



The Honorable Gavin Newsom
California State Capitol, Suite 1173
Sacramento, California 95814

Re: The Scoping Plan Update

Dear Governor Newsom,

Thank you for [your call](#) for California to do “everything possible to accelerate our climate targets and increase the pace of action to transition to a low-carbon future.”¹ In the spirit of this call, we write to request your assistance to ensure that the Scoping Plan Update being crafted by the California Air Resources Board (CARB) is in keeping with the spirit of and the policy requirements in AB 32 and SB 32, your Executive Orders, and California’s position as a global climate leader.

To develop the proposed scoping plan, CARB has engaged in an extensive public process, and many advocates, including several signatories to this letter, have and will continue to provide constructive input. Many of our comments to date have focused on: pointing out technical errors; identifying policies that will better protect public health; calling out practices that will result in environmental injustices; and highlighting more impactful ways to achieve equitable emission reductions.

However, we believe that your voice – the direct engagement of the Governor’s office – needs to be a more integral part of this process in order to ensure that three key policy elements are reflected in the final Scoping Plan.

First, CARB must provide a realistic and detailed Plan for achieving or going beyond the 2030 greenhouse gas reduction target.

AB 32 and SB 32’s direction that the Scoping Plan and its updates “identify and make recommendations on [measures] that the state board finds are necessary or desirable to facilitate the achievement of the maximum feasible and cost-effective reductions of greenhouse gas emissions” by 2020 and 2030, respectively. But CARB’s 228-page Draft Plan virtually ignores the 2030 target, devoting only six pages to the statutorily-required 40% reduction in greenhouse gasses below 1990 levels.

This omission is particularly troubling in light of the fact that, with only eight years from this Plan’s adoption until the 2030 compliance deadline, California is severely off-track to cut emissions by 40% in that time. Based on CARB’s most recently available statewide emissions

¹ https://www.gov.ca.gov/wp-content/uploads/2021/07/CARB-Letter_07.09.2021.pdf

estimates, we will need to [triple or quadruple](#)² our rate of reductions immediately and maintain that pace going forward to comply with the law.

CARB's own analysis both in the current proposed Plan and in its most recent Scoping Plan update indicate that we are not on track to achieve the 2030 target, much less a more ambitious target that global equity may require of California as one of the wealthiest countries in the world. But rather than highlighting this compliance gap, which would help legislators and the public understand the urgent need for additional action, CARB merely assumes that the gap will be filled through the Cap and Trade program without explaining or assessing whether the program is up to the task.

We urge you to direct CARB to produce a much more robust analysis of how California will close the emissions gap to meet or go beyond the 2030 target in the present Scoping Plan update. This analysis cannot be delayed. By 2028, when the next Scoping Plan update occurs, it will be too late.

Second, CARB should evaluate scenarios for achieving carbon neutrality by 2045 or sooner and negative emissions thereafter that reduce statewide greenhouse gas emissions as much as possible before turning to carbon removal.

CARB's Draft Scoping Plan Update adopts a scenario in which California achieves an 80% emissions reduction in 2050, but becomes carbon neutral in 2045, five years earlier. As a result, California would only reduce emissions by about 75% in 2045, leaving roughly a quarter of emissions to be offset by equal or greater amounts of carbon dioxide removal. This amount of reliance on a nascent and as-yet unproven technology is, simply put, irresponsible.

The US Department of Energy recently announced Plans to invest [\\$3.5 billion](#)³ in direct air capture projects that would, if successful, remove a combined 4 million tons of carbon dioxide from the atmosphere annually. These would be the biggest carbon removal projects in the world. However, we do not yet know how long these projects will take to become operational at scale, if or how well they will work, or what they will cost. Nevertheless, CARB's only scenario for how our state achieves carbon neutrality assumes **over 100 million tons** of carbon dioxide removal annually.⁴

While Californians may disagree on the value or extent to which carbon removal may one day become an effective strategy for helping to restore and maintain a safe climate, CARB's

² See CARB's "Supplemental Report of the 2021-2022 Budget Act, Item 3900-001-3237," <https://ww2.arb.ca.gov/resources/documents/supplemental-report-2021-2022-budget-act-item-3900-001-3237> and <https://carbonplan.org/blog/scoping-plan-comments>.

³ <https://www.cnn.com/2022/05/19/politics/doe-carbon-capture-investment-climate/index.html>

⁴ This level significantly exceeds CARB's own assessment in a 2020 study of the "highest risk" approach to carbon neutrality (which assumed 86 million tons of carbon dioxide removal per year in 2045), and is approximately double the amount in the "balanced approach" the agency evaluated, available at <https://www.ethree.com/achieving-carbon-neutrality-in-california-e3-presents-draft-report-at-california-air-resources-board-public-workshop/>

proposed scenario's reliance on the runaway success of this technology is too big a gamble. As the [Los Angeles Times Editorial Board](#) recently put it, "The plan's embrace of carbon removal as a catchall solution puts it in the realm of pie-in-the-sky fantasy."⁵

CARB should, instead, seek to maximize emissions reductions and rely as little as possible on carbon removal as a strategy for hitting the target.

An approach to carbon neutrality that maximizes emissions reductions is prudent even as governments and companies work to advance carbon removal technologies as rapidly and responsibly as possible. If California were to eliminate 100% of greenhouse gas emissions by 2045 while removing and sequestering 100 million tons of carbon per year, we would be able to celebrate success in achieving net negative emissions sooner than expected. Our state would also begin repaying our global "carbon debt" to smaller and less-fossil reliant nations who are bearing the burden of our emissions to date. If that level of carbon dioxide removal is not available and online by 2045, then we will still be in a position to at least achieve carbon neutrality.

We ask that you instruct CARB to evaluate a range of scenarios in order to determine the "maximum feasible and cost-effective" level of reductions required under AB 32 and SB 32. We also ask that you instruct CARB to evaluate a 90% emissions reduction in 2045 as a central scenario among a range of scenarios it evaluates. Moreover, we ask you to instruct CARB to treat the current proposed scenario as the highest-emitting case from a range of scenarios it evaluates for achieving carbon neutrality in 2045

Finally, CARB should develop a scenario that (a) establishes an end date for oil refining and consumption prior to 2045 and (b) does not assume large amounts of carbon capture and storage are deployed at these facilities.

As you instructed the Agency on [April 23, 2021](#),⁶ CARB's proposed Plan assumes a phase out of petroleum production in California by 2045. But CARB's proposed Plan does not envision a future for California in which frontline communities can live in freedom from the health harms and economic burdens of refinery pollution. Instead, the Plan assumes large amounts of carbon capture and storage (CCS) will offset remaining oil-related greenhouse gas emissions. This assumption is both unrealistic and dangerous to public health and our state's position as a global leader on climate.

CCS remains a nascent and expensive technology. It cannot be utilized at present without increasing fossil fuel consumption and local air pollution. If carbon capture and storage plays a role in helping California to achieve carbon neutrality, that role must be small and narrowly targeted towards only those applications where no less polluting alternative exists. That category does not include petroleum refining in California, and it should not be part of the Plan.

⁵ <https://www.latimes.com/opinion/story/2022-06-03/california-climate-plan-net-zero-emissions>

⁶ <https://www.gov.ca.gov/2021/04/23/governor-newsom-takes-action-to-phase-out-oil-extraction-in-california/>

CARB's inclusion of massive amounts of refinery CCS is unrealistic and risks locking in heavily-polluting production at those refineries long past the time that Californians have any significant demand for their products. Investments in CCS at refineries cannot and will not complete the process to obtain permits, be constructed, and become able to operate at scale on a time horizon that allows those investments to pay off while also ramping down production in line with decreased demand, as CARB's modeled scenario assumes they do. They will either install CCS or ramp down production – not both.

Refinery owners that install CCS will seek to maximize the return on their investment by continuing to operate at high levels and exporting products. They are banking on other nations to be less successful in reducing demand than California – betting on a global failure to address the climate crisis. This outcome would perpetuate the colonial mindset and environmental racism that has characterized the entire history of petroleum production globally. Moreover, it would serve to make California a global climate hypocrite by setting us up to supply other jurisdictions with polluting fossil fuels that will continue to worsen the climate crisis and cause [millions of deaths](https://www.reuters.com/business/environment/pollution-killing-9-million-people-year-africa-hardest-hit-study-2022-05-17/)⁷ each year from air pollution, even as we eliminate our own dependence on those fuels.

CARB should not plan for a scenario that cannot realistically exist and that carries such significant climate and public health risks.

We ask that you instruct CARB to adopt a plan that includes a full phaseout of oil refining and consumption in California, in line with your existing direction to evaluate the phaseout of oil production and an end to fracking in California. We also ask that you instruct CARB to eliminate from its Plan the unrealistic economic assumptions that massive amounts of CCS will be deployed and then almost immediately phase down operations at California refineries.

Conclusion

We thank you for your continued leadership on climate and your consideration of these requests. We would welcome the opportunity to discuss these recommendations with you and your team.

Sincerely,

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⁷ <https://www.reuters.com/business/environment/pollution-killing-9-million-people-year-africa-hardest-hit-study-2022-05-17/>

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