



DMS NOTICE
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March 14, 2011

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TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Specifications and Labeling for Biodiesel Blends and Other Alternative Fuels

This is to inform you that on February 23, 2011, the new specification and labeling requirements for biodiesel blends and alternative fuels became effective. These changes include the addition of definitions for biodiesel, diesel fuel, biodiesel blends, non-ester renewable diesel, diesel blend and biomass-based diesel. Additionally, quality specifications, labeling and advertising requirements were added for biodiesel blends (up to B5 and B6 to B20), biomass-based diesel, biomass-based diesel blends, E85 Ethanol Fuel and M85 Methanol Fuel. Also added were procedures for the sale of biodiesel blends greater than 20%.

The California Code of Regulations sections involved are 4140 through 4149, 4200 and 4202 through 4205. A copy the new language is attached and the DMS Field Reference Manual and Petroleum Products Enforcement Program Manual will be updated in the near future.

Please direct any questions to David Lazier, Assistant Director at (916) 229-3000.

Sincerely,

Kristin J. Macey
Director

cc: Edmund E. Williams, Director, County Liaison Office



Chapter 6

Article 5. Engine Fuel Standards

4140. Definitions Used in Title 4, Division 9, Chapters 6 and 7.

(a) "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the specifications set forth by the ASTM International in the latest version of Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels D6751 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

(b) "Diesel fuel" means a light middle or middle distillate fuel which may be blended up to 5. volume percent biodiesel and meeting the specifications set forth by the ASTM International in the latest version of Standard Specification for Diesel Fuel Oils D975 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

(c) "Biodiesel blend" means biodiesel blended with petroleum-based diesel fuel.

(d) "Non-ester renewable diesel" means a diesel fuel registered as a motor vehicle fuel or fuel additive under 40 CFR Part 79, produced from nonpetroleum renewable resources that is not a mono-alkyl ester.

(e) "Non-ester renewable diesel blend" means non-ester renewable diesel blended with petroleum-based diesel fuel.

(f) "Biomass-based diesel" means a renewable diesel fuel that meets the definition of biomass-based diesel found in the latest version of the Federal Trade Commission (FTC) 16 CFR Part 306 "Automotive Fuel Ratings, Certification and Posting" Rule.

4141. Specifications-Automotive Spark Ignition Engine Fuel. Automotive spark ignition engine fuel specifications shall conform to the latest standards set forth in the ASTM International D 4814 with the following exception:

Vapor pressure specifications shall not be more than the maximum specified by any California state law. When the maximum Reid Vapor Pressure specification for automotive spark-ignition engine fuel is below that established by D 4814, the Vapor Pressure/Distillation Class AA specification for distillation temperatures may be applied in the manufacture of automotive spark-ignition engine fuel.

4142. Specifications-Kerosene. - Kerosene shall meet the specifications set forth by the ASTM International in the latest version of Standard Specification for

Kerosene D 3699 contained in ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

4143. Specifications-Fuel Oil. - Fuel oil shall meet the specifications set forth by the ASTM International in the latest version of Standard Specification for Fuel Oils D 396 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, except the sulfur content shall not exceed the maximum specified by any California state law.

4144. Specifications-Diesel Fuel. - Diesel fuel shall meet the specifications set forth by the ASTM International in the latest version of Standard Specification for Diesel Fuel Oils D 975 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, except the sulfur content shall not exceed the maximum specified by any California state law.

4145. Specifications – Developmental Fuels.

(a) Sales of developmental engine fuels authorized by the Department are not subject to restrictions imposed upon the sale of non-conforming fuel products as set forth in Business and Professions Code Sections 13441, 13442 and 13451, but the Department's authorization does not create a variance or waiver from any other applicable California statute or regulation.

(b) An applicant for authorization to sell developmental engine fuel must submit the following information to the Department:

- (1) a statement of the potential benefit of the fuel to the people of California; and
- (2) a description of test conditions associated with the use of the fuel, including control and monitoring practices, and the method of distribution and storage.

(c) Any authorization provided by the Department is subject to the following terms and conditions:

- (1) The authorization is limited to a period of two years, with an automatic renewal for an additional two years in the absence of action to revoke the authorization by the Department; and,
- (2) Damages caused by sale, delivery, storage, handling and usage of the fuel shall be addressed in accordance with contractual provisions negotiated and agreed upon by the authorization holder and the user; and,
- (3) The authorization holder shall report information to the Department as required to monitor the use of the fuel during the process of developing a generally recognized chemical and performance standard through a recognized consensus organization or standards writing organization, such as ASTM International or SAE International. The Department shall

specify the reporting requirements on a case by case basis at the time the authorization is granted.

- (4) Any device used for the sale or distribution of a developmental engine fuel must comply with the Business and Professions Code Section § 12500 (e).
- (d) The Department may take action to revoke the authorization at any time. Revocation of the authorization is effective and final upon receipt of written notification by the authorization holder. The Department may take action to revoke the authorization if the Department finds:
 - (1) the authorization holder has violated any of the terms and conditions of the authorization; or,
 - (2) the authorization holder has abandoned efforts to develop a generally recognized chemical and performance standard for the fuel through a recognized consensus organization or standards writing organization.
 - (3) there is a high probability of equipment harm with the continued use of the developmental fuel or to protect the public safety.
- (e) The authorization shall cease to exist upon publication of a generally recognized chemical and performance standard for the fuel.

4146. Specifications – E85 Fuel Ethanol. – E85 Fuel Ethanol shall meet the specifications set forth by ASTM International in the latest version of “Standard Specification for Fuel Ethanol (Ed75 – Ed85) for Automotive Spark-Ignition Engines D 5798”, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

4147. Specifications – M85 Fuel Methanol. – M85 Fuel Methanol shall meet the specifications set forth by ASTM International in the latest version of “Standard Specification for Fuel Methanol (M70 – M85) for Automotive Spark-Ignition Engines D 5797”, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

4148. Specifications – Biodiesel Blends. – Biodiesel Fuel Blends shall meet the following specifications:

- (a) Biodiesel blends with a concentration of 5. volume percent biodiesel or less shall meet the specification set forth by ASTM International in the latest version of the “Standard Specification for Diesel Fuel Oils” D975, publication entitled: Annual Book of ASTM Standards, Section 5.
- (b) Biodiesel blends with a concentration from 6. to 20. volume percent biodiesel shall meet the specifications set forth by ASTM International in the latest version of the “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6

to B20) D7467, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

- (c) Any finished biodiesel fuel blend greater than 20. volume percent biodiesel shall meet the specifications set forth by ASTM International in the latest version of the specifications set forth for biodiesel blends greater than 20. volume percent biodiesel.

(1) Absent an ASTM International specification, the CDFA shall establish specifications pursuant to Business and Professions Code, Division 5, Chapter 14, Section 13450 using the data determined upon completion of the California Energy Commission Interagency Agreement, wherein the CDFA will perform test methods and standards development for biodiesel blends greater than 20 volume percent. (2) These interim standards will remain in place until such time as a recognized consensus organization or standards writing organization, such as ASTM International or SAE International, adopts specifications for biodiesel blends greater than 20. volume percent.

(3) Biodiesel blends greater than 20. volume percent may only be sold under a developmental engine fuel variance obtained pursuant to Section 4145 of this article. Any variance granted will expire at such time as the CDFA adopts specifications for biodiesel blends greater than 20. volume percent biodiesel.

4149. Specifications – Non-ester Renewable Diesel Blends. – Non-ester Renewable Diesel Blends shall meet the specifications set forth by the ASTM International in the latest version of Standard Specification for Diesel Fuel Oils D975 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5.

Chapter 7

Advertising of Gasoline and Other Motor Vehicle Fuels

4200. Advertising Medium. - “Advertising medium,” as used in this subchapter, includes banner, sign, placard, poster, streamer and card, whether or not mounted, whether appearing on the same or different standards, or whether or not physically connected with each other, provided, the advertised statements can reasonably be read as one advertising message.

4201. Price Sign Display on Dispensing Apparatus. - In addition to the requirements of Sections 13470 and 13480, Business and Professions Code, any sign referring to the price of gasoline or other motor vehicle fuel displayed on any dispensing apparatus from which gasoline or other motor vehicle fuel is being offered for sale or sold, shall be limited to the following:

- (a) actual price per gallon or liter, and

(b) conversion chart information required for liter sales per Section 13470.5, Business and Professions Code

(c) brand name and the name of the product may be displayed.

4202. Labeling and Price Sign Advertising Requirements for Biodiesel and Biodiesel Blends.

(a) The labeling on biodiesel and biodiesel blend dispensers shall meet the requirements found in the latest version of the Federal Trade Commission (FTC) 16 CFR Part 306 "Automotive Fuel Ratings, Certification and Posting" Rule.

(b) The name of the product and grade designation shall be on all dispensers, advertising signs, and storage tank labels as required in Section 13480 and 13532 of the Business and Professions Code.

(c) Every biodiesel dispenser dispensing blends greater than 5. volume percent shall display on each customer side, as required by Section 13484 of the Business and Professions Code, a sign clearly visible which reads as follows:

"THIS FUEL CONTAINS BIODIESEL. CHECK THE OWNER'S
MANUAL OR WITH YOUR ENGINE MANUFACTURER
BEFORE USING."

4203. Labeling and Price Sign Advertising Requirements for Biomass-Based Diesel and Biomass-Based Diesel Blends.

(a) The labeling on biomass-based diesel and biomass-based diesel blend dispensers shall meet the requirements found in the latest version of the Federal Trade Commission (FTC) 16 CFR Part 306 "Automotive Fuel Ratings, Certification and Posting" Rule, contained in the Federal Code of Regulations.

(b) The name of the product and grade designation shall be on all dispensers, advertising signs, and storage tank labels as required in Section 13480 and 13532 of the Business and Professions Code.

4204. Labeling and Price Sign Advertising Requirements for E85 Fuel Ethanol and M85 Fuel Methanol

(a) The labeling on E85 Fuel Ethanol and M85 Fuel Methanol dispensers shall meet the requirements found in the latest version of the FTC 16 CFR Part 306 "Automotive Fuel Ratings, Certification and Posting" Rule.

(b) All dispensers, advertising signs and storage tank labels shall comply with the requirements of Section 13480 and 13532 of the Business and Professions Code.

Professions Code. E85 Fuel Ethanol and M85 Fuel Methanol shall use, at a minimum, the words "E85" "Ethanol", or "M85" "Methanol" in close proximity to describe the name of the product.

- (c) E85 Fuel Ethanol and M85 Fuel Methanol are defined as alternative fuels by the Federal Trade Commission (FTC) and therefore no grade designation is required.

4205. Illumination. - In addition to the requirements of Section 13536, Business and Professions Code, when any advertising message is illuminated, the entire message shall be uniformly illuminated.