

March 15, 2021

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

Dear Administrator Regan,

On behalf of the undersigned organizations, we congratulate you on your recent confirmation as the 16th Environmental Protection Agency (EPA) Administrator. The EPA plays an integral role in protecting consumers, the environment, and businesses, and we are excited that the agency can now move forward under your effective leadership.

Representing the manufacturers, suppliers, and consumers of boats, off-road vehicles, motorcycles, and outdoor power equipment, we write you today in regard to a proposal advanced in the final days of the previous administration that would cause irreparable harm to millions of consumers as well as our various industries' significant economic contributions. In a Notice of Proposed Rulemaking (NPRM) ([EPA-HQ-OAR-2020-0448](#)) published January 19, 2021, EPA proposed changes to modify or in some cases, entirely eliminate labelling requirements at gas pumps that dispense high volumes of ethanol, specifically fuel blended with 10.5% to 15% ethanol (E15). The NPRM also proposes concerning modifications to underground storage tank (UST) regulations to allow retail stations to store E15 in existing tank systems.

This industry consortium takes emissions compliance seriously having invested significant time and resources to be compliant with applicable regulations. Additionally, in understanding our own role in consumer education, our collective industries have worked diligently to raise awareness among outdoor power equipment and marine engine manufacturers, dealers, retail outlets, and owners about proper fueling. Despite this lengthy and concerted campaign, [polling data](#) demonstrates that industry efforts and the current EPA Misfuelling Mitigation Program (MMP) are not enough to ensure that consumers are fully aware of the risks of misfuelling their non-road products with E15 and mid-level blend fuel, and we call on EPA to do its part by advancing a robust MMP.

As EPA has worked to broaden the availability of E15 in the U.S., including the previous administration's repeal of seasonal restrictions on its sale, our organizations have consistently urged EPA to implement a more effective MMP to better protect engines and products prohibited by the EPA from running on gasoline with more than 10% ethanol due to performance degradation, emission increases, and engine failures E15 causes in these engines and products. In an era of information overload, consumers are in need—now more than ever before—of clear, accurate information and reasonable measures to keep them safe.

The misfuelling of marine engines and vessels, off-road vehicles, motorcycles, and outdoor power equipment places significant burdens on both the American consumer and product manufacturer. The risk to consumers is that they will experience product damage, compromised performance and emissions requirements, economic loss, and fuel leaks resulting in unsafe products. The manufacturer

on the other hand faces increased warranty and liability claims, reputational harm, and ultimately economic loss. Due to the breadth of products not EPA-approved for E15 or higher blends, and the ubiquity of ownership of some of these products, this situation poses an unreasonable risk to consumers as well as the 841,000 American jobs and \$186 billion in economic activity generated by the industries manufacturing these products. Insufficient labeling at the gas pump will only exacerbate these problems.

Given that more than [three in five consumers mistakenly assume E15 is safe](#) for all their products, and [over half of consumers think the existing E15 label doesn't go far enough](#) to warn consumers, if this proposal is allowed to proceed, millions of American consumers—from anyone who owns a lawnmower or countless other common gas-powered tools, to boaters and motorcyclists—will be at increased risk.

The recreational boating, off-roading, and outdoor power equipment industries strongly encourage the EPA to take into consideration the significant financial and safety implications for millions of consumers as a result of the proposed rule. EPA should aim to protect consumers - not put them in jeopardy. Improving the label to actually warn consumers, requiring uniform label positioning, and working with the Federal Trade Commission on fair marketing so unleaded 88 is not used as a workaround, would be effective measures to protect consumers before and at the pump.

As EPA undertakes the immediate review of agency actions taken between January 20, 2017, and January 20, 2021, we ask that you rescind this misguided E15 fuel label proposal and recommend a separate and subsequent E15 label rulemaking that is guided by sound research and prioritizes consumer protections. We appreciate your consideration and look forward to working with you to ensure a safe, environmentally friendly fuel supply for all Americans.

Sincerely,

American Motorcyclist Associations

American Sportfishing Association

Boat Owners Association of The United States

Briggs & Stratton

Marine Retailers Association of the Americas

Motorcycle Industry Council

Motorcycle Riders Foundation

National Marine Manufacturers Association

Outdoor Power Equipment Institute

Recreational Off-Highway Vehicle Association

Special Vehicle Institute of America

Truck and Engine Manufacturers Association