

F. JAMES SENSENBRENNER, JR.

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September 27, 2016

Ms. Gina McCarthy
Administrator, Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20004

Dear Administrator McCarthy:

I write to you with concerns about an Environmental Protection Agency (EPA) decision to allow certain configurations of fuel-dispensing blender pumps at retailer locations.

A number of complications surround the introduction of fuels containing higher percentages of ethanol, or E15, as known to many Americans. Apart from the difficulties of managing ethanol-blended fuels, especially in the winter months, there are additional and more serious roadblocks for people who own older automobiles or specific types of motor vehicles. Many vehicles owned and operated in the United States, including lawn mowers, motorcycles, ATVs, and various watercraft, are not built to burn high-ethanol fuel. EPA's E15 requirements may lead to wide-spread vehicle malfunction, caused by misfueling. Additionally, certain E15 and blender pump implementation options approved by EPA have presented serious obstacles to consumers at large, whether or not they desire to purchase E15.

The EPA has tried to alleviate consumer difficulties and confusion in connection with E15 by allowing retailers to dispense different blends of gasoline at the same pump from different hoses. Blender pumps with fuel hoses dedicated to each specific blend are adequate in addressing the breadth of consumer demands, minimizing the possibility for consumer confusion, and bypassing issues that are inherent to other types of blender pumps. For these reasons, pumps with hoses dedicated to each blend of motor fuel sold are superior to single-hose pumps. However, for unknown reasons and counter to consumer concerns, EPA has sought over several years to permit retailers to dispense fuel from single-hose pumps. Problems that might have been mitigated for passenger-vehicles with larger fuel tanks are instead compounded by EPA's attempts to permit these single-hose pumps. Further, EPA's chosen route to permit single-hose pumps imposes an unreasonable and unnecessary burden on all consumers, regardless of their vehicle's required fuel grade.

The EPA requires that companies submit an E15 Misfueling Mitigation Plan (MMP) before various pump configurations are permitted at retail locations. Some approved MMPs result in further difficulties for consumers, rather than eliminating confusion. These configurations include a mandated minimum fuel purchase of 4 gallons to dilute any mismatched fuel that remains in the hose from a previous purchase. They also require the installation of a separate pump where fuel containing maximum 10 percent ethanol may be distributed. Blender pumps where EPA mandates a 4-gallon minimum purchase are supposed to be marked for passenger vehicle fueling only. Misuse of these pumps may be in violation of federal law.¹

¹ See <https://nepis.epa.gov/Exe/ZyPdf.cgi?Dockey=P100N315.pdf>

Mandating minimum purchases and dividing consumers by vehicle type or age adds regulatory burden, more room for consumer confusion, and is out of touch with the wide range of consumer needs. Consumers should not be required to purchase a minimum amount of any product, especially for something as basic as motor fuel. Consumers may be shut out from accessing this essential need for reasons as simple as only needing a certain amount of fuel or only having the financial resources to purchase an amount lower than the mandated minimum. There would be no need to dispense a minimum volume of fuel if each blend sold had a designated hose at each pump.

In addition to continuing discussions on the practicalities of single-hose fuel pumps, we request a response from EPA to these questions about single-hose blender pumps as an option. Does EPA:

- 1) Have supporting evidence that single-hose blender pumps reduce operating costs for retailers?
- 2) Have evidence to suggest there is strong demand from retailers for an option to dispense multiple fuel blends from single-hose blender pumps?
- 3) Have evidence to suggest that retailers do not incur increased costs by being required to provide, in addition to single-hose blender pumps, at least one dedicated pump where a maximum blend of E10 is available?

We appreciate your attention to these questions. Please respond by November 21, 2016.

Sincerely,

A handwritten signature in blue ink, reading "F. James Sensenbrenner, Jr.", written in a cursive style.

F. James Sensenbrenner, Jr.
Member of Congress