



March 6, 2026

Ms. Rajinder Sahota
Deputy Executive Office
California Air Resources Board

Electronic Submittal: [45-day Regulatory Docket](#)

Rajinder,

Thank you for the opportunity to provide comments regarding the Proposed Amendments to the Cap-and-Invest Regulation. I am the Principal and founder of Tradesman Advisors, Inc., a consulting firm focused on California's climate policy and regulatory framework. My comments focus on the amendments pertaining to Cap-and-Invest Consultant or Advisor (Consultant).

The goals of the proposed amendments related to Consultants and Advisors are fairly clear – to prevent non-regulated third-parties from being able to manipulate the carbon market. It is a goal I support. The definition of a Consultant isn't changing in this proposal, but the effect of being determined to be one is certainly the focus of these amendments.

Section 95979(2)(l), states that if participating in "*Brokering in, advising on, or **assisting in any way in carbon or GHG-related markets;***" [emphasis added] an individual falls into the category of a Consultant. The subparagraph is very broad, not-defined, and sweeps in policy, regulatory, and non-market consulting. Regulatory and Policy advising is completely different from advising on the actual GHG market and market ecosystem. The former addresses the formal/informal agency regulatory actions, the Administrative Procedures Act processes, and policy decisions (which do impact the market fundamentals, but not individual trading), but whereas the latter focuses on buying/selling advice, market analytics, forecasting and market opportunities. They are as different as apples and oranges, yet the 'assisting in any way' can pull in both types of advisors, where clearly CARB is focused on those engaging in the market dynamics and market participant behavior.

The proposed amendments introduce the concept of knowing an entity's "market positions". This term is not defined, but could easily be in a subsequent amendment package. If it were, then it could be used to distinguish between those helping navigate the rulemaking process from those advising market activities. It is important to make this distinction, now more than before as the requirements of entities employing Consultants have grown. Therefore, I recommend CARB take this opportunity to provide a bit more clarity in this area, such that the new amendments accomplish their intent without being overly encompassing.

Thank you, again, for the opportunity to provide comments. If you have questions on these, or would like to discuss, I can be reached at jon@tradesmanadvisors.com.

Sincerely,
/s/
Jon Costantino
Tradesman Advisors, Inc.