

June 12, 2019

The Honorable William Wehrum  
Assistant Administrator Office of Air and Radiation  
Environmental Protection Agency  
Mail code: 6101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Wehrum:

We write on behalf of the Advanced Biofuels Association (ABFA), the Coalition to Address Removal of Regulatory Impediments (CARRI), and others with interest in deploying sustainable fuels. ABFA would first like to thank you for your remarks to the ABFA Board and its many members on Thursday, May 9, 2019. We appreciate your candor with regard to all that is currently before you and your team as it pertains to the Renewable Fuel Standard (RFS) Program and the many related fuel program issues.

CARRI is a broad-based group of companies focused on providing high-performing, sustainable, environmentally beneficial, high-quality fuels and bio-based products to market. We represent all forms of feedstock suppliers, technology providers, renewable product and fuel producers, fuel refiners, and marketers. CARRI's goal is to provide expeditious solutions to commercialization of these products by focusing on resolving and removing unnecessary interpretive and regulatory impediments adversely affecting commercialization of advanced and cellulosic biofuels and bio-based products.

The signatories to this letter are particularly keen for EPA to a) allow the production, transfer and use of biointermediates in renewable fuel production to generate Renewable Identification Numbers (RINs); b) allow co-processing pathways to generate cellulosic D3 and D7 RINs; and c) approve mass balance and other alternative standardized industry-compatible test methods under the existing regulations to accurately account for the quantity of RINs generated by renewable fuel produced through co-processing. As you are aware, the Regulatory Enhancement Growth Support (REGS) rule includes proposed language that would resolve the current impediments associated with biointermediates and co-processing, and furthermore should be amended to clarify that mass balance and other appropriate test methods may be used at the discretion of obligated parties to determine RIN generation from co-processing. This language has already gone through the Administrative Procedure Act (APA) notice and comment requirements and awaits finalization by EPA.

We fully appreciate the significant challenges and resource demands the RFS program places on your Office and your staff, and we stand fully committed to support you and your team going forward. At the recent ABFA Board meeting, it was suggested that the Agency should consider taking a similar approach to biointermediates as it did with reopening comments on just one section of the REGS rule in April. Utilizing this approach for the section on biointermediates would accomplish several things. First, it would send a signal to the market—both companies and investors—that the Agency intends to move forward with addressing this current impediment to the transition to advanced cellulosic fuels. Second, it would establish a timeline by which the market could finally initiate certainty into production and planning.

Given the fact that EPA already proposed rulemaking concerning biointermediates in 2016, we believe that EPA could finalize the biointermediates rule without further notice and comment. We also believe that the Agency has existing authority to allow companies to register pathways that include

biointermediates for RIN generation, and it is not strictly necessary to issue a new rule. Finalizing the biointermediates rule, however, would provide certainty to the market. If the agency chooses not to immediately finalize the rule, the option we presented at our meeting was for the agency to reopen a brief comment period on sections dealing with biointermediates and complete the rule as expeditiously as possible.

The Agency could announce and publish plans to finalize the proposed approach, ask for any additional comments for the record via an abbreviated comment period, and then initiate final action over a pre-determined timeframe that can be managed around meeting its other obligations. As part of this approach, the Agency can also move to immediately implement an interim approach for the facilities that are ready to commercialize and produce these advanced cellulosic fuels using the biointermediates pathway. Given that there are only a handful of companies currently prepared to immediately take advantage of the biointermediates pathway, this would not stress Agency resources. Guidance can be issued to those companies that includes assurances the Agency is comfortable with through the registration process.

As you know, industry broadly approves of the biointermediates proposal, as evidenced by the diversity of the members in CARRI, ABFA, and the other signatory organizations on this letter. Many other stakeholders are also supportive of taking action on this issue. It is one of the significant impediments EPA must address to enable the market to transition to advanced and cellulosic fuels, but it is one that the Agency can take action on immediately and one that will lead to the production of advanced and cellulosic fuels in the near and long term.

We appreciate your willingness to consider this approach and stand willing and able to provide whatever support is necessary to move forward.

Sincerely,

