



October 31, 2008

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

Dear Administrator Johnson:

We write in support of EPA's commitment to assessing the "significant indirect [greenhouse gas] emissions such as significant emissions from land use changes" associated with biofuels production, as part of the Agency's implementation of the revised Renewable Fuel Standard (RFS).¹ We also write to point out that Congress explicitly required the assessment of indirect climate impacts when it passed the Energy Independence and Security Act of 2007 (EISA 2007) – an obvious point, perhaps, but one that was apparently lost on the group of professors and biofuel executives who wrote to you recently urging that EPA put off its consideration of those impacts.² In light of the statutory directive in EISA 2007 and the underlying concerns about biofuels' net impact on climate change, it would be both unlawful and irresponsible for EPA to delay evaluation of emissions from land use change.

A growing body of research is linking the production and consumption of biofuels to increased competition for land, water, and agricultural commodities. Growing crops for energy in addition to food and feed requires the cultivation of additional land. In an increasingly globalized food market, the make-up food often will be grown where land and other agricultural inputs are the most inexpensive. The result is the conversion of forests, wetlands, grasslands, and other areas in tropical countries – a process that typically leads to substantial releases of soil- and plant-carbon as land is cleared, drained, and/or burned to make it suitable for farming or grazing. According to Alex Farrell and Michael O'Hare of the University of California at Berkeley, "There is no way around this effect unless we unmake the global economy."³

These "indirect" land use changes (ILUC) can dominate the other climate-relevant impacts associated with biofuels. Researchers have determined that the negative climate impacts

from converting forests, wetlands, or grassland to farmland can overwhelm even the most optimistic assessments of the annual climate benefit derived from biofuels made from energy crops grown on what was formerly food-producing farmland.

In spite of the mounting concerns about how biofuels are impacting climate, a group of professors and biofuel executives have asked you, in a letter dated October 21, 2008, to postpone the statutorily-required assessment of biofuels' ILUC emissions. The authors wrote that they "believe that the GHG benefits of 2nd generation biofuels, in particular, are very positive," but they worry that EPA might "underestimate" those benefits if it conducts the assessment as directed by Congress. Moreover, the authors suggested that Congress acted rashly by requiring proof that the "2nd generation" biofuels subsidized under EISA 2007 will actually help the United States reduce the amount of GHG emitted by our transportation sector. "We strongly believe," they wrote, "that a requirement to account for ILUC in the legislation was premature."

There is nothing "premature" about Congress's insistence that federally mandated, taxpayer-subsidized biofuels are environmentally beneficial. The RFS has propped up the biofuel industry for three decades, on the untested assumption that biofuels are good for consumers and the environment. During that time, its proponents – including the authors of the October 21 letter – have failed to demonstrate that biofuels provide any such benefits. Judging from the October 21 letter and from supportive statements made in the press,⁴ biofuel developers continue to be less interested in examining the fuels' net social and environmental impacts than they are in maintaining federal support in the form of mandates and tax breaks.

If additional time is needed to further assess the ways in which ILUC related to biofuel production impacts climate, EPA must simultaneously refrain from certifying that any "conventional biofuels," "advanced biofuels," "cellulosic biofuels," and "biomass-based diesels" meet the lifecycle GHG reduction thresholds established by EISA 2007.⁵ It would be unlawful and irresponsible for EPA to proceed with full implementation of the revised RFS without fully accounting for ILUC emissions.

Sincerely,

Clean Air Task Force

Jonathan Lewis
Staff Attorney and Climate Specialist

Environmental Working Group

Sandra Schubert
Director of Government Affairs

Friends of the Earth

Kate McMahon
Energy and Transportation Policy Campaigner

cc: Senator Jeff Bingaman
Senator Pete. V. Domenici
Senator Barbara Boxer
Senator James Inhofe
Senator Tom Harkin
Senator Saxby Chambliss
Representative John D. Dingell
Representative Joe Barton
Representative Collin C. Peterson
Representative Bob Goodlatte
Principal Deputy Assistant Administrator Robert J. Meyers

NOTES

¹ See EISA 2007 §201 (amending CAA §211(o)(1)(H) (defining "lifecycle greenhouse gas emissions").

² Letter from Bruce Dale, *et al.*, to Administrator Stephen L. Johnson (October 21, 2008).

³ Memo from Alex Farrell and Michael O'Hare to John Curtis, "Greenhouse gas (GHG) emissions from indirect land use change (LUC)" (January 12, 2008) (http://www.arb.ca.gov/fuels/lcfs/011608ucb_luc.pdf)

⁴ Brooke Coleman, executive director of the New Fuels Alliance recently said, "The biofuels industry is firm in its commitment to produce sustainable fuels. But we are equally adamant that renewable fuels be subjected to the same regulatory standard as other fuels participating in the low carbon fuel standard (LCFS). As it stands today, biofuels are held to a higher standard than all other fuels, including oil." Susanne Retka Schill, "Alliance: Too soon to enforce indirect land use," *Ethanol Producer Magazine*, October 27, 2008. (http://www.ethanolproducer.com/article.jsp?article_id=4947&q=&page=all). Mr. Coleman's suggestion that biofuels should be treated like other transportation fuels is apparently limited a very narrow set of circumstances, because putting biofuels and other fuels on the same footing in general would require his industry to forgo the government-dictated market share, production subsidies in the form of tax credits, and protectionist trade barriers that it depends upon.

⁵ See EISA 2007 §201 (amending CAA §211(o)(1)(B), (D), (E)).