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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

April 13, 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 with regard to the Environmental Protection Agency's (EPA) forthcoming Notice of Proposed Rulemaking for implementation of the updated Renewable Fuels Standard (RFS) which was enacted in the Energy Independence and Security Act of 2007 (P.L. 110-140). For purposes of ensuring certainty in the market, we urge you to complete your review of this Notice of Proposed Rulemaking expeditiously so that it may be published for public comment.

As you know, Section 211 of the Clean Air Act gives the EPA the responsibility for ensuring that gasoline sold in the United States contains a specified aggregate volume of renewable fuel mandated by a Renewable Fuel Standard. In the Energy Independence and Security Act of 2007, Congress not only greatly expanded the RFS, but also explicitly required the EPA to include an analysis of the affected fuels' "direct [greenhouse gas] emissions and significant indirect emissions." Congress also strengthened the Clean Air Act Sec. 211(f)(4) waiver process to require an EPA rulemaking process subject to public notice and comment in order to ensure that any increase in the ethanol blend limit would not "cause or contribute to the failure of any air emissions device" and increase air pollution or pose consumer safety risks. These requirements reflect Congress' understanding that depending on how they are produced renewable fuels can provide environmental benefits, or, in some cases, have adverse environmental impacts.

It is our understanding that the EPA has proposed a rule for implementation, including a method for calculating the emissions associated with some biofuels as a result of direct and indirect land-use changes. The best way to ensure that the EPA is using a transparent process and the best science and economics, is through the public comment that will follow publication of the proposal.

While we recognize these new provisions are both complicated and consequential, we believe we cannot afford further delay. Timeliness and certainty are critical to putting a workable renewable fuels program in place by January 2010 and for investments in second generation technology, infrastructure, and production. That is why the timely publication of the Notice of Proposed Rulemaking is so important.

Thank you in advance for moving quickly to address our concerns and allowing EPA's proposed rule to go out for public comment.

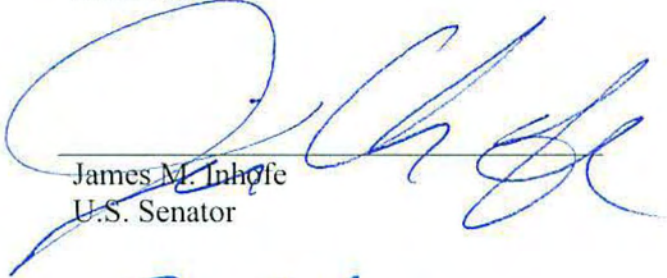
Sincerely,



Barbara Boxer
U.S. Senator



Tom Carper
U.S. Senator



James M. Inhofe
U.S. Senator



David Vitter
U.S. Senator



Bernard Sanders
U.S. Senator



Jeff Merkley
U.S. Senator



George V. Voinovich
U.S. Senator



Lamar Alexander
U.S. Senator

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

Mr. Tom Vilsack
Secretary
U.S. Department of Agriculture

Ms. Carol Browner
Assistant to the President
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