

103^D CONGRESS
1ST SESSION

H. R. 1589

To amend the Clean Air Act to authorize the Administrator of the Environmental Protection Agency to grant a waiver of the oxygenated fuels requirement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to authorize the Administrator of the Environmental Protection Agency to grant a waiver of the oxygenated fuels requirement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that—

5 (1) the use of methyl tertiary butyl ether
6 oxygenated fuels (referred to in this Act as “M-T-
7 B-E oxygenated fuels”) as one means of compliance
8 with section 211(m) of the Clean Air Act (42 U.S.C.

1 7545(m)), which requires the use of oxygenated
2 fuels to lower the level of carbon monoxide in non-
3 attainment areas, has resulted in excessive health-re-
4 lated complaints in areas of the State of Alaska in
5 which M-T-B-E oxygenated fuels have been used;

6 (2) consumer hotlines in Fairbanks, Alaska and
7 Anchorage, Alaska have received hundreds of un-
8 usual medical complaints (including complaints of
9 abnormal headaches, sore throats, asthma, light
10 headedness, burning sensation in eyes and lungs,
11 shortness of breath, skin rashes, numbness, swollen
12 tissue, and abnormal congestion) in geographic areas
13 in which M-T-B-E oxygenated fuels are in use;

14 (3) tests conducted by employees at the envi-
15 ronmental health laboratory at the Centers for Dis-
16 ease Control revealed a measurable quantity of
17 methyl tertiary butyl ether in the blood of workers
18 exposed to M-T-B-E oxygenated fuels;

19 (4) representatives of the Centers for Disease
20 Control testified before Congress that more studies
21 were needed to determine the health effects of expo-
22 sure to the substance;

23 (5) no studies have been completed to measure
24 the chronic effects of exposure to M-T-B-E
25 oxygenated fuels in cold climates on public health,

1 particularly in areas that have temperatures that
2 regularly reach 50 degrees below zero Fahrenheit;

3 (6) because of numerous health complaints and
4 the conclusions of the State epidemiologist of the
5 Alaska Division of Public Health, the Governor of
6 Alaska suspended the M-T-B-E oxygenated fuels
7 program in Fairbanks, Alaska;

8 (7) after the program was suspended in Fair-
9 banks, the State epidemiologist concluded that there
10 is a possibility that similar illnesses are being caused
11 by the M-T-B-E oxygenated fuels program in An-
12 chorage;

13 (8) additional scientific studies on the health ef-
14 fects of M-T-B-E oxygenated fuels need to be com-
15 pleted;

16 (9) the public should not be exposed to M-T-
17 B-E oxygenated fuels until studies are completed
18 and the public health risk has been assessed; and

19 (10) ethanol blend oxygenated fuels are known
20 to separate from the gasoline base at ultacold tem-
21 peratures and may therefore have drivability and
22 safety implications in Alaska.

1 **SEC. 2. WAIVER OF THE M-T-B-E OXYGENATED FUELS RE-**
2 **QUIREMENT**

3 Section 211(m)(3) of the Clean Air Act (42 U.S.C.
4 7545(m)(3)) is amended by adding at the end the follow-
5 ing new subparagraphs:

6 “(D) If requested in writing by an affected local
7 government within a title I nonattainment area for
8 carbon monoxide in Alaska, the Governor of the
9 State of Alaska may petition for a waiver and the
10 Administrator may waive, in whole or in part, the
11 requirements of paragraphs (1) and (2) with respect
12 to an area within the State of Alaska that is des-
13 ignated under title I as a nonattainment area for
14 carbon monoxide, if the Administrator finds that
15 compliance with the requirements should be waived
16 for one or more of the following reasons:

17 “(i) Compliance is not technologically or
18 economically feasible because the technology
19 needed to comply is not commercially available
20 or because the use of M-T-B-E oxygenated
21 fuels would increase the cost of commercially
22 available fuel supplies by more than 150 per-
23 cent of the national average cost of using M-
24 T-B-E oxygenated fuels in nonattainment
25 areas outside of Alaska;

1 “(ii) Compliance would be unreasonable
2 due to unique geographical or meteorological
3 factors;

4 “(ii) Compliance could or does cause harm-
5 ful health effects;

6 “(iv) The use of M-T-B-E oxygenated
7 fuels increases aldehyde emissions appreciably.

8 “(E) The Administrator shall grant or deny a
9 petition for a waiver submitted under subparagraph
10 (D) not later than 60 days after receiving the peti-
11 tion.

12 “(F)(i) The Administrator shall conduct a
13 study that compares the probable health risks and
14 costs of title I carbon monoxide nonattainment in
15 Alaska with the probable health risks and costs of
16 increased noncarbon monoxide emissions (such as
17 aldehyde emissions) associated with the use of M-T-
18 B-E oxygenated fuels in Alaska.

19 “(ii) The Administrator shall report the results
20 of the study of Congress not later than 1 year after
21 the date of enactment of this paragraph.

22 “(G) The Administrator may suspend the re-
23 quired use of oxygenated fuels—

24 “(i) during the pendency of a petition for
25 a waiver submitted under paragraph (D); and

1 “(ii) until the completion of the health risk
2 study conducted pursuant to subparagraph
3 (F).”.

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