



Enforcement Alert

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EPA Enforcing Diesel Fuel Pump Label Requirements *Hundreds of Ultra-Low Sulfur Diesel Pump Label Violations Documented*

The quality of the air we breathe has improved tremendously in the 20 years since the Clean Air Act became law. Yet problems remain, including the amount of sulfur particulates emitted in exhaust from diesel vehicles. This air pollutant helps trigger serious respiratory illness and aggravates existing heart disease.

EPA's Clean Diesel Program is the Agency's most ambitious strategy to date to reduce air pollution from diesel vehicles, pairing cleaner fuel with new engine technology. Central to this program is the requirement that ultra-low sulfur diesel (ULSD) fuel be used for model year 2007 and newer diesel vehicles. A limited volume of low sulfur diesel (LSD) can also be produced until 2010.

Refiners, pipelines, terminals and distributors have been very successful in producing and transporting both diesel fuels to retail stations. This now makes proper pump labeling critical. To prevent damage to their vehicles from the wrong fuel, operators of 2007 diesel vehicles must be able to identify pumps dispensing ULSD. If LSD is used in a 2007 diesel vehicle, the emission of harmful gases can increase significantly and the emission control equipment can be permanently damaged. Unfortunately, a significant portion of retailers receiving and selling ULSD have not properly labeled their pumps as dispensing ULSD.

The ULSD regulations prohibit retailers from selling diesel fuel from pumps that are unlabeled or are improperly labeled. As a result, EPA has sent warning letters and Notices of Violation, with penalties, to hundreds of retailers found to have violated the ULSD pump labeling requirements.

This Enforcement Alert provides information about ultra-low sulfur diesel pump labeling requirements, describes pump labeling violations that have been found and explains EPA's enforcement response.

**ULTRA-LOW SULFUR
HIGHWAY DIESEL FUEL
(15 ppm Sulfur Maximum)**

Required for use in all model year 2007 and later highway diesel vehicles and engines.

Recommended for use in all diesel vehicles and engines.

Sample Pump Label

Ultra-Low Sulfur Diesel Regulations

Under the Clean Diesel Program, new diesel engines must be equipped with sulfur-sensitive emissions control technologies that require diesel fuel with significantly reduced sulfur levels to function properly. The sulfur limit for ULSD is 15 parts per million (ppm), while the sulfur limit for traditional highway diesel fuel, LSD, is 500 ppm.

To prevent misfueling of 2007 diesel vehicles, ULSD regulations require highway diesel pumps be labeled to inform the user of the type of diesel fuel (ULSD or LSD) being dispensed.

Refiners are Producing ULSD, But Many Retail Pumps are Not Properly Labeled

Since June 2006, about 90 percent of the highway diesel fuel produced has been ULSD. As a result, about 90 percent of the highway diesel pumps at retail stations should have been labeled as dispensing ULSD. However, a significant portion of the retail stations that have received ULSD do not have pumps that are properly labeled. Through December 2006, 22 percent of the pumps that were dispensing ULSD were incorrectly labeled as LSD pumps. An additional 9 percent of the pumps were not labeled as either ULSD or LSD pumps, even though most of these were dispensing ULSD.

Some Operators of ULSD Vehicles Are Unable To Find ULSD-Labeled Pumps

Many operators of 2007 diesel cars and trucks are complaining that they cannot locate stations with diesel pumps that are labeled ULSD. This is of significant concern to motor vehicle operators and EPA because 2007 and newer diesel-powered highway trucks are designed to operate only with ULSD fuel. Use of other diesel fuel can result in serious problems for the vehicle. In addition, it is illegal to fuel a ULSD vehicle from a pump that is not labeled as dispensing ULSD.

The difficulty in locating ULSD-labeled pumps is largely the result of ULSD pump labeling violations.

Retailer Pump Labeling Requirements

Pump labeling as ULSD or LSD, as appropriate, is required for all highway diesel pumps at retail stations and fleet fueling facilities. In addition, pumps used to dispense diesel fuel for use in non-high-

way equipment, such as construction or farming equipment, must be properly labeled as such.

Diesel pump labels must be affixed in a conspicuous manner, must be of a color that contrasts with the pump and must be printed with a minimum print-size. Sources of information about the specific diesel pump labeling requirements and copies of compliant labels can be found in the Compliance Assistance section of this Enforcement Alert.

Product Transfer Documents

The ULSD regulations require that each transfer of diesel fuel must be accompanied by documents (product transfer documents) that identify the type of fuel product being transferred. This applies to transfers from a terminal to a truck distributor, and transfers from the truck distributor to a retailer or fleet fueling facility.

Information obtained by EPA shows old or confusing product transfer documents are causing unintended reclassification of ULSD as LSD. For example, some product transfer documents identify the product as being both ULSD and LSD. Another example is a truck distributor using old pre-printed product transfer documents that do not include a category for ULSD, so that all diesel fuel is classified as LSD even when ULSD was obtained at the terminal. In both of these examples, the product transfer documents provided to the retailer do not clearly identify the diesel fuel as being ULSD, as is required by the regulations.

Terminal operators should ensure their product transfer documents clearly and unambiguously identify ULSD they distribute. Truck distributors should ensure that all ULSD received from a terminal is clearly identified as ULSD on the product transfer documents provided to the retailer, unless the distributor believes the diesel fuel has become contaminated.

EPA Enforcement of ULSD Regulations

EPA normally initiates an enforcement action when violations of the ULSD requirements are found. Penalties

for violations of the ULSD regulations are a maximum of \$32,500 per day plus the economic benefit obtained by non-compliance. Over 300 violations of the ULSD pump labeling requirements have been documented at retail stations since October 2006. During the initial months of the program, EPA sent warning letters to about 150 of the operators of these retail stations found with diesel pump label violations.

EPA now is issuing Notice of Violation letters, with penalties, to the operators of stations found with ULSD pump label violations. Over 100 NOV's have been issued for ULSD pump label violations.

Compliance Assistance

EPA is committed to providing compliance assistance and outreach to the regulated community so that the public and the environment can be protected from the harmful health effects of emissions from diesel engines. Information about the ULSD pump labeling requirements, and the Clean Diesel program generally, can be found at: www.epa.gov/cleandiesel and www.clean-diesel.org.

For more information on the health effects of common air pollutants from cars and other sources, visit www.epa.gov/oar/urbanair.

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Disclaimer: This document attempts to clarify in plain language some EPA provisions. Nothing in this Enforcement Alert revises or replaces any regulatory provision in the cited part, any other part of the Code of Federal Regulations, the Federal Register, or the Clean Water Act, as amended. For more information go to: www.epa.gov/compliance

Enforcement Alert

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