

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 17<sup>th</sup> 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 restriction<sup>1</sup>. 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.

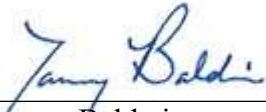
Higher blends of ethanol like E15 are a common-sense solution to lower the cost for consumers at the gas pump and to lower vehicle emissions. As we gear up for the summer 2023 travel season, we have the production and distribution infrastructure to meet consumer demand for this lower cost and environmentally 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,

  
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Joni K. Ernst  
United States Senator

  
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Tammy Duckworth  
United States Senator

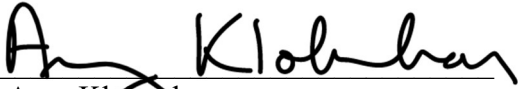
<sup>1</sup> Office of the Governor of Iowa. "Governors Letter to EPA on RVP Waiver 4.28.22"  
[https://governor.iowa.gov/sites/default/files/documents/Governors%20Letter%20to%20EPA%20on%20RVP%20Waiver%204.28.22.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://governor.iowa.gov/sites/default/files/documents/Governors%20Letter%20to%20EPA%20on%20RVP%20Waiver%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



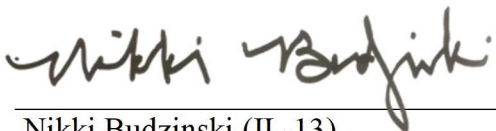
Pete Ricketts  
United States Senator



Brad Finstad (MN-01)  
United States Representative



Mark Alford (MO-04)  
United States Representative



Nikki Budzinski (IL-13)  
United States Representative



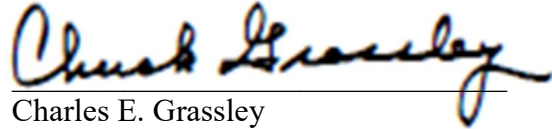
Sharice L. Davids (KS-03)  
United States Representative



Randy Feenstra (IA-04)  
United States Representative



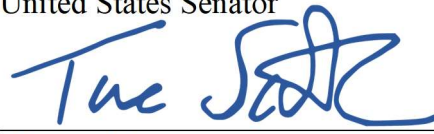
Sherrod Brown  
United States Senator



Charles E. Grassley  
United States Senator



Roger Marshall, M.D.  
United States Senator



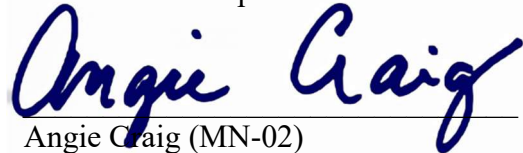
Tina Smith  
United States Senator



Ashley Hinson (IA-02)  
United States Representative



Mike Bost (IL-12)  
United States Representative



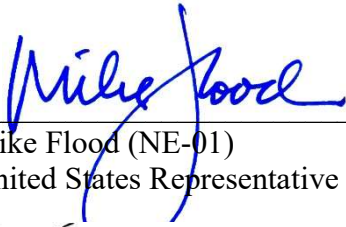
Angie Craig (MN-02)  
United States Representative



Tom Emmer (MN-06)  
United States Representative

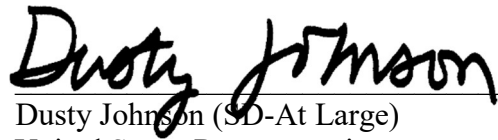


Michelle Fischbach (MN-07)  
United States Representative




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Mike Flood (NE-01)  
United States Representative



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Dusty Johnson (SD-At Large)  
United States Representative



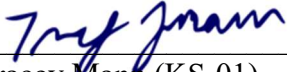
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Marcy Kaptur (OH-09)  
United States Representative



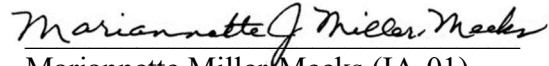
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Darin LaHood (IL-16)  
United States Representative



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Tracey Mann (KS-01)  
United States Representative



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



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Zach Nunn (IA-03)  
United States Representative



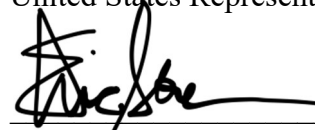
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Mark Pocan (WI-02)  
United States Representative



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Adrian Smith (NE-03)  
United States Representative



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Eric Sorensen (IL-17)  
United States Representative



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Pete Stauber (MN-08)  
United States Representative