

May 10, 2024

Dear Governor Newsom and Members of the California Air Resources Board,

The Campaign for Family Farms and the Environment is a coalition of state and national organizations, including Dakota Rural Action (South Dakota), Iowa Citizens for Community Improvement, Land Stewardship Project (Minnesota), Missouri Rural Crisis Center, Food & Water Watch and Institute for Agriculture and Trade Policy. Our organizations work together as CFFE to change policies that promote consolidation in animal agriculture at the expense of independent family farms, rural and urban economies, workers and an open, fair and competitive food system.

Unfortunately, California's Low Carbon Fuel Standard (LCFS) program is one of the policies that is doing harm to our communities.

We were shocked to see the CARB staff deliberately exclude discussion about how the LCFS is incentivizing factory farm biogas expansion in our communities during the April public workshop on the Low Carbon Fuel Standard. The workshop ignored factory farm biogas incentives despite CARB's leadership calling on staff to take the issues seriously and find just solutions, and made it clear that Governor Newsom and board members need to rein in the staff. It was deeply troubling to see CARB staff completely ignore the significant impacts of factory farm biogas on the environment, rural economies, and public health despite years of effort by our communities and many others to raise the alarm about why expanding the use of digesters for factory farm waste is a false climate solution that does real harm to communities around the country.

The push to build digester infrastructure around the country, that is fueled in large part by California's LCFS incentives, is exacerbating damaging trends of consolidation and increased corporate control of the food system that have already wreaked havoc on independent family farms and rural economies. The investment of huge amounts of public money into manure digesters is propping up the largest industrialized livestock operations, and causing them to expand. Subsidies from the LCFS allow these large corporate-controlled operations to survive low commodity prices with funding from manure-derived biogas that small operations cannot access.

Our members have witnessed the shift in the structure of the livestock sector away from independent diversified farms to industrialized animal feeding operations in their communities. These factory farms concentrate animals and their waste, burdening surrounding communities with air and water pollution. Around the country, neighbors of these facilities report odors and other health impacts, and losing the ability to spend time outdoors. Anaerobic digesters are touted by the industry as a win-win solution that creates usable energy while reducing the environmental impact from the management of massive quantities of manure. But communities around the country know that this technology is far from a real solution. Instead,

digesters allow factory farms to not only remain a burden on surrounding communities, but often to grow even larger.

Unfortunately, California's preference for manure-derived biogas in the LCFS program is driving the expansion and entrenchment of factory farms and dirty biogas projects farm beyond California, including into our communities. The current flaws in the LCFS, such as "avoided methane crediting" and inaccurate life cycle assessments, not only enable pollution but disproportionately harm low-income communities and communities of color who live near factory farms and manure digesters. This is in stark contrast to the environmental justice commitment set by California.

CFFE believes that climate change is a serious challenge that requires a dramatic response. This crisis demands more than highly speculative market-based schemes that will allow polluters to keep polluting and let agribusiness pay farmers less for their crops and livestock. A serious plan to address agriculture and climate change must address structural issues, not just attempt minor improvements in environmental performance in a highly consolidated, industrialized factory farm system. Factory farms require huge quantities of feed, water, chemical inputs and energy and manage manure in a way that drives greenhouse gas emissions. California's climate programs must support a dramatic transition in how we raise animals for food that is centered on independent family farms and sustainably managed grazing systems.

Using California's climate programs, including the LCFS, to support expensive manure management projects on confinement operations fails to make this necessary structural change, and instead props up and expands the factory farm system. Prioritizing grazing over factory farm manure management would increase the sequestration of carbon in pastures, and also avoid the emissions from industrialized animal operations' feed production and liquid manure storage. Manure lagoons not only emit high amounts of methane and nitrous oxide, but they are also highly vulnerable to natural disasters such as hurricanes and floods. And confinement operations decouple grazing animals from grasslands, requiring more synthetic fertilizers for feed production, which drives further emissions.

Factory farm biogas production poses grave environmental, public health and economic risks, yet CARB staff chose to ignore this environmental injustice. This is unacceptable and undermines CARB's credibility as a regulatory body.

As we have articulated in previous comments, CARB must change its approach to manure-biogas and:

- Eliminate "avoided methane crediting"
- Address inaccuracies in the Life Cycle Assessment that ignore associated up and downstream greenhouse gas emissions from factory farm gas production

- Evaluate not only the risks of increased ammonia emissions and water pollution from disposal of digestate, but also the potential that the contract will lead to an increase in the total number or density of livestock raised on the site
- Remove the 10-year "grace period" for factory farm gas producers
- Stop double counting by allowing factory farm gas projects paid for and claimed by other programs to sell LCFS credits as well.

The LCFS may be a California policy, but it is driving the expansion and entrenchment of factory farms and dirty biogas projects far beyond California, including in our communities in the Midwest. In addition to concerns about our communities in the Midwest, we stand with the impacted communities in California's Central Valley who are disproportionately impacted by the public health burdens of digesters that extend the life of massive dairy factory farms.

CFFE urges board members to rein in CARB staff and ensure that the LCFS stops incentivizing harmful factory farm biogas production in California and beyond.

Sincerely,

Campaign for Family Farms and the Environment