

California Department of Food and Agriculture
Division of Measurement Standards
Developmental Engine Fuel Variance Program

"Developmental engine fuel" means any experimental automotive spark-ignition engine fuel or compression-ignition fuel which does not meet current standards established by Chapter 14 but has characteristics which may lead to an improved fuel standard or the development of an alternative fuel standard." *Business and Professions Code, Division 5, Chapter 14, Section 13401, Definition of terms*

As authorized by the Business and Professions Code (BPC) and the California Code of Regulations (CCR), the California Department of Food and Agriculture (CDFA) Division of Measurement Standards (DMS) may grant a variance from the specifications of BPC Chapter 14 for developmental engine fuels if all of the following conditions apply:

- ✓ Persons wishing to sell engine fuel which does not meet the specifications of Chapter 14 may request, in writing, a variance from the Department of Food and Agriculture and must include certain information to be considered for said variance.
BPC Section 13405 and CCR Section 4145
- ✓ 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.
CCR Section 4145(c)(1)
- ✓ Variances are only granted for the development of information under controlled test conditions to assist in the creation of chemical and performance standards for engine fuel.
BPC Section 13405(a)(1)
- ✓ Developmental engine fuel shall only be distributed or sold to fleet-type centrally fueled vehicles and equipment users.
BPC Section 13405(a)(2)
- ✓ Parties are warned in writing of any potential risk associated with use of the developmental engine fuel.
BPC Section 13405(a)(3)
- ✓ Applicant shall report information when and as the department may prescribe, so the department may monitor the progress of the fuel technology evaluation.
BPC Section 13405(a)(4)

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- ✓ Applicant shall comply with all other requirements, terms and conditions that are contained in regulations adopted by the department to further the process of this section.
BPC Section 13405(b)
- ✓ Damages caused by the sale, delivery, storage, handling and usage of the engine fuel shall be fully addressed in accordance with contractual provisions negotiated and agreed upon by the applicant and the user.
BPC Section 13405(c)(2)
- ✓ Statement of potential benefit of the fuel to the people of CA.
CCR Section 4145(b)(1)
- ✓ Description of test conditions associated with the use of the fuel, including control and monitoring practices, and the method of distribution and storage.
CCR Section 4145(b)(2)
- ✓ The variance 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.
CCR Section 4145(c)(3)
- ✓ Any device used for the sale or distribution of a developmental engine fuel must comply with the Business and Professions Code Section § 12500(e).
CCR Section 4145(c)(4)
- ✓ Fuel for which variance is being requested
BPC Section 13405(a)(4)
- ✓ Current and future activities that will assist with standards development
 - Include names of organizations
 - Attach any documentation pertaining to fuel testing*BPC Section 13405(a)(4)*
- ✓ Fleet make-up
 - Actual number of vehicles/equipment in fleet
 - Customer Account/Membership Number
 - Vehicle/Equipment Details
 - Make
 - Model
 - Year
 - Engine Type/Size*BPC Section 13405(a)(4)*

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- ✓ Projected gallons distributed per month
BPC Section 13405(a)(4)
- ✓ Monitoring practices for potential engine problems
BPC Section 13405(a)(4)
- ✓ User Notification regarding the risks of use
 - Example, on the user agreement/dispenser
BPC Section 13405(a)(3)
- ✓ Proper labeling of all dispenser(s), storage tanks, etc.
BPC Section 13480 and 13484
CCR Sections 4202 and 4203
- ✓ Damage liability outlined
CCR Section 4145(c)(2)
- ✓ Method of distribution outlined
 - Model of dispenser(s)
CCR Section 4145(b)(2)
- ✓ Dispenser(s) must be type approved for developmental engine fuel being dispensed
BPC Section 12500(e)
- ✓ Statement detailing how developmental engine fuel will not be sold to the public
BPC Section 13405(a)(2)
- ✓ Agreement to notify DMS of any damages caused by the use of the developmental fuel on Quarterly Reports
BPC Section 13405(a)(4)

Laws and Regulations

[Business and Professions Code, Division 5, Chapter 5, Weighing and Measuring Devices, and Chapter 14 Petroleum and Hydrogen Fuels, Article 1. General Provisions](#)

[California Code of Regulations, Title 4 Business Regulations, Division 9 Division of Measurement Standards, Department of Food and Agriculture Chapter 1, Tolerances and Specifications for Commercial Weighing and Measuring Devices, and Chapter 6, Automotive Product Specifications, Article 5 Engine Fuel Standards](#)

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How to request a developmental engine fuel variance:

- ✓ Submit a mailed letter with an original signature of the variance holder
- ✓ In the letter:
 - ✓ Provide the name the type of fuel you wish to distribute.
 - ✓ Provide the address where fuel will be dispensed.
 - ✓ Provide the Brand/Make/Model of the California Type Evaluation Program/National Type Evaluation Program (CTEP/NTEP) approved dispenser/metering device.
<http://www.cdfa.ca.gov/dms/programs/ctep/ctep.html>
 - ✓ Provide a list of the user group, including, account or membership number, vehicle year/make/model/engine type and size.
 - ✓ Provide the information outlined in the previous three pages.
 - ✓ Provide a statement that says that you will agree to abide by the Department's requests pertaining to the Developmental Engine Fuel Variance Program, for a complete list of program requirements, see below.

Processing time varies depending on the completeness of the variance request.

Mail a signed/dated letter to:

**California Department of Food and Agriculture
Attn: Developmental Engine Fuel Variance Program
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828**

If you have any questions, call 916.229.3000

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How to Retain a Variance:

- ✓ Provide the following information in a quarterly report to the Division of Measurement Standards (DMS).
- ✓ Submit the quarterly report, with any accompanying information, within TWO WEEKS from the ending of said reporting quarter to DMS.

As part of the quarterly reporting process:

- ✓ Provide current storage and dispensing locations.
- ✓ Provide current user group information.
- ✓ Provide current dispenser information:
 - Equipment type and Manufacturer Name
 - Model Number
 - California Type Evaluation Program/National Type Evaluation Program CTEP/ NTEP Certification Number
- ✓ Provide Fuel Type and Sales Information (Number of gallons distributed per quarter).
- ✓ Provide information on any Vehicle/Equipment Damage or failure.
- ✓ Provide information regarding your participation in Fuel Standards Development
 - Attach separate sheet detailing any efforts towards fuel standards development.
- ✓ Provide any additional information requested by DMS.

Requesting a New Variance:

- ✓ The variance is not a permanent waiver of the laws and regulations.
- ✓ The authorization is limited to a period of two years, with an automatic renewal for an additional two years unless revoked by the Department.
- ✓ To continue selling fuel, the variance holder must submit a new letter of request to the Department before the end of the four year period.