



December 18, 2023

Governor Gavin Newsom
California State Capitol
Sacramento, CA 95814

Liane Randolph, Chair
Members of the Board
Steven Cliff, Executive Officer
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

Submitted electronically via

<https://ww2.arb.ca.gov/public-comments/lcfs-fuel-pathways-public-comments>

**Re: Low Carbon Fuel Standard Tier 2 Pathway Application No. B0506:
Martinez Renewables LLC (1845); Martinez Refinery (90001); California**

To Responsible Officials:

Our organization Biofuelwatch appreciates the opportunity to submit this brief letter to the California Air Resources Board (CARB) as comment on the Low Carbon Fuel Standard (LCFS) Tier 2 Pathway Application No. B0506: Martinez Renewables LLC (1845); Martinez Refinery (90001); California (Application)¹. Biofuelwatch² is an international organization that works to increase public understanding and civic engagement on the land-use implications of climate policy. We have a particular focus on the environmental harms and social inequities of large-scale industrial bioenergy projects, and we work extensively on addressing the negative ecological and social outcomes of policy and actions that are justified as being beneficial to the global climate, yet carry with them risks and threats to public health and safety, economic stability and natural resources. Our organization has been deeply engaged on what we assess to be the extremely irregular governance of the conversion of refineries in the San Francisco Bay Area to manufacturing liquid biofuels, the Marathon and Neste joint venture of the Marathon Renewables LLC³ being one of those controversial refinery conversion projects. This is a brief letter, highlighting our concerns about the characterization of 'renewable diesel' as a low carbon fuel and our opposition to granting incentive credits for its production and distribution.

¹ https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/fuelpathways/comments/tier2/b0506_cover.pdf

² <http://www.biofuelwatch.org.uk/>

³ <https://www.contracosta.ca.gov/7961/Martinez-Refinery-Renewable-Fuels-Projec>

Due to the following reasons CARB should refrain from approving this Application.

- The information provided is insufficient for independent assessment of the feedstock provision and the refining process. Significant if not all of the most important information of the limited information that is made available in the Application is considered Confidential Business Information (CBI) and is redacted on the Application⁴. As well, significant information that is not relevant to the independent assessment of the Application is provided⁵. In sum, there is insufficient information to provide informed assessment of the Application.
- The Application fails to describe how biofuel feedstock supply chains will be monitored to provide assurances that fraud is not occurring. There is an increasing amount of concern in Europe regarding fraudulent feedstocks⁶. This concern needs to be taken seriously in California in order that pro-active measures can be taken in regards the growing body of evidence illuminating fraud in global animal fat biofuel feedstock supply chains as being a severe challenge to the claimed sustainability of these fuels⁷. The Application takes none of these critical dynamics about the potential for fraud into account, while specifying the intent to import animal tallow from global sources to serve as feedstock for making 'renewable diesel'.
- Many of these sensitive matters regarding the sustainability of feedstocks and the characterization of different fuels as climate friendly are being debated as part of the current rule making process on the LCFS⁸. This Application should not be approved at least until after that rule making process is completed.
- Safety concerns at the Martinez Refinery have become acute for local community members, with recent fires being a high-profile example of how refinery operations for making liquid biofuels are still under immense scrutiny, including an investigation by the US Chemical Safety Board⁹. This Application should not be approved until these incidents have been thoroughly investigated and the public briefed in detail about the root cause of the accidents.

For these reasons CARB must refrain from approving the Application at this time.

Thank you for your attention to these comments.

Sincerely,



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⁴ https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/fuelpathways/comments/tier2/b0506_report.pdf

⁵ https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/fuelpathways/comments/tier2/b0506_permits.pdf

⁶ <https://www.businesspost.ie/news/data-suggesting-large-amounts-of-used-cooking-oil-repurposed-for-biofuels-is-fraudulent/>

⁷ https://www.transportenvironment.org/wp-content/uploads/2023/12/202312_TE_biofuels_update_report.pdf

⁸ <https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard/lcfs-meetings-and-workshops>

⁹ <https://www.kqed.org/news/11968786/recent-fires-at-marathons-martinez-refinery-spark-major-safety-concerns>