

Testimony of

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Before the

House of Representatives
Committee on Oversight and Government Reform
Subcommittee on Domestic Policy

“Hot Fuels – The Impact on Commercial Transactions of the Thermal
Expansion of Gasoline”

June 8, 2007

Introduction

Chairman Kucinich, Ranking Member Issa, and Members of the Subcommittee, thank you for the opportunity to testify today on "Hot Fuels— The Impact on Commercial Transactions of the Thermal Expansion of Gasoline." I look forward to discussing the role the National Conference on Weights and Measures plays to establish uniformity in weights and measures requirements and what we are currently debating in our consensus organization.

National Conference on Weights and Measures

On January 16 and 17, 1905 the National Bureau of Standards, today known as the National Institute of Standards and Technology, invited the states to participate in the development of uniform weights and measures for the United States. This relationship grew into what was known as the National Conference on Weights and Measures.

The United States is one of the only countries in the world without a federal weights and measures regulatory agency. In the United States each jurisdiction funds its weights and measures programs based on budgetary priorities in that particular state. The Conference is fully funded by its membership. NIST today provides the Conference with technical advisors to assist in the development of standards.

As a standards development body committed to consensus building, NCWM has created a model process that generates high praise from both regulators and business representatives alike. The NCWM serves as a forum for the development of weights and measures requirements and practices in the United States.

Membership in the NCWM is open to all interested parties including weights and measures regulatory officials, device manufacturers and users, and consumers. An environment of inclusion gives a "voice to all" every step of the way — from initial input to follow-up comment on draft proposals — to ensure that the standards-setting process, is streamlined and effective.

In this way, the NCWM has addressed some of the most important economic issues of our time. Recent national initiatives have analyzed and improved the net contents labeling of milk, the accuracy of electronic store scanners and the performance of retail gas pumps. And today, as the growth of E-commerce demands faster, better services to customers, current NCWM studies are addressing advanced measurement technologies for just-in-time delivery and virtual inventory.

The end result? On going contributions from industry experts assist in producing final standards that reflect the latest technology innovations.

It is the NCWM members who provide the input for the four NCWM committees. And these committees provide for standards development in each of their specific areas. They

also provide counsel on weights and measures issues as they emerge in the marketplace by drawing on the expertise of our diverse membership of public and private sector members.

Most issues come to the NCWM committees through one of the regional weights and measures associations, The Central, Northeastern, Southern, and Western Weights and Measures Associations, but an NCWM committee can accept important issues from any source. Placing an issue on a committee's agenda is as simple as submitting NCWM Form 15, Proposal to Standing Committee to the regional association of choice.

The regional associations provide a grass roots forum to fully develop the issues for nationwide discussion. The outcome is a win-win proposition: the standing committee enjoys the benefit of a nationwide consensus opinion, while all parties — weights and measures officials, industry representatives, consumer interests, and technical experts — have a say in the end product.

Attending regional meetings and the NCWM Interim and Annual Meetings provide members opportunity to speak in an open forum and be heard, but attending these meetings is only one form of participation in the NCWM consensus process. Committees also accept written comments throughout the year regarding any items on their respective agendas.

At the NCWM Annual Meeting, standing committees review all comments received since the Interim Meeting, hold open hearings to discuss issues further, make revisions to their recommendations as needed, and produce final reports. Final reports are then presented in open forum to representatives and delegates for a vote.

As a standards development body committed to consensus building, NCWM has created a model process that has generated high praise from both regulators and business representatives alike. It takes strong leadership to direct such an effort and begins with the NCWM Board of Directors.

The Board of Directors oversees the activities of four standing committees, each addressing a specialized area of the NCWM standards program.

The four standing committees of the NCWM provide for standards development in each of their specific areas. They also provide counsel on weights and measures issues as they emerge in the marketplace by drawing on the expertise of our diverse membership of public and private sector members.

NCWM Organization Chart

- Board of Directors
- Specifications and Tolerances (S&T) Committee
- Laws and Regulations (L&R) Committee
- Professional Development (PD) Committee

National Type Evaluation Program (NTEP) Committee
Associate Membership Committee

Newly adopted standards are published annually in the various Handbooks listed below and become available for adoption and enforcement by your state or local weights and measures authority the following January 1st.

NIST Handbook 44 - Specifications and Tolerances for Weighing and Measuring Devices,

NIST Handbook 130 - Uniform Laws and Regulations in the area of legal metrology and engine fuel quality, and

NIST Handbook 133 - Checking the Net Contents of Packaged Goods

Temperature Compensation

For many years, the issue of temperature compensation as it relates to petroleum products has been discussed and debated in the weights and measures community and at the National Conference on Weights and Measures.

The issue of how to standardize the sale goes back in history to the early 1900's when Standard Oil Trust funded the American Petroleum Institute working with the then National Bureau of Standards to set the size standard gallon of petroleum product. This study was conducted at the time for the purpose of inventory control for the petroleum industry. The study was conducted between 1912 and 1917 and in conjunction with an agreement with Great Britain the standard was set at 231 Cubic inches at an ambient temperature of 60 degrees.

From that time on Temperature Compensation has been used by the petroleum industry to adjust the delivery of petroleum products at the wholesale level. The question of whether this adjustment should or could be made at the retail level has been debated at the National Conference on Weights and Measures for years.

In 1974 The 59th Conference had a detailed proposal to allow permissive temperature compensation at the retail level proposed by the State of Hawaii a very heated discussion took place, remarkably similar to the debate currently facing the conference. The primary difference in the arguments pro and con today is the availability of equipment that would make it possible. The equipment exists today but would add cost to the petroleum industry. In 1974 the motion was defeated but the issue continues to be discussed and over the last 7 years has evolved into what the Conference is debating today.

What the conference is debating is a proposal that would be a model law for the States to consider adopting that would allow permissive Temperature Compensation at the retail level. The proposal would detail if Automatic Temperature Compensation is used how it would be used in order to prevent the facilitation of fraud. This proposal is currently a

voting item scheduled to be further debated and could be voted in July of this year at our Annual meeting in Utah.

As Chairman of the Conference I am not here today to take a position one way or another on the issue, as the Conference has not as yet voted on the current proposal before the membership. I have, however, called for and established a steering committee within the Conference to continue the technical issues surrounding this issue, as I believe this work will need to be done regardless of the vote in July.

For your information I have attached a copy of the Temperature Compensation proposal before the Conference including the comments that have been made relative to it for your review.

Conclusion

I thank you for the opportunity to testify before you today. I would be happy to answer any questions the Subcommittee might have about the Conference or the general debate about this issue.

Details of all Items
(In order by Reference Key Number)

232 METHOD OF SALE REGULATION**232-1 Temperature Compensation for Petroleum Products**

See page 7 for the latest discussions and alternative recommendations on temperature compensation which came out of the 2006 meetings of several of the regional weights and measures associations.

Source: Southern Weights and Measures Association (SWMA). (See Item 232-4 in the Report of the 90th NCWM Annual Meeting in 2005.)

Recommendation: Amend the Method of Sale Regulation in Handbook 130 by adding the following:

2.XX. Refined Petroleum Products

2.XX.A. -- Where not in conflict with other statutes or regulations, refined petroleum products delivered through: (1) vehicle tank meters, (2) stationary meters with flow rates of 115 L (30 gal) or more per minute, and (3) loading rack meters may be sold with the volume adjusted to compensate for temperature. When petroleum products are sold temperature compensated:

- (a) All sales shall be in terms of liters or U.S. gallons at 15 °C (60 °F);
- (b) The temperature compensation shall be accomplished through automatic means;
- (c) The primary indicating elements, recording elements, and all recorded representations (receipts, invoices, bills of lading, etc.) shall be clearly and conspicuously marked to show that the volume delivered has been adjusted to the volume at 15 °C (60 °F);
- (d) For vehicle tank meters, all sales by the same person or company for the same metering application within the same state shall be sold temperature compensated in 12-month increments. For example, a company may not choose to operate some vehicle tank meters with automatic temperature compensators and others without. Nor may a company choose to engage the automatic temperature compensator on a device only during certain times of the year.
- (e) For stationary meters with flow rates of 115 L (30 gal) or more per minute, all sales by the same person or company for the same metering application at the same location shall be sold temperature compensated in 12-month increments. For example, a company may not choose to operate some stationary meters with automatic temperature compensators and others without. Nor may a company choose to engage the automatic temperature compensator on a device only during certain times of the year.
- (f) For loading rack meters, except for contract sales all sales by the same person or company for the same metering application at the same location shall be sold temperature compensated in 12-month increments. Contract sales may have the method of sale specified within the terms of the contract, but whichever method of sale is selected shall be implemented in 12-month increments. For example, a company may not choose to engage the automatic temperature compensator on a device only during certain times of the year.

2.XX.B. -- Where not in conflict with other statutes or regulations, petroleum products delivered through meters other than those specified in Section 2.XX.A. shall be sold without the volume adjusted to compensate for temperature.

Note 1: As defined in the Handbook 130 Engine Fuels, Petroleum Products, and Automotive Lubricants Inspection Law, refined petroleum products are products obtained from distilling and processing of petroleum (crude oil), unfinished oils, recycled oils, natural gas liquids, refinery blend stocks, and other miscellaneous hydrocarbon compounds.

Note 2: Paragraphs 2.XX.A.(d) and (e) shall only be effective as long as temperature-compensated sales remain permissive in at least some relevant applications. If temperature compensation becomes mandatory for all relevant applications, then these paragraphs shall be removed.

Background: Selling fuel adjusted to the volume at 15 °C (60 °F) throughout the distribution system is the most equitable way fuel can be sold without the buyer or seller gaining a competitive advantage.

This item is considered in conjunction with a temperature compensation item that is before the Specifications and Tolerances (S&T) Committee, Item 331-1, although the S&T Committee's item is limited to vehicle-tank meters.

A similar proposal was made by the Northeast Weights and Measures Association (NEWMA) in 2000. NEWMA noted that Pennsylvania, New Hampshire, Maine, and Canada permit temperature compensation in sales of products like home heating fuel and retail gasoline. In 2001 the Committee withdrew this item after hearing testimony from several jurisdictions that opposed it.

The Committee has heard numerous comments in support of, and a few comments in opposition to, temperature-compensated sales of petroleum fuels. While most comments generally supported temperature-compensated sales, the Committee received comments from a couple of jurisdictions that were concerned about the additional inspection time and resources that will be needed to test devices equipped with temperature compensators.

Among the comments received in support of temperature-compensated sales, there was a fair amount of disagreement about how this should be accomplished. Most of the discussion fell into one of three broad categories: (1) If temperature-compensated sales are allowed, what should they look like? (2) In which metering applications should temperature-compensated sales be allowed? (3) Should temperature-compensated sales be permissive or mandatory?

What should temperature-compensated sales look like?

The Committee heard from the Western Weights and Measures Association (WWMA), the Central Weights and Measures Association (CWMA), and the Southern Weights and Measures Association (SWMA) that temperature-compensated sales needed to have certain parameters established so that all sales conducted in this manner are comparable. All three regions agreed that (1) temperature-compensated sales should be adjusted to the volume at 15 °C (60 °F), (2) temperature compensation should be accomplished through automatic means, (3) indicating and recording elements and all written representations should indicate that the volume delivered is temperature compensated, and (4) all sales by the same person/company for the same metering application within the same jurisdiction must be sold either compensated or uncompensated for full calendar years.

The Committee adopted these criteria into its recommendation.

In which metering applications should temperature-compensated sales be allowed?

The Committee heard from WWMA and SWMA that temperature-compensated sales should be allowed in all metering applications through meters with flow rates of 20 gal or more per minute. The flow rate of 20 gal per minute was selected because it was believed this would effectively allow temperature-compensated sales in all applications except for standard retail motor-fuel devices. Both regions thought that temperature-compensated sales should be prohibited through standard retail motor-fuel devices.

The Committee heard from CWMA that temperature-compensated sales should be limited to sales through vehicle tank meters, loading-rack meters, and retail motor-fuel devices used exclusively for fueling trucks in sales of 100 gal or more. CWMA was concerned that allowing temperature-compensated sales in all metering applications except standard retail motor-fuel devices was overly broad. CWMA was more comfortable with listing specific applications where temperature-compensated sales would be allowed and wanted it made clear that temperature-compensated sales would be prohibited through standard retail motor-fuel devices. CWMA submitted the following language for the Committee's consideration:

2.X.X. – Wholesale refined petroleum product sales, sales of diesel fuel for truck refueling, and bulk sales of refined petroleum products of 100 gal or more may be dispensed through a meter that automatically compensates for the temperature to represent a gallon as 231 in³ at 60 °F.

2.XX.1. – Implementation: Wholesalers and retailers that implement temperature compensation for wholesale sales, devices used exclusively for diesel fuel for truck refueling, or bulk sales of refined petroleum products of 100 gal or more shall implement this practice for all meters or dispensers at such locations.

2.XX.2. – Temperature-compensation disclosure: All meters or dispensers which employ temperature compensation shall be labeled on the meter or dispenser, and the printed representation must state that the volume represented has been corrected to 60 °F.

Note 1. Refined petroleum products are derived from crude oils through processes such as catalytic cracking and fractional distillation.

Note 2. Diesel fuel means a refined middle distillate suitable for use as a fuel in a compression-ignition engine (diesel) internal combustion engine.

The Committee's recommendation constitutes a compromise. The Committee agreed with CWMA that the most prudent approach to temperature-compensated sales was to limit them to specific metering applications where almost everyone would be comfortable with its use. The Committee preferred the approach of WWMA and SWMA when defining retail motor-fuel devices used exclusively for fueling trucks and opted to define these devices based upon the meter flow rate rather than the delivery quantity. The Committee selected a flow rate of 115 L (30 gal) to be consistent with the thresholds in the LMD code in Handbook 44. Section S.4.4. and Table T.2. of the LMD code that specify the minimum flow rate of large-capacity metering devices as 115 L (30 gal) per minute. Finally, the Committee included language in the recommendation that makes it clear that, where not expressly permitted, temperature-compensated sales are prohibited.

Should temperature-compensated sales be permissive or mandatory?

The Committee heard from WWMA and SWMA that temperature-compensated sales should be implemented on a permissive basis, but that future mandatory dates should be established. Those who support a mandatory requirement believe that in the long run a permissive requirement will cause confusion within the marketplace and hinder the consumer's ability to make value comparisons between companies that sell products compensated and those that don't. Particularly with regard to home heating fuel sales, jurisdictions are concerned customers will not be told if the price per gallon they are being quoted prior to the sale is compensated or uncompensated (even if it is disclosed on the invoice they receive after the delivery). In addition, even if consumers are informed that a product quote is for a temperature-compensated delivery, consumers won't know what it means and won't be able to make a meaningful comparison between quotes for compensated and uncompensated products. WWMA and SWMA recommended that future mandatory dates be established based on a reasonable timetable for each type of metering application that takes into consideration equipment replacement costs and existing device life-expectancy. NIST suggested, as an alternative, that mandatory dates for each type of metering application be established initially for new installations and that later dates be established for existing devices.

The Committee heard from CWMA that temperature-compensated sales should be implemented on a purely permissive basis. CWMA opposes the inclusion of any future mandatory dates at this time. CWMA believes that temperature-compensated sales should be market-driven and that suppliers will make sales on a temperature-compensated basis when consumers demand it and should not be required to do so before then. Many jurisdictions believe that the imposition of a mandatory requirement is too burdensome on the industry, requiring upgrades and possibly the replacement of many meters without adequate justification.

The Committee agreed that the inclusion of mandatory dates during the initial implementation of this item was too controversial and would elicit too much opposition. The Committee felt it was important to get some form of regulation regarding temperature-compensated sales of petroleum adopted into Handbook 130 and thought that as many barriers as possible should be removed in order to achieve this goal. Although the Committee's recommendation reflects a purely

permissive requirement for temperature-compensated sales, the Committee may be willing to consider establishing future mandatory dates if a need is demonstrated after this permissive regulation is implemented.

Finally, the Committee heard requests from the American Petroleum Institute (API) to: (1) recognize and permit different methods of sale at loading rack meters when such sales are under contract, and (2) prohibit temperature-compensated sales through stationary meters with flow rates of 115 L (30 gal) or more per minute. The Committee agreed with API's first request regarding contract sales, and included language in the loading rack meter paragraph (2.XX.A (f)) to permit the method of sale to be determined by contract when an active and valid contract is present. The Committee carefully considered and then decided against API's request to prohibit temperature-compensated sales through high-flow stationary meters. The Committee rejected this request because the idea behind implementing a permissive temperature compensation standard is to allow the marketplace to drive the implementation of such a standard. The Committee has heard strong support for temperature-compensated sales through high-flow stationary meters from the market segment that uses these meters. The Committee believes that with the support of a well educated and well defined end user, it is inconsistent with the idea of marketplace-driven implementation for the Committee to create a barrier to temperature-compensated sales in this limited, well-defined application. The Committee notes that since this is a permissive requirement, the decision of whether or not to sell petroleum products with the volume adjusted to compensate for temperature remains with the seller, and that the seller will not incur any additional expense or be required to upgrade their equipment unless they make the decision to change their current method of sale practices.

At its 2006 Annual Meeting the WWMA L&R Committee heard the following testimony from the American Petroleum Institute (API) regarding recent media publications concerning the lack of temperature compensation at retail fuel stations:

- API is opposed to temperature compensation at the retail level.
- The physics of petroleum products have not changed and should not be dealt with on a basis of energy content, as seems to be the issue in considering temperature compensation. A gallon sale should result in an actual gallon delivery, which is what consumers receive today. An example was discussed regarding the fact that ethanol does not provide energy equivalent to that of gasoline, raising the question (although not recommended) of whether further compensations should be made for that issue;
- Public concerns regarding volumes of fuel delivered in retail sales are misdirected at major oil companies which operate only approximately 10 % of all stations.
- API has taken no position on temperature compensation regarding Vehicle-Tank Meters

A meter user association representative testified that approximately 15 % of retail dispensers currently in use are mechanical and are unable to be retrofitted for temperature compensation. He stated that nearly all retail dispensers would need retrofitting and many older electronic dispensers could not be modified to perform automatic temperature compensation and cannot be interfaced with software to perform the adjustments. He suggested an estimate of \$4 billion to convert all retail fuel dispensers for ATC.

A meter manufacturer testified that a decision on this issue is needed, indicating that parameters must be defined and a decision to allow or disallow temperature compensation in retail fuel transactions is necessary for the industry to determine its directions on the matter. The manufacturer stated that his company is receiving increased calls from customers requesting the technology and mentioned two major manufacturers who currently have developed ATC devices. He recommended that the Committee pursue permissive, not mandatory, language in developing the model regulation. The manufacturer noted that previous attempts to submit ATC devices for type-approval have been rejected and, therefore, Certificates of Conformance cannot be obtained. In response to other testimony suggesting that implementation of temperature compensators would merely introduce another opportunity for consumers to allege that tampering with the compensators affects delivery volume, the manufacturer stated no knowledge of any such allegations from the public regarding any existing installations.

The meter manufacturer also commented that retail ATC technology is not in the field in the United States. He stated that conversions/retrofitting would be very difficult to do in the field given the numerous fluid plumbing connections and installation of electronic components that would be necessary. He stated that most existing fuel dispensing equipment has a lifespan of 10 to 12 years.

A state director requested information regarding states that currently prohibit temperature compensation. California responded that for transactions involving 5000 gal or more the purchaser may request temperature compensation. Idaho

responded that for transactions involving 8000 gal or more the purchaser has an option to buy, on a yearly basis, temperature-compensated product and that all terminal transactions are temperature-compensated. Arizona responded that any transactions involving more than 5000 gal must be compensated for temperature. A state director further commented that he had concerns regarding any "permissive" versus "mandatory" use of ATC. He believes the consumer is more concerned with the "perception" of fraud occurring through failure to compensate for temperature variations rather than the technical issues surrounding temperature compensation.

Another state director commented that many factors must be considered in addressing temperature compensation, including realization that field tests to verify functionality and accuracy will require greatly increased inspection time and significant additional costs to regulatory agencies. Additionally, factors such as the API table of properties of the respective petroleum products and expansion factors for provers of varying composition (materials) must be considered when testing ATC dispensers. Also, he stated that determinations of temperature changes between product at the meter thermometer well and that delivered into the vessel (prover) must be taken into account.

A county weights and measures director stated support for the item, stating that temperature compensation should be permitted only on a voluntary or permissive basis to allow for the marketplace to drive its implementation.

Two state directors testified in support of the item, as written. One stated that temperature-compensated transactions are the most accurate means to transact business and it is "our responsibility" to ensure accuracy.

WWMA supports the concept that sales based upon temperature compensation provide the most accurate and equitable transaction for both buyers and sellers. The Committee received testimony from members of industry and weights and measures officials in agreement with this opinion. While WWMA recommends that temperature compensation be permissible at all levels of petroleum sales, it also recognizes that a mandate for automatic temperature compensation technology in all petroleum sales within a short time period would present unreasonable costs to various levels of the petroleum industry. By making it permissive, market forces will dictate the implementation of this technology. Therefore, WWMA recommends the following:

Amend the Method of Sale Regulation in Handbook 130 by adding the following:

2.XX. Refined Petroleum Products

2.XX.A. Where not in conflict with other statutes or regulations, refined petroleum products delivered through any meter may be sold with the volume adjusted to compensate for temperature. When petroleum products are sold temperature-compensated:

- (a) All sales shall be in terms of liters or U.S. gallons at 15 °C (60 °F);**
- (b) The temperature compensation shall be accomplished through automatic means;**
- (c) The primary indicating elements, recording elements, and all recorded representations (receipts, invoices, bills of lading, etc.) shall be clearly and conspicuously marked to show that the volume delivered has been adjusted to the volume at 15 °C (60 °F);**
- (d) All sales by the same person or company for the same metering application within the same state shall be sold temperature compensated in 12-month increments. For example, a person or company may not choose to operate some meters at one location or meters at one location within a state with automatic temperature compensators and others without. Nor may a person or company choose to engage the automatic temperature compensator on a device only during certain times of the year.**

Note: As defined in Handbook 130 Engine Fuels, Petroleum Products, and Automotive Lubricants Inspection Law, refined petroleum products are products obtained from distilling and processing of petroleum (crude oil), unfinished oils, recycled oils, natural gas liquids, refinery blend stocks, and other miscellaneous hydrocarbon compounds.

At the 2006 CWMA Interim Meeting there was discussion regarding the Veeder Root report of underground tank temperatures nationwide. Additional data needs to be accumulated to verify the impact to consumers and marketers.

The market is requesting consideration of the temperature compensation method of sale for petroleum products. A representative from an equipment manufacturer commented that customers have requested the equipment for several years. It was recommended that the S&T Committee consider the Canadian regulations for temperature compensation.

API opposed the proposal at all levels in retail. It was noted by the API representative that 90 % of the service stations are owned by independent operators, not major oil companies. Other comments for opposition included the cost of converting pumps and additional time for regulatory officials to inspect.

The CWMA L&R Committee recommends support for the Western's Annual proposal with the permissive language as a voting item. The Committee agrees that temperature compensation is the more equitable method of sale and is currently predominantly utilized at every step of the distribution channel except for retail. Additionally, the Committee believes this proposal should not be restricted to only petroleum products but should also include alternative fuels such as E85, biodiesel and biodiesel blends.

SWMA at its 2006 Annual Meeting strongly encourages the NCWM L&R and S&T Committees to separate the various temperature compensation metering applications as follows: Wholesale (loading rack), Vehicle-tank Meter, Stationary Meters with flow rates of 30 gpm or more (Truckstops), and Retail Motor-fuel Devices with a flow rate of 30 gpm.

Due to the lack of documented information on the economic impact of temperature compensation for both industry and consumer, SWMA does not support temperature compensation for dispensers with flow rates of less than 30 gpm.

232-2 Biodiesel and Fuel Ethanol Labeling

Source: Central Weights and Measures Association (CWMA)

Recommendation: Add the biodiesel and fuel ethanol labeling requirements that currently appear in Handbook 130 Engine Fuels, Petroleum Products, and Automotive Lubricants Regulation to the Method of Sale Regulation.

Add the following text to the Method of Sale Regulation in Handbook 130:

2.XX. Biodiesel.

2.XX.1. Identification of Product. – Biodiesel and biodiesel blends shall be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10; B20; B100)

2.XX.2. Labeling of Retail Dispensers Containing Between 5 % and 20 % Biodiesel. Each retail dispenser of biodiesel blend containing more than 5 % and up to and including 20 % biodiesel shall be labeled with either:

2.XX.2.1. The capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with 'biodiesel blend.' (Examples: B10 biodiesel blend; B20 biodiesel blend), or;

2.XX.2.2. The phrase 'biodiesel blend between 5 % and 20 %' or similar words.

2.XX.3. Labeling of Retail Dispensers Containing More Than 20 % Biodiesel. – Each retail dispenser of biodiesel or biodiesel blend containing more than 20 % biodiesel shall be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either 'biodiesel' or 'biodiesel blend.' (Examples: B100 Biodiesel; B60 Biodiesel Blend)