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September 11, 2025

Submitted via CARB portal: Public Comments to August 21, 2025 Climate Disclosure Workshop

California Air Resources Control Board
1001 I Street
Sacramento, CA 95812-4015
climatedisclosure@arb.ca.gov

RE: CARB's Climate Disclosure Regulation Development, Request for Comments from August 2025 Workshop

To Whom it May Concern:

On August 21, 2025, the California Air Resources Control Board (CARB) hosted a workshop regarding proposed regulation development to implement California's Corporate Greenhouse Gas (GHG) Reporting and Climate Related Financial Risk Disclosure Programs. In response to requests for comments relating to key concepts presented during that workshop, the comments provided in this letter reflect the common viewpoints of the agricultural organizations (herein referred to as "organizations") that have signed below.

Definition of “Doing Business in California”

CARB staff have indicated they are exploring existing databases of US-based companies that could be used to establish “doing business in California.” We support the recommendation provided by Cal Chamber and others in March 2025 that encouraged adoption of a new definition of “doing business in California” that at a minimum requires a reporting entity to generate a significant amount of business in the State. Further, we concur with the recommendation that CARB consider potential metrics concerning revenue, income, number of in-state employees, in-state emissions, and other criteria that indicate a significant and ongoing connection to the State of California in ordinary course of the reporting entity’s business, and propose a significantly higher threshold to be considered an entity that is “doing business in California.”

Exemptions

CARB has proposed exemptions for a variety of sectors, including government entities. Exempting government agencies from greenhouse gas emission reporting requirements undermines the integrity of California’s climate data collection efforts. Government operations represent substantial emission sources that must be measured and managed as part of any comprehensive climate strategy. We recommend that government entities at all levels, including local, state, federal, and international, be subject to the same emission reporting standards required of private sector organizations.

Confidentiality & Trade Secrets

CARB should incorporate clear provisions protecting confidential business information, trade secrets and national security data in emissions reporting requirements for scopes 1, 2, and 3. Companies should be able to protect proprietary information, including but not limited to calculation inputs, operational parameters, equipment specifications, process details, and sourcing data, while still meeting statute-required objectives.

CARB should establish clear confidentiality protections for sensitive business information, trade secrets, and national security data, assuring such information is excluded from public databases and protected from disclosure, including a dependable protocol that allows reporting entities to safeguard confidential information. In doing so, CARB will ensure compliance without compromising business confidentiality, thereby supporting both climate objectives and continued competitiveness of California businesses impacted by this requirement.

SB 253 Implementation Deadline

CARB staff have recommended an implementation deadline of June 30, 2026, for reporting entities meeting SB 253 requirements. The statute provides flexibility in determining a reporting deadline, allowing CARB to identify a date in 2026 for public disclosure to an emissions reporting organization, if contracted for services, or the state board, of all the reporting entity's scope 1 and 2 emissions for the reporting entity's prior fiscal year (CA Health & Safety Code § 38532, section (c)).

We encourage CARB to adjust the proposed implementation schedule to December 2026, allowing a complete year following expected regulation adoption for compliance readiness. This timeframe would acknowledge the substantial infrastructure investments required to meet compliance requirements, including technology systems, specialized staff, contractors, and third-party verification services, particularly for businesses without existing emissions tracking programs.

SB 253 Scope 3 Reporting Deadline

We welcome the clarity provided by SB 219 that extended scope 3 emission reporting requirements to a future date in 2027 that CARB will determine through regulation development (CA Health & Safety Code § 38532, subdivision (c)). Recognizing that comprehensive education, training, implementation, and guidance will be essential across the entire supply chain to enable reporting entities to adequately fulfill scope 3 emission reporting requirements, we recommend that CARB establish this deadline no earlier than December 2027.

Anticipating CARB will be adopting this proposed rule in December 2025, this timing will provide suppliers with necessary time to better understand scope 3 emission requirements, make initial investments, build flexibility and scalability, implement procedures, and incorporate a data collection framework that aligns with that company's established reporting practices. Additionally, given that CARB is expected to establish an assurance requirement for third-party assurance engagements of scope 3 emissions on or before January 1, 2027, providing a deadline of December 2027 for scope 3 reporting requirements will provide necessary time to build reporting systems that align with those requirements (CA Health & Safety Code § 38532, subdivision (c)).

By establishing a deadline of December 2027 for scope 3 emissions reporting, both reporting entities and their suppliers will be furnished with necessary time to implement tools to provide reports using a reasonable basis and disclosed in good faith, in alignment with the timelines provided in statute (CA Health & Safety Code § 38532, subdivision (c)).

SB 261 Reporting Deadline

Current timelines indicate that CARB will not adopt this regulation before December 2025. The first reporting deadline for covered entities occurs on January 1, 2026, as required by statute (CA Health & Safety Code § 38533, subdivision (4)). CARB has suggested maintaining its portal for a six-month period to provide flexibility, given that regulation development did not occur according to originally proposed timeframes. We ask CARB to explicitly acknowledge in its regulation the challenges inherent to requiring reporting less than a month from the date of regulation adoption and provide a safe harbor period for submissions of at least six months from the date of regulation adoption or January 1, 2026, whichever is later.

We support CARB staff's recommendation to exclude scope 1, 2, and 3 reporting from the initial minimum reporting guidance document for January 1, 2026, submissions, given the short turnaround time and substantial investments that will be required by some companies, including many of those reporting scope 3 emissions and their suppliers, to prepare to meet these requirements.

Thank you for your consideration of our comments, we look forward to your response. Please contact us if you have any questions.

Sincerely,



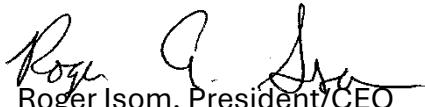
Shirley Rowe, President
African American Farmers of California



Nicholas Rudowich, Director, State Affairs
Association of Equipment Manufacturers
(AEM)



Zachary Fraser, President & CEO
American Pistachio Growers



Roger Isom, President/CEO
California Cotton Ginners and Growers
Association
Western Tree Nut Association



Daniel Hartwig, President
California Fresh Fruit Association



Rick Tomlinson, President
California Strawberry Commission



Robert Verloop, Executive Director/CEO
California Walnut Commission

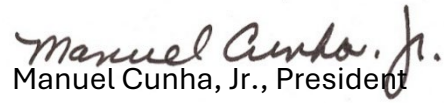


Christopher Valadez, President
Grower-Shipper Association of Central
California

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A handwritten signature in dark ink, reading "Manuel Cunha, Jr." in a cursive script.

Manuel Cunha, Jr., President

Nisei Farmers League