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U.S. Environmental Protection Agency
Air and Radiation Docket and Information Center
Attention Docket ID No. EPA-HQ-OAR-2013-0479
Mail Code 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

To Whom It May Concern:

The National Association of Clean Air Agencies (NACAA) submits the following comments on the U.S. Environmental Protection Agency's (EPA's) *Proposed 2014 Standards for the Renewable Fuel Standard Program*, published on November 29, 2013 (78 *Federal Register* 71732). NACAA is the organization of air pollution control agencies in 43 states, the District of Columbia, four territories and 116 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the United States. These comments are based upon that experience. The views expressed in this document do not necessarily represent the positions of every state and local air pollution control agency in the country.

With this proposed action, EPA is fulfilling its responsibility under the Clean Air Act to annually set renewable fuel standards based on renewable fuel volume requirements statutorily established in the Energy Independence and Security Act of 2007 (EISA) – which includes an ultimate total renewable fuel requirement for our nation's transportation fuel supply of 36 billion gallons in 2022.

NACAA understands the energy security issues facing our nation, which underlie the substantially increased volumes of renewable fuel required by Congress, and we fully support the goal of reducing our dependency on foreign oil. Our association also supports the program's intended goal of reducing GHG emissions and is extremely interested in ensuring that this program results in timely, real-world GHG emission reductions.

From the outset, however, we have been concerned about the impacts of the RFS on levels of criteria and toxic air pollution and, in particular, that commitments to increase the use of renewable fuels for purposes of energy security and GHG emission reductions were made without sufficient study of the potential adverse air quality and human health impacts. We articulated these concerns when, in 2009, EPA proposed its RFS2 rule to amend the RFS1 program consistent with EISA¹ and we remain concerned now. Accordingly, we urge EPA to engage in analyses to determine the air quality impacts of the renewable fuel standards it proposes and promulgates each year and, to the extent the agency finds emission increases will

¹ NACAA's comments on EPA's May 26, 2009 proposed rule, *Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program*, (September 24, 2009) are available at <http://www.4cleanair.org/Documents/RFSNACAWrittenCommentsonEPAProposedProgramFinal092409.pdf>.

occur, to put in place measures to offset these increases so there is no adverse impact on air quality from the use of renewable fuels.

In 2010, when EPA promulgated its final RFS2 rule, the agency acknowledged that the increased use of renewable fuels would increase emissions (over RFS1) of some pollutants including oxides of nitrogen (NO_x), hydrocarbons (HC), particulate matter (PM) and the toxic air pollutant acetaldehyde. The agency stated that the emissions increases “are projected to lead to increases in population-weighted annual average ambient PM and ozone concentrations, which in turn are anticipated to lead to up to 245 cases of adult premature mortality.” (*Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program; Final Rule*, U.S. Environmental Protection Agency, March 26, 2010, p. 14683.) However, since that time, the agency has not analyzed the air quality impacts of its annual RFS standards including talking into account emerging information that might affect previous projections.

Biodiesel serves as a good example of the need to assess the air quality impacts of renewable fuel standards. Under EISA, the biomass-based diesel volume requirement from 2013 through 2022 is to be determined by EPA each year but may be no less than 1.0 billion gallons per year. In 2013, EPA finalized a 1.28-billion-gallon volume requirement for biodiesel and for 2014 the agency is proposing the same level. Diesel blends containing up to 20 percent biodiesel (B20) are in use and slated to increase. However, although use of biodiesel is effective in reducing a number of pollutants, evidence exists that biodiesel at certain blend levels – as low as 5 percent – can increase NO_x emissions in diesel exhaust. The California Air Resources Board (CARB) notes in a recent staff report, “In general, the literature shows that NO_x emissions from soy-based diesel are greater than NO_x emissions from animal-based biodiesel, and the NO_x increase is pronounced in blends that use a high cetane base fuel more so than in blends using a lower cetane base fuel.” (*Proposed Regulation on the Commercialization of New Alternative Diesel Fuels, Staff Report: Initial Statement of Reason*, California Air Resources Board, October 23, 2013; pp. B1-4.) Last month, CARB postponed its consideration of proposed regulations for biodiesel and other alternative diesel blends until March 2014 in order to consider concerns regarding potential NO_x emissions increases.

The decades-long national effort to protect human health and welfare from the serious adverse impacts of elevated levels of criteria pollutants and their precursors – including NO_x, HC and PM – and toxic air pollutants remains ongoing. Yet, as EPA implements the RFS program by setting standards each year, it conducts little if any analysis of the impacts of increased renewable fuels on state and local efforts to achieve and sustain clean air and public health goals.

NACAA understands that the RFS program put in place by EISA is not intended to be an air quality improvement program and that there are no statutory requirements in that legislation for EPA to assess the air quality impacts of the annual renewable fuel standards it sets (with the exception of a requirement that the agency analyze the impact of any increase in the volume of biomass-based diesel beyond 1 billion gallons a year). However, given the known potential for adverse air quality impacts due to increases in renewable fuels and EPA’s overall mandate to improve public health and welfare, we urge EPA to undertake, and publicize the results of, analyses of the impact on emissions and ambient air quality of the annual renewable fuel volumes in EISA and the related standards EPA proposes each year. In addition, should these analyses reveal there will be increases in emissions, we call upon EPA to identify and implement appropriate mitigation measures to ensure there is no degradation to air quality from the use of renewable fuels.

Thank you for this opportunity to comment. If you require any further information, please do not hesitate to contact either of us or Nancy Kruger, Deputy Director of NACAA, at (202) 624-7864.

Sincerely,



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