GOVERNOR GREG ABBOTT

September 28, 2026

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Zeldin:

On behalf of the State of Texas, please accept this request for a waiver of certain requirements relating to diesel fuel consistent with Section 211(c)(4)(C)(ii) of the Clean Air Act (CAA). Specifically, I request that the United States Environmental Protection Agency (EPA) waive its requirements relating to the use and production of ultra-low sulfur diesel (ULSD) as well as requirements imposed by the Texas Low Emission Diesel (TxLED) program as part of Texas' federally approved state implementation plan. *See* 66 Fed. Reg. 57,196 (November 14, 2001), 70 Fed. Reg. 17,321 (April 6, 2005), and 78 Fed. Reg. 26,255 (May 6, 2013). Temporary waiver of these requirements would provide relief to Texans during this period of uncertainty within the global oil market.

Diesel prices in Texas reached an all-time high in September 2026 at $5.97 a gallon.[1] This spike in pricing has been caused by uncertainties in the global oil market caused by external forces outside of the control of Texas. The U.S. Energy Information Agency has forecasted that national distillate fuel inventories will remain at all-time lows into much of next year.[2] This corresponds with the ongoing national emergency declared by President Trump and his finding that "[w]e need a reliable, diversified, and affordable supply of energy to drive our Nation's manufacturing, transportation, agriculture, and defense industries, and to sustain the basics of modern life and military preparedness." *See* E.O. 14156 (January 20, 2025). In response, I have issued a disaster declaration for all 254 Texas counties due to the need for immediate relief from rising fuel costs.

EPA regulations require that all diesel fuel must meet a maximum sulfur content of 15 parts per million and either have a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent. *See* 40 C.F.R. § 1090.305(b)–(c). TxLED diesel, sold only in 110 Texas counties and nowhere else in the nation,[3] are subject to even more stringent requirements and must have a

[1] American Automobile Association, Fuel Prices (September 26, 2026), https://gasprices.aaa.com/?state=TX&stream=top.
[2] U.S. Energy Information Administration, September Short-Term Energy Outlook (September 9, 2026), https://www.eia.gov/outlooks/steo/.
[3] These counties include Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Cooke,

minimum cetane index of 48 ***and*** a maximum aromatic content of 10 percent by volume per gallon. While these regulations serve an important role, they should not serve as an undue burden on Texans during times of extreme uncertainty. A temporary lift of these restrictions would allow for an increase of available fuel, reducing the price of diesel paid by Texans.

In light of these challenges, I formally request that you exercise your authority under Section 211(c)(4)(C)(ii) of the CAA to temporarily waive the following fuel requirements in Texas for the maximum extent permitted under law:

- ULSD requirements in 40 C.F.R. § 1090.305; and
- TxLED requirements in 30 Texas Administrative Code (TAC) § 114.312 to allow ULSD (or non-ULSD if otherwise waived) to be substituted for use in the 110 counties listed in 30 TAC § 114.319.

I urge you to begin the formal process of responding to this request as soon as possible. Timely action is critical to prevent further adverse impacts on Texans and the Texas economy as a whole. For questions, please contact Donna Huff at (512) 239-6628 or donna.huff@tceq.texas.gov or David Serrins at (512) 239-1954 or david.serrins@tceq.texas.gov.

Sincerely,

Greg Abbott
Governor

cc: Brooke Paup, Chairwoman, Texas Commission on Environmental Quality
Kelly Keel, Executive Director, Texas Commission on Environmental Quality
Steven Schar, Deputy Executive Director, Texas Commission on Environmental Quality
Jim Rizk, Senior Counsel, Texas Commission on Environmental Quality

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Coryell, Dallas, Delta, Denton, DeWitt, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Galveston, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Somervell, Tarrant, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Wharton, Williamson, Wilson, Wise, and Wood Counties.