

----- Original message -----

From: "Ruske, Ross" <Ruske.Ross@epa.gov>

Date: 07/17/2017 3:36 PM (GMT-05:00)

To: "Elliott, Timothy (AGR)" <TElliott@agr.wa.gov>

Cc: "Kodish, Jeff" <Kodish.Jeff@epa.gov>, "Anderson, Robert" <Anderson.Robert@epa.gov>,

"Schefski, Melissa" <Schefski.Melissa@epa.gov>, "Kryman, Matthew"

<Kryman.Matthew@epa.gov>, "Sullivan, Tim" <Sullivan.Tim@epa.gov>

Subject: FW: E15 as gasoline and Ethanol flex fuel

Tim,

The EPA's latest guidance on the issue of using Flex-Fuel labeling to sell E15 was published in the Federal Register within the preamble to the proposed rule update for renewable fuels. The proposed rule is published here: <https://www.federalregister.gov/documents/2016/11/16/2016-25292/renewables-enhancement-and-growth-support-rule>

The statement is,

“As a result of the difficulty blenders face in locating sub-RVP blendstocks for use in making E15 that is compliant with the gasoline RVP requirements in areas where the 1 psi waiver for E10 applies, the EPA received requests for clarification about whether relabeling E15 as for use only in FFVs would exempt E15 from gasoline RVP requirements [from June 1 through September 15](#). All gasoline, including E15, is subject to all of the requirements applicable to gasoline because of its formulation, not because of its end use. These requirements cannot be circumvented by relabeling.”

See 81 FR 80863, November 16, 2016.

In addition, there are multiple documents stating EPA's guidance on E15 Misfueling Mitigation Plans here: <https://www.epa.gov/fuels-registration-reporting-and-compliance-help/documents-related-e15-misfueling-mitigation-plans>

I've attached the latest fact sheet from the above EPA webpage.

Ross Ruske
US EPA
Air Enforcement Division
Washington, DC 20460
202-564-1033

From: Schefski, Melissa

Sent: Monday, July 17, 2017 2:52 PM

To: Ruske, Ross <Ruske.Ross@epa.gov>

Cc: Anderson, Robert <Anderson.Robert@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>

Subject: FW: E15 as gasoline and Ethanol flex fuel

Hi Ross – Here is the information Mr. Elliott sent Kodish.

Acting Chief/Attorney-Advisor
Fuels Enforcement Branch
Air Enforcement Division
Mail Code: 8MSU

1595 Wynkoop Street
Denver, Colorado 80202
303-312-6842 (office)
303-895-5574 (cell)

From: Kodish, Jeff
Sent: Monday, July 17, 2017 12:37 PM
To: Elliott, Timothy (AGR) <TElliott@agr.wa.gov>
Cc: Anderson, Robert <Anderson.Robert@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>
Subject: Re: E15 as gasoline and Ethanol flex fuel

Hi Tim - I am on vacation (in your state), but I am including Robert Anderson from our Office of Transportation and Air Quality with he hopes that he can respond to your question.

Thanks

Jeff

Sent from my iPhone

On Jul 17, 2017, at 6:44 AM, Elliott, Timothy (AGR) <TElliott@agr.wa.gov> wrote:

Jeff I am hoping you can help provide some clarification about E15 being sold under the FTC EFF label during the summer.

A timely response would be greatly appreciated as we are discussing this issue at the Annual meeting of the National conference of weights and measures and we are voting on changes to our out dated Flex fuel rules and trying to bring them into harmony with federal regulations.

I can make time for a phone call if that would be best do to the possible depth/complexity of this topic.

Thank you

Tim Elliott

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