Congress of the United States
House of Representatives
Washington, DC 20515

October 30, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Room 300, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

Nearly eight years ago, Congress approved the Energy Policy Act of 2005, establishing the first Renewable Fuel Standard ("RFS"). In 2007, Congress significantly expanded the 2005 law when it passed the Energy Independence and Security Act of 2007, which increased the mandate to 36 billion gallons of biofuels by 2022. Unfortunately, despite the best intentions of the RFS, its premise and structure were based on many assumptions that no longer reflect the current market conditions, and the imposition of the 2014 volumes now threatens to cause economic and environmental harm. As Congress continues its bi-partisan work to address these concerns, we are writing to request that the EPA use its authority to adjust the 2014 RFS volumes.

As you are aware, the U.S. corn market has been increasingly volatile since the expansion of the RFS in 2007. This reflects the reality that more than 40 percent of the corn crop now goes into ethanol production, a dramatic rise since the first ethanol mandates were put into place in 2005. While well intentioned, the rigid nature of the federal law has not allowed it to change as new realities emerge in the market place. Ethanol now consumes more corn than animal agriculture, a fact directly attributable to the federal mandate. Corn prices are just one example of the economic harm caused by the RFS.

Due to the dramatic expansion of corn ethanol, volatile corn prices have led to the conversion of millions of acres of sensitive wetlands and grasslands into production. According to the EPA's analysis, the lifecycle emissions of corn ethanol in 2012 were higher than those of gasoline – and will be for years to come. Despite promised environmental benefits when the RFS was implemented, the National Academy of Sciences has noted that overall ethanol production and use lowers air and water quality.

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Perhaps the newest challenge is the imposition of the statutory requirement of 18.15 billion gallons of renewable fuels in 2014, of which approximately 14.4 billion gallons will be made up by corn ethanol. In particular, the combination of rising ethanol mandates and declining gasoline demand has exacerbated the onset of the E10 blendwall- the point at which the gasoline supply is saturated with the maximum amount of ethanol that current vehicles, engines, and infrastructure can safely accommodate. The EPA explicitly acknowledged this challenge in its final rule implementing the 2013 volumes—"EPA does not currently foresee a scenario in which the market could consume enough ethanol sold in blends greater than E10, and/or produce sufficient volumes of non-ethanol biofuels to meet the volumes of total renewable fuel and advanced biofuel as required by statute for 2014."[1] We understand that the EPA signaled its intention to address these concerns in the 2014 rulemaking and commend the EPA's willingness to use the authority Congress granted to it when crafting the RFS.

While the blendwall is a pressing issue, the federal government can help avoid a dangerous economic situation by adjusting the normally rigid Renewable Fuel Standard mandate down to align with gasoline market conditions and realities. We therefore urge the EPA to consider a fair and meaningful nationwide adjustment to the ethanol mandate in the Renewable Fuel Standard. Prompt action by the EPA can help to ease short supply concerns, prevent engine damage, save jobs across many U.S. industries, and keep families fed. We strongly urge you to exercise your authority and take the necessary steps to protect American consumers and the economy. Thank you for your immediate consideration of this request.

Sincerely,

Bob Goodlatte
Member of Congress

Jim Costa
Member of Congress

Steve Womack
Member of Congress

Peter Welch
Member of Congress

[1] Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards, 78 Fed. Reg. 49,794, 49,823 (Aug. 15, 2013) (to be codified at 40 C.F.R. pt. 80).

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Member of Congress

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Member of Congress

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Rodney P. Frelinghuysen
Member of Congress

Stephen Fincher
Member of Congress

Mike Kelly
Member of Congress

Member of Congress

Member of Congress

Mims, Kathy

From: Mackay, Cheryl
Sent: Thursday, October 31, 2013 11:33 AM
To: Mims, Kathy; Eades, Cassaundra
Subject: FW: RFS Letter
Attachments: RFSLetterToAdminMcCarthy.pdf

Please save in CMS and control to OAR/OTAQ. Here is the list of signatories to the letter. Thanks!

Aderholt, Robert B. (R-AL, 4th)
Amodei, Mark (R-NV, 2nd)
Andrews, Robert E. (D-NJ, 1st)
Barletta, Lou (R-PA, 11th)
Barrow, John (D-GA, 12th)
Benishek, Dan (R-MI, 1st)
Bentivolio, Kerry (R-MI, 11th)
Bilirakis, Gus (R-FL, 12th)
Black, Diane (R-TN, 6th)
Blackburn, Marsha W. (R-TN, 7th)
Boustany, Charles W. (R-LA, 3rd)
Brady, Kevin (R-TX, 8th)
Bridenstine, Jim (R-OK, 1st)
Brooks, Mo (R-AL, 5th)
Broun, Paul (R-GA, 10th)
Burgess, Michael C. (R-TX, 26th)
Butterfield, G. K. (D-NC, 1st)
Calvert, Ken (R-CA, 42nd)
Campbell, John (R-CA, 45th)
Capito, Shelley Moore (R-WV, 2nd)
Carter, John R. (R-TX, 31st)
Chabot, Steve (R-OH, 1st)
Chaffetz, Jason (R-UT, 3rd)
Coble, Howard (R-NC, 6th)
Cole, Tom (R-OK, 4th)
Collins, Chris (R-NY, 27th)
Collins, Doug (R-GA, 9th)
Conaway, Mike (R-TX, 11th)
Connolly, Gerry (D-VA, 11th)
Cook, Paul J. (R-CA, 8th)
Costa, Jim (D-CA, 16th)
Cotton, Tom (R-AR, 4th)
Crawford, Rick (R-AR, 1st)
Cuellar, Henry (D-TX, 28th)
Culberson, John (R-TX, 7th)
Daines, Steve (R-MT, At Large)
DeFazio, Peter A. (D-OR, 4th)
Denham, Jeff (R-CA, 10th)
Dent, Charles (R-PA, 15th)
DeSantis, Ron (R-FL, 6th)
DesJarlais, Scott (R-TN, 4th)
Diaz-Balart, Mario (R-FL, 25th)

Duncan, Jeff (R-SC, 3rd)
Duncan, John J. Jr. (R-TN, 2nd)
Ellmers, Renee (R-NC, 2nd)
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Fincher, Stephen (R-TN, 8th)
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Fleming, John (R-LA, 4th)
Flores, Bill (R-TX, 17th)
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Franks, Trent (R-AZ, 8th)
Frelinghuysen, Rodney (R-NJ, 11th)
Gallego, Pete (D-TX, 23rd)
Garamendi, John (D-CA, 3rd)
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Gibson, Chris (R-NY, 19th)
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Gohmert, Louie (R-TX, 1st)
Goodlatte, Bob (R-VA, 6th)
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Hanna, Richard L. (R-NY, 22nd)
Harper, Gregg (R-MS, 3rd)
Harris, Andy (R-MD, 1st)
Heck, Joe (R-NV, 3rd)
Hensarling, Jeb (R-TX, 5th)
Himes, Jim (D-CT, 4th)
Hinojosa, Rubén (D-TX, 15th)
Holding, George E. (R-NC, 13th)
Hultgren, Randy (R-IL, 14th)
Hunter, Duncan D. (R-CA, 50th)
Hurt, Robert (R-VA, 5th)
Issa, Darrell (R-CA, 49th)
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Jones, Walter B. (R-NC, 3rd)
Kelly, Mike (R-PA, 3rd)
Kingston, Jack (R-GA, 1st)
Kuster, Ann McLane (D-NH, 2nd)
Labrador, Raúl (R-ID, 1st)
LaMalfa, Doug (R-CA, 1st)
Lamborn, Doug (R-CO, 5th)
Lance, Leonard (R-NJ, 7th)
Lankford, James (R-OK, 5th)
LoBiondo, Frank A. (R-NJ, 2nd)
Long, Billy (R-MO, 7th)
Luján, Ben R. (D-NM, 3rd)
Lummis, Cynthia M. (R-WY, At Large)

Marchant, Kenny E. (R-TX, 24th)
Marino, Tom (R-PA, 10th)
Matheson, Jim (D-UT, 4th)
McCarthy, Kevin (R-CA, 23rd)
McCaul, Michael (R-TX, 10th)
McClintock, Tom (R-CA, 4th)
McHenry, Patrick (R-NC, 10th)
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McMorris Rodgers, Cathy (R-WA, 5th)
Meadows, Mark (R-NC, 11th)
Meehan, Pat (R-PA, 7th)
Michaud, Mike (D-ME, 2nd)
Miller, Jeff (R-FL, 1st)
Moran, Jim (D-VA, 8th)
Mullin, Markwayne (R-OK, 2nd)
Mulvaney, Mick (R-SC, 5th)
Neugebauer, Randy (R-TX, 19th)
Nugent, Richard (R-FL, 11th)
Nunes, Devin (R-CA, 22nd)
Nunnelee, Alan (R-MS, 1st)
Olson, Pete (R-TX, 22nd)
Owens, Bill (D-NY, 21st)
Palazzo, Steven (R-MS, 4th)
Pearce, Steve (R-NM, 2nd)
Perry, Scott (R-PA, 4th)
Pingree, Chellie M. (D-ME, 1st)
Pittenger, Robert (R-NC, 9th)
Pitts, Joe (R-PA, 16th)
Poe, Ted (R-TX, 2nd)
Posey, Bill (R-FL, 8th)
Price, Tom (R-GA, 6th)
Radel, Trey (R-FL, 19th)
Reed, Tom (R-NY, 23rd)
Rice, Tom (R-SC, 7th)
Richmond, Cedric L. (D-LA, 2nd)
Rigell, Scott (R-VA, 2nd)
Roe, Phil (R-TN, 1st)
Rogers, Mike (R-MI, 8th)
Rohrabacher, Dana (R-CA, 48th)
Rooney, Tom (R-FL, 17th)
Ross, Dennis A. (R-FL, 15th)
Rothfus, Keith J. (R-PA, 12th)
Sanchez, Loretta (D-CA, 46th)
Schrader, Kurt (D-OR, 5th)
Schweikert, David (R-AZ, 6th)
Scott, Austin (R-GA, 8th)
Scott, Bobby (D-VA, 3rd)
Scott, David (D-GA, 13th)
Sensenbrenner, Jim Jr. (R-WI, 5th)
Sessions, Pete (R-TX, 32nd)
Shuster, Bill (R-PA, 9th)
Simpson, Mike (R-ID, 2nd)

Smith, Lamar S. (R-TX, 21st)
Stewart, Chris (R-UT, 2nd)
Thompson, Bennie G. (D-MS, 2nd)
Thompson, Glenn W. (R-PA, 5th)
Thornberry, Mac (R-TX, 13th)
Valadao, David G. (R-CA, 21st)
Veasey, Marc (D-TX, 33rd)
Vela, Filemon (D-TX, 34th)
Walberg, Tim (R-MI, 7th)
Walden, Greg (R-OR, 2nd)
Weber, Randy (R-TX, 14th)
Webster, Daniel A. (R-FL, 10th)
Welch, Peter (D-VT, At Large)
Westmoreland, Lynn A. (R-GA, 3rd)
Williams, Roger (R-TX, 25th)
Wilson, Joe (R-SC, 2nd)
Wittman, Rob (R-VA, 1st)
Wolf, Frank R. (R-VA, 10th)
Womack, Steve (R-AR, 3rd)
Woodall, Rob (R-GA, 7th)
Yoho, Ted (R-FL, 3rd)
Young, Don (R-AK, At Large)

From: Vaught, Laura
Sent: Thursday, October 31, 2013 10:11 AM
To: Mackay, Cheryl
Cc: Lewis, Josh; Distefano, Nichole
Subject: Fw: RFS Letter

Can you get this into system? Thanks! Sending separately a handy list she sent of signatories.

From: Meadows, Carrie <Carrie.Meadows@mail.house.gov>
Sent: Thursday, October 31, 2013 9:53:26 AM
To: Vaught, Laura
Subject: RFS Letter

Hi Laura,

I hope you are well! We faxed this, but I wanted to send to you too so you had a copy. Please let me know if you have any questions.

Carrie

Carrie Meadows
Legislative Director
Office of Congressman Bob Goodlatte
(202) 225-5431 Phone
(202) 225-9681 Fax