



March 25, 2009

Charlotte Opal  
Head of the Secretariat  
Roundtable on Sustainable Biofuels  
[rsb@epfl.ch](mailto:rsb@epfl.ch)

RE: Comments on the Roundtable on Sustainable Biofuels Global Principles and Criteria for Sustainable Biofuels Production, Version Zero

Founded in 1957, the National Corn Growers Association (NCGA) represents approximately 35,000 dues-paying corn growers and the interests of more than 300,000 farmers who contribute through corn checkoff programs in their states. NCGA and its 48 affiliated state associations and checkoff organizations work together to help protect and advance corn growers' interests.

NCGA is committed to sustainability by meeting the needs of the present while improving the ability of future generations to meet their own needs by focusing on these specific, critical outcomes:

1. Increasing agricultural productivity to meet future nutritional needs while decreasing impacts on the environment, including water, soil, habitat, air quality and climate emissions, and land use;
2. Improving human health through access to safe, nutritious food; and
3. Improving the social and economic well-being of agricultural communities.

As a result of this commitment, corn producers have made many environmental and productivity advancements. Soil loss over the past 20 years has been significantly reduced in all regions of the U.S., with a 43 percent decrease in tons lost per acre. Improvements in the productivity of agriculture have come through many technological advances, including mechanization, wide spread utilization of synthetic fertilizer, hybrid corn, dwarf rice and wheat varieties, precision agriculture, and genetic engineering of crops. These advances have helped global cereal production between 1961 and 2007 to increase from 877 million tons to 2,341 million tons — an increase of almost 300 percent. In fact during the past three years the U.S. has produced an average of 9.4 metric tons per hectare.

Similarly, ethanol production continues to make sustainability and efficiency advances, including the following:

1. Ethanol yield per bushel of corn has increased over the last five years by 6.4% for dry mills and 2.4% for wet mills.
2. Total energy use (fossil and electricity) has decreased by 21.8% in dry mills and 7.2% in wet mills since a 2001 survey.
3. Water consumption in dry mills has decreased 26.6% since a 2001 survey.
4. Finally, direct effect GHG emissions were estimated to be equivalent to a 48% to 59% reduction compared to gasoline

NCGA became aware of the Roundtable on Sustainable Biofuels (RSB) Global Principles and Criteria for Sustainable Biofuels Production, Version Zero, through a presentation by Early and White Consulting Group, LLC at the Commodity Classic in February, 2009. As a provider of feedstock to the U.S. ethanol industry, we appreciate the opportunity to provide comments to the Principles.

Overall, why was the Biofuels industry chosen for this project? Does the group plan to establish principles for other sectors of the energy industry in the future? The Roundtable should also consider expanding its steering committee to correct potential imbalances toward 20<sup>th</sup> Century (fossil fuel) interests.

Comments on specific Principles:

2: This principle is ambiguous with regard to the terms “large-scale” and “projects” given various stages of biofuel production. Are the “projects” contemplated generally facilities producing biofuels, or any stage of commerce? For example, at any phase of introducing a new crop bound for biofuel use, would the field trial (for biotech varieties), seed run-up and commercial launch each be stages requiring such assessment? When evaluating subjective issues such as “social” and “soil health” impacts, this standard poses a risk of putting inefficient small or organic farms on a pedestal at the expense of the yields, food safety and environmental protection necessary to modern agriculture. The standard should not protect those “loss of livelihoods” that arise from egregiously poor decisions that producers sometimes make. Crop insurance and other risk management measures are a more reasonable approach to managing these risks than a voluntary standard that may reward poor choices, thereby encouraging more farm failures in the long run.

3: Strike the word “significant” as overly vague and prone to lead to various actions in response. Any reduction is good, and removing "significant" relieves RSB and third-party certifiers from the responsibility of quantifying "significant" in a consistent manner across an entire industry.

Indirect land use change (LUC) should not be included in the guidance, as there are no existing “accepted methodologies.” Regarding the question of “indirect” effects of using food crops for biofuels, we concur with the statement that while there is a “potential for negative indirect impacts” and that some “good intentions do not have unintended consequences”, but there is “little consensus about their magnitude and what might be done to mitigate them.” No U.S. producer can be held to account for the actions of third parties who are competing for markets, and use unethical, unsustainable or illegal practices. To attempt to link these actions causally as indirect effects is of little value in promoting sustainable production of biofuels. Controlling direct effects at the source is the only effective and fair approach to this difficult issue.

3.e: Instead of "avoiding" the use of land or crops that are likely to induce land conversions, the RSB should advocate the use of land or crops that are less likely to induce land conversion.

3.f: Waste products cannot be assigned a "zero allocation of historical emissions." Given a technology, these products will have a measureable level of emissions, which must be included in calculations.

4.b. Delete these criteria, as this is covered by international conventions referred to above.

4.f. US law is generally compliant with the ILO and UN conventions referred to but this standard should not apply such provisions to the US biofuels industry without regard to US law.

6.a. We concur with 'yield improvements that maintain existing food supplies' and note here our following comments regarding the need to maintain strict adherence in word choice to the "technology neutral" pledge that has been made in marketing this standard to the world. We are also concerned that a balance be maintained between keeping adequate levels of waste and residues in place while allowing the use of underutilized co-products to maintain and improve food security as technology becomes available. For example, as cellulosic ethanol and biomass use become more prevalent, and soil conservation measures increase, there may be more biomass available for other uses. Therefore, under-utilized or under-valued co-products should also be included here.

8. What is the "optimal" level of organic matter or soil health?

9.c. This criteria is vague as to "water-intensive" – does this mean relative use between various crops or within crops, or both? If so, where is the line to be drawn? Is yield per unit of water considered as a factor? Is irrigation never permissible or can it occur subject to certain control measures? Without such clarification and definition of terms, the standard runs the risk of leaving many farm families in arid areas without markets for their crops, despite full compliance with law and environmental stewardship under Paragraph 9.a.. To address this ambiguity, please insert "without mitigation" in the sentence as follows: "Water-intensive biofuel crops and biofuel production systems must not be established in water-stressed areas *without mitigation*." The point here is that while biofuel crops and production may require some amount of water that may be a better use for the water that what is currently going on in the area. As technology advances, a new source of biofuel could be more beneficial than other existing uses.

10.b. There may be ecological or yield benefits of burning in some instances with local authorization, and when following best management practices.

11. This principle is satisfactory as stated, provided proper balancing is done between environmental, social and economic concerns to ensure that biofuels are produced in the most cost-effective way. If there are comments raised in the forum that subsidies should be avoided, such simplistic language needs to be omitted. RSB is incapable of assessing every proposed subsidy and weighing in on whether it is sustainable or not. Corn-based ethanol tax incentives and trade restrictions help to ensure US fuel security through sources of domestically-produced fuel from the US renewable fuel industry. This can also ensure a stable food production industry and more environmentally friendly practices.

11.a. Energy policy in nations seeking to build a domestic source of biofuels may allow subsidies, subject to trade law overseen by the World Trade Organization. An international standard on sustainable biofuels should respect international trade law.

11.e. Should be stricken entirely. This provision is particularly troubling and discriminatory in stating that “Adequate monitoring and preventative measures must be taken to prevent gene migration” --- this raises a voluntary “standard of care” that should be a standard left to the producer community and applicable jurisdiction. This language could lead to a move toward establishing liability for growers of biotech crops, by setting a standard of care that could be referenced in court proceedings under common law principles. Even in the pending negotiations of Article 27 of the Cartagena Protocol on Biosafety (the law referenced at 11.c, to which the US is not a party) the vast majority of parties negotiating that law are voicing support for Japan’s position that the Parties should be allowed to use their own domestic law to establish legal relationships between growers of biotech crops and other growers. Likewise, the term “must” qualifying the use of biotech is too onerous of a requirement and the choice to use biotechnology should be left to the sovereign entities involved.

12. To be adapted as an internationally applicable standard, the RSB should allow US and other North American producers to use their own domestic legal compliance where provisions overlap on subject matter and raise potential confusion or conflict with domestic policies.

12.b. We question if U.S. “local people” means indigenous tribes (Native Americans) and whether they would ever need to be “fairly and equitably compensated” for biofuel production beyond the agreed price for use of their lands.

NCGA appreciates the opportunity to comment on the Global Principles and Criteria for Sustainable Biofuels Production, Version Zero, and looks forward to working with the RSB to help establish a globally-applicable standard for sustainable biofuels and to accomplish joint goals.

Sincerely,

A handwritten signature in cursive script that reads "Bob Dickey".

Bob Dickey, President