



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 23 2009

THE ADMINISTRATOR

The Honorable Tom Harkin
731 Hart Senate Office Building
Washington, DC 20510

Dear Senator Harkin:

I am writing in response to your inquiries about how we plan to finalize the regulation implementing the Renewable Fuel Standard, as enacted in the Energy Independence and Security Act of 2007 (EISA). As you know, I proposed this rule in May, and since that time, I extended the original 60 day comment period an additional 60 days. That comment period closes this week, on Friday, September 25. We have already received thousands of comments, and expect to get many more by the closing deadline. In addition, EPA has sat down and listened to stakeholders from a wide range of perspectives. We have learned and continue to learn a tremendous amount from each of the comments we receive, and I can assure you that we will carefully review and address the comments submitted to us in the final rulemaking record.

In addition, as I am sure you are aware, during this comment period, we conducted an external expert peer review of the key aspects of the greenhouse gas lifecycle emissions methodology.

The results of that peer review, and the comments we have received throughout the process indicate that it is important to take into account indirect emissions from biofuels when looking at the lifecycle emissions as required by EISA. However, it is also clear that there are significant uncertainties associated with these estimates and in particular, with the estimate of indirect land use change.

In the proposal, we asked for comment on whether and how to conduct an uncertainty analysis that could help quantify the magnitude of this uncertainty and its relative impact on the resulting lifecycle emissions estimates. The results of the peer review, and the feedback we have received from the comment process, supported the value of conducting such an analysis. Therefore, I have asked my staff to quantify the uncertainty associated with specifically the international indirect land use change emissions. They are working closely with USDA as well as incorporating feedback from experts who are commenting on the rule. This analysis will allow

us to quantify the impact of the uncertainty on the lifecycle emissions. We will present these estimates in the final rule, and I plan to incorporate those estimates of uncertainty in my regulatory decisions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa P. Jackson', with a long horizontal flourish extending to the right.

Lisa P. Jackson