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April 7, 2008

Federal Trade Commission  
Office of the Secretary  
Room H-159 (Annex F)  
600 Pennsylvania Ave, NW  
Washington, DC 20580

**RE: Proposed Rule for Biodiesel Labeling, Matter No. R811005**

The Petroleum Marketers Association of America (PMAA) represents over 8,000 of America's independent motor fuel marketers, retailers, and wholesalers nationwide; many of who are small family-owned and operated businesses.

We appreciate the opportunity to express our concerns regarding biodiesel labeling on the retail dispenser. Please find our comments to your questions below.

**Question 1: What costs or burdens, or any other impacts, do the proposed requirements impose, and on whom?**

Costs associated with the rulemaking are minimal so long as the requirements are written in a flexible manner that would not require dispenser owners to affix new labels every time there is a change in the biodiesel blend concentration. PMAA believes that a range of concentrations on a single label would help reduce costs and burdens on small business petroleum marketers.

Open space on a pump dispenser is at a premium. Presently, petroleum retailers are required to affix onto dispenser housings FTC Octane Certification labels and EPA ethanol labels for low sulfur and ultra low sulfur diesel fuels. Furthermore, there are labels required by state and local agencies including Weights and Measures agencies and warnings from the state fire marshal.

To avoid confusion among the many labels currently affixed to dispensers and preserve open space on dispensers, PMAA supports the size of the biodiesel label included in the proposed rule.

In order to keep costs down and reduce the burden on small business petroleum marketers, PMAA recommends placement of the required biodiesel labels directly adjacent to nozzles dispensing the biodiesel blend to make it more conspicuous to the consumer and minimize the number of labels required, particularly dispensers with side mounted nozzles. One label per dispenser nozzle would significantly reduce the cost burden on small family-operated petroleum businesses.

**Question 4: Should the Rule allow a non-specific percentage designation ("biodiesel blend") for biodiesel blends over five and no more than twenty percent? If so, why and how? If not, why not?**

PMAA supports the provisions in the Energy Independence Act of 2007 (EISA) that do not require labeling of biodiesel blends that contain less than five percent biodiesel. We also support the Federal Trade Commission's (FTC) conclusion that "a precise percentage on the label may not be necessary for the more than five to twenty percent category..." It is important biodiesel retailers have the option to choose a label that denotes a generic range or denotes specific biodiesel blend content. A label with a

generic range would give retailers the flexibility to increase or decrease biodiesel blends to meet supply without changing the label. However, petroleum marketers who prefer to post a specific biodiesel blend concentration should have the opportunity to do so for all blends under the labeling regulations.

**Question 8: Is purple (PMS 2562) an appropriate color for the biodiesel blend and biodiesel label? If not, what color would be appropriate? In lieu of a purple label should the FTC consider a blue label?**

PMAA supports the color green for biodiesel blend labels on dispensers. It is a background color commonly used in the industry to designate renewable fuels. In addition, consumers already associate the color green with clean, renewable fuel. Any other color would cause confusion among consumers, and eliminate the marketing value of associating biofuel blends with the color green.

PMAA appreciates the opportunity to express our concerns to the FTC on the proposed biodiesel labeling rule. Diesel retailers face significant burdens and challenges in the marketplace. Pump dispensers are already cluttered with labels. Adding another label without considering the implications could cause confusion among consumers and result in other unintended consequences. PMAA urges the FTC to carefully consider this decision.

Kind Regards,

Brandon Wright  
Manager of Communications