

Support E15 Market Access

July 19, 2021



Cosponsor Legislation for Lower Emissions and Driver Choice

On July 2, the D.C. Circuit Court of Appeals reversed a 2019 rule from the Environmental Protection Agency (EPA) that lifted outdated restrictions on the sale of a 15 percent ethanol fuel blend (E15). The case, *American Fuel & Petrochemical Manufacturers, et al. vs. EPA*, was a challenge by oil refiners to the rulemaking that enabled the year-round sale of E15. NCGA supported EPA's rule to remove an unnecessary barrier and provide parity in the way higher ethanol blends are treated with the treatment of standard 10 percent blends, and we defended EPA's rule in Court.

Corn growers stand behind the benefits of higher ethanol blends like E15. This fuel is lower in carbon, tailpipe and evaporative emissions, the emissions the fuel regulation is intended to control. In addition to its environmental benefits, E15 is lower cost, saving drivers between 5 and 10 cents per gallon. Ensuring continued uninterrupted full market access is a priority, and corn growers support the following new bipartisan House and Senate bills to provide a durable, long-term solution on this issue. **Retailers have been selling E15 year-round for two years before the court's decision, and there is no reason to turn back the clock on progress toward higher blends now.**

H.R. 4410, Year-Round Fuel Choice Act

Reps. Angie Craig (D-MN), Adrian Smith (R-NE), and Co-Chairs of bipartisan House Biofuels Caucus

S. 2339, Consumer and Fuel Retailer Choice Act

Senators Deb Fischer (R-NE), Amy Klobuchar (D-MN), and 10 bipartisan original cosponsors

Background: EPA approved 15 percent ethanol blends in 2011 for use in all 2001 and newer vehicles, more than 95 percent of vehicles on the road now. The Court decision has nothing to do with the safety and environmental benefits of E15, and retailers have increased availability of E15, often marketed as Unleaded 88, to offer consumers choice.

In 1990, Congress limited evaporative emissions from vehicle fuel at 9 pounds per square inch (psi) Reid Vapor Pressure (RVP). Despite pure ethanol having a 3 psi RVP, when combined with gasoline at low levels, the RVP of fuel can exceed 9 psi without a change in the base gasoline. To accommodate ethanol blends, Congress specified that fuel containing 10 percent ethanol would receive a 1 psi RVP allowance. With the 2019 rule, EPA had determined E15 should receive the same RVP treatment. EPA's prior interpretations of the law had been made when the highest approved ethanol blend was 10 percent, and the 2019 rule was an overdue update since the 2011 approval of E15.

Removing this outdated restriction would benefit consumers by lowering fuel costs and advance environmental goals:

- E15 has a lower RVP than E10 and, therefore, results in lower evaporative emissions, the goal of RVP regulation.
- Blending more ethanol to make E15 displaces and dilutes the most toxic aromatic hydrocarbon components in gasoline, reducing exhaust emissions for cleaner air.
- Ethanol results in 44 to 52 percent fewer greenhouse gas (GHG) emissions than gasoline. Increasing ethanol blending from 10 to 15 percent would lower transportation GHG emissions by 17.6 million metric tons per year, the equivalent of removing 3.8 million vehicles from the road.

Legislation: This legislation is narrowly drafted to update the 1990 statute to specify that EPA provide parity for lower emission E15 as previously provided for 10 percent blends, allowing consumers year-round market access to E15.

Cosponsor: In the House, please contact [Emmet Hedin](#) with Rep. Craig or [Katie Morley](#) with Rep. Adrian Smith. In the Senate, please contact [Craig Berning](#) with Sen. Fischer or [Brian Werner](#) with Sen. Klobuchar.