

Good News for Corn Farmers: Trump Orders the EPA to Allow Year-Round Sale of Gasoline Containing 15% Ethanol

By Michael Soon Fah, J.D. Candidate 2019 | October 22, 2018

President Trump recently announced an [intention](#) to direct the Environmental Protection Agency to lift a summertime prohibition on 15% ethanol gasoline. Trump announced the plan shortly before a campaign rally in Iowa — the largest ethanol-producing state in the country.

Ethanol is a biofuel created primarily from corn. Currently, gasoline containing 10% ethanol is sold year-round in fuel stations across the country. Congress has also approved the sale of 15% ethanol blends for vehicles with model years 2001 and newer. However, the Clean Air Act prohibits retailers from selling E15 from June 1 to September 15 because of environmental concerns. This has long vexed farmers who blame the seasonal prohibition for low corn prices.

Trump's proposal faces opposition from environmental advocacy groups and oil suppliers who stand to lose profits if demand for ethanol increases. Environmental activists like the Sierra Club [argue](#) that the use of E15 during the warmer months of the year will lead to increased greenhouse gas and smog emissions. The American Petroleum Institute [contends](#) that the measure endangers consumers because most household vehicles are not equipped to safely use E15. Senators from oil-producing states, including Republicans, sent [a letter](#) urging the president to reconsider.

The plan sets the stage for a potential legal showdown about the interpretation of the Clean Air Act. The Act prohibits the summertime sale of gasoline blends that vaporize into the atmosphere at a rate above a certain threshold. The statute allows the EPA to issue waivers for 10% ethanol gasoline, but the EPA has yet to apply such a waiver to 15% ethanol blends. Trump's proposal directs the EPA to promulgate a rule that would allow the agency to issue E15 waivers.

Opponents of the proposal argue that the EPA lacks the authority to extend E15 waivers without congressional approval. Although the EPA previously stated that it did not have such authority, the agency is confident that it could implement the president's order. Newly minted Supreme Court Justices Gorsuch and Kavanaugh could be pivotal votes in the event of a legal challenge.

President Trump's announcement comes just a month before the midterm elections. Political analysts have called it a clear attempt to aid incumbent Republicans in farmer states. Trump may also be trying to restore support among voters that felt scorned by retaliatory tariffs on American crops as part of the president's trade war with China.

