



October 5, 2010

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Roundtable on Sustainable Biofuels
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SUBJECT: Public Comments on RSB Documents for Sustainable Biofuel Production

- **Principles & Criteria, [RSB-STD-01-001 (version 1.1)]**
- **Guidance on Principles & Criteria, [RSB-GUI-01-001 (version 1.1)]**

Dear Secretariat:

I applaud the outstanding efforts of the entire Roundtable on Sustainable Biofuels extended family, core staff and global participants alike, for reaching this milestone. I am therefore pleased and honored to offer our formal comments to RSB Version 1.1, Principles & Criteria (P&Cs). I am submitting this letter in accordance with your alternative submission instructions for public consultation, via email, in order that I might share my comments with others and thereby increase awareness both of your progress, and of the need for continual public engagement.

General Comments precede more detailed comments; these are observations on the overall program as it now appears considering the proposed changes, *and noting areas that this reader believes would be appropriate for additional changes at this time.*

For convenience, specific proposed Version language elements of concern are identified by page and where needed, paragraph reference, *in italics*, followed by inset, serially numbered Comments.

GENERAL COMMENTS

- (a) Consistency:** If the P&Cs are to provide for certification of methods that promote “*continual improvement*”, then the language for *each* element of the P&Cs needs to stress that simply “business as usual” is not acceptable, and the Guidance for the P&Cs similarly must explain why standard business practices are insufficient.
- (b) Feedstock Source:** If the entire supply chain in the production of biofuels is to be considered, then the nature of the source of the feedstock should be taken into account. At no point in the documentation does the relevance of utilization of *waste vs virgin stock* enter into consideration, when indeed we can effect both a reduction in existing environmental damage and an improved alternative to current practice, by selectively favoring waste conversion.

- (c) **Implementation:** For ease of future interpretation, perhaps a *compiled* version, pairing Guidance clarifications directly with P&Cs in one text, would provide a more understandable format.

PRINCIPLES & CRITERIA

Page 5, ¶ 6

Contents D. Terms and Definitions. Definitions of key terms used throughout the RSB standard are included in a separate document titled *Use of Terms for the RSB Principles & Criteria (RSB-DOC-01-001)*. Terms included in the glossary are to be considered binding definitions for the use in the RSB standard.

Comment 1: Curiously, no specific definitions of “Continual Improvement”, “Sustainable” or “Sustainability” are presented in this referenced Glossary. Although this sections has not been proposed for modification in this version, I would submit that many turn to the RSB for just this level of understanding. Please define these terms.

Pages 8-11.

Principle 2: Sustainable biofuel operations shall be planned, implemented, and continuously improved through an open, transparent, and consultative ~~Environmental and Social Impact Assessment (ESIA)~~ impact assessment and management process and an economic viability analysis.

Criterion 2a. Biofuel operations shall undertake an ~~Environmental and Social Impact Assessment (ESIA)~~ impact assessment process to assess impacts and risks and ensure sustainability through the development of effective and efficient implementation, mitigation, monitoring and evaluation plans.

[and continuing through text of section]

Comment 2: It is appropriate to provide separation of ESIA and RESA, reflecting potentially major and minor impacts. With an initial screening, this results in a three-tier method of assessment for certification: Screen Only, Rapid and Full. The P&Cs would benefit from providing a chart reflecting this tiered relationship. **Cross-reference here to Principle 1 Guidance language would also aid clarity.**

Compliance with Principle 1, that the biofuels project follows the country’s laws and regulations, creates a dual path, when that country already has established national and or regional environmental impact analyses mechanisms built into project permitting protocols.

In the United States, the National Environmental Impact Assessment (NEPA) and, for California, the California Environmental Protection Act (CEQA) must take precedence, while the ESIA or RESA perforce become secondary assessment guidelines. Clarification in the principle’s text regarding over-arching purview would be helpful; *timing* of all parallel actions is a separate concern, and needs to be addressed.

In order for a project proponent to seek RSB certification, that party must comply with the standing laws and regulations for environmental impact, and understand where RSB might differ from or extend beyond those Country rulings. Perhaps RSB could undertake broad analyses of equivalency, to determine (a) when and if standing law provides sufficient assessment for sustainability certification, and (b) where necessary,

what provisions of the certification must extend beyond those Country-based assessments.

Page 13.

Principle 3. Biofuels shall contribute to climate change mitigation by significantly reducing lifecycle GHG emissions as compared to fossil fuels.

Criterion 3a. In geographic areas with legislative biofuel policy or regulations in force, in which biofuel must meet GHG reduction requirements across its lifecycle to comply with such policy or regulations and/or to qualify for certain incentives, biofuel operations subject to such policy or regulations shall comply with such policy and regulations and/or qualify for the applicable incentives.

Criterion 3c. Biofuel blends shall have on average 50% lower lifecycle greenhouse gas emissions relative to the fossil fuel baseline. Each biofuel in the blend shall have lower lifecycle GHG emissions than the fossil fuel baseline. ~~Biofuel shall have lower lifecycle GHG emissions than the fossil fuel baseline and shall contribute to the minimization of overall GHG emissions.~~

Comment 3. In introductory language, RSB notes that the P&Cs pertain to *the entire biofuels supply chain*. Here, the applicability applies, apparently, only to the Fuel Blender. Trans-oceanic shipment of both fossil and biofuels increases enormously the life-cycle assessment (LCA) determined GHG emissions, yet does not appear to be addressed in baselines. Given the vast acreages necessary for many types of emerging biofuel crops (*Jatropha* grown in Africa, for example), a broader definition of “Participating Operators” may be needed, to better reflect the total supply chain.

Page 37.

Principle 11. The use of technologies in biofuel operations shall seek to maximize production efficiency and social and environmental performance, and minimize the risk of damages to the environment and people.

Criterion 11.b The technologies used in biofuel operations including genetically modified: plants, micro-organisms, and algae, shall minimize the risk of damages to environment and people, and improve environmental and/or social performance over the long term.

- *The Biosafety Clearinghouse established under the Cartagena Protocol on Biosafety shall be consulted to provide information about specific GMOs, including related risk and countries’ decisions regarding that technology.*

Comment 4. The field of genetic modification of organisms is changing faster than our monitoring organizations can adequately track, and this rate of change is accelerating. The proposed wording does not seem to provide for instances where the methods employed to modify life forms through alteration of their genetics has indeed not fallen under current standards and practices established under the Cartagena Protocol. Secondary assessment steps need to be specified, where existing protocols are found inadequate.

GUIDANCE ON PRINCIPLES & CRITERIA

Page 4. Principle 1: Legality

Some of the applicable laws, regulations and relevant international conventions and treaties identified under Principle 01 can also be used to show full or partial compliance with the RSB Principles & Criteria.

Comment 5. (please see also Comment 2, above). Cross-equivalence in interstate, international and global project development is indeed critical. Correspondingly, lack of equivalent provisions when moving in project assessment and certification from local to RSB will always be an area of contention. Addressing this aspect now with exemplary comparisons of assessment protocols would be advisable. I might suggest as a very first step, a matrix equivalence between RSB protocols and the U.S. National Environmental Protection Act, or NEPA.

Page 7. Guidance on Criterion 3b.

During the pilot test period and afterwards, lifecycle GHG calculations will be conducted using the EMPA methodology, ~~"LIFE CYCLE ASSESSMENT OF ENERGY PRODUCTS:- ENVIRONMENTAL IMPACT ASSESSMENT OF BIOFUELS,"~~ by Zah et al., EMPA, May 22, 2007 RSB GHG Calculation Methodology.

Comment 6. I suggest you add, "... or the equivalent extant methodology, as applicable." This would aid clarity and concur with Principle 1 and its Guidance as described above.

This concludes my comments on Version 1.1. You are welcome to contact me at +1 (530) 823-7300 or by email at mtheroux @jdmt.net if you have any questions.

Sincerely,

JDMT, Inc



Michael Theroux
Vice President
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