

**Clean Air Task Force * Defenders of Wildlife
Environmental Working Group * Friends of the Earth * National Audubon
Natural Resource Defense Council * Network for New Energy Choices
Sierra Club * Union of Concerned Scientists * The Wilderness Society**

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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