California Food Producers

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October 27, 2025

Dr. Mark Sippola, Branch Chief
California Air Resources Board
Industrial Strategies Division, Climate Change Program Evaluation Branch
1001 I Street
Sacramento, California 95814
*Comments Submitted Electronically to the Public Docket*

RE: Comments on Senate Bill 253 Draft Reporting Guidance and Template

Dear Dr. Sippola:

The California League of Food Producers (CLFP) is a statewide association representing the interests of both large and small food processors and beverage producers throughout the state, including companies that may be subject to emissions reporting requirements under Senate Bill (SB) 253 (Wiener, 2023). We appreciate the opportunity to provide comments to the California Air Resources Board (CARB) on the draft SB 253 reporting template (Draft Template) and related draft guidance memo (Draft Guidance), which CARB released on October 10, 2025.

SB 253 requires CARB to adopt regulations that require each reporting entity subject to the law to measure and report their prior fiscal year scope 1 and scope 2 emissions "in conformance with the Greenhouse Gas Protocol Standards and Guidance" (GHG Protocol). (Health & Saf. Code, § 38532(c)(1)(A).) It specifically "does not require additional reporting of emissions of greenhouse gases beyond the reporting of scope 1 emissions, scope 2 emissions, and scope 3 emissions required pursuant to the Greenhouse Gas Protocol standards and guidance or an alternative standard, if one is adopted after 2033." (Health & Saf. Code, § 38532(c)(6).) The Draft Template and Draft Guidance, however, identify numerous categories of information for disclosure that the GHG Protocol and SB 253 do not require. Several examples are provided below. Reporting entities can fully comply with the requirements of SB 253 without including such information in their reports, and extending SB 253 regulations beyond those requirements would exceed CARB's regulatory authority.[1] CLFP

[1] Govt. Code, § 11342.2 ["Whenever by the express or implied terms of any statute a state agency has authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of the statute, no regulation adopted is valid or effective unless consistent and not in conflict with the statute and reasonably necessary to effectuate the purpose of the statute."]; see also Govt. Code, § 11342.1 ["Each regulation adopted, to be effective, shall be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law."].

urges CARB to revise its Draft Template and Draft Guidance to ensure that it is consistent with the scope of SB 253 and CARB's forthcoming implementing regulations. SB 253 compliance is already a complex and confusing process. By adopting templates and guidance that are inconsistent with the statute and the scope of CARB's regulatory authority, CARB would unnecessarily make reporting compliance more uncertain and confusing for reporting entities and for CARB enforcement staff.

We recognize that CARB does not intend the Draft Guidance and Draft Template to impose any mandatory requirements on reporting entities for the 2026 reporting cycle. However, CARB confirmed in the Draft Guidance that it views the Draft Template as a preliminary framework for reporting requirements under SB 253 to be refined for later reporting cycles "as part of its regulatory process." It also describes only a portion of the data categories in the Draft Template as "optional," which implies that CARB considers disclosure of the other information categories in the Draft Template to be required by statute. Even for those categories currently listed under "optional fields," it is not clear whether CARB considers those categories optional for 2026 only or whether it may reclassify some of those fields for future reporting years. In light of this uncertainty, CLFP provides these comments to assist CARB's efforts to further refine the Draft Template and Draft Guidance and to develop implementing regulations that do not exceed the scope of reporting requirements established by the Legislature.

As noted above, several categories of required and "optional" information included in CARB's Draft Template and Draft Guidance are not required or authorized by SB 253 or the GHG Protocol. For example:[2]

- ***Contact Information of Individuals (e.g., Lines 12-15).*** The Draft Template includes as a non-"optional" field the disclosure of the names and contact information of an individual affiliated with a reporting entity in their public GHG emissions reports. This is not required or authorized by either SB 253 or the GHG Protocol, which expressly provides that disclosure of a contact person is optional only.[3] CLFP is also concerned that CARB's proposal to include individual employee names and contact information in public reports may violate California's constitutional privacy protections for individual employees and expose them to harassment or other inappropriate contact from members of the public. (See Art. I, § 1.) For these reasons, CARB we request that CARB either delete Lines 12-15 from the Draft Template or clearly designate these lines as "optional fields."

[2] These examples are illustrative only. This is not intended to be a comprehensive list.
[3] See GHG Protocol, p. 64, available at ghg-protocol-revised.pdf.

- ***Subdivided Emissions (e.g., Lines 31-34, 48-50, 112-145).*** SB 253 does not require regulated entities to report emissions data that is subdivided by source type, such as process emissions, fugitive emissions, stationary or mobile combustion, etc. Under the GHG Protocol, reporting on subdivided emissions data is optional only.[4] Therefore, SB 253 reports can conform to the requirements of the GHG Protocol, as required by Health and Safety Code, section 38532(c)(1)(A)(ii), and comply with SB 253 without including subdivided emissions data. Moreover, SB 253 precludes CARB from requiring disclosure of subdivided emissions data in SB 253 implementing regulations. (See Health & Saf. Code, § 38532(c)(6).) For consistency with SB 253 and the forthcoming implementing regulations, CARB must either delete all subdivided emissions reporting categories from the Draft Template or move all subdivided emissions information categories under "optional fields" and clearly designate them as voluntary and optional.

- ***Emissions Intensity Based on Revenue (e.g., Lines 51, 58, 175).*** SB 253 does not require regulated entities to report on emissions intensity. Under the GHG Protocol emissions intensity reporting (i.e., reporting of "ratio performance indicators") is optional,[5] and, therefore, SB 253 does not permit CARB to require reporting entities to include it. (See Health & Saf. Code, § 38532(c)(6).) Because reporting entities can fully comply with SB 253 without including emissions intensity information in their public reports, emissions intensity information categories must be either deleted from the Draft Template, or the Draft Template and Draft Guidance must clearly state that all emissions intensity reporting categories are voluntary and optional.

  Additionally, for companies that elect to voluntarily report intensity ratios, the GHG Protocol does not require those ratios to be based on revenue. Reporting entities may base their voluntary intensity ratio reporting on any relevant metrics, such as production or sales.[6] Emissions intensity calculation and comparison is complex, and its utility varies for different industries and different facilities. For many industry sectors, revenue is not an appropriate basis for determining emissions intensity. For others, industry-specific factors may preclude reporting entities, investors, and the public from drawing any useful conclusions from emissions intensity data. For the food processing sector in particular, emissions intensity data does not necessarily reflect the carbon efficiency of an entity or facility. Food processing emissions intensity is variable because it is based on the variability of the

[4] See GHG Protocol, p. 63.
[5] See GHG Protocol, p. 63.
[6] See GHG Protocol, pp. 63, 65-67.

agricultural commodities processed and the energy intensity of the product mix that food processors make in a given year. Tomato processing provides a representative example:

- Tomato processors make different mixes of food products in different years and different mixes of food products from each other, depending on market demand. In a given year, some processors will only make paste, while others will make paste and other canned products, such as canned tomatoes or formulated products, and sauce.
- The energy needed to make a tomato product, such as tomato sauce or paste, will vary depending on the quantity of water in the crop. The solids and water content of tomatoes varies from field to field and from load to load. Higher water content means more energy is needed to evaporate it during processing.
- From year to year, depending on the product mix and the variability of the tomato water content, a tomato processer will use more or less energy (steam from natural gas combustion) to produce its products.
- Emission intensity is difficult to calculate because of these variables. Meaningful year-to-year emissions intensity comparisons for a single tomato processing facility, and meaningful emissions intensity comparisons between different tomato processors or between different facilities, are simply not possible.

As this example shows, for the food processing industry sector, the emissions intensity data sought in the Draft Template, in addition to not being required by SB 253 or the GHG Protocol, would be of no utility to investors and the public. Similar constraints may limit the value of emissions reporting data for reporting entities in other sectors. CARB can implement SB 253 in accordance with its purpose and legislative intent by confirming in the Draft Template and Draft Guidance that emissions intensity reporting is voluntary and may be based on any factor the reporting entity determines is relevant.

- ***Direct Contracts for Renewable Energy or Renewable Gas (e.g., Lines 72-75).*** SB 253 does not require regulated entities to report on direct contracts for renewable energy or renewable gas. Under the GHG Protocol, the only contract information identified for reporting is information on any contractual provisions addressing GHG-related risks and obligations – and disclosure of this information is optional only.[7] Because the GHG Protocol disclosures do not include, either as mandatory or voluntary disclosures, information on direct contracts for renewable energy or renewable gas, SB 253 precludes CARB from requiring disclosure of this information. (See Health & Saf. Code, § 38532(c)(6).) Therefore,

[7] See GHG Protocol, p. 63.

for consistency with SB 253's requirements and the scope of CARB's regulatory authority, all references to this direct contract reporting should be removed from the Draft Template.

- ***Emissions Factors (e.g., Lines 62-68).*** CARB must remove all emissions factors-related information categories from the Draft Template and Draft Guidance. Disclosure of emissions factors and sources in the public SB 253 reports is also wholly unnecessary because SB 253's independent third party assurance requirements ensure that a reporting entity's reports are based on appropriate emissions factors.[8] (Health & Saf. Code, § 38532(c).) It is also not required by SB 253 because the GHG Protocol's mandatory and voluntary disclosure categories do not include reporting on emissions factors and sources. SB 253 does not allow CARB to require reporting of this emissions information, which falls outside the scope of the GHG Protocol. (See Health & Saf. Code, § 38532(c)(6).)

- ***De Minimis Sources (Lines 69-70).*** The Draft Template, lines 69 and 70, under the category of "miniscule sources/de minimis," seek disclosures of the sources and quantities of emissions "excluded based on the materiality threshold." From this description, it appears that CARB may be referring to reporting on *de minimis* emissions (a permissible quantity of emissions that a company can leave out of its inventory), but it is not clear. Under the GHG Protocol, "materiality threshold" does not relate to sources or quantities of emissions excluded from the report. It refers to the point at which a discrepancy becomes material for purposes of verification, so that verifiers can focus their work on areas that are more likely to lead to materially misleading errors.[9] It is not the same as a *de minimis* standard.[10]

  Nothing in SB 253 or the GHG Protocol requires reporting entities to disclose the sources or quantities of *de minimis* emissions. Requiring reporting of *de minimis* emissions would impose a substantial burden on reporting entities because, in many cases, *de minimis* emissions data is difficult and costly to obtain. The Legislature chose not to impose that burden in SB 253 and precluded CARB from doing so. (See Health & Saf. Code, § 38532(c)(6).) For consistency with SB 253's requirements and the scope of CARB's regulatory authority, all *de minimis* emissions reporting categories should be removed from the Draft Template.

[8] See GHG Protocol, p. 72.
[9] GHG Protocol, pp. 69-70.
[10] "A materiality threshold is not the same as de minimis emissions, or a permissible quantity of emissions that a company can leave out of its inventory." (GHG Protocol, p. 70.)

- ***California Mandatory GHG Reporting Regulations (MRR) (Line 71).*** The Draft Template includes a requirement for reporting entities to disclose whether they are subject to MRR requirements by including the MRR facility ID numbers associated with the entity in their public SB 253 reports. SB 253 does not require this disclosure. In Health and Safety Code section 38532(c)(1)(D)(ii), the Legislature expressly made disclosure of MRR obligations voluntary, stating: "Reporting entities that are required to report mandatory industrial emissions pursuant to regulations adopted pursuant to Section 38530 *may* provide that data with the disclosure required pursuant to this section." (Health & Saf. Code, § 38532(c)(1)(D)(ii), emphasis added.) For consistency with the plain language of SB 253, the Draft Template should clearly state that disclosure of MRR information is voluntary and optional.

CARB's intent for the Draft Template is "to streamline reporting, especially for entities disclosing GHG emissions for the very first time."[11] CLFP's request that CARB limit the Draft Template and Draft Guidance to only those disclosures that are required or permitted by SB 253, and that CARB clearly indicate which disclosures are required by statute and which are voluntary and optional, would help CARB accomplish this goal. Thank you for your time and consideration of our concerns. We look forward to further engaging with you on these issues.

Sincerely,

Trudi E. Hughes

Trudi Hughes
President/CEO

[11] CARB, Draft Guidance, p. 1.