

**TESTIMONY OF KELLY DAVIS**  
**VICE PRESIDENT REGULATORY AFFAIRS, RENEWABLE FUELS ASSOCIATION**

U.S. ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC HEARING

**RE: Proposed Rule: Fuels Regulatory Streamlining**  
**(Docket No. EPA-HQ-OAR-2018-0227)**

Held Virtually  
May 28, 2020

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Good morning. My name is Kelly Davis and I am Vice President for Regulatory Affairs at the Renewable Fuels Association, or "RFA." RFA is the leading trade association for America's ethanol industry. Its mission is to advance the development, production, and use of fuel ethanol by strengthening America's ethanol industry and raising awareness about the benefits of renewable fuels.

We appreciate the opportunity to share our thoughts on the current proposed rule for Fuels Regulatory Streamlining.

We appreciate the hard work that the Office of Transportation and Air Quality put into this proposal to clarify and streamline its complicated fuel regulations. Removing the expired provisions, eliminating redundancy of compliance provisions and replacing them with a single set of provisions helps make a clearer and more concise rule.

First, I'd like to comment on the proposed definition of gasoline, which is a topic commonly discussed within the liquid fuel's technical community.

The new definition of gasoline being proposed has extended the requirement to meet ASTM D4814 Standard Specification for Automotive Spark-Ignition Engine Fuel. We feel this is potentially problematic.

RFA has actively participated in the ASTM process to develop and refine fuel performance specifications for over 30 years. ASTM is a voluntary consensus standards body and can take years to reach consensus for updates to this standard specification. For example, E15 was approved for use by the EPA in 2011 but ASTM deliberated for over 5 years to complete the updates to include E15 within the standard.

We feel EPA should remove this requirement to avoid any future delays or roadblocks for future fuels.

Second, we are pleased to see the proposed consolidation of the existing fuel compliance surveys into one National Survey Program. RFA has been working for years to reduce the costs and burdens associated with the E15 survey, which is the only survey program that is currently mandatory. Ethanol manufacturers have incurred unnecessarily large costs to fund the required survey and testing of ethanol content, summer RVP and compliance with mandatory labeling requirements. While we continue to question the need for an E15 survey program moving forward, we are encouraged that EPA is at least taking steps to reduce the cost and administrative burden. It is obvious that, overall, the projected cost reductions associated with this proposed rulemaking principally benefit petroleum refiners, but ethanol producers are pleased this expanded National Survey Program proposal should help ethanol producers lower their survey costs as well.

Third, we strongly support the long-awaited and necessary proposal to remove the certified detergency requirements for the gasoline portion of E85. This is something we have been encouraging EPA to do for many years. Certain detergents are not completely soluble in high ethanol content blends. Further, there is evidence that detergents may not provide any benefit and may even exacerbate deposit formation. More work needs to be done in this detergent additive area as related to higher ethanol blend fuels. Moving forward, we would like to see a higher minimum ethanol content for detergency certification requirements to assure increasing ethanol contents do not cause solubility problems with these additives.

**Finally, I'd like to discuss E15 labeling requirements.** Last fall, President Trump committed that EPA would begin a rulemaking to streamline labeling requirements for E15 and eliminate other marketplace and regulatory barriers to the sale of E15. This rulemaking would have been the perfect opportunity to do that. And because this is a proposal, it's not too late.

We encourage EPA to include provisions eliminating or substantially revising the E15 pump label in its final rule.

Additionally, RFA would like to request additional changes the new Part 1090 to help with the economic efficiency of fuel product choice offerings. Natural Gasoline is a preferred gasoline component for E85, and numerous blender pumps have been installed but currently natural gasoline is not an allowable E85 blendstock if the E85 is used to make E15.

Action to include language for the use of State regulators to interpret and enforce is taking place now at the National Conference of Weights & Measures and we strongly feel EPA should remedy this issue while this streamlining rule is open.

We would like to specifically request including a regulatory pathway for ethanol producers and natural gas liquids producers to enable natural gasoline for use as the gasoline component in E85 at a blender pump in order to blend a compliant E15. EPA proposed a method for doing this in the REGS proposal that was never finalized. We encourage you to revisit that.

Similar to the Tier III pathway for EPA sulfur certification for Denatured Fuel Ethanol, regulatory procedures could be simply added for a certification process for sulfur, benzene, CHONS, and volatility for the use of natural gasoline in this manner.

This will enable a pathway that achieves an equivalent level of environmental assurance as gasoline for the blender pump use of natural gasoline as gasoline component in E85 or E15 in order to maximize consumer benefits of economic efficiency and flexibility in the marketplace.

We thank you for the opportunity to speak this morning and will provide further detailed written comments.