

January 23, 2024

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

Dear Director Young:

We write today to urge quick finalization of the outstanding regulatory action to remove the 1-psi volatility waiver for gasoline-ethanol fuel blends in eight Midwest states. The final rule has now been at the Office of Management and Budget (OMB) for over a month. Quick adoption of the rule will ensure that motorists do not face fewer options and higher prices at the pump this summer.

Midwest governors submitted their requests on April 28, 2022, and under the Clean Air Act, the EPA should have promulgated the appropriate regulation within 90 days. That deadline passed a year and a half ago this week. Further delay is simply not justified.

During recent court filings on this topic, the Department of Justice stipulated that the governors had the power to make the requests, that the governors made the requests properly, that the governors submitted proper documentation with their requests, and that the EPA should have acted within 90 days. There are no questions regarding the law or science in this matter.

While some have argued that the governors' requests could lead to supply challenges, ample evidence exists to dismiss this claim. More importantly, the Clean Air Act does not allow the EPA to consider the impact on supply and price regarding the governors' requests. The law leaves that to governors to evaluate before exercising their power. Clearly, the governors see how their constituents routinely save 10 to 20 cents per gallon with ethanol blends like E15. The governors know the real risk to gasoline prices is not from implementing this rule, but rather from barring E15 as a fuel option this summer driving season.

With no outstanding issues to adjudicate, there is no excuse for further delaying a rule that is already a year and a half late. This rule will allow E15 to be sold year-round. E15 lowers tailpipe emissions, carbon emissions, and fuel costs. It is critical that the Biden Administration move swiftly to finalize the governors' requests to provide certainty for this summer and to ensure motorists don't lose the lowest-cost fuel option for most vehicles.

Sincerely,

Dave Loos  
Illinois Renewable Fuels Association

Monte Shaw  
Iowa Renewable Fuels Association

Brian Werner  
Minnesota Bio-fuels Association

Lane Howard  
Missouri Renewable Fuels Association

Tadd Nicholson  
Ohio Corn & Wheat Growers Association

Dawn Caldwell  
Renewable Fuels Nebraska

Walt Wendland  
South Dakota Ethanol Producers Association

Robert Welch  
Wisconsin BioFuels Association

CC:

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