



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

GUIDANCE DOCUMENT

October 4, 2024

Re: Enforcement Discretion – Gasoline-Ethanol Blends Minimum Temperature at 50% Evaporation

The Wisconsin Department of Agriculture, Trade and Consumer Protection will exercise enforcement discretion on the minimum temperature for 50 % evaporation for gasoline-ethanol blended fuel, specifying a minimum of 145° F for Class D and E gasoline-ethanol blends.

Wisconsin Admin. Code ch. ATCP 94 currently adopts ASTM D4814-21c for gasoline-ethanol blended fuel specifications. ASTM D4814-21c specifies a 150° F minimum temperature for 50 % evaporation for gasoline-ethanol blended fuel. On April 4, 2024, ASTM approved and published a new version of its gasoline-ethanol blended specifications: ASTM D4814-24. This updated ASTM standard lowers the minimum temperature for 50 % evaporation from 150° F to 145° F for Class D and E gasoline-ethanol blends.

Many states in the country have adopted the newest ASTM D4814 standard, with its updated temperature for 50 % evaporation for gasoline-ethanol blended fuel of 145° F, including Minnesota, Illinois, and Michigan. Other states issued enforcement discretion letters, including New York, Connecticut, North Carolina, Georgia and Maryland, announcing the state will not enforce gasoline-ethanol blended fuel with a temperature for 50 % evaporation that exceeds 145° F for Class D and Class E gasoline-ethanol blends.

The department is also aware that national fuel refineries and pipelines are now supplying fuel that may be below the 150° F minimum temperature for 50 % evaporation for gasoline-ethanol blends. Wisconsin consumers may experience fuel supply issues without this enforcement discretion.

Code Sections:

Wisconsin Admin. Code § ATCP 94.200(1)(g) and Wis Stat. § 168.04

Conditions of temporary enforcement suspension:

- The Department will not take enforcement actions for the sale of covered finished fuels with a minimum temperature 50 % evaporation of 145° F or greater and meets all other required specifications in accordance with Wis. Admin. Code ch. ATCP 94.
- This guidance document will remain in effect until rescinded by the department.

For questions, please contact the department at (608) 224-4942 or email datcpwmcompliance@wi.gov.

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