



# Regulatory Announcement

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## Gasoline Detergent Additives Enforcement and Recordkeeping Requirements

*The Environmental Protection Agency (EPA) is removing a selected recordkeeping provision under the regulation of gasoline detergent additives. Specifically, the product transfer document (PTD) requirement regarding the oxygenate content of gasoline is being removed to avoid disruption to the gasoline distribution system. This and other proposed changes would provide industry flexibility and reduce the compliance burden for many regulated parties.*

### Background

EPA requires the use of additives to control the formation of engine and fuel supply system deposits in all U.S. gasoline. An interim program has been in place since 1995 which requires the use of detergents to control intake valve deposits (IVD) and port fuel injector deposits (PFID) in gasoline engines, but did not include rigorous performance standards for the additives. The requirements of the interim program have recently been replaced by those of the detergent certification program which requires specific vehicle-based performance testing, using industry-standard test procedures, to demonstrate the effective control of IVD and PFID.

As of July 1, 1997, detergent manufacturers have been required to sell only properly certified detergents to their detergent blending customers.

In addition, detergent blenders must blend certified detergents at the prescribed concentration into all gasoline they distribute. Furthermore, distributors must sell or transfer only gasoline and post-refinery components (PRC) properly additized with certified detergents. As of August 1, 1997, gasoline retailers have been required to ensure that all gasoline sold or transferred to the ultimate consumer is properly additized with certified detergents. Implementation of the detergent certification program will realize the full expected environmental benefits of controlling IVD and PFID, namely, reductions in emissions of hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen (NO<sub>x</sub>), and improvement of fuel economy.

Under the detergent certification program, as an alternative to the use of generic-certified detergents which can be used in any U.S. gasoline regardless of composition, specially-certified detergents may be used that are optimized relative to the deposit control requirements of segregated gasoline pools (i.e., nonoxygenated gasoline, MTBE-containing gasoline, etc.). The option to use such use-restricted detergents provides the potential for reduced additive cost compared to generic-certified detergents. To facilitate the proper use of oxygenate-restricted detergents, the certification rule required PTDs to identify all of the oxygenates present. Since the publication of the certification rule, members of the gasoline refining and distribution industry informed EPA that reporting oxygenate content on gasoline PTDs is not typical industry practice and that implementation of this requirement would, as an unintended consequence, significantly disrupt gasoline distribution. EPA exercised its enforcement discretion by announcing that it would temporarily not enforce the requirement until its removal is addressed through the direct final rule that is part of this action, or until December 31, 1997, whichever comes first.

## **Amendments to PTD Requirements**

By direct final rule, EPA is removing the current requirement that gasoline PTDs identify all of the oxygenates present. This removal will become effective unless EPA receives negative public comment or a request for a public hearing on the subject within the time allotted in the direct final rule. If EPA decides not to implement the direct final rule based on such input from the public, a notice will be published regarding its withdrawal. To permit EPA to take action in the event that adverse comments are received on the direct final rule, the Agency is proposing to remove the PTD oxygenate identification requirement.

Also proposed is a provision whereby the blender who uses a detergent additive that is restricted in use with respect to oxygenates would be responsible for determining the oxygenate content of the gasoline involved through alternative means. These amendments would continue to ensure that detergents with oxygenate restrictions are used in compliance with such restrictions, and would avoid the unnecessary disruption to the gasoline distribution system which would occur under the current regulations. To provide additional flexibility to industry, EPA is also proposing to allow the use of product codes on PTDs for certain transfers of base gasoline in lieu of regulatory warning language concerning applicable limitations on the sale and use of such gasolines.

## **Environmental and Economic Impacts**

The regulatory amendments in this action will maintain the emissions control benefits of the gasoline detergent program. No new information collections accompany these amendments. To the contrary, adoption of these amendments is expected to avoid unnecessary disruption to the current gasoline distribution system which would otherwise occur under the current regulations. The result will be a reduced compliance burden for many regulated parties. Certain detergent blenders who wish to voluntarily use oxygenate-restricted detergents (should such detergents become available) had argued that the proposed replacement of the gasoline PTD reporting requirement on oxygenate-content with a requirement applicable only to these blenders would place an unfair burden on the fuel's end-user to establish such information. However, alternative means to establish this information would be available for parties who wish to voluntarily use oxygenate-restricted detergents, and generic-certified detergents could be used.

## **Opportunity for Public Participation**

EPA desires full public participation in arriving at final rulemaking decisions. The Agency solicits comments on all aspects of the Direct Final Rulemaking (DFRM) and the Notice of Proposed Rulemaking (NPRM). Whenever applicable, full supporting data and detailed analyses should also be submitted to allow EPA to make maximum use of the comments. Commenters are especially encouraged to provide specific suggestions for changes to any aspects of the subject amendments that they believe need to be modified or improved. EPA is currently not planning additional opportunity for public comment on these amendments outside of that provided in the DFRM and NPRM.

For instructions on submitting written comments, please see the Federal Register notices for the DFRM and NPRM. These notices are available from the EPA Air and Radiation Docket by calling (202) 260-7548; please refer to Docket No. A-91-77. In addition, the direct final and proposed rules are available electronically at the Federal Register Web site listed below. A prepublication electronic copy of these notices is also available from the EPA Office of Mobile Sources Web site listed below.

Office of Federal Register Web Site: <http://www.epa.gov/docs/fedrgstr/EPA-AIR/> (Either select desired date or use Search feature.)

Office of Mobile Sources Web Site: <http://www.epa.gov/OMSWWW/> (Look in "What's New" or under the specific rulemaking topic.)

### **For Further Information**

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