

October 20, 2025

The Honorable Lee M. Zeldin  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Email: Zeldin.Lee@epa.gov

Dear Administrator Zeldin:

We are contacting you to respectfully request that EPA not proceed with its pending proposal to “permanently and comprehensively remove renewable electricity” from the renewable fuel standard (“RFS”) program, as described in EPA’s related Fact Sheet.<sup>1</sup> Biogas-derived electricity (“BDE”) is the only type of electricity that qualifies as a renewable fuel under the RFS program, and it is the only RFS fuel that could be used in the growing numbers of electric vehicles now operating on U.S. roads.

The proposed action is currently included as part of EPA’s proposed RFS “Set 2” rule<sup>2</sup> wherein, according to the aforementioned Fact Sheet, EPA is “taking a major step forward to strengthen American energy security and support American farmers.” However, it is the retention and effective deployment of BDE in the RFS program, rather than its removal, that will further the Administration’s priorities concerning energy independence and security, rural and agricultural economic growth, diverse domestic energy resources, and electrical grid integrity.

Following are some of the numerous reasons that EPA should retain BDE as a qualified RFS renewable fuel and also activate its two approved RFS fuel pathways:

- **Growth in supply of domestically produced renewable fuel from domestically sourced feedstock:** Diverse, domestic renewable fuels and feedstocks are key components in meeting the goals of increasing American energy independence and security. BDE feedstock is methane-laden biogas collected from the decomposing organic waste (e.g., animal manure, human sewage, food waste) that must be managed at thousands of U.S. farms, wastewater treatment plants, landfills and other organic waste handling facilities across the country. BDE itself is generated onsite at those domestic facilities.

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<sup>1</sup> <https://www.epa.gov/system/files/documents/2025-06/420f25008.pdf>

<sup>2</sup> <https://www.govinfo.gov/content/pkg/FR-2025-06-17/pdf/2025-11128.pdf>

- **Increased rural participation in the RFS program:** Many facilities that produce or could produce biogas are remote farms that are too far away from natural gas pipelines to enable them to use their biogas to produce RFS qualified, biogas-derived renewable natural gas (RNG). Accordingly, onsite generation of BDE is the only way those facilities can produce and supply renewable fuel under the RFS program. Approximately 2,200 U.S. sites now beneficially use biogas for RNG and BDE production in the U.S., and it is estimated an additional 13,500 could do so,<sup>3</sup> including thousands of dairy and swine farms that could generate RFS qualified BDE.
- **Enhanced electrical grid integrity:** BDE is also the only RFS renewable fuel that, when produced, directly supports the electrical grid. Virtually all facilities that produce RFS qualified BDE improve the performance and integrity of the electrical grids to which they are connected, because they are small-scale, distributed generators of non-intermittent, baseload renewable electricity.

Administrator Zeldin, the Unified Agenda of regulatory actions indicates EPA's proposal to remove BDE from the RFS program could soon be finalized. For that reason, I and representatives from two other organizations, Newtrient and the National Association of Clean Water Agencies, would greatly appreciate an opportunity to meet with you and/or your staff as soon as possible. We would like to further emphasize why your EPA should not only retain BDE in the RFS program, but also be the first EPA to authorize the actual supply of BDE as an RFS transportation fuel.

Thank you for your consideration of this request.

Sincerely,

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<https://americanbiogascouncil.org/resources/biogas-faqs-american-biogas-council/#how-many-operational-anaerobic-digesters>