

CENTER FOR AUTO SAFETY

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Federal Trade Commission Office of the Secretary Room H-135 (Annex M) 600 Pennsylvania Avenue NW Washington DC 20580

Re: Automotive Fuel Ratings, Certification & Posting NPRM, 79 FR 18850 (Apr. 4, 2014).

The Center for Auto Safety (CAS) submits this comment on the above noted rulemaking. The Center is a non-profit consumer group founded by Consumers Union and Ralph Nader in 1970 and has approximately 20,000 members. CAS has a long standing interest in ensuring that consumers receive quality fuels that match the needs of their vehicles. CAS commented in the prior NPRM, 75 FR 12470 (Mar. 16, 2010), on this matter. This comment supports the changes proposed by the Commission to require the posting of ethanol content to the nearest 10% for mid-level ethanol blends, to post the caution "Use only in Flex-Fuel Vehicles/May harm other engines" and to allow the use of infrared analyzers to determine octane.

(1) Mid-level Ethanol Blends: Most automotive warranties through 2012 do not approve the use of fuels containing more than 10% ethanol (E10) except for flex fuel vehicles (FFV's) when EPA approved E15 which is addressed by a separate label under 40 CFR 80.1501. Even when present auto warranties approve E15, they do not approve higher ethanol concentrations except for Flex-Fuel vehicles. The Commission asks: What evidence exists regarding whether ethanol blends can harm engines, including newer conventional vehicle engines?

One need look no further than vehicle safety recalls to find such evidence. Toyota, for example, has conducted two safety recalls in vehicles later than the 2001 model year.

NHTSA ID	Date	Make	Model	Model Year	Number of Vehicles
04V-295	6-18-04	Lexus	LS430	2004	14,259

Brief Description of Defect

Mfg. Campaign No. SSC 4LB-Fuel pump. DOM: 7/03-1/04. Impeller inside fuel pump improperly molded due to a manufacturing error. Alcohol in some fuels deforms impeller and causes it to come into contact with pump housing, increasing rotational resistance of impeller and causing failure of fuel pump. Correct by replacing fuel pump.

09V-020	01-16-09	Lexus	GS	2006-07	214,570
			IS	2006-08	
			LS	2007-08	

Brief Description of Defect

Mfg. Campaign No. 9LA — Fuel Rail. DOM: 1/05-9/07. Ethanol fuels with low moisture content will corrode internal surface of aluminum fuel delivery pipes (fuel rails) and engine malfunction indicator light may illuminate. Corrosion may create pinhole resulting in fuel leakage and fire. Correct by inspecting and replacing fuel delivery pipes.

In view of the auto warranty language which auto companies can use to deny fuel system related claims and in view of the safety recalls, the proposed warning is essential.

(2) Use of Infrared Analyzers to Determine Octane: Many states now use infrared analyzers to determine octane because they are cheaper, more accurate and permit greater number of dispensing pump inspections per day than using octane engines. A major problem in ensuring that the octane on the dispensing pump matches the octane of the gasoline dispensed is the level of enforcement effort as well as the quality control procedures used by refiners and gasoline marketers. The FTC proposal to approve infrared analyzers calibrated to measure octane would allow greater levels of enforcement and increased quality control by refiners at lower cost. The FTC proposal helps states, industry and consumers and should be adopted.

Respectfully submitted,

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Executive Director