Congress of the United States

Washington, DC 20515

March 11, 2024

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Chair
House Energy and Commerce Committee
2188 Rayburn House Office Building
Washington D.C. 20224

The Honorable Frank Pallone
Ranking Member
House Energy and Commerce Committee
2322A Rayburn House Office Building
Washington, DC 20515

Dear Speaker Johnson, Leader Jeffries, Chair McMorris Rodgers, and Ranking Member Pallone:

We write to express our support for swift passage of a legislative solution which would allow motor vehicle fuel containing 15 percent ethanol (E15) to be voluntarily sold year-round throughout the country. In light of the recent Environmental Protection Agency (EPA) final rule allowing the year-round sale of E15 in eight Midwestern states beginning in 2025, governors, agriculture producers, ethanol refiners, oil refiners, retailers, and the automotive industry have all recognized the need for permanent law which provides needed certainty for producers and consumers in every state.

Congress must move forward with legislation to address a much-needed update to the Clean Air Act (CAA) that has prevented the use and sales of gasoline containing 15 percent ethanol (E15) in the summer. Currently, the CAA restricts the sale of E15 during the summer driving season (June 1 to September 15) in most of the country. Although E15 has a lower Reid Vapor Pressure (RVP) volatility than fuel containing 10 percent ethanol (E10), E15 is unable to be sold under the year-round sale waiver provided to E10 because the U.S. Court of Appeals for the District of Columbia Circuit found that the EPA does not have the statutory authority to allow the sale of E15 under the legislative waiver provided to E10.

In the absence of legislative action allowing for year-round E15 sales, in April of 2022, eight Midwest governors exercised their authority under the CAA to request the removal of the 1 psi RVP waiver for E10 in their states. On February 29, 2024, the EPA announced a final rule in response to these requests to allow the year-round sale of E15 in these eight states beginning April 28, 2025. While we are encouraged that the EPA has finally responded to these requests, not having certainty nationwide will require fuel refiners and retailers to provide a different grade of gasoline unique to these states, which is different than the fuel produced for the rest of the United States. This change could lead to increased gasoline prices around the country.

Passage of legislation supported by all stakeholders allowing the voluntary year-round sale of E15 nationwide would provide parity in treatment of E10 and E15 across the country, increase consumer choice for those who choose to purchase E15, and avoid the inflationary impacts of state-specific or regional fuel specifications. This important legislation would provide certainty to the entire industry—including farmers, renewable fuel producers, fuel marketers, and retailers.

We urge you to support bipartisan legislative efforts to ensure that E15 can be voluntarily sold year-round and avoid potential fuel supply issues that will occur if E15 is only allowed in certain states. Addressing these two issues will provide much-needed certainty to entities looking to make investments in lower carbon fuels and to the broader fuel value chain. Most importantly, this legislative fix is needed to ensure consumers have access to lower cost, consistently available, fuel during the summer months.

Thank you for your continued leadership on these critical issues impacting our nation's fuel supply. We look forward to working with you on this issue and to finding a prompt resolution to avoid higher energy prices and supply disruptions.

Sincerely,

Mariannette Miller-Meeks,
M.D.
Member of Congress

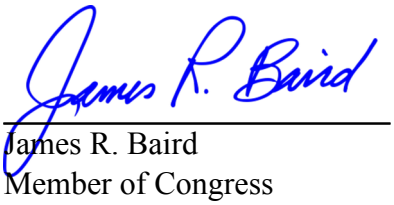
Nikki Budzinski
Member of Congress

Adrian Smith
Member of Congress

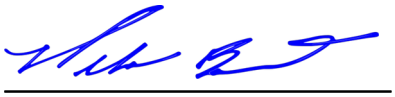
Mark Pocan
Member of Congress

Mark Alford
Member of Congress

Don Bacon
Member of Congress



James R. Baird
Member of Congress



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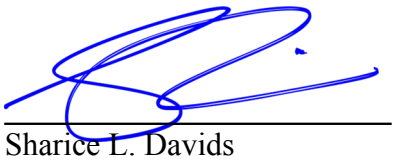
Member of Congress

Stephanie Bice
Member of Congress



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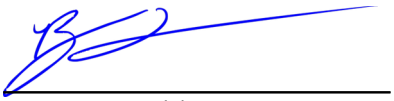

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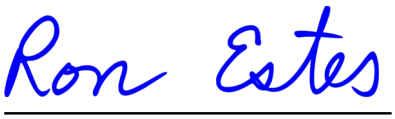
Member of Congress



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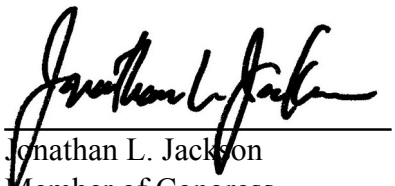

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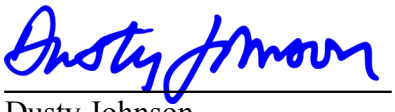
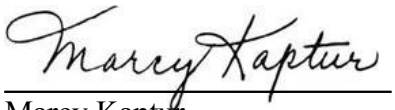


Dusty Johnson
Member of Congress



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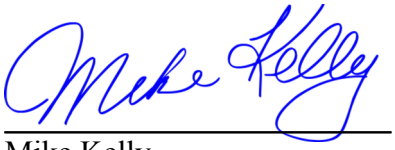

Mike Kelly
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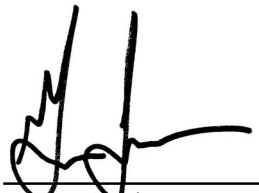
Darin LaHood
Member of Congress



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