

U.S. Sen. Baldwin: Joins bipartisan group of Senate colleagues in letter urging Biden Administration to prioritize renewable fuel standard

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WASHINGTON – U.S. Senator Tammy Baldwin has joined a bipartisan group of her Senate colleagues in a letter urging the Environmental Protection Agency (EPA) to prioritize the Renewable Fuel Standard (RFS) by maintaining the blending requirements for 2022; denying all pending Small Refinery Exemptions (SREs); eliminating proposed retroactive cuts to the renewable volume obligations (RVOs); and setting 2021 RFS volumes at the statutory levels.

“The RFS is a significant tool for EPA to reduce the carbon footprint of our transportation sector,” the senators wrote. **“By taking the above actions, the EPA can quickly restore integrity, stability, and growth to the RFS and the U.S. biofuel sector while ensuring that the program continues to reduce greenhouse gas emissions, diversify our fuels, drive down gas prices, strengthen our national security, and drive rural economic opportunity.”**

The bipartisan letter to the EPA was led by Senators Amy Klobuchar (D-MN) and Chuck Grassley (R-IA), and also signed by Senators Tammy Duckworth (D-IL), Roger Marshall (R-KS), Joni Ernst (R-IA), Dick Durbin (D-IL), Deb Fischer (R-NE), Tina Smith (D-MN), John Thune (R-SD), Debbie Stabenow (D-MI), Gary Peters (D-MI), Sherrod Brown (D-OH), and Roy Blunt (R-MO).

“We thank this bipartisan group of Senators for their efforts to protect and defend the Renewable Fuel Standard,” **said Renewable Fuels Association President**

and CEO Geoff Cooper. “These Senators understand that the RFS is the most powerful and effective tool we have to immediately reduce greenhouse gas emissions from the transportation sector, keep consumer gas prices in check, and support a vibrant rural economy. RFA proudly stands with them in calling on the Biden administration to follow through on its commitments to put the RFS back on track.”

“The final versions of the recently proposed 2020, 2021, and 2020 RVOs will have an immense impact for years to come on not only the biofuels industry, but also on the environment as our nation works to achieve net-zero emissions,” **said Growth Energy CEO Emily Skor.** “We applaud our Senate champions for showing leadership in this bipartisan call for EPA to finalize strong RVO levels and eliminate any proposed retroactive cuts. By doing so, EPA would be making meaningful progress in the Biden Administration’s commitment to move toward more low carbon alternatives in our transportation sector while supporting farmers and biofuels producers.”

Senator Baldwin is a co-sponsor of the bipartisan, bicameral [Defend the Blend Act](#), which would prohibit the EPA from retroactively reducing RVO levels once the annual rule is finalized. In September 2021, Baldwin joined a bicameral group of colleagues in [urging the Biden administration to reject significant reductions in biofuel blending requirements](#).

The full text of the letter is available [HERE](#) and below:

Dear Administrator Regan:

We write to you regarding the December 2021 release of two Environmental Protection Agency (EPA) proposed rules relating to the Renewable Fuel Standard (RFS).

By taking the actions below you can ensure farmers and biofuel producers have confidence that you are making the RFS a priority. We support your efforts to bring more transparency and consistency in the program’s implementation. While there are aspects of these rules that support our homegrown energy future, our constituents need to see improvements to the proposal.

The RFS is a significant tool for EPA to reduce the carbon footprint of our transportation sector, and we urge you to take the following actions when finalizing

these rules:

1. Maintain the blending requirements for 2022, including the 250 million gallon remand. We support the Administration's proposed volumes for 2022 across all categories of renewable fuel, including the requirement of 15 billion gallons for conventional biofuel and the restoration of the first 250 million gallons illegally waived from the 2016 RVO, as well as the commitment to provide for the final 250 million gallons in 2023. It is past time that EPA finally addressed the U.S. Court of Appeals for the District of Columbia's July 2017 remand of the 2014-2016 RVO in *Americans for Clean Energy v. EPA* and restored the 500 million gallons that were improperly waived. We urge you to maintain the strong blending requirements for 2022 and finalize the supplemental volume of 250 million gallons in 2022.
2. Deny all pending Small Refinery Exemptions (SREs). Following several years of EPA undermining the total volumes in the RFS through the issuance of 88 Small Refinery Exemptions (SRE), we support the Administration's proposal to deny all SRE petitions pending before the agency. Denying these pending petitions would be a positive step toward bringing integrity and transparency back to the RFS.

More importantly, we urge EPA to finalize its proposed change in approach to SRE eligibility, which notes that "small refineries fully recover the costs of RFS compliance through higher prices on sales of gasoline and diesel, and that as a result they do not suffer economic hardship due to the RFS." The January 2020 Tenth Circuit decision in *Renewable Fuels Association v. EPA* found that EPA may only grant relief when the agency finds that a small refinery would suffer disproportionate economic hardship due to compliance with the RFS program. Applying this standard nationwide would help prevent future misuse of the SRE authority.

3. Eliminate the proposed retroactive cuts to the 2020 RVOs. We are extremely concerned about the proposal to retroactively waive 2.96 billion gallons of renewable fuel from the 2020 RVOs. These biofuel volumes were finalized over two years ago in December 2019, and adjusting them downward after the fact would set a troubling precedent and negatively impact the entire agriculture and fuel supply chain.

You have stated that the goal of EPA with respect to the RFS is to get the program “back on track” and provide “more certainty in the decisions that we’ve made.” Re-opening RVOs that have already been finalized while setting a precedent that future Administrations and EPA Administrators may retroactively lower previously finalized RVOs does the opposite of providing more certainty in the program. It would undermine confidence in any finalized RVO by rendering them a moving target at best—and irrelevant at worst.

Moving forward with these retroactive cuts fails to consider the self-correcting mechanism built-in to the RFS that adjusts biofuel blending to reflect lower gasoline usage. We urge you to eliminate the proposed retroactive cuts to the 2020 volumes and require obligated parties to comply with the 2020 standards that were finalized in 2019.

4. Set 2021 volumes at the statutory levels. We are also concerned that EPA has proposed to use reset authority retroactively to establish RVOs for 2021 that are equal to actual and projected volumes of renewable fuel used in the U.S. last year. The Administration cannot meet its ambitious climate goals without providing for growth and certainty in the RFS.

Finally, we request that EPA finalize this rule as quickly as possible. By taking the above actions, EPA can quickly restore integrity, stability, and growth to the RFS and the U.S. biofuel sector while ensuring that the program continues to reduce greenhouse gas emissions, diversify our fuels, drive down gas prices, strengthen our national security, and drive rural economic opportunity.

Thank you for your consideration.

An online version of this release is available [here](#).