

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY APRIL 4, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 278

Introduced by Assembly Member Gatto
(Principal coauthor: Assembly Member Quirk)

February 11, 2013

An act to add Section 38566 to the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 278, as amended, Gatto. California Global Warming Solutions Act of 2006: Low Carbon Fuel Standard.

The California Global Warming Solutions Act of 2006, establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit, as defined, to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The state board is additionally required to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. Pursuant to the act, the state board has adopted the Low Carbon Fuel Standard regulations.

This bill would require the state board, ~~in determining the carbon intensity of fuels under the Low Carbon Fuel Standard regulations or another scoring system~~ *promulgating regulations or other policies for purposes of the carbon intensity of fuels*, to consider specified ~~matters~~ *food-supply sustainability factors*. The bill would require the state board

to identify, to the extent feasible, environmental laws and practices of the jurisdiction from which the fuel originates that may affect greenhouse gas emissions from the production and transportation of fuel. The bill would require the state board to solicit comments and consider and respond to evidence regarding specified significant effects caused by the Low Carbon Fuel Standard regulations, no later than December 2014, include mechanisms and policies that favor fuels with the lowest possible negative effect on the food supply sustainability factors, as specified, and to give preference to fuels produced without food stock or displacement of food crops.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38566 is added to the Health and Safety
2 Code, to read:
3 38566. (a) When promulgating regulations or other policies
4 on the carbon intensity of fuels, the state board shall do all of the
5 following:
6 (1) Consider all of the following food supply sustainability
7 factors:
8 (A) The full life-cycle carbon emissions from the production of
9 a fuel.
10 (B) The effect of a fuel source on the global food supply,
11 including, but not limited to, crop displacement, food prices, food
12 shipping, and market conditions.
13 (C) The direct and indirect land use changes resulting from
14 food production.
15 (2) Consider the state of the fuel market and technologies.
16 (b) No later than December 2014, the state board shall include
17 mechanisms and policies that favor fuels with the lowest possible
18 negative effect on the food supply sustainability factors listed in
19 subdivision (a) and shall give preference to fuels produced without
20 food stock or displacement of food crops.
21 ~~SECTION 1. Section 38566 is added to the Health and Safety~~
22 ~~Code, to read:~~
23 ~~38566. (a) For purposes of this section, “Low Carbon Fuel~~
24 ~~Standard regulations” means those regulations adopted by the state~~
25 ~~board in Subarticle 7 (commencing with Section 95480) of Article~~

1 ~~4 of Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the~~
2 ~~California Code of Regulations:~~

3 ~~(b) In determining the carbon intensity of fuels under the Low~~
4 ~~Carbon Fuel Standard regulations or another scoring system, the~~
5 ~~state board shall consider greenhouse gas emissions associated~~
6 ~~with land use or other significant indirect effects identified by the~~
7 ~~state board, including, but not limited to, the impacts of potential~~
8 ~~or actual deforestation and the impacts of increased food shipping~~
9 ~~caused by food crop displacement.~~

10 ~~(c) The state board shall identify, to the extent feasible,~~
11 ~~environmental laws and practices of the jurisdiction from which~~
12 ~~the fuel originates that may affect greenhouse gas emissions from~~
13 ~~the production and transportation of fuel.~~

14 ~~(d) The state board shall solicit comments and consider and~~
15 ~~respond to evidence regarding both of the following:~~

16 ~~(1) Significant effects upon food supply, food costs, and food~~
17 ~~shipping caused by the Low Carbon Fuel Standard regulations.~~

18 ~~(2) Significant effects upon the local economy, including job~~
19 ~~loss or worker displacement caused by the Low Carbon Fuel~~
20 ~~Standard regulations.~~