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Agri-Pulse Communications, Inc.

08-07-09

EPA peer review reveals problems with EPA RFS2 biofuels rules

By Jon H. Harsch

Coinciding with the House and Senate having left town for a month, on Friday, August 7th the U.S. Environmental Protection Agency (EPA) released documents that raise further questions about EPA's controversial "Lifecycle Analysis" calculations that discount the benefits of ethanol. Most controversial has been the EPA contention the greenhouse-gas-reducing benefits of raising corn and soybeans in the U.S. to make ethanol and biodiesel are offset by "indirect land use changes" (ILUC) such as possible conversion of forest and pastureland in other countries to cropland.

Bob Dinneen, President of the ethanol-promoting Renewable Fuels Association (RFA) commented on the release that "It's little wonder EPA waited until Congress left town for the August recess to release these reviews." He immediately challenged the credibility of EPA's supposedly "scientific peer review" process since "Among the 'peer' reviewers are several noted anti-ethanol and anti-agriculture activists, including environmental lawyer Timothy Searchinger. The politically-motivated positions of Searchinger, Dr. Joseph Fargione, and others with respect to ILUC have repeatedly been called into question."

Dinneen said that "By adding lawyers and advocates to a scientific review panel, EPA bureaucrats have made a mockery of the administration's commitment to sound science. These reviews absolutely cannot be viewed as objective or unbiased. Many of these reviewers have repeatedly and openly demonstrated unabashed and politically-motivated biases against biofuels in the past, which immediately casts a long shadow of doubt over the legitimacy of EPA's peer review process." Dinneen added that the reviewers that EPA picked included "two researchers who were co-authors on Searchinger's controversial and discredited 2008 Science paper on ILUC, staffers from two environmental activist groups, and several academics with an ideological axe to grind against production agriculture and contemporary biofuels. Several of these academics have served as paid consultants to environmental groups with anti-ethanol and anti-agriculture agendas."

House Agriculture Committee Chair Collin Peterson (D-MN) also reacted swiftly to the EPA peer review documents. He pointed out that "The EPA peer review panel reaffirmed

many of the concerns I have about the EPA's proposed rule and rulemaking process for the Renewable Fuel Standard (RFS2). The panel expressed concern about using these incomplete and unreliable models to measure indirect land use changes and indicated that they didn't have enough time to review this convoluted and complicated proposal."

Peterson said he's also "concerned that there is no evidence that the U.S. Department of Agriculture or any other Federal agencies with expertise on these issues were included in the peer review process." He said "This is exactly why the House of Representatives voted in the [Waxman/Markey] climate change bill to limit EPA's ability to implement international indirect land use provisions" in the new rules it proposed in May for RFS2.

National Corn Growers Association (NCGA) President Bob Dickey said that "After evaluating the peer review analysis and the designated peer reviewers, the National Corn Growers Association is disappointed that there is no objectivity and a complete lack of unbiased opinions in the process. We are dismayed by EPA's complete disregard for an approach that is fair and balanced. We are also puzzled as to why the U.S. Department of Agriculture, which has extensive knowledge related to this issue, was in no way included in the peer review process."

Dickey said "NCGA was optimistic earlier this year when the administration vowed to base future policy on sound science and we were hopeful that would be the case during this analysis. Unfortunately, the information published today is to the contrary. We call upon the EPA to modify its approach to reflect the commitment of President Obama to adhere to policies based on sound science and a transparent process."

Along with listing many other problems including missing data, the peer review summary of "Lifecycle Greenhouse Gas Emissions due to Increased Biofuel Production" includes this example of problems that reviewers identified – and disagreed about:

> **"Disagreement over Whether to Increase Detail of the Model"**
> **"**The reviewers disagreed over whether incorporating additional, potentially relevant factors into the model would increase the accuracy of the analysis. Dr. Banse and Dr. Wang both stressed that one of the main weakness of the current modeling approach was that it does not take many factors into consideration. Dr. Wang noted in particular that inclusion of the forestry sector might be relevant. He also commented on the influence that social and technological factors may have on the output of the analysis. Dr. Banse recommended including several different models in order to increase coverage of energy market and land-use details not currently included in the modeling approach. In contrast, Mr. Sheehan and Mr. Searchinger both stated that they did not think added detail or resolution would improve the current analysis. Mr. Sheehan commented that it would be more valuable to focus on developing simpler models that are based on a better understanding of the drivers of land-use change. Similarly, Mr. Searchinger warned against incorporating too many ancillary impacts of biofuels into the lifecycle analysis on the basis that these impacts may not be policy relevant."

Acknowledging the controversy surrounding its lifecycle analysis for biofuels, EPA's August 7th release noted that "EPA decided to initiate this independent peer review to help respond to stakeholder concerns and to ensure that the Agency makes decisions based on the best science available." EPA also noted that it "used independent, third-

party contractors to select highly qualified peer reviewers." Perhaps anticipating more controversy, EPA added that "The contractors independently developed their own list of expert reviewers. Candidates were screened for possible conflict of interest, bias due to strong editorial positions taken on issues related to this rulemaking, contractual relationships to EPA, and for overall perception of independence from the Agency. Of the candidates remaining, the contractors autonomously selected those with the greatest apparent expertise."

As for what happens next, EPA states that it "will consider the peer review results along with public comments received, and implement the reviewer's technical recommendations to the greatest extent possible."

To read EPA's "Peer Review of Lifecycle Analysis" documents released August 7, go to:

- Federal Register Notice of Availability (PDF) (pre-publication version) (8 pp, 33K) http://www.epa.gov/otaq/renewablefuels/rfs2-frn-peer-review.pdf
- Fact Sheet: Peer Review Lifecycle Analysis under EISA Questions and Answers | PDF Version (2 pp, 351K, EPA420-F-09-032, August 2009) http://www.epa.gov/otaq/renewablefuels/420f09032.htm
- Peer Review Report: Satellite Imagery and Emissions Factor Analysis (PDF) (148 pp, 1.3M) http://www.epa.gov/otaq/renewablefuels/rfs2-peer-review-land-use.pdf
- Peer Review Report: Methods and Approaches to Account for Lifecycle Greenhouse Gas Emissions from Biofuels Production Over Time (PDF) (135 pp, 1.3M) http://www.epa.gov/otaq/renewablefuels/rfs2-peer-review-emissions.pdf
- Peer Review Report: International Agricultural Greenhouse Gas Emissions and Factors (PDF) (114 pp, 3.6M) http://www.epa.gov/otaq/renewablefuels/rfs2-peer-review-intl-ag.pdf
- Peer Review Report: Lifecycle Greenhouse Gas Emissions due to Increased Biofuel Production Model Linkage (PDF) (111 pp, 893K) http://www.epa.gov/otaq/renewablefuels/rfs2-peer-review-model.pdf

For EPA information on the Renewable Fuel Standard Program, go to:
http://www.epa.gov/otaq/renewablefuels/index.htm

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