

111TH CONGRESS  
1ST SESSION

# S. 1666

To require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2009

Ms. COLLINS (for herself, Mr. CARDIN, Mr. WHITEHOUSE, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INTRODUCTION OF HIGHER ETHANOL BLENDS**

4 **INTO COMMERCE.**

5 (a) DEFINITIONS.—In this section:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) MID-LEVEL ETHANOL BLEND.—The term  
5           “mid-level ethanol blend” means an ethanol-gasoline  
6           blend containing greater than 10 percent ethanol by  
7           volume that is intended to be used in any conven-  
8           tional gasoline-powered onroad or nonroad vehicle or  
9           engine.

10          (3) WIDESPREAD USE.—The term “widespread  
11          use”, with respect to the use of a particular fuel,  
12          system, or component in an onroad or nonroad vehi-  
13          cle or nonroad engine, has such meaning as is given  
14          the term by the Administrator in accordance with  
15          the determination of the Administrator under section  
16          202(a)(6) of the Clean Air Act (42 U.S.C.  
17          7521(a)(6)).

18          (b) INTRODUCTION OF HIGHER ETHANOL BLENDS  
19 INTO COMMERCE.—Notwithstanding any other provision  
20 of law, the Administrator may permit or authorize the in-  
21 troduction into commerce of a mid-level ethanol blend for  
22 use in conventional gasoline-powered onroad and nonroad  
23 vehicles and nonroad engines only if—

24               (1) not later than 1 year after the date of en-  
25               actment of this Act, the Science Advisory Board of

1 the Environmental Protection Agency, after oppor-  
2 tunity for public comment and an analysis of avail-  
3 able independent scientific evidence, submits to the  
4 Administrator, and the Administrator provides for  
5 notice and a public comment for a period of not less  
6 than 30 days on, a report that describes (and, with  
7 respect to the matters described in subparagraph  
8 (A), provides recommendations on mitigating)—

9 (A)(i) the impact of the mid-level ethanol  
10 blend on engine performance of conventional  
11 gasoline-powered onroad and nonroad vehicles  
12 and nonroad engines;

13 (ii) emissions from the use of the blend;  
14 and

15 (iii) materials compatibility and consumer  
16 safety issues associated with the use of those  
17 blends (including the identification of insuffi-  
18 cient data or information for some or all of  
19 those vehicles and engines with respect to each  
20 of issues described in this clause and clauses (i)  
21 and (ii));

22 (B) the ability of wholesale and retail gaso-  
23 line distribution infrastructure, including bulk  
24 storage, retail storage configurations, and retail  
25 equipment (including certification of equipment

1 compatibility by independent organizations), to  
2 introduce the mid-level ethanol blend into com-  
3 merce without widespread intentional or unin-  
4 tentional misfueling by consumers; and

5 (C) the estimated ability of consumers, de-  
6 termined through separate reviews of popu-  
7 lations in rural areas and of areas with popu-  
8 lations greater than 50,000 individuals, to pur-  
9 chase gasoline other than that mid-level ethanol  
10 blend—

11 (i) in metropolitan areas having popu-  
12 lations greater than 50,000 individuals  
13 throughout the United States; and

14 (ii) in all areas of the United States,  
15 by the date that is 5 years after the mid-  
16 level ethanol blend is introduced into com-  
17 merce;

18 (2)(A) the permit or authorization is granted  
19 through the fuels and fuel additives waiver process  
20 under section 211(f)(4) of the Clean Air Act (42  
21 U.S.C. 7545(f)(4)) after the close of the public com-  
22 ment period on the report required under paragraph  
23 (1); and

1           (B) the Administrator formally responds to the  
2       recommendations of the Science Advisory Board in  
3       the waiver announcement; and

4           (3) the mid-level ethanol blend is introduced  
5       into commerce for general use in all conventional  
6       gasoline-powered onroad and nonroad vehicles and  
7       nonroad engines in widespread use as of the date on  
8       which the Administrator authorizes that introduc-  
9       tion.

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