



**State of New York  
Department of State  
Division of Code Enforcement & Administration**

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02 January 2007

Martin Harding  
Code Compliance Specialist  
NYS Thruway Authority  
200 Southern Blvd.  
Albany, NY 12201

Mr. Harding,

This letter is regarding your inquiry regarding the use of pre-existing vehicle fuel pumps for use as dispensers for vehicle fuels composed as a mixture of ethanol and gasoline. Specifically, you ask if the pumps that were installed by the Thruway Authority approximately 4 years ago to dispense ethanol/gasoline blends and recently lost their listing from Underwriter's Laboratories (UL) are still able to operate legally under the *Uniform Fire Prevention and Building Code*. It is our opinion that the dispensers can continue to be utilized since they were listed for such use, without prohibition, at the time of installation.

The *Fire Code of New York State (FCNYS)* Section 2206.7.1 requires that the design, fabrication, and installation of dispensers shall be limited to those dispensers that are listed. Since the dispensers were listed for use at the time of their installation and the FCNYS does not prohibit the continued use of equipment when such products lose their listing, the continued operation of the ethanol/gasoline blended fuel dispensers is permitted by the FCNYS. For dispensers installed prior to January 1, 2003, Title 9, Parts 610 and 850 would apply and the continued use of the dispensers is still permitted under the FCNYS.

I trust this information is helpful. If you have further questions regarding this matter, I can be reached at [dnichols@dos.state.ny.us](mailto:dnichols@dos.state.ny.us) or 518-474-4073.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel E. Nichols', with a long horizontal flourish extending to the right.

Daniel E. Nichols, P.E.  
Fire Protection Engineer II  
Division of Code Enforcement and Administration

cc: P. Bolton, NYSERDA  
J. King, NYS OGS