

United States Senate

WASHINGTON, DC 20510

October 21, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

As we have indicated in the past, we support EPA's decision to defer the application of the Clean Air Act's Prevention of Significant Deterioration and Title V permitting requirements to biogenic carbon dioxide (CO₂) emissions for three years. The deferral should provide EPA, other federal agencies, and key stakeholders sufficient time for a fair, objective and transparent study of the science and technical issues associated with biogenic CO₂ emissions from stationary sources and to develop a reasonable accounting framework.

In order to achieve a defensible outcome, EPA should ensure that the scientific and technical review process follows the best available science and is not constrained by pre-determined policy outcomes. Then EPA should feel free to consider the full range of policy options at the *end* of this process, including the possibility of excluding biogenic carbon emissions from the same regulatory treatment applied to fossil fuels based on a potential finding that biogenic carbon has a neutral net impact on atmospheric carbon.

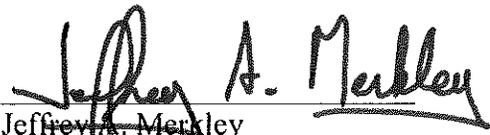
We understand that EPA had limited time and resources to evaluate multiple frameworks, however we are concerned that some of the conclusions in the draft *Accounting Framework for Biogenic CO₂ Emissions from Stationary Sources* may pre-determine policy outcomes. For example, the framework uses a regional approach to account for biogenic CO₂ emissions. Only evaluating emissions at a regional scale may restrict the ability of Scientific Advisory Board to consider other geographic scales.

Overall, however, we applaud EPA's ongoing work to evaluate biogenic CO₂ emissions and look forward to your timely response. Thank you for your consideration.

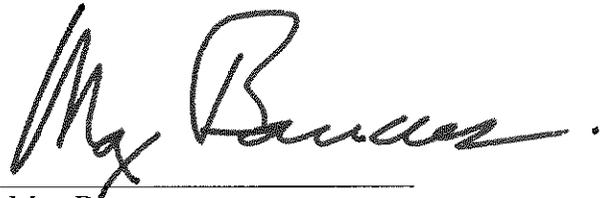
Sincerely,

United States Senate

WASHINGTON, DC 20510



Jeffrey A. Merkley
United States Senate



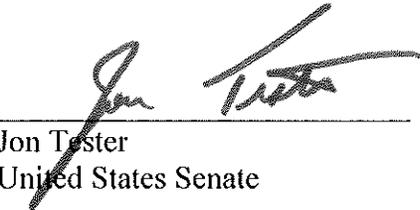
Max Baucus
United States Senate



Debbie Stabenow
United States Senate



Ron Wyden
United States Senate



Jon Tester
United States Senate