

ASSEMBLY RESOLUTION No. 117

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

SYNOPSIS

Condemns President Trump's decision to allow sale of gasoline containing 15 percent ethanol during summer months.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ASSEMBLY RESOLUTION** condemning President Trump’s
2 decision to allow the sale of gasoline containing 15 percent
3 ethanol during the summer months.
4
5 **WHEREAS**, In October 2018, President Donald J. Trump announced
6 that he had directed the United States Environmental Protection
7 Agency (EPA) to begin formulating new rules that would allow the
8 sale of gasoline that contains 15 percent ethanol (E15) during the
9 summer months; and
10 **WHEREAS**, In May 2019, the EPA finalized a rule that allows the sale
11 of E15 during the summer months; and
12 **WHEREAS**, Formerly, EPA rules prohibited the sale of E15 gasoline
13 during the summer months because it is more volatile than standard
14 gasoline and may lead to the increased formation of ground-level
15 ozone and smog, especially in warm temperatures; and
16 **WHEREAS**, A 2007 law that required ethanol to be added to gasoline
17 had unexpected deleterious environmental consequences, including
18 the development of five million acres of land set aside for
19 conservation—an area bigger than Yellowstone National Park,
20 Everglades National Park, and Yosemite National Park combined,
21 and the worsening of fertilizer pollution in Midwestern rivers and
22 the Gulf of Mexico; and
23 **WHEREAS**, The consequences of the 2007 law were so negative that
24 environmentalists and many scientists have now rejected corn-
25 based ethanol as poor environmental policy, and President Trump’s
26 decision could exacerbate the negative consequences of this policy;
27 and
28 **WHEREAS**, The EPA’s rule change may increase the demand for corn-
29 based ethanol, and may cause even more natural land to be
30 developed; and
31 **WHEREAS**, Even considered solely as a fuel, E15 gasoline is of
32 dubious environmental value, because it produces carbon dioxide,
33 and may cause increased emissions of nitrogen oxides, which
34 contribute to the formation of smog and acid rain, as well as
35 affecting tropospheric ozone; and
36 **WHEREAS**, The EPA has concluded in the past on two occasions that it
37 does not have the authority to allow the sale of E15 gasoline during
38 the summer months, and Judge Brett Kavanaugh, in a 2012 United
39 States Court of Appeals decision, found, in dicta, that the EPA
40 cannot change the rule without an act of Congress; and
41 **WHEREAS**, Congress considered this issue in 2017 and decided not to
42 allow the sale of E15 gasoline during the summer months; and
43 **WHEREAS**, The American Petroleum Institute said in a statement
44 following the rule change that the “EPA has acted outside its
45 statutory authority in granting year-round E15 and rushed through
46 the rulemaking process;” now, therefore,

1 **BE IT RESOLVED** *by the General Assembly of the State of New*
2 *Jersey:*

3

4 1. This House condemns President Donald Trump's direction
5 to the United States Environmental Protection Agency to allow the
6 use of gasoline containing 15 percent ethanol during the summer
7 months.

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9 2. Copies of this resolution, as filed with the Secretary of State,
10 shall be transmitted by the Clerk of the General Assembly to the
11 President and Vice President of the United States; the Majority and
12 Minority Leaders of the United States Senate; The Speaker and
13 Minority Leader of the United States House of Representatives; and
14 every member of Congress elected from this State.

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STATEMENT

18

19 This resolution condemns President Trump's direction to the
20 U.S. Environmental Protection Agency (EPA) to allow the sale of
21 gasoline containing 15 percent ethanol (E15) during the summer
22 months.