



April 17, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460
wheeler.andrew@Epa.gov

Re: Promotion and Use of Mid-Level Ethanol Blends

Dear Administrator Wheeler:

Last June, the National Farmers Union (NFU), on behalf of nearly 200,000 American farm families and their communities, reiterated its concerns over EPA's proposed Renewables Enhancement and Growth Support (REGS) rule. We understand, and appreciate, that EPA does not yet have an estimated timeline for finalizing that proposal. As we've explained, NFU is concerned with any EPA action that would expressly prohibit the use of mid-level ethanol blends in non-flexible fuel vehicles (FFVs) or otherwise restrict use of ethanol's "clean octane" in the U.S. gasoline market. While we appreciate and support EPA's efforts to provide for year-round sales of E15,¹ we are disappointed that EPA has taken a limited approach in its E15 RVP Proposal and again urge EPA to revise its "substantially similar" determination to include mid-level blends of ethanol.

NFU represents family farmers, fishers and ranchers across the country, with formally organized divisions in 33 states. NFU has been working since 1902 to protect and enhance the economic well-being and quality of life for family farmers, ranchers and rural communities through advocating grassroots-driven policy positions adopted by its membership. With strong approval of its membership, it is, and has been, the policy of NFU to support and advocate for policies that promote growth of ethanol use, which provides significant benefits to farmers that are currently facing severe economic difficulties.

Higher ethanol blends are key to providing relief to the nation's family farmers, while providing cleaner air and higher octane. Although we will be submitting more detailed comments on the E15 RVP Proposal, we believe, rather than expend time and resources on issues that do not appear to be actually aimed at improving the Renewable Fuel Standard (RFS) program (*i.e.*, limits on RIN holdings and purchases), and potentially delay actions on E15, EPA should focus on helping to facilitate higher ethanol blends and increased

¹ 84 Fed. Reg. 10,584 (Mar. 21, 2019) (referred to herein as "E15 RVP Proposal").

renewable fuel use. As more fully explained in prior comments,² Section 211(f)(1) of the Clean Air Act, 42 U.S.C. §7545(f)(1), should no longer impose restrictions on use of higher blends of ethanol because, since January 2017, when E10 became the nation's certification fuel, ethanol is a fuel additive used in certification fuel. Nor has EPA made any findings under Section 211(c) of the Act, 42 U.S.C. §7545(c), to impose restrictions on use of mid-level ethanol blends.

While NFU agrees that EPA must finalize any revisions to allow use of E15 year-round by June 1, NFU urges EPA to take actions to move this country toward mid-level ethanol blends, which would promote moving toward higher octane, lower carbon fuels. EPA's proposed interpretation of the 1-psi Reid Vapor Pressure (RVP) waiver provision, 42 U.S.C. §7545(h)(4), applying to all ethanol blends above 10% is the first obstacle to be removed, and NFU agrees with that interpretation. Unfortunately, EPA's substantially similar determination is limited to E15, and, while we do not necessarily disagree with EPA's interpretations that would allow for E15 year-round,³ we believe the statute clearly allows for higher ethanol blends as part of the substantially similar determination based on E10 certification fuel. Indeed, higher ethanol blends only further reduce emissions and provide similar or better engine and vehicle performance.⁴

Importantly, mid-level ethanol blends like E30 reduce the level of carcinogenic aromatic compounds (BTEX) in gasoline, and promote more efficient combustion, reducing particulate emissions. Mid-level ethanol blends, therefore, also present a cost-effective means of addressing public health concerns and improving the public welfare.

We hope that EPA continues to consider the needed changes to facilitate and promote use of mid-level ethanol blends, which would provide enormous societal benefits and represent a win-win-win for automakers, consumers, the environment, and farmers. For that reason, we respectfully request that EPA clarify that the Clean Air Act's "substantially similar" provisions for gasoline no longer require a cap on ethanol or, at a minimum, not preclude

² See, e.g., EPA-HQ-OAR-2018-0283-5062; EPA-HQ-OAR-2015-0827-9014; EPA-HQ-OAR-2016-0041-0295; EPA-HQ-OAR-2016-0041-0301.

³ As noted, NFU will provide more detailed comments on the E15 RVP Proposal. While NFU strongly supports year-round use of E15 and several of EPA's findings, it does have some concerns with the limitations on E15 blending practices and on higher ethanol blends present in the proposal. NFU also believes EPA should segregate the proposed so-called RIN reforms with respect to the RFS program, which NFU believes must be further considered to ensure they support the goals of the RFS and compliance without imposing undue burdens and should not slow down finalizing EPA's E15 RVP provisions.

⁴ See, e.g., Brad Brunner, Glacial Lakes Energy, and Andy Wicks, Dyno Tune Speed and Performance, *Fuel Economy and Power Generation of 30% Ethanol (E30) Splash Blended Fuel in Fuel injected Non-FFV Gasoline Engines*, Jan. 19, 2017, available at <http://www.sdfu.org/assets/docs/uploads/gle-e30-challenge-white-paper-1-19-17final.pdf>; Jim Seurer, *Value of E30 Proven in Real Time*, *Ethanol Producer Magazine*, Oct. 13, 2016, <http://ethanolproducer.com/articles/13784/value-of-e30-proven-in-real-time>. See EPA-HQ-OAR-2016-0041-0301 at 4-9; see also H. Christopher Frey, et al., *Comparison of Real-World Vehicle Emissions for Gasoline-Ethanol Fuel Blends*, Presentation for the Portable Emissions Measurement Systems International Conference & Workshop University of California at Riverside, March 23, 2018, available at <https://fixourfuel.com/wp-content/uploads/2018/04/NCSU-Study.pdf>.

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such a determination in its final E15 rule to additional revisions. In short, NFU appreciates this Administration's asserted commitment to ethanol and to farmers. We look forward to continuing to work with you to address this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Johnson". The signature is fluid and cursive, with the first name "Roger" and last name "Johnson" clearly distinguishable.

Roger Johnson
President