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GrowthEnergy.org

June 29, 2020

Anne Idsal
Principal Deputy Assistant Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460
By Electronic Mail
Docket ID: EPA-HQ-OAR-2018-0227

RE: Notice of Proposed Rulemaking: Streamlining and Consolidating of Existing Gasoline and Diesel programs

Assistant Administrator Idsal:

Growth Energy is the nation's largest renewable fuel organization representing 103 biofuel producers, nearly 100 associated businesses in the biofuel supply chain, and tens of thousands of biofuel supporters across the country. We believe expanding our nation's fuel mix with more biofuel will lower costs for consumers, revitalize our rural economy, and improve our environment.

Thank you for the opportunity to provide comments on the agency's proposal for the Fuels Streamlining regulation. Representing the biofuels industry, we appreciate the agency's action to reduce burdensome and duplicative requirements on fuels and appreciate the transparent process that the agency has taken on this proposal with multiple occasions for input and discussion.

We want to focus our comments on further facilitating the market access to higher ethanol blends such as E15 and E85 for American consumers. With E15 currently available at more than 2000 retail locations in 29 states and E85 available at more than 4000 locations, any update to the fuel regulations should first and foremost, do no harm to the availability of these fuels. First, in section 1090.80, the definition of gasoline appears to be too broad, particularly: (2) *Any fuel intended or used to power a vehicle or engine designed to operate on gasoline.* While we do not believe this is the intent, as written, the definition could inadvertently impose gasoline regulations on all ethanol blends beyond E15 including E85. We would urge the agency to clarify its definition to specify that the gasoline requirements do not extend beyond fuel with 15 percent ethanol.

For E15 specifically, while there do not appear to major impediments in the proposal, there is some confusion about the language on BOB certification and downstream oxygenate blending in section 1090.740. With E15 now approved for year-round sale, it makes little sense why E15 would have substantially different BOB requirements for E10 and E15. At a minimum, if downstream oxygenate blenders choose to add 15% ethanol, they should not incur any additional requirements of that as a fuel manufacturer or refiner. We believe that current recordkeeping from retailers and downstream blenders should satisfy EPA's need for certainty with the fuel. Alternatively, we would ask that you work with retailers to simplify any BOB recertification, so that there are not any additional burdensome requirements added to the process to sell this fuel, nor are there any additional restrictions imposed on retailers choosing to offer the fuel.

Additionally, while we continue to seek removal of the burdensome E15 sampling survey requirement as unnecessary, we are pleased to see that EPA is taking steps to hopefully reduce costs to ethanol producers and retailers. As you know, since the approval of E15 in 2011, a fuel sampling survey has been a requirement under the misfuelling mitigation regulation, and the costs have been solely borne by ethanol producers and retailers – costs that exceed a million dollars annually. By consolidating the various sampling programs, including the E15 sampling survey, into one national fuel survey, we are hopeful that a larger group of survey participants including oil refiners and other fuel manufacturers will lower costs for all participants including our member producers and E15 retail partners.

Finally, we are disappointed that this proposal does not remove remaining additional regulatory hurdles to the sale of E15 that need to be addressed. In discussions last year, the EPA administrator committed to review of the E15 label as well as removing hurdles to the sale of E15 through existing infrastructure. E15 is approved for all 2001 and newer vehicles which represents more than 9 out of 10 cars on the road today and more than 95 percent of the vehicle miles traveled. American drivers have now driven more than 14 billion miles and fuel marketers have had millions of transactions with this fuel without any reported issues. Additionally, as it relates to retail infrastructure, nearly all underground storage tanks made in the last 30 years are compatible with ethanol blends up to 100 percent, and nearly all fuel dispensers made since 2008 are compatible with E15. It makes no sense why EPA should not make the fuel more available to consumers and remove these remaining restrictions. While these changes may not be within the scope of this rulemaking, it is important that the agency follow through on its commitments to help reduce the burdens on retailers who continue to increase the sale of renewable fuels.

Thank you in advance for your consideration.

Sincerely,



Chris Bliley
Senior Vice President of Regulatory Affairs
Growth Energy