

**BEFORE THE  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
AIR RESOURCES BOARD**

**Proposed Regulations to Implement  
the Low Carbon Fuel Standard**

**Comments of Biotechnology Industry Organization  
for Public Comment, October 8, 2009**

October 8, 2009

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The Biotechnology Industry Organization (“BIO”) is pleased to comment on the California Air Resources Board’s (the “Board” or “CARB”) modified regulation order for the State’s Low Carbon Fuel Standard (“LCFS”).<sup>1</sup> BIO is the world’s largest biotechnology organization, with more than 1,200 member companies worldwide. BIO represents leading technology companies in the production of conventional and advanced biofuels and other sustainable solutions to energy and climate change. BIO also represents the leaders in developing new crop technologies for food, feed, fiber, and fuel.

BIO supports California’s efforts to reduce the carbon intensity of transportation fuels. However, BIO urges the CARB Board, and the Executive Officer of the Board, to employ sound science in the determination of these values. As cited in Section 95486 (a) (3) of the modified regulation order, “If the Executive Officer has reason to believe that the regulated party’s choice is not the value that most closely corresponds to its fuel or blendstock, the Executive Officer shall choose a carbon intensity value... which the Executive Officer determines is the one that most closely corresponds to the pathway for that fuel or blendstock.” If the Executive Officer chooses to amend the carbon intensity value determined by a regulated party, and there is no Board hearing required prior to the Executive Officer’s decision, BIO believes that a mechanism for appeals to that decision must also be included in the rulemaking.

BIO believes that the Board’s adoption of this measure will allow it to implement the LCFS and to secure substantial carbon intensity savings from the use of transportation fuels in California. We thank you for your consideration of these comments.

Respectfully,



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Executive Vice President, Industrial and Environmental Section  
Biotechnology Industry Organization (BIO)

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<sup>1</sup> <http://www.arb.ca.gov/regact/2009/lcfs09/lcfs09.htm>.