

October 16, 2024

California Air Resources Board  
1001 I Street Sacramento, CA 95814

**RE: Proposed 15-Day Modifications to Proposed Regulation Order**

Dear California Air Resources Board,

Advanced Biofuels Canada is the Canadian national trade association for advanced biofuels and renewable synthetic fuels. ABFC members produce a portfolio of liquid low-carbon fuels (including alternative jet fuels), sustainable feedstocks, and intermediary products. Our members operate over 10 billion gallons of low carbon fuel production capacity globally and are significant suppliers to renewable and low carbon fuel regulations in Canada, the US, and worldwide. Many of our members have operations in both the United States and Canada.

Regarding the Proposed Low Carbon Fuel Standard Amendments posted on October 1, 2024:

- ABFC suggests that CARB take a 'risk-based approach' that relies on quantitative analysis to determine whether feedstocks are subject to any type of credit creation limit included in § 95482 (i). This approach is similar to that used in considering ILUC in the Renewable Energy Directive of the European Union and is referred to in the Canadian Clean Fuel Regulations.<sup>1</sup> This approach keeps the LCFS as a 'science-based policy' that makes decisions based on evidence and objective data.
- Should specific limits be definitively included in the current rulemaking, ABFC suggests that credit generation limits (§ 95482(i)) and sustainability provisions (§ 95488.9(g)) be applied solely to agricultural feedstocks that do not have an approved petition of aggregate compliance under 40 CFR § 80.1457 (which is currently only non-US and Canadian agricultural lipid

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<sup>1</sup> COMMISSION DELEGATED REGULATION (EU) 2019/807 of 13 March 2019 supplementing Directive (EU) 2018/2001 of the European Parliament and of the Council as regards the determination of high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high carbon stock is observed and the certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuel. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0807>

feedstocks). We suggest that credit limits to be applied as follows: 50% in 2028 and 25% in 2031.

- ABFC positively acknowledges the proposed updated approach which would apply the limits as of January 1, 2028 to fuels with a submitted pathway certification application under CA-GREET 3.0.
- ABFC recommends that the system of aggregate compliance included in the US Renewable Fuel Standard be utilized for affirming suitability of feedstocks used for low carbon fuel production.
- Should specific location information be required via CARB's rulemaking, we recommend that the provisions of the Sustainability Requirements for Biomass outlined in 95488.9 (g) be modified in the following ways:
  - o The requirements identified in § 95488.9 (g) (5) (A) regarding attestations be introduced no earlier than the 2028 data year. This enables the low carbon fuel sector additional time to adjust to the tectonic changes being proposed in the LCFS.
  - o The attestation approach described in 95488.9 (g) (5) (c) be updated to identify the means of confirming coverage and the maximum size of area covered per shapefile to be equivalent to and utilize the USDA Cropland Data Layer [CropScape] system).

Thank you for this opportunity to provide comments.

Yours truly,

Advanced Biofuels Canada