

Official Code Interpretation

Bureau of Petroleum Products and Tanks
March 2004

Ethanol Dispenser Labeling

CODE SECTION: Comm 48.10 Labeling of dispensers and containers This interpretation supercedes all previous interpretations on this subject.

Comm 48.10 (1) DISPENSING EQUIPMENT. (a) *General.* All devices dispensing petroleum products at filling stations, garages or other places where petroleum products are sold or offered for sale shall be marked with a conspicuous label visible on both faces of the dispensing device indicating the automotive fuel rating of the petroleum product. No label may be placed so that the text is side-ways or upside down.

(b) *Oxygenated gasoline dispensing device labels.* 1. A device that dispenses a gasoline-ethanol fuel blend of more than 2% by volume of ethanol shall be labeled with the maximum volume percent of ethanol at all times the product is offered for retail sale.

2. A device that dispenses a reformulated gasoline, as defined in s. 285.37 (1), Stats., that contains an oxygenate other than ethanol shall be labeled with the identity of the oxygenate at all times the product is offered for retail sale. If the reformulated gasoline contains multiple oxygenates, the label shall identify the predominate oxygenate based upon volume percent.

3. The label shall be placed on the face of the dispenser next to the name and grade of the product being dispensed. No label may be placed so that the text is sideways or upside down.

4. The label shall be contrasting in color to the dispenser and have lettering using not less than one-half inch high letters with a stroke of not less than one eighth inch in width.

5. The label shall identify the oxygenate as either "Ethanol", "Methyl Tertiary Butyl Ether (MTBE)", "Ethyl Tertiary Butyl Ether (ETBE)", "Tertiary Amyl Methyl Ether (TAME)", "Tertiary Butyl Alcohol (TBA)", or as an other oxygenate name approved by the department.

6. A label shall state that the product being dispensed "Contains" followed by the approved name for the oxygenate.

7. A label shall be conspicuous and legible to a customer when viewed from the driver's seat of a motor vehicle that is located within 6 feet of the dispensing device.

Issue:

The Wisconsin Ethanol Produces Association (WEPA) has asked for an official Comm 48 code interpretation regarding the use and application of a proposed 5 inch by 2 1/2 inches ethanol label serving a product identification role on vehicle fueling dispensers.



Discussion / consideration:

Vehicle refueling dispenser labeling requirements are in Chapter Comm 48 – Petroleum Products. The purpose of the dispenser-labeling requirement is to provide product identification to the consumer. Paragraph Comm 48.10(1)(b)3 requires that the label describing the % oxygenate be placed *next to the name and grade of the product* being dispensed. The "grade of the product" is the octane posting as required for all automotive gasoline products in Comm 48.08.



Current day dispensing equipment and practices have moved outside of the rectangular box type multi-product dispenser that was the "typical" practice when the rule was written. Today dispenser style and configuration, along with the various other labeling appearing on dispensers, require a need to reassess and clarify the acceptable specific label application within the rule as it applies to the various dispenser configurations.



The labeling requirements for oxygenated gasoline specify: identification of oxygenate and percent, general placement on the dispenser, contrasting color, and weather resistance. The code does not specify colors or specific dimensional placement on the face of the dispenser.

Single product dispensers:

Single product dispensers dispensing fuels containing ethanol must identify the name, grade of product and % of ethanol on the face or working side of the dispenser. The proposed ethanol label is acceptable if placed on the face of the dispenser and the octane label is also predominantly located on the face of the dispenser.

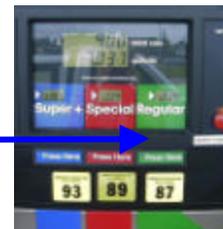


Multi-product dispensers:

The practice of labeling multi-product dispensers includes a label color and uniform size configuration minimizing customer confusion relating to the



respective products. The proposed ethanol label to comply with Comm 48.10 (1)(b) may be fixed to the multiple product dispensers in addition to, but shall not take the place of, the product specific label located next to the grade of the petroleum product. The label must be aligned with the nozzle or product button.



This interpretation regarding the application of the WEPA proposed label (5 inches by 2 1/2 inch replica below) does not address any logo or seal used on the label.



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