



THE ADMINISTRATOR

WASHINGTON, D.C. 20460

August 20, 2026

Re: National Fuel Waiver to Bring Forward Wintertime Gasoline Beginning September 1, 2026

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. The EPA first issued a broad fuel waiver on March 25, 2026, that included multiple requirements, some which had a May 1, 2026, effective date.¹ This action is a renewal of the August 9, 2026, waiver extension that addressed, among other elements, state “boutique” fuel requirements. This action extends the ethanol blending limit in gasoline from 10 percent to 15 percent, reinstates the 1 psi allowance for ethanol blends in states where it was previously removed, waives federal low volatility gasoline standards through September 15, 2026, which is the end of the federal control period, waives federal enforcement of all state boutique fuel requirements for gasoline for an additional 20 days, and starts the transition to winter gasoline on September 1, 2026.

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 from August 29 through August 31, 2026. From September 1, 2026, through September 15, 2026, the EPA is waiving the federal volatility limit to the location specific limit listed in ASTM D-4814 for September 16 to allow an earlier transition to winter gasoline. Where State Implementation Plan (SIP) volatility limits are referenced beyond September 15 in ASTM D4814; e.g., Arizona and Texas, the EPA is waiving the RVP to match the ASTM standards that applied in those states prior to the CAA mandated standards effective September 1, 2026, through the full 20 days of the waiver; i.e., through September 17, 2026.² 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 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.³ EPA’s gasoline

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

² ASTM D 439-89 Standard Specification for Automotive Gasoline applied in 1989 and specifies for the month of September in Arizona a 9 psi limit for E0 (effectively 10 psi for gasoline blended with ethanol) and in Texas a 10 psi limit for E0 (effectively 11 psi for gasoline blended with ethanol). See ASTM D 439-89 Table 2 Schedule of Seasonal and Geographical Volatility Classes.

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

volatility regulations apply to retailers and wholesale purchaser-consumers beginning June 1 and to all other persons beginning May 1. Some fuel programs approved into SIPs may have different control dates as specified in the plans. 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.⁴ 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.⁵ 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.⁶ 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.⁷ As of 2025, four U.S. refineries imported more than 50,000 bpd of crude oil from the Persian Gulf region.⁸ 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.⁹

The EIA Short Term Energy Outlook (STEO), released on March 10, 2026, noted 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 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.”¹⁰ Additionally, the STEO released on April 7, 2026, noted that “[t]he closure of the strait has dramatically reduced the availability of oil supplies to global markets and has had cascading effects across oil supply chains.” The Weekly Petroleum Status Report for the week ending August 7, 2026, shows that U.S. total motor gasoline inventories remain 6% below the five-year average for this time of year.¹¹ EIA’s Short Term Energy Outlook (STEO), released on July 7, projects U.S. gasoline

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

⁵ 42 U.S.C. § 7545(c)(4)(C)(ii)

⁶ https://www.eia.gov/international/analysis/special-topics/World_Oil_Transit_Chokepoints

⁷ https://www.eia.gov/dnav/pet/pet_move_impqus_a2_nus_epc0_im0_mbbldpd_a.htm;

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

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

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

¹⁰ https://www.eia.gov/outlooks/steo/pdf/steo_full.pdf

¹¹ <https://www.eia.gov/petroleum/supply/weekly/>

inventories to remain below the seasonal five-year range until the fall of 2026. Furthermore, despite the reopening of the Strait of Hormuz last month, EIA does not expect the majority of shut-in crude oil production to be back online until the first quarter of 2027 (1Q27).¹²

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, accidents, as well as economic closures and reconfigurations, especially in California. As of August 2026, U.S. operable crude oil distillation capacity was 800,000 bpd lower than it was in January 2020.¹³ 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 August 7, 2026, refinery utilization was 96.2 percent.¹⁴ 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 2025,¹⁵ even in advance of 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.”¹⁶

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.¹⁷ 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

¹² https://www.eia.gov/outlooks/steo/pdf/steo_full.pdf

¹³ https://www.eia.gov/dnav/pet/pet_sum_sndw_dcus_nus_w.htm

¹⁴ <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=WPULEUS3&f=W>

¹⁵ https://www.eia.gov/dnav/pet/pet_move_impep_d_r50_Z00_mbbldpd_a.htm.

¹⁶ 90 FR 8433 (Jan. 29, 2025).

¹⁷ 42 U.S.C. § 7545(c)(4)(C)(ii)(I).

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.¹⁸

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.¹⁹ 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. In addition, this waiver action starts the transition to winter gasoline on September 1, 2026, rather than September 16, 2026. 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 produce 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 that govern volatility 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) from August 29, 2026, until September 1, 2026. Beginning on September 1, 2026, through September 15, 2026, EPA is waiving the federal volatility limit to the location specific limit listed in ASTM D-4814 for September 16 to allow an earlier transition to winter gasoline. Where SIP volatility limits are referenced in ASTM D4814; e.g. Arizona and Texas, EPA is waiving the RVP to the limits set in Table 2 of ASTM D 439-89 effective September 1, 2026, through the full 20 days of the waiver; i.e. through September 17, 2026.

With this action, EPA is extending the prior waiver of the butane and pentane blending requirements of 40 C.F.R. 1090.220(e) and conditionally waiving certain reporting requirements to better define and effectuate this element of our waiver action. EPA is conditionally waiving the testing requirement in 40 CFR 1090.1320(b)(1), and the per batch RVP reporting requirement at 40 CFR 1090.905(c)(5)(ii)(E), provided the following conditions are met. First, fuel produced under the terms of this waiver by blending certified butane or certified pentane must still be reported but can be reported in batch sizes up to one batch per month. As a condition of this waiver, the certified butane blender (or certified pentane blender) must maintain an inline analyzer to monitor the blend of butane into gasoline and ensure the blended fuel meets the RVP requirement. In addition, the certified butane blender (or certified pentane blender) must perform weekly oversight and recordkeeping to document the oversight in accordance with API

¹⁸ *Id.*; 42 U.S.C. § 7545(c)(4)(C)(ii)(II).

¹⁹ 42 U.S.C. § 7545(c)(4)(C)(ii)(III).

1640 Section 16.3. Further, where this waiver allowance is utilized, the RVP test method field on the batch report form (STR0200) must use the following text “2026 Summer RVP Waiver.” Finally, entities submitting any batch report that falls under the conditions of this waiver may designate the gasoline volatility standard found at 40 C.F.R. 1090.215 as “Federal 9.0 psi standard” (or “V2”) on the report, as appropriate, through August 31, 2026.

The waiver of federal enforcement of state level fuel standards under 40 C.F.R. § 1090.215 is effective on August 29, 2026, and will continue until the end of the Federal control period through September 15, 2026, or for 20 days where SIP requirements extend beyond September 15, 2026. The waiver of butane blending requirements under 40 C.F.R. 1090.220(e), 40 CFR 1090.905(c)(5)(ii)(E), and 40 CFR 1090.1320(b)(1) is effective on August 29, 2026, and will continue through the end of the summer control period on September 15, 2026. It is EPA’s intention to issue a new waiver of the SIP requirements that continue beyond September 17, 2026, effectively extending (renewing) this waiver until such time as the extreme and unusual fuel supply circumstances described in this action are no longer present or the volatility control period in the SIP ends.

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 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.²⁰ Other state or local requirements or restrictions related to this matter may need to be addressed by the appropriate authorities.²¹

Any gasoline meeting the conditions of the National waiver that was introduced into domestic pipelines or which has been certified at the fuel manufacturing facility gate or import facility, prior to the expiration date of an element of this waiver, as demonstrated by either the PTDs or Certificates of Analysis (COAs), may be distributed and sold in subject areas in the designated states until the volume identified on the PTDs or COAs is depleted. All other requirements of 40 C.F.R. Part 1090 not explicitly waived still apply for this period.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee M. Zeldin".

Lee M. Zeldin

cc: The Honorable Chris Wright, Secretary of Energy

²⁰ 42 U.S.C. § 7545(f)(4); see 75 FR 68,094 and 76 FR 4662.

²¹ 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.