EPA Approved E15 Gasoline Does More Harm Than Good

By: Tyler Brewer, Staff Member

This past August, the D.C. Circuit for the United States Court of Appeals refused to adjudicate a suit implicating the E.P.A. in yet another exercise of power beyond what is legally granted.
Specifically, a suit arguing the illegality of the E.P.A's waiver to introduce a 15% ethanol blend (E15) in gasoline was dismissed for lack of standing. Generally, ethanol is an alcohol-based fuel derived from starch-and-sugar-based feedstocks (primarily corn grain and sugar cane). Today, more than 95% of U.S. gasoline contains ethanol, and more significantly, blending ethanol in gasoline is required by the federally enacted Renewable Fuel Standard (RFS). Currently, a blend of 10% ethanol and 90% unleaded gasoline (E10) is sold nationwide, and has been approved by all auto manufacturers for use in their gasoline engines. However, introducing E15 into commerce has significant ramifications in various industries, particularly auto-manufacturing and petroleum.

Studies have shown E15 fuel use in post-2001 engines causes “substantial damage” due to the increased ethanol blend corroding many of the engine and fuel system components. The EPA’s “fix” to this problem is a small black and orange sticker (less than four-squared inches) designed to warn consumers. Yet, in order for the EPA to issue the E15 waiver, the EPA “had to find that E15 would not cause any car models made after 1974 to fail to meet emissions standards.”

In the petroleum industry, underground storage tanks at service stations are not certified to hold an ethanol blend higher than 10%. In order to provide E15 to consumers, the new E15 waiver requires station owners to spend tens of thousands of dollars to replace each station with E15 suitable tanks.

The D.C. Circuit failed consumers and businesses by not adjudicating this matter; especially after reading the very compelling dissent discussing how all plaintiffs possessed standing to raise their complaint. Without adjudication over the EPA’s exercise in granting this “partial” waiver, everyone is at the EPA’s mercy.

[2] Id. at *9.
[4] Id.
[8] Id.
[12] Id.
That's not good. Anything that happens to the fuel affects the vehicles they power. If that happened over here, it would make sales from dealers and Brisbane motor auctions nose dive.

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