

TECHNICAL BULLETIN

Bulletin number: 2008-01 Revision 2 (extension of expiration date)

Subject: Labeling of certain motor fuel dispensers

Issue date: June 29, 2009

Expiration date: June 30, 2010

Purpose:

The purpose of this bulletin is to provide guidance regarding the labeling of motor fuel pumps that dispense ethanol-blended gasoline predominantly but which may also dispense unblended conventional gasoline.

Background:

There has been a significant increase in 2008 and 2009 in the production and availability of gasoline that is blended with ethanol, due largely to the requirements of the federal Renewable Fuel Standard and other market factors. However, there is no consistency yet in the continued availability of blended product, and retailers outside of Virginia's non-attainment areas may find themselves having to offer for sale conventional gasoline or blended gasoline, depending on supply issues. The Office of Product and Industry Standards (OPIS) recognizes that such supply unpredictability makes compliance with applicable motor fuel dispenser labeling requirements difficult. The interim allowances provided herein are intended to address those difficulties.

Interim Allowances:

1. If the supply of fuel is consistently reliable with respect to its ethanol content, the pumps must bear conspicuous labels that are definitive for the blends being offered for sale, as in "Contains X % Ethanol," where "X" represents the percentage of ethanol in the blend; for example, the label on pumps dispensing E-10 product must read "Contains 10% Ethanol."
2. If the supply of fuel is not consistently predictable with respect to its ethanol content, such that retailers would have to sell ethanol-blended fuels at some times and unblended gasoline at other times, the retailer should consider the use of removable "pump topper" signage to indicate when blended fuel is being dispensed at the pump, and remove the "pump topper" signage when unblended gasoline is being dispensed. Traditional stick-on labels may also be used if desired.

The language on the signage shall read "Contains Up To 10% Ethanol" when the gasoline in the storage tank contains blended product, but the percentage of ethanol is not specifically known due to mixing of products, as in the case of conventional gasoline and E-10.

Retailers are cautioned that all other labeling requirements regarding brand name, trademark or trade name, and octane rating are not impacted by these interim allowances, and will continue to be enforced in accordance with existing laws and regulations.

The interim allowances in this bulletin may be extended beyond the original expiration date if market and operational conditions warrant such action.

If you have questions regarding this bulletin, contact Mr. Dale Saunders, OPIS Weights and Measures Program Supervisor, at (804) 786-1610 or via e-mail at dale.saunders@vdacs.virginia.gov.
