

**American Rivers \* Audubon Society \* Clean Air Task Force \* Clean Water Action  
Earthjustice \* Environment America \* Environmental Working Group  
Defenders of Wildlife \* Friends of the Earth \* League of Conservation Voters  
National Wildlife Federation \* Natural Resources Defense Council  
Network for New Energy Choices \* Union of Concerned Scientists  
Republicans for Environmental Protection \* Sierra Club \* The Wilderness Society**

The Honorable Lisa Jackson  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

March 19, 2009

Dear Administrator Jackson,

On behalf of our millions of members and activists, we urge EPA to account for indirect emissions from land use changes in its analysis of biofuels' lifecycle greenhouse gas emissions for the proposed rule on the Renewable Fuels Standard (RFS-2), as required by the Energy Independence and Security Act (EISA) of 2007 (P.L. 110-140).

EISA sets a critical precedent as the first law that requires reductions in greenhouse gases. To achieve these reductions, EISA requires a full lifecycle inventory of greenhouse gas emissions caused by biofuel production, and is explicit that the "direct emissions and significant indirect emissions such as significant emissions from land use changes" be included. Ignoring the emissions from indirect land use change will undermine the environmental benefits of the RFS-2 and set a poor precedent for any future policies attempting to reduce global warming pollution from transportation and other sectors. Furthermore, to exclude these emissions from a proposed rule would directly contradict the law.

The EPA has already done significant work to analyze and model these types of emissions. The analysis of indirect emissions is complex, indeed, but numerous academic studies have developed calculations for these types of emissions and by all accounts, EPA is drawing from the best scientists and economists and using peer-reviewed models. Moving ahead with a rule but delaying or omitting the inclusion of indirect land use effects in the model would imply that farmland is limitless, and would ignore the major impact of agriculture and deforestation on the climate. This is clearly not supported by the science or by the statute. Instead, the proposed rule should be released with a full analysis of indirect emissions so that debate on its merits and how to improve it can occur in a public and transparent way.

President Obama has vowed to make the US a leader on climate change and to restore science to its rightful place in our policy. Now is the time to uphold those pledges, ignore the pleadings of industry lobbyists, and release a proposed rule based on the best science currently available to reduce our greenhouse gas emissions.

We look forward to the release of this rule and thank you in advanced for addressing our concerns.

Sincerely,

Rebecca R. Wodder  
President  
**American Rivers**

John Flicker  
President  
**Audubon Society**

Armond Cohen  
Executive Director  
**Clean Air Task Force**

John De Cock  
President  
**Clean Water Action**

Rodger Schlickeisen  
President  
**Defenders of Wildlife**

Trip Van Noppen  
President  
**Earthjustice**

Margie Alt  
Executive Director  
**Environment America**

Richard Wiles  
Executive Director  
**Environmental Working Group**

Brent Blackwelder  
President  
**Friends of the Earth**

Gene Karpinski  
President  
**League of Conservation Voters**

Larry Schweiger  
President  
**National Wildlife Federation**

Frances Beinecke  
President  
**Natural Resources Defense Council**

Kyle Rabin  
Director  
**Network for New Energy Choices**

Rob Sisson  
President  
**Republicans for Environmental Protection**

Carl Pope  
Executive Director  
**Sierra Club**

Alden Meyer  
Director of Strategy & Policy  
**Union of Concerned Scientists**

William H. Meadows  
President  
**The Wilderness Society**

CC:

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

Peter Orszag, Director, Office of Management and Budget

Nancy Sutley, Chairwoman, Council of Environmental Quality

Steven Chu, Secretary, United States Department of Energy

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

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The Honorable Lisa Jackson  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

March 18, 2009

Dear Administrator Jackson:

We are writing you regarding the lifecycle analysis of greenhouse gas emissions from biofuels being developed by your agency as part of the rulemaking process for the Renewable Fuel Standard, as amended by the Energy Independence and Security Act of 2007. We once again urge the Environmental Protection Agency (EPA) to ensure that this analysis is robust and includes the impacts of indirect land use change on GHG emissions as required by law. We have been following closely the developing science on the contribution of indirect emissions from land use changes and are very much looking forward to reviewing EPA's work on this key topic as soon as the proposed rule is released for public comment.

We want to voice our strong objection to the suggestion in recent letters to EPA and OMB that EPA should delay or significantly constrain consideration of indirect land use in the RFS rulemaking. EPA has been engaged in a rigorous rule-making process that has drawn on the best available science and peer-reviewed models, and the public comment period is the best and most appropriate place to continue to improve EPA's proposal and ensure the transparency and scientific basis of the rulemaking process.

Consideration of all of the science in an open and transparent comment process will be key to ensuring that the regulations accomplish the emissions reductions Congress intended when they directed that indirect emissions from land use changes be included. Suppression of this part of the rule, or of aspects of EPA's accounting methodology and results of this accounting, prior to the comment period would severely damage the integrity of the rulemaking process and result in a rule that would almost certainly be legally insufficient.

There is no doubt that using some sources of biomass to make fuels leads to substantial GHG emissions as a result of changing our uses of land around the world and that these emissions can easily make the difference between fuels that reduce or increase GHG emissions relative to gasoline. There are ongoing debates about the best approach to modeling these emissions, but moving ahead with a rule while delaying or omitting the emissions from indirect land use would be equivalent to assigning these effects a zero value, which is clearly not supported by the science.

A zero value is equivalent to assuming that land is limitless, and that agriculture can expand infinitely without any secondary damage. This flies in the face of common sense and is not a reasonable response to technical uncertainties in the analysis. A zero value for indirect land use would send the wrong signal to the market, and would encourage ventures that increase global warming pollution and will fail once the lifecycle accounting accurately and completely addresses the impact of land use changes. Encouraging investments in high carbon technology based on intentionally distorted accounting is a dangerous detour for the biofuels industry and would clearly undermine the intent of Congress in establishing minimum greenhouse gas standards for biofuels.

It has also been suggested to EPA that better data will be available over time. We agree, and suggest that inclusion of indirect land use effects at the outset is the best approach for promoting the scientific and data improvements that will inform a robust on-going process of updating the regulations in the future

We are convinced that it is technically practical and environmentally and legally critical for EPA to follow the requirements of the Energy Independence and Security Act of 2007 and include indirect effects in its analysis of lifecycle GHG emissions from biofuels production. Excluding indirect land use in the RFS would intentionally distort the accounting and undermine the environmental and legal basis for continuing forward with the RFS rule in general.

Thank you for attention to this matter and are always happy to discuss with you further.

Sincerely,

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