

# STATE OF KANSAS

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**GOVERNOR LAURA KELLY**

October 13, 2021

Michael S. Regan  
Administrator, USEPA  
1200 Pennsylvania Ave NW  
Washington, D.C. 20460

Dear Administrator Regan,

Kansas joins other Midwest states as a large producer of high-octane, low-carbon ethanol. In fact, Kansas produces approximately 600 million gallons of ethanol every year. We have witnessed first-hand the important environmental, economic, and social benefits generated by a healthy and thriving renewable fuels industry.

Over the last couple of years, various stakeholders in Kansas and Missouri worked with their state air quality agencies<sup>1</sup>, and the USEPA Region 7 team, to open the Kansas City area to year-round sales of E15 (gasoline blended with 15% ethanol). This change became possible as Kansas City air quality improved and was no longer a non-attainment area for air quality. This high-population region is a promising market for sales of ethanol produced in Kansas and surrounding states.

For this reason, we were extremely disappointed by the recent D.C. Circuit Court decision overturning the Environmental Protection Agency's 2019 regulation that finally facilitated year-round sales of E15 in conventional gasoline markets.<sup>2</sup>

Fuel marketers and retailers, renewable fuel producers, the U.S. Department of Agriculture, and state governments have, in recent years, invested hundreds of millions of dollars to expand consumer access to lower-cost, cleaner-burning ethanol blended fuels like E15.

Not only does the recent court decision threaten to strand these public and private investments, it also jeopardizes the progress we have made toward cleaning up our fuel supply and reducing emissions from transportation.

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<sup>1</sup> MO Dept. of Natural Resources and KS Dept. of Health & Environment

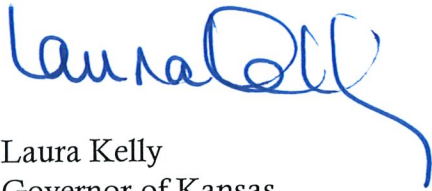
<sup>2</sup> *American Fuel & Petrochemical Manufacturers v. Environmental Protection Agency* (No. 19-1124)

Letter to Michael S. Regan  
Re: Support for E15  
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In the wake of the court decision, we are exploring all options to ensure Kansans continue to have full access to E15 all year long without interruption. We would like to open a dialog with the Agency on this issue.

We look forward to speaking with you soon about our options for protecting the substantial investments our states have made in clean fuels and ensuring consumers in our states can continue to purchase E15 all year long.

Respectfully,

A handwritten signature in blue ink that reads "Laura Kelly". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Laura Kelly  
Governor of Kansas

cc: Leo G. Henning KDHE