

Opening Statement of Chairman Fred Upton
Hearing on “H.R. 4345, The Domestic Fuels Protection Act of 2012”
Subcommittee on Environment and the Economy
April 19, 2012

(As Prepared for Delivery)

Transportation fuel is varied and changing in this country, and part of the reason why is because of federal mandates enacted and expanded in recent years. A few years ago, gasoline blended with ten percent ethanol was hard to find outside the Heartland. Now it’s just about everywhere. And EPA has recently approved E-15 – blends with up to 15 percent ethanol – but not for everyone. Not for cars older than model year 2001, and not for boats, lawn mowers, chain saws, and other small engines.

And this is just a snapshot. As the renewable share grows under the Renewable Fuels Standard, we’re likely to see more varieties of fuels and fuel blends seeking EPA approval. All of these changes, which are coming as a result of federal policy, must be dealt with. The market wants and deserves some measure of certainty. Not price guarantees or supply quotas, just some confidence that if you refine, distribute, blend, or dispense transportation fuel and you follow all of EPA’s rules, you won’t face legal risks for doing so.

H.R. 4345, the subject of today’s hearing, does three main things: First, it says that no one will be liable because a storage tank or fuel dispensing equipment is not compatible with a particular fuel, after EPA says it *is* compatible.

Second, it says no person is liable because a self-service purchaser fills up with a fuel not approved for his car or other engine. This is just common sense – like saying the retail store that sells you antifreeze is not liable if you take it home and drink it.

Third, it ensures that people who design, make, sell, or distribute any fuel, vehicle, or engine don’t face lawsuits resulting solely from the fact that an EPA-approved fuel goes into a vehicle or engine.

Let’s be clear on what the bill does *not* do. It does not change fuel retailers’ or anyone else’s environmental cleanup obligations under RCRA or Superfund. It does not excuse unfair trade practices or anti-competitive behavior.

And it does not say people who act negligently are not held accountable. Instead it says that following EPA regulations and selling EPA-approved fuel is not enough to get you into trouble.