

Congress of the United States
Washington, DC 20515

October 23, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20004

Administrator Wheeler:

We write to you with concern regarding the Environmental Protection Agency's (EPA) October 15, 2019 announcement of the Supplemental Notice of Proposed Rulemaking on the Renewable Fuel Standard Program and standards for 2020 and biomass-based diesel volume for 2021, as it does not fulfill the agreement reached by the White House, EPA, and United States Department of Agriculture (USDA) as conveyed to stakeholders by way of the EPA's announcement on October 4, 2019.

Despite the EPA's acknowledgement of the 31 small refinery exemptions (SREs) issued on August 9, 2019, which appeared to prompt the need for a course correction, this announcement falls short and does not offer the relief that was promised to our farmers. Since the start of 2016, there have been 85 small refinery exemptions that were issued that have resulted in a net loss of over 4.0 billion gallons of renewable fuels which has proven to be devastating to our local economies.

Given the vast number of small refinery exemptions that have been granted since 2017, we are disappointed in the proposed rule as it would not change the proposed volumes for 2020 to wholly account for a realistic average of SREs that have been granted and may be granted in the future.

This announcement does more harm than good for our producers and lends to even greater uncertainty in this challenging farm economy. As published, the proposed rule, despite outlining several potential approaches to reallocate a fraction of the lost gallons, states that the EPA may consider adjusting methodology for projecting the exempt volumes of gasoline and diesel. This is problematic, and not only because the various calculations are based on prior years and do not account for most recent damages, but because it leaves room for the possibility of an even more detrimental calculation.

We urge you to reconsider as you move forward to publish a rule that lends to confidence in the process, requiring the EPA to use the average number of small refinery exemptions granted in the previous three calendar years when formulating the Renewable Volumes Obligation for an upcoming year, as conveyed to stakeholders. Furthermore, any final rule must bring assurance to farmers and producers not just for the 2020 RVO, but permanently, given the damages caused by these exemptions.

We cannot support a proposal that does not set our farmers and producers on a path toward certainty by ensuring that a fix applies to all future years. As you move forward, on behalf of the EPA, USDA and the White House, we strongly urge you to reconsider the proposal and uphold the commitment that was made to our farmers.

Sincerely,



Rodney Davis
Member of Congress



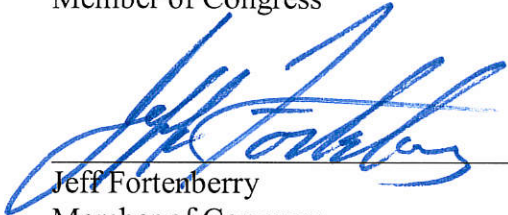
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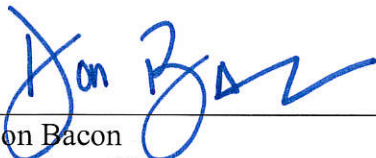
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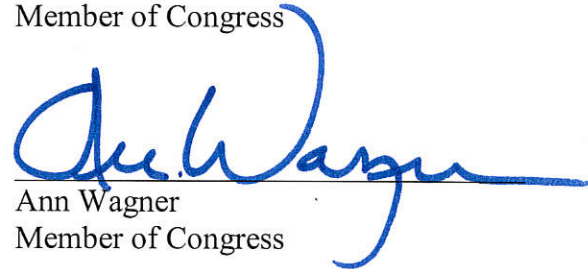
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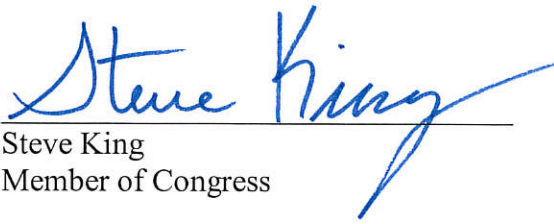
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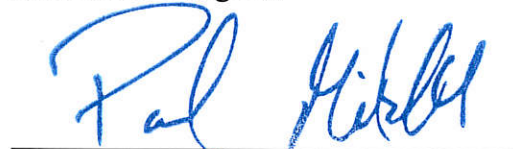


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