

ANALYSIS OF HB 1015

House Agriculture & Ecology Committee

January 25, 2001

<p>Prohibits the intentional addition of methyl tertiary-butyl ether (MTBE) to fuel after December 31, 2003.</p>

Background:

The Clean Air Act is a federal law enacted in 1970 to create a nationwide framework for controlling air pollution. In 1990, Congress added significant amendments to the Clean Air Act aimed at improving air quality in metropolitan areas that currently violate health-based standards. The 1990 amendments set acceptable standard levels for various air pollutants, called National Ambient Air Quality Standards. Pollutants with established national standards include: ozone, carbon monoxide (CO), and toxins. If the presence of a pollutant exceeds the acceptable level in a metropolitan area, the United States Environmental Protection Agency (US EPA) designates that area a nonattainment area. Nonattainment areas are subject to federal, state, and local regulations aimed at reducing the amount of the pollutant in the air. Nonattainment status has been applied to metropolitan areas nationwide, including New York City, Los Angeles, Cleveland, and Spokane.

The Clean Air Act Amendments require that gasoline sold in CO nonattainment areas contain at least 2.7 percent oxygen. CO pollution results from the incomplete combustion of fuel, and 80 percent of CO pollution is generated from motor vehicles. Higher oxygen contents in gasoline, which helps the fuel burn with fewer harmful emissions, can be achieved by the addition of oxygenates such as ethanol or methyl tertiary-butyl ether (MTBE). Refiners make the decision as to which oxygenate is used to produce cleaner burning gasoline. Some refineries in the United States have increased octane levels and engine efficiency by adding MTBE, a derivative of natural gas, to their gasoline.

The US EPA has issued a health advisory regarding oral consumption of MTBE. Although no data regarding the health effects of MTBE on humans is available, the California Environmental Protection Agency (CAL/EPA), has shown that long term exposure to the chemical causes cancer in laboratory rats and mice. The US EPA lists MTBE as a possible human carcinogen. MTBE has been found in public drinking water

supplies in California, Colorado, Iowa, Illinois, New Jersey, and Texas. The CAL/EPA reports that MTBE may invade drinking water wells and reservoirs through leaking underground storage tanks and pipelines.

After discovering MTBE in its drinking water, California began phasing the chemical out of that state's gasoline. California has prohibited the sale of any gasoline produced with the use of MTBE by December 31, 2002, and prohibits the sale of any gasoline containing more than 0.05 volume percent MTBE by December 31, 2004.

In Washington, Spokane is the only serious CO nonattainment area listed by the US EPA. Thus, only Spokane is mandated to use oxygenated fuels. The Washington Department of Ecology (WDOE) reports that Washington refiners have used ethanol, not MTBE, as an oxygenate in the Spokane area. The WDOE has no evidence that MTBE is being added as part of Washington's oxygenated fuel program; however, they can not report that MTBE is absent from Washington's gasoline in the form of an octane booster for premium grades. WDOE samples at oil spill sites have detected the presence of MTBE.

Current Washington law contains no prohibitions or restrictions on MTBE.

Summary of Bill:

After December 31, 2003, the intentional addition of methyl tertiary-butyl ether (MTBE) to gasoline, motor fuel, or clean fuel for sale or use is prohibited. MTBE may in no event be present in gasoline above six-tenths of one percent by volume. Violations of these prohibitions are misdemeanors.

Effective Date: *Ninety days after adjournment of session in which bill is passed.*

Appropriation: *None.*

Fiscal Note: *Not Requested.*