

United States Senate

WASHINGTON, DC 20510-0609

January 14, 2021

The Honorable Andrew R. Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Wheeler,

Alarming new reports indicate that your Environmental Protection Agency (EPA) may issue numerous pending small refinery exemptions (SREs) which would be a devastating blow to biofuel producers and the farmers who sell to them. We urge you to not take such action.

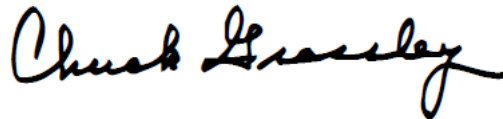
It comes as no surprise that these new reports scare biofuel producers across the Midwest. Ethanol and biodiesel plants that are already struggling to cope with the economic fallout of the COVID-19 pandemic are at risk of closing their doors, cutting off key markets for farmers. Many biofuel plants have already been forced to shutter their doors over the past four years. Eliminating more demand for biofuels at this time may be the death knell for many more.

On November 2, 2020, you stated that "it would be inappropriate for me to either grant or deny them until that litigation has completely run its course." This was taken as an indication EPA would not adjudicate any more SRE applications until the courts have spoken, definitively. Granting additional SREs at this time would be inconsistent with the unanimous Tenth Circuit ruling in Renewable Fuels Association et. al. v. EPA. We therefore implore you to summarily freeze any decisions on the pending SREs until the Supreme Court has ruled.

Sincerely,



Roger Marshall, M.D.
United States Senator



Chuck Grassley
United States Senator



Joni K Ernst
United States Senator



M. Michael Rounds
United States Senator



Deb Fischer
United States Senator



Roy Blunt
United States Senator



Josh Hawley
United States Senator

cc. President Donald J. Trump
Vice President Michael R. Pence