

December 18, 2008

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Room 3000
Washington, D.C. 20460

Dear Administrator Johnson:

The undersigned diverse group of business, environmental and public health groups strongly urge the Environmental Protection Agency ("EPA") to give appropriate consideration to the important environmental and consumer safety protections with respect to EPA approval of the use of mid-level ethanol blends, such as E15 or E20, in motor vehicle and equipment engines. In our collective opinion, EPA's decision on whether to permit the use of mid-level ethanol blends in motor vehicle and equipment engines must be guided solely by sound, unbiased and comprehensive science and must hold true to EPA's fundamental purposes of protecting the environment and consumers. Our groups stand ready to assist you in maintaining a fact-based mid-level ethanol blend approval process.

Clean Air Act Section 211(f) provides detailed and clear statutory guidance on the Agency's obligations and responsibilities for reviewing applications for approval of a new fuel or fuel additive, or a new fuel and additive mixture, such as E15. These procedures must be followed rigorously, without politically-motivated or expedient analytical short-cuts, to prevent degradation of air quality and potential economic injury and personal safety risks for consumers.

Section 211(f)(4) recently was modified in Section 251 of Energy Independence and Security Act of 2007 ("EISA") to read as follows:

“(4) The Administrator, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under paragraph (1) or (3) of this subsection or the limitation specified in paragraph (2) of this subsection, if he determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards with respect to which it has been certified pursuant to sections 206 and 213(a). The Administrator shall take final action to grant or deny an application submitted under this paragraph, after public notice and comment, within 270 days of the receipt of such an application.”

There has not been sufficient testing of motor vehicle and nonroad equipment engines to justify a determination that any mid-level ethanol blend would meet the requirements of the revised Section 211(f)(4). The test results that do exist suggest that mid-level ethanol blends: (1) may be incompatible with today's motor vehicle and nonroad equipment engines; (2) may cause a failure of emission control devices or systems; (3) may defeat these engines' safety features; and, (4) may lead to a significant increase in emissions from these engines over their useful life. The introduction of mid-level ethanol blends without unbiased and comprehensive testing may be detrimental to air quality and consumers.

Collectively, our organizations strongly believe that this issue should not be part of the rulemaking proposal for the revised Renewable Fuel Standard as expanded under EISA. The mid-level ethanol blend issue should be discussed at length, but the "vehicle" should be a separate advance notice of proposed rulemaking. It would be very confusing to mix a regulatory RFS proposal and a thorough discussion of the mid-level ethanol blends in the same Federal Register proposal, especially given the complex nature of and politically challenging atmosphere of the revised RFS proposal and final rule. Each could reference the other to minimize regulatory concerns.

Please let us know how we can assist you and your staff to ensure that proper procedures and sound scientific analysis are adhered to as this process moves forward.

Sincerely,

American Lung Association
Association of International Automobile Manufacturers
Clean Air Task Force
Earthjustice
Engine Manufacturers Association
Environmental Working Group
International Snowmobile Manufacturers Association
Motorcycle Industry Council
National Marine Manufacturers Association
National Petrochemical and Refiners Association
Natural Resources Defense Council
Outdoor Power Equipment Institute
Specialty Vehicle Institute of America
Sierra Club