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“I’m very pleased with the 4th Circuit’s decision. It’s a reminder to opponents of small refinery hardship that the harm to small refineries is real and that the Clean Air Act requires EPA to relieve it.”

“The “error-riddled” DOE scoring grossly underestimated the disproportionate economic hardship experienced by Ergon and consequently, impacts on the company’s viability. We’re grateful to the Court for recognizing it.”

“Importantly, the court rejected EPA’s “industry-wide” conclusion that refiners can pass through their RIN costs, recognizing that the ability of a refinery to pass through its RIN costs is a refinery-specific and fact specific determination.”

“The Court’s decision is also an important reminder to opponents of small refinery hardship that the goal of the RFS is not to expand ethanol consumption, but to increase energy independence and security. Destabilizing critical energy infrastructure to force more ethanol into the market does not promote the statutory goals of the Energy Independence and Security Act and the Energy Policy Act.”

“The biofuels industry has doubled down on structural flaws in the rule that discourage blending and harm merchant and small refineries. It wouldn’t be so troubling if they weren’t at the same time pounding the table about “demand destruction” and urging EPA to violate the Clean Air Act and deny hardship relief to small refineries. Demand destruction and small refinery hardship are the consequences of not fixing the rule to restore a level playing field in the transportation fuels market.”