



**THE ADMINISTRATOR**  
WASHINGTON, D.C. 20460

April 13, 2026

Re: National Fuel Waiver to Create Single National Gasoline Pool

Dear Governors:

By this letter, the U.S. Environmental Protection Agency (EPA) is issuing a temporary waiver under Clean Air Act (CAA) section 211(c)(4)(C)(ii)(I) to address extreme and unusual fuel supply circumstances caused by, among other things, global issues in the Middle East that are affecting all parts of the United States. EPA issued a broad fuel waiver on March 25, 2026, that included multiple requirements, some with a May 1, 2026, effective date<sup>1</sup>. This action makes two clarifications to the prior waiver and extends the waiver of federal enforcement of all state “boutique” fuel requirements for gasoline for an additional 20 days. As a result of these coordinated waivers, this action allows the production and distribution of gasoline with 9 to 15 percent ethanol content at a single common Reid Vapor Pressure (RVP) standard of 10 psi. It remains at the discretion of the states to waive, or maintain, their state level enforcement of state level fuel requirements given the specific circumstances faced in each state.

The two clarifications to the March 25, 2026, waiver we include in this action are: (1) we are waiving the limitations on butane blending applicable only to RFG/RBOB in C.F.R. 1090.220(e) such that butane may be blended into RBOB in the same manner as currently allowed for CBOB<sup>2</sup>, and (2) we are interpreting 40 C.F.R. 1090.1010(b)(2)(iii) to allow distributors to redesignate CBOB to RBOB so that there is fuel fungibility between conventional gasoline and RFG covered areas so long as the RVP of the CBOB meets the same stringency as required for RBOB under this waiver. For purposes of this waiver, distributors meet the redesignation requirement under 40 C.F.R. 1090.1010(b)(2)(v) by using the RVP value of the batch as determined by the fuel manufacturer at the refinery gate.

The CAA and implementing regulations at 40 C.F.R. Part 1090 require the use of low volatility gasoline during the summer months to limit the formation of ozone pollution.<sup>3</sup> EPA’s gasoline volatility regulations apply to retailers and wholesale purchaser-consumers beginning June 1

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<sup>1</sup> <https://www.epa.gov/gasoline-standards/fuel-waivers>

<sup>2</sup> Before Oxygenate Blending (BOB) means gasoline for which a gasoline manufacturer has accounted for oxygenate (e.g. ethanol) added downstream. *RBOB* means a BOB produced or imported for use in an RFG covered area. *CBOB* means a BOB produced or imported for use outside of an RFG covered area.

<sup>3</sup> 40 C.F.R. § 1090.215. See also <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure>.

and to all other persons beginning May 1. Specifically, the regulations require parties upstream of retailers and wholesale purchaser-consumers to turn over their storage tanks to low volatility summer gasoline and stop selling higher volatility winter gasoline by May 1 so that retailers and wholesale purchaser-consumers can meet the applicable low volatility gasoline standards by June 1. Some fuel programs approved into State Implementation Plans (SIPs) may have different control dates as specified in the SIPs.

The CAA authorizes states, under certain circumstances, to adopt under state law unique state level or county level fuel standards and to request EPA remove the otherwise applicable 1 psi allowance for 10 percent ethanol blends.<sup>4</sup> The resulting fuel standards are often referred to as “boutique” fuel provisions reflecting their unique tailoring of requirements to local needs. The CAA authorizes EPA to waive federal enforcement of the boutique fuel provisions that are adopted into SIPs.<sup>5</sup> Waiving federal enforcement of these boutique fuel requirements provides maximum flexibility to states to address supply issues within their states and to the fuel distribution system to source gasoline from the widest pool of potential producers and distribution systems helping to alleviate the extreme and unusual supply circumstances described in this action.

Global energy markets have been disrupted by Iranian attacks against tankers transiting the Strait of Hormuz and strikes against oil and gas infrastructure across the Middle East, as well as lowering U.S. refining capacity. Per the U.S. Energy Information Administration (EIA), the Strait of Hormuz is one of the world's most important oil chokepoints. In the first half of 2025, the Strait averaged 20.9 million barrels per day (bpd), approximately 20 percent of global petroleum liquids consumption and 25 percent of total global maritime traded oil.<sup>6</sup> In 2025, the U.S. imported roughly 490,000 bpd of crude oil from Persian Gulf countries, representing about 8 percent of total U.S. crude imports and about 3 percent of U.S. refinery gross inputs.<sup>7</sup> As of 2025, four U.S. refineries imported more than 50,000 bpd of crude oil from the Persian Gulf region.<sup>8</sup> In addition to crude oil, in 2025 the U.S. imported roughly 42,600 bpd of finished petroleum products from Persian Gulf countries, representing roughly 6 percent of all imported finished petroleum products during that same period, as well as 126,000 bpd of unfinished oil.<sup>9</sup>

The EIA Short Term Energy Outlook (STEO), released on March 10, 2026, notes that “High uncertainty about the conflict’s effect on oil supplies has added a large risk premium to oil prices as market participants assess actual disruptions to oil flows and weigh the potential for those disruptions to persist.” Additionally, the STEO highlights that as a result of the reduction in shipping through the Strait of Hormuz, some oil production has been shut in and that if the

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<sup>4</sup> 42 U.S.C. § 7545(c)(4)(B), 42 U.S.C. § 7545(c)(4)(C), and 42 U.S.C. § 7545(h)(5).

<sup>5</sup> 42 U.S.C. § 7545(c)(4)(C)(ii)

<sup>6</sup> [https://www.eia.gov/international/analysis/special-topics/World\\_Oil\\_Transit\\_Chokepoints](https://www.eia.gov/international/analysis/special-topics/World_Oil_Transit_Chokepoints)

<sup>7</sup> [https://www.eia.gov/dnav/pet/pet\\_move\\_impcus\\_a2\\_nus\\_epc0\\_im0\\_mbbldpd\\_a.htm](https://www.eia.gov/dnav/pet/pet_move_impcus_a2_nus_epc0_im0_mbbldpd_a.htm);

<https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mgirius2&f=a>.

<sup>8</sup> <https://www.eia.gov/petroleum/imports/companylevel/>

<sup>9</sup> <https://www.eia.gov/petroleum/imports/companylevel/>

reduction continues, “oil storage behind the chokepoint will quickly fill, causing oil producers to shut in even more production, lending further support to oil prices.”<sup>10</sup>

Overall, U.S. refining capacity has decreased over the past several years, caused by the permanent closures of refineries due to low demand during the COVID-19 pandemic, damage from hurricanes, and accidents, as well as economic closures and reconfigurations, especially in California. As of December 2025, U.S. operable crude oil distillation capacity was 490,000 bpd lower than it was in January 2020.<sup>11</sup> Additional refinery closures are expected in early 2026, including the closure of the Valero Benicia refinery in California, following the closure of the Phillips 66 refinery in Los Angeles, California, in November 2025. Lower refining capacity in recent years provides less cushion to mitigate any unexpected disruptions to refinery operations or sudden increases in customer demand.

As of the week ending March 6, 2026, refinery utilization was 90.8 percent, which is 4.3 percent above utilization at the same time last year.<sup>12</sup> Given this high utilization rate, refineries have minimal ability to produce more refined product, such as gasoline, in the event of a supply disruption. Moreover, EIA data has indicated that Petroleum Administration for Defense District (PADD) 5, which covers the West Coast, had sustained imports of gasoline and jet fuel in 2025,<sup>13</sup> even in advance of the two refinery closures. Many of these imports are being produced in Asian refineries dependent on crude oil from the Middle East. DOE and EPA staff have continued to monitor the gasoline supplies and concluded that the gasoline supply situation has not materially improved since EPA issued its waiver action effective March 25, 2026.

Additionally, on January 20, 2025, President Trump declared a National Energy Emergency stating, in part, that America needs “a reliable, diversified, and affordable supply of energy . . . to sustain the basics of modern life and military preparedness.” The declaration also states that “the United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”<sup>14</sup>

EPA has concluded, with concurrence from the U.S. Department of Energy, that it is in the public interest to take action to address the extreme and unusual supply circumstances that prevent distribution of an adequate supply of gasoline to consumers.

CAA section 211(c)(4)(C)(ii)(I)-(III) provides EPA with the authority to temporarily waive a control or prohibition if the Administrator makes certain determinations. In particular, the statute authorizes EPA to determine there are “extreme and unusual fuel [ ] supply circumstances” that prevent the distribution of an adequate supply of gasoline to consumers.<sup>15</sup>

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<sup>10</sup> [https://www.eia.gov/outlooks/steo/pdf/steo\\_full.pdf](https://www.eia.gov/outlooks/steo/pdf/steo_full.pdf)

<sup>11</sup> <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=MOCLEUS2&f=M>

<sup>12</sup> <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=WPULEUS3&f=W>

<sup>13</sup> [https://www.eia.gov/dnav/pet/pet\\_move\\_impccp\\_d\\_r50\\_Z00\\_mbbldpd\\_a.htm](https://www.eia.gov/dnav/pet/pet_move_impccp_d_r50_Z00_mbbldpd_a.htm).

<sup>14</sup> 90 FR 8433 (Jan. 29, 2025).

<sup>15</sup> 42 U.S.C. § 7545(c)(4)(C)(ii)(I).

Here, EPA is exercising the Agency's statutory discretion to identify a lack of an "adequate fuel supply" under these unique circumstances of a particularly unexpected and extreme form of disruption. This extreme and unusual fuel circumstance is the result of ongoing issues in the Middle East, among other events that could not reasonably have been foreseen and are not attributable to a lack of prudent planning on the part of suppliers of fuel to these areas.<sup>16</sup>

Furthermore, I have determined, pursuant to CAA section 211(c)(4)(C)(ii)(III), that it is in the public interest to grant this waiver.<sup>17</sup> In taking this action, EPA is seeking to address the extreme and unusual fuel supply circumstances in the market by waiving the requirements in 40 C.F.R. § 1090.215 and allowing gasoline with an RVP of 9.0 psi (10 psi when blended with 9-15 percent ethanol) to be distributed and sold nationwide under this waiver. Absent this waiver, fuel marketers and distributors would need to distribute and sell lower volatility fuel. The switch to lower volatility fuel for the summer season removes some higher volatility blending components and would decrease the supply of petroleum-based gasoline at the very time the Agency has concluded that a fuel supply issue persists due to reduced refining capacity and ongoing conflicts. The Agency's waiver action here will eliminate the need for fuel marketers and distributors to shift to lower volatility fuel and in the process will prevent the decreased supply of petroleum gasoline that would otherwise occur.

In addition, I have determined pursuant to CAA Section 211(c)(4)(C)(iii)(I) that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances described in this action. 42 U.S.C. § 7545(c)(4)(C)(iii)(I).

After weighing the societal benefits of a higher volume of gasoline being made available to the public, EPA concludes that this waiver is in the public interest. Therefore, to minimize or prevent disruptions of the supply of gasoline, EPA is waiving the requirements in 40 C.F.R. § 1090.215(a)(4) and (a)(5) that govern volatility under EPA approved SIP fuel programs and under this waiver, EPA is allowing gasoline to be distributed and sold nationwide with an RVP of 9.0 psi (10 psi when blended with 9-15% ethanol). EPA is also waiving the butane blending limitations for RBOB under 40 C.F.R. 1090.220(e) such that butane may be blended into RBOB in the same manner as currently allowed for CBOB.

The waiver of federal enforcement of state level fuel standards under 40 C.F.R. § 1090.215 and the butane blending requirements under 40 C.F.R. 1090.220(e) is effective on April 14, 2026, and will continue for 20 days. It is EPA's intention to issue new waivers effectively extending (renewing) these waivers until such time as the extreme and unusual fuel supply circumstances described in this action are no longer present.

This waiver applies only to the applicable federal requirements cited above. Regulated parties who produce, sell, and distribute E15 must continue to comply with all applicable requirements and conditions that do not relate to RVP requirements in 40 C.F.R. Part 1090 and in EPA's

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<sup>16</sup> *Id.*; 42 U.S.C. § 7545(c)(4)(C)(ii)(II).

<sup>17</sup> 42 U.S.C. § 7545(c)(4)(C)(ii)(III).

determinations under CAA Section 211(f)(4) to allow the introduction into commerce of E15 for use in model year 2001 and newer light-duty motor vehicles.<sup>18</sup> Other state or local requirements or restrictions related to this matter may need to be addressed by the appropriate authorities.<sup>19</sup>

Any gasoline meeting the conditions of this waiver that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers may be distributed and sold in subject areas in the designated states until the supply is depleted. Likewise, retailers and wholesale purchaser-consumers in these areas may continue selling or dispensing gasoline that meets the conditions of this waiver after the date the waiver expires, until supplies in their storage tanks are depleted.

If you have questions, you are welcome to contact me, or your staff may contact John Eunice, Principal Deputy Associate Administrator for Congressional and Intergovernmental Relations, at 202-564-5200 or [Eunice.John@epa.gov](mailto:Eunice.John@epa.gov).

Sincerely,



Lee M. Zeldin

cc: The Honorable Chris Wright, Secretary of Energy

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<sup>18</sup> 42 U.S.C. § 7545(f)(4); see 75 FR 68,094 and 76 FR 4662.

<sup>19</sup> Several states have adopted regulations for purposes other than motor vehicle emissions control that limit the applicability of the 1.0 psi allowance to E10.