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Given the legal constraints within the Clean Air Act, EPA cannot approve the State of California's request to waive the federal oxygen content requirement for reformulated gasoline (RFG), Administrator Christie Whitman announced today.
After an extensive analysis, the Agency concluded that there is significant uncertainty over the change in emissions that would result from a waiver. California has not clearly demonstrated what the impact on smog would be from a waiver of the oxygen mandate. "We cannot grant a waiver for California since there is no clear evidence that a waiver will help California to reduce harmful levels of air pollutants," said Whitman.

In April 1999, California Governor Gray Davis requested a waiver from the oxygen requirement, contending that the oxygen mandate impeded California's ability to further reduce smog-forming nitrogen oxides. Governor Davis' request for a waiver closely followed his announcement that the state would ban the use of the oxygenate methyl tertiary butyl ether (MTBE) starting in 2003.

The Clean Air Act requires that RFG contain oxygen to reduce harmful emissions of ozone, a major component of smog. RFG is a cleaner-burning gasoline required by federal law to be used in certain major metropolitan areas of the United States with the worst ozone air

pollution problems. MTBE is an additive in gasoline used by many refiners to meet oxygen level requirements.

Whitman added, "The Administration is concerned about the risks of MTBE in drinking water in California and other states. Clean air and clean water are equally important. We do not want to pursue one at the expense of the other. As it currently stands, the Clean Air Act provisions limit the Agency's ability to address these concerns. We are exploring all options and currently assessing the health risks of MTBE."

EPA is committed to working with Congress to address concerns about MTBE, while maintaining the air quality and other benefits of the RFG program.

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