RENEWABLE FUELS ASSOCIATION

Regulatory and Technical Barriers to E15 Expansion

Since 2012, more than 5.5 billion gallons of E15 have been sold and American drivers have logged more than 125 billion miles using the fuel—all without a single documented case of misfueling, equipment failure, or vehicle performance issues.

For the last several years, one of RFA's top priorities has been elimination of the Reid vapor pressure (RVP) barrier that prevents E15 from being sold during the high-traffic summer months in most of the U.S. gasoline market. Bipartisan bills have been introduced in both chambers of Congress to permanently remove the arcane RVP barrier nationwide, and RFA continues to work closely with allied organizations and supportive lawmakers to secure passage of this commonsense legislation.

While eradicating the RVP obstacle will help open the door to broader adoption of E15, other deregulatory actions are needed to truly break down the door and spur rapid growth in the marketplace. The following steps by the EPA would help ensure that lower-cost E15 may be stored and distributed in the same equipment that today stores and distributes E10.

Establish a presumption of E15 compatibility for all fuel dispensers, underground storage tank (UST) systems (including piping and all other underground components), and "hanging hardware" (e.g., hoses and nozzles) installed after 1998. Outdated regulations and guidelines make it difficult, if not impossible, for many retailers to sell E15 through their existing equipment. As a result, many retailers have been led to believe they must replace or upgrade their equipment before they can offer E15. Given the overwhelming body of evidence demonstrating the full E15 compatibility of this equipment, these systems should be deemed compliant with all applicable infrastructure compatibility regulations and requirements. EPA should take the following actions:

- Allow UST compatibility determination through manufacturer statements and certified testing.
- Require that all new or replaced UST systems be compatible with ethanol blends up to 100% ethanol, including emergency and off-road fuel systems.

Environmental Protection Agency regulations require retailers to place intimidating orange E15 "warning labels" on their dispensers. This is despite the fact that 1) consumers have driven more than 125 billion trouble-free miles on E15, 2) the fuel has been in the market for 13 years, and 3) E15 is legally approved for use in almost every vehicle on the road today. If elimination of the label cannot be

achieved, EPA should reduce the size, alter the color to black and white and remove misleading language about vehicle damage. EPA should also clarify that federal labeling requirements preempt any conflicting state or local labeling mandates that could confuse retailers and consumers.

Immediately eliminate E15 Misfueling Mitigation Plan requirements. The administration should eliminate the unnecessary and costly fuel survey requirement for E15. This burdensome program costs the average ethanol producer precious time and money each year. In lieu of the Misfueling Mitigation Plan, EPA should adopt a simple requirement that retail gasoline stations offering E15 for sale must also continue to make E0 or E10 available in at least one clearly-marked dispenser at the station.

Provide a safe harbor provision absolving retailers (who act in good faith and follow EPA guidelines) of any liability related to extremely unlikely incidents involving accidental misfueling or equipment failure. While there have been no documented cases of E15 causing or contributing to equipment failures, leaks, or other issues, a safe harbor will provide retailers with the assurance they need to quickly begin offering E15 in existing equipment.

Provide technical assistance for state and local authorities having jurisdiction to quickly adopt or codify changes that allow E15 to be distributed in existing infrastructure, if required by state or local code.

These bureaucratic red-tape barriers are ripe for deregulatory action by EPA and would immediately boost demand for corn and ethanol, while providing consumers greater access to lower-cost, cleaner fuel.

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