



Production



Consumption



Mandate



Implementation



Environment & Agriculture



Regulatory



Legislative

Implement automatic consequences if EPA fails to meet statutory deadlines, especially for setting the annual volumes.

Description

Each year, EPA must determine the annual percentage standards for each renewable fuel category and evaluate possible use of waiver authority, particularly for cellulosic biofuel and biomass-based diesel. Under the legislation, EPA is required to finalize the biofuel standards by November 30 for the following compliance year. EPA has frequently been late in finalizing the renewable volume obligations, creating uncertainty for the market and for obligated parties.

This option would include some form of automatic consequences if deadlines are missed, such as making the compliance start date a certain number of months after publication of final requirements.

Advantages

- This option would provide additional incentive to ensure that EPA is complying with the law.
- This option would increase certainty for stakeholders and the market.

Disadvantages

- This option may reduce the level of analysis and stakeholder engagement that is performed if EPA does not have the proper resources to develop regulations within the statutory deadlines, possibly resulting in greater economic, political, and environmental risk.
- Given resource constraints, this option may pose significant challenges in practice.
- This option could compound the problem if the repercussions diminish EPA's resources.

Considerations

- Would a system of formulas for setting the annual volumes create a more manageable process, allowing EPA to better meet its deadlines?