

STATE OF KANSAS



CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612

PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

March 30, 2023

Michael S. Regan
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan,

The State of Kansas believes current and expected market conditions justify emergency action by the agency to avert fuel supply disruptions and ensure uninterrupted access to E15 this summer. Specifically, EPA should use its authority under Clean Air Act section 211(c)(4) to apply the same temporary emergency volatility limitations to both E10 and E15 during the upcoming summer ozone control season to address extreme and unusual fuel supply circumstances across our nation caused by the war in Ukraine.

There is recent precedent for EPA taking such action. The agency exercised this emergency authority during the summer 2022 ozone control season. The continued availability of E15 throughout the summer of 2022 extended fuel supplies, helped avert potential shortages, and saved Americans at least \$57 million in fuel costs.¹

The market conditions that justified emergency action last summer still exist today; indeed, fuel supplies are even tighter than they were a year ago, and there is a greater risk of disruption heading into summer. U.S. inventories of crude oil and petroleum products recently hit a 19-year low, and nationwide gasoline stocks are 3 percent lower than a year ago.² Gasoline futures prices are up roughly 15 percent in just the last two weeks; and with a larger-than-usual amount of refining capacity offline for maintenance, supplies and prices could experience greater pressure as summer approaches. These are the same circumstances that led the EPA to issue emergency waivers last year.

Consumers, fuel retailers, ethanol producers, and farmers need certainty. We urge the EPA to act immediately to ensure lower-cost E15 remains available in the marketplace this summer. We appreciate your consideration of our request.

Respectfully,

A handwritten signature in blue ink that reads "Laura Kelly".

Laura Kelly
Governor of Kansas

cc: Leo G. Henning KDHE

¹ Renewable Fuels Association. Oct. 18, 2022. "E15 Extended Gasoline Supplies at a Critical Time This Summer and Saved Americans Millions at the Pump."

² U.S. Energy Information Administration.