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September 26, 2013

The Hon. Gina McCarthy
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: Petition for Waiver of 2014 Renewable Fuel Standard

Dear Administrator McCarthy:

Exxon Mobil Corporation (“ExxonMobil”) respectfully submits this petition to the U.S. Environmental Protection Agency (“EPA”) for a partial waiver of the 2014 applicable volumes of the Renewable Fuel Standard (“RFS”) pursuant to section 211(o)(7)(A) of the Clean Air Act.¹

ExxonMobil is an obligated party pursuant to regulations promulgated by EPA to implement the RFS (40 C.F.R Part 80, Subpart M). ExxonMobil is thus a person subject to the requirements of subsection 211(o) of the Clean Air Act. ExxonMobil also is a member of the American Fuel & Petrochemical Manufacturers (“AFPM”) and the American Petroleum Institute (“API”). Existing EPA administrative and judicial precedent makes clear that AFPM and API have standing to file an RFS waiver petition. Notwithstanding that precedent, ExxonMobil’s submittal incorporates by reference the RFS waiver petition filed by AFPM and API on August 13, 2013.

ExxonMobil notes that it supports the full repeal of the RFS by Congress. It submits this waiver application in the context of the current Clean Air Act and RFS statute and regulations. The waiver petition submitted by API and AFPM (“AFPM/API Petition”) addresses both inadequate domestic supply and severe economic harm. ExxonMobil notes that the projected environmental benefits associated with the use of biofuels have not been borne out by the data. In particular, environmental data support the case to substantially reduce the use of corn based ethanol. Most notably, the National Academy of Sciences (NAS) have quantified increased emissions of GHGs, Volatile Organic Carbon (VOCs), and other air toxics on a complete lifecycle basis resulting from the use of higher ethanol volumes pursuant to RFS2. The NAS has noted that

¹ 42 U.S.C. § 7545(o)(7)(A)

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biofuel production and the associated increased agricultural activity has a significant impact on both land and water use, water pollution levels, and usage of pesticides, fertilizers, and other chemicals. Also, a 2013 Congressional Research Service report² along with reports from Stanford University, the UN, World Bank, and others³, correlates RFS2 with significant increases in food prices due to the increased utilization of corn in fuel rather than food.

For these reasons and the reasons enumerated in their joint petition, ExxonMobil joins API and AFPM in requesting a waiver.

Respectfully submitted,



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² Renewable Fuel Standard (RFS): Overview and Issues, Cong. Res. Svc. 7-5700 at 21-22 (March 14, 2013).

³ See e.g. Graziano da Silva, Jose, *The US must take biofuel action to prevent a food crisis*, Financial Times, August 9, 2012; A Note on Rising Food Prices, The World Bank Development Prospects Group, Policy Research Working Paper 4682, July 2008; Johnson, Kate, *Biofuels have mixed impacts on food security*, FSE, FSI Stanford News, April 19, 2012.