

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

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

Proposed additions to the original text are underlined
Proposed deletions to the original text are ~~strikethrough~~

**FINAL TEXT
with strike outs and underlines**

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, as amended by Pub. L. 91-604, produced from nonpetroleum renewable resources that is not a mono-alkyl ester.

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

(f) "Biomass-based diesel" means a renewable diesel fuel that meets the definition of either biodiesel or non-ester renewable diesel

NOTE: Authority cited: Sections 12027, 13440 and 13450, Business and Professions Code. Reference: Sections 13401, 13440, 13441, 13450 and 13451, Business and Professions Code.

4141. 4140. Specifications-Automotive Spark Ignition Engine Fuel. Automotive spark ignition engine fuel specifications shall conform to the latest standards set forth in the ~~American Society for Testing and Materials (ASTM)~~ 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.

NOTE: Authority cited: Sections 12027 and 13440, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

4142. 4141. Specifications-Kerosene. - Kerosene shall meet the specifications set forth by the ~~American Society for Testing and Materials (ASTM)~~ ASTM International in the latest version of Standard Specification for Kerosene D 3699 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, Volume 05:03.

NOTE: Authority cited: Sections 12027, 12609 and 13450, Business and Professions Code. Reference: Sections 13401(c) and 13450, Business and Professions Code.

4143. 4142. Specifications-Fuel Oil. - Fuel oil shall meet the specifications set forth by the ~~American Society for Testing and Materials (ASTM)~~ 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.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(l) and 13450, Business and Professions Code.

4144. 4143. 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. This standard is available from the ASTM International office at 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959; or by calling (610) 832-9585 or by accessing the internet at: <http://www.astm.org> website.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(j), 13450 and 13451, Business and Professions Code.

4145. 4144. 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 ~~American Society for Testing and Materials ("ASTM")~~ ASTM International or ~~the Society of Automotive Engineers ("SAE")~~ 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.

NOTE: Authority cited: Sections 12027 and 13405, Business and Professions Code. Reference: Sections 13401, 13440 - 13443 and 13450 - 13451, Business and Professions Code.

4146. 4145. Specifications – E85 Fuel Ethanol Ethanol Fuel. – E85 Fuel Ethanol Ethanol Fuel 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.~~

NOTE: Authority cited: Sections 12027 and 13440, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

4147. 4146. Specifications – M85 Fuel Methanol Methanol Fuel. – M85 Fuel Methanol Methanol Fuel 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.~~

NOTE: Authority cited: Sections 12027 and 13440, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

~~4147. Specifications – Biodiesel Blending Stock and Biodiesel Fuel Blends.~~ ~~Biodiesel Blending Stock and Biodiesel Fuel Blends shall meet the following specifications:~~

- ~~(1) The diesel fuel used for blending 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.~~
- ~~(2) Biodiesel blending stock shall meet the specifications set forth by ASTM International in the latest version of “Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels D 6751”, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, Volume 05:04.~~
- ~~(3) Any finished biodiesel fuel blend 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.~~

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(i), 13450 and 13441, Business and Professions Code.

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.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(j) and 13450, Business and Professions Code.

~~4148. Labeling and Price Advertising Sign Requirements for Biodiesel.~~

- ~~(a) Biodiesel blends shall have the words "Biodiesel fuel (BXX)", where XX represents the volume percent biodiesel in the fuel, used to describe the name of the product on all dispensers, advertising signs, and storage tank labels as required in Section 13480 and 13532 of the Business and Professions Code.~~
- ~~(b) Every biodiesel blend dispenser dispensing blends greater than 5 volume percent (B5) of biodiesel 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."**~~

~~NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480 and 13484, Business and Professions Code.~~

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.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(j) and 13450, Business and Professions Code.

Chapter 7 **Advertising of Gasoline and Other Motor Vehicle Fuels**

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 of the Federal Trade Commission (FTC) 16 CFR Part 306 “Automotive Fuel Ratings, Certification and Posting” Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010, which are hereby incorporated.
- (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.”

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480 and 13484, Business and Professions Code.

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 Federal Trade Commission (FTC) 16 CFR Part 306 “Automotive Fuel Ratings, Certification and Posting” Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010, which are hereby incorporated.
- (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.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480 and 13484, 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 FTC 16 CFR Part 306 "Automotive Fuel Ratings, Certification and Posting" Rule, as published in the Federal Register Volume 75, Number 50, dated March 16, 2010, which are hereby incorporated.
- (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.

NOTE: Authority cited: Sections 12027, 13480 and 13484, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

4205. 4202. 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.

NOTE: Authority cited: Sections 12027 and ~~12609~~, Business and Professions Code. Reference: Section 13536, Business and Professions Code.