



RFA Testimony to EPA

Virtual Public Hearing on Proposed Renewable Fuel Standards for 2026 and 2027: Supplemental Notice

Docket EPA-HQ-OAR-2024-0505

October 1, 2025

Good morning. My name is Geoff Cooper, and I am the CEO of the Renewable Fuels Association, the leading trade association for U.S. ethanol producers. We appreciate the opportunity to comment on EPA's proposed supplemental rule related to the 2026 and 2027 RVOs.

As a threshold matter, we strongly disagree with EPA's new approach to determining "disproportionate economic hardship" and believe that the Agency is improperly expanding the scope of relief available to small refineries by overreading the D.C. Circuit's opinion in *Sinclair IV*.

EPA has a duty to independently evaluate petitions and assess whether a small refiner has experienced DEH. EPA should *not* be deferring to the DOE's long-outdated 2011 study and scoring matrix. In 2022, GAO faulted the DOE study as "critically flawed," and EPA itself asserted that the study fails to provide useful information. Nowhere in its August 2025 SRE decision document did EPA address these flaws or its past criticism of the study and scoring matrix.

Moreover, while EPA acknowledges that it must consider "other economic factors," it failed to explain what those factors are or how it considered them. A misapplied DEH standard risks undermining the RFS program's integrity, reducing renewable fuel blending, and depressing investment in biofuel production.

However, if EPA is going to resume granting SREs under its flawed notion of DEH, it must reallocate 100 percent of those exempted volumes.

We applaud EPA for proposing to project and fully reallocate exempt volumes for 2026 and 2027. As this Administration recognized in 2020, reallocation is the *only*

way for the Agency to meet its statutory obligation to *ensure* that the required volumes are achieved; partial reallocation cannot satisfy this duty.

For the same reason, EPA must reallocate 100 percent of the exempted volumes for 2023, 2024, and 2025. Anything less would permit obligated parties to avoid their share of the statutory mandate, shifting the burden unfairly onto renewable fuel producers.

Without reallocating 100 percent of the exempted volumes, the volumes originally proposed cannot be achieved and any final volumes will be illusory.

Notwithstanding our concerns about EPA's new approach to DEH, we agree that EPA's return of expired RINs for 2022 and earlier years is a reasonable and prudent exercise of its authority under the Clean Air Act.

Per EPA's estimates, allowing small refineries to generate new RINs to replace these old, expired RINs would inject 3 billion new RINs into the market. Such an influx would have catastrophic consequences for the RIN market and the overall RFS program.

Thank you.