

**ActionAid USA \* Biofuelwatch \* Center for Biological Diversity \* Dogwood Alliance \*  
Earthjustice \* Food & Water Watch \* Friends of the Earth \* National Wildlife Federation \*  
Partnership for Policy Integrity \* Sierra Club \*United Plant Savers**

May 23, 2022

**Re: EPA moves on e-RINs, RVOs and E15 endanger communities and climate**

Dear Administrator Regan,

As organizations committed to climate action and clean transportation, we write to you with deep concerns about the recent wave of policy support for unsustainable bioenergy. The egregious Russian invasion of Ukraine cannot become an excuse to trade one source of dirty energy for another. As such, we urge you to rescind the new E15 waiver and to not exacerbate the climate and environmental harm of the Renewable Fuel Standard (RFS) – particularly by adding electrification pathways or by increasing the 2020-2022 volume requirements.

While the RFS may have been well intentioned, it has consistently failed to deliver climate benefits and has, in fact, become a driver of climate and other environmental harms. Ultimately, it is not a mechanism well-suited to encouraging sustainable transportation fuels, and continuing to presume otherwise only delays much-needed reforms.

We therefore urge the EPA to change course on harmful bioenergy support:

- **Electrification:** The RFS is poorly equipped to advance the cause of vehicle electrification. This is one of the reasons our organizations are long-standing advocates of RFS reform. In procedural terms, electrification pathways threaten the EPA with novel administrative headaches. Regardless of how the program is designed or who is awarded the credit, new problems with RIN verification and potentially RIN fraud are probable. In climate and environmental terms, the likely electric feedstocks under the cellulosic mandate would become yet another conduit for federal subsidies to harmful sources of bioenergy. The deployment of EVs and related infrastructure deserves abundant federal incentives, but not for electricity sources that increase emissions and come with a host of related environmental justice harms. The EPA should refrain from developing a framework for e-RINs, for either individuals, EV chargers, utilities, or auto manufacturers.
- **E-15 Waiver:** The ban on 15% ethanol blends during the summer months was intended to avert the accompanied increase in ozone forming pollutants and smog. These pollutants have severe impacts on public health and would likely exacerbate the inequity in air quality that BIPOC communities already bear. Attempts to lift this ban during the Trump administration were rightly blocked by the courts. Although the evidence is mixed on the ozone-forming potential of E-10 versus E-15, due to limitations on the vehicles that can use E-15 blends and the number of retailers that can store and distribute these blends, the potential savings from this measure are limited, while the climate impacts are irreversible. Solutions to oil price hikes lie elsewhere.

- **Volume Increases:** The RFS volume obligations have consistently been a source of contention. The RFS has failed to spur innovation in sustainable cellulosic fuels, and instead largely subsidizes corn ethanol production. The majority of this conventional, first-generation ethanol production flouts the purported purpose of the RFS – 87% of plants producing ethanol for the RFS in 2017 operated under the grandfathering-in provision that exempts them from the need to demonstrate any GHG reductions compared to gasoline. The Government Accountability Office concluded in 2019 that this was a major reason the climate benefits of the RFS were either very small or non-existent. More recent studies found that corn ethanol produced under the RFS likely has a carbon intensity 24% higher than gasoline. Even the EPA’s own December 2021 RIA acknowledges that increasing the 2020-22 RVOs would increase short-term GHG emissions, worsening the climate crisis.

We urge the EPA to prioritize the climate, public health, and environmental justice implications of its policies over short-sighted political messaging considerations.

Sincerely,

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