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Submitted electronically via www.regulations.gov

Office of Transportation and Air Quality
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**Re: Modifications to Fuel Regulations To Provide Flexibility for E15;
Modifications to RFS RIN Market Regulations; Docket ID No. EPA-HQ-OAR-
2018-0775 (March 21, 2019)**

Dear Administrator Wheeler:

The National Chicken Council (NCC) represents companies that produce and process more than 95 percent of the chicken in the United States.¹ As corn users, our industry faces potential impact by changes in biofuels policy such as modifying the volatility requirements for E15 fuel blends during the summer season.

EPA is proposing to modify the agency's interpretation of Section 211(h)(4), and clarify its interpretation of Section 211(f) of the Clean Air Act (CAA) to provide a 1-psi waiver from the restrictions which prohibits the RVP of gasoline from exceeding 9.0 psi during the summer months. In comments submitted regarding the proposed 2019 required volume obligations (Docket ID No. EPA-HQ-OAR-2018-0167), NCC expressed its concern that such an action, as anticipated at the time, holds the significant potential for adverse impacts on the chicken industry. Those comments are incorporated by reference as if fully set forth herein.

NCC believes that EPA's E15 waiver proposal has neglected to consider the impact on the broiler industry, and for poultry and livestock feeders generally. Providing a waiver to year-round E15 use will result in a rapid expansion of corn use under the RFS adding the potential for price and supply volatility in the corn market.

Section 211(o)(7)(A) of the CAA provides that EPA, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the applicable volumes specified in the Act in whole or in part based on a petition by one or more States, by any person subject to the requirements of the Act, or by the EPA Administrator on his own motion. This provision

¹ In these comments, the terms "chicken" and "broiler" are used interchangeably.

of the statute is known as the "off-ramp." On two major occasions, in 2008 and in 2012, such waiver petitions were denied by EPA under the agency's interpretation of the statute.

As stated in the proposed rule for the 2019 required volume obligations, the agency recognizes that

identifying severe economic harm caused by the implementation of RFS requirements is a difficult and complex issue and one of intense interest to a number of stakeholders.

In that regard, a new interpretation of the restrictions on E15 use and its impact on the corn market necessitates a new standard to trigger the RFS volume waiver.

NCC suggests that a predictable, transparent off-ramp fair to all involved be based on the USDA stocks-to-use-ratio in the June WASDE report. Partial waivers for the remainder of the compliance year (i.e. approximately six months) would be structured as the table below presents.

Stocks to Use	RFS Waiver Amount
More than 10%	no waiver
7.5% to 10%	10%
6% to 7.49%	15%
5% to 5.99%	25%
below 5%	50%

NCC strongly supports efforts to create a more reasonable and sustainable approach to the nation's biofuel policy and as such urges EPA to provide a more workable and transparent off-ramp process for times of economic stress on chicken producers and other poultry and livestock feeders.

Sincerely,



Mike Brown
President, National Chicken Council