



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Diesel Pump Labeling Requirements

-Fact Sheet-

The U.S. Environmental Protection Agency has promulgated new regulations that require all retailers and operators of fleet fueling facilities (wholesale purchaser-consumers) to label diesel fuel pumps with specific language notifying persons dispensing diesel fuel into vehicles of the sulfur standard of the fuel meets and the vehicles for which it is appropriate. With certain exceptions, retailers and wholesale purchaser-consumers also are required to sell or dispense diesel fuel they receive as ultra-low sulfur diesel fuel (ULSD) from a pump labeled as dispensing ULSD.

Retailers and wholesale purchaser-consumers that fail to comply with these pump labeling and ULSD sales requirements are subject to penalties under the Clean Air Act.

This Fact Sheet describes the diesel pump labeling and ULSD use requirements and explains the potential consequences of failing to comply with these important regulations.

The Ultra-Low Sulfur Diesel Regulations

The ULSD program is the U.S. Environmental Protection Agency's (EPA) most ambitious strategy to date to reduce emissions from diesel vehicles. This program pairs engine technology and fuel changes to significantly reduce diesel vehicle pollution. Under this program, new diesel engines will be equipped with sulfur sensitive emissions control technologies that will require diesel fuel with significantly reduced sulfur levels to function properly. Where inappropriate fuels are used in diesel engines, the emissions of harmful gases can increase significantly and the emission control equipment can be permanently damaged.

To prevent the misfueling of vehicles equipped with sulfur-sensitive emissions control equipment, the ULSD regulations require that all diesel fuel pumps must be labeled using the

pump labeling language set forth at 40 C.F.R. § 80.570. These pump labeling requirements, which became effective June 1, 2006, are designed to inform the user of the category of diesel fuel they are dispensing into their vehicle.

Retailer and Wholesale Purchaser-Consumer Responsibilities

Beginning June 1, 2006, all retailers and wholesale purchaser-consumers are required to affix a label to each diesel pump stand to identify the type of diesel fuel being dispensed. There are three type of diesel fuel that may be sold or dispensed by retailers and wholesale purchaser consumers: 1) ultra low sulfur diesel fuel, which is required to meet the 15 parts per million (ppm) sulfur standard (ULSD fuel); 2) low sulfur diesel fuel, which is required to meet the 500 ppm sulfur standard (LSD fuel); and 3) Non-Highway Diesel Fuel, which may exceed 500 ppm sulfur, but may not be used motor vehicles.

The diesel pump labels must be affixed in a conspicuous manner and be printed in a color that contrasts with the background. The titles of all labels must be in 24-point type, the sulfur level cap designation may be in 20-point type, and all other required language may be in 14-point type.¹

Examples of the diesel pump labels are included at the end of this Fact Sheet. (Note that these examples are for illustration only, and do not meet these print size requirements.) In addition, copies of labels that comply with the diesel pump labeling requirements and additional information on the ULSD program and requirements can be found at www.clean-diesel.org and www.epa.gov/cleandiesel/comphelp.htm.

20% Downgrade Limit

The ULSD Regulations limit the volume of ULSD fuel that a retailer or wholesale purchaser-consumer may sell from a LSD fuel pump. A “downgrade” occurs when a retailer or wholesale purchaser-consumer receives diesel fuel represented by the distributor as being ULSD, but dispenses this fuel from a pump that is labeled for LSD fuel. In general, the ULSD Regulations limit the amount of ULSD fuel that can be downgraded to 20% during any compliance period. Downgrading of ULSD to LSD is allowed so that retailers can continue to sell diesel fuel if their supply of ULSD becomes contaminated. However, the regulations limit the amount of ULSD that can be downgraded to assure there is sufficient ULSD fuel available in the marketplace.²

¹On June 1, 2010, the pump labeling requirements change for highway diesel fuel (*see*, 40 C.F.R. §§ 80.572 - 80.574).

² Retailers or wholesale purchaser-consumers who continuously sell or dispense ULSD from a properly labeled ULSD fuel pump throughout the compliance period are exempt from the 20% downgrade restriction.

The first downgrading compliance period began on October 15, 2006, and ends on May 31, 2007. The first 20% of this compliance period will be complete on December 1, 2006. Thus, a retailer that has been downgrading ULSD since October 15th is at risk of violating the 20% downgrading limit depending on day-to-day sales volume. A retailer in this situation should immediately begin dispensing all ULSD received, from a fuel pump labeled as dispensing ULSD, unless the diesel fuel does not meet ULSD standards.

Preliminary Information Regarding Non-Compliance with Pump Labeling Requirements

EPA has determined that a large number of diesel pumps are either not labeled or are labeled as LSD fuel pumps. To ensure that new vehicles with sulfur sensitive equipment can obtain ULSD fuel and prevent violations of the ULSD Regulations, retailers and wholesale purchasers should immediately take steps to make sure that their diesel pumps are properly labeled and that they will not violate the downgrade limits by selling an excessive volume of ULSD fuel from diesel pumps with LSD fuel labels.

Enforcement Process When A Pump Labeling Violation is Found

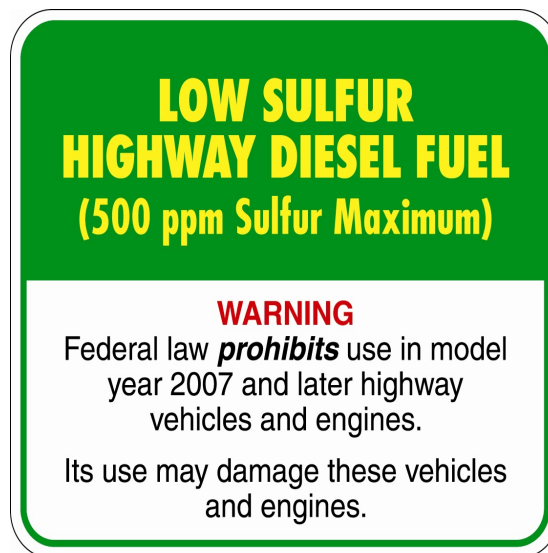
When EPA determines that a retailer or wholesale purchaser-consumer has violated the diesel pump labeling or downgrading limits, the Agency may commence an enforcement action, including the collection of a civil penalty, against the person who owns, leases, operates, controls or supervises the facility where the violation was found. EPA may assess a civil penalty of up to \$32,500 per day for each labeling or downgrading violation, plus the economic benefit or savings resulting from the violations.

Examples of Diesel Pump Labels

ULSD Pumps: Label required for pumps used to dispense ultra low sulfur diesel fuel (ULSD) (diesel fuel subject to the 15 parts per million (ppm) sulfur standard):



LSD Pumps: Label required for pumps used to dispense low sulfur diesel fuel (LSD) (diesel fuel subject to the 500 ppm sulfur standard):



Non-Highway Diesel Fuel Pumps: Label required for pumps used to dispense diesel fuel for use in non-motor vehicle equipment:

