



NATIONAL ASSOCIATION OF STATE FORESTERS

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December 15, 2022

Joseph Goffman
Principal Deputy Assistant Administrator, Office of Air and Radiation
Environmental Protection Agency
Mail Code 6103A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Goffman:

I am writing on behalf of the National Association of State Foresters (NASF) to once again request Environmental Protection Agency (EPA) action on elements of the Renewable Fuel Standard (RFS) related to forest biomass. I would also like to use this letter to call your attention to and amplify the efforts of some of our state forester members and their in-state partners who have been in dialogue with you on the same issues. We see the RFS as a powerful, untapped federal tool to support sustainable forest management and would like to once again offer our association's expertise to facilitate effective RFS implementation.

There are 766 million acres of forest in the U.S., which in total, make up about one-third of the nation's land area. About two-thirds of U.S. forests are privately, locally, or state-owned. On these lands in particular, state forestry agencies deliver technical and financial assistance for forest management, wildfire and all-hazard response, forest health and source water protection, and a host of other benefits and services. They are also active collaborators in the management of federally managed forests, and strong partners of the U.S. Forest Service in their work to develop biomass markets.

NASF's members are "state foresters" – the men and women who lead forestry agencies in all 50 states, five U.S. territories, three nations in compacts of free association with the U.S., and the District of Columbia. In 2019, our association sent your agency a letter urging prompt action on RFS policy, which I have attached for your reference. In short, the main asks we have of your agency remain the same. We recommend:

- Revising and creating guidance for qualified renewable biomass in 42 USC 7545 (o)(1)(I)(v) - *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.*
- Providing clear field implementation guidance for other pathways for qualified renewable biomass that are consistent with and founded on sound forestry science and practices, including 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*).

Executive Director
Jay Farrell

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- Creating a pathway for and processing RIN registrations from electricity derived from woody biomass that displaces liquid fuels in electric vehicles.

Over the last three years, state foresters and our partners across the country have hoped to see progress on the above recommendations. Unfortunately, even though we are confident these policies would significantly benefit forest health, we have not seen substantive engagement from your agency. Some examples of the efforts made to encourage progress on the RFS policy front are:

- Stakeholders in Oregon are awaiting guidance on sourcing RFS feedstocks from federal land. Specifically, they have asked EPA to explain how it will interpret “areas at risk from wildfire” related to the development of the Red Rocks Biofuels project in eastern Oregon. This project has the potential to significantly reduce wildfire risk on federal land while developing the local economy and generating renewable fuels that will displace the use of fossil fuels.
- Forestry stakeholders in the State of Maine have repeatedly asked EPA for clarity on interpretations of RFS policy regarding biomass sourcing from privately owned lands. Maine is positioned to launch the next generation of biofuel production, relying on the sustainable and responsibly managed forest resources of the state to support the nation’s RFS goals. But instead of leading a bioenergy transformation, the state hasn’t been able to move forward due to EPA’s misinterpretation of forest management terms like “pre-commercial thinning.”
- The Tennessee State Forester recently reached out to EPA requesting clarity on the agency’s interpretation of forestry terms, such as “pre-commercial thinning,” and silvicultural concepts in general as they relate to hardwood stand management as his agency works with companies interested in siting biofuel production facilities in his state. As currently interpreted by EPA, the RFS appears to limit, to the point of exclusion, siting biofuel facilities in states like Tennessee that are home to primarily hardwood forests. Again, in this instance, EPA’s misinterpretation of silvicultural concepts has resulted in missed opportunities to facilitate the type of forest practices needed to address the declining quality of our natural hardwood forests and missed opportunities to support the nations renewable fuels needs.

In all these examples, state foresters and their partners have been trying to proactively work with EPA to craft policies that align with the intent of RFS authorizing language and also support forest sustainability. In all areas of the country, strong forest products markets are part of what keeps our forests healthy, whether they are private forests where markets create an incentive to avoid conversion, or federal forests where millions of acres are at risk of wildfire and other forest pests like insects and disease.

NASF and our members stand ready to help your agency craft RFS policy for forest-derived biomass that is sorely needed. We were pleased to hear last month of a U.S. Forest Service

cooperative agreement with Strategic Biofuels to develop an RFS compliance tracking system,¹ and we are excited to serve on the advisory panel for this effort. We are also pleased to hear that EPA plans to take an active role in this effort, and in doing so hopefully learning about forest management in the U.S. and the role that strong markets – like those that could be created with RFS policy – can play in forest sustainability.

The urgency of this Cooperative Agreement and policy action by EPA cannot be understated. Congress has made an unprecedented investment in our nation’s forests, both public and private, through the recently passed Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA). These investments stem from a recognition by all stakeholders, including the Biden administration, that our nation’s forests are threatened by climate change, catastrophic wildfire, insect and disease outbreaks, land conversion and development, and more and that funding and policy action are needed to counteract these threats. The EPA and RFS policy need to be part of this effort to help our nations forests and not standing on the sidelines. We encourage EPA leadership to ensure staffing dedicated to these efforts is sufficient to make rapid policy progress.

Thank you for your attention and consideration. We look forward to engaging with EPA on RFS policy development in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kacey KC', with a long horizontal flourish extending to the right.

Kacey KC
NASF President
Nevada State Forester

CC:

Sean Babington, USDA Senior Advisor for Climate in the Office of the Secretary
William Hohenstein, USDA Director of the Office of Energy and Environmental Policy

¹ <https://www.businesswire.com/news/home/20221012005293/en/U.S.-Forest-Service-Awards-Cooperative-Agreement-to-Strategic-Biofuels-to-Develop-a-Renewable-Fuel-Standard-Compliance-Tracking-System>