



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

DMS NOTICE
P - 12 - 01

July 26, 2012

DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Statewide Petroleum Fuel Quality, Advertising, and Labeling Baseline Survey

The Division of Measurement Standards (DMS) has completed a statewide survey of establishments selling motor vehicle fuels between the months of April and June 2012. Fuel quality, advertising, labeling, air/water, and disabled drivers provisions were evaluated and the results compared to the baseline surveys conducted in 1995, 2000, and 2005-06.

The DMS Enforcement Branch randomly selected 302 locations and collected 900 gasoline and 167 diesel fuel samples, which were tested for compliance with State quality specifications. The results show that for gasoline 99.1 percent of the product tested was in compliance; for diesel fuel 98.8 percent of the product tested was in compliance.

The following attachment outlines the parameters and provides more detailed results of the survey, including the advertising and labeling portions. Additionally, the comparison to the 1995, 2000, and 2005-06 results are included.

If you have any questions regarding this notice, please contact Kevin Batchelor, Chief, Enforcement Branch at (916) 229-3000.

Sincerely,

Kristin J. Macey
Director

Attachment

cc: Edmund Williams, CDFA County/State Liaison



MARKETPLACE EVALUATION
CALIFORNIA DIVISION OF MEASUREMENT STANDARDS

PETROLEUM PRODUCTS BASELINE SURVEY

April – June
2012

DIVISION OF MEASUREMENT STANDARDS STATEWIDE PETROLEUM PRODUCTS BASELINE SURVEY

A statewide survey to determine the baseline compliance levels for engine fuel quality as well as petroleum product advertising and labeling was conducted within California from April 2, 2012, through June 15, 2012.

SCOPE OF SURVEY:

Staff of the Division of Measurement Standards, Petroleum Products Program, obtained samples of all grades of gasoline and diesel at randomly selected locations selling fuel at retail throughout the State. The State Petroleum laboratories tested the engine fuel samples for compliance pursuant to American Society for Testing and Materials (ASTM) specifications. Additionally, inspections of advertising signs, dispensers, underground storage tanks and product labels were performed for compliance with Chapter 14 of the Business and Professions Code.

SAMPLE SELECTION:

302 retail service station locations were selected at random from a statewide population of approximately 9,500 locations. Omitted from this survey were retailers not open to the general public, such as membership warehouse stores (Sam's Club and Costco) and fuel cardlock facilities (CFN, Pacific Pride, etc.).

INSPECTION PROCEDURE:

Fuel sampling and inspections of advertising signs, dispensers, underground storage tanks and product labels were performed according to procedures in Section 3 of the DMS Petroleum Products Program Manual. 900 gasoline and 167 diesel samples were analyzed by the State Petroleum Laboratory in accordance with ASTM specifications D-4814 and D-975, respectively.

Petroleum Products Inspection reports were completed for each location. Notices of Violation were issued to station operators for violations as found during the inspection process. Fuels found to not meet specifications as labeled after being analyzed by the Petroleum Laboratory were removed from sale and replaced as per DMS Petroleum Products Program Manual off sale guideline procedures. Follow-up inspections will be conducted, as needed, to ensure compliance.

SURVEY RESULTS:

The following tables and information summarize the results of the baseline survey and compares the results of similar surveys performed in 1995, 2000 and 2005-6. These results should be useful to weights and measures officials in determining which areas of the marketplace to focus enforcement activity.

Gasoline

1995 2000 2005-6 2012

| | | | | |
|--|------|------|------|------|
| Overall percent compliance for all gasoline specifications | 98.2 | 99.3 | 97.4 | 99.1 |
| Overall percent compliance for octane number (antiknock index) | 98.6 | 99.3 | 97.6 | 99.4 |
| Percent compliance for 87-88 octane grade fuels | 100 | 100 | 100 | 100 |
| Percent compliance for 89-90 octane grade fuels | 98.7 | 100 | 97.6 | 99.3 |
| Percent compliance for 91 octane and higher grade fuels | 96.8 | 97.9 | 95.0 | 98.9 |
| Percent compliance for distillation | 100 | 100 | 100 | 99.7 |
| Percent compliance for vapor pressure | NA | NA | 100 | 100 |
| Percent compliance for water and sediment | 99.6 | 100 | 99.8 | 99.8 |

Diesel Fuel

1995 2000 2005-6 2012

| | | | | |
|---|------|------|------|------|
| Total number of diesel fuel samples taken during the survey | 72 | 84 | 126 | 167 |
| Overall percent compliance for all diesel fuel specifications | 95.8 | 91.7 | 96.8 | 98.8 |
| Percent compliance for flash point | 95.8 | 91.7 | 99.2 | 98.8 |
| Percent compliance for distillation | 100 | 100 | 100 | 100 |
| Percent compliance for water and sediment | 100 | 100 | 99.2 | 100 |

| | | | | |
|----------------------------------|----|-----|------|-----|
| Percent compliance for red dye | NA | 100 | 99.2 | N/A |
| Percent compliance for lubricity | NA | NA | 99.2 | N/A |

ADVERTISING AND LABELING

Violations observed for advertising and labeling (previously classified as serious or technical) are listed below.

| Price Signs | 1995 | 2000 | 2005-6 | 2012 |
|--|------|------|--------|------|
| Percent of stations with violations | 30.1 | 20.1 | 48.5 | 33.9 |
| Percent of stations with category A violations (previously recorded as "serious violations") | 6.6 | 3.1 | 8.0 | 1.9 |
| Percent of stations with category B violations | N/A | N/A | N/A | 11.2 |
| Percent of stations with category C violations (previously recorded as "technical violations") | 23.5 | 17.0 | 40.5 | 20.8 |

| Dispensers | 1995 | 2000 | 2005-6 | 2012 |
|--|------|------|--------|------|
| Percent of stations with violations | 26.0 | 4.7 | 70.2 | 33.2 |
| Percent of stations with category A violations (previously recorded as "serious violations") | 14.7 | 1.0 | 24.3 | 1.9 |
| Percent of stations with category B violations | N/A | N/A | N/A | 5.9 |
| Percent of stations with category C violations (previously recorded as "technical violations") | 11.3 | 3.7 | 45.9 | 25.4 |

Storage Tanks

| | 1995 | 2000 | 2005-6 | 2012 |
|--|------|------|--------|------|
| Percent of stations with category C violations | 30.1 | 20.7 | 61.2 | 30.1 |

Air and Water – Disabled Drivers

| | 1995 | 2000 | 2005-6 | 2012 |
|---|------|------|--------|------|
| Percent of stations without free air and water sign (category C violations) | NA | NA | 23.6 | 5.6 |
| Percent of stations without air/pressure gauge (category C violations) | NA | NA | 14.6 | 16.5 |
| Percent of stations without water (category C violations) | NA | NA | 6.8 | 2.6 |
| Percent of stations without Disabled Drivers signage (category C violations) | NA | NA | 28.5 | 15.5 |

VIOLATIONS

CATEGORIES:

Violation types are designated in the California Code of Regulations Title 4, Division 9 Chapter 12, Article 2. Weights and Measures Penalty Guidelines.

- (1) "Category A" violations are violations in which there are actual, or there is the potential for actual false, deceptive, or misleading business practices, or significant monetary loss to consumers.
- (2) "Category B" violations are violations in which there is a reasonable potential for intermediate level of consumer or competitive harm.
- (3) "Category C" violations are primarily violations that would typically have a less egregious effect on consumers or equitable competition in the marketplace.

PENALTY RANGES:

- 1 = Category A (\$400 to \$1,000)
- 2 = Category B (\$150 to \$600)
- 3 = Category C (\$50 to \$250)

CATEGORIES BY VIOLATION TYPE:

Listed below are violation categories that were used during this survey for documenting the violations observed:

Price Signs

- Category A
 - §13413 Deceptive, false, or misleading statements
- Category B
 - §13530(a) Price sign agrees with pump price
 - §13531(a) Price sign required
 - §13532(c) Words of explanation for sales of same grade at two prices
 - §13532(d) Additional Advertising
- Category C
 - §13532(a) Price sign contents
 - §13532(b) Discount advertising
 - §13534 Additional advertising matter on price sign
 - §13536 Legibility/Color of Letters & Numbers

Dispenser Labels

- Category A
 - §13413 Deceptive, false or misleading statements
- Category B
 - §13470 Price per gallon on dispenser

Category C

- §13471 Placement of signs on dispensers
- §13473 Letter size on dispenser
- §13474 Legibility of labels
- §13480(a) Labeling requirements for dispensers
- §13480(c) Posted octane or FTC labels on dispensers

Storage Tank Labels

Category C

- §13480(a) Label requirements for storage tanks
- §13483 Letter size on storage tank labels

Air and Water - Disabled Drivers

Category C

- §13651(a) Free air and water sign
- §13651(a) Air available/Pressure gauge
- §13651(a) Water available
- §13660(c) Disabled driver's signage