

## SENATE THIRD READING

SB 614 (Stern)

As Amended July 10, 2025

Majority vote

**SUMMARY**

Directs the Office of the State Fire Marshal (OSFM) to adopt regulations governing the safe transportation of carbon dioxide (CO<sub>2</sub>) in pipelines.

**Major Provisions**

- 1) Directs the OSFM, by July 1, 2026, to adopt regulations governing the safe transportation of CO<sub>2</sub> in pipelines that are at a minimum as protective as the draft federal regulations set forth in the unofficial version of the Notice of Proposed Rulemaking issued by the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) on January 10, 2025, pursuant to rulemaking (RIN 2137-AF60) regarding the minimum federal safety standards for transportation of CO<sub>2</sub> by pipeline.
- 2) Allows a pipeline to be used to transport CO<sub>2</sub> to or from a CO<sub>2</sub> capture, removal or sequestration project only after the OSFM adopts regulations and the CO<sub>2</sub> capture, removal or sequestration project operator demonstrates that the pipeline meets the standards in those regulations.
- 3) Directs the Office of Administrative Law (OAL) to consider adoption of the initial regulations as an emergency, and necessary for the immediate preservation of the public peace, health, safety and general welfare to remain in effect until amended by the OSFM.
- 4) States the regulations shall apply to newly constructed CO<sub>2</sub> pipelines after the effective date of the regulations or amendments to them. Existing CO<sub>2</sub> pipelines prior to the effective date of the regulations shall comply within a timeframe specified by the OSFM. Prohibits a pipeline originally constructed to transport any other liquid or gas from being approved for CO<sub>2</sub> transport.
- 5) Authorizes the OSFM to amend the regulations to protect public health and welfare and the environment and directs the OSFM, at least once every five years, to assess the CO<sub>2</sub> pipeline safety standards.
- 6) Defines "sensitive receptor" and requires operators of CO<sub>2</sub> pipelines to submit to OSFM and the lead California Environmental Quality Act (CEQA) agency for the pipeline project an emergency planning zone inventory and detailed map that includes a list of all sensitive receptors within the emergency planning zone that encompasses the pipeline, among other requirements.
- 7) Requires the inventory and maps to be shared with local emergency response entities at least once every three years, to the identified sensitive receptors annually, and published online once personally identifiable information is redacted.
- 8) Requires the lead agency, as part of the CEQA environmental impact report for construction of a CO<sub>2</sub> pipeline, to provide a notice to owners and operators of sensitive receptors within one-quarter mile of the proposed pipeline and to the OSFM, as specified.

## COMMENTS

According to the California Air Resources Board's (CARB's) "2022 Scoping Plan for Achieving Carbon Neutrality," carbon capture and sequestration (CCS) will be a necessary tool to reduce GHG emissions and mitigate climate change while minimizing leakage and reducing emissions where no technological alternatives may exist.

State law requires CARB to establish a Carbon Capture, Removal, Utilization, and Storage Program for a unified permit application for the construction and operation of CO<sub>2</sub> capture, removal, or sequestration projects. However, state law prohibits a pipeline from being used to transport CO<sub>2</sub> to or from a CO<sub>2</sub> capture, removal, or sequestration project until PHMSA has concluded its rulemaking regarding minimum federal safety standards for transportation of CO<sub>2</sub> by pipeline and the CO<sub>2</sub> project operator demonstrates that the pipeline meets those standards.

Currently, PHMSA has only established safety standards regarding the transport of CO<sub>2</sub> in a supercritical state at a concentration of 90% or higher. The transport of CO<sub>2</sub> in concentrations of less than 90%, or in liquid or gas form is unregulated. PHMSA has noted this regulatory gap is due to the limited (supercritical-phase only) CO<sub>2</sub> pipelines in operation in 1991 during the creation of the original federal rules.

Following the rupture of a pipeline transporting CO<sub>2</sub> as part of an enhanced oil recovery operation in Satartia, Mississippi, in February 2022, which led to local evacuation and the hospitalization of 46 people, PHMSA began updating its CO<sub>2</sub> pipeline safety standards. On January 10, 2025, PHMSA issued draft regulations as part of a Notice of Proposed Rulemaking. These draft regulations included 18 proposals, including:

- 1) Redefining "carbon dioxide" to be a fluid of more than 50% CO<sub>2</sub> molecules in any combination of gas, liquid, or supercritical phases.
- 2) Establishment of procedures to convert steel pipelines for CO<sub>2</sub> or hazardous liquid transport.
- 3) Requiring all carbon dioxide pipeline operators to provide training to emergency responders that addresses threats specific to carbon dioxide releases and provide equipment to local first responders for use during an emergency on a carbon dioxide pipeline.
- 4) Requiring leak detection, fixed vapor detection, and alarm systems for CO<sub>2</sub> pipelines.
- 5) Requiring operators of all carbon dioxide pipelines to establish emergency planning zones extending two miles on either side of their pipelines that will inform operators' efforts in ensuring members of the public have adequate emergency response information.

This bill allows transport of CO<sub>2</sub> in a pipeline to or from a CO<sub>2</sub> capture, removal or sequestration project, not when PHMSA finishes its rulemaking, as is the case under existing state law; but when the OSFM, instead, adopts emergency regulations governing the safe transportation of CO<sub>2</sub> in pipelines.

### **According to the Author**

According to the author, "Communities deserve safety and a robust public process whenever a project carrying hazardous materials will be traveling through their communities. While the permitting and building of carbon dioxide pipelines are an important part of the state's carbon capture and sequestration efforts, it cannot come at the expense of community safety. SB 614 aims to enshrine the Biden administration draft regulations in state law to ensure best-in-class safety practices. This bill sets a high standard for establishing when transportation of carbon

dioxide by pipeline would be allowed, and would provide experts with the ability to increase safety standards and stringency."

### **Arguments in Support**

The bill is supported by industry groups and the California State Pipe Trades Council, which writes the bill "will establish much-needed state safety regulations for the transportation of carbon dioxide (carbon dioxide) by pipeline, ensuring that California remains at the forefront of climate action while prioritizing public and environmental safety."

### **Arguments in Opposition**

The bill is opposed by a long list of environmental, environmental justice and public health advocacy organizations, who generally oppose CCS (they liken it to "putting filters on a cigarette: it gives the appearance of a solution while allowing underlying harms to continue") and, more specifically, contend this bill is premature, noting: "Shortcutting the process set forth under SB 905 by ending the moratorium early not only presents the legal risk that California regulations will be preempted, but it prevents the state from benefitting from the groundswell of national input and expertise that the PHMSA rulemaking will generate."

## **FISCAL COMMENTS**

According to the Assembly Committee on Appropriations, this bill creates significant new work for the OSFM. However CAL FIRE, the department in which OSFM is located, said costs should be minor and absorbable. CAL FIRE did not provide clarity to the Committee on how they could undertake this workload without more resources.

## **VOTES**

### **SENATE FLOOR: 38-0-2**

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERNEY, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**ABS, ABST OR NV:** Menjivar, Reyes

### **ASM UTILITIES AND ENERGY: 17-0-1**

**YES:** Petrie-Norris, Patterson, Boerner, Calderon, Chen, Davies, Mark González, Harabedian, Irwin, Kalra, Papan, Rogers, Schiavo, Schultz, Ta, Wallis, Zbur

**ABS, ABST OR NV:** Hart

### **ASM NATURAL RESOURCES: 12-0-2**

**YES:** Bryan, Alanis, Ellis, Flora, Garcia, Haney, Hoover, Kalra, Muratsuchi, Pellerin, Schultz, Zbur

**ABS, ABST OR NV:** Connolly, Wicks

### **ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

**ABS, ABST OR NV:** Sanchez, Dixon, Ta, Tangipa

**UPDATED**

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CONSULTANT: Laura Shybut / U. & E. / (916) 319-2083

FN: 0001479