As Public Comment on RFS Rule Comes to Close, Make Sure You are Heard

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Only days remain until the public comment period on EPA’s proposal for next year's renewable volume obligations (RVOs) under the Renewable Fuel Standard (RFS) program comes to an end. But Solutions from the Land felt it necessary to issue this eleventh-hour call to stakeholders to make sure they tell regulators to get the program right. Too much is at stake not to.

Under consideration are the biofuel blending requirements that will be set for the nation's transportation fuel in 2019 (and for biomass-based diesel in 2020), markers that have profound significance given the uncertainty that has undermined the effectiveness of the RFS for more than a year.

Under the proposed rule released in late June, EPA called for 19.88 billion gallons of biofuels to be blended into the U.S. fuel supply in 2019, up from 19.29 billion gallons in 2018. The total includes 381 million gallons of cellulosic biofuel, 4.88 billion gallons of advanced biofuel and 2.1 billion gallons of biomass-based diesel, which was set last year. The rule now under consideration would set a 2020 RVO for biomass-based diesel at 2.43 billion gallons, up 330 million gallons when compared to the 2019 and 2018 RVOs of 2.1 billion gallons.

Drawing significant attention is the proposed rule's 2019 RVO for conventional biofuel – most of which is corn ethanol – of up to 15 billion gallons.

The ethanol industry, farm groups and their allies in Congress are questioning whether the 15-billion-gallon requirement carries any validity.

Disclosures that former EPA Administrator Scott Pruitt had been retroactively granting an unprecedented number of "hardship" waivers to refineries – releasing them from their requirements under the 2016 and 2017 RFS – appears to have cost the biofuel sector more than 2 billion gallons in blended ethanol. Pruitt is now out at EPA under a cloud of ethics violations. Renewable fuel and farm groups have sued the agency over the waivers and EPA’s failure to reallocate the lost amount of ethanol.

Adding to the uncertainty is the absence of any action to lift the U.S. ban on the summertime sale of E15, despite Trump administration promises to lift the restriction and expand the availability of biofuels on the market. (Fortunately, a proposal to assign Renewable Identification Numbers –
tradable credits that certify compliance with the RFS – to ethanol exports, a move that could further weaken the biofuel market, has reportedly been dropped by the administration.)

Solutions from the Land (SfL) sees strong RVOs and EPA enforcement of the obligations they impose on refiners as critical to a major role the agriculture sector can play in contributing to the reduction of greenhouse gas (GHG) emissions.

Among the three pillars of climate-smart agriculture advocated by SfL is one that calls on farmers to take actions that can reduce GHGs, while simultaneously improving a farm operation's profitability. The establishment of biofuel technologies that utilize farm and forestry feedstocks is a principal course by which the agriculture sector can help governments around the world reach global emission-reduction goals.

That role is only enhanced by research highlighted earlier this year showing that ethanol is the leading candidate fuel additive to achieve high-end efficiency and clean air goals for the American transportation system. DOE's Co-Optima initiative aims to simultaneously develop advanced, more efficient engine technologies and enhanced transportation fuels that together can significantly increase fuel economy over today’s vehicles and reduce emissions. While advanced engine designs are being introduced commercially, they are limited by current fuels. However, the research makes clear that the advanced fuel components that can be derived from domestic biomass resources – that means ethanol – can increase U.S. energy security and create jobs in rural America.

The American Coalition for Ethanol (ACE) has analyzed research from DOE's Argonne National Laboratory and found that the GHG emissions from corn-based ethanol dropped 60 percent over 25 years, through 2015. More recently USDA demonstrated the value of ethanol in cleaning up the transportation sector with a report that showed its GHG emissions are about 43 percent lower than gasoline when measured on an energy equivalent basis.

The research shows ethanol's emission-reduction benefits will only grow over the years ahead, driven by ongoing improvements in ethanol production and improved land management practices. But that can only happen if EPA provides certainty and adopts an RFS rule that meets the intent of Congress when it reauthorized the standard in 2007 – assure cleaner air. Stakeholders should also remind EPA that a vigorous RFS supports an industry that brings jobs and revenues to rural America. Staying the course on the RFS can only result in a win-win-win outcome.