

# COURT RULING THREATENS YEAR-ROUND SALES OF HIGHER BIOFUEL BLENDS

## BACKGROUND

The Clean Air Act includes seasonal fuel vapor pressure provisions intended to reduce evaporative emissions in the summer months (June 1 to September 15). In the 1990 amendments to the Clean Air Act, Congress limited allowable fuel vapor pressure during the summer months to 9-pounds per square inch (psi) Reid Vapor Pressure (RVP) in certain areas of the country.

Congress also specified, however, that fuel blends containing 10 percent ethanol would receive a 1.0 psi RVP waiver from the seasonal RVP limit to encourage use of ethanol-blended fuels, which provide significant reductions in tailpipe emissions.

This RVP waiver made the sale of E10 and lower ethanol blended fuels possible year-round throughout the country. However, the waiver predates the introduction of higher blends of ethanol like E15, which have a lower RVP than E10.

## COURT REVERSES UNRESTRICTED ACCESS TO E15

Following EPA's 2019 approval of year-round E15, the American Fuel & Petrochemical Manufacturers Association (AFPM) filed suit against the EPA. In July 2021, the D.C. Circuit Court of Appeals reversed EPA's extension of the RVP waiver to E15.

## LEGISLATIVE FIX

Growth Energy's top priority is ensuring uninterrupted access to lower-cost E15 this summer, but a permanent fix is needed before the 2022 summer driving season.

Congress can put an end to the oil industry's efforts to limit consumer access to higher blends of renewable fuels by permanently extending the 1.0 psi summertime RVP waiver to ethanol blends beyond E10.

Growth Energy supports the **Year-Round Fuel Choice Act** (H.R. 4410) in the U.S. House of Representatives and the **Consumer and Fuel Retailer Choice Act** (S.2339) in the U.S. Senate.



## REGULATORY & LEGAL MILESTONES

- 1990** Congress imposes RVP limits but grants an RVP waiver for E10 (Clean Air Act Amendments)
- 2009** E15 waiver filed with EPA
- 2011** EPA approves E15 for 2001 and newer vehicles
- 2019** EPA extends the RVP waiver to include E15
- 2019** AFPM challenges EPA
- 2021** DC Circuit Ruling reverses EPA's waiver extension for E15

## BENEFITS OF HIGHER BIOFUEL BLENDS

- Higher biofuel blends are better for air quality **reducing both greenhouse gas emissions and air toxics like carbon monoxide.**
- Ethanol **reduces greenhouse gas emissions by 46%** when compared to traditional gasoline.
- If the United States **transitioned from E10 to E15 nationwide**, greenhouse gas emissions would fall by 17.62 million tons per year, which is the **equivalent of removing approximately 3.85 million vehicles from the road.**
- Beyond environmental benefits, nationwide adoption of E15 would add **\$17.8 billion to the GDP**, create **182,600 new jobs**, generate **\$10.5 billion in added household income**, and save **\$12.2 billion in fuel costs.**