

United States Senate

WASHINGTON, DC 20510

August 23, 2022

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan:

We are writing to express concern with respect to the forthcoming decision by the Environmental Protection Agency (EPA) regarding implementation of certain electrification pathways under the Renewable Fuel Standard (RFS). One of the potential RFS electrification pathways could allow methane biogas from Concentrated Animal Feeding Operations (CAFOs) to serve as a qualified feedstock and generate electric renewable identification numbers (e-RINs) under the RFS' cellulosic mandate. While we appreciate this administration's support for electric vehicles (EVs) and transportation electrification, we also urge EPA to ensure that this federal support does not come at the expense of environmental justice communities that are already overburdened with pollution.

As you know well, President Biden has made advancing environmental justice a top priority for this administration, and we are grateful for the integral work that EPA has accomplished under your leadership to further this goal. However, we are concerned that a decision by EPA to provide a pathway for electricity produced from factory farm biogas will further entrench an industry that is disproportionately harming low-income and Black and Brown communities located near these facilities.

Factory farms produce immense quantities of waste and pollutants that fuel climate change and pollute the surrounding soil, air, and water—simply living in proximity to a factory farm can decrease life expectancy.¹ A 2021 study found that air pollution from CAFOs is responsible for approximately 12,700 deaths per year.²

The EPA's 2014 determination qualifying compressed factory farm biogas under the cellulosic mandate did not include an independent analysis of digesters used in animal agriculture. Instead it simply transposed a separate analysis of landfill gas. Recent studies have indicated that the subsidization of digesters at CAFO facilities under another transportation policy—the California Low-Carbon Fuel Standard—can in fact increase both animal concentration and emissions.³


Decarbonizing our transportation sector requires widespread adoption of EVs paired with ambitious expansion of clean energy used to charge these EVs. Linking EV initiatives with a new subsidy for dirty electricity from factory farming would be a massive step in the wrong direction, and we urge you not to provide any RFS electrification pathway for methane biogas from CAFOs.

Sincerely,

¹ See Julia Kravchenko et. al., Mortality and Health Outcomes in North Carolina Communities Located in Close Proximity to Hog Concentrated Animal Feeding Operations (2018)
<https://www.ncmedicaljournal.com/content/ncm/79/5/278.full.pdf>

² See Domingo, N.G., et. al., Air quality-related Health Damages of Food (2021)
<https://www.pnas.org/content/118/20/e2013637118/tab-article-info>.

³ See Younes, A. and Fingerman, K. (2021). Quantification of Dairy Farm Subsidies Under California's Low Carbon Fuel Standard. Arcata, CA <https://www.arb.ca.gov/lists/com-attach/24-lcfs-wkshp-dec21-ws-AHVSN1MhVlpXNQRl.pdf>



Cory A. Booker
United States Senator



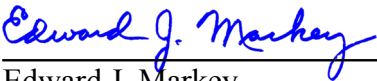
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