



Mike Sommers
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October 21, 2025

The Honorable Mike Johnson
Speaker, United States House of Representatives

The Honorable John Thune
Majority Leader, United States Senate

The Honorable Hakeem Jeffries
Minority Leader, United States House of Representatives

The Honorable Charles Schumer
Minority Leader, United States Senate

Dear Speaker Johnson, Leader Thune, Leader Jeffries, and Leader Schumer:

On behalf of the American Petroleum Institute (API) and our nearly 600 member companies representing all segments of America's oil and natural gas industry, I write to share API's opposition to advancement of the *Nationwide Consumer and Fuel Retailer Choice Act of 2025* (S. 593 / H.R. 1346).

API recognizes the importance of giving consumers more options and supports the availability of year-round E15 fuel and policies that promote consumer choice at the pump. When the *Nationwide Consumer and Fuel Retailer Choice Act of 2025* was introduced, it reflected a set of assumptions about the biofuels and liquid fuels marketplace that have since changed dramatically. Over the past eight months, legislative, regulatory, and market developments have created a substantially different operating environment for refiners and fuel suppliers. These changes have led API to reassess its position and, ultimately, oppose advancement of the *Nationwide Consumer and Fuel Retailer Choice Act of 2025* in its current form.

This legislation was introduced in response to eight Midwest states that petitioned the Environmental Protection Agency (EPA) to opt out of the national summertime volatility waiver for E10, effectively requiring their states to be supplied a gasoline that was not fungible with the rest of the region. Earlier this year, EPA finalized this opt-out request. To comply with the requests by these states, API member companies invested in new infrastructure and refinery operations to produce boutique, regional fuel blends necessary

to meet those state-specific mandates. After the fuels were refined and delivered to the region, seven states asked to be exempt from their original requests. Mere days before these fuels were required at the terminal, EPA issued “emergency” waivers that effectively negated the states’ original opt-out requests turning these investments into sunk costs and creating unnecessary financial and operational harm to refiners.

Further complicating the fuels marketplace, the *One Big Beautiful Bill Act* that was enacted earlier this year introduced significant changes to Section 45Z Clean Fuel Production Tax Credits. Among other things, these changes to the new 45Z credits eliminated non-North American feedstocks with lower carbon intensity profiles from qualifying for the tax credit.

Additionally, EPA has proposed to reduce Renewable Fuel Standard (RFS) compliance credits (RINs) for imported fuels and foreign feedstocks by 50 percent. Because there is insufficient domestic feedstock to supply the available U.S. biofuel production capacity, foreign feedstocks will still be needed to ensure that U.S. production facilities can viably operate.

Recent EPA action on RFS Small Refinery Exemption (SRE) petitions and pending action on potential reallocation of volumes from SREs disrupts established market dynamics by effectively rewarding certain small refineries that have not invested in RFS compliance while punishing those who have. Potential reallocation of these SRE volumes threatens to exacerbate this distortion by imposing higher compliance costs on non-exempt refineries that have already made significant biofuels investments and are committed to fulfilling their RFS obligations. Today’s reality for refiners and fuel suppliers is very different than the circumstances under which the *Nationwide Consumer and Fuel Retailer Choice Act of 2025* was originally introduced.

Refiners are now navigating shifting federal compliance structures, a patchwork of state mandates, and a biofuels marketplace that is uncertain. As such, any legislative consideration of year-round E15 should reflect today’s realities and not those of prior years. This means adopting a more holistic approach to E15 within a policy framework that considers the needs and challenges of liquid fuels market participants, including those who have made substantial investments in making the RFS function as intended and continue to supply affordable, reliable liquid fuels to American consumers.



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API stands ready to work with Congress to develop a balanced approach to E15 legislation that promotes fuel choice, supports investment certainty, and contributes to a stable and fair marketplace for American consumers.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Sommers', is positioned below the word 'Sincerely,'.

Mike Sommers

President and Chief Executive Officer
American Petroleum Institute

CC: The Honorable Deb Fischer
United States Senate

The Honorable Adrian Smith
United States House of Representatives