

**DEPARTMENT OF FOOD AND AGRICULTURE  
DIVISION OF MEASUREMENT STANDARDS**

**Modified Text**

**The Department has illustrated changes to the original text in the following manner:**

Regulation language originally proposed is underlined “underlined”, deletions to the language originally proposed are shown as a double strikethrough “~~strikethrough~~”, and changes to the language originally proposed are double underlined “underlined”.

**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.

(b) “Diesel fuel” means a light middle or middle distillate fuel which may be blended up to 5. volume percent biodiesel.

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

(d) “Biomass-based diesel” means a diesel fuel ~~substitute~~ 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) “Biomass-based diesel blend” means biomass-based diesel blended with petroleum-based diesel fuel.

**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, Volume 05:03.

**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, Volume 05:01, 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, Volume 05:01, 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, Volume 05:03.

**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, Volume 05:03.

**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 “Standard Specification for Diesel Fuel Oils D 975”, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, Volume 05:01.

## **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.

~~(c) Every bio-mass based 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 BIO MASS BASED DIESEL. CHECK THE OWNER’S MANUAL OR WITH YOUR ENGINE MANUFACTURER BEFORE USING.”~~

**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. 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.