

Duckworth, Durbin & Fischer Introduce Legislation to Help Midwestern Farmers by Reforming Small Refinery Waiver Program

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WASHINGTON, D.C. — U.S. Senators Tammy Duckworth (D-IL) and Dick Durbin (D-IL) joined Senator Deb Fischer (R-NE) in introducing bipartisan legislation to reform the Environmental Protection Agency's (EPA) small refinery exemption program, which the Trump Administration has abused to exempt oil refineries from having to use legally required levels of biofuel as required by the Renewable Fuel Standard (RFS).

The RFS Integrity Act of 2019 would for the first time make applications for small refinery exemptions (SRE) public and create more certainty for rural America by

requiring SRE applications to be submitted by June 1st, instead of year round, to make sure EPA properly accounts for exempted gallons in the annual Renewable Volume Obligations it sets each November.

“Farmers across Illinois and throughout the Midwest are hurting and ethanol plants are idling while this administration is abusing the small refinery exemption program to undermine the bipartisan Renewable Fuel Standard,” said Duckworth. “I am proud to work with Senators Fischer and Durbin to introduce this bipartisan legislation to bring much-needed transparency to the waiver process and prevent it from being misused to benefit billion dollar oil companies at the expense of hardworking Americans.”

“So-called ‘small’ refinery waivers are being abused by the Trump Administration and they act as a restriction on E15 and biodiesel. Already in the midst of a reckless trade war, this is another blow to Illinois corn and soybean farmers,” Durbin said. “It’s time for the EPA to be more transparent with the process for issuing these waivers.”

“The bipartisan solution we are putting forth today builds off of the recent victory on year-round E-15 sales. In the past, EPA has issued small refinery exemptions after the Renewable Volume Obligations have already been determined. That’s unfair, and it hurts our farmers and ethanol producers. This bill would shine a light on what’s been an obscure exemption process and help promote economic growth in rural America,” said Senator Fischer.

Waivers issued by the EPA under the SRE program are intended to help small refineries. However, under the Trump Administration, the EPA has undermined the original intent of the RFS by issuing dozens of waivers, including to large and profitable oil companies like Exxon and Chevron as well as an oil refinery owned by former Trump White House Advisor and billionaire Carl Icahn.

The bipartisan legislation will address this by requiring the EPA to report to Congress for the first time on the methodology it uses when granting small refinery exemptions, a process that has been repeatedly carried out behind closed doors with virtually no congressional oversight. The bill will also require EPA to obligate gallons lost under SREs to ensure farmers and the biofuel industry are not harmed when waivers are granted.

Duckworth and Durbin have been long-time advocates for the Renewable Fuel Standard, which supports a \$5 billion biofuel industry in Illinois that employs more than 4,000 people, and for recent policy changes to allow drivers to fuel up with gasoline that is blended with up to 15 percent ethanol (E15) throughout the year. Last week, they joined Senator Amy Klobuchar (D-MN) in writing to EPA Administrator Andrew Wheeler to urge him to stop abusing so-called “hardship” waivers. Duckworth has also

previously asked the EPA Office of Inspector General to launch an independent investigation into whether top EPA officials violated the law by inappropriately exempting a number of oil refineries from having to use legally required levels of biofuel, which has driven down prices of Renewable Identification Numbers (RINS) to multi-year lows.