



**RFA Testimony to EPA Virtual Public Hearing on
Proposed Renewable Fuel Standards for 2023, 2024 and 2025**

**Docket EPA-HQ-OAR-2021-0427
January 10, 2023**

Good morning. My name is Geoff Cooper, and I am CEO of the Renewable Fuels Association, the leading trade association for U.S. ethanol producers. We appreciate the opportunity to comment on EPA's proposed RVOs for 2023, 2024, and 2025.

Overall, we believe the proposed "Set" rule establishes a firm foundation for the future of the RFS and creates a pathway for sustainable growth in the production and use of low-carbon renewable fuels. Once finalized, the rule will further enhance our nation's energy security, reduce carbon emissions, and strengthen the rural economy.

While we applaud EPA's decision to propose RVOs for the next three years, we do not believe it would be appropriate to set volumes for 2026 at this time, as contemplated in the proposal.

RFA supports the proposed implied conventional renewable fuel volumes of 15 billion gallons for 2023 and 15.25 billion gallons for both 2024 and 2025. We also strongly support the proposed 2023 supplemental standard, which will finally bring EPA into full compliance with the D.C. Circuit Court's remand of the 2016 RVO rule in the *Americans for Clean Energy* case.

As for biomass-based diesel and other advanced biofuels, we encourage EPA to carefully consider the information presented by stakeholders and ensure that the final volumes appropriately reflect future growth and investment. Importantly, we believe any increases that EPA may consider for the final advanced biofuel standards must be accompanied by corresponding increases in the total renewable fuel volumes.

RFA strongly supports EPA's approach to small refinery exemptions and the Agency's assumption that zero exemptions will be granted in 2023-2025, consistent with the unappealed holdings of the Tenth Circuit Court's decision in the *RFA* case. We also agree with EPA's recent response to a fundamentally flawed GAO report on RFS compliance costs. The Agency's robust analysis demonstrated that small refineries actually paid slightly less than large refineries for D6 RINs.

Finally, on the subject of eRINs, RFA believes EPA should maintain a level playing field and consistent approach to RIN generation for all renewable fuel pathways under the RFS. By allowing electric vehicle manufacturers to generate eRINs using indirect "book and claim" accounting, EPA is proposing to create a novel and overly complex regulatory program for renewable electricity that is wholly inconsistent with RIN generation methods for all other renewable fuel pathways. EPA's eRIN proposal may also be viewed as inconsistent with the statutory purpose of the RFS, which is to support the production of renewable fuels, not the production and sale of certain vehicle technologies.

On a related note, we have concerns about how EPA's proposed definition of "produced from renewable biomass" could unintentionally exclude future renewable fuels from the RFS program if they are made from biogenic CO₂.

We intend to elaborate on these issues and others in our written comments. Thank you, and I look forward to any questions.