

Testimony of Joe Jobe  
Sustainable Advanced Biofuel Refiners Coalition  
Renewable Fuel Standard (RFS) Program:  
Partial Waiver of 2024 Cellulosic Biofuel Volume Requirement and  
Extension of 2024 Compliance Deadline  
EPA Public Hearing  
December 20, 2024

Good morning. My name is Joe Jobe. I'm the CEO of Sustainable Advanced Biofuel Refiners Coalition or SABR. I appreciate the opportunity to testify today on EPA's proposed waiver of the 2024 cellulosic biofuel volume requirement under the Renewable Fuel Standard program.

SABR is a coalition of stakeholders that have invested in the production of biodiesel—the first successful advanced biofuel under the RFS. SABR's membership includes feedstock growers, biodiesel producers, distributors, retailers, and consumers, who are working together to promote the use of sustainable feedstock and to ensure sound policy that provides a level playing field for all fuels.

In this proposal, we are concerned that EPA is discounting Congress's directive to implement a market-forcing policy. To be market forcing, the volume requirements must be enforced. This is why the waiver authority Congress provided is very limited.

The D.C. Circuit has been clear that a general waiver based on inadequate domestic supply can only be based on supply-side factors, not concerns over compliance costs. There is simply no lack of supply to meet the volume requirements

for advanced biofuel. While supply is not limited to RIN generation under the statute, D4 net RIN generation through September is over 7.5 billion, which exceeds the advanced biofuel volume requirement of 6.54 billion RINs for 2024. There are simply no grounds to reduce volumes that were set too low in the first place and any reduction of the overall advanced biofuel volume would be unlawful. EPA also cannot base any waiver on environmental or economic harms. EPA already considered these factors in setting the 2024 volumes and cannot base a waiver on different grounds than on which it sought comment.

SABR is supportive of the proposed revision to the ASTM specification used in the definition of biodiesel under the RFS program. SABR reached out to EPA on several occasions on the need for this revision, which is consistent with its proposal for the Part 1090 rules. But EPA should make clear that future revisions of the specification do not impact RIN generation if EPA is delayed again in revising the regulation or EPA could reference the most recent version of the ASTM specification in the definition, as States do and as the market has done for years. As EPA acknowledges, confusion is created in the marketplace during the time it takes for EPA to update the regulations to reflect the most recent standard.

[[Finally, we urge EPA to grant SABR's petition for reconsideration and rulemaking to address the disparities its regulations and implementation of the program has created under the biomass-based diesel program. In particular, the

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equivalence value for renewable diesel that EPA did not dispute before the D.C. Circuit unlawfully allows for RIN generation for non-renewable biomass-based fuel.]]

We look forward to continuing to work with EPA to implement the RFS program as Congress intended and ensure an ongoing role for biodiesel to support this country's environmental, economic and energy security goals.

Thank you. I am happy to answer any questions you may have.