

E15 and Ethanol Flex Fuel Labeling

- FTC definition of Ethanol Flex Fuel (EFF) overlaps EPA definition of E15

	>E10	E15+	E83
EPA	E15	EXX	
FTC	Ethanol Flex Fuel		

Laws and Regulations Committee

- Goal is to align HB130 with both the EPA and FTC regulations
- Laws and regulations should reflect all regulations
- The Publication 16 HB130 proposal defines Ethanol Flex Fuel in accordance with the FTC rule; however, since the FTC rule overlaps the EPA E15 rule, **HB130 should list both the EPA and FTC labeling requirements**

- **FTC**

Definitions

16 CFR 306.0 Definitions.

(o) Ethanol flex fuels means a mixture of gasoline and ethanol containing more than 10 percent but not greater than 83 percent ethanol volume.

§ 306.10 Automotive fuel rating posting.

(a) If you are a retailer, you must post the automotive fuel rating of all automotive fuel you sell to consumers. You must do this by putting at least one label on each face of each dispenser through which you sell automotive fuel. If you are selling two or more kinds of automotive fuel with different automotive fuel ratings from a single dispenser, you must put separate labels for each kind of automotive fuel on each face of the dispenser. Provided, however, that you do not need to post the automotive fuel rating of a mixture of gasoline and ethanol containing more than 10 but not more than 15 percent ethanol if the face of the dispenser is labeled in accordance with 40 CFR 80.1501.

FTC Labeling Requirements

16 CFR 306.12 labels

(a)(4)(A) for all EFF, the numerical value representing the volume percentage of ethanol in the fuel followed by the percentage sign and then by the term “ETHANOL”

Example:

15% Ethanol

Use only in Flex Fuel Vehicles

May harm other Engines

or,

(a)(4)(B) For EFF containing more than 10 percent and no greater than 50 percent ethanol by volume. The numerical value representing the volume percentage of ethanol in the fuel, **rounded to the nearest multiple of 10**, followed by the percentage sign and then the term “ETHANOL”

Example – E20 label could be E15 to E25

20% Ethanol

Use only in Flex Fuel Vehicles

May harm other Engines

- **EPA**

Definitions

EPA -- 40 CFR § 80.1500.

E15 means a gasoline-ethanol blend that contains greater than 10.0 volume percent ethanol and not more than 15.0 volume percent ethanol.

EXX means a gasoline-ethanol blend above E15 where XX equals the maximum volume percent ethanol in the gasoline-ethanol blend.

EPA Labeling Requirements

40 CFR § 80.1501 (a) Any retailer or wholesale purchaser-consumer who sells, dispenses, or offers for sale or dispensing, **gasoline-ethanol blends** that contain **greater than 10.0 volume percent ethanol and not more than 15.0 volume percent ethanol** shall affix the following conspicuous and legible label to the fuel dispenser:

Attention

E15

Up to 15% ethanol

Use only in

- **2001 and newer passenger vehicles**
- **Flex-fuel vehicles**

Don't use in other vehicles, boats, or gasoline-powered equipment. It may cause damage and is prohibited by Federal law.

API PROPOSED CHANGE TO PUBLICATION 16. **Green font indicates proposed changes to 2302-7**

The following language was accepted for vote at NEWMA.

2302-7 V Section 2.20. Gasoline – Oxygenate Blends and Section 2.30. Ethanol Flex-Fuel (See related Item 2307-2)

Source: KMoore Consulting, LLC (2017)

Purpose: Align the duplicative labeling wording for Gasoline- Oxygenate Blends and Ethanol Flex Fuel blends that appears in Section B: Uniform Regulation for the Method of Sale of Commodities with the proposed Section G. Ethanol labeling being proposed by the Handbook 130 Focus Group.

Item under Consideration: Amend NIST Handbook 130, Uniform Method of Sale of Commodities Regulation as follows:

2.20. Gasoline-Oxygenate Blends.

2.20.1. Method of Retail Sale. – Type of Oxygenate must be Disclosed. – All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE.” The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase “or other ethers” or alternatively post the phrase “contains MTBE or other ethers.” In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This information shall be posted on the upper 50 % of the dispenser front panel in a position clear and conspicuous from the driver’s position in a type at least 12.7 mm (½ in) in height, 1.5 mm (1/16 in) stroke (width of type).

(Amended 1996)

2.20.2. Documentation for Dispenser Labeling Purposes. – The retailer shall be provided, at the time of delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or other documentation:

(a) Information that complies with 40 CFR § 80.1503 when the fuel contains ethanol.

(b) For fuels that do not contain ethanol, information that complies with 40 CFR § 80.1503 and a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or alternatively, use the phrase “contains MTBE or other ethers.”

(c) Gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol.

(Added 1984) (Amended 1985, 1986, 1991, 1996, and 2014)

2.20.3. EPA Labeling Requirements also Apply. – Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR § 80.1501.

(Added 20XX)

2.30. Ethanol Flex Fuel.

2.30.1. How to Identify Ethanol Flex Fuel. Ethanol flex fuel shall be identified as Ethanol Flex Fuel or EXX Flex Fuel: **as defined in 16 CFR 306.0(o).** [NOTE to L&R: This definition is struck in Pub 16 but to make consistent with 2307-2, it is retained here.)

2.30.2. Labeling Requirements.

~~(a) Ethanol flex fuel an ethanol concentration no less than 51 and no greater than 83 volume percent shall be labeled “Ethanol Flex Fuel, minimum 51 % ethanol.” shall be identified and labeled in accordance with the Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR 306, as amended, with the exception that retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR § 80.1501.~~

(Amended 20XX)

~~(b) Ethanol flex fuel with an ethanol concentration less than or equal to 50 volume percent shall be labeled “EXX Flex Fuel, minimum YY % ethanol,” where the XX is the ethanol concentration in volume percent and YY is XX minus five (– 5). The actual ethanol concentration of the fuel shall be XX volume percent plus or minus five (± 5) volume percent.~~

(Added 2014)

~~(c) A label shall be posted which states “For Use in Flexible Fuel Vehicles (FFV) Only.” This information shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type at least 12.7 mm (. in) in height, 1.5 mm (1/16 in) stroke (width of type). A label shall be posted which states, “CHECK OWNER’S MANUAL,” and shall not be less than 6 mm (. in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.~~

(Amended 2007, 2008, ~~and 2014,~~ **and 20XX**)

API PROPOSED CHANGE TO PUBLICATION 16. Green font indicates proposed changes to 2307-2

2307-2 Section 3.8. Ethanol Flex Fuel (See related item 2302-7)

Source:
KMoore Consulting LLC (2017)

Purpose:
Align the ethanol labeling language with the recently released Federal Trade Commission updates to 16 CFR 306 on the Automotive Fuel Rating Rule as it pertains to ethanol fuel blend rating, labeling on retail dispensers, certification and record keeping requirements.

Item under Consideration:
Amend NIST Handbook 130, Uniform Engine Fuels and Automotive Lubricants Regulation as follows:

Item under Consideration:
Amend NIST Handbook 130, Uniform Engine Fuels and Automotive Lubricants Regulation as follows:

3.8. Ethanol Flex Fuel.
3.8.1. How to Identify Ethanol Flex Fuel. – Ethanol flex fuel shall be identified as Ethanol Flex Fuel or EXX Flex Fuel as defined in 16 CFR 306.0(o).

3.8.2. Labeling Requirements.

~~(a) Ethanol flex fuel with an ethanol concentration no less than 51 and no greater than 83 volume percent shall be labeled “Ethanol Flex Fuel, minimum 51 % ethanol.” shall be identified and labeled in accordance with the Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR 306, as amended with the exception that retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR § 80.1501. (Amended 20XX)~~

~~(b) Ethanol flex fuel with an ethanol concentration less than or equal to 50 volume percent shall be labeled “EXX Flex Fuel, minimum YY % ethanol,” where the XX is the ethanol concentration in volume percent and YY is XX minus five (- 5). The actual ethanol concentration of the fuel shall be XX volume percent plus or minus five (± 5) volume percent. (Added 2014)~~

~~(c) A label shall be posted which states “For Use in Flexible Fuel Vehicles (FFV) Only.” This information shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type at least 12.7 mm (. in) in height, 1.5 mm (1/16 in) stroke (width of type). A label shall be posted which states, “CHECK OWNER’S MANUAL,” and shall not be less than 6 mm (. in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied. (Amended 2007, 2008, and 2014, and 20XX)~~



Labeling Requirements, Excerpts from E15 Retail Handbook

Misfueling Mitigation/Labeling (p. 7)

“Because E15 is only approved for use in 2001 model year and newer cars/ light duty vehicles, the retail dispenser must [emphasis added] display a notice to prevent introduction of E15 into non-approved vehicles and equipment. EPA’s guidance is listed below.”

Misfueling Mitigation Conditions (p.7)

- *“Labels must be placed on E15 retail dispensers indicating that E15 use is only for 2001 and newer motor vehicles.”*
- ...

What is EPA doing to address Potential Misfueling? (p.8)

“On June 23, 2011, EPA finalized regulations to help prevent misfueling of vehicles, engines and equipment not covered by the partial waiver decisions. These regulations require all E15 fuel dispensers to have a label that informs consumers about what vehicles can, and what vehicles and equipment cannot, use E15...”

E15 Retail Handbook



E15 Gasoline Blends
Industry Guidelines
Specifications and Procedures
Retail Operations



E15 and Ethanol Flex Fuel Labeling

- EPA: ...Gasoline-ethanol blends that contain **greater than 10.0 volume percent ethanol and not more than 15.0 volume percent ethanol** shall affix the following conspicuous and legible label to the fuel dispenser

40 CFR § 80.1501 (a)

	>E10	E15+	E83
EPA	E15	EXX	
FTC	Ethanol Flex Fuel		



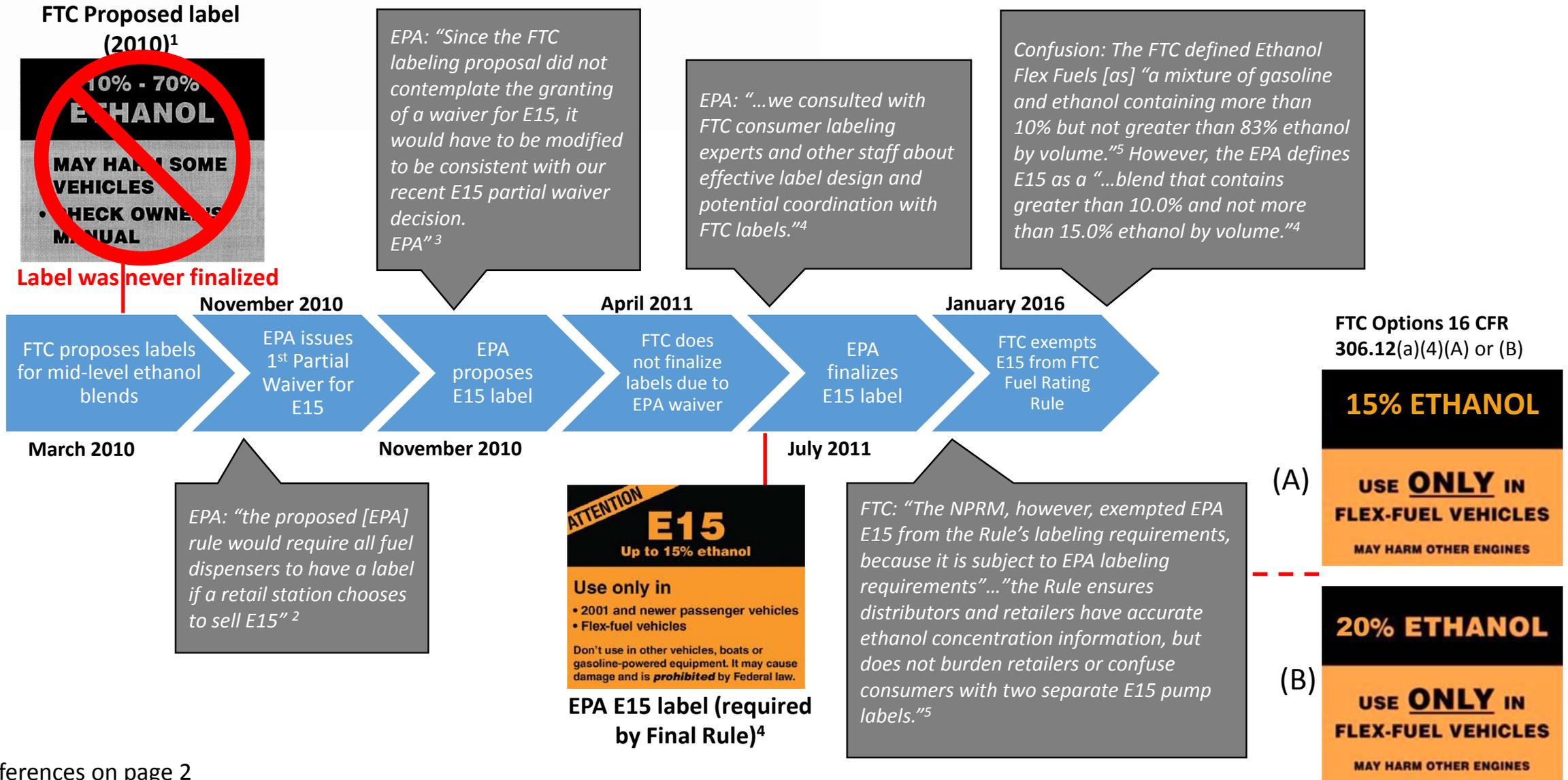
EPA label more extensive than FTC label



- FTC label doesn't include:
- 1) ATTENTION
 - 2) Up to 15% Ethanol,
 - 3) 2001 and newer passenger vehicles,
 - 4) Don't use in boats or gasoline-powered equipment, it may cause damage and is prohibited by Federal law

Background

Collaboration between the FTC and EPA on E15 labeling



See references on page 2

¹ *FTC 16 CFR Part 306, Automotive Fuel Ratings, Certification and Posting; Proposed Rule, Federal Register / Vol. 75, No. 50 / March 16, 2010, pg. 12482*

² *EPA Partial Grant and Partial Denial of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent; Decision of the Administrator, Federal Register / Vol. 75, No. 213 / November 4, 2010. pg. 68098*

³ *EPA 40 CFR Part 80, Regulation To Mitigate the Misfueling of Vehicles and Engines With Gasoline Containing Greater Than Ten Volume Percent Ethanol and Modifications to the Reformulated and Conventional Gasoline Programs; Proposed Rule, Federal Register / Vol. 75, No. 213 / November 4, 2010, pg. 68053*

⁴ *EPA 40 CFR Part 80, Regulation To Mitigate the Misfueling of Vehicles and Engines With Gasoline Containing Greater Than Ten Volume Percent Ethanol and Modifications to the Reformulated and Conventional Gasoline Programs; Final Rule, Federal Register / Vol. 76, No. 142 / July 25, 2011, pg. 44408, 44418 & 44444*

⁵ *16 CFR Part 306, Automotive Fuel Ratings, Certification and Posting; Final Rule, Federal Register / Vol. 81, No. 9 / January 14, 2016, pg. 2058 & 2063*