Labeling Alternative Fuels

Introduction

The Federal Trade Commission (FTC) prepared this guide to help you comply with two FTC Rules that require businesses to provide certain information to help potential purchasers of vehicle fuels compare products.

This guide explains the provisions of the Fuel Rating Rule (the Automotive Fuel Ratings, Certification and Posting Rule) and the new Alternative Fuels and Vehicles Rule (the Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles Rule). It includes answers to commonly asked questions about the Rules. Also, the Fuel Rating Rule and Subparts A (definitions) and B of the Alternative Fuels and Vehicles Rule are attached.

The Alternative Fuels and Vehicles Rule has separate requirements for the labeling of alternative fueled vehicles (Subpart C). For information about the requirements for these vehicles, see the FTC's Business Guide called Labeling Alternative Fueled Vehicles.

Requirements

The Fuel Rating Rule replaces the FTC's Octane Rule by extending fuel rating determination, certification, posting, and record-keeping requirements to all liquid automotive fuels except diesel fuel. In short, it means that sellers of liquid automotive fuels, including alternative liquid automotive fuels, must determine, certify, post on fuel pumps, and keep records of the automotive fuel rating appropriate for each fuel. The revision of the Rule does not change the seller's obligations when selling gasoline.

The requirements for non-liquid alternative fuels under the Alternative Fuels and Vehicles Rule are the same as those for alternative liquid fuels under the Fuel Rating Rule.

Who Must Comply

Importers, producers, refiners, distributors, and retailers of vehicle fuels, and manufacturers of electric vehicle fuel dispensing systems must comply with the Rules.

Vehicle Fuels Covered By The Rules

1. Gasoline, including gasohol, reformulated, and oxygenated gasoline.
2. Liquid alternative automotive fuels, including:
3. Methanol, denatured ethanol, and other alcohols
4. Mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and/or other alcohols (or such other percentage, but not less than 70 percent, as determined by the Secretary of the U.S. Department of Energy to provide for requirements relating to cold start, safety, or vehicle functions), with gasoline or other fuels
5. Liquefied natural gas
6. Liquefied petroleum gas
7. Coal-derived liquid fuels
8. Non-liquid alternative vehicle fuels, including compressed natural gas, hydrogen, and electricity.

These Rules do not cover diesel fuel.

The Fuel Rating

The automotive fuel rating for gasoline is the octane rating. For an alternative fuel other than electricity, the fuel rating is the commonly-used name of the fuel and a disclosure of the amount of the principal component of the fuel, expressed as a minimum percentage. Other components, expressed as minimum percentages, may be listed on the dispenser label.

For electric vehicle fuel dispensing systems, the fuel rating consists of a common fuel identifier (such as "electricity," or "electric charging station"), the system's kilowatt capacity, voltage, whether the voltage is alternating current or direct current, amperage, and whether the system is conductive or inductive.

Complying with the Rules

The Rules are organized into sections based on categories of industry, such as producer and refiner, distributor, or retailer, and categories of fuel, such as non-liquid alternative vehicle fuels (other than electricity) and electricity. The following summary is arranged the same way.

Importers, Producers and Refiners of Vehicle Fuels (other than electricity), and Manufacturers of Electric Vehicle Fuel Dispensing Systems

Importers and producers and refiners of vehicle fuel must determine the rating of the vehicle fuel before transferring it. Manufacturers of electric vehicle fuel dispensing systems must determine the fuel rating of the electric charge delivered by the electric vehicle fuel dispensing system before transferring it.

Rating Determination

To determine the automotive fuel rating of gasoline (the octane rating), add the research octane number and the motor octane number and divide by two. The American Society for Testing and Materials (ASTM) explains this in "Standard Specifications for Automotive Spark-Ignition Engine Fuel" (ASTM D4814).

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To determine ratings for alternative liquid automotive fuels and for non-liquid alternative vehicle fuels (other than electricity), you must have a reasonable basis, consisting of competent and reliable evidence, for the minimum percentage of the principal component of the fuel that you must disclose, and for the minimum percentages of other components that you choose to disclose.

Rating Determination for Compressed Natural Gas

The minimum percentage of the principal component of compressed natural gas must be determined according to test methods described in "Standard Test Method for Analysis of Natural Gas by Gas Chromatography" (ASTM Dl945-91).

Rating Determination for Hydrogen Gas

The minimum percentage of the principal component of hydrogen must be determined according to test methods described in "Standard Practice for Analysis of Reformed Gas by Gas Chromatography" (ASTM D1946-90).

To determine the fuel rating of the electric vehicle fuel dispensing system, you must have a reasonable basis, consisting of competent and reliable evidence, for the following output information you must disclose: kilowatt (kW) capacity, voltage, whether the voltage is alternating current or direct current, amperage, and whether the system is conductive or inductive.

Rating Certification

In each transfer of vehicle fuel _ other than electricity _ to a non-consumer, you must certify the rating of the fuel consistent with your determination. You may include a delivery ticket with each transfer of fuel or a letter of certification or other written statement.

A delivery ticket may be an invoice, bill of lading, bill of sale, terminal ticket, delivery ticket, or other written proof of transfer. It must include:

1. Your name
2. The name of the person to whom the fuel is transferred
3. The date of the transfer
4. The fuel rating
5. A certification letter must include:
6. The date
7. Your name
8. The other person's name
9. The rating of any fuel you will transfer to that person from the date of the letter onward

A letter of certification is good until you transfer fuel with a lower rating or percentage of the principal component. At that point, you must certify the rating of the new vehicle fuel with a new delivery ticket or a new letter.

In each transfer of an electric vehicle fuel dispensing system to a non-consumer, you must certify the fuel rating of the electric vehicle fuel dispensing system consistent with your determination. You must include a delivery ticket or other paper with each transfer of an electric vehicle fuel dispensing system, or place a permanent legible marking or a permanent label with specific information on the electric vehicle fuel dispensing system.

A delivery ticket, which may be an invoice, bill of lading, bill of sale, delivery ticket, or other written proof of transfer, must contain five key pieces of information:

1. Your name
2. The name of the person to whom the electric vehicle fuel dispensing system is transferred
3. The date of the transfer
4. The model number, serial number, or other identifier of the electric vehicle fuel dispensing system
5. The fuel rating

Or you may certify by placing a permanent mark or label on the electric vehicle fuel dispensing system that includes three items of information:

1. The manufacturer's name
2. The model number, serial number, or other identifier of the electric vehicle fuel dispensing system
3. The fuel rating

The mark or label must be placed where it can be seen after the system is installed -- for example, near the manufacturer's identification mark. This mark or label is in addition to, not in place of, the label the retailer must post on the electric vehicle fuel dispensing system.

Transferring to a Common Carrier

When vehicle fuel or an electric vehicle fuel dispensing system is transferred to a common carrier, the rating of the fuel or system must be certified to the common carrier. You may do this on the delivery ticket or other paper, in a letter of certification, or as a permanent mark or label attached to the electric vehicle fuel dispensing system by the manufacturer.

Recordkeeping

Records of how you determined fuel ratings must be kept for one year. These records must be available for inspection by FTC staff or people authorized by

the FTC.

Distributors of Fuels and Electric Vehicle Fuel Dispensing Systems Rating Certification

Distributors of vehicle fuel (other than electricity) must certify the rating of the fuel with each transfer by letter of certification, delivery ticket, or other paper to anyone who is not a consumer. Distributors of electric vehicle fuel dispensing systems also must certify the fuel rating of the system with each transfer to anyone who is not a consumer _ by delivery ticket, other paper, or by a permanent marking or a permanent label attached to the system by the manufacturer.

If you blend fuels, you must have a reasonable basis, consisting of competent and reliable evidence, for the rating you certify. If you do not blend fuels, you must certify consistent with the fuel rating as it was certified to you.

Transferring To or Receiving From a Common Carrier

When you transfer vehicle fuel or an electric vehicle fuel dispensing system to a common carrier, you must certify the rating of the fuel or system to the common carrier by letter, delivery ticket or other paper, or by a permanent mark or label attached to the electric vehicle fuel dispensing system by the manufacturer.

When you receive vehicle fuel or an electric vehicle fuel dispensing system from a common carrier, you must get certification of the rating of the fuel or system by letter, delivery ticket or other paper, or by a permanent marking or label attached to the electric vehicle fuel dispensing system by the manufacturer.

Recordkeeping

You must keep delivery tickets, letters of certification, or other papers on which you base your fuel rating certifications for one year. You also must keep records of any fuel rating determinations you make for one year. These records must be available for inspection by FTC staff or people authorized by the FTC. If you rely on a permanent marking or permanent label attached to the electric vehicle fuel dispensing system by the manufacturer for your certification, the permanent marking or label may not be removed or damaged.

Retailers

Posting Fuel Ratings

If you sell vehicle fuel to consumers, you must post the rating of each fuel. If you sell electricity to consumers through an electric vehicle fuel dispensing system, you must post the rating of the electric vehicle fuel dispensing system you use. You must place at least one label on the face of each dispenser. If you sell two or more kinds of fuels with different ratings from a single fuel dispenser, you must put separate labels for each kind of fuel on the face of the dispenser.

The label or labels must be placed conspicuously on the fuel dispenser, clearly visible to consumers, and as close as possible to the price per unit of the fuel. The labels must be maintained and replaced as needed to make sure they are easy to see and read. If the labels become unreadable, you must post a temporary label that looks as much like the required label as possible. Get and post the required label as soon as possible.

If you blend fuels, you must have a reasonable basis, consisting of competent and reliable evidence, for the rating you post for the blend. If you do not blend fuels, you must post the rating certified to you.

Receiving from a Common Carrier

When you receive vehicle fuel or an electric vehicle fuel dispensing system from a common carrier, you also must receive certification of the rating of the fuel or system by letter, delivery ticket or other paper, or by a permanent marking or label attached to the electric vehicle fuel dispensing system by the manufacturer.

Recordkeeping

You must keep delivery tickets, letters of certification, or any other paper on which you base your posting of fuel ratings for one year. You also must keep records of any fuel rating determinations you make for one year. If you rely on a permanent marking or permanent label attached to the electric vehicle fuel dispensing system by the manufacturer for your posting, you may not remove or damage the permanent marking or label. The required records, other than the permanent marking or label on the electric vehicle fuel dispensing system, may be kept at the retail station or at a near-by location. However, all these records, including the permanent marking or label on each electric vehicle fuel dispensing system, must be available for inspection by FTC staff or people authorized by the FTC.

The Labels

Section 306.12 of the Fuel Rating Rule and Section 309.17 of the Alternative Fuels and Vehicles Rule specify the size, type style, and dimensions of vehicle fuel and electric vehicle fuel dispensing system labels. Labels must be 3 inches wide by 2-l/2 inches long. Gasoline octane labels must be printed in black ink on a yellow background. Alternative fuel labels must be printed in black ink on an orange background.

All labels must be able to withstand extreme weather conditions for at least one year, and must be resistant to vehicle fuel, oil, grease, solvents, detergents, and water.

To change the format of the label to accommodate a longer fuel description or additional fuel components, file a petition for an exemption with the FTC.

Include the size and contents of the label you want to use, and your reasons for wanting to use it.

Questions And Answers

The following questions and answers may help facilitate compliance with the Rules.

Q. According to the Fuel Rating Rule, automotive fuel means a liquid fuel distributed for use in any motor vehicle. For purposes of the Rule, what is a "motor vehicle"?

A. As defined by the Petroleum Marketing Practices Act, and for purposes of the Fuel Rating Rule only, "motor vehicle" means any self-propelled four-wheeled vehicle of less than 6,000 pounds gross vehicle weight, designed primarily for use on public streets, roads, and hichways.

Q. Some of the new alternative fuels covered by the FTC's Rules often are not sold for automotive or vehicle use. Are such sales covered by the Rules?

A. No. The Rules cover fuels sold or transferred for use as automotive or vehicle fuels only.

Q. Does the FTC require a minimum or maximum rating level for fuels?

A. No. The FTC's Rules require the certification and posting of a minimum fuel rating _ disclosures to help consumers make the best fuel selections for their vehicles. Compliance with all other applicable regulations is required.

Q. Can fuel rating certification be accomplished with documents that identify fuels by code numbers or names, not the rating?

A. No. Descriptive names or code numbers are inadequate. Documents, including delivery tickets that accompany transfers of fuel, certification letters, or, in the case of electric vehicle fuel dispensing systems, permanent marks or labels on the dispensing systems, must include the rating of the fuel to comply with the Rules' fuel rating certification requirements.

Q. I sell fuel to customers who use it for their own fleets _ not for resale to the general public. Must I certify the rating of the fuel to these customers?

A. No. The Rules require certification of the fuel rating to anyone who is not a consumer of the fuel. Under the definitions in the Rules, customers who buy fuel for their own fleets are consumers of the fuel.

Q. Must common carriers comply with the Rules' certification requirements?

A. No. Common carriers do not fall within the scope of the Rules. However, the Rules require covered industry members to give certification documents to common carriers in the chain of distribution, and receive certification documents from them. Accordingly, the FTC believes that common carriers will pass on the certifications they receive voluntarily as they play their part in the chain of distribution.

Q. In the case of alternative vehicle fuel other than electricity, must I separately certify the minimum percentage of the principal component of the fuel and each of the minimum percentages of other components of the fuel that I choose to disclose?

A. Yes. For example, in the case of CNG vehicle fuel, it would be insufficient to certify as a single percentage the minimum percentage of methane, ethane, and propane in the fuel; the minimum percentage of each component of the fuel must be certified _ and posted _ separately.

Q. Who should I contact if I suspect non-compliance with the FTC's Fuel Rating Rule or Alternative Fuels and Vehicles Rule, or fraudulent activity regarding the sale of automotive or vehicle fuel?

A. Information about possible illegal activity helps law enforcement officials target companies that merit scrutiny. If you know about such illegal activity, please contact the Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202.326.2996), or your state or local weights and measures office.

Your Opportunity to Comment

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards collect comments from small business about federal enforcement actions. Each year, the Ombudsman evaluates enforcement activities and rates each agency's responsiveness to small business. To comment on FTC actions, call 1-888-734-3247.

16 CFR Part 306 -- Automotive Fuel Ratings, Certification, and Posting

GENERAL

306.0 Definitions.

As used in this Part:

(a) Octane rating means the rating of the anti-knock characteristics of a grade or type of gasoline as determined by dividing by 2 the sum of the research octane number plus the motor octane number.

(b) Research octane number and motor octane number have the meanings given such terms in the specifications of the American Society for Testing and Materials ("ASTM") entitled "Standard Specification for Automotive Spark-Ignition Engine Fuel" designated D4814-92c and, with respect to any grade or type of gasoline, are determined in accordance with test methods set forth in ASTM D2699-92, "Standard Test Method for Knock Characteristics of Motor Fuels by the Research Method" and ASTM D2700-92, "Standard Test Method for Knock Characteristics of

Motor and Aviation Fuels by the Motor Method." These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of ASTM D4814-92c, ASTM D2699-92, and ASTM D2700-92 may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA, 19103, or may be inspected at the Federal Trade Commission, Public Reference Room, Room 130, 600 Pennsylvania Avenue, N.W., Washington, D.C., or at the Office of the Federal Register, 800 North Capitol Street, N.W., suite 700, Washington, D.C.

(c) Refiner means any person engaged in the production or importation of automotive fuel.

(d) Producer means any person who purchases component elements and combines them to produce and market automotive fuel.

(e) Distributor means any person who receives automotive fuel and distributes such automotive fuel to another person other than the ultimate purchaser.

(f) Retailer means any person who markets automotive fuel to the general public for ultimate consumption.

(g) Ultimate purchaser means, with respect to any item, the first person who purchases such item for purposes other than resale.

(h) Person, for purposes of applying any provision of the Federal Trade Commission Act, 15 U.S.C. 41 et seq., with respect to any provision of this Part, includes a partnership and a corporation.

(i) Automotive fuel means liquid fuel of a type distributed for use as a fuel in any motor vehicle, and the term includes, but is not limited to:

(1) gasoline, an automotive spark-ignition engine fuel, which includes, but is not limited to, gasohol (generally a mixture of approximately 90% unleaded gasoline and 10% denatured ethanol) and fuels developed to comply with the Clean Air Act, 42 U.S.C. 7401 et seq., such as reformulated gasoline and oxygenated gasoline; and

(2) alternative liquid automotive fuels, including, but not limited to:

(i) methanol, denatured ethanol, and other alcohols;

(ii) mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and/or other alcohols (or such other percentage, but not less than 70 percent, as determined by the Secretary of the United States Department of Energy, by rule, to provide for requirements relating to cold start, safety, or vehicle functions), with gasoline or other fuels;

(iii) liquefied natural gas;

(iv) liquefied petroleum gas;

(v) coal-derived liquid fuels.

(j) Automotive fuel rating means:

(1) for gasoline, the octane rating; or

(2) for an alternative liquid automotive fuel, the commonly used name of the fuel with a disclosure of the amount, expressed as a minimum percentage by volume, of the principal component of the fuel. A disclosure of other components, expressed as a minimum percentage by volume, may be included, if desired.

306.1 What this rule does.

This rule deals with the certification and posting of automotive fuel ratings in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, 15 U.S.C. 41 et seq. It applies to persons, partnerships, and corporations. If you are covered by this regulation, breaking any of its rules is an unfair or deceptive act or practice under section 5 of that Act. You can be fined up to ten thousand dollars each time you break a rule.

306.2 Who is covered.

You are covered by this rule if you are a refiner, importer, producer, distributor, or retailer of automotive fuel.

306.3 Stayed or invalid parts.

If any part of this rule is stayed or held invalid, the rest of it will stay in force.

306.4 Preemption.

The Petroleum Marketing Practices Act ("PMPA"), 15 U.S.C. 2801 et seq., as amended, is the law that directs the FTC to enact this rule. Section 204 of PMPA, 15 U.S.C. 2824, provides:

(a) To the extent that any provision of this title applies to any act or omission, no State or any political subdivision thereof may adopt or continue in effect, except as provided in subsection (b) any provision of law or regulation with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this title.

(b) A State or political subdivision thereof may provide for any investigative or enforcement action, remedy, or penalty (including procedural actions necessary to carry out such investigative or enforcement actions, remedies, or penalties) with respect to any provision of law or regulation permitted by subsection (a).

DUTIES OF REFINERS, IMPORTERS, AND PRODUCERS

306.5 Automotive fuel rating.

If you are a refiner, importer, or producer, you must determine the automotive fuel rating of all automotive fuel before you transfer it. You can do that yourself or through a testing lab.

(a) To determine the automotive fuel rating of gasoline, add the research octane number and the motor octane number and divide by two, as explained by the American Society for Testing and Materials ("ASTM") in ASTM D4814-92c, entitled "Standard Specifications for Automotive Spark-Ignition Engine Fuel." To determine the research octane number, use ASTM standard test method D2699-92, and to determine the motor octane number, use ASTM standard test method D2700-92.

(b) To determine automotive fuel ratings for alternative liquid automotive fuels, you must possess a reasonable basis, consisting of competent and reliable evidence, for the percentage by volume of the principal component of the alternative liquid automotive fuel that you must disclose. You also must have a reasonable basis, consisting of competent and reliable evidence, for the minimum percentages by volume of other components that you choose to disclose.

306.6 Certification.

In each transfer you make to anyone who is not a consumer, you must certify the automotive fuel rating of the automotive fuel consistent with your determination. You can do this in either of two ways:

(a) Include a delivery ticket or other paper with each transfer of automotive fuel. It may be an invoice, bill of lading, bill of sale, terminal ticket, delivery ticket, or any other written proof of transfer. It must contain at least these four items:

(1) Your name;

(2) The name of the person to whom the automotive fuel is transferred;

(3) The date of the transfer;

(4) The automotive fuel rating. Octane rating numbers may be rounded off to a whole or half number equal to or less than the number determined by you.

(b) Give the person a letter or other written statement. This letter must include the date, your name, the other person's name, and the automotive fuel rating of any automotive fuel you will transfer to that person from the date of the letter onwards. Octane rating numbers may be rounded to a whole or half number equal to or less than the number determined by you. This letter of certification will be good until you transfer automotive fuel with a lower automotive fuel rating. When this happens, you must certify the automotive fuel rating of the new automotive fuel either with a delivery ticket or by sending a new letter of certification.

(c) When you transfer automotive fuel to a common carrier, you must certify the automotive fuel rating of the automotive fuel to the common carrier, either by letter or on the delivery ticket or other paper.

306.7 Recordkeeping.

You must keep records of how you determined automotive fuel ratings for one year. They must be available for inspection by Federal Trade Commission and Environmental Protection Agency staff members, or by people authorized by FTC or EPA.

DUTIES OF DISTRIBUTORS

306.8 Certification.

If you are a distributor, you must certify the automotive fuel rating of the automotive fuel in each transfer you make to anyone who is not a consumer.

(a) In the case of gasoline, if you do not blend the gasoline with other gasoline, you must certify the gasoline's octane rating consistent with the octane rating certified to you. If you blend the gasoline with other gasoline, you must certify consistent with your determination of the average, weighted by volume, of the octane ratings certified to you for each gasoline in the blend, or consistent with the lowest octane rating certified to you for any gasoline in the blend. Whether you blend gasoline or not, you may choose to certify the octane rating of the gasoline consistent with your determination of the octane rating according to the method in 306.5. In cases involving gasoline, the octane rating may be rounded to a whole or half number equal to or less than the number certified to you or determined by you.

(b) If you do not blend alternative liquid automotive fuels, you must certify consistent with the automotive fuel rating certified to you. If you blend alternative liquid automotive fuels, you must possess a reasonable basis, consisting of competent and reliable evidence, for the automotive fuel rating that you certify for the blend.

(c) You may certify either by using a delivery ticket with each transfer of automotive fuel, as outlined in 306.6(a), or by using a letter of

certification, as outlined in 306.6(b).

(d) When you transfer automotive fuel to a common carrier, you must certify the automotive fuel rating of the automotive fuel to the common carrier, either by letter or on the delivery ticket or other paper. When you receive automotive fuel from a common carrier, you also must receive from the common carrier a certification of the automotive fuel rating of the automotive fuel, either by letter or on the delivery ticket or other paper.

306.9 Recordkeeping.

You must keep for one year any delivery tickets or letters of certification on which you based your automotive fuel rating certifications. You must also keep for one year records of any automotive fuel rating determinations you made according to 306.5. They must be available for inspection by Federal Trade Commission and Environmental Protection Agency staff members, or by persons authorized by FTC or EPA.

DUTIES OF RETAILERS

306.10 Automotive fuel rating posting.

(a) If you are a retailer, you must post the automotive fuel rating of all automotive fuel you sell to consumers. You must do this by putting at least one label on each face of each dispenser through which you sell automotive fuel. If you are selling two or more kinds of automotive fuel with different automotive fuel ratings from a single dispenser, you must put separate labels for each kind of automotive fuel on each face of the dispenser.

(b)(1) The label, or labels, must be placed conspicuously on the dispenser so as to be in full view of consumers and as near as reasonably practical to the price per unit of the automotive fuel.

(2) You may petition for an exemption from the placement requirements by writing the Secretary of the Federal Trade Commission, Washington, DC 20580. You must state the reasons that you want the exemption.

(c) In the case of gasoline, if you do not blend the gasoline with other gasoline, you must post the octane rating of the gasoline consistent with the octane rating certified to you. If you blend the gasoline with other gasoline, you must post consistent with your determination of the average, weighted by volume, of the octane ratings certified to you for each gasoline in the blend, or consistent with the lowest octane rating certified to you for any gasoline in the blend. Whether you blend gasoline or not, you may choose to post the octane rating of the gasoline consistent with your determination of the octane rating according to the method in 306.5. In cases involving gasoline, the octane rating must be shown as a whole or half number equal to or less than the number certified to you or determined by you.

(d) If you do not blend alternative liquid automotive fuels, you must post consistent with the automotive fuel rating certified to you. If you blend alternative liquid automotive fuels, you must possess a reasonable basis, consisting of competent and reliable evidence, for the automotive fuel rating that you post for the blend.

(e)(1) You must maintain and replace labels as needed to make sure consumers can easily see and read them.

(2) If the labels you have are destroyed or are unusable or unreadable for some unexpected reason, you can satisfy the law by posting a temporary label as much like the required label as possible. You must still get and post the required label without delay.

(f) The following examples of automotive fuel rating disclosures for some presently available alternative liquid automotive fuels are meant to serve as illustrations of compliance with this Part, but do not limit the Rule's coverage to only the mentioned fuels:

1. "Methanol / Minimum ___% Methanol"
2. "Ethanol / Minimum ___% Ethanol"
3. "M-85 / Minimum ___% Methanol"
4. "E-85 / Minimum ___% Ethanol"
5. "LPG / Minimum ___% Propane" or "LPG / Minimum ___% Propane and ___% Butane"
6. "LNG / Minimum ___% Methane"

(g) When you receive automotive fuel from a common carrier, you also must receive from the common carrier a certification of the automotive fuel rating of the automotive fuel, either by letter or on the delivery ticket or other paper.

306.11 Recordkeeping.

You must keep for one year any delivery tickets or letters of certification on which you based your posting of automotive fuel ratings. You also must keep for one year records of any automotive fuel rating determinations you made according to 306.5. These records may be kept at the retail outlet or at another, reasonably close location. They must be available for inspection by Federal Trade Commission and Environmental Protection Agency staff members or by persons authorized by FTC or EPA.

LABEL SPECIFICATIONS

306.12 Labels.

All labels must meet the following specifications:

(a) Layout.

(1) For gasoline labels.

The label is 3" (7.62 cm) wide x 2-1/2" (6.35 cm) long. The illustrations appearing at the end of this rule are prototype labels that demonstrate the proper layout. "Helvetica Black" type is used throughout except for the octane rating number on octane labels, which is in Franklin gothic type. All type is centered. Spacing of the label is 1/4" (.64 cm) between the top border and the first line of text, 1/8" (.32 cm) between the first and second line of text, 1/4" (.64 cm) between the octane rating and the line of text above it. All text and numerals are centered within the interior borders.

(2) For alternative liquid automotive fuel labels (one principal component).

The label is 3" (7.62 cm) wide x 2-1/2" (6.35 cm) long. "Helvetica black" type is used throughout. All type is centered. The band at the top of the label contains the name of the fuel. This band should measure 1" (2.54 cm) deep. Spacing of the fuel name is 1/4" (.64 cm) from the top of the label and 3/16" (.48 cm) from the bottom of the black band, centered horizontally within the black band. The first line of type beneath the black band is 1/8" (.32 cm) from the bottom of the black band. All type below the black band is centered horizontally, with 1/8" (.32 cm) between each line. The bottom line of type is 3/16" (.48 cm) from the bottom of the label. All type should fall no closer than 3/16" (.48 cm) from the side edges of the label. If you wish to change the dimensions of this single component label to accommodate a fuel descriptor that is longer than shown in the sample labels, you must petition the Federal Trade Commission. You can do this by writing to the Secretary of the Federal Trade Commission, Washington, DC 20580. You must state the size and contents of the label that you wish to use, and the reasons that you want to use it.

(3) For alternative liquid automotive fuel labels (two components).

The label is 3" (7.62 cm) wide x 2-1/2" (6.35 cm) long. "Helvetica black" type is used throughout. All type is centered. The band at the top of the label contains the name of the fuel. This band should measure 1" (2.54 cm) deep. Spacing of the fuel name is 1/4" (.64 cm) from the top of the label and 3/16" (.48 cm) from the bottom of the black band, centered horizontally within the black band. The first line of type beneath the black band is 3/16" (.48 cm) from the bottom of the black band. All type below the black band is centered horizontally, with 1/8" (.32 cm) between each line. The bottom line of type is 1/4" (.64 cm) from the bottom of the label. All type should fall no closer than 3/16" (.48 cm) from the side edges of the label. If you wish to change the dimensions of this two component label to accommodate additional fuel components, you must petition the Federal Trade Commission. You can do this by writing to the Secretary of the Federal Trade Commission, Washington, DC 20580. You must state the size and contents of the label that you wish to use, and the reasons that you want to use it.

(b) Type size and setting.

(1) For gasoline labels.

The Helvetica series is used for all numbers and letters with the exception of the octane rating number. Helvetica is available in a variety of phototype setting systems, by linotype, and in a variety of computer desk-top and phototype setting systems. Its name may vary, but the type must conform in style and thickness to the sample provided here. The line "MINIMUM OCTANE RATING" is set in 12 point Helvetica Bold, all capitals, with letterspace set at 12-1/2 points. The line "(R+M)/2 METHOD" is set in 10 point Helvetica Bold, all capitals, with letterspace set at 10-1/2 points. The octane number is set in 96 point Franklin gothic condensed with 1/8" (.32 cm) space between the numbers.

(2) For alternative liquid automotive fuel labels (one principal component).

All type should be set in upper case (all caps) "Helvetica Black" throughout. Helvetica Black is available in a variety of computer desk-top and phototype setting systems. Its name may vary, but the type must conform in style and thickness to the sample provided here. The spacing between letters and words should be set as "normal." The type for the fuel name is 50 point [1/2" (1.27 cm) cap height] "Helvetica Black," knocked out of a 1" (2.54 cm) deep band. The type for the words "MINIMUM" and the principal component is 24 pt. [1/4" (.64 cm) cap height.] The type for percentage is 36 pt. [3/8" (.96 cm) cap height].

(3) For alternative liquid automotive fuel labels (two components).

All type should be set in upper case (all caps) "Helvetica Black" throughout. Helvetica Black is available in a variety of computer desk-top and phototype setting systems. Its name may vary, but the type must conform in style and thickness to the sample provided here. The spacing between letters and words should be set as "normal." The type for the fuel name is 50 point [1/2" (1.27 cm) cap height] "Helvetica Black," knocked out of a 1" (2.54 cm) deep band. All other type is 24 pt. [1/4" (.64 cm) cap height.]

(c) Colors.

(1) For gasoline labels.

The basic color on all octane labels is process yellow. All type is process black. All borders are process black. All colors must be non-fade.

(2) For alternative liquid automotive fuel labels

The background color on all the labels is Orange: PMS 1495. The knock-out type within the black band is orange PMS 1495. All other type is process black. All borders are process black. All colors must be non-fade.

(d) Contents.

Examples of the contents are shown in the sample labels. The proper octane rating for each gasoline must be shown. The proper automotive fuel rating for each alternative liquid automotive fuel must be shown. No marks or information other than that called for by this rule may appear on the labels.

(e) Special label protection.

All labels must be capable of withstanding extremes of weather conditions for a period of at least one year. They must be resistant to automotive fuel, oil, grease, solvents, detergents, and water.

(f) Illustrations of labels.

Labels should meet the specifications in this section, and should look like the examples on pages 9-10, except the black print should be on the appropriately colored background.

16 CFR Part 309 -- Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles

Subpart A -- General

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309.2 What this part does.

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Requirements for Alternative Fuels

Duties of Importers, Producers, and Refiners of Non-Liquid Alternative

Vehicle Fuels (other than electricity) and of Manufacturers of Electric

Vehicle Fuel Dispensing Systems

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309.11 Certification.

309.12 Recordkeeping. Duties of Distributors of Non-Liquid Alternative Vehicle Fuels (other than electricity) and of Electric Vehicle Fuel Dispensing Systems

309.15 Posting of non-liquid alternative vehicle fuel rating. 309.16 Recordkeeping. Label Specifications

309.17 Labels.

Authority: 42 U.S.C. 13232(a).

Subpart A

309.1 Definitions.

As used in subparts B and C of this part:

(a) Acquisition includes either of the following:

(1) Acquiring the beneficial title to a covered vehicle; or

(2) Acquiring a covered vehicle for transportation purposes pursuant to a contract or similar arrangement for a period of 120 days or more.

(b) Aftermarket conversion means any combination of hardware which allows a vehicle or engine to operate on a fuel other than the fuel which the vehicle or engine was originally certified to use.

(c) Alternative means

(1) Methanol, denatured ethanol, and other alcohols;

(2) Mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and/or other alcohols (or such other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions), with gasoline or other fuels;

(3) Natural gas;

(4) Liquefied petroleum gas;

(5) Hydrogen;

(6) Coal-derived liquid fuels;

(7) Fuels (other than alcohol) derived from biological materials;

(8) Electricity (including electricity from solar energy); and

(9) Any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.

(d)(1)Consumer in subpart C means an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States.

(2) Consumer or ultimate purchaser in subpart B means, with respect to any non-liquid alternative vehicle fuel (including electricity), the first person who purchases such fuel for purposes other than resale.

(e) Conventional fuel means gasoline or diesel fuel.

(f) Covered vehicle means either of the following:

(1) A dedicated or dual fueled passenger car (or passenger car derivative) capable of seating 12 passengers or less; or

(2) A dedicated or dual fueled motor vehicle (other than a passenger car or passenger car derivative) with a gross vehicle weight rating less than 8,500 pounds which has a vehicle curb weight of less than 6,000 pounds and which has a basic vehicle frontal area of less than 45 square feet, which is:

(i) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or

(ii) Designed primarily for transportation of persons and has a capacity of more than 12 persons.

(g) Dedicated means designed to operate solely on alternative fuel.

(h) Distributor means any person, except a common carrier, who receives non-liquid alternative vehicle fuel (other than electricity) and distributes such fuel to another person other than the consumer. It also means any person, except a common carrier, who receives an electric vehicle fuel dispensing system and distributes such system to a retailer.

(i) Dual fueled means capable of operating on alternative fuel and capable of operating on conventional fuel.

(j) Electric charging system equipment means equipment that includes an electric battery charger and is used for dispensing electricity to consumers for the purpose of recharging batteries in an electric vehicle.

(k) Electric vehicle means a vehicle designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack.

(l) Electric vehicle fuel dispensing system means electric charging system equipment or an electrical energy dispensing system.

(m) Electrical energy dispensing system means equipment that does not include an electric charger and is used for dispensing electricity to consumers for the purpose of recharging batteries in an electric vehicle that contains an on-board electric battery charger.

(n) Emission certification standard means the emission standard to which a covered vehicle has been certified pursuant to 40 CFR parts 86 and 88.

(o) Estimated cruising range for non-EVs means a manufacturer reasonable estimate of the number of miles a new covered vehicle will travel between refueling, expressed as a lower estimate (i.e., minimum estimated cruising range) and an upper estimate (i.e., maximum estimated cruising range), as determined by 309.22. Estimated cruising range for EVs means a manufacturer's reasonable estimate of the number of miles a new covered EV will travel between recharging, expressed as a single estimate, as determined by 309.22.

(p) Fuel dispenser means:

(1) For non-liquid alternative vehicle fuels (other than electricity), the dispenser through which a retailer sells the fuel to consumers.

(2) For electric vehicle fuel dispensing systems, the dispenser through which a retailer dispenses electricity to consumers for the purpose of recharging batteries in an electric vehicle.

(q) Fuel rating means:

(1) For non-liquid alternative vehicle fuels (other than electricity), including, but not limited to, compressed natural gas and hydrogen gas, the commonly used name of the fuel with a disclosure of the amount, expressed as a minimum molecular percentage, of the principal component of the fuel. A disclosure of other components, expressed as a minimum molecular percentage, may be

included, if desired.

(2) For electric vehicle fuel dispensing systems, a common identifier (such as, but not limited to, "electricity," "electric charging system," "electric charging station") with a disclosure of the system's kilowatt ("kW") capacity, voltage, whether the voltage is alternating current ("ac") or direct current ("dc"), amperage, and whether the system is conductive or inductive.

(r) Manufacturer means the person who obtains a certificate of conformity that the vehicle complies with the standards and requirements of 40 CFR parts 86 and 88.

(s) of an electric vehicle fuel dispensing means any person who manufactures or assembles an electric vehicle fuel dispensing system that is distributed specifically for use by retailers in dispensing electricity to consumers for the purpose of recharging batteries in an electric vehicle.

(t) New covered vehicle means a covered vehicle which has not been acquired by a consumer.

(u) vehicle dealer means a person who is engaged in the sale or leasing of new covered vehicles.

(v) New vehicle label means a window sticker containing the information required by 309.20(e).

(w) Non-liquid alternative fueled vehicle means a vehicle capable of operating on a non-liquid alternative vehicle fuel.

(x) Non-liquid alternative vehicle fuel means alternative fuel used for the purpose of powering a non-liquid alternative fueled vehicle, including, but not limited to, compressed natural gas ("CNG"), hydrogen gas ("hydrogen"), electricity, and any other non-liquid vehicle fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy benefits and substantial environmental benefits.

(y) Person means an individual, partnership, corporation, or any other business organization.

(z) Producer means any person who purchases component elements and combines them to produce and market non-liquid alternative vehicle fuel (other than electricity).

(aa) Refiner means any person engaged in the production or importation of non-liquid alternative vehicle fuel (other than electricity).

(bb) Retailer means any person who offers for sale, sells, or distributes non-liquid alternative vehicle fuel (including electricity) to consumers.

(cc) Secretary means the Secretary of the United States Department of Energy.

(dd) Used covered vehicle means a covered vehicle which has been acquired by a consumer, but does not include any vehicle sold only for scrap or parts (title documents surrendered to the State and a salvage certificate issued).

(ee) Used vehicle dealer means a person engaged in the sale or leasing of used covered vehicles who has sold or leased five or more used covered vehicles in the previous twelve months, but does not include a bank or financial institution, a business selling or leasing used covered vehicles to an employee of that business, or a lessor selling or leasing a leased vehicle by or to that vehicle's lessee or to an employee of the lessee.

(ff) Used vehicle label means a window sticker containing the information required by 309.21(e).

(gg) Vehicle fuel tank capacity means the tank's usable capacity (i.e., the volume of fuel that can be pumped into the tank through the filler pipe with the vehicle on a level surface and with the unusable capacity already in the tank). The term does not include unusable capacity (i.e., the volume of fuel left at the bottom of the tank when the vehicle's fuel pump can no longer draw fuel from the tank), the vapor volume of the tank (i.e., the space above the fuel tank filler neck), or the volume of the fuel tank filler neck.

309.2 What this part does.

This part establishes labeling requirements for non-liquid alternative vehicle fuels, and for certain vehicles powered in whole or in part by alternative fuels.

309.3 Stayed or invalid portions.

If any portion of this part is stayed or held invalid, the rest of it will stay in force.

309.4 Preemption.

Inconsistent state and local regulations are preempted to the extent they would frustrate the purposes of this part.

Requirements for Alternative Fuels

Duties of Importers, Producers, and Refiners of Non-Liquid Alternative Vehicle Fuels (other than electricity) and of Manufacturers of Electric Vehicle Fuel Dispensing Systems

309.10 Alternative vehicle fuel rating.

(a) If you are an importer, producer, or refiner of non-liquid alternative vehicle fuel (other than electricity), you must determine the fuel rating of all non-liquid alternative vehicle fuel (other than electricity) before you transfer it. You can do that yourself or through a testing lab. To determine fuel ratings, you must possess a reasonable basis, consisting of competent and reliable evidence, for the minimum percentage of the

principal component of the non-liquid alternative vehicle fuel (other than electricity) that you must disclose, and for the minimum percentages of other components that you choose to disclose. For the purposes of this section, fuel ratings for the minimum percentage of the principal component of compressed natural gas are to be determined in accordance with test methods set forth in American Society for Testing and Materials ("ASTM") D 1945-91, "Standard Test Method for Analysis of Natural Gas by Gas Chromatography." For the purposes of this section, fuel ratings for the minimum percentage of the principal component of hydrogen gas are to be determined in accordance with test methods set forth in ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by Gas Chromatography." This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of D 1945-91 and D 1946-90 may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, or may be inspected at the Federal Trade Commission, Public Reference Room, room 130, 600 Pennsylvania Avenue, NW, Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street NW, suite 700, Washington, DC.

(b) If you are a manufacturer of electric vehicle fuel dispensing systems, you must determine the fuel rating of the electric charge delivered by the electric vehicle fuel dispensing system before you transfer such systems. To determine the fuel rating of the electric vehicle fuel dispensing system, you must possess a reasonable basis, consisting of competent and reliable evidence, for the following output information you must disclose: kilowatt ("kW") capacity, voltage, whether the voltage is alternating current ("ac") or direct current ("dc"), amperage, and whether the system is conductive or inductive.

309.11 Certification.

(a) For non-liquid alternative vehicle fuel (other than electricity), in each transfer you make to anyone who is not a consumer, you must certify the fuel rating of the non-liquid alternative vehicle fuel (other than electricity) consistent with your determination. You can do this in either of two ways:

(1) Include a delivery ticket or other paper with each transfer of non-liquid alternative vehicle fuel (other than electricity). It may be an invoice, bill of lading, bill of sale, terminal ticket, delivery ticket, or any other written proof of transfer. It must contain at least these four items:

(i) Your name;

(ii) The name of the person to whom the non-liquid alternative vehicle fuel (other than electricity) is transferred;

(iii) The date of the transfer; and

(iv) The fuel rating.

(2) Give the person a letter or written statement. This letter must include the date, your name, the other person's name, and the fuel rating of any non-liquid alternative vehicle fuel (other than electricity) you will transfer to that person from the date of the letter onwards. This letter of certification will be good until you transfer non-liquid alternative vehicle fuel (other than electricity) with a lower percentage of the principal component, or of any other component disclosed in the certification. When this happens, you must certify the fuel rating of the new non-liquid alternative vehicle fuel (other than electricity) either with a delivery ticket or by sending a new letter of certification.

(b) For electric vehicle fuel dispensing systems, in each transfer you make to anyone who is not a consumer, you must certify the fuel rating of the electric vehicle fuel dispensing system consistent with your determination. You can do this in either of two ways:

(1) Include a delivery ticket or other paper with each transfer of an electric vehicle fuel dispensing system. It may be an invoice, bill of lading, bill of sale, delivery ticket, or any other written proof of transfer. It must contain at least these five items:

(i) Your name;

(ii) The name of the person to whom the electric vehicle fuel dispensing system is transferred;

(iii) The date of the transfer;

(iv) The model number, serial number, or other identifier of the electric vehicle fuel dispensing system; and

(v) The fuel rating.

(2) Make the required certification by placing clearly and conspicuously on the electric vehicle fuel dispensing system a permanent legible marking or permanently attached label that discloses the manufacturer's name, the model number, serial number, or other identifier of the system, and the fuel rating. Such marking or label must be located where it can be seen after installation of the system. The marking or label will be deemed "legible," in terms of placement, if it is located in close proximity to the manufacturer's identification marking. This marking or label must be in addition to, and not a substitute for, the label required to be posted on the electric vehicle fuel dispensing system by the retailer.

(c) When you transfer non-liquid alternative vehicle fuel (other than electricity), or an electric vehicle fuel dispensing system, to a common carrier, you must certify the fuel rating of the non-liquid alternative vehicle fuel (other than electricity) or electric vehicle fuel dispensing system to the common carrier, either by letter or on the delivery ticket or other paper, or by a permanent marking or label attached to the electric vehicle fuel dispensing system by the manufacturer.

309.12 Recordkeeping.

You must keep for one year records of how you determined fuel ratings. The records must be available for inspection by Federal Trade Commission staff members, or by people authorized by FTC.

Duties of Distributors of Non-Liquid Alternative Vehicle Fuels (other than electricity) and of Electric Vehicle Fuel Dispensing Systems

309.13 Certification.

(a) If you are a distributor of non-liquid alternative vehicle fuel (other than electricity), you must certify the fuel rating of the fuel in each transfer you make to anyone who is not a consumer. You may certify either by using a delivery ticket or other paper with each transfer of fuel, as outlined in 309.11(a)(1), or by using a letter of certification, as outlined in 309.11(a)(2).

(b) If you are a distributor of electric vehicle fuel dispensing systems, you must certify the fuel rating of the system in each transfer you make to anyone who is not a consumer. You may certify by using a delivery ticket or other paper with each transfer, as outlined in 309.11(b)(1), or by using the permanent marking or permanent label attached to the system by the manufacturer, as outlined in 309.11(b)(2).

(c) If you do not blend non-liquid alternative vehicle fuels (other than electricity), you must certify consistent with the fuel rating certified to you. If you blend non-liquid alternative vehicle fuel (other than electricity), you must possess a reasonable basis, consisting of competent and reliable evidence, as required by 309.10(a), for the fuel rating that you certify for the blend.

(d) When you transfer non-liquid alternative vehicle fuel (other than electricity), or an electric vehicle fuel dispensing system, to a common carrier, you must certify the fuel rating of the non-liquid alternative vehicle fuel (other than electricity) or electric vehicle fuel dispensing system to the common carrier, either by letter or on the delivery ticket or other paper, or by a permanent marking or label attached to the electric vehicle fuel dispensing system by the manufacturer. When you receive non-liquid alternative vehicle fuel (other than electricity), or an electric vehicle fuel dispensing system, from a common carrier, you also must receive from the common carrier a certification of the fuel rating of the non-liquid alternative vehicle fuel (other than electricity) or electric vehicle fuel dispensing system, either by letter or on the delivery ticket or other paper, or by a permanent marking or label attached to the electric vehicle fuel dispensing system by the manufacturer.

309.14 Recordkeeping.

You must keep for one year any delivery tickets, letters of certification, or other paper on which you based your fuel rating certifications for non-liquid alternative vehicle fuels (other than electricity) and for electric vehicle fuel dispensing systems. You also must keep for one year records of any fuel rating determinations you made according to 309.10. If you rely for your certification on a permanent marking or permanent label attached to the electric vehicle fuel dispensing system by the manufacturer, you must not remove or deface the permanent marking or label. The records must be available for inspection by Federal Trade Commission staff members, or by persons authorized by FTC.

Duties of Retailers

309.15 Posting of non-liquid alternative vehicle fuel rating.

(a) If you are a retailer who offers for sale or sells non-liquid alternative vehicle fuel (other than electricity) to consumers, you must post the fuel rating of each non-liquid alternative vehicle fuel. If you are a retailer who offers for sale or sells electricity to consumers through an electric vehicle fuel dispensing system, you must post the fuel rating of the electric vehicle fuel dispensing system you use. You must do this by putting at least one label on the face of each fuel dispenser through which you sell non-liquid alternative vehicle fuel. If you are selling two or more kinds of non-liquid alternative vehicle fuels with different fuel ratings from a single fuel dispenser, you must put separate labels for each kind of non-liquid alternative vehicle fuel on the face of the fuel dispenser.

(b)(1) The label, or labels, must be placed conspicuously on the fuel dispenser so as to be in full view of consumers and as near as reasonably practical to the price per unit of the non-liquid alternative vehicle fuel.

(2) You may petition for an exemption from the placement requirements by writing the Secretary of the Federal Trade Commission, Washington, DC 20580. You must state the reasons that you want the exemption.

(c) If you do not blend non-liquid alternative vehicle fuels (other than electricity), you must post consistent with the fuel rating certified to you. If you blend non-liquid alternative vehicle fuel (other than electricity), you must possess a reasonable basis, consisting of competent and reliable evidence, as required by 309.10(a), for the fuel rating that you post for the blend.

(d)(1) You must maintain and replace labels as needed to make sure consumers can easily see and read them.

(2) If the labels you have are destroyed or are unusable or unreadable for some unexpected reason, you may satisfy this part by posting a temporary label as much like the required label as possible. You must still get and post the required label without delay.

(e) The following examples of fuel rating disclosures for CNG and hydrogen are meant to serve as illustrations of compliance with this part, but do not limit the rule's coverage to only the mentioned non-liquid alternative vehicle fuels (other than electricity):

(1) "CNG" "Minimum" "XXX%" "Methane"

(2) "Hydrogen" "Minimum" "XXX%" "Hydrogen"

(f) The following example of fuel rating disclosures for electric vehicle fuel dispensing systems is meant to serve as an illustration of compliance with this part: "Electricity" "XX kW" "XXX vac/XX amps" "Inductive"

(g) When you receive non-liquid alternative vehicle fuel (other than electricity), or an electric vehicle fuel dispensing system, from a common carrier, you also must receive from the common carrier a certification of the fuel rating of the non-liquid alternative vehicle fuel (other than electricity) or electric vehicle fuel dispensing system, either by letter or on the delivery ticket or other paper, or by a permanent marking or label attached to the electric vehicle fuel dispensing system by the manufacturer.

309.16 Recordkeeping.

You must keep for one year any delivery tickets, letters of certification, or other paper on which you based your posting of fuel ratings for non-liquid alternative vehicle fuels. You also must keep for one year records of any fuel rating determinations you made according to 309.10. If you rely for your posting on a permanent marking or permanent label attached to the electric vehicle fuel dispensing system by the manufacturer, you must not remove or deface the permanent marking or label. The required records, other than the permanent marking or label on the electric vehicle fuel dispensing system, may be kept at the retail outlet or at a reasonably close location. The records, including the permanent marking or label on each electric vehicle fuel dispensing system, must be available for inspection by Federal Trade Commission staff members or by persons authorized by FTC.

Label Specifications

309.17 Labels.

All labels must meet the following specifications:

(a) Layout:

(1) Non-liquid alternative vehicle fuel (other than electricity) labels with disclosure of principal component only. The label is 3" (7.62 cm) wide x 2 1/2" (6.35 cm) long. "Helvetica black" type is used throughout. All type is centered. The band at the top of the label contains the name of the fuel. This band should measure 1" (2.54 cm) deep. Spacing of the fuel name is 1/4" (.64 cm) from the top of the label and 3/16" (.48 cm) from the bottom of the black band, centered horizontally within the black band. The first line of type beneath the black band is 1/8" (.32 cm) from the bottom of the black band. All type below the black band is centered horizontally, with 1/8" (.32 cm) between lines. The bottom line of type is 3/16" (.48 cm) from the bottom of the label. All type should fall no closer than 3/16" (.48 cm) from the side edges of the label. If you wish to change the format of this single component label, you must petition the Federal Trade Commission. You can do this by writing to the Secretary of the Federal Trade Commission, Washington, DC 20580. You must state the size and contents of the label that you wish to use, and the reasons that you want to use it.

(2) Non-liquid alternative vehicle fuel (other than electricity) labels with disclosure of two components. The label is 3" (7.62 cm) wide x 2 1/2" (6.35 cm) long. "Helvetica black" type is used throughout. All type is centered. The band at the top of the label contains the name of the fuel. This band should measure 1" (2.54 cm) deep. Spacing of the fuel name is 1/4" (.64 cm) from the top of the label and 3/16" (.48 cm) from the bottom of the black band, centered horizontally within the black band. The first line of type beneath the black band is 3/16" (.48 cm) from the bottom of the black band. All type below the black band is centered horizontally, with 1/8" (.32 cm) between lines. The bottom line of type is 1/4" (.64 cm) from the bottom of the label. All type should fall no closer than 3/16" (.48 cm) from the side edges of the label. If you wish to change the format of this two component label, you must petition the Federal Trade Commission. You can do this by writing to the Secretary of the Federal Trade Commission, Washington, DC 20580. You must state the size and contents of the label that you wish to use, and the reasons that you want to use it.

(3) Electric vehicle fuel dispensing system labels. The label is 3" (7.62 cm) wide x 2 1/2" (6.35 cm) long. "Helvetica black" type is used throughout. All type is centered. The band at the top of the label contains the common identifier of the fuel. This band should measure 1" (2.54 cm) deep. Spacing of the common identifier is 1/4" (.64 cm) from the top of the label and 3/16" (.48 cm) from the bottom of the black band, centered horizontally within the black band. The first line of type beneath the black band is 3/16" (.48 cm) from the bottom of the black band. All type below the black band is centered horizontally, with 1/8" (.32 cm) between lines. The bottom line of type is 1/4" (.64 cm) from the bottom of the label. All type should fall no closer than 3/16" (.48 cm) from the side edges of the label.

(b) Type size and setting:

(1) Labels for non-liquid alternative vehicle fuels (other than electricity) with disclosure of principal component only. All type should be set in upper case (all caps) "Helvetica Black" throughout. Helvetica Black is available in a variety of computer desk-top and photo-typesetting systems. Its name may vary, but the type must conform in style and thickness to the sample provided here. The spacing between letters and words should be set as "normal." The type for the fuel name is 50 point (1/2" (1.27 cm) cap height) knocked out of a 1" (2.54 cm) deep band. The type for the words "MINIMUM" and the principal component is 24 pt. (1/4" (.64 cm) cap height). The type for percentage is 36 pt. (3/8" (.96 cm) cap height).

(2) Labels for non-liquid alternative vehicle fuels (other than electricity) with disclosure of two components. All type should be set in upper case (all caps) "Helvetica Black" throughout. Helvetica Black is available in a variety of computer desk-top and photo-typesetting systems. Its name may vary, but the type must conform in style and thickness to the sample provided here. The spacing between letters and words should be set as "normal." The type for the fuel name is 50 point (1/2" 1.27 cm) cap height) knocked out of a 1" (2.54 cm) deep band. All other type is 24 pt. (1/4" (.64 cm) cap height).

(3) Labels for electric vehicle fuel dispensing systems. All type should be set in upper case (all caps) "Helvetica Black" throughout. Helvetica Black is available in a variety of computer desk-top and photo-typesetting systems. Its name may vary, but the type must conform in style and thickness to the sample provided here. The spacing between letters and words should be set as "normal." The

type for the common identifier is 50 point (1/2" 1.27 cm) cap height) knocked out of a 1" (2.54 cm) deep band. All other type is 24 pt. (1/4"(.64 cm) cap height).

Colors: The background color on the labels for all non-liquid alternative vehicle fuels (including electricity), and the color of the knock-out type within the black band, is Orange: PMS 1495. All other type is process black. All borders are process black. All colors must be non-fade.

(d) **Contents**. The proper fuel rating for each non-liquid alternative vehicle fuel (including electricity) must be shown. No marks or information other than that called for by this part may appear on the labels.

(e) **Special label protection.** All labels must be capable of withstanding extremes of weather conditions for a period of at least one year. They must be resistant to vehicle fuel, oil, grease, solvents, detergents, and water.

(f) **Illustrations of labels.** Labels must meet the specifications in this section and look like the examples on pages 9-10, except the black print should be on the appropriately colored background.