



October 3, 2023

Liane Randolph, Chair  
Dr. Steven Cliff, Executive Officer  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95812

Dear Chair Randolph and Executive Officer Cliff,

I write today to urge the California Air Resources Board (CARB) to expeditiously approve the use of cleaner-burning, lower-carbon gasoline blends containing 15 percent ethanol (E15). To date, the state's failure to approve E15 has caused unnecessary increases in greenhouse gas (GHG) emissions and tailpipe pollution linked to smog, along with higher prices at the pump for California consumers.

For more than half a century, California has been a leader in developing policies that improve air quality by reducing harmful emissions from the transportation sector. Creation of the nation's first vehicle emissions standards in the 1960s, introduction of the reformulated gasoline program in the 1990s, elimination of MTBE in 2003, and adoption of the world's first Low Carbon Fuels Standard (LCFS) in 2009 are all examples of California's leadership in mitigating the negative impacts of transportation fuels on air quality, climate change, and human health.

However, California is woefully—and inexplicably—behind the rest of nation when it comes to adopting a simple change to liquid fuel regulations that reduces both harmful tailpipe pollutants and GHG emissions from liquid-fueled light-duty vehicles. California is one of only two states in the contiguous United States that still does not permit the use E15, even though the fuel blend was legally approved by the U.S. Environmental Protection Agency after extensive testing more than 12 years ago.<sup>1</sup>

Recent emissions testing conducted by the Center for Environmental Research and Technology at the University of California at Riverside, which was financially supported in part by CARB and RFA, found that replacing E10 with E15 results in significant air

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<sup>1</sup> Montana and California are the only two states in the lower 48 states that do not currently allow the sale of E15.

quality benefits.<sup>2</sup> Specifically, the testing found that using E15 in lieu of E10 results in statistically significant reductions in the emissions of particulate matter (PM), carbon monoxide (CO), total hydrocarbons (THC), non-methane hydrocarbon gases (NMHC), and other pollutants that lead to smog and air quality problems. The research also found non-statistically significant reductions in nitrogen oxide (NOx) emissions.

In addition, there are substantial GHG emissions benefits associated with using E15 in place of E10. The carbon intensity of E15 is 6 percent lower than the carbon intensity of gasoline and 2 percent lower than that of E10. If all gasoline in California in 2022 had been E15 instead of E10, the state would have seen a 450-million-gallon reduction in petroleum consumption and additional GHG savings of 2.2 billion metric tons (CO<sub>2</sub>e), based on CARB's own data regarding fuel consumption volumes and the average carbon intensity of ethanol and gasoline. By failing to act on E15 approval, CARB is incomprehensibly leaving massive air quality and climate benefits on the table.

While CARB has taken some initial steps toward approval of E15, the process has been impaired by numerous delays, uncertain timelines, and a general lack of emphasis or prioritization from CARB leadership. All of the required testing and analysis on E15 has been completed and submitted to CARB; yet, the agency appears to be purposely "slow-walking" the approval process.

CARB's failure to allow the use of lower-carbon, cleaner-burning E15 is contradictory to the scope and purpose of the waiver California has historically received from the Clean Air Act's preemption provisions. In order to secure a Clean Air Act waiver from the Administrator of the U.S. Environmental Protection Agency, California must demonstrate that its state regulations are consistent with Section 202(a) of the Act and are "...at least as protective of public health and welfare as applicable federal standards."<sup>3</sup>

CARB has a long history of implementing special fuel property and formulation requirements as a means of ensuring the state's air pollutant regulations are "at least as protective" as federal standards. But, by blocking the use of E15 and only allowing the consumption of E10, CARB is enforcing regulations that result in increased emissions of air pollutants from light-duty motor vehicles (i.e., compared to a case where California follows federal standards regarding E15). In this way, CARB's current gasoline regulations are *less* protective of public health and welfare than the federal standards that allow for E15 consumption in all light-duty vehicles built since 2001.

Moreover, CARB's intransigence on E15 has directly hindered our association's efforts to replicate California climate policies—specifically the LCFS—in other jurisdictions beyond the West Coast. Other states that have considered following California's example on clean fuels policy ultimately have rejected the approach due, in large part, to CARB's befuddling prohibition on E15. If CARB expects other jurisdictions to follow

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<sup>2</sup> <https://ww2.arb.ca.gov/resources/documents/comparison-exhaust-emissions-between-e10-carfg-and-splash-blended-e15>

<sup>3</sup> <https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations>

its lead on climate policy, it must adopt clean fuel regulations that hold broad appeal beyond California's borders.

More than 28 million light-duty internal combustion engine vehicles are on the road in California today. The majority of those automobiles will be in use for the foreseeable future. To decrease both GHG and criteria pollutant emissions from those vehicles, to satisfy the conditions of California's Clean Air Act waiver, and to make California climate programs more appealing to other jurisdictions, CARB must move quickly to approve the use of E15.

Specifically, we urge CARB to immediately approve the long-delayed E15 Tier II and Tier III reports, secure approval by the Environmental Policy Council by the end of the year, and initiate a rulemaking to approve E15 prior to CARB's January 2024 board meeting. RFA remains committed to working closely with CARB to secure approval for the use of cleaner-burning, lower-carbon, lower-cost E15.

Sincerely,

A handwritten signature in black ink that reads "Geoff Cooper". The signature is written in a cursive, flowing style.

Geoff Cooper  
President and CEO