

CALIFORNIA LEGISLATURE BACKS OFF OF NET ZERO PLAN, OVERWHELMINGLY APPROVES GEOENGINEERING BILL PROMOTING DIRECT AIR CAPTURE, BECCS AND NATURE-BASED SOLUTIONS

September 15, 2021



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On Friday, Sept 10, the California legislative session drew to a close for the year with the typical flurry of political theater, last minute negotiations and behind closed doors horse trading. Of particular interest to our organization Biofuelwatch were two climate bills promoting unproven, untested and dangerous negative emissions technologies while also facilitating a focus on a further expansion of bioenergy, offsets and carbon markets.

Our organization will be reporting in depth on the history and trajectory of the politics that have lead California state agencies and elected officials to so fully embrace controversial and dubious approaches to climate change such as Direct Air Capture (DAC) and Bioenergy with Carbon Capture and Sequestration (BECCS). It is our position that it is in the public interest to know the history and follow the money that has been invested to influence the state legislature to support geoengineering and at the same time drive the California Air Resources Board (CARB) to prioritize technological and markets-based approaches to responding to climate change, while largely turning a blind eye to the imperative of reining in the excesses of extractive industry.

With this context in mind, it is particularly worrisome that a California Public Records Act request that our organization made in June of this year to CARB for access to agency documents regarding agency support for DAC, BECCS and other controversial mechanisms has not been respected. We have received no response to our Public Records Act request. This stonewalling and lack of transparency by CARB to keep documents from public view is a dynamic that merits greater scrutiny and action. Our organization is examining all of our options.

However, with the session having just finished, this brief update on California legislative activities will focus on the outcomes for two bills, the AB 1395 'net zero' bill that was narrowly defeated on the last day of the session, and the SB 27 'carbon dioxide removal' geoengineering bill that was passed by near complete bipartisan consensus, including a whopping 75 - 0 vote in the

State Assembly.

AB 1395 'Net Zero' bill: This bill, which essentially endeavored to further ingrain the utilization of offsets while massively expanding the legal framework for the promotion of controversial carbon capture technologies in nearly every imaginable form, was supported by a large array of mainstream climate and corporate environmental organizations, as well as an array of green capitalist trade associations. The bill explicitly supported expanding the future reliance on energy and materials intensive Direct Air Capture, as well as giving Carbon Capture and Sequestration (CCS) technology a green light to be characterized as emissions reductions, essentially paving the way for a frame on climate that allows for fossil fuels to be extracted and burned as long as the emissions are supposedly being captured and stored or, even more outrageously, removed from the air afterwards. This bill would not have prohibited the practice of Enhanced Oil Recovery (EOR), which is the use of CO₂ for drilling and extracting hard to reach oil, but the bill received the ire of the oil industry by putting limits on the counting of CO₂ for EOR as sequestered carbon. Failing to get all that they wanted on EOR, the fossil fuel industry and the labor unions that are an extension of the fossil fuel political lobby ended up opposing this bill. For the polar opposite reason a coalition of grassroots and community based climate justice organizations, led by Physicians for Social Responsibility – Los Angeles, and which Biofuelwatch supported, did rally at the end of the session to formally and publicly oppose the bill and denounce bioenergy, CCS and 'nature-based solutions' for what they are: False Solutions.

On the last day of the session the 'net zero' bill was finally put up for a vote in the Senate, but failed to pass. Though it was given the right to reconsideration by the consensus of the Senate, it never received another vote. Failing to pass the Senate the bill was thus never sent back to the Assembly for concurrence, and went instead to the inactive file.

Grassroots climate justice groups from around the state breathed a sigh of relief, while corporate environmentalists wrung their hands over the defeat of what they said was a special opportunity to find a unique 'compromise' with the fossil fuel industry on CCS, essentially supporting an approach to climate that has been rejected by the climate justice community in the state, the nation and around the world. California may have temporarily dodged a 'net zero' bullet, but there can be no doubt that the dangerous traps of 'net zero' remain strewn across the Sacramento policy landscape and will emerge to cause major problems again in the not so distant future.

SB 27 'Carbon Dioxide Removal' geoengineering bill: Receiving far less media and political attention was a bill that served as a 'nature-based solutions' Trojan Horse for dangerous technologies and an extremely threatening bioenergy based 'negative emissions' system for California. This bill was sponsored by Senator Nancy Skinner, a Democrat and Berkeley-based champion of geoengineering as a response to climate change. To be clear, the Carnegie Climate Governance Initiative, a conservative and pro-geoengineering international climate policy think tank, and certainly one of the default sources for vocabulary on these emerging technological approaches to climate change, fully qualifies 'Carbon Dioxide Removal' (CDR) as one of two main fields of climate altering technologies that can be defined as geoengineering, the other being 'Solar Radiation Management' (SRM).

This bill, which on the surface features a focus on 'natural and working lands' and 'nature-based solutions' for carbon sequestration, was described by the author in committee testimony as specifically designed to help facilitate voluntary carbon market access for offsets project developers in the State of California. The Trojan Horse element of the bill lies in how, deep in the text of the bill about 'natural' sequestration, language was embedded explicitly promoting Direct Air Capture, Carbon Capture Use and Sequestration, and even Carbon Capture and Mineralization, an unproven geoengineering concept which was amended into the bill at the very last moment. This bill also codifies promotion of the Lawrence Livermore National Laboratory and ClimateWorks Foundation "Getting to Neutral" vision for a massive BECCS style 'negative emissions' system, where by dozens of new high tech forest-based bioenergy facilities would be built around the state, outfitted with unproven carbon capture technology, and then connected with an intricate CO₂ pipeline system for transporting the supposedly captured carbon dioxide from the bioenergy plants back to the Central Valley to be injected into the very formations from which oil and gas have been extracted over the last many decades. Suffice it to say that at no moment in the deliberations for the bill was any discussion pursued that addressed the multitude of public health and safety concerns, much less biodiversity and ecosystem threats, that would arise from such a bioenergy and pipeline-centric 'negative emissions' system.

The supporters of the SB 27 bill included Proctor and Gamble, a transnational corporation that is relying heavily on offsets for their 'net zero' climate objectives; the timber industry association American Forests, which is also a strong proponent of offset schemes; and the shiny new and recently minted multi-million dollar annual budget not-for-profit organization Carbon 180, a vehicle for politically well connected advocates for geoengineering in the form of Carbon Dioxide Removal.

Notably, the company Carbon Engineering, one of the most prominent companies promoting Direct Air Capture, also supported the SB 27 bill. Carbon Engineering investors include Chevron, Oxy, Bill Gates, BHP, and the notorious tar sands financier Norman Murray Edwards. The board of Carbon Engineering also includes David Keith, the high profile Harvard-based Solar Radiation Management proponent and researcher.

Even with such controversial direct links of the fossil fuel industry and Silicon Valley to support for the bill, SB 27 received relatively little political attention and absolutely no media coverage. Despite our attempts to raise alarms about the bill with multiple organizations with substantial presence in Sacramento, there was no response, and Biofuelwatch was the only organization to oppose this legislation as the bill wound its way through the process. The bill received numerous changes, including substantial amendments while in the Assembly at the end of the session. As it turned out, regardless of the common belief that Republicans do not support climate legislation in California, in the week before the close of the legislative session, SB 27 passed with near consensus bipartisan support in both chambers of the legislature. The bill is now on the desk of Governor Newsom awaiting his signature to become law.

Though the passage of the SB 27 bill is truly problematic as an impediment to climate justice and to addressing environmental and public health disparities in the state, there is little question that the failure of the 'net zero' bill AB 1395 does at least for the moment create some political space for environmental justice advocates to continue to push back on these dangerous bioenergy and fossil fuel industry favored approaches to climate.

What Happens Next: Now that the legislative session has come to a close, attention in Sacramento will turn almost entirely to the Air Resources Board facilitated development of the 2022 Scoping Plan. Considering the extent to which the tentacles of extractive industry reach into the policy making theaters in the state, it will be quite the battle to reverse the 'carbon capture' of climate discourse in California — but the failure of AB 1395 certainly helps. Staying informed and knowing exactly what is happening remains a big part of the battle against the environmental racism and climate science denial that is embedded in a 'net zero' frame for climate change. Do stay tuned for more reporting on the what, how and why of the California pivot towards geoengineering as a Brave New World response to climate change. We will also continue to elevate the real solutions being designed and advanced by people and organizations on the front lines who are increasingly exposed to the both the impacts of climate change as well as to the impacts of the dangerous industry friendly mechanisms being foisted on our communities to maintain business as usual in the face of increasingly intense climate and ecological breakdown.