



February 15, 2024

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

We write to express our collective concerns regarding the Air Resources Board's (CARB) proposed rulemaking that doubles down on polluting factory farm biogas as the most lavishly incentivized transportation fuel under the state's Low Carbon Fuel Standard (LCFS). Factory farm biogas is not clean energy, and CARB staff's embrace of this false solution for the next two decades throws Californians already subjected to some of the worst environmental pollution in the nation under the bus. The proposed amendments to the LCFS fly in the face of years of advocacy by environmental justice and climate advocates and blatantly ignore California's commitment to a just climate transition.

We call for immediate and meaningful action to fix the environmental injustices and abuses that have become inherent in the program and that the proposed amendments lock in place for over 20 more years.

California's LCFS, originally conceived as a tool to combat climate pollution in the transportation sector, has been exploited and manipulated by powerful corporations, particularly Big Ag and Big Oil. Rather than serving its intended purpose, the LCFS has become the nation's largest and most lucrative pollution trading scheme for factory farm biogas across the country.

In its current form, the LCFS rewards and entrenches some of the worst factory farming practices, both in California and across the country, providing lavish subsidies to operations that are getting paid to pollute. The program's flawed accounting practices assign factory farm biogas a lower "carbon intensity" than even solar and wind energy, creating a smokescreen for the continued pollution of the fossil fuel industry.

Polluters such as Chevron can offset their emissions by paying industrial factory farms to extract methane gas from on-farm waste. This so-called "biogas" is then traded in California's credit system, providing a misleading cover for continued pollution from fossil fuel operations.

Factory farm biogas' extremely negative carbon intensity scores are based on several fundamental flaws. First, CARB is ignoring greenhouse gas emissions from the underlying factory farming operations as well as the increased greenhouse gas emissions when operators use and dispose of the digester waste. Second, CARB refuses to acknowledge that methane emissions from livestock manure cesspools is a choice and can be avoided with more sustainable practices like dry manure handling. For years, the LCFS operated under a rational framework that did not assume perpetual free-venting of methane pollution from livestock operations. CARB staff made the change to today's perverse "avoided methane crediting" policy



in 2019, kicking off a nationwide expansion of factory farm biogas operations—a concerning trend dubbed the "manure gold rush."

The existing LCFS rules perpetuate environmental injustice by disproportionately harming low-income communities and communities of color. Factory farms, predominantly located in these marginalized areas, cause severe harm to air, water, public health, rural economies, and overall quality of life. The extraction of methane from factory farm cesspools does nothing to alleviate the massive harm inflicted by mega-dairies and large factory farms on these communities.

This rulemaking package put forward by CARB staff claims to "Uplift Environmental Justice," but entirely ignores the central environmental injustice that has been the focus of advocates' calls for LCFS reforms for over two years. Staff's willful ignorance of how the LCFS is harming Californians is egregious and is the latest example of a rogue agency unwilling to hear the voices and lived experiences of those living near large dairies in the state.

This disregard is all the more stunning considering the Environmental Justice Advisory Committee's (EJAC) raised concerns with factory farm biogas in its resolution to reform the LCFS in this rulemaking to address the injustices embedded in the current program.

Governor Newsom's California Air Resources Board (CARB) has a pivotal opportunity this year to adopt a new rule that aligns the LCFS with California's environmental justice commitments. The Environmental Justice Advisory Committee has presented a clear and effective alternative to the current policies that reward polluters.

We demand the following reforms to the LCFS aimed at stopping incentives for factory farms and factory farm gas:

1. Eliminate "avoided methane crediting" in 2024.
2. Fix the inaccurate Life Cycle Assessment that ignores upstream and downstream GHG emissions associated with factory farm gas production.
3. Eliminate the 10-year "grace period" for factory farm gas producers.
4. Eliminate credit generation from factory farm gas projects that would have happened anyway due to other programs or investments



Fight like you live here.



We demand a future free from the clutches of Big Oil and Big Ag, and we urge Governor Newsom and CARB to prioritize the well-being of Californians over the profits of corporations looking to exploit the climate crisis.

Governor Newsom, CARB has the power to shift California towards truly clean energy solutions and remove the incentives for factory farms to produce and sell dirty credits that enable the continued reliance on Big Oil and combustion fuels. You have spoken eloquently about the need to take bold climate action rooted in justice, but this is one major area where California not only falls short, but has a policy that is making the climate and pollution crisis worse. You can change this. We appreciate your attention to this critical matter and look forward to seeing decisive action taken to reform the LCFS and protect the communities most affected by its current flaws.

Sincerely,

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