

AS0067 – Anti-subsidy investigations concerning HVO from the U.S.

Comments on the RTFA submissions

Diamond Green Diesel LLC & Valero Energy Ltd

22 May 2026

1. INTRODUCTION

Diamond Green Diesel LLC (“**DGD**”) and Valero Energy Ltd (“**VEL**”) contest the comments of the Renewable Transport Fuel Association (“**RTFA**”) in the Trade Remedies Authority (“**TRA**”) investigation AS0067 - HVO originating in the United States of America (“**AS0067**”) of 9 April 2026 and 5 May 2026.¹ DGD and VEL address, in particular, the RTFA’s unfounded assertions that the introduction of H.R. 8497 (“**Bill**”)² materially alters the TRA’s assessment.

In its notice of 12 March 2026, the TRA correctly concluded that the Blenders Tax Credit (“**BTC**”) did not confer benefits beyond fuels blended on or before 31 December 2024, and that there is no present subsidisation of HVO imports under the BTC at the time when the TRA intends to make its recommendation in case AS0067.³ Contrary to the RTFA’s assertion, the introduction of the Bill on 27 April 2026 does not alter the fact that the BTC confers no current benefit and therefore the introduction of the Bill cannot affect the TRA’s determination. Consistent with the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 and the United Kingdom’s obligations under the WTO Agreement on Subsidies and Countervailing Measures (“**SCM Agreement**”), countervailing duties must reflect only current subsidisation and be grounded in a prospective analysis. As the BTC ceased, the TRA has determined that AS0067 should be terminated.⁴

DGD and VEL further refer to their previous submissions of 7 June 2025, 23 September 2025, 29 December 2025, 24 February 2026 and 9 April 2026 explaining that the Section 45Z Clean Fuel Production Credit (“**45Z PTC**”) is neither a replacement nor a continuation of the BTC. RTFA’s suggestions that, *inter alia*, the 45Z PTC is merely a renamed BTC, or that it provides similar benefits, are incorrect. Throughout the investigations, DGD and VEL have provided the TRA with robust evidence demonstrating the material differences between the two programmes, including their scope and the nature of benefits offered.

2. INTRODUCTION OF H.R. 8497 DOES NOT REVERSE THE TRA'S FINDING THAT THE BTC HAS BEEN TERMINATED

In its Note of 5 May 2026, the RTFA argues that the TRA cannot “*conclude that [the BTC] has been terminated within the meaning of paragraph 11(8) of Schedule 4 to the Taxation (Cross-border Trade) Act 2018*” because of “(i) *bipartisan legislation pending in the 119th Congress and (ii) the credit’s settled twenty-year pattern of expiry and retroactive reinstatement*,”⁵ and that “*the introduction of H.R. 8497 on 27 April represents a material change in the factual record that renders the ‘termination’ conclusion obsolete*.”⁶ For the reasons set out below, DGD and VEL contest the RTFA’s interpretation of the relevance of the Bill for AS0067.

¹ RTFA, 'Comments to TRA Note to Public File of 12 March 2026' (9 April 2026) and RTFA, 'Note on present subsidisation of the Blender’s Tax Credit and the introduction of H.R. 8497' (5 May 2026).

² H.R.8497 - Supporting Energy and Economic Development (SEED) Act - 119th Congress (2025-2026), available [here](#).

³ TRA, 'Note to the public file' (12 March 2026).

⁴ Ibid.

⁵ RTFA, Note on present subsidisation of the Blender’s Tax Credit and the introduction of H.R. 8497’, para 6.

⁶ RTFA, Note on present subsidisation of the Blender’s Tax Credit and the introduction of H.R. 8497’, para 12.

The introduction of a bill is not remotely equal to its enactment, much less a guarantee that it will be adopted. On 31 December 2024, the BTC was terminated and, since then, it has not conferred any benefit. The introduction of the Bill on 27 April 2026 does not alter the fact that the BTC confers no current benefit and therefore the introduction of the Bill cannot affect the TRA's determination.

Previous legislative efforts to extend or reinstate the BTC have not progressed:

- (a) H.R. 8497, introduced on 27 April 2026
- (b) H.R. 3137, introduced on 1 May 2025⁷
- (c) H.R. 9060, introduced on 18 July 2024, with accompanying legislation in the Congress.⁸

The TRA already considered the existence of virtually identical legislative proposals related to the reinstatement of the BTC - H.R. 3137 and H.R. 9060. In its Statement of Essential Facts, the TRA acknowledged that "*there are two US bills that have been put before congress to try to lengthen the biodiesel mixture credit for 12 months and 24 months respectively,*"⁹ and nevertheless subsequently concluded that the BTC has been terminated and that AS0067 should be terminated accordingly.

Similar to the previous legislative proposals, the latest Bill is an effort to reintroduce the BTC that thus far has failed to gain any meaningful traction in Congress. Both substantive and procedural realities make its adoption highly improbable. The focus of both Congress and industry stakeholders has fully shifted to the 45Z PTC, which underwent extensive revisions during the drafting of the recent comprehensive tax legislation (so-called "**One Big Beautiful Bill Act**", "**OBBBA**"). OBBBA was signed into law in July 2025 and extended the 45Z PTC through 2029. The 45Z PTC was prioritized by key industry stakeholders, particularly the soy and ethanol sectors, who have now shifted their advocacy away from the BTC.

The prevailing view within both the Administration and Congress is that their legislative responsibilities regarding energy tax credits have been fulfilled with the enactment of 45Z PTC. The implementation of the 45Z PTC and related rulemaking now rest with the U.S. Department of Treasury and the U.S. Internal Revenue Service ("**IRS**"), which do not have the authority to make substantive legislative changes. With the 45Z PTC now fully operational and set to remain in place until at least 2029, the principal beneficiaries – notably the agriculture sector – are strongly supporting the new scheme. This makes any replacement or weakening of 45Z PTC, or reinstatement of the BTC, very unlikely.

With the 45Z PTC now in force and set to continue to apply through 2029, the latest Bill cannot be compared to the past BTC extensions, when no alternative energy tax scheme was in place.

* * *

We request the TRA to disregard the RTFA comments and promptly terminate the AS0067 investigation.

⁷ H.R.3137 - Biodiesel Tax Credit Extension Act of 2025 – 119th Congress (2025-2026), available [here](#).

⁸ H.R.9060 - Biodiesel Tax Credit Extension Act of 2024 – 118th Congress (2023-2024), available [here](#); S.5582 - Biodiesel Tax Credit Extension Act of 2024 - 118th Congress (2023-2024), available [here](#). H.R. 9060 and S. 5582 are now moot, as they were not acted upon before the end of their Congress session.

⁹ SEF, para 171.