

# United States Senate

WASHINGTON, DC 20510

November 15, 2019

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear President Trump:

We write to thank you for your continued commitment to America's farmers and resolve to see that integrity is restored to the Renewable Fuel Standard (RFS). Your work to finalize the year-round sale of E15 was a milestone victory for American consumers and agriculture stakeholders alike. However, as you well know, this progress will be erased unless the Environmental Protection Agency (EPA) begins to account for small refinery waivers (SREs) when setting future blending obligations.

The September 12, 2019, meeting you convened in the Oval Office resulted in a restorative framework for EPA to incorporate in a supplemental rule. Your meeting, which was attended by Vice President Pence, Director of the National Economic Council Larry Kudlow, and acting White House chief of staff Mick Mulvaney, with Secretary of Agriculture Sonny Perdue and EPA Administrator Andrew Wheeler participating by phone, arrived at a multi-point roadmap for getting the RFS back on track. The reforms were built on a foundation of ensuring that at least 15 billion gallons of conventional biofuel are blended, accounting for waivers by using a three-year rolling average of actual volumes waived by SREs. The framework would also reduce barriers to market, such as burdensome labeling requirements and fuel pump limitations, as well as coordinate infrastructure investment.

Unfortunately, as you can see in our enclosed comments responding to the proposed supplemental rule, we interpret EPA's action to fall far short of what was agreed to in the Oval Office. This assessment is shared by ethanol, biodiesel, and other agriculture stakeholders across the heartland and is confirmed by leading market indicators.

EPA's proposal would only account for gallons waived per the recommendation of the Department of Energy (DOE). Under the previous leadership of former Administrator Scott Pruitt and continued by Administrator Wheeler, EPA has issued SREs far beyond the annual recommendations of DOE. If this waiver regime is continued and the supplemental rule is not changed to reflect the agreement made around the Resolute Desk on September 12, not all SREs will be accounted for, meaning our stakeholders and rural communities will continue to suffer compounded economic harm, biofuel plant closure, and lost commodity demand. We urge the administration to take the corrective action necessary to produce a final supplemental rule that will account for all SREs.

This supplemental rulemaking is an opportunity to definitively restore integrity to the RFS, provide certainty for American agriculture, and further bolster our energy independence. We are confident

that reverting to the agreed upon framework to account for *actual* waived gallons will deliver on your agenda to support thousands of agriculture jobs throughout the Midwest and nation.

Thank you for your continued attention to this matter and determination to resolve these longstanding obstacles for American agriculture.

Sincerely,



JOHN THUNE  
United States Senator



CHARLES E. GRASSLEY  
United States Senator



DEB FISCHER  
United States Senator



ROY BLUNT  
United States Senator



M. MICHAEL ROUNDS  
United States Senator



JONI K. ERNST  
United States Senator