

Year-Round Sale of E15

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E15—a fuel blend of up to 15% ethanol and 85% gasoline—generally cannot be sold during the summer driving season (June 1 – September 15) because it does not meet the [gasoline Reid Vapor Pressure \(RVP\)](#) requirements, which limit fuel volatility under the Clean Air Act (CAA). The statute, however, allows the U.S. Environmental Protection Agency (EPA) Administrator to issue a [temporary fuel waiver](#) of these requirements ([42 U.S.C. §7545\(c\)\(4\)\(C\)\(ii\)](#)) under certain conditions. On April 28, 2025, EPA issued the [first nationwide fuel waiver](#) for the 2025 summer driving season. The waiver allows E15 to be sold during the summer driving season, in part, to address extreme and unusual fuel circumstances that EPA reports are “the result of reduced refining capacity and ongoing conflict in multiple regions.” EPA also reports its “intention to issue new waivers effectively extending (renewing) this waiver until such time as the extreme and unusual fuel supply circumstances described in this action are no longer present.”

President Trump’s January 20, 2025, Executive Order (E.O.) 14156, “[Declaring a National Energy Emergency](#),” included a provision about the year-round sale of E15 (see Section 2(b)). The E.O. states:

(b) Consistent with 42 U.S.C. 7545(c)(4)(C)(ii)(III), the Administrator of the Environmental Protection Agency, after consultation with, and concurrence by, the Secretary of Energy, shall consider issuing emergency fuel waivers to allow the year-round sale of E15 gasoline to meet any projected temporary shortfalls in the supply of gasoline across the Nation.

The statutory provision referenced in the E.O. is the third of three factors the EPA Administrator must consider when determining whether to issue a temporary fuel waiver: whether the waiver is “[in the public interest](#).” The E.O. directs the EPA Administrator to consider issuing—but does not require the Administrator to issue—temporary fuel waivers that would allow for the year-round sale of E15 gasoline. In light of the statutory limit that requires waivers to be [effective for a period of 20 calendar days or shorter](#), to achieve the year-round sale of E15 the EPA Administrator would have to issue a series of consecutive waivers as the Biden Administration did for the [2022, 2023, and 2024 summer driving seasons](#).

Some Members of Congress have proposed permanent year-round sales of E15 (S. 593 and H.R. 1346). A provision for this was included in a short-term FY2025 spending bill introduced in the House in December 2024 (H.R. 10445; 118th Congress) but was not included in the FY2025 continuing resolution package that became law (P.L. 118-158).

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As Congress considers this issue, some states have undertaken a measure provided to them under the CAA (see [42 U.S.C. §7545\(h\)\(5\)](#)) to achieve the same result (i.e., the year-round sale of E15). In April 2022, eight [states](#) petitioned EPA for a permanent waiver to sell E15 year-round. In February 2024, EPA, under the Biden Administration, issued a [final rule](#) to approve the permanent waiver for those eight states, effective April 28, 2025. In February 2025, EPA, under the Trump Administration, [announced](#) it would uphold the April 28, 2025, implementation date, and also [announced](#) it would permit a [one-year extension](#) for the effective date for removal of the 1-psi gasoline volatility waiver in Ohio and nine counties in South Dakota until April 28, 2026. Congress could monitor the implementation of the final rule before taking action, if any.

Clean Air Act RVP Requirements

The CAA authorizes the EPA Administrator to [regulate fuels and fuel additives](#). The CAA regulates (among other pollutants) precursors for [ground-level ozone](#) (a primary component of “smog”), which has been found to negatively impact human health and welfare, among other environmental effects. One of the requirements intended to reduce smog is a limit on gasoline volatility because volatile organic compounds within gasoline evaporate more readily at higher temperatures (i.e., during the summer months) and can contribute to smog formation. RVP is a common metric of volatility—the lower the RVP, the less the substance will evaporate. RVP requirements in [Section 211\(h\) of the CAA](#)—which apply to the 48 contiguous states and the District of Columbia—generally prohibit the sale of gasoline with an RVP greater than 9 pounds per square inch (psi) during the high-ozone season (i.e., the summer months). The National Renewable Energy Laboratory (NREL) has [reported](#) that the addition of 10% ethanol to gasoline increases the RVP of the blend by about 1 psi.

The act provides some exceptions, including a waiver—the “one-pound waiver”—stipulating that ethanol-gasoline fuel blends containing 10% ethanol (E10) are subject to an RVP limit that is 1 psi greater than what would otherwise apply given certain conditions (e.g., the 9.0 psi standard for certain areas would subject E10 to a 10.0 psi limit). The waiver does not apply to [reformulated gasoline](#) (RFG); there is a 7.4 psi RVP standard for RFG. EPA [reports](#) about 25% of gasoline sold in the United States is RFG. EPA also [reports](#) the waiver “does not apply in areas where EPA has approved a regulation into a state implementation plan (SIP) that limits the applicability of the 1.0 psi allowance.” The regulations for gasoline RVP standards are available at [40 C.F.R. §1090.215](#).

Congressional Issues

NREL [reported](#) in 2012 that “the RVP impact of 15% ethanol is indistinguishable from that of 10% ethanol in gasoline for all volatility seasons and base hydrocarbon vapor pressures” and “there is no technical reason for treating E10 differently from E15.” However, the issue of selling E15 year-round involves other aspects that Congress may consider, including the following:

- How much consumer demand is there for E15?
- Who pays to install E15 fueling infrastructure (e.g., blender pumps)?
- Would the rural economy benefit from the year-round sale of E15?
- What impact might the additional sales of E15 have on the Renewable Fuel Standard (RFS) program?
- Would the additional use of ethanol for E15 raise environmental concerns?

- Will [California allow the sale of E15](#), possibly affecting E15 demand? California has not approved the use of E15 in its state.

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