

The Honorable Stephen Johnson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

November 10, 2008

Dear Administrator Johnson:

We are writing to urge you to ensure that the lifecycle analysis of greenhouse gas emissions from biofuels conducted by EPA as part of the rulemaking process for the Renewable Fuel Standard, as amended by the Energy Independence and Security Act of 2007, is a robust analysis that includes the impacts of indirect land use change on GHG emissions as required by law. We have been following closely the developing science on the contribution of indirect emissions from land use changes and are very much looking forward to reviewing EPA's work on this key topic in the forthcoming notice of proposed rulemaking.

We want to voice our strong objection to the suggestions in recent letters to EPA that EPA should delay consideration of indirect land use in the RFS rulemaking. EPA has been engaged in a rigorous rule-making process that has drawn on the best available science and will continue to improve through the notice and comment process. Consideration of all of the science in an open and transparent comment process will be key to ensuring that the regulations accomplish the emissions reductions Congress intended when they directed that indirect emissions from land use changes be included. Suppression of this part of the rule, or of aspects of EPA's accounting methodology and results of this accounting, prior to the comment period would severely damage the integrity of the rulemaking process.

There is no doubt that GHG emissions caused by land use change are substantial, and that those associated with renewable fuel production can easily make the difference between reducing or increasing GHG emissions relative to gasoline. There are ongoing debates about the best approach to modeling these emissions, but the science and economic analysis suggests that indirect emissions associated with some sources of biomass are significant. Moving ahead with a rule but delaying or omitting the inclusion of indirect land use effects in the model would be equivalent to assigning these effects a zero value, which is clearly not supported by the science. This would send the wrong signal to the market, and would encourage ventures that increase global warming pollution and will fail once the lifecycle accounting accurately and completely addresses the impact of land use changes. Encouraging investments in high carbon technology based on intentionally distorted accounting is a dangerous detour for the biofuels industry and would clearly undermine the intent of Congress in establishing minimum greenhouse gas standards for biofuels.

It has been suggested to the EPA that the inclusion of indirect effects might inaccurately cast doubt on promising second generation biofuels. On the contrary, we think that the inclusion of indirect effects will illustrate which second-generation feedstocks incur the least indirect land use change. We believe that there are ample supplies of biomass that incur little or no emissions from indirect land-use change to comply with the requirements of the RFS. Properly done, accounting for indirect land-use will improve the ability of investors and developers to distinguish promising approaches from dead ends and drive investments and innovation towards these feedstocks and technologies.

It has also been suggested to EPA that better data will be available over time. We agree, and suggest that inclusion of indirect land use effects at the outset is the best approach for promoting the scientific and data improvements that will inform a robust on-going process of updating the regulations in the future. Uncertainty about the scale of the large impact that some sources of biomass will have is no excuse for failing to do our best to avoid those impacts.

We are convinced that it is technically practical and environmentally and legally critical for EPA to follow the requirements of the Energy Independence and Security Act of 2007 and include indirect effects in its analysis of lifecycle GHG emissions from biofuels production. Excluding indirect land use in the RFS would intentionally distort the accounting and subvert the goals of the legislation.

Sincerely,

Environmental Defense Fund
National Wildlife Federation
Natural Resource Defense Council
Friends of the Earth
Union of Concerned Scientists
Environmental Working Group

cc: The Honorable Ed Schafer, Secretary, United States Department of Agriculture