

**Assembly Bill 32 Environmental Justice Advisory Committee (EJAC)  
DRAFT Recommendations to the California Air Resources Board (CARB) on the  
Low Carbon Fuel Standard Regulation Updates**

**Draft Version 2: August 28, 2023**

**Amended Language Highlighted Based on 8/25/2023 EJAC Discussion**

At the August 25, 2023, EJAC meeting, the fourth item on the agenda is "Discussion on the Low Carbon Fuel Standard Panel and Provide EJAC Recommendations to CARB".

The draft EJAC resolution below supports the August 25th discussion in preparation for the joint EJAC/CARB Board meeting planned for September 14, 2023. EJAC recommendations are advisory in nature.

WHEREAS, the Low Carbon Fuel Standard (LCFS) has exacerbated and entrenched air, water, and odor pollution in communities most impacted by environmental injustices;

WHEREAS, The LCFS has worsened environmental injustice issues across the state, nation, and world by increasing and entrenching pollution on the frontlines of industrial agribusiness;

WHEREAS, California Air Resources Board (CARB) has the authority to regulate methane emissions from livestock as soon as January 1, 2024, pursuant to Health and Safety Code section 39730.7(b).

WHEREAS, the LCFS has exacerbated and entrenched harmful pollution in frontline oil refinery communities;

WHEREAS, the LCFS has exacerbated and entrenched harmful pollution from tailpipes by incentivizing combustion fuels;

WHEREAS, the LCFS has exacerbated and entrenched harmful pollution to global communities from deforestation and using food for fuels;

WHEREAS, the LCFS has exacerbated and entrenched harmful pollution in communities near and regions containing large dairies and other confined animal feeding operations by incentivizing the production, storage, and land application of wet manure;

WHEREAS, insofar as the LCFS reduces carbon emissions from the transportation sector, the provision of LCFS credits for carbon removal such as direct air capture

eliminates the possibility of reducing commensurate carbon emissions and co-pollutant emissions from the transportation sector through the LCFS;

WHEREAS, insofar as CARB's goal for carbon removal is to be carbon negative, issuing LCFS credits for carbon removal such as direct air capture (DAC) ensures that it will not be carbon negative but rather offset continued burning of fossil fuels;

WHEREAS, the provision of LCFS credits for direct air capture harms frontline communities both directly with harms and risks from capturing and storing the carbon, and indirectly from displaced renewable deployment that could reduce emissions from fossil fuel power plants, as well as from foregone reductions in transportation sector emissions;

**Therefore, be it resolved** that the EJAC recommends that the CARB board direct staff to address the above risks, threats, and harms to environmental justice communities by incorporating the following changes, referenced throughout as the "Comprehensive EJ Scenario" into the Low Carbon Fuel Standard through the current rulemaking:

1. Conduct and incorporate a full life cycle assessment of all air pollution and greenhouse gas (GHG) emissions for all pathways, and their implications for environmental justice communities.
2. Conduct a full accounting of GHG and air pollution emissions associated with pathways relying on the production of fuel from livestock and dairy manure.
3. Eliminate avoided methane credits effective January 1, 2024.
4. Eliminate credit generation for pathways relying on the production of fuel from livestock and dairy manure for emissions reductions that otherwise would have occurred or were legally or contractually required to occur.
5. Cap the use of lipid biofuels at 2020 levels pending an updated risk assessment to determine phase out timelines for high-risk, crop-based feedstocks.
6. Prohibit enhanced oil recovery as an eligible sequestration method.
7. Do not issue LCFS credits for carbon removal projects such as Direct Air Capture.
8. Consider the inclusion of intrastate jet fuel and marine fuels as a deficit generator and provide analysis of this option as part of the LCFS.

Be it further resolved that the EJAC recommends that CARB formally consider the Comprehensive EJ Scenario as a regulatory alternative in the LCFS rulemaking process.

Be it further resolved that the EJAC recommends that CARB reform the LCFS to strengthen the Low Carbon Fuel Standard's support for zero emission vehicles including mass transit vehicles, drayage duty trucks, and heavy duty trucks.

Be it further resolved that the EJAC recommends that CARB immediately initiate formal rulemaking for the regulation of livestock methane pursuant to Health and Safety Code section 39730.7(b).