



Government Affairs

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The Honorable Lisa Jackson
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Docket ID EPA-HQ-OW-2010-0448
Regulation to Mitigate the Misfueling of Vehicles and Engines With
Gasoline Containing Greater Than Ten Volume Percent Ethanol and
Modifications to the Reformulated and Conventional Gasoline Programs;
Proposed Rule

Dear Administrator Jackson:

BoatU.S. is the largest organization of recreational boaters in the United States, with more than 500,000 members each owning an average of 2 boats. Recreational boating is a significant contributor to our nation's economy and society. In 2008, boats generated \$33.6 billion of economic activity and supported nearly 300,000 American jobs.

But while these economic indicator numbers are large, the average boat (and its owner) is not what Hollywood has led you to believe. The average recreational boat in this country is about 16' long, powered by an outboard motor, stored in a driveway and transported on a trailer. And the household income for more than 75% of the boat owners is less than \$100,000.

There are an estimated 13 million registered boats in the U.S. – most of them with some type of engine. For many families the engine on the boat is one of their single most significant investments for recreation. Therefore, its life span is a critical part of their continued participation in water sports.

In late 2010, the Agency granted a waiver that will allow gasoline with higher levels of ethanol, up to 15%, to be used in model year 2007 and later automobiles and light trucks. We have specific and grave concerns with this action. With that said, given the entry of E15 into the marketplace, BoatU.S. strongly supports the need for uniform national labeling standards as well as a strong consumer education campaign.

Will there be fuel for marine engines?

In the proposed rule, EPA has highlighted some of the potential impacts of using E15 gasoline in engines and fuel systems that were not designed to handle such fuel. Based on currently available data, it is not clear what 50% more ethanol can do to boat

engines, fuel systems, hoses, and tanks. The more modern of these components were made to withstand up to 10% ethanol, and are warranted up to E10. For older components there are even more questions.

With this knowledge, we have a significant concern that as E15 enters the market and arrives at a particular fuel station, will other fuel, such as E0 or E10, no longer be available at that station? This concern is based on the recent history of the growth and quick dominance of E10 in many local markets.

Figure VI.A.-1 in the proposed rule highlights how quickly E10 has become the only fuel available in a significant portion of the United States. From a market share of 20% in 2005, to 80% in 2009¹, E10 has become the de facto fuel option for most Americans. While this dominance can be traced to a number of causes, for boaters it is a reality check every time they go to the fuel pump. We have members who, after having problems with E10, now actively seek out E0. A few have shared that they now drive several hours in a car to fill gas cans with ethanol-free fuel for their boats. For other boaters, it is next to impossible to find anything other than E10. This predicament can be further exacerbated by particular states requiring ethanol content greater than 10%.

Thus, BoatU.S. is gravely concerned that E15 can achieve similar market dominance, cutting off boaters' only legal and practical fuel source. Faced with no other options, even the educated consumer could be forced to misfuel. We suggest that EPA must address the question: *How will the government ensure that millions of owners of boats, outdoor power equipment, and other non-road engines that can't use E15 (for a variety of reasons), have adequate and readily available fuel sources at the local level? How can we assure that E0 remains an available option for those consumers who seek it out?*

Opportunities for misfueling marine engines

Boats are fueled in a variety of places and ways. Some boats on trailers are towed to gas stations, and are filled up at the same time as the cars/trucks towing them. Larger boats are typically filled while floating in the water at a marine gas dock. Small dinghies and runabouts may use a small portable fuel tank, which is taken off the boat and carried to the gas station to fill, or is filled from the 5 gallon container in the garage that is used for lawn mowers, leaf blowers, and other small engines around the home. With such diversity in filling scenarios, there is no "one size fits all" answer to insure proper fueling. Here are some of our suggestions and reactions to your specific requests for comments:

¹ Federal Register/Volume 75, No. 213, Page 68065

To what extent should labels be required on pumps delivering different fuels (not just E15?)

We believe that all gasoline fuel pumps should be labeled with what's coming out of the pump. If EPA only requires fuel labeling for E15 pumps, the boater may be led to believe "no label means this is ok fuel for my boat" when in fact it's just that the label hasn't yet been applied. With the arrival of a fuel that is not acceptable for all uses, we should not make the consumer assume they know what's coming out of the nozzle!

From the consumer education perspective, it will be easier to educate ALL users of gasoline that they should start reading pump labels for ALL uses, so that they become consumers actively thinking about what fuel they should use, rather than the passive consumers they are now.

What about specific information proposed for the label?

We agree that the label design should be prominent and specific regarding which vehicles and engines are appropriate for use with what fuel. For the flex fuel label proposed on page 39, we would recommend that the word "only" be added to the third line so that it reads "for use in flex-fuel vehicles only."

Since we are not label or design experts, we recommend that EPA consult with such people before creating a specific label requirement. It is not apparent within the proposal that this has yet occurred.

In terms of helping the consumer become an educated consumer, we strongly believe in the power of websites and more modern technology. However, the URL must be easy to remember, as most of EPA's websites are too long for the average memory. A simple small line at the bottom of the label would be sufficient, i.e.: "www.e15info.com". You may also employ new barcode scanning technology and smart phones to pass along accurate information or to help the consumer know they are using the right fuel. We encourage EPA to look at new technologies, beyond websites, to help the consumer become educated, and ultimately pick the right fuel for each of their engines.

Outreach Opportunities

What about the fuel labeling survey?

We suggest that you also consider public input opportunities on the fuel labeling survey. For example, how could input from the public efficiently come into EPA (Facebook, Smartphone apps, etc...) and help develop the database and survey on where labels have been installed and where they have not?

Conclusion

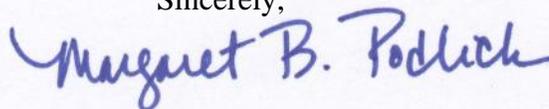
Because the EPA has elected to move forward with a “partial” waiver to allow E15 for only certain automobiles and light trucks, misfueling of marine engines will occur. This may be intentionally done due to no other fuel options being available or unintentionally done due to ignorance or difficulty in identifying what fuel is being dispensed. Either way, the introduction of E15 into the marketplace, without complete marine engine testing, may have serious safety and environmental consequences. The Agency must take all possible measures to ensure boaters have viable fuel options.

For a number of years our members have had significant concerns with the use of ethanol in gasoline, even at the currently maximum permitted level of 10%. We have had thousands of boaters who have faced transition issues as the ethanol acts as a solvent and cleans out fuel lines, and some with material incompatibility and complete engine or tank failure. In our comments submitted to EPA on July 20th, 2009, in response to Growth Energy’s petition for a Clean Air Act Waiver to Increase the Allowable Ethanol Content of Gasoline to 15 Percent, Docket ID: EPA-HQ-OAR-2009-0211, BoatU.S. specifically advised against allowing higher levels of ethanol into the nation’s fuel supply until its impact on boat engines is completely understood. *With that recommendation now gone by the wayside, we assert that the federal government must provide boaters and other nonroad engine owners a reliable fuel that that will provide consistent power for a variety of activities. That is the expectation of the public, and the obligation of the EPA.*

As E15 enters the market, EPA must ensure that all consumers have the ability to use the right fuel. As we have seen with the rapid rise of E10, leaving the availability of alternative fuels up to the local “supply and demand” chain can easily leave some consumers high and dry.

Please let us know if we can provide any additional information regarding this or any other issues involving recreational boats.

Sincerely,



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