ICM®
the energy of innovation™

310 N. First Street
Colwich, KS 67030
Ph: 316.796.0900
Fax: 316.796.0570
icminc.com

May 20, 2010

Federal Trade Commission
Office of the Secretary
Room H-135
600 Pennsylvania Ave., NW
Washington, D.C. 20580

To Whom It May Concern:

Please find the following comments that have been submitted on behalf of ICM, Inc. regarding several proposed amendments to the FTC's Automotive Fuel Ratings, Certification, and Posting Rule (16 CFR Part 306).

Established in 1995 and headquartered in Colwich, Kan., ICM, Inc., provides innovative technologies, solutions, and services to sustain agriculture and advance renewable energy, including food and feed technologies that will increase the supply of world protein. By providing proprietary process technology to 102 facilities with a combined production capacity of approximately 6.6 billion gallons of annual ethanol production, ICM has become a world leader in biorefining technology.

If the U.S. is truly committed to achieving energy independence, then we must pursue policies, expand market access and build infrastructure to avoid sending $1 billion daily to other nation's economies to satisfy our oil demands. Ethanol is today's only viable and available fuel that can be substituted for gasoline. And unlike oil, ethanol is renewable--it will never run out--and we can grow it right here in America. As our industry actively provides recommendations to remove constraints in market access and build infrastructure for the ethanol industry, it is also critically important to ensure that ethanol is fairly labeled at the fuel pumps.

We believe there is tremendous concern with how these amendments are proposed, as the changes to the rule would negatively impact how alternative fuels with ethanol (i.e. E85 and mid-level ethanol fuel blends) are labeled at the gas pump. Labels at the fuel pumps are what consumers view and undoubtedly influence their decisions on what fuel products to purchase. The FTC has proposed ethanol labels that are orange in color, but the octane rating is not provided and contains the phrase "may harm some vehicles." In addition, the proposed label for alternative fuels containing ethanol as an orange color are extremely likely to be interpreted by consumers as warnings, which portrays a negative image of the fuel.

We strongly believe this type of label could be perceived as a warning label to consumers and subsequently influence their purchasing in a negative manner. Further, we believe it could deter Flex Fuel Vehicle (FFV) owners from purchasing higher blends of ethanol.

ICM concurs with Growth Energy's recommendation to include, "For Flex Fuel Vehicles Only," on the label of alternative fuels containing ethanol. This clear warning statement will protect consumers against improper fueling of their vehicles while not discouraging the market access and use of alternative fuels containing ethanol. ICM also concurs with Growth Energy on recommending a dark blue label with white lettering instead of the orange color. In addition, we strongly recommend including an octane rating requirement for alternative fuels containing ethanol. The FTC's proposed label for alternative fuels does not have the critical octane rating which ensures that consumers can choose the appropriate octane level for their engine.

As previously noted, it is essential for the ethanol industry to be armed with the tools necessary to create a fairer market for our product. We believe it is necessary to take an inclusive approach and provide the following labels to cover *all* blends of alternative fuels with ethanol that are likely to be dispensed at retail stations:

- 20% volume Ethanol (±2% Ethanol)
- 30% volume Ethanol (±3% Ethanol)
- 40% volume Ethanol (±4% Ethanol)
- 50% volume Ethanol (±5% Ethanol)
- 60% volume Ethanol (±6% Ethanol)
- 70% volume Ethanol (±7% Ethanol)
- 80% volume Ethanol (±8% Ethanol)

Please contact me at 316-977-6549 if you have any questions, or need additional information.

Sincerely,

Greg Krissek
Director, ICM Government Affairs