

# United States Senate

WASHINGTON, DC 20510

June 14, 2021

The Honorable Michael S. Regan  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Regan:

We are writing to request that you act expeditiously to address languishing applications for renewable electricity producers to participate in the Renewable Fuel Standard (RFS) program. Farmers, foresters, local governments and small business owners nationwide have been adversely impacted by the inability to participate in the RFS due to agency inaction on renewable facility registration applications involving approved fuel pathways and petitions for approval of additional fuel pathways.

Biogas, biomass and waste-to-energy electricity producers need the Environmental Protection Agency (EPA) to take action to approve their participation in this important program. In some cases, authorization for participation in the program is the difference between survival and having to shut their doors. The production of cellulosic biofuel electricity from RFS-approved feedstocks helps drive the growth and development of sustainable agriculture, forestry and the rural economy, and supports greenhouse gas emissions reductions. EPA needs to act with urgency to address obstacles limiting biomass power generation and the forest-based industries it supports.

Quick action on pending applications to generate RFS credits for electricity produced from biogas will allow electric vehicle owners to access power generated from low-carbon fuels, which is necessary to realize the full carbon savings potential of electric transportation. Under existing regulations and approved pathways, electricity generated with biogas from landfills and organic waste digesters is an RFS-qualified fuel that can be used to power electric vehicles (EVs), and yet many renewable fuel producers have been pursuing a response to their applications for almost seven years.

Congress has made clear the importance of addressing the backlog of advanced biofuel registrations so that more fuel producers can participate in the RFS. In 2020, Congress provided direction and funding for the EPA to process existing applications under the Renewable Fuels Pathway II for the electric pathway in the explanatory statement accompanying the Consolidated Appropriations Act, 2021 (P.L.116-260). Congress further directed EPA to provide a briefing within 60 days of the bill's enactment of planned Agency actions to process the existing applications. Accordingly, we respectfully request that the EPA approve applications to generate credits under the program for electricity produced with biogas.

In addition, we urge you to immediately process petitions for fuel pathways involving woody biomass feedstocks and waste-to-energy facilities, which are awaiting EPA action that is long

overdue. The current RFS program, which was passed into law as a part of the Energy Independence and Security Act of 2007, encourages American energy innovators to produce low carbon fuels from cellulosic biomass. To be eligible, cellulosic fuels—defined broadly to include both cellulosic biofuels and renewable electricity for electric vehicles—must attain at least a 60% reduction in carbon intensity compared to the petroleum-based fuel they are displacing. Electricity from woody biomass and waste-to-energy easily achieves this benchmark. However, electricity producers that use biomass and municipal waste as feedstocks are not yet eligible to participate in the RFS program because their fuel pathway petitions applications have not yet been approved by the EPA.

Allowing these cellulosic biofuel electricity producers to participate in the RFS will help achieve the original goals of the program. The law calls for 10.5 billion gallons of cellulosic biofuel in 2020. However, due to the lack of available cellulosic biofuels to satisfy this standard, the EPA adjusted the 2020 Renewable Volume Obligation to only 418 *million* gallons of cellulosic biofuel, less than 4% of the statutory target.

As the Administration considers the 2021 Renewable Volume Obligation, including electricity should be a top priority. Approving these backlogged applications and petitions, which the EPA has existing authority to do, will help the U.S. advance its clean energy goals while supporting local economies in rural America.

Thank you for your attention to this important issue.

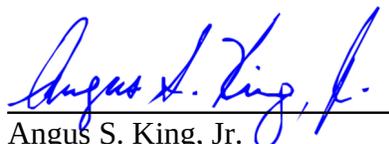
Sincerely,



Jeanne Shaheen  
United States Senator



Susan M. Collins  
United States Senator



Angus S. King, Jr.  
United States Senator



Margaret Wood Hassan  
United States Senator



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Tammy Baldwin  
United States Senator



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Kyrsten Sinema  
United States Senator

CC: Janet McCabe, Deputy Administrator  
Joseph Goffman, Acting Assistant Administrator, Office of Air and Radiation  
Sarah Dunham, Director, Office of Transportation and Air Quality  
The Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture