

**Testimony of  
S. William Becker, Executive Director  
National Association of Clean Air Agencies  
before the  
U.S. Environmental Protection Agency  
on the May 26, 2009 (74 *Federal Register* 24004)  
Proposed Changes to the Renewable Fuel Standard Program  
Docket No. EPA-HQ-OAR-2005-0161**

**June 9, 2009**

Good morning. I am Bill Becker, Executive Director of the National Association of Clean Air Agencies (NACAA). NACAA is an association of air pollution control agencies in 53 states and territories and more than 165 metropolitan areas across the country. On behalf of NACAA, thank you for the opportunity to testify on EPA's proposal to amend the national Renewable Fuel Standard (RFS) program consistent with the provisions of the Energy Independence and Security Act of 2007 (EISA). Because time does not allow for me to elaborate on all issues related to this comprehensive proposal, I will focus my comments today on several overarching policy themes of particular importance to NACAA.

Among the most significant changes EISA makes to the RFS program are 1) requiring, by 2022, that 36 billion gallons of our nation's transportation fuel supply come from renewable sources and 2) changing the definition of a renewable fuel to include minimum lifecycle greenhouse gas (GHG) reduction thresholds.

Regarding the substantially increased volumes of renewable fuel, let me be clear: NACAA understands the energy security issues facing this nation and fully supports the goal of reducing our dependency on foreign oil. We further support the intended goal of reducing GHG emissions and cannot overstate the importance of ensuring that this program result in timely, real-world GHG emissions reductions,

rather than in increased GHG emissions from initial activities to put in place infrastructure to generate renewable feedstock.

With respect to air pollution, we have been concerned from the outset – dating back to the original 7.5-billion-gallon RFS (RFS1) mandated in the Energy Policy Act of 2005 – that commitments to increase the use of renewable fuels for the purposes of energy security and GHG emissions reductions have been made without sufficient study of the potential adverse air quality and human health impacts. Our concerns were heightened when, just two years later, in 2007, EISA instituted a five-fold increase in mandated renewables, to 36 billion gallons a year.

And we had every reason to worry. EPA has estimated that in 2022, the combined upstream and downstream emissions from the 36-billion-gallon-a-year RFS will result in a 2.5- to 3.0-percent increase, over RFS1, in the *total* U.S. inventory of oxides of nitrogen (NO<sub>x</sub>), a 0.6-percent increase in hydrocarbons (HC), a 1.0-percent increase in PM<sub>10</sub>, a 0.3-percent increase in PM<sub>2.5</sub> and a 28- to 38-percent increase in the toxic air pollutant acetaldehyde. To the uninitiated, such percentages may sound insignificant. Let me assure you they are anything but that.

For decades, our nation has waged a mighty battle to protect human health and welfare from the very serious consequences posed by high levels of criteria pollutants and their precursors – including NO<sub>x</sub>, HC and PM – as well as toxic air pollutants. This battle is far from won. Yet, we are now faced with a program that would sacrifice our hard-earned gains by substantially increasing air pollution and imperiling public health. To allow this to proceed unchecked is simply unacceptable.

Although Congress did include in EISA anti-backsliding provisions to study and offset the adverse impacts of the RFS on air quality, these provisions are very limited in scope, requiring mitigation of vehicle tailpipe and engine emissions only, and solely through fuel regulations, offering no mechanism for addressing the very substantial upstream emissions that will occur. In fact, as EPA notes in its proposal,

emissions from fuel production, land use changes and other upstream activities exceed, by far, the tailpipe and engine emissions that result from renewable fuel use. Therefore, we urge strongly that before EPA takes final action on this rule, the agency ensure that the *full* range of air quality impacts of the RFS – upstream and downstream – is comprehensively quantified, that appropriate mitigation measures are identified and that provisions for timely implementation of these measures are included in the final rule.

A second key issue I would like to address today is that of lifecycle analyses of GHG emissions from renewable fuels and the consideration of land use changes in these analyses. Consideration of the full lifecycle emissions impacts of the RFS, including both direct and indirect emissions, is critically important if we are to ensure true achievement of the program's GHG emissions reduction goals. To determine whether different renewable fuels meet the GHG thresholds established in EISA, EPA has analyzed the lifecycle GHG emissions of renewable fuels and compared them to those of conventional transportation fuel. EISA defines lifecycle GHG emissions as:

...the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions such as significant emissions from land use changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

NACAA firmly endorses the inclusion of land use changes in the lifecycle analysis and appreciates EPA's breakdown in the proposal of various fuel pathways, lifecycle components and relative GHG emissions impacts. EPA has examined these factors over various time horizons to compare emissions that occur in the near term to those that could occur in the long term, By highlighting the results of its analysis of two of the time horizons – 30 years and 100 years – the agency illustrates that biofuel-induced land use changes (i.e., the conversion of land to produce renewable

fuel feedstock) can result in overwhelming GHG emissions in the near term with respect to certain renewable fuels, such as corn ethanol, sugarcane ethanol and soy-based bio-diesel, and that it can take significant time over the longer term for these adverse emissions impacts to be negated through the eventual replacement of petroleum with biofuels. Although the GHG impacts under the 100-year scenario are far more positive, it is unrealistic to base renewable fuel policies and regulations on such a long-term analysis. NACAA, therefore, urges EPA to rely on the 30-year analysis so that appropriate market incentives are created for advanced biofuels that will result in true GHG benefits.

We are aware that some have taken issue with EPA's inclusion of land use changes in the GHG lifecycle analysis, alleging that the analysis methodology is too fraught with scientific uncertainty. We disagree. We believe that EPA's analysis – which is based on the latest peer-reviewed process and economic models – is scientifically credible and suitable for use in this rulemaking. The alternative – to ignore the huge emissions impacts of land use changes for fear the analysis methodology may not be 100 percent precise – would be highly irresponsible.

Once again, thank you for this opportunity to testify. Over the coming weeks we will be further analyzing this proposal, including issues that could potentially affect our country's successful move to renewable fuels, and will offer any additional comments we may have before the close of the comment period. In addition, I direct your attention to comments on this important proposal offered by individual state and local clean air agencies.