

DAILY READING FILE

BRAZILIAN EMBASSY
WASHINGTON, D.C.

Washington, D.C., 27 de outubro de 2008

Mr. Stephen L. Johnson
USEPA Headquarters
Ariel Rios Building – Mail Code 1101A
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

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EXECUTIVE SECRETARIAT

Dear Mr. Johnson,

We are aware that under the congressionally-mandated Renewable Fuel Standard (RFS), as modified by the Energy Independence and Security Act of 2007 (EISA), the U.S. Environmental Protection Agency (EPA) is tasked with determining the life-cycle analysis of greenhouse-gases emissions of biofuels. Specifically, EISA requires the Environmental Protection Agency (EPA) to calculate GHG emissions “including direct emissions and significant indirect emissions such as significant emissions from land use changes”. It is expected that EPA will issue a Notice of Proposed Rulemaking (NPRM) by the end of the month and open the usual 60-day comment period prior to implementing a final rule in the first half of 2009.

The life-cycle analysis of biofuels, based on emissions of carbon dioxide (CO₂) equivalent is an essential measure for assessing the sustainability of biofuels and a useful tool to encourage cleaner-burning fuels. We are concerned, however, about the preliminary calculations of the worldwide indirect land use changes being made by EPA.

While there is broad academic consensus over the science behind the effects of direct land use change on CO₂ emissions, the same cannot be said about projections of indirect land use

changes. The rationale behind indirect land use changes is that any expansion in land use for biofuels feedstock will necessarily lead to an increase in deforestation or conversion of natural habitats elsewhere in the world, releasing significant stocks of carbon. However, no methodology is currently available to calculate accurately the so-called indirect effects. Attempts made so far have been severely criticized by many scientists, as they rely on macro data that do not reflect the reality at the national, regional or local levels. In addition, the models used to prepare these projections are based on very simplistic hypotheses that over-simplify and seriously misrepresent the linkages between the expansion of biofuels production and the dynamics of agricultural production around the world.

In the spirit of cooperation and candid dialogue, I would like to request that the Administration consider the negative impact that even a preliminary or draft regulation that takes into account emissions from indirect land use change, as apparently contemplated by the EPA, could have for the future of biofuels, not just in our respective countries, but also worldwide. While we understand that EPA has a mandate to consider effects of indirect land use changes associated with biofuels production, we believe pushing forward with stringent standards that are not supported by a scientific consensus could seriously undermine the prospects of conducting a more careful assessment that might be feasible at a later date.

The Brazilian scientific community, along with others around the world, is actively working on these issues. The first findings of their research will be available in a few weeks. They show indirect land use change effects for Brazil that are quite significantly different from those obtained by EPA. Moreover, Brazil and the U.S. have been working collaboratively on biofuels sustainability issues in the framework of the G-8 Global Bioenergy Partnership (GBEP). Greenhouse-gases emissions from land use change is one the issues that is being addressed by our respective experts in that forum.

We believe that a premature publication of indirect land use changes data that are not supported by a solid scientific consensus will create confusion and misunderstanding that will further exacerbate the debate on biofuels internationally. Hence, we would like to encourage increased technical cooperation between Brazilian and the U.S. scientists in order to improve the scientific quality of the data and methodologies currently under development before they become legally binding or disseminated publicly by the EPA.

Sincerely,



Antonio de Aguiar Patriota

Ambassador of Brazil

cc. Daniel W. Fisk, Senior Director for Western Hemisphere Affairs, National Security Council
Reuben Jeffery III, Under Secretary of State for Economic, Energy, and Agricultural Affairs
Andy Karsner, Assistant Secretary for Energy Efficiency and Renewable Energy, DoE

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