

**2020 Vision * ActionAid International USA * Clean Air Task Force
Defenders of Wildlife * Ecology Center * Environment America
Environment Northeast * Environmental Defense Fund
Environmental Working Group * Friends of the Earth * Sierra Club
The Wilderness Society * League of Conservation Voters
League of Woman Voters of the United States * National Wildlife Federation
Natural Resources Defense Council * Union of Concerned Scientists
World Wildlife Fund**

Representative Henry Waxman
2204 House Rayburn Building
Washington, DC 20515

Representative Joe Barton
2109 House Rayburn Building
Washington, DC 20515

May 20, 2009

Dear Representative,

On behalf of our millions of members and activists, we strongly urge you to oppose the Terry amendment (#042) and any other attempts to weaken the Renewable Fuel Standard's provisions for a full life-cycle accounting of the greenhouse gas emissions of biofuels (including emissions from indirect land-use change). The EPA rulemaking process already includes a formal reviewer process, so the Terry Amendment is unnecessary and just risks opening the door to frivolous lawsuits.

Congress got it right in December 2007 when it directed EPA to include greenhouse gas emissions from indirect land-use change as part of the assessment of the full lifecycle emissions of biofuels. Since then, scientific research has demonstrated the wisdom of Congress' decision. This research continues to demonstrate that biofuel policies, like the Renewable Fuel Standard, would accelerate global warming if the policy shifts farmland or forests from food and fiber production to biofuels feedstock production. Such shifts increase the demand for land and thus encourage farmers and foresters around the world to convert forests, wetlands, grasslands, and other natural areas into farmland until supply meets demand again. As land is cleared for farming or grazing, enormous amounts of soil- and plant-carbon are released into the atmosphere.

Including emissions from indirect land-use change is the only tool we have to direct the biofuels industry towards sources of biomass that do not cause such a shift. Including these emissions in the life-cycle assessment of greenhouse gases from biofuels is therefore critical to protecting forests and native ecosystems from the consequences of increased biofuels production. In addition, by discouraging shifts in land from food and fiber production, considering emissions from indirect land-use change helps keep biofuels from contributing to food price spikes.

Our organizations are strongly opposed to any provision that would weaken the greenhouse gas emission standards in the Renewable Fuels Standard. Weakening the standards would contradict the best and most recent science available; this science has been painstakingly analyzed by experts at EPA and incorporated into proposed regulations implementing the Renewable Fuel Standard.

We understand that EPA already plans to conduct a peer-review analysis of the methodologies it uses to determine lifecycle greenhouse gas emissions, and EPA will ensure its methods and final rule are consistent with the best science available. In addition, all parties concerned have the opportunity now to comment on EPA's proposed rule and weigh in on the integrity of the science – this is the appropriate venue for addressing concerns.

Last month, regulators in California confirmed that emissions from indirect land-use are indeed significant and chose to include them in their life-cycle assessment of greenhouse gas emissions from biofuels. The analysis supporting the approved rule in California and the proposed EPA rule together suggest that emissions from indirect land-use alone are equal to between 30% and 60% of gasoline's emissions.

The scale and significance of these emissions clearly overwhelms the uncertainty as to their exact value. Removing them is the equivalent of assuming these emissions don't exist, which is not only bad for the climate, but it will also mislead investors and developers.

Last month more than 170 scientists, including a number of Nobel Laureates wrote to the California Air Resources Board:

As scientists and economists with relevant expertise, we are writing to recommend that you include indirect land use change in the lifecycle analyses of heat-trapping emissions from biofuels and other transportation fuels. This policy will encourage development of sustainable, low-carbon fuels that avoid conflict with food and minimize harmful environmental impacts.¹

President Obama has called for the restoration of scientific integrity in federal policy-making. We now ask that you heed the President's call and oppose the Terry Amendment and any other provision that would exclude or block implementation of indirect land-use change emissions in the life-cycle assessment of biofuels.

Sincerely,

Ron Zucker
Legislative Director
2020 Vision

Charles Griffith
Clean Car Campaign Director
Ecology Center

Karen Hansen-Kuhn
Policy Director
Action Aid International USA

Rob Sargent
Energy Program Director
Environment America

Armond Cohen
Executive Director
Clean Air Task Force

Emily M. Bateson
Deputy Director
Environment Northeast

Robert Dewey
Vice President of Government Relations & External
Affairs
Defenders of Wildlife

Sandra Schubert
Director of Government Affairs
Environmental Working Group

¹ Letter addressed to Mary D. Nichols, chairman of the California Air Resources Board from 177 scientists on April 21, 2009.

Elizabeth Thompson
Legislative Director
Environmental Defense Fund

Tiernan Sittenfeld
Legislative Director
League of Conservation Voters

Judy Duffy
Advocacy Chair
League of Woman Voters of the United States

Joseph Mendelson III
Director, Global Warming Policy
National Wildlife Federation

Franz Matzner
Acting Legislative Director
Natural Resources Defense Council

Erich Pica
Domestic Programs Director
Friends of the Earth

Ann Mesnikoff
Director, Green Transportation Campaign
Sierra Club

Mike Francis
Acting Vice President, Public Policy
The Wilderness Society

David Friedman
Research Director, Clean Vehicles Program
Union of Concerned Scientists

Lou Leonard
Director, US Climate Policy
World Wildlife Fund

CC: House Environment and Commerce Committee