Dear Joanne: Federal Legislation, Regulation, Litigation. Policy. Requests for Comment on Federal Regulations. Plus links to International Policy

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2020 Election Action

Watch our new category <u>2020 Election Activities</u> for Presidential campaigning, as well as House, Senate and local/regional election activities. Also, the category <u>White House</u> focuses on Presidential involvement with biofuels.

Here's one example:

Why Democrats Should Visit Farm Communities

by Jennifer Rubin (Washington Post) A new report confirms that President Trump is causing the most pain in areas of the country that were the most supportive of his 2016 campaign. Personal ... May 1, 2019 Read Full Article

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Policy: US and International

There's lots of overlap with policies, legislation, regulations and litigation. Find articles about <u>policy developments</u> in the **US, other countries and states** <u>here</u>. For details, click on the name of the country or state that appears along the right margin of our <u>website</u>. Or click on tags such as:

Transportation Fuels Policy
Energy Policy
Environmental Policy

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Federal Legislation

The Green New Deal or whatever climate legislation will be called should include renewable fuels for transportation as a key element. It has become clear that voices supporting and informing about biofuels are

still needed at the tables where renewable energy is being discussed.

Carbon capture has become a hot topic; much of the **carbon capture and use** legislation favors oil/gas markets for that "use", however.

Tax credit extenders and other tax legislation is under review.

For more legislative news (including Executive Orders), <u>click</u> <u>here</u>. Scroll down for Regulations and Litigation news.

Ethanol: Let's Ride the Wave–Making Ethanol Part of the "Green Wave" by Debunking Environmental Misinformation.

by Dave VanderGriend (Urban Air Initiative) Now that we are well into the current Congress, it is clear that many new members are riding in on a green wave with a renewed emphasis on climate, carbon and pollution. Committees in the House of Representatives are fighting for attention as they all ...

May 17, 2019 Read Full Article

Carbon Removal Takes Hold on Hill

by Kelsey Tamborrino (Politico's Morning Energy) CAPTURING HEARTS AND MINDS: The Senate Energy and Natural Resources Committee will dive into the Energy Department's carbon capture, utilization and storage programs during a hearing this morning (May 16, 2019), where Assistant Energy Secretary for Fossil Energy Steven Winberg will testify. The panel ...

May 16, 2019 Read Full Article

Republicans Want a Climate Bill — but Please Don't Call It the Green New Deal

by Matt Laslo (Vice News) ... The same week the United Nations released a report stating that a million animal and plant species are on the verge of extinction, Secretary of State Mike Pompeo was in Europe proclaiming that melting sea ice should be seen as an economic opportunity. "The Arctic ...

<u>Letter from Washington – Taxes, Blends, RINs, Jobs and</u> "The Year of the Tree"

by Jim Lane (Biofuels Digest) ... (C)onsider this for now a Digested summary of the (Washington, DC) news you can use, as short as we can make it so that we return you to the business of building the bioeconomy that will, increasingly in the now and surely in the ...

May 14, 2019 Read Full Article

Flores and Welch Reintroduce Bill to Limit Ethanol Quotas under RFS

by Nick Snow (Oil & Gas Journal) US Reps. Bill Flores (R-Tex.) and Peter Welch (D-Vt.) reintroduced legislation on May 7 which would limit ethanol quotas under the Renewable Fuel Standard to 9.7% of the total gasoline volumes projected to be sold in the coming year. H.R. 2540 recognizes negative impacts higher ethanol ...

May 10, 2019 Read Full Article

Democrats See Opening for Climate in Tax Extenders, Highway Bill

by Dean Scott (Bloomberg Environment) Senate Democrats home in on strategy for raising clean energy tax credits, highway bill reauthorization; Parallel effort on making infrastructure better

resilient to climate change — ... They are likely to score their biggest victories in two must-pass bills in the 116th Congress: a tax "extenders" package, in which ...

May 7, 2019 Read Full Article

Bill Introduced to Overhaul Renewable Fuel, Energy Tax Credits

by Erin Voegele (Ethanol Producer Magazine) Sen. Ron Wyden, D-Ore., and 25 colleagues introduced legislation May 2 that aims to overhaul the federal tax code and consolidate the current 44 energy incentives into three technology-neutral provisions that encourage clean electricity, clean transportation and energy efficiency. The bill, titled the Clean Energy ...

May 3, 2019 Read Full Article

Democrats Are Trying to Block Trump from Exiting Paris Agreement by Pushing New Climate Bill

(USA Today) It's not as bold as the Green New Deal but House Democrats on Thursday are poised to adopt the most significant climate legislation in a decade: A bill that would prevent the Trump administration from exiting the international Paris Agreement aimed at global warming. The Climate Action Now Act "is a first step to get Congress off ...

May 2, 2019 Read Full Article

The Energy 202: Why Some Climate Activists Are Cooling on a Carbon Tax

by Dino Grandoni (Washington Post) It is one of most popular plans among economists for addressing climate change. Many Democrats have embraced it. Even some Republicans have come around to the idea. But a carbon tax is increasingly out of favor among left-wing climate activists, who are animating the push for a Green New ...

May 1, 2019 Read Full Article

Rep. Axne Introduces Amendment to HR 9 to Support Renewable Fuel Industries

(Atlantic News Telegraph) U.S. Rep. Cindy Axne (IA-03) introduced an amendment to H.R. 9, the Climate Action Now Act, to extend tax credits for Iowa's biodiesel, second generation biofuels and wind power industries. The Climate Action Now Act, which Rep. Axne has co-sponsored, would direct the President to develop a plan ...

May 1, 2019 Read Full Article

Yes, Tin Lizzie Was an Alcoholic

by Marc J. Rauch (The Auto Channel) Correcting Bad
Revisionist History About Ford's Model T Automobile — The
most venerated automobile of all time is Henry Ford's Model T.
Nicknamed "Tin Lizzie," "Leapin' Lena," and sometimes "Flivver,"

the Model T went into production in 1908 and the last models rolled off the assembly ...

May 1, 2019 Read Full Article

More Energy Companies Lobbying on Climate Issues, Including Green New Deal

by Esther Whieldon and Molly Christian (S&P Global Market Intelligence) The number of power companies lobbying on climate-related issues at the federal level nearly tripled in the first quarter of 2019 over the prior quarter as the topic became a key focal point of Democrats who took over the U.S. House of ...

April 30, 2019 Read Full Article

Modifying the Message: With a Democratic-Majority House of Representatives, the Ethanol Lobby Emphasizes Carbon Reduction.

by Lisa Gibson (Ethanol Producer Magazine) The ethanol industry has done a great job making friends throughout the political spectrum, says John Fuher, vice president of government affairs for Growth Energy. "You have to have support from people across the divide," he says, from the most liberal to the most conservative. ...

April 26, 2019 Read Full Article

New Study Underscores the Need to Make Rare Earth Metal
Use More Sustainable

(Our Daily Planet) We don't recycle these metals and their extraction is rife with human rights abuses. As Phys reported, a new study, commissioned and funded by the non-profit EarthWorks, "shows that as demand for minerals such as lithium and rare earths skyrockets, the already significant environmental and human impacts of hardrock mining are likely to rise ...

April 19, 2019 Read Full Article

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Federal Regulation



E15 waiver remains uncertain for 2019 summer driving, with the "sub-sim" issue continuing.

Small refinery exemptions and resulting "demand destruction" continue as regulatory and federal <u>litigation</u> issues. Add **trade** <u>tariffs</u> that are taking a stiff toll on ethanol demand and production, with 2020 candidates and rural economy analysts starting to recognize, or at least discuss, this as a new normal, rather than a blip negotiating strategy. And <u>RINs</u> issues, including lag in pathway approvals, lurk in the background.

And don't forget <u>CAFE/SAFE</u> and California regulations

interaction.

See also articles in <u>Legislation</u> and <u>Litigation</u> for overlapping topics.

Pathways Await Priority: The U.S. EPA Hasn't Issued a New Pathway Approval in over a Year, but Technology Providers for Corn Kernel Fiber-to-Cellulosic Ethanol Remain Optimistic.

by Susanne Retka Schill (Ethanol Producer Magazine) Pathway approvals by the U.S. EPA came to a screeching halt in 2018, putting the expansion of corn kernel fiber cellulosic ethanol in limbo. The EPA Part 80 Fuels Program List shows no new registrations for plants approved for D3 renewable identification number (RIN) ...

May 21, 2019 Read Full Article

US Fuel Mandates No Salve for Farm Trade Losses

(Argus Media) Higher US biofuel blending mandates cannot make up for lost export trade opportunities, according to farm groups caught in the crossfire of the country's trade war with China. US independent refiners show little concern that the administration will blunt sharply lower exports to China by pressuring more renewable fuels ...

May 21, 2019 Read Full Article

ABC 2019: EPA Administrator Says Year-Round E15 to Be Approved

by Michael Verdon (Soundings Trade Only Today) ndrew R. Wheeler, administrator of the U.S. Environmental Protection Agency, told participants of the American Boating Congress that his agency plans to issue at the end of this month a final rule that will allow year-round sale of E15 gasoline. Wheeler also assured attendees ...

May 17, 2019 Read Full Article

Taxes and Bans: That Was the Threat California's Top Air Regulator Leveled

by Kelsey Tamborrino (Politico's Morning Energy) Taxes and Bans: That was the threat California's top air regulator leveled Thursday in the ongoing war over the future of the state's aggressive auto efficiency rules. The Trump administration is seeking to dramatically roll back Obama-era greenhouse gas standards for vehicles, but California ...

May 17, 2019 Read Full Article

Exclusive: Trump EPA Did Not Await Court Ruling to Loosen Biofuel Rules for Refiners – Documents

by Jarrett Renshaw (Reuters) The Trump administration made it easier for oil refineries to get waivers from the nation's biofuel law at least four months before a 2017 court decision it often

cites to justify the move to the corn lobby, and the move was motivated by a desire to save ...

May 16, 2019 Read Full Article

New Study: Renewable Fuel Standard Saves Consumers 22 Cents on Every Gallon of Gas

by Kelsey Quargnenti (Renewable Fuels Association) The Renewable Fuel Standard (RFS) has lowered gas prices by an average of 22 cents per gallon in recent years and saved the typical American household \$250 annually, according to a study published today by economist and energy policy expert Dr. Philip K. Verleger, Jr. The ...

May 15, 2019 Read Full Article

Ethanol, the Fix the Ag Economy Needs

(WOWO News/Hoosier Ag Today) The key to improving the farm economy and raising grain prices is not trade, but renewable fuels. Jeff Broin, with POET, says farmers must stop thinking of themselves as food producers but think of themselves as energy producers as well, "Farmers have thought of themselves as food

May 15, 2019 Read Full Article

Tired of Hearing About the GND and NOPEC? Here Are

Energy Policy Moves That Have a Real Chance in Next 12
18 Months

(Raymond James & Associates) ... The EPA is moving forward on year-round E15, while concurrently reforming RINs. As a long-standing political matter, federal ethanol policy (under the umbrella of the Renewable Fuel Standard) involves divisions not along party lines but rather regional lines. This is why, for example, Sens. Ted Cruz from Texas ...

May 14, 2019 Read Full Article

EPA Handout Recipients Reap Windfall Profits

(Growth Energy) A new report from the Department of Energy's Energy Information Administration (EIA) shows that net income for oil and gas companies hit a five-year high last year – in stark contrast to claims of "hardship" oil giants have used to skirt America's biofuel laws. According to the report, "2018 was ...

May 14, 2019 Read Full Article

EPA Issues Guidance on Registration of Corn Kernel Fiber Pathways

by Erin Voegele (Ethanol Producer Magazine) The U.S. EPA has published a document that provides guidance on how to demonstrate that an analytical method for determining the cellulosic converted fraction of corn kernel fiber co-processed with starch at a traditional ethanol facilities satisfies the applicable regulatory requirement. A notice posted to ...

May 14, 2019 Read Full Article

The Case for a Credit

by Steffen Mueller and Sam Rushing (Ethanol Producer Magazine) The role of ethanol-based carbon dioxide is often underappreciated, both as an important source for the nation's carbon dioxide market and for its carbon-reduction impact. Fermentation CO2 is captured, cleaned and condensed at 49 ethanol plants in the U.S., contributing between 30 ...

May 10, 2019 Read Full Article

House Members Call on EPA to End Refiner Exemptions

(St. Joseph Post) A bipartisan coalition of 35 members of the House of Representatives says the Environmental Protection Agency should stop issuing small refiner exemptions to large or unqualified refiners. The EPA has approved 54 waivers through the Renewable Fuel Standard, totaling 2.61 billion ethanolequivalent gallons of renewable fuels in the ...

May 10, 2019 Read Full Article

U.S. EPA Proposes Hike in Biofuel Mandate to 20.04 Billion Gallons in 2020: Sources

by Humeyra Pamuk, Jarrett Renshaw (Reuters) The U.S. Environmental Protection Agency has proposed increasing the volume of biofuels refiners must blend into their fuel annually to 20.04 billion gallons in 2020, from 19.92 billion gallons in 2019, according to two sources familiar with the matter. The proposed mandate, now under review ...

Guidance on Qualifying an Analytical Method for Determining the Cellulosic Converted Fraction of Corn Kernel Fiber

(U.S. Environmental Protection Agency) This document provides guidance on how to demonstrate that an analytical method for determining the cellulosic converted fraction of corn kernel fiber co-processed with starch at a traditional ethanol facility satisfies the applicable regulatory requirements. Public confidence in the volumes of cellulosic ethanol produced under the Renewable ...

May 10, 2019 Read Full Article

The Low Carbon Coast

by Jim Lane (Biofuels Digest) ... Washington state (House–see correction below) has passed a low carbon fuel standard that would have it join itself to the standards already enacted in California, Oregon and British Columbia and under development now for the whole of Canada. The establishment of a clear and steady ...

May 9, 2019 Read Full Article

EPA Delivers Proposed Rule with 2020 RVOs, 'Other Changes' to OMB

by Erin Voegele (Ethanol Producer Magazine) The U.S. EPA has delivered a proposed rule to set 2020 renewable blending obligations (RVOs) under the Renewable Fuel Standard to the

White House Office of Management and Budget. The proposed rule also includes the 2021 RVO for biomass-based diesel and "other changes" to the ...

May 8, 2019 Read Full Article

Growth Energy Comments Urge EPA to Finalize E15 Year-Round Rule by June 1

(Growth Energy) Growth Energy, the nation's leading association of ethanol producers and supporters, filed comments with the U.S. Environmental Protection Agency (EPA) in support of a proposed rule allowing year-round sales of E15 – gasoline blended with 15 percent ethanol. "Unless the EPA acts quickly, the summer market for E15 will be ...

May 3, 2019 Read Full Article

U.S. Sen. Tina Smith Says EPA Plan to Hide Which Refineries Are Allowed to Stop Blending Renewable Fuels Would Hurt Farmers, Rural Communities

(Office of Senator Tina Smith (D-MN) U.S. Senator Tina Smith (D-Minn.) said today the Trump Administration's plan to go back on its promise to name which U.S. oil refineries are allowed to avoid requirements to blend renewable fuels into the nation's fuel supply could ultimately contribute to job losses across rural ...

May 3, 2019 Read Full Article

EPA Said To Halt Work on Revealing More Info for Small Refiner Waivers

(DTN Progressive Farmer) An EPA plan to reopen comments on a plan it put forth in 2016 to reveal more information on refiners relative to small refiner exemptions from Renewable Fuel Standard (RFS) obligations has been put on hold, according to Reuters. EPA announced April 12 it would reopen the comment ...

May 2, 2019 Read Full Article

Pacific Biodiesel Eyes California as Federal, Local Support Wanes

by Ron Kotrba (Biodiesel Magazine) Hawaii-based Pacific Biodiesel has long prided itself on producing biodiesel from local resources within the petroleum-dependent archipelago and supplying the renewable fuel back to its community. But as the U.S. biodiesel sector tries to push forward in an unsupportive federal environment, producers like Pacific Biodiesel are ...

May 1, 2019 Read Full Article

NACS, Fuel Marketers, Comment on EPA's RIN Market Proposal

(National Association of Convenience Stores) ...(P)roposed RIN Market Reform regulations are unnecessary solutions in search of problems, and that EPA should finalize only those aspects of the proposal that enhance disclosure requirements and set aside for future reconsideration those aspects that would modify market behavior. The trade associations Monday filed ...

EPA Stalls Biofuel Waiver Transparency Plan after White House Blowback: Sources

by Jarrett Renshaw, Chris Prentice, Humeyra
Pamuk (Reuters) The U.S. Environmental Protection Agency
has suspended work on its plan to publish the names of
refineries securing exemptions from federal biofuels law after
receiving blowback from the White House and parts of the oil
industry, according to four sources familiar with the matter. ...

May 1, 2019 Read Full Article

Donald J. Trump, Our Blue-Collar President

by Curtis Ellis (WND) ... Last week, members of the International Union of Operating Engineers stood alongside President Trump at a union job-training center as he signed executive orders to expedite the construction of oil and gas pipelines and energy infrastructure projects, including Keystone XL, Dakota Access, Line 3 in Wisconsin and ...

May 1, 2019 Read Full Article

EPA Can Go Further than E15

(Urban Air Initiative) The Urban Air Initiative submitted comments to the EPA supporting the agency's proposal to make E15 available year round. While this is a critical step forward and

needs to happen, UAI asked EPA to not stop at E15 and provided detailed analysis as to why the law allows higher ...

May 1, 2019 Read Full Article

<u>Urban Air Initiative Comments on E15 Proposed Regulations</u> focus on Sub-Sim

(Urban Air Initiative, et al.) EPA's proposed rule is inconsistent with the text of the sub-sim law, because ethanol is now a fuel additive used in vehicle certification. The proposed rule would codify a "no more than 15%" ethanol limit for the 1 psi RVP waiver. EPA's 15% limit is based on EPA's misinterpretation ...

April 30, 2019 Read Full Article

Inside California's Fight against Pollution

by Miranda Green (The Hill) ... Asked who she (Mary Nichols, head of the California Air Resources Board (CARB)) thought would benefit the most from the Trump rule change, which she has argued automakers are largely opposed to, Nichols points to the fossil fuel industry. "It has been said, and I believe ...

April 30, 2019 Read Full Article

Oil and Renewable Industries Locked in Tug of War over Trump's Ethanol Plan

by John Siciliano and Josh Siegel (Washington Examiner) The deadline for comments on the Environmental Protection

Agency's proposed plan to allow year-round sales of 15% ethanol fuel closes at midnight, but neither side in the fight — that is, the oil and renewable fuel industries — wants the plan to move ahead ...

April 30, 2019 Read Full Article

Ethanol's Tightening Tough Spot

by Alan Guebert (Beatrice Daily Sun) ... "U.S. farmers, particularly cornbelt farmers, have gotten a really bad deal from the Trump Administration on the biofuels front." Both statements are true, according to Scott Irwin, an agricultural economist at the University of Illinois who, word-for-word, offered the latter one. On April ...

April 26, 2019 Read Full Article

Guest Column: Read the Fine Print on the New E15 Rule

by Doug Sombke (South Dakota Farmers Union) and Jim Seurer (Glacial Lakes Energy) (Farm Forum) ... It does in fact, propose to provide year-round exemption from vapor pressure limits for blends of 15 percent ethanol, but does no more. The EPA proposal does not extend to higher blends. The anticipated increase ...

April 24, 2019 Read Full Article

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Regulations Open for Public Comment

IRS to Seek Comment on Key Issues to Be Interpreted in Section 45Q Tax Credit

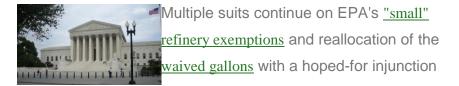
(Hunton Andrews Kurth) The Department of Treasury ("Treasury") and Internal Revenue Service ("IRS") have released Notice 2019-32 (the "Notice") seeking comment on key issues to be interpreted in the Section 45Q carbon oxide sequestration tax credit. Congress significantly enhanced the Section 45Q tax credit in the Bipartisan Budget Act of 2018 ...

May 17, 2019 Read Full Article

MORE OPEN PUBLIC COMMENT REQUESTS

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Federal Litigation



denied without explanation.

Pennsylvania is the hot spot for biofuels fraud convictions.

For more on federal litigation, click here.

Federal Court Grants Oil Refiners a Victory in Ethanol Waiver Battle

by John Siciliano (Washington Examiner) A federal appeals court granted oil refiners a victory Friday by denying a renewable fuel group's attempt to block the Environmental Protection Agency from exempting oil companies from blending ethanol in gasoline. The U.S. Court of Appeals for the District of Columbia Circuit denied the Advanced ...

May 21, 2019 Read Full Article

Green Energy Fraudster Convicted at Trial for Scamming Multiple Federal Agencies and His Customers

(U.S. Department of Justice) Assistant Attorney General Jeffrey Bossert Clark of the Department of Justice's Environment and Natural Resources Division (ENRD) and United States Attorney William M. McSwain for the Eastern District of Pennsylvania announced today that a federal jury in Reading, Pennsylvania, convicted David M. Dunham Jr. of the following ...

May 3, 2019 Read Full Article

ABFA Files for Injunction against EPA to Prevent Additional SREs

(Advanced Biofuels Association/Ethanol Producer
Magazine) The Advanced Biofuels Association filed a motion
April 24 for a preliminary injunction to prevent U.S. EPA
Administrator Andrew Wheeler from granting any additional small refinery exemptions (SREs) to release obligated parties from compliance with the Renewable Fuel Standard until the resolution of its pending lawsuit ...

April 25, 2019 Read Full Article

Jury Finds Pennsylvania Biofuel Company Owners Guilty of Tax and False Statements Conspiracy

(U.S. Department of Justice) Following a 14-day jury trial in Harrisburg, Pennsylvania, Ben T. Wootton, of Enola, Pennsylvania, and Race A. Miner, of Buena Vista, Colorado, were found guilty of one count of conspiracy to make false statements to the Environmental Protection Agency (EPA), six counts of making false statements to ...

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Advanced Biofuels USA Current Policy Analyses and Suggestions

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For example, a suggestion for taxing the non-renewable part of transportation fuels is <u>here</u>.

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Joanne: If you read some of these articles and say to yourself, "That's really important!", you understand the need for biofuels education. Biofuels is not an easy topic to understand.

Reporters (and those who read their articles and make purchasing and investing decisions based on them) may not have much background in renewable energy or transportation fuels and engines, let alone the intricacies and nuances of the places where the rubber of policy meets the road of legislation, regulations and litigation. Heck, even the people working on those laws and regulations could use a refresher.

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