

# Congress of the United States

Washington, DC 20515

March 20, 2009

Mr. Peter Orszag  
Director  
Office of Management and Budget  
Eisenhower Executive Office Building  
1650 Pennsylvania Ave., NW  
Washington, DC 20503

Dear Director Orszag:

We are writing to you in regard to the Environmental Protection Agency's (EPA) forthcoming Notice of Proposed Rulemaking (NOPR) for implementation of the updated Renewable Fuels Standard (RFS-2) which was enacted in the Energy Independence and Security Act (EISA) of 2007 (P.L. 110-140).

We believe that accelerated development, production and use of renewable fuels are essential to increasing energy security, improving our national economy and reducing greenhouse gas (GHG) emissions. Implementing RFS-2 in a timely and workable manner consistent with the intent of Congress is, in our view, the minimum level of action necessary to the move the United States aggressively toward self-reliance for transportation fuels. Our nation needs stability and direction in the biofuels marketplace and the RFS-2 should create stability concerning this Nation's commitment to biofuels.

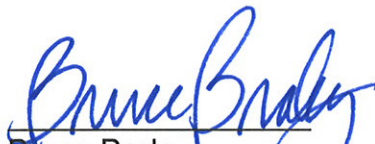
We are concerned, however, about the course of action EPA is considering as it relates to the calculation of GHG emissions. Under RFS-2, various biofuels must meet GHG emission reduction targets to qualify for program. While the law specifies that GHG emissions included "direct emissions and significant indirect emissions such as significant emissions from land use changes, as determined by the Administrator," we believe it is premature to adopt GHG criteria for indirect land use changes (ILUC).

The methodology ultimately used by EPA in crafting this program will have a significant impact on the overall success of the program. At this point, there are no widely accepted methodologies or models for calculating ILUC resulting from increases in production of biofuels. Land use changes result from many forces, including population growth, urbanization, interest in extraction of existing lumber or mineral resources, and in general the continually changing economics of competing land use alternatives. Differing and evolving land use policies enacted and enforced by individual nations around the world are also key determinants yet and not presently amenable to modeling.

Given the complexity and uncertainty of this issue, we urge EPA to not include any calculations of ILUC in determining GHG emissions for biofuels at this time. The premature publication and use of inaccurate or incomplete data, even if subsequently revised, could have the unintended consequence of causing severe harm to the U.S. biofuels industry and potentially disqualify sustainable feedstock from being utilized to meet the RFS-2 fuel targets, thus placing the entire fuels program in jeopardy. Instead, EPA should move forward in a manner that allows for public review and refinement of the methodology that is ultimately used to calculate GHG emissions associated with ILUC.

Thank you in advance for your consideration of these recommendations.

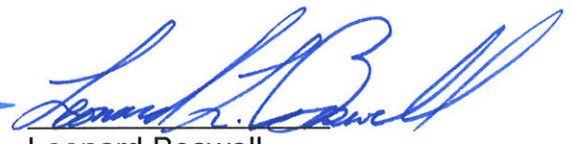
Sincerely,



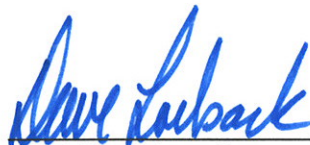
Bruce Braley,  
Member of Congress




John Shimkus,  
Member of Congress



Leonard Boswell,  
Member of Congress



David Loebsack,  
Member of Congress



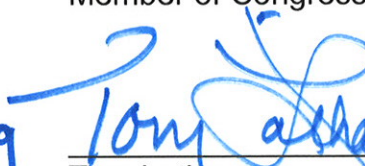
Robert E. Latta,  
Member of Congress




Ike Skelton,  
Member of Congress



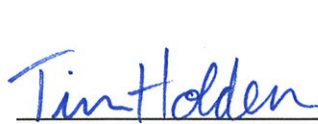
Steve King,  
Member of Congress




Tom Latham,  
Member of Congress



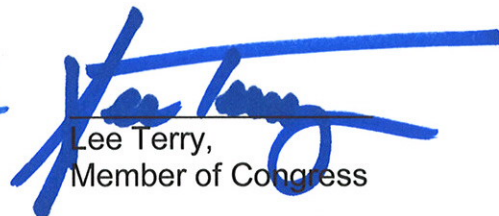
Larry Kissell,  
Member of Congress



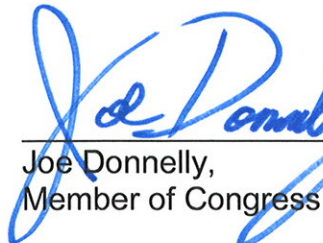
Tim Holden,  
Member of Congress



Aaron Schock,  
Member of Congress



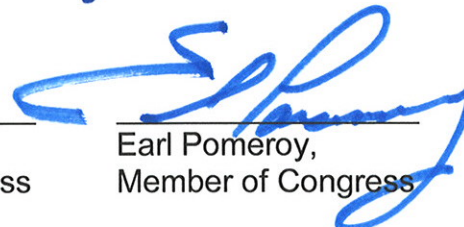
Lee Terry,  
Member of Congress



Joe Donnelly,  
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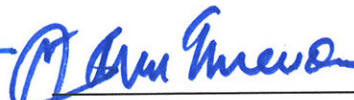


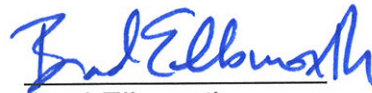
Phil Hare,  
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Blaine Luetkemeyer,  
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Jo Ann Emerson,  
Member of Congress

  
Brad Ellsworth,  
Member of Congress

  
Deborah Halvorson,  
Member of Congress

Cc:  
Lisa Jackson, Administrator  
U.S. Environmental Protection Agency

Tom Vilsack, Secretary  
U.S. Department of Agriculture

Carol Browner, Assistant to the President  
for Energy & Climate Change