RENEWABLE FUELS ASSOCIATION

November 13, 2026

The Honorable Lee Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Opposition to November 9, 2026, Request from the Governors of Louisiana and Alabama for General Waiver of 2027 RFS Requirements

Dear Administrator Zeldin:

On November 9, Governors Jeff Landry of Louisiana and Kay Ivey of Alabama submitted a letter requesting a partial waiver of the Renewable Fuel Standard (RFS) for 2027, claiming—without adequate evidence—that implementation of the renewable volume obligations would "severely harm the economy" of their states. The governors point to high diesel prices and elevated Renewable Identification Number (RIN) credit values as the impetus for their request.

I am writing on behalf of the members of the Renewable Fuels Association (RFA) and the entire U.S. ethanol industry to express our strong opposition to EPA consideration of such waiver requests. The governors have not demonstrated that implementation of the RFS is causing, or will cause, severe economic harm to Louisiana or Alabama, much less that suspending renewable fuel requirements would meaningfully address the alleged harm. Their request instead seeks to make America's renewable fuel producers and farmers bear the consequences of disruptions in global petroleum markets that the RFS did not create. Because it is facially insufficient, EPA should reject the governors' request without opening a docket for notice and comment.

Section 211(o)(7)(A) of the Clean Air Act authorizes a general waiver only where EPA determines that implementation of the RFS would severely harm the economy or environment of a state, region, or the United States. In denying waiver requests in 2008 and 2012, EPA explained that *the RFS itself must be the cause of the asserted severe harm*; the presence of difficult economic conditions, or even a contribution by the RFS to broader economic pressures, is not enough. EPA also required a high degree of confidence in that causal determination and consideration of whether a waiver would truly provide effective relief.[1] The governors' letter fails to satisfy any of these fundamental requirements.

[1] Clean Air Act § 211(o)(7)(A), 42 U.S.C. § 7545(o)(7)(A); EPA, Notice of Decision Regarding the State of Texas Request for a Waiver of a Portion of the Renewable Fuel Standard, 73 Fed. Reg. 47,168, 47,170–73 (Aug. 13, 2008), https://www.govinfo.gov/content/pkg/FR-2008-08-13/pdf/E8-18738.pdf; EPA, Notice of Decision Regarding Requests for a Waiver of the Renewable Fuel Standard, 77 Fed. Reg. 70,752 (Nov. 27, 2012), https://www.epa.gov/renewable-fuel-standard/denial-requests-waiver-renewable-fuel-standard.

Indeed, the governors' own letter acknowledges that today's elevated diesel prices are being driven by global petroleum supply disruptions associated with conflicts in the Middle East and Ukraine.[2] These disruptions, including turbulence in the Strait of Hormuz, have driven increases in consumer prices for both gasoline and diesel around the world and have nothing to do with the RFS.

The governors offer no state- or regional-specific analysis demonstrating that implementation of the RFS is causing the alleged economic harm, no evidence that such harm rises to the statutory threshold of "severe," and no showing of how renewable fuel blending, fuel prices, or RIN prices would materially change if the 2027 standards were waived. **High fuel prices alone do not establish that the RFS caused the hardship, nor does speculation about potential savings demonstrate that a waiver would meaningfully alleviate it.** As EPA made clear in its 2008 waiver decision, requests lacking sufficient evidence and analysis may be denied without initiating a public notice-and-comment proceeding.[3] Additionally, the governors' request for relief limited to fuels produced or consumed in Alabama and Louisiana is inconsistent with the national character of relief under Clean Air Act section 211(o)(7)(A).

The governors also mistakenly characterize elevated prices for RIN credits as the net cost of the RFS to consumers. But elevated RIN prices are a compliance signal built into the program, not evidence of severe economic harm to a state's economy. EPA has repeatedly found that obligated refiners generally recover RIN compliance costs through wholesale gasoline and diesel prices. At the same time, EPA has consistently found that the same RIN mechanism also provides value to blenders and lowers the effective cost of renewable fuels in the marketplace. As EPA explained in its March 2026 response to comments, gross RIN acquisition costs cannot simply be added to the pump price of every gallon; doing so ignores the offsetting discount RINs provide to blended renewable fuel.[4] Evidence of this effect is seen at every retail gas station selling gasoline with higher levels of ethanol, like E15, today. Indeed, the Department of Energy's latest Alternative Fuel Price Report found that E15 averaged 40 cents less per liquid gallon than regular E10 gasoline at the reporting locations.[5]

The governors further suggest that a waiver would do little to affect ethanol use because ethanol would still be blended "wherever the economics support it." Aside from the letter's failure to provide any evidence supporting this allegation, such a claim misses the fundamental purpose of the RFS. Congress enacted the program to expand renewable fuel production and consumption *beyond* what the market would otherwise deliver. Indeed, in EPA's own analysis, the final 2026 and 2027 standards are associated with approximately 657 million and 727 million additional gallons of ethanol,

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[2] The governors write that "…Americans are paying near-record diesel prices driven by global supply disruptions arising from the conflicts in the Middle East and Ukraine."

[3] 73 Fed. Reg. at 47,183 (EPA guidance regarding the evidentiary burden and denial of unsupported petitions without prior public notice and comment).

[4] EPA, RFS Program: Standards for 2026 and 2027—Response to Comments, EPA-420-R-26-012, §§ 9.1.3–9.1.4, at 195–99 (Mar. 2026), https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P101HW6G.txt.

[5] U.S. Department of Energy, Clean Cities and Communities, Alternative Fuel Price Report—July 2026, at 6, Table 2 (national average at reporting locations: E15 $3.44/gal versus gasoline $3.84/gal, measured per liquid gallon), https://afdc.energy.gov/files/u/publication/alternative-fuel-price-report-july-2026.

respectively, compared with a no-RFS baseline. Further, data from the Energy Information Administration show that in the absence of binding RFS requirements, refiners will decrease their use of ethanol even when economics and market conditions suggest they should not do so. Ethanol blending activity did, in fact, meaningfully decrease in 2018 and early 2019 in response to EPA's granting of small refinery exemptions (SREs), which allowed dozens of refineries to avoid their renewable fuel blending obligations for those years.

At a time of high petroleum prices and supply uncertainty, American-made ethanol is part of the solution. It adds domestically produced volume to the gasoline pool, provides more affordable octane, and offers consumers a lower-cost option at the pump. EPA itself recognized the value to consumers of expanded access to ethanol-blended gasoline in March when the Agency authorized nationwide E15 sales under its emergency fuel-waiver authority. In announcing the emergency fuel waivers, you correctly noted that they would "provide American families with relief by increasing fuel supply and consumer choice."[6] **It would be counterproductive for EPA to expand access to higher ethanol blends in response to fuel-market disruptions, only to weaken the RFS incentives that support domestic renewable fuel production and expanded use of lower-cost blends like E15**.

Simply stated, the requested waiver would not restore disrupted crude supplies, add domestic refining capacity, or insulate American families from volatility in international petroleum markets. Instead, it would diminish the demand signal President Trump and EPA provided for American-made renewable fuels and create further uncertainties for agricultural communities already facing difficult conditions.

It should be noted that EPA declined to open a docket on subsequent requests from governors for general waivers in 2013, 2014, 2017, 2018, 2019, 2020, and 2021 because those requests were similarly found to be lacking the required evidence of severe harm caused by RFS implementation.[7] EPA has also rejected more than a dozen requests for general waivers from individual oil refining companies and organizations representing the refining industry.

EPA should adhere to the statute and its longstanding precedent. EPA must require any party seeking a general waiver to provide data and concrete evidence demonstrating that: 1) the RFS itself is the cause of economic harm to a *state, region, or the United States* (i.e., not to individual refiners); 2) that the harm is "severe" in nature; and 3) that a waiver would redress the harm. The governors' letter falls far short of the evidentiary showing required for such extraordinary relief and provides no basis to compel EPA to initiate a formal waiver proceeding.

The answer to higher petroleum prices is more reliable, affordable American fuel—not less. We urge EPA to promptly deny the governors' request without opening a notice-and-comment proceeding, maintain the 2027 renewable fuel standards, and

[6] EPA, "EPA Fortifies Domestic Fuel Supply, Provides Americans with Relief at the Pump by Approving Nationwide E15 and Removing Boutique Fuel Markets for E10" (Mar. 25, 2026), https://www.epa.gov/newsreleases/epa-fortifies-domestic-fuel-supply-provides-americans-relief-pump-approving-nationwide.
[7] EPA, Requests for Volume Requirement Waiver under the Renewable Fuel Standard Program.

uphold the market certainty necessary to support American farmers, renewable fuel producers, and consumers.

Sincerely,



Geoff Cooper
President and CEO
Renewable Fuels Association