Fuel Coalition Working Group on Biomass, we appreciate the opportunity to comment on the Draft Amendments to the LCFS Regulation. We support the LCFS program's objectives and offer the following recommendations regarding the inclusion of biomass feedstocks:

Modifications to Section 95488.8 - Fuel Pathway Application Requirements:

- We support the inclusion of forest waste biomass feedstocks as specified source feedstocks.
- CARB has not provided a clear path forward for thinning and slash. The proposed regulation conflicts with the RFS, posing a major challenge for fuel producers. We recommend reintroducing the condition that forest biomass can be used if it is cut for "forest stand improvement" in addition to wildfire abatement. The EPA's requirement for the categorization of thinnings includes a stipulation that the thinning process is required to increase the productivity of surrounding trees¹. Forest thinnings and slash are a key resource for sustainable fuel production. These materials participate in sustainability certifications such as Forest Stewardship Council (FSC).
- We propose the following amendment to the definition to include qualified feedstock from industrial forestlands:

"Forest biomass waste from forestlands removed for the purpose of wildfire fuel reduction or forest stand improvement, to reduce the risk to public safety or infrastructure, to create defensible space, or for forest restoration; and was performed in compliance with all local, State, and federal rules and permits."
- Restricting qualified forest biomass feedstock to "non-industrial forestlands" will significantly limit the material available for cellulosic biofuels projects. Industrial forestland owners are essential for offering reliable long-term supply agreements necessary for project financing. We urge CARB to allow qualified biomass from industrial forestlands.
- The proposed exclusion of industrial forestlands and the exclusion of materials removed for forest stand improvement as specified source feedstocks were added to the 15-day package

¹ 40 CFR §80.2 RFS (Definitions) <https://www.ecfr.gov/current/title-40/section-80.2>

without any discussion or public comment. We believe that CARB could address appropriate biomass resources as part of the review of certification schemes.

Modifications to Section 95488.9 - Special Circumstances for Fuel Pathway Applications:

- We have concerns about the proposed sustainability certification requirements. CARB is requiring certifications for well-established and previously recognized waste biomass unless specifically enumerated in 95488.8(g)(1)(A).
- The proposed rules could preclude the use of corn stover or sugarcane straw for process heat in ethanol production and preclude the use of corn kernel fiber as a feedstock for ethanol unless proven to arise from certified sustainable operations, despite the fact that these biomass types have been previously approved as waste feedstocks.

Thank you for your consideration. We look forward to working together to strengthen the LCFS program.

Sincerely,

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