



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 18 2016

OFFICE OF CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

The Honorable Ed Whitfield
Chairman
Subcommittee on Energy and Power
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Whitfield:

Enclosed please find the U.S. Environmental Protection Agency's responses to the Subcommittee's questions for the record following the June 22, 2016, hearing titled "The Renewable Fuel Standard – Implementation Issues."

I hope this information is helpful to you and the members of the Subcommittee. If you have further questions, please contact me or your staff may contact Matthew Davis in the EPA's Office of Congressional and Intergovernmental Relations at davis.matthew@epa.gov or at (202) 564-1267.

Sincerely,



Tristan Brown
Deputy Associate Administrator

Enclosure

cc: The Honorable Bobby Rush
Ranking Member, Subcommittee on Energy and Power

Additional Questions for the Record

The Honorable Pete Olson

1. The Energy Independence and Security Act of 2007 included labeling requirements for biodiesel (methyl ester)/petroleum diesel and biomass diesel (renewable diesel)/petroleum diesel at levels from 5% to 20% and separate labels for levels higher than 20%. While labeling of biodiesel (methyl ester) is appropriate for these percentages the labeling of biomass diesel constrains the commerce of this renewable fuel. With biomass based diesel as a direct substitute (“drop in”) for petroleum diesel (ASTM D-975), there should be no labeling required for this fuel. It is my understanding removing the labeling requirement would then allow the biomass diesel to become fungible in the fuel distribution system and thereby allow more renewable fuel to enter into commerce. Are you aware of this constraint, and if so, are there plans to modify this labeling rule to accommodate the entry of more renewable diesel into commerce?

Response: The EPA is aware of the biomass-based diesel labeling provisions in the Energy Independence and Security Act of 2007 (“EISA”). Section 205 of EISA requires that the Federal Trade Commission implement the biomass-based diesel labeling provisions.

The Honorable Mike Pompeo

2. Do you believe the EPA would have, in 2023, the statutory authority to restructure the RFS to mirror the California Low Carbon Fuel Standard Program? Could you do that, would you have the authority to do that?

Response: Congress in section 211 (o) of the Clean Air Act specifies a number of requirements for the RFS program, including provisions applicable to post-2022 implementation. The law requires that the Administrator, when setting future volume requirements, take into account many analytical factors. Under the Clean Air Act, EPA has broad authority to regulate fuel and fuel additives that could endanger public health and welfare, subject to certain requirements. We have not yet begun the process of determining the volume requirements for 2023 and beyond. We therefore cannot speculate as to what shape future policies will take.