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To whom it may concern:

I submit this comment on the draft sustainability principles individually in my capacity as an attorney and adjunct faculty member at the University of Illinois. Comments made herein do not reflect the opinion of the Energy Biosciences Institute or its individual members. I appreciate the efforts of leadership and staff at ARB in designing principles and criteria that draw upon the multitude of ongoing efforts nationally and internationally to ensure the sustainability of biofuels. I submit my comments in redline form, with narrative comments in brackets.

Sincerely,
Jody Endres

Principle 1: Legality

[I would make sure that terminology in the principle statement is consistent with that of the criteria].

Biofuel operations will comply with all applicable local, state, national, and international laws and regulations [regulations are law, so eliminate redundancy; local laws are not necessarily considered state-level laws]. (RSB, RTFO, ISCC, CSBP)

Responsible Operators: Feedstock Producer, Feedstock Processor, Biofuel Producer

1.1 Biomass/biofuel operations shall comply with all applicable local, state, national, and international laws. ~~federal, state, and local laws, statutes and regulations.~~ [just like regulations, statutes are laws]

1.1.1 Responsible operators shall ~~show demonstrate that they are familiar~~ arity with, and are in compliance with, all relevant local, state, and national laws ~~federal, state and local legislations.~~ (RSB, RTFO, CSBP) [The workgroup should consider whether it would be “enough” to comply with national law, as in theory national law should comply with the international laws they are signators to. However, the U.S. is not a signator to several ILO treaties, so if it was decided that compliance with these ILO treaties is necessary, then “international” should be added]

1.1.2 Responsible operators ~~show demonstrate that a program~~ measures are is in place to ensure continued compliance with ~~keep permits from~~ all relevant local, state, and federal permits. ~~federal, state, and local entities in compliance.~~ (RSB, CSBP)

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Principle 12: Land Rights

Biofuel operations shall respect existing land rights.

Responsible Operators: Feedstock Producer, Feedstock Processor, Biofuel Producer

~~12.1 Operators demonstrate Rights to use the all lands, can be demonstrated and is not legitimately contested by local communities with demonstrable rights and respects important areas for local people. (Bonsucro, RTFO) [I would separate out assessing the baseline right with whether that right is being challenged]~~

12.2 Operators demonstrate that their rights to use land are not legitimately contested by local people(s).

~~12.32 Operator establishes procedures~~Procedures are in place to consult and communicate with local populations and interest groups on when the operation's plans and activities that may negatively affect the local peoples' legal or customary rights, property, resources, or livelihoods of local peoples. (RTFO)

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