

AMENDED IN SENATE JULY 11, 2013

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 promulgating regulations or other policies for purposes of the carbon intensity of fuels, to consider ~~specified food supply~~ sustainability factors *and the state of the fuel market and technologies*. The bill would require the state board, no

later than December 2014, ~~to include mechanisms and policies that favor low-carbon fuels with the lowest possible negative effect on the food supply sustainability~~ *highest possible sustainability based on specified factors, as specified,* and ~~to give preference to provide incentives for sustainable 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. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *The Legislature adopted the California Global Warming*
4 *Solutions Act of 2006 (Division 25.5 (commencing with Section*
5 *38500) of the Health and Safety Code) to reduce greenhouse gas*
6 *emissions and combat the serious threat that those emissions pose*
7 *to the economic well-being, air quality, public health, natural*
8 *resources, and environment of the state. With a goal of reducing*
9 *the carbon of the state’s transportation fuels by 10 percent by*
10 *2020, the Low Carbon Fuel Standard regulations can be an*
11 *important element of this policy.*

12 (b) *It is the intent of the Legislature to promote the*
13 *implementation of the Low Carbon Fuel Standard regulations and*
14 *to ensure the State Air Resources Board maximizes the use of*
15 *low-carbon, sustainable fuels with a focus on fuels produced*
16 *without food stock.*

17 ~~SECTION 1.~~

18 SEC. 2. Section 38566 is added to the Health and Safety Code,
19 to read:

20 38566. (a) When promulgating regulations or other policies
21 on the carbon intensity of fuels, the state board shall do all of the
22 following:

23 (1) Consider all of the following ~~food supply~~ sustainability
24 factors:

25 (A) The full life-cycle carbon emissions from the production
26 of a fuel.

27 (B) The *positive or negative* effect of a fuel source on the global
28 food supply, *as determined by the state board,* including, but not

1 limited to, crop displacement, food prices, food shipping, and
2 market conditions.

3 (C) The direct and indirect land use changes resulting from ~~food~~
4 *fuel* production.

5 (2) Consider the state of the fuel market and technologies.

6 (b) No later than December 2014, the state board shall include
7 mechanisms and policies that favor *low-carbon* fuels with the
8 ~~lowest possible negative effect on the food supply sustainability~~
9 *highest possible sustainability based on the factors* listed in
10 subdivision (a) and shall ~~give preference to~~ *provide incentives for*
11 *sustainable* fuels produced without food stock or displacement of
12 food crops.