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# E15

## What is E15?

- E15<sup>1</sup> is a fuel blend containing 85% petroleum gasoline and 15% ethanol.
- E15 is approved by EPA for use in all light-duty vehicles built in 2001 or later, and the majority of vehicles in today's fleet are built to use E15.

## What's the Issue with E15 in the Summertime?

- The Clean Air Act effectively prohibits the sale of E15 during the summer driving season (June 1 to September 15) in most of the country.
- During the summer, the law holds E15 to a stricter volatility standard than regular gasoline containing 10% ethanol (E10) — even though the volatility of E15 is slightly less than the volatility of E10.
  - E15 is held to a volatility limit of 9.0 pounds per square inch (psi) Reid vapor pressure (RVP), while E10 is held to a limit of 10.0 psi RVP due to a statutory 1.0-psi RVP waiver.
- EPA does not have the statutory authority to apply the same volatility standard to E15 that it applies to E10.
- EPA does have the emergency authority to temporarily relax the summertime volatility standard for E15 when extreme and unusual fuel supply circumstances exist.
  - EPA has exercised<sup>2</sup> this emergency authority in both 2022 and 2023<sup>3</sup> to “ensure that an adequate supply of gasoline is available.”
  - While EPA's emergency waivers have facilitated year-round sales of E15 in 2022 and 2023, there is significant uncertainty around the future applicability of this waiver authority.
  - Temporary emergency waivers are not a sustainable, long-term solution for the marketplace.

## What are States Doing to Address the Issue?

- In April 2022, eight Midwest Governors exercised their authority under the Clean Air Act to request<sup>4</sup> removal of the 1.0-psi RVP waiver for E10 in their states. EPA is expected to finalize approval of the Governors' request in 2023.
- The Governors' approach would essentially require the same gasoline blendstock for both E10 and E15 in these states.
- While this approach would allow the year-round sale of E15 in the eight states, it would change the blendstock for E10.
- This approach would result in regional variation in gasoline specifications and could require unique adjustments in fuel supply logistics in the Midwest as well as adjacent states.

<sup>1</sup><https://www.epa.gov/fuels-registration-reporting-and-compliance-help/e15-fuel-registration#about-e15>

<sup>2</sup><https://www.epa.gov/newsreleases/epa-issues-emergency-fuel-waiver-e15-sales-0>

<sup>3</sup><https://www.epa.gov/enforcement/fuel-waivers>

<sup>4</sup><https://www.epa.gov/gasoline-standards/proposed-rule-response-request-states-removal-gasoline-volatility-waiver>



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## We Need a Permanent Solution that Allows Year-Round, Nationwide Sale of E15

- The Clean Air Act's volatility limits for gasoline-ethanol blends were crafted more than 30 years ago—two decades before EPA approved the use of E15. The statute needs to be updated to reflect today's fuel marketplace and recognize the benefits of E15.
  - E15 reduces the lifecycle carbon intensity of gasoline as well as tailpipe CO2 emissions.
  - E15 is generally offered at a lower cost than E10.
  - E15 provides another option for consumers at the pump and opportunities for additional fuel supply.
- Federal legislation, in lieu of state-by-state petitions, would provide parity between E10 and E15 and avoid the potential impacts of state-specific or regional requirements. Legislation allowing for the year-round, nationwide sale of E15 would provide certainty to the entire industry—including fuel marketers, retailers, and renewable fuel producers.
  - Allowing year-round, nationwide sales of E15 would prevent a complicated patchwork of unique state or regional fuel requirements.

## What is the Path Forward?

- The bipartisan *Nationwide Consumer and Fuel Retailer Choice Act of 2023* (S. 2707) introduced by Senators Deb Fischer (R-NE), Shelley Moore Capito (R-WV), Tammy Duckworth (D-IL), and Tammy Baldwin (D-WI), as well as a diverse group of other senators, would provide a permanent solution to this problem.
  - The legislation would allow year-round, nationwide sale of E15, by allowing E15 and E10 to access the same 1.0-psi RVP waiver and use the same blendstock.
- The bill eliminates the need for EPA to consider using its emergency waiver authority<sup>5</sup> to allow E15 to be used each summer.
- The bill would also supersede the state petitions filed by Midwest Governors, as individual state actions would no longer be necessary to facilitate year-round E15. This would alleviate concerns surrounding logistical challenges and inefficiencies in the marketplace.

## A Broad Coalition of Stakeholders Supports Swift Passage of S. 2707

- For the first time, stakeholders from the petroleum industry, fuel marketing and retail sector, ethanol industry, agriculture, and consumers have all come together to support this mutually beneficial solution.
- The bill resolves long-standing differences and brings certainty, stability, and consistency to the fuel market.

<sup>5</sup><https://www.epa.gov/enforcement/fuel-waivers>