Renewable Fuels Association

June 1, 2009

Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, D.C. 20460

Dear Administrator Jackson:

On May 26, 2009, the proposed rule for changes to the Renewable Fuel Standard (RFS) program was published in the Federal Register, 74 Fed. Reg. 24,904. Some of the documents on which EPA relied for the proposal that were not originally available in the docket when the proposed rule was signed have now been added to the docket. For the proposed lifecycle analysis of biofuels, however, EPA used various models and data sets, and key aspects of these are not publicly accessible and have not been added to the docket as of May 29, 2009. Specifically, EPA utilized the Food and Agriculture Policy Research Institute (FAPRI) system of models and the Forestry and Agriculture Sector Optimization Model (FASOM) to analyze the land use impacts of future biofuels production scenarios. We are writing to EPA to request that it provide additional information to ensure transparency and to give the public a meaningful opportunity to participate in the rulemaking process.

This information is of central relevance to EPA's analysis and decisionmaking and must be made publicly available. Indeed, the importance of EPA's lifecycle analysis cannot be disputed, and EPA's approach in the proposal is novel, complex, and highly controversial. As such, transparency in this case is vital to ensure scientific objectivity and integrity and adequate public participation. EPA has expressed its commitment to openness in government and "overwhelming transparency."[1] As the Office of Management and Budget (OMB) and EPA have recognized, influential scientific, financial or statistical information "shall include a high degree of transparency about data and methods to facilitate the reproducibility of such information by

[1] EPA, Administrator Lisa Jackson, http://www.epa.gov/administrator/ (last visited May 28, 2009). *See also* EPA, Mem. to EPA Employees, Jan. 23, 2009, http://www.epa.gov/administrator/memotoemployees.html (last visited May 28, 2009).

qualified third parties."[2] According to EPA's *Guidance on the Development, Evaluation, and Application of Environmental Models*, "When a proprietary model is used, its use should be accompanied by comprehensive, publicly available documentation. This documentation should describe: …To the extent practicable, access to input and output data ***such that third parties can replicate the model results*** [emphasis added]."[3]

Although EPA has indicated it is being transparent with respect to its lifecycle analysis, the information that has been provided is wholly insufficient. Based on the information currently provided in the Notice of Proposed Rulemaking, Regulatory Impact Analysis, and supporting and related materials posted to docket EPA-HQ-OAR-2005-0161 as of May 29, 2009, third parties are unable to replicate the results of EPA's biofuels lifecycle modeling for proposed changes to the RFS program. While certain inputs, outputs, and documentation for independent models are made available on the docket, stakeholders are unable to assemble these disparate components in a way that would reasonably allow replication of the EPA modeling process.

It is important that stakeholders have the ability to replicate EPA's results for several reasons: 1.) to allow stakeholders to understand the structure of the modeling framework and the impact of certain parameters on the modeling outcomes; 2.) to validate the accuracy and precision of EPA's analysis; 3.) to allow stakeholders to perform independent analyses using alternative assumptions and inputs.

The inaccessibility of these models and the lack of clear, detailed documentation on how the various models and data sets were integrated appears to violate EPA's guidance regarding transparency. According to EPA, "The objective of transparency is to enable communication between modelers, decision makers, and the public. Model transparency is achieved when the modeling processes are ***documented with clarity and completeness at an appropriate level of detail*** [emphasis added]. When models are transparent, they can be used reasonably and effectively in a regulatory decision."[4]

As a public stakeholder in the rulemaking process, the Renewable Fuels Association is requesting the following items, which are data, information and/or documents on which the proposed rule relies and the availability of which will allow EPA's RFS rulemaking to comply with the agency's guidance on the development, evaluation, and application of environmental models.

1. EPA should provide public access to the FAPRI system of models as configured for the RFS analysis. This should include *all* assumptions, inputs, price and demand elasticities used, outputs for all scenarios and sensitivity cases, and other pertinent information.

2. EPA should provide public access to the FASOM model as configured for the RFS analysis. This should include *all* assumptions, inputs, price and demand elasticities used, outputs for all scenarios and sensitivity cases, and other pertinent information.

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[2] 67 Fed. Reg. 8452, 8460 (Feb. 22, 2002). *See also* EPA, Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by EPA, EPA/260R-02-008, at 19-21 (Oct. 2002).

[3] http://www.epa.gov/crem/library/cred_guidance_0309.pdf

[4] Ibid

3. EPA should provide the version of the GREET model it used for the RFS analysis along with *all* assumptions and inputs that differ from GREET defaults. Further, the ASPEN-based model used by EPA should be made available with documentation describing how the model was used to generate 2022-era performance assessments.

4. EPA should provide *detailed* documentation describing *exactly* how all of the various models used (FAPRI, FASOM, GREET, ASPEN, etc.) were integrated and what adjustments were made to each to enable amalgamation. For example, there is no documentation available on how the emissions data provided by Winrock Corp. was applied to the FAPRI model results. A thorough description of how all of the inputs and outputs from each model were reconciled and harmonized is absolutely essential.

5. EPA should provide the results of formal uncertainty analysis (if such an analysis was conducted) including confidence intervals and probability distributions. Uncertainty analysis is necessary so that decision makers can reasonably understand the degree of confidence they can place in the model results.

We appreciate your consideration of these requests and look forward to continued interaction with EPA regarding implementation of the RFS program.

Sincerely,

Bob Dinneen
President & CEO
Renewable Fuels Association

cc: Elizabeth Craig
Acting Assistant Administrator
Office of Air and Radiation, EPA

Margo Oge
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EPA Air and Radiation Docket
Docket ID No. EPA–HQ–OAR–2005–0161