

Congress of the United States
Washington, DC 20515

April 26, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20004

Dear Administrator Pruitt:

As members of the House Biofuels Caucus, we write to you with concern regarding recent actions taken by the Environmental Protection Agency (EPA) that have undermined the Renewable Fuel Standard (RFS) by reportedly granting hardship waivers to at least 25 refineries for their 2016 obligation.

It is our understanding that these waivers were permitted through the small refinery hardship exemption provision in section 211(o)(9) of the Clean Air Act – a provision that was designed to provide flexibility to small refineries who are truly experiencing hardship. According to recent reports, however, it is clear that at least three of these waivers were granted to refineries owned by a company that posted a profit of \$1.5 billion last year. In addition, these waivers were issued by the EPA privately without any public input.

Biofuel demand is estimated to be cut by as much as 1.5 billion gallons as a result of these waivers. To put that in perspective, a loss of 1 billion gallons of biofuel production translates to the loss of 2.1 million acres of corn, equal to the entire annual harvested corn acres in the state of Michigan. This also comes at a time where net farm income is forecast to be at the lowest levels since 2006.

In 2015, 17 members of this Caucus wrote to the EPA in support of the 2016 Renewable Volume Obligations (RVOs) that reflected Congressional intent of the RFS. These small refinery waivers, however, have in effect reduced the 2016 RVO by more than 1 billion gallons.

The objectives of the RFS are to spur innovation, grow our economy, give consumers choice at the pump, and increase our national security through energy independence. Unfortunately, these reported waivers undermine those objectives. We therefore request that you immediately cease all waiver activity under the RFS and make clear that EPA

will only consider small refinery waivers during the annual RVO rulemaking process, with full public notice and comment opportunity. In addition, we request that you provide a full list of all refiners that received a hardship waiver in 2015, 2016, 2017 and 2018, including the name, location, refining capacity, and number of gallons waived.

Thank you for your consideration, and we look forward to your response.

Sincerely,



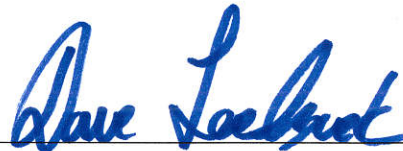
Rodney Davis
Member of Congress



Collin C. Peterson
Member of Congress



Kristi Noem
Member of Congress



Dave Loebst
Member of Congress