



May 11, 2020

To Whom It May Concern:

For over ten years the Biogenic CO₂ Coalition, representing farmers and agricultural crop processors, has urged the U.S. Environmental Protection Agency (EPA) to promulgate a rule clarifying that natural (*i.e.*, biogenic) carbon dioxide from the processing or use of agricultural crops is not harmful pollution because it was captured within the previous year when the crops were grown. Therefore, biogenic CO₂ should not be regulated the same as fossil-fuel emissions under the Clean Air Act. We respectfully request that you seek assurances of a prompt publication of a rule proposing *de minimis* characterization of biogenic CO₂ from annual crops. For years, we have been advised that EPA plans to address this problem. After all, these fundamental facts are undisputed:

- EPA lacks the scientific evidence necessary to regulate biogenic CO₂ as a harmful pollutant. In fact, EPA's policy rejects science that supports a *de minimis* treatment of biogenic CO₂.
- EPA is the only national regulatory authority in the world to regulate biogenic CO₂ on the same basis as fossil fuel-based emissions.
- EPA's own greenhouse gas inventory recognizes annual crops as a carbon sink.
- The regulatory burden associated with EPA's biogenic CO₂ policy is thwarting development of the bioeconomy and creating a market advantage that favors foreign competitors.

Now, EPA has submitted a biogenic CO₂ proposed rule to the Office of Management and Budget for pre-publication interagency review. Astoundingly, we have learned that this draft rule does not address biogenic CO₂ from annual crops (one year life cycle), instead only proposing carbon neutrality for emissions from woody biomass (forty year life cycle). Recently, a senior EPA official admitted to our coalition chair that EPA has no meaningful plan to address biogenic CO₂ from annual crops.

We support EPA's effort to clarify the regulatory status of woody biomass, but object to EPA's failure to address the need for a *de minimis* standard for biogenic emissions from agricultural feedstocks. When regulating emissions under the Clean Air Act, EPA should acknowledge the science of carbon cycles and regulate only emissions that actually add excess greenhouse gases to the atmosphere. In the case of agricultural crops, carbon emitted in the processing of corn, cotton, soybean or other oilseeds was captured only the year before and is immediately captured again during the next year's planting. Extensive scientific literature and positions of government agencies, including the U.S. Department of Agriculture, agree that biogenic emissions from crop-based feedstocks are carbon neutral, *de minimis* or insignificant from a carbon accounting and regulatory perspective. There is no scientific or practical reason for EPA to ignore the life cycle of annual crops.

The regulatory status quo is particularly harmful to the development of the U.S. bioeconomy. The bioeconomy provides 21st century solutions to economic growth, domestic energy security, and environmental benefits in the form of bioenergy, biofuels, and bioproducts made from corn, oilseeds, crop residues, farm wastes and other agricultural feedstocks. America's bioeconomy currently contributes \$393 billion in economic activity, provides 4.2 million American jobs, and is the leading



source of domestic renewable energy in the United States. Building on the success of pioneering biotechnology, our Coalition members are poised to invest billions of dollars in rural America. Without regulatory relief, that significant opportunity for rural America's economic development will be missed and American farmers will face even greater competition from overseas.

Our Coalition members have met with and written to EPA on this issue many times over the years. The primary reason we have been given for EPA advancing a rule to address biogenic CO2 from woody biomass, but not from annual crops, is Congressional direction in the form of an appropriations rider. As EPA is not moving into alignment with science regarding biogenic CO2 from annual crops, but at least responding to Congressional directives, we respectfully urge your efforts to provide EPA the Congressional input that it apparently needs to recognize the biogenic CO2 from annual crops is *de minimis*. Thank you for your consideration.

Sincerely,

Members of the Biogenic CO2 Coalition

American Farm Bureau Federation

Corn Refiners Association

National Corn Growers Association

National Cotton Council of America

National Cottonseed Products Association

National Oilseed Processors Association

North American Millers' Association

Plant Based Products Council