

**B3: MOS-4****Section 2.20. Gasoline – Oxygenate Blends and Section 2.30. Ethanol Flex-Fuel****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 (for additional information refer to Section 2.30.2. ~~FTC Labeling Requirements).~~**

**(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.”

**2.30.2. ~~FTC~~ Labeling Requirements.**

- (a) Ethanol flex fuel **shall be identified and labeled in accordance with Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR, as amended** ~~with an ethanol~~

~~concentration no less than 51 and no greater than 83 volume percent shall be labeled “Ethanol Flex Fuel, minimum 51 % ethanol.” (for additional information refer to Section 2.20.3. EPA Labeling Requirements **Also Apply**).~~

(Amended 2014 and 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 target 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 (½ in) in height, 1.5 mm (¼ in) stroke (width of type). A label shall be posted which states, “CHECK OWNERS MANUAL,” and shall not be less than 6 mm (¼ in) in height by 0.8 mm (¼ in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.~~

~~(Amended 2014)~~

~~(Added 2007) (Amended 2014 and 20XX)~~

### **B3: FLR-5            Section 3.28. EPA Labeling Requirements **Also Apply** and Section 3.8. Ethanol Flex Fuel**

#### **Source:**

KMoore Consulting LLC (2017)

#### **Purpose:**

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

#### **Item under Consideration:**

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

**3.2.8. EPA Labeling Requirements **Also Apply**** – Retailers and wholesale purchaser-consumer 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 (for additional information refer to Section 3.8.2. **FTC** Labeling Requirements).

### **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.

#### **3.8.2. **FTC** 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 Part 306, as amended (for additional information refer to Section 3.2.8. EPA Labeling Requirements **Also Apply**).~~

(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 ( $\pm 5$ ) 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 ( $\frac{1}{16}$  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 ( $\frac{1}{32}$  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)~~

**Background/Discussion:** See Appendix A, Page L&R-A10.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.