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America's Ethanol Supporters

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October 15, 2020

Anne Austin
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460
Submitted via: www.regulations.gov

Re: Comments in support of EPA's Direct Final Rule "Technical Correction to the Flex-fuel Vehicle Provisions in CAFE Regulations" (Docket ID No. EPA–HQ–OAR–2020–0314).

Growth Energy is the nation's largest renewable fuel organization representing 89 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 continue to lower costs for consumers, revitalize our rural economy, and improve our environment.

Growth Energy submits these comments in support of the direct final rule "Technical Correction to the Flex-fuel Vehicle Provisions in CAFE Regulations" of the U.S. Environmental Protection Agency published in the August 31, 2020 Federal Register (85 FR 53,676)(the "DFR"). The DFR appropriately allows automakers to make fuel economy compliance calculations with greater certainty for flex-fuel vehicles (FFVs).

1. *The DFR appropriately clarifies fuel economy calculations for FFVs.*

The DFR clarifies "how flex-fuel vehicles are accounted for in manufacturer fuel economy calculations in model years 2020 and later" and "allows the program to be implemented as originally intended." (DFR at 85 FR 53,676). FFVs are designed to run on either gasoline or up to 85% ethanol (E85). With this ability to use E85, FFVs can dramatically increase the use of renewable and low carbon fuel.

We fully support the regulatory clarity provided in the DFR to promote the continued manufacturing of FFVs. The use of higher biofuel blends such as E85 in FFVs will be a critical way to further decarbonize vehicle fuel use. Ethanol, on average, has 39 percent less lifecycle greenhouse gas emissions than the gasoline it displaces as well as further reduces harmful air toxics. The use of higher biofuel blends provides a critical economic lifeline to America's farmers and continues to promote growth in our rural economy. We are pleased that the DFR correctly clarifies that no artificial cap should be imposed on FFV fuel economy benefits under the CAFE program.

2. ***The DFR appropriately carries out the intent of an EPA 2012 rule addressing FFV fuel economy calculations***.

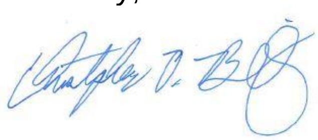
The provisions subject to the DFR's technical clarification were established in the 2012 EPA final rule titled "2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards" (the "2012 rule"). The 2012 rule was jointly undertaken by EPA and the National Highway Traffic Safety Administration (NHTSA). In the 2012 rule, EPA and NHTSA both recognized the end of certain statutory caps on benefits available to FFVs under fuel economy calculations. The DFR accurately recognizes "As part of the 2012 rule, NHTSA modified its regulations at Part 536.10 to limit the applicability of the EPCA limits to MYs 2019 and earlier." (DFR at 53,677). The DFR appropriately found numerous "statements from the 2012 final rule make clear EPA's intent not to apply the 49 U.S.C. 32906 credit limits to CAFE calculations for model year 2020 and later" FFVs. (DFR at 53,678). In parallel with the expiration of this statutory cap, a statutory fuel economy calculation assumption that FFVs use E85 for 50% of fueling, which increased statutory fuel economy calculation benefits, also expired. New EPA regulatory fuel economy calculation provisions were promulgated in the 2012 rule at 40 CFR 600.510–12(c)(2)(v). (DFR at 53,677-78). The DFR clarifies EPA's intent from the 2012 rule to clearly recognize that the previous statutory cap on FFV benefits no longer applies.

The DFR's technical clarification should be non-controversial. The DFR addresses what it recognized are "narrow revisions" to a single regulatory subsection, 40 CFR 600.510–12(h), to clarify that limits on FFV fuel economy benefits do not apply to MY 2020 and later FFVs, where the fuel economies "of those vehicles are calculated in accordance with 40 CFR 600.510–12(c)(2)(v), consistent with the intent of the 2012 final rule." (DFR at 53,678).

We join a broad coalition of stakeholders in support of this DFR including automakers, farmers, as well as biofuel producers. We appreciate EPA's undertaking with this DFR, which makes an appropriate, timely clarification to the method for automakers calculating the fuel economy benefits of FFVs.

In conclusion, we fully support the DFR clarifying that CAFE benefits from the manufacture and use of FFVs are no longer subject to artificial limits. Thank you for your consideration.

Sincerely,



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