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GrowthEnergy.org

July 14, 2019

Mr. Brett Gurney  
Utah Weights and Measures Program Manager  
Chairman of the Board, National Conference on Weights and Measures  
Via email: bgurney@utah.gov

Dear Mr. Gurney,

Growth Energy is the world's largest association of biofuel producers, representing 100 U.S. plants that each year produce more than 8 billion gallons of ethanol; 89 businesses associated with the production process; and tens of thousands of biofuel supporters around the country. Together, we are working to bring better and more affordable choices at the fuel pump to consumers, improve air quality, and protect the environment for future generations. We remain committed to helping our country diversify our energy portfolio in order to grow more jobs, sustain family farms, and drive down the costs of transportation fuels for consumers.

We greatly appreciate and thank the National Conference on Weights and Measures Laws & Regulations Committee and Board of Directors for the careful consideration of our Form 15 Proposal to amend NIST Handbook 130 in light of the recent U.S. Environmental Protection Agency (EPA) final rule: Modification to Fuel Regulations to Provide Flexibility for E15. EPA published the final rule on May 30, 2019.<sup>1</sup>

*Our Proposal: "Amend Section 2.1.2 of the Uniform Regulations, Section G. Gasoline and Gasoline- Oxygenate blends to reference the U.S. EPA regulatory section on the special provisions for alcohol blends while eliminating the reference to specific ethanol content."*

Date: April 26, 2019

We agree and applaud the decision by the National Conference's Laws & Regulations Committee and ultimately the Board of Directors identifying the proposal as a "priority" item. Due to a change in national regulations, the section cited above in current Handbook 130 is in conflict with Federal regulation. Correcting this error in the handbook deserves priority consideration.

The proposal seeks to correct the language in the current NIST Handbook 130, Section 2.1.2, concerning the summer 1psi allowance that does not align with current EPA regulations that provide a vapor pressure allowance of 1 psi for blends containing at least 9 and no more than 15 % ethanol, by volume, in the

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<sup>1</sup> U.S. Environmental Protection Agency Final Rulemaking for Modifications to Fuel Regulations to Provide Flexibility for E15 and to Elements of the Renewable Identification Number Compliance System. May 30, 2019. Federal Register/ Vol. 84, No. 111, Monday, June 10, 2019/ Rules and Regulations. Environmental Protection Agency. 40CFR80. [EPA-HQ-OAR-2018-0775; FRL-994-87-OAR.] Final rule.

gasoline. These EPA regulation changes became effective on May 30, 2019. The proposal will simply reference the special provisions for alcohol blends in the EPA regulations. We urge the National Conference to affirm this simple proposal by voting to approve this modification at the July Annual Meeting in Milwaukee, WI.

The EPA final rule allows E15 the same Federal special provision previously allowed only for E10 when and where states allow. This is a special provision, an allowance, not a Federal requirement for E10 or E15. The current language in NIST Handbook 130 is based on the previous EPA regulation and does not reflect the EPA regulation now in effect. States that adopt all or parts of Handbook 130 may now be in conflict with the current EPA regulations. Some states may have additional specific language concerning the federal allowance and other states may be silent on E15 vapor pressure requirements. The outdated language could be understood to prohibit retailers from selling E15 in some parts of the country during the summer driving season when the state laws and regulations do not have specific restrictive language or are silent on the summer vapor pressure of E15 because the EPA regulation did not provide the allowance prior to this rule.

The previous EPA regulations have been superseded by the EPA rule cited above. Handbook 130 language is incorrect and should be amended to reflect current EPA regulations. We support the proposed simple amendment to remove the conflict between the language in Handbook 130 and current EPA regulations.

We see considerable benefits with referencing current federal regulations in NIST Handbook 130 model regulations as E15 is already available in 30 states and has been run for more than 10 billion consumer miles. We respectfully request that National Conference approve this needed update and well-deserved priority item at the upcoming July meeting. Thank you for your consideration. Please feel free to contact us with comments or questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christopher V. Bliley".

Chris Bliley, Vice President of Regulatory Affairs

CC: Don Onwiler, Executive Director, National Conference on Weights and Measures