



November 25, 2019

U.S. Environmental Protection Agency,
 EPA Docket Center,
 Office of Air and Radiation Docket,
 Mail Code 28221T
 1200 Pennsylvania Avenue NW
 Washington, DC 20460

RE: Renewable Fuel Standard Program: Standards for 2020

The National Association of State Foresters (NASF) is pleased to provide these comments to EPA on the Renewable Fuel Standard Program in response to Docket ID No. EPA-HQ-OAR-2019-0136 posted in the Federal Register on October 29, 2019. We see the RFS as a powerful untapped federal tool to support sustainable forest management and offer these comments and our association's expertise to facilitate its effective implementation.

NASF is comprised of the heads of the forestry agencies for all fifty states, the District of Columbia, and the U.S. territories. The United States includes 766 million acres of forest, about one-third of the nation's total area. State Foresters deliver technical and financial assistance, along with wildfire response and protection of forest health, water, and other ecosystem services for the more than two-thirds of those acres owned by state, private, and local entities. We are also active collaborators in the management of federally owned forests.

Our association and our members are key partners of the United States Forest Service (USFS) and work together on many policy and management initiatives that benefit the forests of our nation. This includes supporting market development through policy tools such as the RFS. NASF was a key stakeholder engaged in the initial passage of the RFS by Congress and in the subsequent EPA rulemaking over ten years ago.

Unfortunately, we have not seen woody biomass play the sizeable role in RFS implementation that was expected, and as such the RFS has yet to achieve its full potential in supporting healthy forests as was intended by Congress. As with any industry, such as those that would use woody biomass to generate RFS Renewable Identification Numbers (RINs), creating policy that enables and spurs growth is key. However, from what we have observed, EPA has done little to spur growth in forest biomass industries through such RFS policy signals. We see an opportunity for EPA to establish RFS biomass policy that is complimentary to the agency's public policies on the benefits of

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biomass¹. Established and emergent biomass industries with ample room for growth stand to benefit from such policy while improving the health of the nation's forest resources.

I have attached our recently approved NASF Policy Statement concerning markets for emerging wood products and the associated positive impact on forest resource management. The crux of the Statement is that *“Markets for wood are critical to maintaining the health and sustainability of forests in the United States. They enable the economic, carefully planned harvest of trees to control stand density and create forests that have a more balanced diversity of age classes, which is important to wildlife habitat diversity, forest resilience and providing a more even flow of sustainable wood fiber for harvesting.”*

NASF ascribes to the view that capturing the economic value of sustainably managed forests for wood products is a vital element to their long-term health and existence. Privately owned forests are under extreme threat from development and urbanization, particularly where there are weak or no forest products markets, with between 24 and 38 million acres forecasted to be converted to other uses by 2060². More than half of the forecasted forest losses occur in the South and more than 90 percent occur in the Eastern United States. Federal forests, while not at risk of conversion, have equally serious health challenges. Between 60 and 82 million acres of National Forest System lands are in need of restoration to combat fire, insect and disease threats, primarily in the Western United States where the majority of forests are federally owned³. Forest products markets, especially for restoration by-products and biomass from thinnings, incentivize keeping private forests as forests in the face of conversion, and help improve the health and vitality of our federal forests.

This nexus between strong markets and the health of the forests that our members are responsible for conserving is the reason we believe it is critical that new markets, such as for woody biomass energy and woody biofuels, should be supported. With this in mind, we respectfully urge policy engagement from your office on a number of forest biomass-related elements of the RFS.

- 1. Revise and create guidance for qualified renewable biomass in 42 USC 7545 (o)(1)(I)(v)** – EPA has yet to provide guidance around this pathway within the RFS definition of renewable biomass (*Biomass obtained from within 200 feet of buildings and other areas regularly occupied by people, or of public infrastructure, in an area at risk of wildfire.*) Thus any potential wildfire risk reduction benefits, especially on federal lands, have gone unrealized. Additionally, the definition in the regulation is not workable and fails to achieve the Congressional intent of reducing wildfire risk. As forestry experts, we would be happy to provide input to EPA in crafting a more relevant and useful definition

¹ EPA Policy Statement “EPA’s Treatment of Biogenic Carbon Dioxide (CO₂) Emissions from Stationary Sources that Use Forest Biomass for Energy Production”, April 23, 2018 (https://www.epa.gov/sites/production/files/2018-04/documents/biomass_policy_statement_2018_04_23.pdf)

² Wear, David N. 2011. Forecasts of county-level land uses under three future scenarios: a technical document supporting the Forest Service 2010 RPA Assessment. Gen. Tech. Rep. SRS-141. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station. 41 p

³ U.S. Forest Service, From Accelerating Restoration to Creating and Maintaining Resilient Landscapes and Communities Across the Nation: Update on Progress from 2012 (2015), available at <https://www.fs.fed.us/sites/default/files/accelerating-restoration-update-2015-508-compliant.pdf>

for areas at risk of wildfire, including the use of accepted forestry terminology (such as the Wildland Urban Interface (WUI)) and existing information sources (such as the Wildfire Hazard Potential Map created by the USFS⁴ or state wildfire risk mapping tools such as the Southern Wildfire Risk Assessment Portal (SouthWRAP)⁵).

2. **Ensure that guidance and field implementation for other pathways for qualified renewable biomass are founded on sound forestry science and practices** – This includes 42 USC 7545 (o)(1)(I)(ii) (*renewable biomass from planted trees and tree residue from a tree plantation located on non-federal land*) and 42 USC 7545 (o)(1)(I)(iv) (*Slash and pre-commercial thinnings from non-federal forestland.*). When implemented properly, these pathways should lead to significant forest health benefits. We would be happy to help EPA formulate any needed implementation guidance around forestry terms and concepts contained in the RFS language such as slash, pre-commercial thinnings, wood from plantations, etc. It is crucial that the policy generated from the RFS can be operationalized to the benefit of biomass markets and forest health.

3. **Create a pathway for and process RIN registrations from electricity derived from woody biomass that displaces liquid fuels in electric vehicles** – This pathway was intended by Congress and acknowledged by EPA in RFS rulemaking; however, to date there has been no progress to operationalize RINs from woody biomass electric power. Using forest biomass for electricity generation has the same forest health benefits as the use of biomass for the generation of liquid biofuels, and as such would be an equally effective and impactful pathway for the RFS to support forest markets and forest health.

In summation, we see the RFS as an important tool to support the growth of forest products markets for biomass, which in turn helps our nation's forests remain healthy and intact. We urge EPA to move forward with establishing the necessary policy to improve the ability of the RFS to support biomass market development, and would like to offer the expertise of our staff and state forester members to your agency at any point in this process where you think it would be useful.

Thank you for your attention, and we look forward to engaging with EPA on RFS policy development.

Sincerely,



Greg Josten
NASF President
South Dakota State Forester

⁴ <https://www.firelab.org/project/wildfire-hazard-potential>

⁵ <https://www.southernwildfirerisk.com/>