Carba
Transforming waste into valuable carbon

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Clerk of the Board
California Air Resources Board
1001 I Street, Sacramento, CA 95814
Submitted via the 45-day comment docket

Re: Proposed California Carbon Capture, Removal, Utilization, and Storage Program Regulation (SB 905) and proposed amendments to the Cap-and-Invest Regulation: comments of Carba, Inc.

Dear Chair and Members of the Board, and CARB staff:

Carba removes carbon dioxide from the atmosphere by converting waste wood into biochar and burying it in low-oxygen sites, where its carbon stays stored for centuries. We produce biochar at our facility in Burnsville, Minnesota, and bury it in a permitted landfill. We commented on the program concepts in June 2026, and we support what the proposal sets out to do. In particular, the section 95705 certification pathway, and its link to compliance offsets in the proposed Cap-and-Invest amendments (sections 95970(a)(2) and 95973(a)(1)), give new removal pathways a route into the program.

Our comments address one gap. The proposal is built around geologic storage, and biochar is not named anywhere in the Staff Report or in Appendix E (Purpose and Rationale). The Staff Report describes CDR projects broadly, as projects that "capture, store, utilize or otherwise isolate carbon dioxide in a manner that results in GHG removal" (ISOR, pp. 8–9, fn. 7), so biochar fits the program's intent. Without explicit recognition and a clear path to a protocol, however, biochar developers face more uncertainty than any other durable pathway, even though biochar can be deployed now. California also has large volumes of waste and wildfire-hazard wood that biochar can store.

We ask the Board to make five changes.

1. Name biochar carbon removal in section 95702(d) and define it in section 95701. Section 95702(d) covers "nature-based, marine, biomass and other carbon removal and storage" (Appendix E, p. 30). We ask CARB to list biochar explicitly, for example:

> *"...including biochar carbon removal, in which biochar produced from biomass is stored in soils, in durable materials, or in low-oxygen storage sites such as permitted landfills, where its carbon is protected from oxidation."*

We also ask CARB to add a definition of "biochar" that uses an established stability metric. For example: "a solid carbonaceous material produced by pyrolysis or gasification of biomass in an oxygen-limited environment, with a molar hydrogen-to-organic-carbon ratio (H/Corg) of 0.7 or less." This threshold is widely used in biochar certification, including by the European Biochar Certificate.

Naming the pathway costs nothing, and it tells project developers, buyers and verifiers that biochar belongs in the program.

2. Set the permanence timeframe in the definition of "Permanent" (section 95701). As proposed, "Permanent" means removals that are "not reversible within a specified timeframe" (Appendix E, p. 20), but the timeframe isn't stated. The Cap-and-Invest amendments already apply a 100-year standard to stored CO2 (section 95852.3(a)), and the GCS definition uses at least 100 years. We ask CARB to state the same minimum of at least 100 years for every removal pathway in section 95701, so that all pathways are judged against one clear standard. Biochar stored in low-oxygen conditions meets it.

3. Direct staff to develop a biochar compliance offset protocol, and confirm the interim route under section 95705. Section 95705 is designed for project types without a CARB protocol. A dedicated protocol for biochar would give investors the same certainty that geologic storage gets from the GCS Protocol. We ask the Board to direct staff, in its resolution, to prioritize a biochar carbon removal protocol under section 95971. Until that protocol exists, we ask CARB to confirm in the Final Statement of Reasons that biochar projects can be certified under section 95705(b)(1) using current registry methodologies, such as those published by Puro.earth and Isometric. We also ask CARB to confirm that the permanence evidence required by section 95705(d)(1)(B) can be met with laboratory-measured stability (such as H/Corg) together with storage-site records. The EU took this approach: its Carbon Removals and Carbon Farming Regulation (Regulation (EU) 2024/3012) treats biochar carbon removal as a permanent removal activity, and its biochar certification methodology (Delegated Regulation (EU) 2026/285) has applied since May 2026.

4. Keep monitoring and financial assurance proportionate to the actual reversal risk. Appendix E confirms that the geologic storage requirements in sections 95704 to 95704.7 (seismic monitoring, plume and pressure-front monitoring, financial responsibility, emergency and remedial response) apply only to GCS sites under section 95702(c), and not to projects under section 95702(d) (Appendix E, p. 37). We support that distinction and ask CARB to keep it in the final text. Buried biochar is a solid. It is not a pressurized CO2 plume, it cannot migrate through faults or abandoned wells, and its realistic reversal pathways are slow oxidation and physical disturbance of the storage site. Monitoring for section 95705 projects under section 95705(f) should therefore focus on:

- chain of custody from production to burial;
- burial records and site location;
- land-use restrictions or permit conditions that protect the site (for a landfill, its permit and post-closure obligations); and
- periodic sampling where warranted.

Requirements designed for injection wells, such as multi-decade bonding, should not be carried over by analogy.

5. Publish how the reversal risk rating for section 95705 projects will be set (section 95983.1). The proposed section 95983.1(a)(3) places a share of each section 95705 project's offset credits in the CCUS Buffer Account: "Risk Rating × Offset Issuance." For GCS projects, the risk rating comes from the GCS Protocol. For section 95705 projects, the proposal doesn't say how the rating will be determined. This number directly sets the economics of every certified removal project. We ask CARB to state, before adoption or in a 15-day change, how the risk rating for section 95705 projects

will be set, and to base it on each pathway's reversal risk, including the low reversal risk of stable carbon stored in controlled, low-oxygen sites.

Carba would be glad to share operating and monitoring data with staff, and to host staff at our Burnsville facility. Thank you for your work on this program and for considering these comments.

Sincerely,



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