

The Low Emission Diesel (“LED”) Study All-Star Team

The results of CARB’s recent LED Study are cause for concern as to the long-term viability of renewable diesel (“RD”) in California, however, stakeholders can at least take solace in knowing that the study’s findings are beyond reproach. While CARB’s handling of the results is shocking, and the regulatory impact is still being ascertained, there can be no question that CARB relied on a veritable All-Star team in crafting and executing the LED study. Among others, CARB obtained assistance from: the National Biodiesel Board (“NBB”) and the Center for Environmental Research & Technology, University of California, Riverside (“CE-CERT”).

CARB’s All-Star Team formulated fuels (including providing guidance and assistance in the selection of reference fuel, biodiesel, and renewable diesel), and selected engine types and duty cycles. All fuels selected appear to have relied on a methodology of maximizing CARB Diesel emissions while minimizing those from biomass-based components. Beyond fuel selection, CARB negotiated the LED Study “test plan” with key participant(s) while receiving indirect funding to include fuels and an engine.

In October 2018¹ CARB asked stakeholders to participate in a LED public workshop in response to “... the most recent California State Implementation Plan (SIP), [wherein] CARB committed to developing a low emission standard for diesel fuel. This standard would increase the use of LED fuels in California, resulting in reduced oxides of nitrogen (NOx) and particulate matter (PM) emissions relative to the use of conventional diesel.” Evidencing the danger of committing to policy in advance of completing the science, the LED Study will instead, because of biomass based diesel’s adverse NOx emissions data, result in CARB having to restate its previous and significant NOx emission’s accounting errors when updating its 2022 SIP plan.

The effort to modify the ADF and craft an LED program deserves full transparency, which, unfortunately, CARB has, to date, resisted. Over the last few years, however, California Fueling served CARB with various Public Record Act (“PRA”) requests for LED Study related information. PRA produced documents pertinent to the development of the LED Study and implementation of the modified Alternate Diesel Fuel regulation are posted and available for download using the link below.² We encourage stakeholders to review the LED Study results as well as CARB’s PRA responses as they prepare their public comments in response to CARB’s solicitation thereof.³

More to follow.

¹<https://ww2.arb.ca.gov/resources/documents/public-workshop-discuss-concepts-potential-updates-california-fuels-regulations>

² <https://rpblaw.sharefile.com/d-s5c8d91ecb8c44db2a1f4de5f0fa142fe>

³https://ww2.arb.ca.gov/sites/default/files/2021-11/CARB_Note_for_Low_Emission_Diesel_Study.pdf