

**Title 2—DEPARTMENT OF
AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection**

PROPOSED AMENDMENT

2 CSR 90-30.040 Quality Standards for Motor Fuels

PURPOSE: This amendment is proposed to comply with RsMo 414.300 which requires specific labeling for alternative fuels including ethanol flex fuel (E85), ethanol flex fuel blends (E16-E50), and biodiesel-diesel fuel blends. This proposal is consistent with National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality, and the Federal Trade Commission (FTC) 16 CFR Part 306 – Automotive Fuel Ratings, Certification and Posting Rule.

(4) Classification of Petroleum Fuels. When gasoline, illuminating oils, heating fuels, or other motor fuels are sold or offered for sale in Missouri, the invoice bill of lading, shipping paper or other documentation must identify the name of the product, the particular grade of the product as designated by ASTM and when applicable the minimum octane (antiknock index) as listed in subsections (4)(A)–(K)[(G)] of this section. All retail dispensing devices must conspicuously identify the name of the product, the particular grade of the product as designated and when applicable the minimum octane (antiknock index) as listed as follows:

(A) Automotive gasoline shall be identified by leaded or unleaded and the octane (antiknock index) number. The octane posting shall be in accordance with the Federal Trade Commission (FTC) **16 CFR § Part 306 – Automotive Fuel Ratings, Certification and Posting Rule**; [*octane posting and certification rule*]

(B) Gasoline-alcohol blends **up to and including ten (10) percent ethanol** shall be identified by leaded or unleaded and the octane number. The octane posting shall be in accordance with **FTC 16 CFR Part § 306 – Automotive Fuel Ratings, Certification and Posting Rule**; [*octane posting and certification rule*]

(C) **Retailers and wholesale purchaser-consumers of gasoline shall comply with the Environmental Protection Agency (EPA) pump labeling requirements for gasoline containing greater than ten (10) volume percent up to fifteen (15) volume percent ethanol (E15) under 40 CFR § 80.1501;**

(D) **Ethanol flex fuel (gasoline greater than fifteen (15) volume percent ethanol) shall be labeled as “Ethanol Flex Fuel”. The automotive fuel rating for ethanol flex fuel shall be posted in accordance 16 CFR § Part 306 - Automotive Fuel Ratings, Certification and Posting Rule. The term “E85” is a permissible substitution for product identity for street side posting and dispenser advertising in lieu of the term “Ethanol Flex Fuel” for fuels with an ethanol concentration no less than fifty-one (51) volume percent ethanol and no greater than eighty-three (83) volume percent ethanol;**

(E)[(C)] Aviation gasoline shall be identified by Grade 80, Grade 100, or Grade 100LL;

(F)[(D)] Aviation turbine fuels shall be identified by Jet A, Jet A-1, or Jet B;

(G)[(E)] Diesel fuel shall be identified by the grades No. 1-D, No. 2-D, or No. 4-D;

(H) Diesel containing more than five (5) volume percent biodiesel shall be labeled with its automotive fuel rating in accordance with 16 CFR § Part 306- Automotive Fuel Ratings, Certification and Posting Rule;

(I) Diesel containing biodiesel greater than twenty (20) volume percent shall display a label which states "Consult Vehicle Manufacturer Fuel Recommendations." This label shall be clearly and conspicuously posted on the upper fifty (50) percent of the dispenser front panel in a type at least six (6) mm (¼ 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;

(J)[(F)] Fuel oil shall be identified by the grades of No. 1, No. 2, No. 4 (Light), No. 4, No. 5 (Light), No. 5 (Heavy), or No. 6; and

(K)[(G)] Kerosene shall be identified by the grades of No. 1-K or No. 2-K. Grade No. 2-K sold or offered for sale at retail shall also post conspicuously on the front of the dispensing device, the words WARNING—NOT SUITABLE FOR USE IN UNVENTED HEATERS REQUIRING NO. 1-K in one-half inch by one-sixteenth inch (1/2" × 1/16") strokes, block style letters.

AUTHORITY: section 414.142, RSMo 2000. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. Amended: Filed April 2, 1990, effective June 28, 1990. Emergency amendment filed Aug. 30, 2002, effective Sept. 10, 2002, expired March 9, 2003. Amended: Filed Aug. 30, 2002, effective Feb. 28, 2003. Amended: Filed _____, effective ____ Additional authority for this proposal is found in RsMo 414.300*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, P.O. Box 630, Jefferson City, MO 65102. Hand carried copies may be delivered to the Missouri Department of Agriculture Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, 1616 Missouri Blvd, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*