
TDLR MEMORANDUM

TO: TDLR Enforcement Division
FROM: Deanne Rienstra, Interim General Counsel
SUBJECT: Enforcement Discretion on Reid Vapor Pressure for Gasoline and Gasoline-Ethanol Blends
DATE: April 14, 2026

On March 25, 2026, the U.S. Environmental Protection Agency (EPA) waived certain federal requirements for gasoline and gasoline ethanol blends to address unusual fuel supply circumstances. The stated purpose of the waiver is to allow the production and distribution of a single national gasoline pool with 9 to 15 percent ethanol content at a common Reid Vapor Pressure (RVP) standard of 10 psi.

On April 1, 2026, the Texas Commission on Environmental Quality (TCEQ) issued a memo exercising enforcement discretion for applicable low-RVP fuel requirements in counties subject to the two State Implementation Plans administered by TCEQ.

TDLR regulates motor fuel quality, labeling, and measurement under Texas Occupations Code Chapter 2310 and 16 Texas Administrative Code Chapter 97, including the adoption of ASTM D4814 as the applicable standard for automotive gasoline.

During the period specified by the EPA waiver, TDLR will exercise enforcement discretion for the volatility class requirements at Title 16, Part 4, Chapter 97, Subchapter A, Rule §97.3 as they relate to RVP specifications for motor fuel. This will allow gasoline with a RVP of up to 9.0 psi, or 10.0 psi when blended with 9 to 15 percent ethanol, to be sold throughout the state consistent with the EPA waiver. This enforcement discretion is limited solely to RVP-related requirements and does not extend to other applicable fuel quality, labeling, or measurement standards under Texas law or TDLR rules. Following the expiration of the EPA waiver, TDLR will continue to exercise enforcement discretion for a period of 45 days to allow suppliers time to readjust.

This exercise of enforcement discretion will support EPA and TCEQ efforts to address fuel supply concerns while protecting the consumers of the State of Texas.