

FOR IMMEDIATE RELEASE

**DIVERSE COALITION OF FARM AND FOOD GROUPS FILE LAWSUIT TO
OVERTURN EPA'S 'E15' DECISION**

Federal Lawsuit Argues that Decision Exceeded Agency's Statutory Authority

WASHINGTON – November 9, 2010 – A diverse coalition of farm and food trade associations today filed a suit in federal court to overturn the Environmental Protection Agency's recent decision to allow gasoline containing 15 percent ethanol ("E15") to be sold for cars manufactured in the 2007 model year or later.

Farm and food petitioners in the suit, which was filed with the U.S. Court of Appeals for the District of Columbia Circuit, include the Grocery Manufacturers Association, the American Meat Institute, the National Council of Chain Restaurants, the National Meat Association, the National Turkey Federation, the National Chicken Council, the National Pork Producers Council, the Snack Food Association and the American Frozen Food Institute.

The Coalition objects to the EPA's decision on the grounds that granting a "partial waiver" of the Clean Air Act allowing E15 to be used only in cars built after model year 2006 is not within the agency's legal authority. The petitioners argue that under the Clean Air Act the EPA administrator may only grant a waiver for a new fuel additive if it "will not cause or contribute to a failure of any emission control device or system."

The Coalition said: *"In approving E15, which is compatible only with certain, later-model automobile and other types of engines, the EPA has clearly exceeded its authority under the Clean Air Act. The EPA has unlawfully interpreted the statute to achieve a particular outcome. The agency has a legal obligation to adhere to the letter and spirit of the Clean Air Act and, in this case, has failed to do so. We are confident that the Court will agree and require the EPA to reverse course."*

Comments from Members of the Coalition

Grocery Manufacturers Association Vice President for Federal Affairs Scott Faber said: *"We were disappointed in the Administration's decision to allow more ethanol in gasoline before truly sustainable advanced biofuels are commercially available. Not only will this decision adversely affect millions of consumers who don't drive brand new cars, but also countless Americans who are struggling to feed their families in a recovering economy. Recent spikes in corn prices due to supply concerns will only be exacerbated by this decision. This legal action will give EPA a second chance to get this important decision right."*

American Meat Institute President and CEO J. Patrick Boyle said: *"Corn prices have increased since USDA released estimates that corn production for this year was going to be 3.4 percent less than 2009. This will put pressure on the meat and poultry supply, which will lead to higher food prices for consumers. For those consumers worried about climbing food prices, this decision will increase the amount of corn being diverted to our gas tanks and away from meat and poultry production. It's unfortunate that EPA acted hastily and approved the use of E15, and now the American consumer will pay for it at the grocery store."*

National Council of Chain Restaurants Vice President Scott Vinson said: *"This challenge to the EPA's decision is necessary to reduce the strain that ethanol production from corn has placed on U.S. agriculture. The EPA's decision will lead to an ever higher proportion of the nation's*

corn crop being diverted to fuel use, raising prices for participants in the food chain and consumers. Already supported by market-distorting mandates, tax credits and import tariffs, ethanol demand for corn has been singled out as the preferred use for U.S agricultural production long enough. Corn is an extremely important commodity used in feeding the world, and it's about time we reverse the trend of burning more and more of it as fuel."

National Meat Association CEO Barry Carpenter said: *"National Meat Association is joining this petition because EPA has overstepped its legal authority and taken action contrary to the interests of consumers and food producers. NMA believes the petition is necessary to defend against the cost increases and food insecurity that will result from EPA's action."*

National Turkey Federation President Joel Brandenberger said: *"In trying so hard to rush out an E15 rule before Election Day, EPA completely disregarded the legitimate scientific concerns surrounding E15 and the potentially disastrous impact of diverting even more corn from food and feed to fuel. We believe the agency ignored the law as well, and we are confident the court will agree."*

National Chicken Council Senior Vice President and Chief Economist Bill Roenigk said: *"With corn supplies very tight and ending inventories projected to be precariously low, corn costs continue to head toward historical highs. Any unnecessary and arbitrary action by the government that would exacerbate the situation for traditional corn users is very questionable and an unwise move at this time."*

National Pork Producers Council Environment Committee Chairman Randy Spronk, a pork producer from Edgerton, Minn., said: *"EPA expects pork producers to abide by the law, and rightfully so. Pork Producers also expect EPA to do likewise."*

Snack Food Association President and CEO Jim McCarthy said: *"In addition to failing to follow the spirit of the Clean Air Act, the EPA has made a decision that will adversely impact our food supply and ultimately cost American consumers greatly."*