

April 22, 2009

Mary D. Nichols
Chairwoman
California Air Resources Board
Headquarters Building
1001 I Street
Sacramento, CA 95812

Dear Chairwoman Nichols,

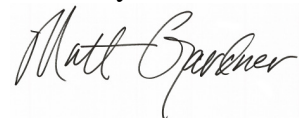
BayBio is Northern California's life sciences association. We represent over 400 members engaged in and supportive of research, development, and commercialization of medical and biotechnologies, diagnostics, biofuels, and research tools for human, agricultural and industrial applications. Northern California is the oldest, largest and most productive life sciences cluster in the world. We are writing to provide comments on the Proposed Regulation to Implement the Low Carbon Fuels Standard (LCFS).

BayBio members are leading the way in developing new alternatives to traditional fossil fuel production. In fact, California is a world leader in the development of advanced biofuels. The state is home to major universities, federal laboratories and several companies that are developing advanced biofuels that can replace traditional fossil fuels. At the same time, many of these new technologies in development can be utilized in our existing energy and fuel infrastructure.

We are concerned that the proposed LCFS regulations will unfairly provide a direct disincentive to the continued development of these new and needed technologies. Specifically, ARB's analysis uses different criteria to assess the carbon footprint of various fuels. Biofuels from feedstock grown on land are penalized via a process that has not been sufficiently peer reviewed or scientifically validated. Furthermore, this process is used selectively. While the ARB's analysis focuses on theoretical indirect estimates of greenhouse gas emissions from the production of biofuels, it has no such requirement for traditional fossil fuels. The perverse outcome of this analysis is that California will end up discouraging the very alternative to fossil fuels it should be promoting.

The ILUC process can be beneficial if it allows different fuels to compete on equal footing and is supported by a rigorous peer reviewed scientific process. We respectfully ask the Board to postpone adoption of ILUC carbon intensity values for biofuels pathways pending a coordinated, rigorous scientific study that measures indirect GHG impacts from all fuel sources.

Sincerely,



Matthew M. Gardner
President and CEO