



**Testimony of Ron Lamberty
Senior Vice President, American Coalition for Ethanol**

**EPA Hearing on Proposed Extension of RFS Compliance and Attest Engagement Reporting Deadlines
December 3, 2021**

Thank you for the opportunity to testify today. My name is Ron Lamberty, and I am the Senior Vice President of the American Coalition for Ethanol (ACE).

There is a growing sense of frustration among ACE members that we once again find ourselves testifying in yet another EPA hearing when we merely need the Agency to follow the law when it comes to the Renewable Fuel Standard (RFS).

We recognize the past administration's liberal use of small refinery exemptions (SREs) and the Supreme Court's decision about when refineries can seek exemptions may somewhat force EPA's hand and justify some delays with respect to compliance deadlines for a few small refineries for 2019 and possibly 2020. On the other hand, it is impossible to see any justification – at least not any **legal** justification – for EPA to extend 2020 compliance deadlines for all other obligated parties.

Oil industry lobbyists rarely miss an opportunity to exploit a crisis, and COVID-19 became another excuse for them to create a false narrative about the RFS. It was as if they didn't know that when the 2020 RVOs were set and converted to percentages, those percentages applied to actual fuel sales. When gas volumes went down, renewable fuel requirements went right down with them. Of course, they know better, but it is troubling that EPA seems to want to address refiners' concerns about 2020 RVOs, as if the Agency is not certain how the law works, either...

Ironically, if EPA would have finalized the 2021 RVOs last November and predicted gas volumes would return to 2019 levels, the 2021 percentage would have assured refiners their renewable fuel requirements would again fall or rise as petroleum volumes remained flat or grew. Granted, we would still be treated to refiners' misinformation about RINs and the so-called regulatory burden of the RFS, but despite their predictable fearmongering and handwringing about the uncertainty of recovery, we would all know there was no ACTUAL uncertainty about what those obligations are.

Instead, the reason EPA has to propose delaying compliance reporting and attest engagements for 2021, 2022 and beyond is EPA's own failure to establish annual Renewable Volume Obligations when they are supposed to be established.

We need to be very clear. Even if these proposed compliance extensions go into effect, it should in no way be viewed as implicit acceptance of EPA's failure to do its job and establish RVOs by November 30 of each year for the following year. By definition, EPA asking for these changes to the rule, means they expect missing the RVO deadline to also be the rule, and that needs to continue to be the exception. These delays are not acceptable, and nearly everything we're talking about today, and all the activity that led up to it, would be unnecessary if EPA had simply **followed the law**.

We encourage EPA to rule on pending SREs, issue 2021 and 2022 RVOs and get the program back on track as quickly as possible to provide the certainty needed by refiners and ethanol producers alike.