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Via electronic submittal
California Air Resources Board

Re: Public Comment on Proposed California Carbon Capture, Removal, Utilization, and Storage Program Regulations and Associated Regulatory Amendments (SB 905)

Dear Chair Sanchez and Members of the Board:

Enviro LLC is a California limited liability company engaged in the development of biochar carbon dioxide removal (CDR) projects and in greenhouse gas verification services. We appreciate the opportunity to comment on CARB's proposed CCUS Program regulations, and we commend staff for advancing California's first comprehensive regulatory framework for carbon management under Senate Bill 905.

We write to address a gap that, if left unaddressed, will limit the program's ability to deliver on the 2022 Scoping Plan's carbon removal objectives: the proposed regulatory text covers biomass carbon removal in principle, but nowhere names, defines, or provides a workable certification path for biochar — one of the most technologically mature, measurable, and near-term deployable CDR pathways.

Our comments focus on three sections: § 95702 (Applicability), § 95701 (Definitions), and § 95705 (Quantification Assessment Methodologies).

1. § 95702(d) — Expressly confirm that biomass pyrolysis to biochar is a covered project type

Section 95702(d) applies the article to operators of "Nature-based, marine, biomass, and other CO2 removal and storage" projects. We welcome this breadth. However, the proposed text never identifies biochar — pyrolysis of biomass into stable solid carbon, stored in soils, products, or geologic formations — as falling within that category, and the word "biochar" does not appear anywhere in the proposed text.

Request: CARB should confirm, either in § 95702(d) itself or in the Final Statement of Reasons, that biomass pyrolysis to biochar with durable storage is a covered project type under § 95702(d). For example: "(d) Nature-based, marine, biomass (including biomass pyrolysis to biochar), and other CO2 removal and storage."

Rationale: project developers, investors, and verifiers need regulatory certainty before committing capital. Biochar projects are operating at commercial scale today and can deliver removals on the timeline California needs; leaving their coverage to inference invites inconsistent application and deters deployment.

2. § 95701 — Restore definitions for biogenic carbon storage and biochar pathways

The May 2026 Concepts for Potential Regulations included definitions for "Biogenic Carbon Storage," "Bio-oil," and "Bio-oil Sequestration." None of these appears in the proposed § 95701. The proposed text defines "Biomass" as non-fossilized and biodegradable organic material, but does not define the storage of carbon derived from biomass in stable form.

Request: CARB should restore a definition of "Biogenic Carbon Storage" — the sequestration of carbon dioxide in biological material, including stable carbon derived from biomass pyrolysis — and define "Biochar" as the stable, carbon-rich solid product of biomass pyrolysis intended for durable storage. At a minimum, the Final Statement of Reasons should clarify that "biomass" in § 95702(d) encompasses pyrolysis-derived stable carbon.

Rationale: without definitions, neither operators nor verifiers can determine with confidence whether a biochar project is covered, what counts as storage, or how permanence should be assessed. Definitions are the cheapest form of regulatory certainty CARB can provide.

3. § 95705 — Provide a workable QAM path for biochar, including permanence, verification, and registry interoperability

We support the § 95705 Quantification Assessment Methodology (QAM) mechanism, which allows project types not covered by a CARB-approved protocol to seek certification. For biochar, three clarifications are needed:

(a) Permanence. Biochar carbon persistence depends on production conditions (notably pyrolysis temperature and feedstock) and can be assessed through established, measurable stability indicators (e.g., elemental ratios such as H/Corg). CARB should confirm that QAMs for biochar may use production-condition-based durability assessment, rather than imposing a single fixed permanence threshold designed for geologic storage, and should provide guidance on acceptable durability evidence.

(b) Verification. CARB should clarify whether verification of QAM-based biochar projects may be performed by CARB-accredited verifiers, including lead verifiers accredited under the Mandatory Reporting Regulation, and what verifier qualifications apply. Verification capacity will determine whether the QAM path is usable in practice.

(c) Registry interoperability. Section 95705(c)(4) contemplates QAM conformance where a registry has issued carbon credits to a project under an identified protocol and protocol version. CARB should confirm that credits issued under established, independent third-party biochar protocols (such as Isometric's Biochar Production and Storage protocol) can satisfy QAM conformance without duplicative re-quantification, provided the protocol's quantification, monitoring, reporting, permanence, and verification requirements are disclosed and meet the QAM definition in § 95701. Avoiding double quantification is essential to keeping California's program compatible with the voluntary market where most biochar projects operate today.

We would welcome the opportunity to discuss biomass pathways with staff, including at the January 28, 2027 public hearing, and to provide technical input on biochar quantification and permanence assessment.

Thank you for your consideration.

Respectfully submitted,

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