



Electricity Excluded from EPA's Proposed 2020 RFS Fuel Targets
Ongoing Lawsuit in DC Circuit Court of Appeals Challenges 2019 Fuel Targets for Also Excluding Electricity

Washington, DC – July 9, 2019 – The Environmental Protection Agency (EPA) last Friday released the 2020 fuel targets for the Renewable Fuel Standard known as the Renewable Volume Obligation (RVO). More than 11 years have passed since Congress included electricity from renewable feedstocks as a qualifying fuel in the program, and yet again EPA has ignored electricity in its RVO.

“Make no mistake, EPA’s action will contribute to more layoffs and plant closures across rural America. The EPA has chosen to ignore electricity, despite estimates from the U.S. Energy Information Administration that biomass-derived power can more than double existing production estimates,” said Bob Cleaves, president and CEO of Biomass Power Association. “EPA’s actions are an affront to the rule of law and ignore plain congressional mandates that have been in place for more than a decade. Continuing to leave electricity out of the RFS is letting down biomass power industry and its supply chain including loggers and forest owners who contribute significantly to rural economies. That is why we sued EPA in the DC Circuit where we expect our position to be vindicated.”

“By failing to include electricity in the RFS, the EPA continues to disregard biogas producers who make renewable electricity, including dozens of facilities in the farming community,” said Patrick Serfass, executive director of American Biogas Council. “The EPA has recognized that powering an electric vehicle with biomass is [96% less carbon emitting](#) than using gasoline in a traditional engine and with biogas provides a host of additional benefits. It’s time for EPA to process the applications already submitted and allow these renewable electricity projects to create new revenue streams and jobs, while they also decarbonize our transportation sector.”

“Local governments have made significant investments in waste-to-energy facilities, using the very same fuel that qualifies under the RFS when it is collected as methane,” said Ted Michaels, president of Energy Recovery Council. “The EPA has arbitrarily decided that the same fuel, when used one way, qualifies, but when used another way, does not qualify. The EPA should recognize the rightful role of electricity in the RFS.”

The [RFS Power Coalition has filed a petition](#) with the DC Circuit court of appeals. Last month, a bipartisan group of nine Senators, led by Senator Susan Collins (R-ME) and Senator Jeff Merkley (D-OR), [sent a letter](#) to Environmental Protection Agency Administrator Andrew Wheeler urging action to activate the renewable electricity pathway in the Renewable Fuel Standard (RFS). Also last month, [21 members of Congress](#) sent a letter to the EPA urging action on outstanding RFS pathways, including electricity. As of today, it’s been [11 years and 202 days](#) since President

Bush signed RFS2 into law, which included electricity, yet none of the more than 40 projects EPA has have been approved.

About the RFS Power Coalition

The RFS Power Coalition is a group of organizations dedicated to activating the renewable electricity pathway of the Renewable Fuel Standard (RFS). The Coalition is led by the [Biomass Power Association](#), [American Biogas Council](#) and [Energy Recovery Council](#), the trade associations that represent, respectively, domestic biomass power producers who use organic fuels like forest residues, biogas-to-electricity producers like dairy farmers and wastewater treatment facilities, and waste-to-energy producers. All three fuels – biomass, biogas and biogenic waste – qualify as renewable transportation fuels that should be included in the D3 cellulosic and D5 advanced fuel categories of the RFS. <https://rfspower.com>