United States Senate
WASHINGTON, DC 20510

January 5, 2011

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson,

We are writing you regarding the recent announcement to allow 15 percent volume ethanol (E15) in our nation's transportation fuel supply and the implications of this decision and other federal government policies on the availability of pure gasoline in our country.

Thousands of engines operating in snowmobiles, chainsaws, lawnmowers, boats and airplanes were manufactured to utilize pure gasoline and have encountered major technical problems when using E10, let alone E15 as a fuel source. In fact, the Environmental Protection Agency (EPA) has denied utilizing E15 in vehicles older than Model Year (MY) 2000 as well as nonroad engines. Moreover, EPA in granting the use of E15 in our nation's fuel supply, stated in the federal register that, "The Agency has reasons for concern with the use of E15 in nonroad products…[and] the limited information provided by Growth Energy and commenters, or otherwise available in the public domain, did not alleviate these concerns."

While we appreciate the recognition that E15 cannot be used in the majority of snowmobiles, chainsaws, lawnmowers, boats, airplanes and other nonroad engines, we are concerned that it appears that EPA did not consider the implications of what is a growing problem in our country for these products: the decreasing availability of pure gasoline. As you know the Energy Independence and Security Act of 2007 (EISA) amended section 211(f)(4) of the Clean Air Act to require that EPA consider the effects on nonroad engines in waiver decisions. Although EPA's waiver decision meticulously assesses the use of E15 in nonroad vehicles, EPA fails to address a more basic, but critical question – whether allowing the use of E15 will continue to decrease the availability of pure gasoline in our country. Clearly, if nonethanol gasoline is not available, consumers may have little choice despite clear pump labeling, but to use a product that EPA has determined is not suitable for use in nonroad vehicles as is the case with E15.

This situation is occurring today in many rural regions of our country. Recently, the major distributor of pure gasoline in New England ceased providing this fuel to local distributors causing a scramble to locate additional suppliers. Specifically, the Central Maine Regional Airport in Norridgewock, Maine, has spent the last few months trying to locate an additional supplier and may be forced to use a supplier in Pennsylvania to local

users. The refining industry continues to move towards blending ethanol products and discontinue the production of nonethanol products. The decision to grant the waiver could accelerate this shift, reduce the availability of nonethanol gasoline and may lead to price increases where it is available – adversely affecting nonroad engines contrary to the intent of EISA. The fact is that our country only has one refining industry and the attempt to limit use of distinct products to specific engines, as EPA attempts to accomplish, is inconsistent with how fuel is supplied throughout the nation.

Accordingly, we would like to ask whether EPA considered the availability of gasoline in granting the waiver for use of E15, whether EPA assessed the economic implications of increasing the availability of ethanol products in the United States on nonroad engines, and also request that EPA provide an analysis of the current and future availability of nonethanol gasoline in the United States. Finally, considering current and future accessibility constraints and recognizing the importance to maintain ample availability of nonethanol gasoline for nonroad and other engines, what policy recommendations, both legislatively and through existing authority, would EPA recommend to ensure sufficient supply?

We thank you for your work and look forward to your response to this critical issue.

Sincerely,

OLYMPIA J. SNOWE
United States Senator

JAMES M. INHOFE
United States Senator