

Congress of the United States
Washington, DC 20515

February 9, 2023

The Honorable Michael Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

The Honorable Shalanda D. Young
Director
Office of Management and Budget
725 17th Street N.W.
Washington, D.C. 20503

Dear Administrator Regan and Director Young,

We write today to urge the U.S. Environmental Protection Agency (EPA) swiftly and diligently implement the outstanding regulatory action to remove the 1-psi volatility waiver for gasoline-ethanol blends in Midwest states. The 2023 summer driving season is quickly approaching and action is necessary to provide certainty to the marketplace.

Relying on an annual emergency waiver is not a permanent solution for fuel retailers, consumers, or the environment. On April 28, 2022, several Midwest governors formally notified the EPA of their request to permanently remove the 1-psi volatility waiver to allow their states to sell gasoline containing 15% ethanol (E15) year-round, without restriction¹. Since then, more states have joined this effort. Homegrown, American-produced ethanol strengthens our national security and ensures lower vehicle emissions to achieve the Administration's climate goals.

As Section 211(h)(5)(B) of the Clean Air Act states, the Administrator "shall promulgate regulation" effectuating this action "... not later than 90-days after the date of receipt of a notification from a Governor." Therefore, this rulemaking should have been completed in July 2022 and unfortunately, we still have no regulatory certainty for our fuel retailers, fuel blenders, or biofuel producers. On December 7, 2022, the draft rule from EPA, which would approve the Governors' request, appeared on the Office of Management and Budget (OMB) docket. The Midwest states Attorneys General (AGs) have sent a follow up letter to the EPA and OMB urging them to move quickly with this rulemaking to prevent irreparable harm.

Higher blends of ethanol like E15 are a common-sense solution to lower the cost for consumers at the gas pump and to lower vehicle emissions. As we gear up for the summer 2023 travel season, we have the production and distribution infrastructure to meet consumer demand for this lower cost and environmentally friendly fuel option. By working swiftly to finalize the Governors' requests, you will bring much needed certainty to our corn growers, fuel retailers, and consumers to enjoy the clean-burning, lower cost benefits of year-round E15 through the 2023 summer driving season.

Sincerely,



Joni K. Ernst
United States Senator



Tammy Duckworth
United States Senator

¹ Office of the Governor of Iowa. "Governors Letter to EPA on RVP Waiver 4.28.22"
https://governor.iowa.gov/sites/default/files/documents/Governors%20Letter%20to%20EPA%20on%20RVP%20Waiver%204.28.22.pdf?utm_medium=email&utm_source=govdelivery.



Tammy Baldwin
United States Senator



Deb Fischer
United States Senator



Amy Klobuchar
United States Senator



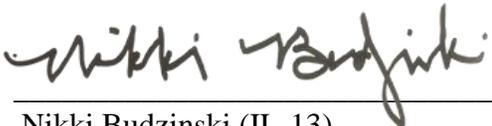
Pete Ricketts
United States Senator



Brad Finstad (MN-01)
United States Representative



Mark Alford (MO-04)
United States Representative



Nikki Budzinski (IL-13)
United States Representative



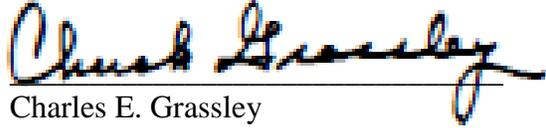
Sharice Davids (KS-03)
United States Representative



Randy Feenstra (IA-04)
United States Representative



Sherrod Brown
United States Senator



Charles E. Grassley
United States Senator



Roger Marshall, M.D.
United States Senator



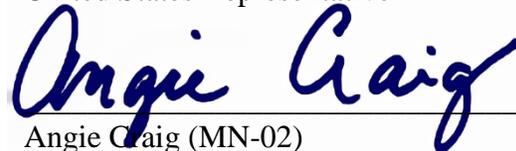
Tina Smith
United States Senator



Ashley Hinson (IA-02)
United States Representative



Mike Bost (IL-12)
United States Representative



Angie Craig (MN-02)
United States Representative



Tom Emmer (MN-06)
United States Representative



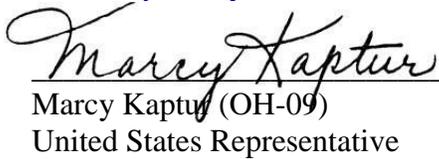
Michelle Fischbach (MN-07)
United States Representative



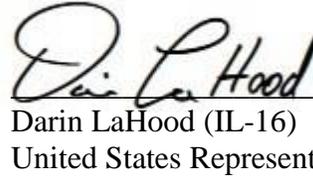
Mike Flood (NE-01)
United States Representative



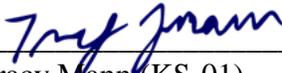
Dusty Johnson (SD-At Large)
United States Representative



Marcy Kaptur (OH-09)
United States Representative



Darin LaHood (IL-16)
United States Representative



Tracy Mann (KS-01)
United States Representative



Mariannette Miller-Meeks (IA-01)
United States Representative



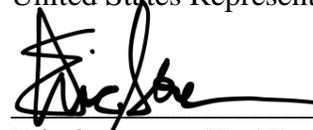
Zach Nunn (IA-03)
United States Representative



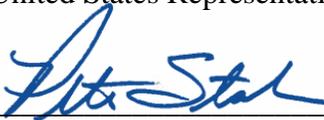
Mark Pocan (WI-02)
United States Representative



Adrian Smith (NE-03)
United States Representative



Eric Sorensen (IL-17)
United States Representative



Pete Stauber (MN-08)
United States Representative