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GrowthEnergy.org

Sarah Dunham  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
Submitted via: [www.regulations.gov](http://www.regulations.gov)  
Docket ID: EPA-HQ-OGC-2020-0652-0001

Re: Proposed Consent Decree: Clean Air Act Citizen Suit in United Refining Co. v. Wheeler, No. 20-cv-1956 (D.D.C)

Growth Energy is the nation's largest renewable fuel organization representing 89 biofuel producers, nearly 100 associated businesses in the biofuel supply chain, and tens of thousands of biofuel supporters across the country. We believe expanding our nation's fuel mix with more biofuel will continue to lower costs for consumers, revitalize our rural economy, and improve our environment.

While we do not take a specific position on the proposed consent decree considered here, it does provide this opportunity to again outline our strong objections to EPA's misuse of small refinery exemptions at the expense of biofuel producers and supporters in American agriculture. The Renewable Fuel Standard (RFS) was meant to blend increasing amounts of renewable fuel into our nation's transportation fuel supply. It was not meant to simply blend 10 percent ethanol and stop.

Since 2016, EPA has granted an unprecedented 88 small refinery exemptions costing the biofuels industry more than 4.4 billion gallons of lost demand. During that same time, only 11 exemptions have been denied, and according to media reports, several of these exemptions have been granted to some of the world's largest oil companies, clearly contradictory to the intent of the RFS. The impact of these exemptions has continued to pile on the uncertainty and difficulty faced by farm families and biofuel workers across the country who have worked tirelessly to make a living over the past few months despite the global pandemic. With recent research showing that greenhouse gas emissions from corn ethanol are 46 percent lower than gasoline, it makes no sense why EPA should continue to exempt oil companies from their obligations to blend more low-carbon biofuels like ethanol.

Instead, we believe EPA should take immediate steps to restore integrity to the RFS, restore lost biofuel demand, and remove remaining hurdles to E15 and higher biofuel blends.

Specifically, we call on EPA to take immediate steps to narrow its use of small refinery exemptions and apply the decision of the 10<sup>th</sup> Circuit Court nationally moving forward.

EPA should also immediately finalize the renewable volume obligation for 2021 and restore the 500 million gallons remanded by the courts in 2017.

With now more than 95 percent of the light duty vehicle fleet approved for use with E15, now is exactly the time for the agency to finalize its proposal to remove the onerous labeling requirement for E15 and to further clarify that all existing storage and dispensing equipment in use with E10 blended gasoline is appropriate for use with E15.

EPA should also move to approve pending applications for the production of cellulosic biofuel from kernel fiber.

Further, EPA should update its lifecycle emissions modeling using the latest science including recently published studies that continue to show ethanol's further improvements in greenhouse gas reduction and should set forward leaning biofuel targets for 2023 and beyond.

Finally, EPA should seek ways to use low-carbon, high octane fuels like ethanol to further decarbonize our nation's transportation fleet.

Thank you for your consideration and please let us know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christopher P. Bliley".

Christopher P. Bliley  
Senior Vice President of Regulatory Affairs  
Growth Energy