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Adam Gregg  
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April 19, 2021

Administrator Michael Regan  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OAR-2020-0448

Dear Administrator Regan:

The State of Iowa leads the nation in the production of ethanol, biodiesel, and the corn and soybean feedstock that is used to make it. The renewable fuels industry accounts for more than \$5.3 billion – or about 3 percent – of Iowa’s GDP, and supports more than 48,000 Iowa jobs. Iowa is a national leader in renewable energy, and I am pleased to offer comments on the proposed rule for E15 fuel dispenser labeling and compatibility with underground storage tanks.

Quickly expanding consumer access to E15 is vital to Iowa’s economy, consumer’s pocketbooks, and our nation’s clean air. I appreciate the steps the Agency has proposed in this draft rule, and believe there is even more the Agency could do to increase access to and the use of E15.

E15 Pump Label

The Agency’s mandatory E15 label makes it unnecessarily difficult to introduce this relatively new product to market. In both words and color, the current E15 pump label jumps out at consumers as nothing less than a “warning” label. Consumers and retailers alike have said that this label hurts acceptance of the lower-cost, cleaner-burning renewable fuel.

Iowa is proud to have some of the earliest E15 retailers dating back to 2012. Since then, with nearly 250 E15 retail locations and another 100+ locations in the process of adding the fuel,<sup>1</sup> we have learned a great deal. First, the original fears of the Agency concerning misfuelling were overstated. We are unaware of any misfuelling issues in Iowa since E15 was introduced in 2012. While it would be ideal for the E15 label to be eliminated completely, as the Agency notes, if the current EPA E15 label is eliminated, then Federal Trade Commission labeling rules would take their place. These rules are even more inaccurate and misleading for consumers.

As such, we ask the Agency to modify the E15 label along these goals:

1. Informational, not threatening
2. Factual, not speculative
3. Brief and straight-forward, not confusing

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<sup>1</sup> <https://iowaagriculture.gov/news/167-renewable-fuels-retail-locations-awarded-grants>

The color should be modified and the text should be limited to brief, factual statements about the vehicles that are approved for E15 use. Further, while we respect the right of retailers to market their products as they see fit within the bounds of federal and state law, the Agency should preempt state laws requiring any further mandatory labeling for E15. Consumers need and deserve clarity at the pump, not clutter and confusion.

#### E15 UST Compatibility

One of the biggest obstacles preventing rapid expansion of E15 consumer access is aged underground storage tank (UST) systems that must be replaced before offering E15. The monetary cost and downtime for a retailer can make the move to E15 unappealing.

E85 has been sold in Iowa since the early 1980s, long before USTs or dispensers were listed for that fuel. More recently, virtually all the fueling infrastructure (except the approximately 10 percent of retail fuel stations already offering E10) was converted to ethanol blends. As a result of this conversion, we are not aware of a single recorded release tied to ethanol content and incompatible infrastructure, and the number of annual releases has trended down.

As the majority of releases occur above ground at the dispenser, it is also important to consider E15 compatibility with above ground equipment. In 2009, the State Fire Marshal of Iowa followed Underwriters Laboratory (UL) guidance to approve all E10-listed fuel dispensers for E15.<sup>2</sup> At the time, UL stated: “UL determined that there is no significant incremental risk of damage between E10 and fuels with a maximum of 15 percent ethanol. This conclusion was reached after careful examination of the effects of varying levels of ethanol on components.”<sup>3</sup>

Given these combined facts, the Agency should take the common-sense step, similar to the action taken to approve fueling infrastructure for B20, to “deem compatible” with E15 all tanks, lines, and associated equipment that is below ground and inaccessible that is approved for E10.

There is no known testing that has determined this equipment, which is compatible with E10, would not be compatible with E15. This step by EPA would dramatically accelerate the adoption of E15, which would reduce both tailpipe emissions and carbon emissions.

#### Future Proof Equipment

In order to prevent future regulatory barriers for low carbon biofuels, we strongly support the Agency’s proposal to require all new or replaced UST system equipment and components be compatible with E100. This makes sense in pursuit of greater biofuel use in future internal combustion engines. Future-proofing our fueling infrastructure to ensure that the cleanest and most affordable options are not impeded by regulatory barriers will be key to our clean energy future.

We appreciate the Agency’s serious consideration of these comments. Finalizing a rule that meaningfully removes barriers to E15 availability and use will have a profound impact on the rural economy, reducing consumer fuel costs, and reducing tailpipe and carbon emissions.

Thank you for the opportunity to comment on this important policy matter.

Respectfully submitted,



Kim Reynolds  
Governor of Iowa

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<sup>2</sup> <https://www.legis.iowa.gov/docs/aco/arc/9620B.pdf>

<sup>3</sup> <https://www.ul.com/news/underwriters-laboratories-announces-support-authorities-having-jurisdiction-who-decide-permit>