

United States Senate

WASHINGTON, DC 20510

November 14, 2008

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

We are writing to you in regard to the Environmental Protection Agency's (EPA) forthcoming Notice of Proposed Rulemaking (NOPR) to implement the updated Renewable Fuels Standard (RFS-2), as required by the Energy Independence and Security Act (EISA) of 2007 (P.L. 110-140).

The expanded production and use of renewable fuels will help America address our energy security and climate change priorities. Accordingly, the EPA should implement RFS-2 in a timely manner that is consistent with the intent of Congress.

We are, however, concerned that the calculations pertaining to Indirect Land Use (ILU) made by the EPA in crafting the NOPR for the RFS-2 program are based on incomplete science and inaccurate assumptions. The methodology ultimately used by EPA in crafting this program will have a significant impact on the overall success of the program, and the science and methodology employed by EPA should be subject to thorough public and academic review. Likewise, the premature publication of specific greenhouse gas (ghg) emissions calculations based on incomplete ILU assumptions could undermine the ultimate success of RFS-2 and be detrimental to U.S. biofuels producers and farmers, as it will undermine investor confidence and further deprive the industry of the investment capital it will need to meet the renewable targets established in RFS-2.

EPA is required by statute to consider *significant* indirect emissions such as significant emissions from land use changes when considering ghg reductions. EISA does not, however, require EPA to consider international ILU in its ghg analysis of fuels eligible to meet the biofuels targets established in RFS-2. International ILU changes based on the agricultural practices and land use decisions of farmers outside the U.S. – decisions that are not driven by U.S. biofuels policy – should not be the determining factor on whether renewable fuels are used in our domestic fuels marketplace. Credible data does not exist demonstrating that U.S. biofuels production will cause *significant* indirect emissions, as referenced by statute. EPA's inclusion of international ILU changes as a factor in determining significant indirect emissions has the potential to effectively disqualify significant volumes of U.S. renewable fuels production from being used to meet the Advanced Biofuels Schedule in RFS-2, thus placing in jeopardy the entire fuels program.

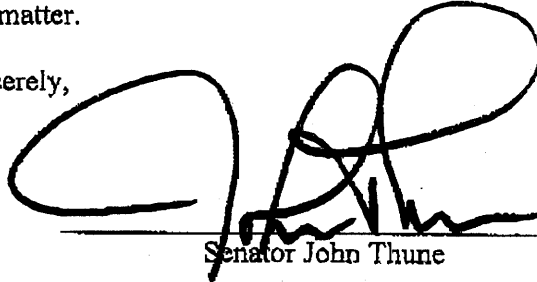
The Administration should move forward with the NOPR for RFS-2. However, specific numbers pertaining to ghg emissions for various biofuels feedstocks – in particular numbers derived from inexact ILU assumptions – should not be included in the proposed rule. Instead, EPA should publish the methodology it has employed thus far in making ILU assumptions, and use the rulemaking process to refine and improve the lifecycle analysis that will ultimately be used to implement the RFS-2 program.

Thank you in advance for your attention to this matter.

Sincerely,



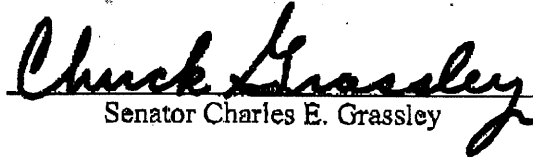
Senator Christopher S. Bond



Senator John Thune



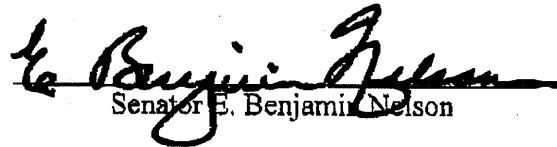
Senator Ken Salazar



Senator Charles E. Grassley



Senator Norm Coleman



Senator E. Benjamin Nelson