



National Wildlife Federation

National Advocacy Center

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April 17, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Attn: Thomas Boylan

Re: Docket EPA-HQ-OAR-2018-0775

Dear Administrator Wheeler:

On behalf of the National Wildlife Federation and its 6 million members and supporters, I ask that you extend the comment period for the proposed rule at the docket referenced above: Modifications to Fuel Regulations to Provide Flexibility for E15; Modifications to RFS RIN Market Regulations¹. The current comment period of 39 days is wholly inadequate for the public to meaningfully assess and weigh in on this proposal.

This rule is controversial, complex, and would extend sweeping changes to ethanol markets, transportation fuel, and millions of American drivers and outdoor recreationists – including NWF's members.

First, the rule is highly controversial, raising serious legal questions that need to be thoroughly vetted by the public and considered by the Agency before moving forward. As proposed, it would reverse decades of EPA interpretation of law concerning permissible levels of ethanol in gasoline, limits established due to serious public health concerns. In its response to interagency review, the Agency admits that it did not conduct meaningful analysis of the health or environmental impacts of the proposal, and numerous reports have pointed to a politically motivated desire to rush the rule through the process.²

Second, the rule is complex and highly technical, proposing changes to disparate aspects of the biofuel industry. The first part of the proposal goes to great lengths to justify its reversal of agency precedent in interpreting the statutory limits on ethanol in summer months, and to unwind related regulatory structures to reflect this new interpretation. There is lengthy technical discussion of engine performance, air emissions, consumer protection measures, and more. The

¹84 Fed. Reg. 55 (March 21, 2019)

² "EPA Rushed Ethanol Plan Sought by Farmers After Trump Pledge" Dlouhy, Jennifer and Mario Parker. Bloomberg, March 27, 2019. <https://www.bloomberg.com/news/articles/2019-03-27/epa-rushed-ethanol-plan-sought-by-farmers-after-trump-pledge>

second part then goes on to make drastic changes to the nature of biofuel credit markets in ways that have not been part of the public discourse previously.

Given the vast number of parties and individuals potentially impacted from all of these changes – from car makers subject to liability claims, to gas stations supplying E15, to consumers purchasing fuel for transportation, recreation, and domestic use, to obligated parties under the Renewable Fuel Standard, to other traders of biofuel credits, to farmers who could be impacted by shifting crop demand, to families concerned about the potential for more smog as a result – it is incumbent upon the Agency to ensure that all parties have an opportunity to learn about the proposal, assess its impacts, and formulate meaningful feedback to guide the Agency's ultimate decision.

The National Wildlife Federation urges EPA to take seriously the import of the changes in this proposal and allow the public more time to gather and submit comments. Thank you for considering this request.

Sincerely,

David DeGennaro
Policy Specialist
National Wildlife Federation