

Statement of Joe Kakesh, General Counsel, Growth Energy on EPA's Hearing on Proposed Partial Waiver of 2024 Cellulosic Biofuel Volume Requirement and Extension of 2024 Compliance Deadline

Good morning, my name is Joe Kakesh, and I am the General Counsel for Growth Energy. Growth Energy is the nation's largest association of biofuel producers, representing 97 U.S. bioethanol plants that each year produce more than 9.5 billion gallons of renewable fuel and 123 businesses throughout the value chain.

The Renewable Fuel Standard continues to be one of our nation's most successful domestic climate and energy policies. As we have seen in recent years, biofuels remain the single best tool available to shield motorists from volatile global oil prices and rapidly decarbonize the transportation sector.

EPA has often implemented RFS regulations to advance these goals. In 2023, for example, EPA finalized the RFS Set rule for 2023, 2024, and 2025 with implied conventional biofuel volumes at fifteen billion gallons, advanced volumes that, at the time, reflected growth and innovation in the industry, and with ambitious targets for cellulosic biofuel volumes. EPA has also taken actions to end the abuse of small refinery exemptions and restore integrity to the program.

Most relevant here, EPA also appropriately denied a request from oil companies to retroactively waive 2023 cellulosic volume requirements.

EPA's proposal to partially waive 2024 cellulosic volume requirements is inconsistent with EPA's recent RFS policies and with the RFS itself. While 2024 cellulosic volumes may not yet have achieved RVO targets, many biorefiners have nevertheless been making headway in cellulosic biofuel production, and we've seen more and more of their cellulosic registrations being approved by the agency. Most importantly, the cellulosic waiver provision is expressly written to allow reduction only in advance of setting the standards, not afterwards.

In any case, any waiver of 2024 cellulosic volume requirements here should not provide precedent for the future of the RFS program or suppress RFS program goals, which are to drive production and innovation of

biofuels, including cellulosic biofuels, and not to passively track a biofuels marketplace without them. Furthermore, delaying the compliance deadline injects unnecessary uncertainty into the process for bioethanol producers and really the entire fuel supply chain.

As you know, the agency is already late on its next iteration of volumes under the RFS “Set” rule. Additionally, several outstanding RFS issues await resolution, including updating lifecycle emissions modeling, clearing the backlog of approvals for renewable fuel pathways, including those for advanced biofuels produced from corn oil at bioethanol wet mills, bioethanol produced using carbon capture technologies, as well as pending registrations for cellulosic biofuels from kernel fiber.

Finally, while not directly related to the RFS and this proposal, EPA must continue its work to broaden the sale of E15 including finalizing its proposal on the use of existing retail infrastructure and simplification of E15 labeling.

Rather than retroactively reducing cellulosic volumes, EPA should instead propose rulemakings that will tap the full potential of the RFS. America’s biofuel producers and our farm partners are ready to lead the charge on climate and energy solutions, and a firm commitment to growth will offer regulatory certainty and predictability in the years ahead. Thank you for your consideration.