

111TH CONGRESS
2D SESSION

S. 3916

To require the Consumer Product Safety Commission to study and report on the impact on consumers of permitting an increase in the amount of ethanol blended with gasoline for use in gasoline-powered engines used in vehicles operated in interstate commerce, on public streets and roads, or offroad, appliances such as lawn mowers and other nonvehicular devices, and marine engines, and to require the National Highway Traffic Safety Administration to study and report on any safety or reliability impact of such an increase on motor vehicle engines and fuel systems.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mrs. HUTCHISON (for herself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Consumer Product Safety Commission to study and report on the impact on consumers of permitting an increase in the amount of ethanol blended with gasoline for use in gasoline-powered engines used in vehicles operated in interstate commerce, on public streets and roads, or offroad, appliances such as lawn mowers and other nonvehicular devices, and marine engines, and to require the National Highway Traffic Safety Administration to study and report on any safety or reliability impact of such an increase on motor vehicle engines and fuel systems.

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 The Congress finds the following:

5 (1) Ethanol is currently widely distributed in
6 commerce for general use in all conventional gaso-
7 line-powered onroad and nonroad vehicles and
8 nonroad engines in widespread use as well as gaso-
9 line-powered tools and equipment.

10 (2) A decision to increase the current blending
11 limit of ethanol into gasoline for motor vehicle and
12 equipment and machine engines requires an agency
13 finding that the increased emission products will not
14 cause or contribute to a failure of any emission con-
15 trol device or system (over the useful life of the
16 motor vehicle, motor vehicle engine, nonroad engine
17 or nonroad vehicle in which such device or system is
18 used).

19 (3) Significant questions and concerns exist as
20 to the effects of increasing the current blending limit
21 of ethanol into gasoline for motor vehicle and equip-
22 ment and machine engines on the performance of
23 such engines, including potential effects such as in-
24 creased engine failures, decreased engine perform-

1 ance, increased consumer complaints, increased liti-
2 gation, or other unforeseen effects.

3 (5) The Federal Trade Commission has pro-
4 posed labeling requirements for all fuels distributed
5 in commerce that exceed the current blending limit
6 of ethanol into gasoline to disclose to consumers that
7 using such fuels may harm some conventional vehi-
8 cles.

9 (6) A multi-faceted Federal testing regimen is
10 currently underway on newer motor vehicles to de-
11 termine the effects on motor vehicle engines of in-
12 creasing the current blending limit of ethanol into
13 gasoline.

14 (7) It has become clear that insufficient data
15 have been submitted on the use of ethanol-gasoline
16 blends of more than 10 percent ethanol by volume
17 in vehicles manufactured before 2001, non-road en-
18 gines, and smaller engines such as those used in
19 gasoline-powered tools and equipment.

20 **SEC. 2. CONSUMER PRODUCT SAFETY COMMISSION STUDY**
21 **OF CONSUMER IMPACTS OF INCREASED USE**
22 **OF ETHANOL AND ETHANOL BLENDS AS**
23 **FUEL.**

24 The Consumer Product Safety Commission shall con-
25 duct a study of the potential impact on consumers of in-

1 creasing the amount of ethanol blended with gasoline or
2 other petroleum products for use as fuel for internal com-
3 bustion engines, including—

4 (1) whether such an increase would result in in-
5 creased consumer costs associated with the operation
6 of passenger motor vehicles, including indirect costs
7 attributable to modifications in infrastructure and
8 delivery systems necessary to accommodate sales of
9 such increased ethanol-gasoline blends;

10 (2) whether regional differences in the initial
11 availability of such blends would affect consumer be-
12 havior with respect to interstate travel by passenger
13 motor vehicles; and

14 (3) the effects on consumers, including safety-
15 related and useful life impacts, of the use of such
16 ethanol-gasoline blends on the operation of gasoline-
17 powered engines used in lawn mowers, leaf blowers,
18 chain saws, and similar consumer products.

19 **SEC. 3. DEPARTMENT OF TRANSPORTATION STUDY OF VE-**
20 **HICULAR IMPACTS OF INCREASED USE OF**
21 **ETHANOL AND ETHANOL BLENDS AS FUEL.**

22 The National Highway Traffic Safety Administration
23 shall conduct a study to determine whether the use of eth-
24 anol-gasoline blends of more than 10 percent by volume
25 ethanol in motor vehicles will have an adverse impact on

1 tailpipe emissions, exhaust temperatures, catalytic con-
2 verters, and motor vehicle engine performance and dura-
3 bility.

4 **SEC. 4. REPORTS TO CONGRESS.**

5 Within 1 year after the date of enactment of this Act,
6 the Consumer Product Safety Commission and the Sec-
7 retary of Transportation, respectively, shall submit reports
8 to the Senate Committee on Commerce, Science, and
9 Transportation and the House of Representatives Com-
10 mittee on Energy and Commerce on the studies required
11 by sections 2 and 3 of this Act, together with their find-
12 ings, conclusions, and recommendations.

13 **SEC. 5. SENSE OF THE CONGRESS.**

14 It is the sense of the Congress that Federal depart-
15 ments and agencies should withhold from approving any
16 increase in the use of ethanol or ethanol-gasoline blends
17 as fuel for internal combustion engines until 30 days after
18 the date on which the Consumer Product Safety Commis-
19 sion and the Secretary of Transportation have submitted
20 their reports to the Congress under section 4.

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