

December 6, 2022

The Honorable Charles Schumer  
Majority Leader  
U.S. Senate  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate  
317 Russell Senate Office Building  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
1236 Longworth House Office Building  
Washington, DC 20515

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
2468 Rayburn House Office Building  
Washington, DC 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi and Minority Leader McCarthy:

As leaders across the energy and agriculture value chains, the undersigned organizations and companies are united in our support of S. 5145, the Consumer and Fuel Retailer Choice Act of 2022, a federal legislative solution that would apply the same fuel volatility limit to all conventional gasoline blends during the summer ozone control season. We urge Congress to quickly adopt this legislation that permanently resolves inconsistent fuel volatility rules.

Due to legislation that was passed three decades ago, a one pound per square inch (psi) Reid vapor pressure (RVP) volatility allowance is currently available only to gasoline blends containing 10 percent ethanol (E10). Gasoline containing 15 percent ethanol (E15) is not provided the same RVP tolerance as E10, even though the fuel is slightly less volatile than E10. Due to the current policy, it is extremely difficult for many fuel marketers and retailers that may desire to offer E15 to their customers in the summer months to source that product. These issues led a number of Governors to recently petition the U.S. Environmental Protection Agency to eliminate the one-psi RVP allowance for E10 in their states. This approach would essentially require the same gasoline blendstock to be used for the sale of E10 and E15 in these states, which could require adjustments in fuel supply logistics in those states.

Our groups have come together—for the first time ever—to support legislation that would resolve this issue once and for all. Accordingly, we support legislation that extends the one-psi RVP tolerance to all gasoline blends containing 10 percent ethanol *or more*, while simultaneously nullifying the recent state petitions to eliminate the one-psi allowance for E10. By ensuring uniformity across the nation's fuel supply chain, federal legislation will provide more flexibility and result in more consistent outcomes than a state-by-state regulatory landscape.

In the absence of such legislation, we could see gasoline marketplace uncertainty and political disputes over E15 continue to resurface every summer. Thus, we urge Congress to act quickly to adopt S. 5145 and bring certainty and consistency to the fuel market, while also finally resolving long-standing differences among many stakeholders about fuel volatility regulations.

Sincerely,

American Farm Bureau Federation  
American Petroleum Institute  
Association of Equipment Manufacturers  
Growth Energy  
National Association of Convenience Stores  
National Corn Growers Association  
National Council of Farmer Cooperatives  
National Farmers Union  
National Sorghum Producers  
NATSO – Representing America’s Truckstops and Travel Plazas  
Renewable Fuels Association  
SIGMA – America’s Leading Fuel Marketers

CC: Sen. Tom Carper, Chair – Senate Environment and Public Works Committee  
Sen. Shelley Capito, Ranking Member – Senate Environment and Public Works Committee  
Rep. Frank Pallone, Chair – House Energy and Commerce Committee  
Rep. Cathy McMorris Rogers, Ranking Member – House Energy and Commerce Committee  
Sen. Deb Fischer (R-NE)  
Sen. Amy Klobuchar (D-MN)  
Rep. Adrian Smith (R-NE)  
Rep. Angie Craig (D-MN)