Background

The Consumer and Retailer Choice Act of 2022 would allow for the year-round, nationwide sale of E15 by permanently extending Reid vapor pressure (RVP) volatility waiver to ethanol blends above 10 percent.

To ensure uniformity and prevent a patchwork of regulations from disrupting the national fuel supply chain, the legislation also includes language to nullify pending governor's petitions to remove the 1-psi waiver for E10 ethanol. Earlier this year, nine governors have filed requests with the EPA that would allow them to sell E15 year-round at the state level.

While the EPA officially approved the year-round sale of E15 in 2019, a number of legal and regulatory battles have prevented this from happening. Instead, currently the EPA must issue emergency fuel waivers each summer on an ad hoc basis. The lack of long-term certainty has held biofuels back from being fully integrated into fuel markets.

In addition to helping consumers at the pump, expanding the usage of E15 benefits the environment. A 2021 study found that greenhouse gas emissions from ethanol are 46% lower than traditional gasoline. Another study from Argonne National Lab found that between 2005 and 2019, corn ethanol contributed to a 500-million-ton reduction in total greenhouse gas emissions.

Nebraska is ranked second in the nation in biofuel production and has 24 operating ethanol plants across the state. These plants produce more than 2 billion gallons of renewable fuel annually and have created up to 1,400 good-paying jobs.

As long-time advocates for biofuels, Sen. Fischer and Sen. Klobuchar previously introduced year-round E15 legislation in 2021. Sen. Fischer first introduced the Consumer and Fuel Retailer Choice Act in the 115th Congress and successfully worked to secure a hearing on the Environment and Public Works Committee.

Past Fischer Actions on Biofuels:

Senator Fischer has taken numerous actions to support biofuel producers, including:

- **Pushed** the Biden administration to agree to allow the temporary sale of E15 year-round.
- **Called out** the Biden administration's EPA for trying to let small oil refiners off the hook after failing to comply with the RFS.
- **Joined** letter urging the Biden administration to stop delaying critical biofuels assistance.
- **Introduced** the Consumer and Fuel Retailer Choice Act to ensure blends higher than E10 can be sold year-round.
- **Introduced** the RFS Integrity Act to create transparency and predictability in EPA's small refinery exemption process and require any exempted gallons to be accounted for in annual RVOs.

- **Joined** letter to USDA urging them to use the Commodity Credit Corporation/December 2020 COVID relief bill to provide assistance to the biofuels industry.
- **Led** bipartisan letter to EPA urging them to reject requests to waive RFS requirements and support robust RVOs.
- **Joined** letter to President Biden urging him to reject calls to undercut RFS by reducing blending requirements and uphold his campaign promises.
- **Joined** letter requesting meeting with President Biden about the lack of prioritization of biofuels in the administration's policies.
- **Joined** letter to EPA urging them to increase the proposed biodiesel volumes in the Renewable Volume Obligations (RVOs) for 2023 and 2024 to provide certainty to farmers and producers.