



October 16th, 2024
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Proposed Second 15-Day Changes to Proposed Regulation Order

Dear CARB Board,

We appreciate the opportunity to provide comments on the second 15-day proposed changes that were recently shared by staff. These changes come at a critical point in which environmental stakeholders such as EnviroVoters had hoped to see substantial changes to the proposed amendments ahead of the Board vote in November. The LCFS rulemaking is ripe with potential to make critical updates to the program, and we are concerned that the trajectory of these amendments goes in the wrong direction.

The process for feedback has yielded rich discussion on how to advance the LCFS in a manner that suits our climate goals and reflects upon lessons learned. In short, we are disappointed that the salient asks shared by environmental, EJ, and labor groups went largely unaddressed as the rulemaking comes to a close. Including the changes from this second 15-day changes period, the program fails to deliver on several fronts.

The rule does not provide resolution to dairy-adjacent communities seeking an improvement in air and water quality standards. Staff has shared that some aspects of dairy-related air quality issues must be resolved through local air quality and water quality boards, and we acknowledge that this is a multi-pronged effort. However, we are concerned that the extended lifetime of dairy digesters incentives doesn't do much to substantially reduce methane at the source. It is also worth noting that this binds California to continued subsidization of major expenses, which will only grow over time as more digesters are built within the optimal window to capitalize upon crediting periods. Testimony from impacted community members during this rulemaking speaks to the profound impact poor air quality has on public health. We can't lean on an incentives-only, digester-centric approach as chronic health issues persist. Digesters are not without their flaws. Mitigating methane from the state's biggest contributor should be faced with a comprehensive strategy. We urge the Board to consider a timely rulemaking process for the dairy methane rule in addition to scrutinizing the over-crediting of dairy biogas.

Furthermore, it is deeply unsatisfactory that these amendments do not act on jet fuel or marine fuel, both of which would have strengthened the program's ability to thoroughly decarbonize the transportation sector. The LCFS is not a fledgling program, and where possible, we must fold additional sectors into the rule. This is a missed opportunity to broaden our transportation emissions strategy, especially regarding marine fuel. The momentum for zero-emission transition is clearly reflected by industry and market activity. We also can't afford to pass up on an additional opportunity to ease the air quality burden facing port communities.

Lastly, **despite broadening the feedstock types included in the updated biomass-based diesel provision, this is not comprehensive enough to solve the major issues.** We remain concerned that relying greatly on these fuels will have substantial impacts to global hunger and deforestation.

To further comment on process concerns, we are alarmed that very little of the EJAC's eight-point resolution has been integrated into the proposed amendments. In both iterations of the 15-day changes, we see nods to stakeholder comments but none to the EJAC's thorough history of feedback. We hope to see further utilization of resources provided by EJAC in rulemakings with robust discussion about impacts to environmental justice communities.

It is deeply discouraging that the opportunity to update the LCFS program has been resolved with insubstantial amendments. It is similarly disappointing that there is no clear path forward for the legitimate concerns raised by impacted community members, which we believe could have been acted on during this rulemaking.

Regards,



Gracyna Mohabir
Clean Air and Energy Regulatory Advocate
California Environmental Voters