



Alternative Fuel Labeling: Ethanol Flex Fuels

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RESOURCES

More information on applicable Wisconsin laws can be found at these links:

E15 – Retailer Fact Sheet
<https://datcp.wi.gov/Documents/E15RetailerFactSheet.pdf>

Wis. Stat. Ch. 168
<http://docs.legis.wisconsin.gov/statutes/statutes/168>

Wis. Admin. Code ATCP 94
http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/94

Title 16 CFR Part 306
<https://www.ecfr.gov/cgi-bin/text-idx?SID=ffefaf6cf0b0c98f67eb9f6cb226e4bf&mc=true&node=pt16.1.306&rgn=div5>

What are alternative fuels?

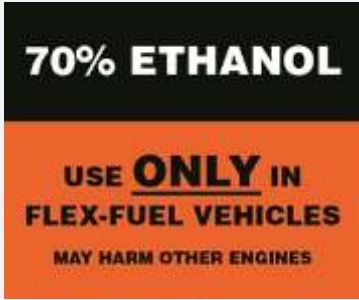

“Alternative fuels” are liquid automotive fuels that include:

- Methanol, denatured ethanol, and other alcohols
- Mixtures containing 85% or more by volume of methanol and/or other alcohols with gasoline or other fuels
- E15 (gasoline containing more than 10% but not greater than 15% ethanol by volume)
- Ethanol flex fuels (gasoline containing more than 10% but not greater than 83% ethanol by volume, excluding E15)
- Coal-derived liquid fuels
- Biodiesel
- Biomass-based diesel
- Biodiesel blends containing more than 5% biodiesel by volume
- Biomass-based diesel blends containing more than 5% biomass-based diesel by volume

What is required on the labels for ethanol flex fuels?

- The background color must be orange and must contrast with the color of the dispenser
- The words directly underneath the black band must read “Use Only in Flex-Fuel Vehicles/May Harm Other Engines”
- No additional marks or information other than that allowed by the FTC may appear on the label
- All ethanol flex fuels (excluding E15) must be labeled according to the requirements below:

Fuel Type	Labeling Requirement
<p><u>Ethanol flex fuels</u> with more than 10% and no greater than 50% ethanol (excludes E15)</p>	<div data-bbox="976 1354 1354 1669" data-label="Image"> </div> <ul style="list-style-type: none"> ▪ The black band at the top of the label must contain the numerical value representing the maximum volume percentage of ethanol in the fuel followed by the percentage sign and “ETHANOL”

Fuel Type	Labeling Requirement	
Ethanol flex fuels with more than 50% and no greater than 83% ethanol		<p style="text-align: center;">OR</p> 
	<ul style="list-style-type: none"> ▪ The black band at the top of the label must contain either the numerical value representing the maximum volume percentage of ethanol in the fuel followed by the percentage sign and “ETHANOL” <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> ▪ The phrase “51%-83% ETHANOL” 	

What is required when posting the labels on the dispensers?

- All petroleum product dispensers must be marked or labeled in a conspicuous place and in a conspicuous manner with the name and the grades of the petroleum product being dispensed. (Wis. Stat. § 168.11(1)(a))
- At least one label must be posted on each face of each dispenser. If you are selling two or more kinds of fuel with different automotive fuel ratings from a single dispenser, separate labels for each fuel must be posted on each face of the dispenser. (Wis. Admin. Code § ATCP 94.300(1)(a))
- 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 fuel.
 - A label must 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. (Wis. Admin. Code § ATCP 94.300(1)(b)6.)
 - No label may be placed so that the text is sideways or upside down. (Wis. Admin. Code § ATCP 94.300(1)(a))
 - The label must be placed on the face of the dispenser next to the name and grade of the product being dispensed. (Wis. Admin. Code § ATCP 94.300(1)(b)3.)
- Labels must be maintained and replaced as needed to make sure consumers can easily see and read them.
 - The label must be capable of withstanding extremes of weather conditions for at least one year and must be resistant to gasoline, oil, grease, solvents, detergents, and water. When damaged so that they are not legible, labels must be replaced. (Wis. Admin. Code § ATCP 94.300(1)(b)7.)
 - If the labels 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.
- Dual dispenser for more than 10% ethanol: A dispensing device which has existed since before February 1, 2009, and which does not use a separate fueling nozzle and hose for dispensing ethanol-blended motor fuels of more than 10 percent ethanol by volume must bear a label clearly warning any purchaser that the first gallon may have more than 10 percent ethanol by volume. This label must be adjacent to the required ethanol label. (Wis. Admin. Code § ATCP 94.300(1)(c))