

United States Senate

WASHINGTON, DC 20510

December 19, 2019

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

Dear Administrator Wheeler:

We write to follow up on 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. A response to our June letter was provided nearly five months after it was sent, and during that time, no further actions have been taken by the agency. There have been several other letters requesting information and action from EPA on pending applications, for which there has been no further action taken, and in certain circumstances no response. We once again urge your swift review and approval of these applications, subject to appropriate regulations.

Biomass, biogas, and waste-to-energy plants complement rural and urban communities by providing markets for materials that would otherwise be left in the forests or in landfills to decay. Furthermore, these applications employ rural, skilled Americans who provide invaluable services to our states and communities in the forestry and farming sectors.

On December 19, the Senate overwhelmingly passed H.R. 1865, which included Fiscal Year (FY) 2020 funding for EPA. Similar to the FY 2019 funding bill for EPA, H.R. 1865 includes explicit Congressional directive for the EPA to process pending electric pathway applications, which was clearly indicated by the inclusion of the following language:

Electric Pathway.—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 Agency shall take action on the existing applications within 90 days of the enactment of this act.

Further delays will harm our farmers, truckers, landowners, loggers, and forest owners. We appreciate your attention to this important matter, and we request a response that outlines the actions EPA plans to take on this important issue to rural economies by January 10. Thank you for your attention to this important matter.

Sincerely,

Susan M. Collins

Susan M. Collins
U.S. Senator

Jeanne Shaheen

Jeanne Shaheen
U.S. Senator

Martha McSally

Martha McSally
U.S. Senator

Jeffrey A. Merkley

Jeffrey A. Merkley
U.S. Senator