

Congress of the United States
Washington, D.C. 20515

June 29, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue., N.W.
Washington, D.C. 20460

Dear Administrator Wheeler:

We write to request clarity regarding the Environmental Protection Agency's (EPA) intention to address the concerns of agricultural crop producers and processors in a biogenic CO₂ rulemaking. We respectfully request your consideration to expeditiously provide regulatory clarity on the *de minimis* nature of biogenic carbon emissions generated from the processing of agricultural feedstocks such as corn, soybeans, oilseeds, and farm residues before the end of 2020. Current policy is a significant barrier to opportunities for economic growth across rural America, and a clarified and improved standard for biogenic CO₂ from annual crops is needed in 2020.

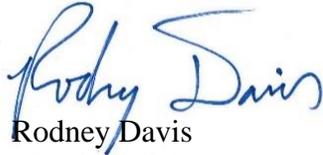
In the interim, the addition of language as a preamble to the existing woody biomass rule offering background on its *de minimus* nature is one step that might help to reduce the amount of time needed to develop the annual crop standard.

There is scientific research that supports the position that classifying biogenic emissions from crop-based feedstocks as carbon neutral, *de minimis*, or insignificant from a carbon accounting and regulatory perspective. In contrast, current EPA policy treats biogenic emissions the same as those from fossil fuels. This policy does not reflect the fact that biogenic CO₂ from agricultural crops is part of a natural baseline carbon cycle by which agricultural crops absorb carbon dioxide as they grow, release it during fermentation or use, and repeat the cycle the next year. As you know, EPA regulates additional biogenic emissions from the baking sector that often present complications in permitting under the Clean Air Act.

The current regulatory status quo hinders development of the domestic bioeconomy and creates a competitive advantage for competitors outside of the United States. According to USDA, our bioeconomy contributes approximately \$459 billion in economic activity, and provides 4.6 million American jobs. It is critical that rural America has the ability to access new opportunities for growth when prospects in traditional markets are uncertain or declining. Farmers, processors, and manufacturers are ready and able to use our food and agricultural strengths to provide high-quality, competitive crop-derived consumer products and materials here and abroad.

We respectfully request that you consider our concerns and work to create policy that brings success to rural America. Thank you for your attention to this matter and consideration of our concerns.

Sincerely,



Rodney Davis
Member of Congress



Collin C. Peterson
Member of Congress



Dave Loebsack
Member of Congress



Roger Marshall, M.D.
Member of Congress