



## Engineered Carbon Capture, Use, and Storage (CCUS) Policy Platform

Engineered carbon capture, use, and storage (CCUS) is a means of delaying meaningful climate action and *increasing* our investments in fossil fuel and other hydrocarbon infrastructure at a time when we should be phasing out these old fuels that continue to drive the climate crisis and poison frontline communities. So far, all CCUS projects worldwide have failed to live up to promised climate benefits, and a majority have been net carbon emitters in a lifecycle analysis that considers upstream and downstream emissions.

Further, most engineered carbon capture increases air pollution, water pollution, and other harms for frontline communities, and the risks of transporting and storing carbon dioxide include immediate death and hospitalization, spoiling aquifers, degrading soil, and increased seismicity. Over 80% of captured carbon from CCUS globally is used for enhanced oil recovery (EOR), reversing any paper climate benefits and further harming frontline communities with the impacts of new EOR.

CCUS projects are only financially viable when funded by massive subsidies, and we urge the state to reject funding for these dead-end technologies. Indeed, CCUS is expensive, a massive boondoggle without public benefit but with clear private gain. What's more, this unwise investment comes with the opportunity cost of what those taxpayer dollars could otherwise be used to fund, such as increased renewable energy infrastructure and ecosystem restoration.

While we oppose all CCUS for hydrocarbon infrastructure, we recognize that at least some CCUS is likely to move forward. As such, the following policy tools should be used to maximize climate benefits and minimize harms to communities. Even if engineered CCUS moves forward in California, we urge a least harm scenario for frontline communities through enactment of these policy protections.

**Carbon capture and storage cannot be used for enhanced oil recovery.**

**CCUS projects must practice free, prior, and informed consent for notification, research, and consultation in meaningful and accountable ways.**

*CCUS projects must be subject to the California Environmental Quality Act and National Environmental Protection Act:* An Environmental Impact Report is necessary in all cases for capture, transport, use, and storage projects on a project-by-project basis—without exception. The Consultant and/or public entity conducting the EIR must be accountable to the surrounding/impacted community.

*CCUS projects must be accountable to enhanced CEQA requirements:* Lead agencies preparing an EIR must provide notices required by CEQA to owners and occupants of property located within 1 mile of any parcel or parcels, and to any schools located within one mile of any parcel or parcels, on which is located a project involving the mechanical capture, transportation, or geologic storage of carbon dioxide within a disadvantaged community or within 1 mile of a disadvantaged community. The notice shall specify the period during which comments will be received on the draft environmental impact report, and shall include the date, time, and place of any public meetings or hearings on the proposed project, a brief description of the proposed project and its location, the significant effects on the environment and public health, if any, anticipated as a result of the project, the address where copies of the draft environmental impact report, and all documents referenced in the draft environmental impact report is available for review, and a description of how the draft environmental impact report can be provided in an electronic format. The lead agency shall call at least one scoping meeting for the project. The lead

agency shall call the scoping meeting as soon as possible, but not later than 30 days after receiving the request from the project developer/permit applicant.

*Require uniform public database to track all CCUS projects statewide:* Up-to-date permitting for each agency's CCUS projects must be available for public access here.

*Require consideration of adverse impacts:* Research on potential adverse impacts, informed by impacted communities and community-based organizations, must be considered on all potential technology impacts, including worst-case scenario modeling, at local and statewide scales. Potential impacts should be studied at all stages, from capture and transportation to utilization and storage, and include impacts to air, water, and soil.

### **CCUS projects cannot proceed if they would increase pollution.**

*CCUS projects cannot proceed if they would increase any local or regional criteria air pollutant or toxic air contaminant.* Even if some air pollutants would be decreased, projects that would increase other pollution cannot be allowed. For example, some projects may reduce sulfur oxides (SO<sub>x</sub>) while increasing fine particulate matter (PM<sub>2.5</sub>) and carbon dioxide (CO<sub>2</sub>); these projects should not be allowed to proceed. In addition to this design requirement, projects must not increase air pollution in practice. Baseline and fence-line monitoring must be required to prove that CCUS projects do not increase any criteria or toxic pollutant. If fence-line monitors detect an increase in air pollution, then the facility owner and operator must be held liable for a nuisance per se unless they can demonstrate by a preponderance of the evidence that the increase in pollution was not caused by their facility.

*CCUS projects cannot proceed if they would increase water pollution, soil pollution, truck or barge traffic, light pollution, noise pollution, or other nuisances to the community.*

*Carbon dioxide pipelines must meet heightened safety standards, and they must not run through environmental justice communities.* Given the exceptional risks of carbon dioxide pipelines, they should be regulated very carefully and not put into the same regulatory regime as oil and gas pipelines. While oil and gas pipelines are dangerous, carbon dioxide pipelines are an order of magnitude more so, and the properties are very different. Given these high risks, these pipelines should not be allowed to run through or near environmental justice communities, which already bear a disproportionate pollution and health burden because of historical and ongoing inequities driven by racism and classism.

*Storage and transportation projects must assess and ensure stable geology and ensure no risk of leakage, and they cannot increase geological risks.* The California Geological Survey must certify that storage sites and pipelines are not at risk of leakage due to geological risks, and that projects won't lead to increased seismic activity.

*CCUS projects cannot cause any increase in local harm or health risks.*

### **The California Air Resources Board (CARB) must oversee CCUS projects.**

*CARB must oversee the safety of technology and infrastructure at all CCUS projects from capture to storage.*

*At storage sites, CARB must oversee long-term monitoring of emissions.* The minimum length of time for long-term monitoring must be at least 100 years after the last injection into storage.

*CARB must oversee a financial assurance mechanism for storage projects.* This financial assurance must continue for at least 100 years after the last injection into storage. This mechanism must assure the public against leaks, damage, and other harms from storage sites.

*Liability for leaks should be held against any actor along the lifecycle of the carbon emissions.* Because carbon dioxide is a hazardous substance, the state must carefully hold companies liable for their CCUS activity, following the model of the federal Resource Conservation and Recovery Act (RCRA). Companies that capture, transport, use, or store carbon dioxide must all be jointly and severally liable for harms at any point downstream from their activity. Thus, for example, an entity that performs capture would be liable for harms associated with capture, transport, use, and storage for at least 100 years for the carbon that that entity captured. Liability must belong to owners, operators, and any party that benefits from the activity.

**CCUS financing must not result in increased rates for utility customers:** CCUS projects are not a just or reasonable expense or in the public interest, and an electrical corporation shall not recover costs and expenses related to any CCUS projects from ratepayers.

