



## **Senator Collins and Senator Merkley Lead Letter Urging EPA Action on RFS Electricity Pathway**

*Bipartisan Group of 9 Senators Sign Letter, with 2020 RVO Anticipated Soon*

Washington, DC – June 12, 2019 – A bipartisan group of nine Senators, led by Senator Susan Collins (R-ME) and Senator Jeff Merkley (D-OR), sent a letter (<https://rfspower.com/wp-content/uploads/2019/06/2019-06-11-Letter-to-Administrator-Wheeler-re-E-Rins-Report-Language.pdf>) to Environmental Protection Agency Administrator Andrew Wheeler this week urging action to activate the renewable electricity pathway in the Renewable Fuel Standard (RFS). The Senators' letter follows a provision in the Interior-EPA Appropriations bill signed by President Trump on February 15 (115 days ago) that "strongly encourage(d)" (<https://rfspower.com/rfs-power-coalition-applauds-passage-of-interior-appropriations-bill/>) the EPA to process applications from electricity producers to participate in the Renewable Fuel Standard within 90 days.

"We greatly appreciate the commitment of Senator Collins, Senator Merkley and all 9 signers of this letter, to hold the EPA accountable for its failure to include electricity in the RFS," said Bob Cleaves, president and CEO of Biomass Power Association. "This is absolutely critical to the biomass power industry and its supply chain including loggers and forest owners who contribute significantly to rural economies. The EPA has recognized that powering an electric vehicle with biomass is 96% less carbon emitting (<https://www.federalregister.gov/d/2014-16413/p-237>) than using gasoline in a traditional engine. Including electricity in the RFS is something we can all agree needs to be done right away."

"We shouldn't need our Congress to push EPA leadership to take action that's already spelled out in the law, but it's clear that has become necessary," said Patrick Serfass, executive director of American Biogas Council. "We appreciate all the Senators who stepped up to support the RFS and action to activate the renewable electricity pathway. It's time for EPA to process the applications already submitted and allow these renewable electricity projects to create new revenue streams and jobs, especially on American farms, while they also decarbonize our transportation sector."

In addition to the Senators' letter, to push for action, the RFS Power Coalition has filed a petition (<https://rfspower.com/wp-content/uploads/2019/02/Bloomberg-Environment-2.8.19.pdf>) with the DC Circuit court of appeals and just last week, 21 members of Congress (<https://rfspower.com/wp-content/uploads/2019/06/Press-Release-Letter-Updated.pdf>) sent a letter to the EPA urging action on outstanding RFS pathways, including electricity. As of today, it's been 11 years and 175 days (<https://rfspower.com/>) since President Bush signed RFS2 into law, which included electricity, yet none of the more than 40 projects EPA has have been approved.

**About the RFS Power Coalition**

The RFS Power Coalition is a group of organizations dedicated to activating the renewable electricity pathway of the Renewable Fuel Standard (RFS). The Coalition is led by the [Biomass Power Association](#) and [American Biogas Council](#), the trade associations that represent, respectively, domestic biomass power producers who use organic fuels like forest residues, and biogas-to-electricity producers like dairy farmers and wastewater treatment facilities. All feedstocks used by these technologies – biomass, biogas and biogenic waste – qualify as renewable transportation fuels that should be included in the D3 cellulosic and D5 advanced fuel categories of the RFS. <https://rfspower.com>

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## United States Senate

WASHINGTON, DC 20510-1904

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LABOR, AND PENSIONS  
SELECT COMMITTEE  
ON INTELLIGENCE

June 11, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Wheeler:

We write regarding the continued delay at the U.S. Environmental Protection Agency (EPA) in acting on pending applications under the electric pathway of the Renewable Fuel Standard. We urge your swift review and approval of these applications, subject to the appropriate regulations.

Utilizing waste products as an energy source produces a range of important benefits. Dairy farmers, for example, can make productive use of manure by collecting methane in an anaerobic digester to generate electricity from biogas. Municipalities can invest in waste-to-energy facilities to produce energy from municipal solid waste and in anaerobic digesters that collect and reuse methane from urban food waste and wastewater biosolids. Biomass plants complement rural and urban communities by providing markets for material that would otherwise be left in the forests or in landfills to decay, effectively reducing wildfire risks. Furthermore, these applications employ rural, skilled Americans who provide invaluable services to our states and communities in the forestry and farming sectors.

On February 15, 2019, the President signed into law the Consolidated Appropriations Act, P.L. 116-6, which provided Fiscal Year 2019 funding for EPA. This law also included Congressional directive for the EPA to process pending electric pathway applications, which was clearly indicated by the adoption of the following language:

*The Committee notes the backlog of applications under the Renewable Fuels Pathway II rule finalized in 2014. No applications for the electric pathway—which could help support rural agricultural communities—have been approved since the rule went into effect. The Committee strongly encourages the Agency to take action on the existing applications within 90 days of the enactment of this Act.*

Ninety days have elapsed since this legislation was enacted, and we respectfully request EPA follow this Congressional directive and take action on electric pathway applications. Further delays will harm our farmers, truckers, landowners, loggers, and forest owners. Thank you for your attention to this important matter.

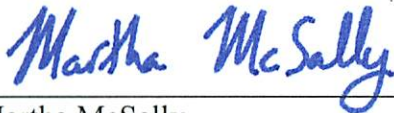
Sincerely,



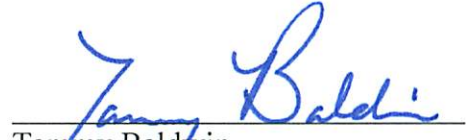
Susan M. Collins  
U.S. Senator



Jeffrey A. Merkley  
U.S. Senator



Martha McSally  
U.S. Senator



Tammy Baldwin  
U.S. Senator



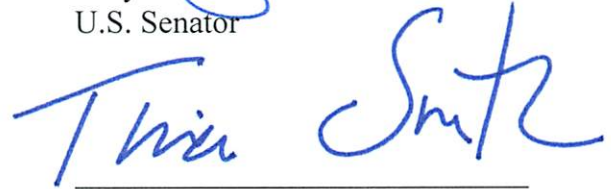
Margaret Wood Hassan  
U.S. Senator



Amy Klobuchar  
U.S. Senator



Jeanne Shaheen  
U.S. Senator



Tina Smith  
U.S. Senator



Sheldon Whitehouse  
U.S. Senator