**Prepared Testimony of Growth Energy General Counsel Joe Kakesh**
**U.S. Environmental Protection Agency (EPA) Hearing on the Proposed Rulemaking for the Renewable Fuel Standard (RFS) Program: Reallocation of Additional 2025 Small Refinery Exemptions**
**November 4, 2026**

My name is Joe Kakesh, and I'm the General Counsel at Growth Energy, the nation's largest biofuel trade association. Growth Energy represents 98 ethanol producers that, collectively, produce roughly 60 percent of our country's ethanol.

The Renewable Fuel Standard (RFS) is one of our nation's most successful energy policies and an economic engine for rural America. It ensures that homegrown fuels are an increasing part of our nation's energy mix and that more drivers have more affordable fuel options at the pump. We applaud President Trump and EPA for the Set 2 rulemaking and this reallocation proposal.

Growth Energy supports the proposal to fully account for excess RINs from small refinery exemptions (SREs) that exceed EPA's 2025 RVO projections. Just as it has the authority – and obligation – to incorporate projected SREs into RVOs, EPA also has the authority and obligation to reallocate excess SRE RINs to other RVOs, here for 2026 and 2027. In doing so, EPA meets Congress's statutory mandate that EPA "ensure" that renewable volume obligations are met. In fact, EPA should fully account for excess SRE RINs every year, not just

for 2025, including upcoming decisions on SREs for 2026 and 2027.

Without full reallocation, Growth's members are confronted with harmful market demand signals that are inconsistent with the purpose and functioning of the RFS. Rather than place the burden of those excess RINs on the backs of our nation's farmers and biofuels producers, EPA should put them back where they belong – the refinery industry.

In a year of record profits for refineries, reallocating excess SRE RINs across the entire refining industry can hardly be viewed as a hardship. Indeed, the reallocation would only slightly increase the current 2026 and 2027 blend rate.

The reallocation must be done right and done soon to ensure its success. First, the amount matters. EPA should ensure that the reallocation fully accounts for 100 percent of the 770 million RINs granted in excess of those projected for the 2025 RVO.

Second, the timing matters. EPA should finalize the SRE reallocation as soon as reasonably possible so that biofuel producers do not face lingering market uncertainty. We believe this could be done by mid-December.

Third, how RINs are allocated between 2026 and 2027 matters. EPA should reallocate 50 percent of the excess RINs to the 2026 RVO so that they can

contribute to a better functioning market now, rather than delay the reallocation to 2027.

In making these relatively minor adjustments to the 2026 and 2027 RVOs, EPA will continue to promote American energy dominance by unlocking investments, creating jobs, and supporting growth in rural America through expansion of our country's renewable fuel production and use. Thank you.