

EPA Reminder That Sale of E15 Remains Prohibited for Gasoline-Only Vehicles Until Waiver Conditions Satisfied

In response to inquiries from gasoline retailers, the Director of the EPA's Air Enforcement Division issued a letter on March 24, 2011 advising that the Clean Air Act continues to prohibit the sale of gasoline containing more than 10% ethanol for use in gasoline-only vehicles and engines. In January 2011, EPA granted conditional waivers to allow the use of gasoline containing between 10% and 15% ethanol in model year 2001 and newer light-duty motor vehicles. The waivers require retailers to take steps to prevent misfueling, however, such as pump labeling requirements, product transfer documentation requirements, and participation in a compliance survey. Because the conditions associated with the E15 waiver have not yet been satisfied, the EPA letter reminds the public that it remains illegal to blend more than 10% ethanol into gasoline sold for use in gasoline-only motor vehicles and non-road engines.

The EPA also noted that the Clean Air Act does not prohibit retail gasoline stations from selling gasoline blended with up to 85% ethanol for use in flexible-fueled vehicles or engines (i.e., vehicles or non-road engines that have been certified by the EPA to meet emissions standards using E85, gasoline without ethanol, or any intermediate combination of gasoline and ethanol). Because of the Act's significant civil penalties for improper fuel blending, the EPA suggests that retail gas stations that sell gasoline blended with more than 10% ethanol for use in flexible-fueled vehicles or engines take steps to avoid misfueling, such as affixing clear warning labels to all pumps dispensing this product. [Click here](#) to view a copy of the EPA letter or visit <http://www.shipmangoodwin.com/files/upload/EPALetter.pdf>.