



June 29, 2020

Administrator Andrew Wheeler
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

RE: Docket ID EPA-HQ-OAR-2018-0227

Dear Administrator Wheeler:

On behalf of the National Corn Growers Association's (NCGA) 40,000 dues-paying corn farmers nationwide and the more than 300,000 corn growers who contribute to corn checkoff programs in their states, NCGA appreciates the opportunity to comment on the Environmental Protection Agency's (EPA) Fuels Regulatory Streamlining proposed rule.

Corn farmers appreciate the benefits of removing regulatory red tape and updating regulations as needed. As the producers of the primary feedstock for ethanol, we also understand the need for clear and objective regulations around the manufacture and sale of fuels, including existing E85 for use in flex-fuel vehicles, E15 and future mid-level ethanol blends.

Higher ethanol blends reduce greenhouse gas and criteria pollutant emissions, offer more choice and lower costs for consumers, and diversify our energy supply, not to mention increase demand for corn growers and support rural economies. We appreciate that EPA took an important step forward on higher blends last year, completing the rulemaking to allow E15 to be sold year-round and be considered substantially similar to Tier 3 E10 certification fuel. Nearly 2,200 retailers now offer E15, an increase of about 18 percent from last year. For E85, demand is growing in markets such as California, driven by the state's Low Carbon Fuel Standard.

To that end:

- 1) We urge EPA to ensure that changes to the definition of gasoline do not add new and unnecessary regulatory burdens for E85.
- 2) We encourage EPA to ensure pathways to higher blends of ethanol and future fuels remain open as you finalize this Fuels Regulatory Streamlining proposal.
- 3) We believe EPA missed an opportunity to address additional regulatory impediments to E15 in this proposal. We encourage EPA to address these barriers in this rulemaking or expeditiously through subsequent rulemaking.

E85 and HIGHER BLENDS

The proposed rule includes changes to the definition of gasoline. While perhaps unintentional, EPA's proposed definition appears to add E85 to the definition of gasoline, which would subject E85 to regulations designed for gasoline. By including, "Any fuel intended or used to power a vehicle or engine

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designed to operate on gasoline, except for gaseous fuel,” this definition could include E85 used in flex-fuel vehicles and engines, which are designed to operate on gasoline as well as E85.¹ This change in definition could also impact mid-level ethanol blends used in flex-fuel vehicles.

We ask EPA to clarify this proposed definition of gasoline to ensure fuel sold for use in flex-fuel vehicles such as E85 is not defined as gasoline and, therefore, not unnecessarily subject to gasoline regulations.

Moving forward, as corn growers work with industry partners on pathways to further introduce future fuels such as mid-level ethanol blends in the marketplace, it is important unnecessary fuel regulations don't impede these fuels or create disincentives for higher ethanol blends. We welcome the opportunity to work with EPA on a suite of actions that would support mid-level ethanol blend fuels, including: 1) Approval of an alternative certification fuel of 98 RON E20-E30; 2) Updating MOVES modeling to accurately reflect fuels and vehicles in the market to correctly account for the emissions reduction benefits of higher ethanol blends; 3) Adopting the Department of Energy Argonne National Laboratory GREET model for ethanol lifecycle greenhouse gas emissions accounting; and 4) Correcting the R-factor and vehicle test procedure adjustment for Tier 3 fuels to remove the carbon penalty and ensure an accurate fuel economy formula, which is currently the subject of an open rulemaking.

E15 REQUIREMENTS

To help build on and add flexibility to the sound and beneficial final rule EPA issued in 2019 to remove unnecessary and outdated barriers to year-round sales of E15, NCGA recommends EPA revisit a portion of the previously proposed Renewables Enhancement and Growth Support (REGS) rule related to E15 produced at blender pumps.

Under the approach from REGS, which EPA acknowledged in the proposed E15 rule, EPA proposed to allow entities that manufacture E15 at blender pumps to use product transfer documents to demonstrate compliance with applicable sulfur, benzene and volatility requirements in lieu of performing batch testing.² EPA correctly recognized that the existing regulatory regime for a “fuel manufacturer,” which was promulgated before the rise in blender pumps, is unwieldy and outdated.

NCGA believes the method proposed in the REGS package is a reasonable approach that preserves flexibility for blenders. NCGA encourages the Agency to adopt the REGS approach for E15 produced at blender pumps and allow such blenders the opportunity to demonstrate compliance.³ This action will help ensure that corn growers' investments in expanding biofuels infrastructure are not left stranded and will ensure greater access to E15 as intended by the final RVP rule.

In addition, NCGA urges EPA to follow through on an agreement EPA announced with the U.S. Department of Agriculture (USDA) in October of 2019 to further promote biofuels. The announcement listed actions both USDA and EPA would take and stated, “Building on the President's earlier decision to allow year-round sales of E15, EPA will initiate a rulemaking process to streamline labeling and remove other barriers to the sale of E15.”⁴

¹ 85 Federal Register at 29101, May 14, 2020.

² 81 Federal Register at 80828, 80862-80870, Nov. 16, 2016. (“EFF Blender Pump-Refiner Certification Option”).

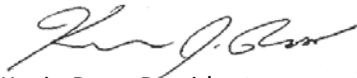
³ 84 Federal Register at 10595.

⁴ U.S. Department of Agriculture press release, “President Trump Delivers on a Key Promise to American Farmers as EPA, USDA Announce Agreement on Promoting Biofuels,” October 4, 2019.

Corn farmers supported that announced agreement and urge EPA to follow through and take action to update E15 labeling and equipment certification requirements. Streamlining E15 labeling and certifying current E10 equipment for E15 would support more retailers offering this fuel to consumers. This change would increase choice, save drivers money, and reduce emissions. As availability of E15 expands, we continue to hear from partners that updating E15 labeling and equipment certification would go a long way toward increasing market access for higher ethanol blends.

Thank you for considering NCGA's comments as EPA finalizes this Fuels Regulatory Streamlining proposal, following through on commitments to streamline E15 labeling and equipment certification and working toward future fuels such as mid-level ethanol blends.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Ross".

Kevin Ross, President
National Corn Growers Association