



January 29, 2019

Dear U.S. Senators:

As the Senate proceeds to consider the nomination of Andrew Wheeler to serve as Administrator of the Environmental Protection Agency (EPA), I write to encourage you to secure tangible documentation from Mr. Wheeler that EPA will resolve two critically important issues before casting your confirmation vote: finalizing a legally-defensible Reid vapor pressure (RVP) rule to allow E15 use year-round before June 1, and reallocating ethanol blending obligations waived for 2016 and 2017 through the Small Refinery Exemption (SRE) provision of the Renewable Fuel Standard (RFS).

I urge you hold Acting Administrator Wheeler to this high standard because of the harm done to renewable fuels by former EPA Administrator Scott Pruitt. Prior to his confirmation by the Senate, Mr. Pruitt pledged to support the RFS as the law of the land and the President's commitment to expanding ethanol use. However, while leading EPA, he undermined the RFS through an unprecedented number of backdoor refinery waivers which erased more than 2 billion gallons of ethanol blending obligations between 2016 and 2017. Furthermore, he refused to reallocate those blending obligations to other refiners, as called for under the law, and failed to initiate a rulemaking to allow E15 use year-round despite the fact it is a priority for the President. EPA's broken promises and abuse of the RFS compel Acting Administrator Wheeler to repair the damage by reallocating the blending obligations and finalizing a legally-defensible rule to allow E15 use year-round before June 1.

During his recent confirmation hearing, Acting Administrator Wheeler assured Environment and Public Works committee members that EPA is 'still on schedule' to issue a final rule allowing year-round E15 sales but added there 'may be a slight delay' due to the recent government shutdown. The shutdown is not a credible excuse for a delay in the E15 rulemaking.

In fact, recent history proves the Trump Administration can expedite high-priority rulemakings. Take for example the United States Department of Agriculture's (USDA) newly-proposed work requirements for recipients of supplemental nutrition assistance program (SNAP) benefits. In December, as Congress was negotiating the Farm Bill, the Senate insisted that House conferees drop new food stamp work requirements from the final legislation. In response, to secure enough Republican votes in the House of Representatives to pass the Farm Bill conference report, USDA put forward a rulemaking to impose the work requirements through executive action. The Farm Bill conference report was adopted by Congress on December 12. The President waited to sign the Farm Bill until December 20, the same day USDA published the SNAP work requirement rulemaking.

In just eight days USDA was able to issue a rule at the direction of the President to fulfill a promise to Republicans in the House of Representatives. It has been more than 100 days since the President directed EPA to initiate a rulemaking to allow E15 use year-round. What is taking EPA so long to act? There is no better way to guarantee the RVP rule and reallocation of refinery waivers are addressed than by insisting Mr. Wheeler provide tangible evidence of his intentions on these issues prior to voting to confirm him.

The RVP rule is particularly time-sensitive. Under EPA's existing and outdated RVP regulations, E15 cannot be sold in most areas of the country from June 1 to September 15, leaving just four short months from today to complete the rulemaking process. Unfortunately, EPA needlessly plans to combine the RVP rule with reforms to the way Renewable Identification Numbers (RINs) are handled under the RFS. RIN reforms are highly-controversial among oil refiners so EPA's proposal will likely pit refiners against each other, causing a protracted dispute. If RIN reforms prevent EPA from finishing the RVP rule by June 1, it will result in another summer that E15 cannot be sold in many parts of the country when fuel demand is at its peak. Acting Administrator Wheeler should be encouraged to decouple RIN reforms from the RVP rule to ensure E15 can be offered for sale by June 1.

Thank you for your time and consideration of these concerns prior to your confirmation vote.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Jennings". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

Brian Jennings, CEO
American Coalition for Ethanol