

111TH CONGRESS
1ST SESSION

S. 943

To amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2009

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DIRECT LIFECYCLE GREENHOUSE GAS EMIS-**
4 **SIONS.**

5 Section 211 of the Clean Air Act (42 U.S.C. 7545)
6 is amended—

7 (1) in subsection (o)(1), by striking subpara-
8 graph (H) and inserting the following:

1 “(H) LIFECYCLE GREENHOUSE GAS EMIS-
2 SIONS.—

3 “(i) IN GENERAL.—The term ‘lifecycle
4 greenhouse gas emissions’ means the ag-
5 gregate quantity of direct greenhouse gas
6 emissions relating to the full fuel lifecycle,
7 as determined by the Administrator based
8 on—

9 “(I) measurements taken using
10 the most recent observable data; and

11 “(II) consideration of regional
12 differences of renewable fuel produc-
13 tion.

14 “(ii) INCLUSIONS.—The term ‘lifecy-
15 cle greenhouse gas emissions’ includes
16 greenhouse gas emissions from all stages
17 of fuel and feedstock production and dis-
18 tribution, from feedstock generation or ex-
19 traction through the distribution and deliv-
20 ery and use of the finished fuel to the ulti-
21 mate consumer, where the mass values for
22 all greenhouse gases are adjusted to ac-
23 count for the relative global warming po-
24 tential of the greenhouse gases.

1 “(iii) AVAILABILITY OF MODEL.—The
2 Administrator shall make the model used
3 in measuring lifecycle greenhouse gas emis-
4 sions publicly available before publishing
5 any administrative action on lifecycle
6 greenhouse gas emissions.”;

7 (2) by inserting after subsection (o) the fol-
8 lowing:

9 “(p) WAIVER AUTHORITY.—

10 “(1) IN GENERAL.—The Administrator may
11 waive, or a renewable fuel manufacturer may peti-
12 tion the Administrator to waive, the lifecycle green-
13 house gas emission reduction requirements for re-
14 newable fuel production under this section if, as de-
15 termined by the Administrator—

16 “(A) the requirements are the primary or
17 contributing factor of a failure to achieve the
18 applicable renewable fuels standard for bio-
19 mass-based diesel, conventional biofuel, cellu-
20 losic biofuel, or advanced biofuel;

21 “(B) the requirements are causing eco-
22 nomic harm within the biofuels industry; or

23 “(C) the requirements are directly or indi-
24 rectly increasing the dependence of the United
25 States on foreign oil.

1 “(2) INNOVATIVE PRODUCTION METHODS.—

2 “(A) IN GENERAL.—A renewable fuel man-
3 ufacturer may petition the Administrator to
4 certify an innovative production method that
5 may result in lower lifecycle greenhouse gas
6 emissions relative to the baseline lifecycle green-
7 house gas emissions of a renewable fuel.

8 “(B) REQUIREMENTS.—A petition sub-
9 mitted under subparagraph (A) shall include a
10 full lifecycle greenhouse gas emission analysis of
11 the applicable renewable fuel based on the
12 lifecycle greenhouse gas emission model used by
13 the Administrator.

14 “(3) FAILURE TO ACT.—If the Administrator
15 does not approve or deny a petition submitted under
16 paragraph (1) or (2) by the date that is 90 days
17 after the date of receipt of the petition, the petition
18 shall be considered to be approved.”; and

19 (3) by adding at the end the following:

20 “(w) STATE LOW-CARBON FUEL STANDARDS.—

21 “(1) IN GENERAL.—If a State implements a
22 low-carbon fuel standard or similar policy that re-
23 quires a reduction in lifecycle greenhouse gas emis-
24 sions for renewable fuels, the State shall apply a
25 similar lifecycle greenhouse gas emission baseline to

1 the baseline used for the Federal renewable fuels
2 standard under this section.

3 “(2) BASIS FOR MEASUREMENTS.—Measure-
4 ments taken under a State standard for renewable
5 fuel described in paragraph (1) shall be based on ob-
6 servable data relating to the direct lifecycle green-
7 house gas emissions from the renewable fuel.”.

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