United States Senate

WASHINGTON, DC 20510

November 26, 2019

The Honorable Andrew Wheeler
Administrator, Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

RE: Docket ID EPA-HQ-OAR-2019-0136-0352

Dear Administrator Wheeler:

We write to comment on the proposed supplemental rule establishing the Renewable Fuel Standard's (RFS) 2020 Renewable Volume Obligations and 2021 Biomass-Based Diesel Volumes. The RFS has proven critical to all of our states in strengthening rural and agricultural economies while helping to ensure a clean energy future. That is why we are concerned that the proposed rule fails to respond adequately to the concerns that have been raised by biofuel producers and others in rural America that depend on certainty in the marketplace.

The proposed rule determines how much biofuel is required to be blended into our transportation fuel supply on an annual basis. While we appreciate the EPA's modest increase of total renewable fuel volumes from previous years, this proposed rule fails to assure renewable fuel producers that the proposed blending targets will not be undermined by the approval of future small refinery exemptions (SREs).

The EPA has asserted publicly that 15 billion gallons of conventional biofuel will be required for the 2020 year, yet these proposed volumes fail to account for the expanded use of SREs retroactively granted by the agency. Since 2016, the Administration has granted 85 SREs, effectively waiving over 4 billion gallons of demand for biofuels.

Over the last year, the U.S. Department of Agriculture has reduced its estimates for corn used in ethanol by nearly 229 million bushels. Our farmers are already struggling due to low prices, uncertainty with access to export markets, and erratic weather events that have caused planting and harvest delays and yield losses. The continued abuse of SREs is contributing to the declining economic conditions in rural America.

On October 15, 2019, the EPA announced the details of a supplemental notice of proposed rulemaking. These highly anticipated details fell short of the solution to properly account for waived gallons that was originally promised by the President on October 4, 2019. The proposed supplemental rule fails to account for actual waived gallons by instead using a three-year rolling average of volumes that the Department of Energy (DOE) recommends. The EPA has continually exceeded the DOE's recommendations on waived gallons and there is no guarantee that this proposed rule will reopen biofuel plants and restore integrity to the program.

The biofuel industry supports hundreds of thousands of rural jobs across the country. This Administration's failure to uphold the RFS has already led to the closure or idling of more than 35 ethanol and biodiesel plants, leaving rural America further behind. To ensure certainty to the marketplace and uphold Congressional intent of the RFS, we encourage the Administration to properly account for waived gallons by using the three-year rolling average of *actual* SREs and to increase advanced biofuel volumes for the 2020 compliance year. Our environment, farmers, and rural communities depend on this corrective action.

Thank you for your consideration of our comments.

Sincerely,

Amy Klobuchar
United States Senate

Debbie Stabenow
United States Senate

Mazie K. Hirono
United States Senate

Ron Wyden
United States Senate

Tammy Duckworth
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