

**Testimony of Representative Stephanie Herseth Sandlin
Before the Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
U.S. House of Representatives
“The Renewable Fuel Standard: Issues,
Implementation, and Opportunities”**

May 6, 2008

Chairman Boucher, Ranking Member Upton, and Members of the Committee, thank you for the opportunity to discuss the new Renewable Fuel Standard (RFS) enacted as part of the Energy Independence and Security Act of 2007.

With the increase in the RFS included in the Energy Bill, we are moving aggressively to take advantage of the contribution agricultural producers across the nation can make to our national security, our energy economy and our environment. Through an increase in biofuels production, we can reduce our dependence on foreign oil, revitalize rural economies, and decrease our overall carbon emissions at the same time.

Because we are in the beginning stages of developing biofuels as a reliable domestic source of energy, it is essential for Congress to sustain its support for ethanol production as a way of fostering the

development of advanced biofuels. We expect these advanced biofuels to utilize a diversified set of cellulosic feedstocks, from corn cobs to prairie switchgrass to wood-waste.

While inclusion of a forward-looking RFS in the Energy Bill was great news for many renewable energy producers across the nation, late in the process an unfortunate provision was added that prohibits virtually all woody biomass from national forests, including the Black Hills National Forest in South Dakota, from being counted towards the expanded RFS.

The definition also excludes all biofuels made from biomass from private sources unless it comes from those trees that are “planted” in a “plantation” and “actively managed,” which could potentially exclude most woody biomass on private property.

I think this is a misguided policy that squanders what could be an important source of renewable, homegrown energy. It is a wrong-headed disincentive to use an available cellulosic feedstock. It simply doesn't make sense.

That's why I've introduced a bipartisan bill, H.R. 5236, the Renewable Biomass Facilitation Act, which revises the definition of “renewable biomass” to allow federally sourced biomass – and

that would include trees, wood, brush, thinnings, chips, and slash -- that is removed as a result of approved preventive treatments -- to count toward the renewable fuels mandate, provided it's used for the production of biofuels. Approved preventive treatments include reducing hazardous fuels; minimizing or containing disease or insect infestation; and restoring ecosystem health.

H.R. 5236 does not alter federal forest management policy. In fact, the bill, if enacted, could help foster responsible public forestland management by supporting efforts to reduce the incidence of destructive wildfires. The altered definition simply means that these forest byproducts, which would otherwise not be used, or perhaps, in the case of slash piles, simply be burned -- thereby releasing more carbon in the air -- are instead able to be counted toward the Renewable Fuels Standard if used to produce biofuels.

The bill would also allow virtually all private-land biomass that is used as a feedstock for biofuels to count toward the mandate.

The bill language is identical to the language included in the Senate version of the Farm Bill, which passed that chamber by a vote of 79 to 14.

I'm proud to say the 25 by '25 Coalition and the Society of American Foresters have written to Chairman Dingell and Ranking Member Barton, expressing their concern with the Energy Bill's definition and urging the Committee's consideration of H.R. 5236 as a remedy.

Earlier this year, I got an exciting first-hand view of the present and future of woody biomass feedstocks when I visited my constituent KL Process Design Group's pioneering wood-waste ethanol production facility in Upton, Wyoming, not far from KL's headquarters in Rapid City, South Dakota. KL, also testifying today, uses woody biomass that has been removed from federally-owned forest land and I have discussed with KL its concerns with the renewable biomass definition.

Importantly, I heard the very same concerns when I hosted a roundtable discussion in Rapid City, South Dakota with a group including forestry product industry leaders and representatives from the Black Hills National Forest.

I listened carefully to the participants because they depend upon the forest for their livelihood. Many of them were puzzled why our nation -- when it's supporting the development of alternative

energy -- would purposely exclude a feedstock that is a byproduct of existing forestry practices.

They pointed out that leaving slash piles to rot -- or burning them - - leads to negative environmental effects that far outweigh any benefit gained when waste returns to soil. They would like to participate in the alternative energy movement the Energy Bill fosters, and said they had no interest in turning the Black Hills into a “fuel farm.”

By amending the definition of “renewable biomass” in keeping with H.R. 5236, we can put sound policy support in place for the development of cellulosic ethanol so crucial to meeting the new RFS. I commend to the committee and all observers the testimony and experience of KL Design Products, which speaks to the potential that exists here. If we fail to realize this tremendous potential for advanced biofuels, we could fail, once again, to take every responsible measure to wean ourselves from dependence on foreign oil. Thank you.