

# FINAL BILL REPORT

## EHB 1015

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Synopsis as Enacted

**Brief Description:** Prohibiting methyl tertiary-butyl ether as a gasoline additive.

**Sponsors:** Representatives Pennington, Mielke, Schindler, Ogden, Esser, Ruderman, Linville, Pearson, Ericksen, Morell and Talcott.

**House Committee on Agriculture & Ecology**

**Senate Committee on Environment, Energy & Water**

### **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 violate health-based standards. The 1990 amendments set acceptable standard levels for various air pollutants, including 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 content 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 decide 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 are 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 (DOE) reports that Washington refiners have used ethanol, not MTBE, as an oxygenate in the Spokane area. The DOE has no evidence that MTBE is being added as part of Washington's oxygenated fuel program; however, they cannot report that MTBE is absent from Washington's gasoline in the form of an octane booster for premium grades. The DOE samples at oil spill sites have detected the presence of MTBE.

Washington law contains no prohibitions or restrictions on MTBE. However, violators of the Motor Fuel Quality Act are subject to a misdemeanor conviction and a civil fine of up to \$10,000.

**Summary:**

After December 31, 2003, the intentional addition of methyl tertiary-butyl ether (MTBE) to gasoline, motor fuel, or clean fuel for sale or use in Washington is prohibited. The MTBE may not be knowingly mixed in gasoline above six-tenths of 1 percent by volume.

**Votes on Final Passage:**

House 95 0  
Senate 47 0 (Senate amended)  
House 92 0 (House concurred)

**Effective:** July 22, 2001