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GrowthEnergy.org

January 3, 2022

Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004
Docket ID No. EPA-HQ-OAR-2021-0793
Submitted via: www.regulations.gov

RE: Renewable Fuel Standard: Extension of Compliance and Attest Engagement Reporting Deadlines

Dear Mr. Goffman:

Growth Energy is the world's largest association of biofuel producers, representing 92 biorefineries that produce nearly 9 billion gallons annually of low-carbon renewable fuel and 95 businesses associated with the biofuel production process. Together, we remain committed to helping our country diversify its energy portfolio to create more clean energy jobs, further decarbonize our nation's energy mix, sustain family farms, and drive down the costs of transportation fuel for consumers.

We appreciate the opportunity to comment on the agency's proposal to extend compliance deadlines yet again for the Renewable Fuel Standard (RFS) for 2019, 2020, 2021, 2022, and beyond. The RFS has been and continues to be one of our nation's most successful transportation decarbonization policies. The investment and development of biofuels has reduced greenhouse gas emissions and decreased our dependence on foreign oil. Unfortunately, this proposal would permit continued delays in enforceable and meaningful volume obligations, which would stymie the rate at which the RFS can decarbonize the transportation sector during this critical inflection point for the environment. Not only will this proposal stall environmental progress, but it will also cause further uncertainty for farm families and biofuel workers across the country while extending our dependence on fossil fuels.

Plant-based ethanol fuel blends now represent 98 percent of the fuel used on America's roads today. Biofuels have saved consumers billions of dollars and reduced harmful air toxics like carbon monoxide and soot, and are poised to do much, much more with increased use of higher blends like E15, E85, and E30.

The intent of the RFS is to blend more biofuels into our nation's transportation fuel supply. It is not meant to reward oil companies for suing to prevent higher blends and then demand that the agency further delay compliance.

With recent research showing that greenhouse gas emissions from corn ethanol are 46 percent lower than gasoline, it makes no sense why EPA would continue to allow further delays for oil companies to demonstrate compliance with their blending obligations.

Specifically, we ask EPA to reject the calls to extend compliance deadlines for 2019 and 2020. The volumes for 2019 and 2020 were finalized more than 3 and 2 years ago, respectively, and the compliance deadlines have already been unnecessarily extended once. Obligated parties have had more than ample time to comply with these standards. EPA should leave the volumes for 2019 and 2020 untouched (in spite of its pending RVO proposal for 2020) and insist that the current compliance deadlines be met accordingly.

Unfortunately, because of frustrating delays, the standards for 2021 have not yet been finalized. While we would hope that the agency would move to fix the flaws in its proposal for the 2021 volumes and finalize those volumes as quickly as possible, it may not be realistic to insist on the current compliance deadline of March 31, 2022. We do believe some flexibility should be accommodated to account for when the volumes for 2021 are finalized which we strongly urge to be done immediately. However, this accommodation should be a one-time anomaly as the agency strives to get the program back on track with its proposal for 2022.

For 2022 and beyond, there is no reason why the agency should move beyond its current March 31 deadlines for compliance. EPA will finalize the standard for 2022 with plenty of time to comply by March 31, 2023 and should be in a strong position to issue standards for 2023 and beyond in a timely manner to ensure that subsequent March 31 deadlines can be met. Moving the deadlines for future compliance would send exactly the wrong signal to innovative biofuel producers seeking to meet the goals of the RFS now and well into the future.

The success of the RFS program depends on consistent administration and compliance. In addition to our specific comment on the compliance deadlines, EPA can get the RFS back on track by taking several other key actions to maximize the environmental benefits of higher biofuel blends.

First and foremost, EPA should immediately fix the flaws and restore the appropriate volumes for 2020 and 2021 to drive renewable fuel blending and finalize the proposal as soon as possible. Next, EPA should move quickly to finalize its proposed denial of pending small refinery exemption petitions.

With more than 96 percent of the vehicle fleet approved for use with E15, the agency should support efforts to restore year-round access to E15 and finalize its proposal to simplify the onerous labeling requirement for E15 and 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 registrations for the production of cellulosic biofuel from kernel fiber.

Further, EPA should update its lifecycle greenhouse gas emissions modeling to reflect ethanol's substantial improvements in greenhouse gas reduction and should set forward leaning and robust biofuel targets for 2023 and beyond.

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

Thank you in advance for your consideration.

Sincerely,

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

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