

ALLIANCE FOR A SAFE ALTERNATIVE FUELS ENVIRONMENT

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AllSAFE Raises Safety and Regulatory Concerns over EPA's Consideration of Partial Fuel Waiver for Ethanol

--AllSAFE says EPA's unexpected proposal to introduce both E-10 and E-15 to the fuels marketplace fraught with misfueling and safety risks --

-- AllSAFE states that legal and regulatory statutes prohibit a partial fuel waiver --

Alexandria, VA – July 16, 2009 – [The Alliance for a Safe Alternative Fuels Environment](#) (AllSAFE), which speaks for manufacturers on fuel-related legislation representing 400 million products that over 250 million Americans own and operate, including recreational boats and marine engines, chainsaws, lawnmowers, motor vehicles, motorcycles, all terrain vehicles (ATVs), snowmobiles, generators, and related vehicles and equipment, announced today that it delivered official comments voicing concern to the [Environmental Protection Agency \(EPA\)](#) about Growth Energy's fuel waiver application for E-15.

AllSAFE's comments also address concerns over EPA's expansion of the waiver request to include "bifurcating" the fuel supply, or allowing two fuels (E-10 and E-15) in the marketplace at one time via the 211(f)(4) fuel waiver process. To read AllSAFE's comments to the EPA, visit allsafe-fuel.org or www.OPEI.org.

"AllSAFE's comments clearly establish that E-15 has not been sufficiently tested and poses a hazard that could potentially bring physical endangerment to consumers," said Kris Kiser, spokesman for AllSAFE. "With the additional concern of a 'bifurcated fuel' supply, the EPA has not evaluated all the complex issues, such as misfueling, which again, leads to permanent damage of non-road equipment and older vehicles and poses a risk of personal harm to the consumer. These concerns deserve a full evaluation through the proper section of the federal Clean Air Act and should not be insufficiently addressed through a fuel waiver request."

In EPA's response to Growth Energy's waiver application, comments were requested by EPA on a potential "partial fuel waiver" that would in concept only apply to certain newer on-road vehicles. EPA's "partial waiver" concept would be based on somehow bifurcating the national production, distribution, blending, and marketing of separate E-10 fuels (for non-road products and older automobiles) and then offering E-15 fuels for newer automobiles only.

In practice, consumers would now be faced with two fuel pumps at any given station – one with E-10 and one with E-15. “AllSAFE has strongly cautioned the EPA against such a measure since consumers could be confused and possibly use the wrong fuel, especially if they see that E-15 is cheaper and choose that blend rate to save money,” said Kiser.

In its comments, AllSAFE pointed out that EPA’s attempt to offer leaded and unleaded fuels via two separate pumps was not completely successful. Even with education and physical barriers against misfueling at the fuel pump and on the automobile, misfueling still occurred with 13.5 % of vehicles needing unleaded gasoline (based on EPA’s own misfueling study). With no physical barrier and a price differential that would encourage misfueling, the potential for physical harm to consumers must be addressed before bifurcation is considered.

AllSAFE’s comments also point out that from a legal and public policy standpoint, the EPA cannot approve any “partial” mid-level ethanol fuel waiver until EPA has completed a separate rulemaking process under section 211(c) to prevent misfueling.

In 2007, Congress expanded and strengthened Section 211(f)(4), which specifically directed EPA to only approve a fuel waiver if all non-road and on-road engines or vehicles would not be adversely impacted with regard to their applicable emission standards. Yet, Section 211(f)(4) does not create the legal authority for EPA to establish a “partial waiver” based on a bifurcated fuel “concept.”

In summary, AllSAFE recommends that the EPA deny the Growth Energy E-15 partial waiver request at this time for the following reasons:

- Use of E15 fuel cannot be legally or practically controlled through a partial waiver without causing wide-spread misfueling, engine damage, and potential for physical harm to consumers.
- The waiver application does not include most of the information EPA has outlined as required supporting information.
- The data supplied with the waiver application does not support the claims made regarding the emission and operability influence of E-15 fuel.
- Use of E-15 fuel is expected to result in “materials incompatibility”
- Use of E-15 fuel is expected to cause unacceptable engine and/or equipment “operability”–resulting in an increase in “tampering.”
- Use of E15 fuel has been demonstrated to result in increased exhaust emission of HC+NOx and significantly higher exhaust gas temperatures resulting in engine degradation.
- Use of E-15 fuel is expected to result in increased evaporative emissions.
- Use of E-15 fuel would increase national emissions based on well-established predictive modeling.

About AllSAFE

AllSAFE is made up of national consumer, manufacturing, and gasoline retailer associations (listed below) that consume gasoline and ethanol fuel blends (listed below). AllSAFE speaks for manufacturers on fuel-related legislation representing 400 million products that over 250 million

Americans own and operate, including recreational boats and marine engines, chainsaws, lawnmowers, motor vehicles, motorcycles, all terrain vehicles (ATVs), snowmobiles, generators, and related vehicles and equipment. For more information, go to <http://allsafe-fuel.org/>.

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About the Outdoor Power Equipment Institute

OPEI is an international trade association representing the \$15 billion landscape, forestry, utility and lawn and garden equipment manufacturing industry. OPEI is a recognized Standards Development Organization for the American National Standards Institute (ANSI) and active internationally through the International Standards Organization (ISO) in the development of safety standards. Founded in 1952, OPEI represents and promotes the outdoor power equipment industry and ensures the public may continue to benefit from the economic, lifestyle and environmental contributions of landscapes and turfgrass. For more information on OPEI, visit www.OPEI.org.

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