

United States Senate  
WASHINGTON, DC 20510

October 12, 2020

The Honorable Andrew Wheeler  
Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Wheeler:

We write to urge the Environmental Protection Agency (EPA) to take prompt action to promulgate a rulemaking that recognizes the *de minimis* character of biogenic carbon emissions from agricultural feedstocks used to make food, fuel, beverages, or bioproducts. On September 9, 2020, the Biogenic CO<sub>2</sub> Coalition submitted a petition to EPA requesting a rulemaking for a *de minimis* standard for biogenic CO<sub>2</sub> from agricultural crops. Moving forward on this request would provide clarity for key stakeholders and align EPA policy with the biogenic emissions standards. These same standards are applied by every other regulatory authority worldwide in acknowledging that biogenic carbon emissions from agricultural feedstocks are different than carbon from fossil fuels.

The United States leads the world in producing the highest total volume and yield of the commodities that matter most to a thriving bioeconomy. For many growers of agricultural feedstocks, like corn, cotton, and hemp, the growing bioeconomy offers an opportunity to enter new markets and diversify their customer base. Consumers worldwide are increasingly demanding sustainable, plant-based products and materials, and the global marketplace is rising to meet that demand. Global production of bioplastic is expected to grow 13% in the next five years, yet data indicates that the U.S. is falling behind its competitors in the international bioeconomy. Between 2014 and 2019, North America's share of the global bioplastics market grew from 14% to just 18%, while Europe's share increased from 15% to 25%, despite the U.S.'s position as a global leader in agricultural production.


With the exception of EPA, environmental regulatory authorities worldwide distinguish between biogenic carbon emissions from agricultural crops and carbon emissions from fossil fuels. As a result, economies overseas have a substantial competitive advantage for construction, modernization and improvement of facilities relative to those here in the U.S. EPA's current policy on biogenic CO<sub>2</sub> emissions has slowed investment in the U.S. bioeconomy due to uncertainty surrounding the permitting process, litigation risks, and costs for new manufacturing and processing facilities. U.S. agribusinesses are positioned to make significant investments in facility modernization and improvements to support the development and production of renewable products and materials, however they need regulatory certainty. This is especially important to our rural communities that are dealing with the impacts of the global pandemic and a growing financial crisis among farmers, ranchers, and agricultural businesses due to low prices and damages caused by fires, droughts, and even a recent derecho.

By clarifying the insignificant nature of biogenic carbon emissions from agricultural crops, EPA can open the door for increased production of sustainable, plant-based products and materials with a wide range of environmental benefits in the United States. Expanded production of plant-based products and materials, and in turn, the growth of the U.S. bioeconomy, promises to substantially reduce GHGs, improve water quality, divert waste from landfills, and increase soil health.

Growing the U.S. bioeconomy offers a bright future for rural America, one that will bring more jobs and opportunities to the American heartland, offer American consumers more and better sustainable products, and bring much-needed support to America's farmers and ranchers. For over 10 years, EPA has stated an intention to eliminate regulatory barriers preventing that potential from becoming reality.

We thank you for your attention and urge EPA to take action now to afford the regulatory clarity our farmers, businesses, and entrepreneurs need to invest in their communities and pursue new market opportunities.

Sincerely,




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Joni K. Ernst  
United States Senator




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Deb Fischer  
United States Senator



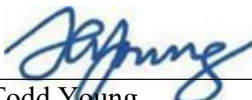
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Charles E. Grassley  
United States Senator



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John Thune  
United States Senator



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Todd Young  
United States Senator



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Mike Braun  
United States Senator



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Richard Burr  
United States Senator




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Kevin Cramer  
United States Senator



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M. Michael Rounds  
United States Senator



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John Hoeven  
United States Senator

*Jerry Moran*

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Jerry Moran  
United States Senator

*Pat Roberts*

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Pat Roberts  
United States Senator

*Roy Blunt*

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Roy Blunt  
United States Senator

*Josh Hawley*

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Josh Hawley  
United States Senator