



National Wildlife Federation

Office of the President

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May 29, 2020

Administrator Andrew Wheeler
United States Environmental Protection Agency
1200 Pennsylvania Ave, NW
Mail Code 1101A
Washington, DC 20460

Dear Administrator Wheeler:

As of April 15, 2020, the U.S. Environmental Protection Agency (“EPA”) had before it waivers to the renewable volume obligation (“RVO”) of the federal Renewable Fuel Standard (“RFS”), requested by the Governors of Louisiana, Oklahoma, Pennsylvania, Texas, Utah, and Wyoming. These waiver requests are based upon a demonstration of “severe economic harm” as referenced in Section 211(o)(7) of the Clean Air Act (“the Act”). This provision of the Act also authorizes the EPA to waive the RVO in whole or in part based upon environmental harm inflicted by the RVO. We support the requests made by the Governors and assert environmental harm as an independent basis upon which the Agency must grant relief.

The RFS currently requires about 19 billion gallons of fuel derived from plants to be blended into gasoline. The overwhelming majority of that fuel is corn ethanol, and today 40 percent of the corn produced in the United States goes into our gas tanks.

We and others have repeatedly urged your agency to invoke the environmental harm waiver or use its general waiver authority to reduce blending requirements through formal comments and testimony during the annual RVO-setting process. We now take this opportunity to restate our concerns in light of the pending request for relief.

Habitat Destruction

It has been more than 10 years since the RFS was created, and in that time there have been mounting reports on a variety of aspects linked to the growing demand for corn and soybeans to produce fuel, documented in your agency’s [comprehensive report](#) to Congress in 2018 that outlined the negative environmental impacts of biofuel production. The report laid out in detail how the additional crop demand led farmers to plant millions of new acres – primarily of corn – and how that meant less wildlife habitat and water filtration, and more application and erosion of chemical fertilizers that end up polluting our waterways. While the report declined to draw a direct connection between observed land use change and the RFS, [subsequent research](#) establishes that the policy is directly responsible for a substantial portion of this conversion and the related, negative environmental impacts.

In 2008-2012, [7.3 million acres of land were converted into cropland](#), of which grasslands accounted for 77 percent of all conversion. The conversion of these native prairies impacts cherished wildlife populations such as waterfowl, prairie chickens, and monarch butterflies and many others through habitat loss, degradation, or fragmentation. Higher RVOs places on these habitats in even greater danger, amounting to a threat of severe environmental damage.

Land conversion directly destroys important habitats for local and migratory species such as the monarch butterfly. Monarchs migrate throughout the Midwest and rely on a single plant to breed—the milkweed. The milkweed, along with other nectar plants, such as asters and goldenrod, grows abundantly in native grasslands in the Great Plains and Midwest. Native prairie is disappearing faster than any other ecosystem in North America, which is directly contributing to the precipitous [decline in monarch butterfly populations](#).

Water Quality

The expansion of row crop agriculture affects aquatic wildlife and human health through agricultural runoff. Runoff pollution occurs when storms send large amounts of water laced with sediment, chemical fertilizers, and pesticides into nearby rivers, lakes, and streams. The added chemicals cause algae to grow rapidly, sometimes producing toxins that are poisonous to humans. When the algae die and decay, it consumes all of the oxygen in the surrounding area, resulting in a dead zone where aquatic wildlife either relocate or perish. As corn fields continue to expand, the intensity and occurrence of annual [algal blooms in the Great Lakes have increased](#), and [the dead zone in the Gulf of Mexico](#) continues unabated.

[A University of Wisconsin analysis](#) looking at the Ogallala Aquifer showed that conversion of land into irrigated agriculture accelerated once the RFS spurred a jump in ethanol production. An increase in water use followed. The average amount of irrigated fields in the seven years following creation of the RFS was 9.75 percent higher than the average in the 7 years prior to the program. The year with the most irrigated land in the 7 post-RFS years saw 7.1 percent more irrigated land than the highest year pre-RFS.

But even in states where agricultural expansion is relatively low, such as in Maryland, excess chemical runoff is impacting aquatic species. For example, in the Chesapeake Bay Watershed, corn plantings expanded by an estimated 340,000 acres from 2002 to 2012. The impact of the additional corn acres in Maryland equates to an additional nine million pounds of nitrogen and 200,000 pounds of phosphorus from fertilizer delivered to the Bay, in contradiction of state and federal efforts to limit these pollutants.

Global Climate Change

Amid [record-setting wild fires out West](#), recent [climate assessment](#) sounding the alarm about threats from rising global temperatures, and predictions that 2020 could set yet another [global temperature record](#), [new research from the University of Wisconsin](#) finds that the federal corn ethanol mandate is contributing to climate change, with land conversion from 2008-2012 releasing as much carbon into the air as 36 coal-fired power plants.

Air Quality

As higher RVOs have pushed increasingly larger percentages of ethanol per gallon of fuel, and as the EPA has allowed for summertime use of these higher blends, the RVO has also directly undermined public health. As the Agency is well aware, blending ethanol in gasoline makes the fuel emit more of the gases

that form smog, and smog makes health issues like asthma worse – especially for the young and the elderly. That’s why the Act restricted the level of ethanol in gasoline to 10 percent of fuel during the summer months, and has made the EPA’s embrace of E-15 during the summer troubling from a legal and public health perspective.

Conclusion

In short, the corn ethanol mandate has led to the loss of important wildlife habitat, particularly in regions critical for monarch butterflies, ducks and other ground-nesting birds, and many other species—threatening outdoor recreation opportunities as well as the economy. The mandate has also resulted in deteriorated water quality and harmful algal blooms in important surface waters as a result of increased farm runoff. Increasing mandated blending levels increases the potential for further land conversion, presenting a marked threat to the battle against global climate change, with its consequent catastrophic effects on human health and the environment. Higher blends of ethanol necessitated by unrealistic RVOs diminish public health.

In light of the clear and present danger to the environment, we join with the Governors of six states in asking for a waiver to the RVO.

Sincerely,



Collin O'Mara
President and CEO