

119TH CONGRESS
1ST SESSION

S. 593

To amend the Clean Air Act to modify Reid Vapor Pressure requirements and to provide for the return of certain retired credits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2025

Mrs. FISCHER (for herself, Ms. DUCKWORTH, Mrs. CAPITO, Ms. KLOBUCHAR, Mr. THUNE, Mr. RICKETTS, Mr. DURBIN, Mr. MORAN, Mr. MARSHALL, Mr. GRASSLEY, Ms. ERNST, Ms. BALDWIN, Ms. SMITH, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to modify Reid Vapor Pressure requirements and to provide for the return of certain retired credits, 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. SHORT TITLE.**

4 This Act may be cited as the “Nationwide Consumer
5 and Fuel Retailer Choice Act of 2025”.

6 **SEC. 2. CLEAN AIR ACT AMENDMENTS.**

7 (a) ETHANOL WAIVER.—

(1) EXISTING WAIVERS.—Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) is amended—

(A) by striking “(4) The Administrator, upon” and inserting the following:

“(4) WAIVERS.—

“(A) IN GENERAL.—The Administrator, on”;

(B) in subparagraph (A) (as so designated)—

(i) in the first sentence—

(I) by striking “of this subsection” each place it appears; and

(II) by striking “if he determines” and inserting “if the Administrator determines”; and

(ii) in the second sentence, by striking “The Administrator” and inserting the following:

“(B) FINAL ACTION.—The Administrator”; and

(C) by adding at the end the following:

“(C) REID VAPOR PRESSURE.—A fuel or fuel additive may be introduced into commerce if—

1 “(i)(I) the Administrator determines
 2 that the fuel or fuel additive is substan-
 3 tially similar to a fuel or fuel additive uti-
 4 lized in the certification of any model year
 5 vehicle pursuant to paragraph (1)(A); or

6 “(II) the fuel or fuel additive has been
 7 granted a waiver under subparagraph (A)
 8 and meets all of the conditions of that
 9 waiver other than any limitation of the
 10 waiver with respect to the Reid Vapor
 11 Pressure of the fuel or fuel additive; and

12 “(ii) the fuel or fuel additive meets all
 13 other applicable Reid Vapor Pressure re-
 14 quirements under subsection (h).”.

15 (2) REID VAPOR PRESSURE LIMITATION.—Sec-
 16 tion 211(h) of the Clean Air Act (42 U.S.C.
 17 7545(h)) is amended—

18 (A) by striking “vapor pressure” each
 19 place it appears and inserting “Vapor Pres-
 20 sure”;

21 (B) in paragraph (4), in the matter pre-
 22 ceding subparagraph (A), by striking “10 per-
 23 cent” and inserting “10 to 15 percent”; and

24 (C) in paragraph (5)(A)—

1 (i) by striking “Upon notification, ac-
2 companied by” and inserting “On receipt
3 of a notification that is submitted after the
4 date of enactment of the Nationwide Con-
5 sumer and Fuel Retailer Choice Act of
6 2025, and is accompanied by appropriate”;

7 (ii) by striking “10 percent” and in-
8 serting “10 to 15 percent”; and

9 (iii) by adding at the end the fol-
10 lowing: “Upon the enactment of the Na-
11 tionwide Consumer and Fuel Retailer
12 Choice Act of 2025, any State for which
13 the notification from the Governor of a
14 State was submitted before the date of en-
15 actment of the Nationwide Consumer and
16 Fuel Retailer Choice Act of 2025 and to
17 which the Administrator applied the Reid
18 Vapor Pressure limitation established by
19 paragraph (1) shall instead have the Reid
20 Vapor Pressure limitation established by
21 paragraph (4) apply to all fuel blends con-
22 taining gasoline and 10 to 15 percent de-
23 natured anhydrous ethanol that are sold,
24 offered for sale, dispensed, supplied, of-
25 fered for supply, transported, or introduced

1 into commerce in the area during the high
2 ozone season.”.

3 (b) GENERATION OF CREDITS BY SMALL REFIN-
4 ERIES UNDER THE RENEWABLE FUEL PROGRAM.—Sec-
5 tion 211(o)(9) of the Clean Air Act (42 U.S.C.
6 7545(o)(9)) is amended by adding at the end the fol-
7 lowing:

8 “(E) CREDITS GENERATED FOR 2016–2018
9 COMPLIANCE YEARS.—

10 “(i) RULE.—For any small refinery
11 described in clause (ii) or (iii), the credits
12 described in the respective clause shall
13 be—

14 “(I) returned to the small refin-
15 ery and, notwithstanding paragraph
16 (5)(C), deemed eligible for future
17 compliance years; or

18 “(II) applied as a credit in the
19 EPA Moderated Transaction System
20 (EMTS) account of the small refinery.

21 “(ii) COMPLIANCE YEARS 2016 AND
22 2017.—Clause (i) applies with respect to
23 any small refinery that—

24 “(I) retired credits generated for
25 compliance years 2016 or 2017; and

1 “(II) submitted a petition under
2 subparagraph (B)(i) for that compli-
3 ance year that remained outstanding
4 as of December 1, 2022.

5 “(iii) COMPLIANCE YEAR 2018.—In
6 addition to small refineries described in
7 clause (ii), clause (i) applies with respect
8 to any small refinery—

9 “(I) that submitted a petition
10 under subparagraph (B)(i) for compli-
11 ance year 2018 by September 1,
12 2019;

13 “(II) that retired credits gen-
14 erated for compliance year 2018 as
15 part of the compliance demonstration
16 of the small refinery for compliance
17 year 2018 by March 31, 2019; and

18 “(III) for which—

19 “(aa) the petition remained
20 outstanding as of December 1,
21 2022; or

22 “(bb) the Administrator de-
23 nied the petition as of July 1,
24 2022, and has not returned the

7

1 retired credits as of December 1,
2 2022.”.

○