

**Testimony of Renewable Fuels Association President and CEO Geoff Cooper
EPA Hearing on Proposed Partial Waiver of 2024 Cellulosic Biofuel Volume Requirement
December 20, 2024**

Good morning. My name is Geoff Cooper, and I am CEO of the Renewable Fuels Association, the leading trade association for U.S. ethanol producers. We appreciate the opportunity to comment today.

I want to start by citing something EPA wrote just last year in its final rule for 2023-2025 renewable volume obligations, otherwise known as the “Set Rule”: “We generally do not think it is appropriate to reconsider and revise previously finalized RFS standards. Revising standards has the potential to decrease market certainty and create unnecessary market disruption.”

We wholeheartedly agree. And we believe that retrospectively lowering Renewable Volume Obligations destabilizes the RIN market, discourages investment, and is contrary to the market-forcing purpose of the RFS program. Reopening RVOs long after they have been finalized chills investment and growth in cellulosic biofuel production and causes a loss of confidence in EPA’s standards.

That said, we understand the challenge EPA is facing with regard to setting cellulosic biofuel standards in a manner that is simultaneously consistent with the agency’s statutory authorities, court decisions, and the Congressional intent of the RFS program.

In this instance, we do not believe EPA has the statutory authority to use a general waiver to retroactively reduce the cellulosic biofuel RVO, as the general waiver authority was intended to be used only prospectively when future volume obligations are being set. Using the general waiver in the manner proposed would set a dangerous precedent for future administration of the RFS program.

Rather, if an adjustment to the cellulosic biofuel RVO is necessary due to a shortfall in physical production and carryover RINs, EPA should use its cellulosic waiver authority instead.

As EPA acknowledges, the cellulosic waiver authority didn’t somehow disappear after 2022, nor did EPA’s ability to issue Cellulosic Waiver Credits. The RFS statute only indicates that EPA cannot *presume* the use of CWCs will be necessary in setting the standards. Therefore, we would recommend that EPA use only the cellulosic waiver authority to make adjustments to the cellulosic biofuel RVO—and restore the practice of making CWCs available as an alternative mechanism for covering shortfalls in cellulosic biofuel RIN generation.

We do, however, support EPA’s proposal to maintain the 2024 advanced biofuel and total renewable fuel RVOs as finalized.

As a final matter, we believe EPA's proposal likely underestimates the number of D3 RINs that will be generated and available for compliance with the 2024 standards. Due to recent rapid growth in cellulosic ethanol production from corn kernel cellulose and the typical December surge in RNG production, we expect D3 RIN generation for calendar year 2024 will be in the range of 990 million to 1 billion. We encourage EPA to take final full-year D3 generation figures into account before finalizing any reduction to the 2024 standard.

Thank you and I look forward to your questions.

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