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United States Senate

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The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Wheeler,

Two years ago, I worked successfully with you and President Trump to get E15 sold year-round. One year later, we sat in the Oval Office and created an agreement to further strengthen the Renewable Fuel Standard (RFS) by investing in biofuel infrastructure including streamlining labeling and removing other barriers to the sale of E15. The COVID-19 pandemic has caused a great loss of demand for biofuels. You must act now to initiate a rulemaking process and follow through on this agreement to provide certainty to our Iowa farmers.

When you were before the Senate Committee on Environment and Public Works earlier this year, I asked about this very issue and you said that it was “more complicated.” I fail to understand where the complications lie. According to the National Renewable Energy Lab¹ all steel tanks are approved for up to 100% ethanol, as are all double-walled fiberglass tanks since 1990 – over 30 years ago. Given the lifespan of underground tanks, almost every underground fuel tank should be able to handle E15 and higher blends of ethanol.

Regarding dispensing infrastructure, two companies, Wayne and Gilbarco, account for more than 90% of the US market share of gasoline dispensers. All Wayne dispensers in service today carry a warranty and are compatible with ethanol blends up to 15%.² Any Gilbarco dispenser installed 2008 or later carries a warranty for up to 15% ethanol.³ The approximate life of a dispenser is 10-15 years, so similarly to the tanks there are very few pumps out there that are not warrantied for E15.

Last but not least, regarding labeling, we are now two decades removed from when a car was manufactured that was not approved by the Environmental Protection Agency (EPA) for E15 use (model year 2001 and newer). This represents over 95% of the vehicle miles traveled and more than 9 out of 10 cars on the road today.⁴ Consumers have now driven more than 15 billion miles on E15⁵, retailers have had millions of transactions, and

¹ https://afdc.energy.gov/files/u/publication/e15_infrastructure.pdf

² <http://www.ethanolproducer.com/articles/6711/many-weigh-in-on-e15-waiver-issue>

³ <https://csnews.com/gilbarco-expands-dispenser-warranty-e15>

⁴ <https://ethanolrfa.org/2019/11/rfa-review-of-2020-vehicle-models-reveals-good-news-for-e15-bad-news-for-flex-fuels/>

⁵ <https://growthenergy.org/2020/07/09/drivers-surpass-15-billion-miles-on-e15/#:~:text=7%2F9%2F2020-.Drivers%20surpass%2015%20billion%20miles%20on%20E15,from%20about%202013%20to%202017.>

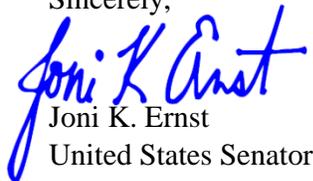
it has been sold for nearly a decade (since 2011), all without a single reported issue. It makes little sense why the black and orange warning label cannot be addressed immediately.

As we look for ways to continue to help industries survive the COVID-19 pandemic and more specifically for the ethanol industry to grow their domestic consumer base and demand, I believe there is an opportunity for the EPA to help. With that being said, I request answers to the following questions.

1. Will you commit to begin the rulemaking by October 4, 2020, one year after the RFS agreement was announced, to move forward with expediting the sale of E15 through existing infrastructure?
2. You have said this is a complicated issue, please provide detailed clarification as to what you view as the remaining hurdles in this process.
3. The EPA already approves E15 for all 2001 and newer light-duty vehicles which account for 95% of the vehicle miles driven today. Will you move forward with rulemaking to remove the unnecessary labeling before October 4? If not, when do you plan to address this pressing issue that you committed to last fall?

Thank you for your time in continuing to work on these important issues. I will continue to advocate for the rule of law and your answers to these questions will help me to represent the people of Iowa.

Sincerely,



Joni K. Ernst
United States Senator