



LCFS Guidance



Low Carbon Fuel Standard (LCFS) Guidance 20-05

Redaction of Confidential Business Information under the Low Carbon Fuel Standard (LCFS)

April 2020

INTRODUCTION

The California Air Resources Board's (CARB) Low Carbon Fuel Standard regulation, which appears at sections 95480 to 95503 of title 17, California Code of Regulations, is designed to reduce greenhouse gas emissions associated with the life cycle of transportation fuels used in California. CARB staff has prepared this guidance document to describe the regulatory requirements in a user-friendly format. Unlike the regulation itself, this document does not have the force of law. It is not intended to and cannot establish new mandatory requirements beyond those that are already in the LCFS Regulation, nor can it supplant, replace or amend any of the legal requirements of the regulation. Conversely, any omission or truncation of regulatory requirements does not relieve entities of their legal obligation to fully comply with all requirements of the regulation.

BACKGROUND

The purpose of this document is to provide technical guidance on what application information may be redacted to ensure that posted application materials consistently provide an adequate level of transparency for public comments while protecting confidential business information (CBI).

LCFS Tier 2 Fuel Pathway and Project-Based Crediting Applications are posted along with staff summaries for public comment before certifying those applications.¹ Because some of the information provided in those applications may be trade secret, market sensitive, or otherwise confidential, applicants may redact such protected information from the documents that are posted for public comment. These application materials are posted for public review in order to provide transparency regarding the system boundaries, processes, and GHG calculation methodologies used in evaluating fuel production processes and projects, and to solicit important input from stakeholders regarding potential factual or methodological errors. Posted application materials must provide sufficient information to allow for meaningful stakeholder review. The regulation allows for protection of information that meets the definition of confidential business information.

¹See the public comment requirements under the LCFS Regulation in Title 17, California Code of Regulations (CCR), section 95488, 95489 and 95490.

Section 95488.8(c) of the LCFS regulation contains requirements for submittal of documents that contain confidential business information and redacted versions for posting to a public LCFS website:

Designation of Confidential Business Information. The definition of “confidential business information,” for the purposes of this section, is the same as the definition of “trade secret” found in Government Code, section [6254.7](#). All documents (including spreadsheets and other items not in a standard document format) that are designated to contain confidential business information (CBI) must prominently display the phrase “Contains Confidential Business Information” above the main document title and in a running header. Additionally, a separate, redacted version of such documents must also be submitted. The redacted versions must be approved by the applicant for public posting on LCFS web site. Specific redactions must be replaced with the phrase “Confidential business information has been redacted by the applicant.” This phrase must be displayed clearly wherever CBI has been redacted. If the applicant claims that information it submits is confidential, it must also provide contact information required by California Code of Regulations, title 17, section 91011.

Under California law (Government Code, § [6254.7\(e\)](#)), all air emission data including those emission data which constitute trade secrets, are public records. California regulation 17 CCR section 91011 further states that “emission data shall not be identified as confidential.”

GUIDELINES FOR REDACTING CONFIDENTIAL BUSINESS INFORMATION

CARB will not post applications that are overly redacted. If there are questions and concerns related to redaction, applicants may be asked to either provide a justification for redacting the information or disclose the information. Applicants are advised to follow the guidelines below.

1. General information such as company name and facility location should not be redacted.
2. Emissions data is not CBI and thus should not be redacted as CBI.
3. If the information is included in the CARB staff summary, which is reviewed by applicant prior to posting, that same information should not be redacted in any supporting document that is publicly posted.
4. Applicants should not redact a whole sentence or paragraph when only a few words or values that constitute CBI need to be redacted. Similarly, applicants should not redact whole tables if only a few entries, rows, or columns need to be redacted to protect CBI. Standard or default values should not be redacted. Values that pertain to carbon intensity subtotals should not be redacted unless a justification that these values constitute CBI can be provided.

5. Equations for calculating GHG emissions should not be redacted in their entirety. If the equations contain numerical values or proprietary equipment information that can be shown to constitute CBI, redact only the CBI words or values.
6. Schematics or process diagrams should not be redacted in their entirety. Only words or values in the diagrams that constitute CBI should be redacted. If the entire schematic or process diagram must be redacted to protect CBI, applicants must provide an alternative representative schematic.
7. The applicant must ensure that the redacted information is permanently removed from the redacted version of the document submitted and cannot be re-traced, re-produced, or manipulated in the document.

For reference, overly-redacted and more reasonably redacted examples of the same application can be found here:

1. [More reasonably redacted example](#)
2. [Overly-redacted example](#)

CONTACT

If you have questions regarding the above information, please contact the staff associated with Fuel Life Cycle Analysis on the LCFS Contacts webpage:
<https://www.arb.ca.gov/fuels/lcfs/contact.htm>.