

Information Regarding Low Carbon Fuel Standard Regulation Updates

Issued February 18, 2025

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The California Air Resources Board (CARB) is issuing this notice to inform market participants and the public of the Office of Administrative Law's (OAL) decision to disapprove amendments to the Low Carbon Fuel Standard (LCFS) Regulation.¹ CARB approved these LCFS amendments for adoption at a November 8, 2024, hearing.

Today, OAL sent CARB a [Notice of Disapproval of a Regulatory Action](#) of those amendments pursuant to Government Code section 11349.3. CARB anticipates receiving more information from OAL detailing its reasons for the decision [soon](#). As shown in the notice of disapproval, OAL has identified inconsistencies of specific regulatory amendment provisions with the clarity standard in Government Code section 11349(c). The notice also lists "incorrect procedure" as a basis for disapproval. Based on initial feedback from OAL staff, CARB staff understand that "incorrect procedure" basis for disapproval to refer to non-substantive changes to the regulatory text that should be made before resubmittal. OAL will include explanation on that specific basis in the forthcoming written decision detailing the reasons for disapproval. CARB will post the detailed decision once received.

CARB staff plan to address the concerns raised by OAL and resubmit the LCFS amendments to OAL. As outlined in Government Code section 11349.4, CARB may rewrite and resubmit the amendments to OAL within 120 days of its receipt of OAL's written decision. Grammatical and other non-substantial changes will be added to the rulemaking record. Any substantive modifications will be released for public comment.

CARB has prior experience addressing OALs disapproval of regulations on technical grounds, most recently for the [2022 Commercial Harbor Craft regulation](#). As an example of what CARB expects to see from OAL within the next few days, linked here are OAL's initial [notice](#) and its later [detailed document](#) explaining its reasons for disapproving the Commercial Harbor Craft regulation. With that regulation, CARB staff put out a proposed revision to the rule for a 15-day public comment period slightly more than one month after the disapproval, and CARB staff then resubmitted the rulemaking to OAL less than three months after the disapproval. OAL approved the resubmitted rulemaking for an effective date less than four months after the disapproval.

¹ The proposed rulemaking includes amendments to sections 95481 through 95503, California Code of Regulations, title 17.

CARB will continue to implement the current version of the LCFS Regulation, which became effective in July 2020, while working to address the issues identified by OAL.

Additional Background

The LCFS regulation reduces air pollution and greenhouse gas emissions by setting a declining carbon intensity target for transportation fuels used in California. The LCFS regulation is designed to provide the most cost-effective path to support clean fuels and infrastructure that reduce greenhouse gas emissions responsible for climate change.

On November 8, 2024, the California Air Resources Board approved amendments to the LCFS regulation to maintain momentum for global, national, and local private sector investment towards increasing cleaner fuel and transportation options for consumers, accelerating the deployment of zero-emission infrastructure and clean fuel production to support clean vehicle regulations, and keeping the state on track to meet statutorily mandated air quality and climate targets. On January 3, 2025, CARB submitted the final regulatory package for the proposed amendments to the LCFS regulation to OAL in accordance with Government Code section 11349.1. On February 18, OAL notified CARB of its intention to disapprove the LCFS amendments. Additional information on the LCFS regulation and the recent amendments are available here:

[LCFS Regulation | California Air Resources Board](#)