

# United States Senate

WASHINGTON, DC 20510

November 18, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Administrator Wheeler:

We write to urge the Environmental Protection Agency (EPA) to provide regulatory clarity on the de minimis nature of biogenic carbon emissions generated from the processing of agricultural feedstocks such as corn, soybeans, oilseeds and farm residues. We were encouraged that EPA's Unified Agenda issued in spring 2019 indicated the possibility of a rulemaking on this matter in October 2019. We ask the EPA to act on this significant issue as soon as possible.

Rural communities in our states see the economic and environmental potential that a growing U.S. bioeconomy offers. EPA's treatment of biogenic carbon emissions from agricultural processing facilities, however, is a significant barrier to that growth. We have concerns that regulatory uncertainty is stalling significant potential investment in rural America. That investment would create jobs and draw resources to develop new lower-carbon products and materials, including food products, green chemicals, personal care products, compostable bioplastics, and much more.

For almost a decade now, agricultural crop producers and processors have submitted multiple requests to EPA for clarity on the regulatory treatment of biogenic carbon emissions produced by the fermentation, combustion, or other processing of agricultural crops.

Multiple scientific studies have stated that the carbon dioxide absorbed during growth and photosynthesis by renewable agricultural feedstocks, such as corn, soybeans, and oilseeds, and the carbon dioxide released during the processing, fermentation or combustion of those same feedstocks is more or less equal within a one-year cycle.<sup>1</sup> This means biogenic carbon emissions from such facilities are not contributing to long-term increases in atmospheric concentrations of greenhouse gases. Though EPA has made similar statements about the one-year life cycle of biogenic carbon emissions,<sup>2</sup> the Agency has not proposed a de minimis standard nor has the Agency taken action to clarify the treatment of biogenic carbon emissions in the context of the Clean Air Act.

It is critical that rural Americans have the ability to tap into new growth opportunities when prospects in traditional markets are uncertain or declining. Our states are ready and able to use our food and agriculture strengths to provide the nation and the world with an abundance of crop-derived consumer products and materials, as well as renewable biomass. But federal policy is deterring investment in innovation and infrastructure. As a comparison, in 2015, the

European Union's bioeconomy added over €620 billion (\$688 billion USD) of value to their broader economy.<sup>3</sup> In 2016, the U.S. bioeconomy was valued at \$459 billion.<sup>4</sup> This is EPA's opportunity to clear a pathway for our rural communities to advance both economically and environmentally.

We encourage the EPA to provide clarity on the de minimis nature of biogenic carbon emissions, and would appreciate an update on policy options the EPA is considering to address this issue. Additionally, we would like to know how the EPA is collaborating with the U.S. Department of Agriculture or other agencies, and an anticipated timeline for action on the issue. We would appreciate an update on these items by December 2, 2019.

We thank you for your attention and look forward to hearing about progress towards regulatory clarity on biogenic carbon emissions.

Sincerely,



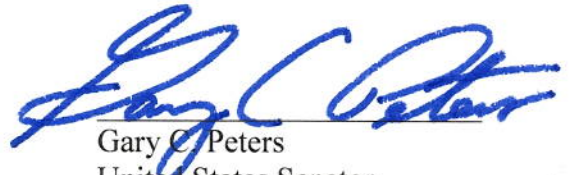
Deb Fischer  
United States Senator



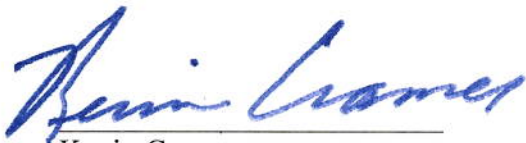
Tammy Duckworth  
United States Senator



Pat Roberts  
United States Senator



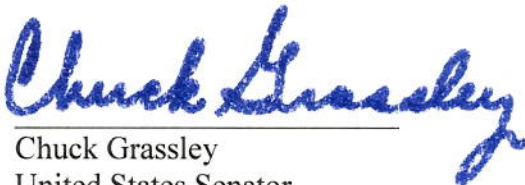
Gary C. Peters  
United States Senator



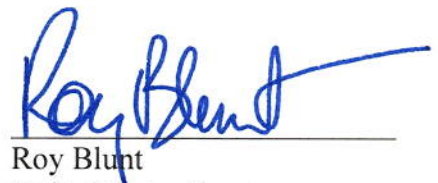
Kevin Cramer  
United States Senator



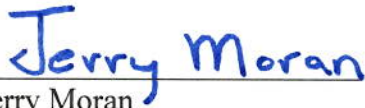
Tammy Baldwin  
United States Senator



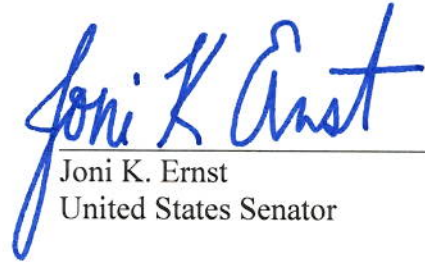
Chuck Grassley  
United States Senator



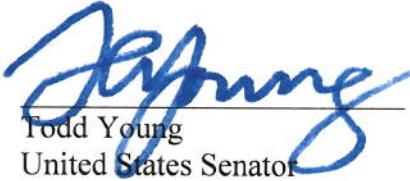
Roy Blunt  
United States Senator



Jerry Moran  
United States Senator



Joni K. Ernst  
United States Senator



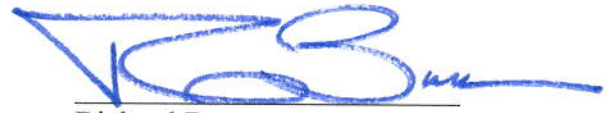
Todd Young  
United States Senator



Mike Braun  
United States Senator



Ben Sasse  
United States Senator



Richard Burr  
United States Senator



John Thune  
United States Senator



John Hoeven  
United States Senator



M. Michael Rounds  
United States Senator



Josh Hawley  
United States Senator

<sup>1</sup>See the 2006 IPCC Guidelines, 5 IPCC, *2006 IPCC Guidelines for National Greenhouse Gas Inventories* Vol. 4 at 2.11); and in the May 3, 2010, OMB, *Summary of Interagency comments submitted under EO12866 on EPA's draft Final PSD and Title V GHG Tailoring Rule* (EPA-HQ-OAR-2009-0517-19162)

<sup>2</sup> See March 5, 2019, report by the EPA's Science Advisory Board to the Administrator (SAB Review of Framework for Biogenic CO<sub>2</sub> Emissions from Stationary Sources), EPA-SAB-19-022, p. 13; EPA's guidance regarding biogenic carbon dioxide in its Waste Reduction Model (WARM); and in the RFS2 rulemaking's regulatory impact assessment.

<sup>3</sup> See M'Barek, Robert; Ronzon, Tévécia. *Socioeconomic Indicators to Monitor the EU's Bioeconomy in Transition*. MDPI Sustainability Vol. 10 (2018) pp. 2. <https://www.mdpi.com/2071-1050/10/6/1745>

<sup>4</sup> See Daystar, Jesse et. al. *An Economic Impact Analysis of the U.S. Biobased Products Industry*. United States Department of Agriculture BioPreferred® Program (2019) p. 4. <https://www.biopreferred.gov/BPResources/files/BiobasedProductsEconomicAnalysis2018.pdf>