

Letter to the California Air Resource Board

Subject: Concerns Regarding Current CARB Rulemaking on EPD Reporting Requirements

Dear Officer at the California Air Resource Board (CARB),

I am reaching out on behalf of the National Asphalt Pavement Association (NAPA), an industry association that exclusively represents the interests of asphalt producers and contractors on a national level. NAPA's mission is to advance the asphalt pavement industry through leadership, stewardship, and member engagement. As part of industry stewardship, NAPA has served as the program operator for the North American asphalt mixture Environmental Product Declarations (EPD) program since 2017. In this capacity NAPA maintains the ISO 21930 and ISO 14025 conformant [Part B Product Category Rule \(PCR\) for asphalt mixtures](#) and operates the third party verified [Emerald Eco Label \(EEL\) tool](#) that electronically generates EPDs.

The asphalt PCR is currently on its second revision with a third revision in process. Since, its inception, the EEL program has been used to develop product and facility specific EPDs for approximately 20% of asphalt plants in the United States totaling about 6,500 individual EPDs for asphalt mixtures. In 2024, NAPA also published the [asphalt industry national benchmark](#) to support agencies in using EPDs for their procurement purposes. NAPA has closely worked with Caltrans, and asphalt EPDs are currently submitted digitally through the EEL agency interface using the OpenEPD format.

Considering the above experience, I am writing to comment on the Building Embodied Carbon Reporting Technical Meeting of October 30, 2025. While I do want to congratulate CARB on adopting EPDs as the essential pathway for reporting, I also want to express some significant concerns regarding notable inconsistencies in the proposed methods. I believe that as an industry committed to the sustainability of our transportation infrastructure, we share the same goals with CARB and sincerely hope that this letter will mark the beginning of a productive conversation to align the expectations of CARB with established best practices in sustainability reporting.

Based on a thorough review of your proposed requirements, I would like to highlight several critical distinctions and issues that must be addressed to ensure effective, reasonable, and scientifically sound implementation of California Assembly Bill (AB) 2446 and AB 43. I have classified my comments in three categories, (i) proposed actions that are in line with best practices, (ii) proposed actions that are somewhat aspirational but can help the overall process improve even though this may come at a cost, and (iii) proposed actions that merit reconsideration and significant clarification. In addition, I have included a set of recommendations that I hope will prove to be the beginning of a conversation with CARB.

1. Actions in Line with Best Practices - The following are requirements that most construction EPD programs are currently complying with:

- Adhering to ISO standards (14040:2006, 14044:2006, 21930:2017) and third-party verification: The asphalt industry has an ISO 14040/44 verified LCA that supports the ISO 14025 and ISO 21930:2017 conformant Part B PCR. *CARB should specify the use of industry specific Part B PCRs, leaving no space for the use of PCRs written for other geographic jurisdictions.*
- As per CARB's requirements, asphalt EPDs are already facility- and product-specific and clearly report all LCA mid-point indicators disaggregated by life cycle stage for each of the modules A1, A2, and A3.

2. Aspirational Asks That May Require Investment – The following requirements, are above and beyond ISO requirements, and CARB should consider various market barriers including the availability of high-quality data that may necessitate significant investment:

- Using primary data that is less than two years old: ISO requires data collected over a 12-month period in the last five years. The two-year requirement will likely add to current reporting burdens and be felt disproportionately by small producers.
- Reporting supply chain-specific impact results: supply chain specificity is not to be conflated with the quality of an EPD. A high-quality industry average LCA/EPD for an upstream constituent material could support a higher quality EPD; than one that has high supply chain specificity but poor upstream product specific EPDs. To that extent, many downstream materials are forced to have a lower supply chain specificity when their upstream constituent material industries have not yet invested in EPD programs. In effect, the supply chain specificity metric while desirable does not always reflect EPD quality.
- Separately reporting contracted renewable energy or fuels: current asphalt EPDs already provide an energy breakdown based on the source being renewable/non-renewable, primary/secondary, and whether derived from material/energy. The additional reporting of whether the fuel used is contracted or not makes no difference. Unlike Scope based GHG reporting, LCA system boundaries are strictly based on energy and mass flows.

The above asks are achievable but may require additional resources (especially in incentivizing all industries to develop EPD programs) and financial commitment from across industries.

3. Red Flags and Problematic Requirements - Several proposed requirements raise substantial concerns regarding the underlying implementation plan:

- The proposed rule fundamentally confuses terms such as “direct/indirect emissions”, “GHG”, “emission factors” resulting from a conflation of LCA based EPDs, and Scope based GHG reporting. For example, purchased electricity is considered a Scope 2 item, that estimates indirect emission in GHGRP using an emission factor, while in LCA based approaches net electricity consumed as a foreground parameter that is applied to a life cycle inventory (LCI) to estimate midpoint indicators from electricity generation (from various mixes) and transmission to the point of consumption, regionalized by balancing authority. The LCA based approach reports Global Warming Potential (GWP) in an EPD.
- Specifying “emissions factors” is confusing and betrays a lack of differentiation between GHG emissions and midpoint indicators such as GWP as expressed in an EPD. GHG emission estimates as estimated using the MRR or EPA’s GHGRP method are a subset of the GWP estimated using impact assessment methods such as TRACI. Specifying upstream LCI can be useful for EPDs but specifying “emissions factors” are inconsistent with LCA-based reporting and risks undermining scientific rigor of EPDs.
- Besides the confusion between process based LCA methods and Scope based GHG accounting, CARB further introduces the use of Environmentally Enhanced Input-Output (EEIO) based baseline development. EEIO based approaches merit use when an industry has little to no data, but its use is counterproductive for the construction industry that has mature EPD programs with significant literature in benchmarking and experience in carbon reduction methods through mix design, production and construction.
- To be clear, CARB is welcome to participate in the development of PCRs – an open stakeholder driven process. However, the authority of CARB in unilaterally declaring “CARB approved EPDs” is unprecedented and risks creating significant chaos in the marketplace.

- Requiring disclosure of all products, co-products, and key waste flows, including both physical and economic allocation results, is at least overly burdensome, and the gains are questionable. It is also worth pointing out that CARB's use of "economic allocation" is inconsistent with conventional use in the LCA body of knowledge.
- Maintaining extensive records for 10 years adds unnecessary administrative load with no clear benefits. NAPA has an EPD quality audit program in place and asphalt EPDs are valid for at most 5 years spanning the period of validity of the PCR. Hence, storing data for 10 years makes little sense. Besides, who will be providing the data storage infrastructure and the security of the potentially proprietary information contained in the data?

4. Recommendations – I hope that the following recommendations will prove to be a starting point for a conversation between NAPA and CARB in achieving shared goals for sustainability.

- CARB should adhere to ISO standard conformance, enforced by Program Operators, rather than creating new standards, and upending industry efforts that have seen significant investment and lessons learned in the last 15 years. CARB is welcome to participate in PCR committees.
- Allocation decisions and background LCI specifications should remain the purview of PCR Committees, with CARB participating as appropriate.
- Clarify terminology to prevent confusion between GHGRP and LCA-based methods, and as appropriate pick one or another instead of the current confusion.
- Avoid conflating "emission factors" with LCA methodologies; full Life Cycle Inventories are the scientific standard.
- CARB should avoid all use of EEIO and spend-based accounting. This is a disincentive to producers committed to engineering their products better to reduce GWP and decarbonize.
- Harmonization efforts should be cautious of excessive reporting burden, especially when the gains are trivial, if any. Such burdens disproportionately disadvantage small producers.

In summary, while there are elements of the proposed rulemaking that are feasible and reasonable, several requirements present significant challenges and risk upending current best practice and ensuing chaos that is counterintuitive to goals of sustainability. We urge CARB to reconsider these problematic aspects and work collaboratively with industry and standards bodies such as the American Center of Life Cycle Assessment to develop practical, and scientifically robust regulations. To achieve CARB's goals and create a workable program will require additional technical meetings to engage and discuss these very nuanced and complex issues. We encourage those meetings to begin as soon as possible to meet CARB's aggressive implementation timeline. We look forward to participating in this process so that we can achieve a successful outcome.

Sincerely,



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National Asphalt Pavement Association