

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agro-Consumer Services Division of Weights and Measures

Suspension of Standard Fuel Specifications for Gasoline and Gasoline-Oxygenate Blends (LAC 7:XXXV.303)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 3:4608 and 4680, the Commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the attached regulations for the suspension of rules governing the sale of gasoline with greater than 9.0 psi Reid vapor pressure (RVP) and a minimum temperature for Vapor-to-Liquid ratio (V/L) equal to 20 of 116 degrees Fahrenheit or 47 degrees Centigrade (Class 3).

Procedural Note: This Emergency Rule supercedes and replaces a prior version of this Emergency Rule issued, filed, and distributed earlier today, as that version contained a substantive error.

On August 26, 2021, Governor John Bel Edwards declared a state of emergency in Louisiana in response to Tropical Storm Ida resulting in difficulty in the transportation of refined oil products and in providing an adequate supply of fuel to our state. The Commissioner of Agriculture and Forestry is granting a temporary emergency waiver so that summer CBOB, summer conventional gasoline (CG), winter CBOB, winter CB, winter RBOB, and winter RGF may be used in Louisiana as long as the BOB or gasoline does not have an RVP that exceeds 11.5 pounds per square inch (psi) after the addition of ethanol. Further, under this waiver, fuel manufacturers, distributors, resellers, terminal owners and operators, and carriers may commingle RBOB and CBOB, and RFG and CG, for the duration of this waiver. Furthermore, regulated parties may produce, sell, and distribute winter gasoline (including BOBs) with an RVP of no more than 11.5 psi after the addition of ethanol. This waiver is effective immediately and will continue to through the termination date of September 15, 2021.

After September 15, 2021, gasoline that does not meet the RFG requirements for Louisiana may not be introduced into terminal storage tanks from which gasoline has dispensed into trucks for distribution to retail outlets in Louisiana. However, any gasoline meeting the conditions for this waiver that had already been placed in the terminal storage tanks for distribution to retail and wholesale purchasers-consumers before the expiration date of this waiver may be distributed until the supply is depleted. Likewise, retailers and wholesaler purchasers-consumers in Louisiana may continue to sell or dispense gasoline after the above expiration date until their supplies are depleted. This emergency rule will rescind and replace any previous emergency rule that has not yet expired.

The Department of Agriculture and Forestry has adopted rules and regulations concerning the ASTM International Standards for gasoline Reid vapor pressure and temperatures at which certain gasoline classes have a V/L ratio that equals 20. A temporary suspension of these rules and regulations during this emergency is necessary to provide for an adequate supply of gasoline. Failure to suspend these rules and regulations creates an imminent peril to the public health, safety, and welfare of the citizens of this state.

This Emergency Rule shall become effective upon the signature of the Commissioner and shall remain effective through the termination date of September 15, 2021.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 3. Petroleum Products and Motor Fuels

Subchapter A. Standards

§303. Standard Fuel Specifications for Gasoline and Gasoline-Oxygenate Blends

A. - A.8. ...

9. The ASTM D4814, "Standard Specifications for Automotive Spark-Ignition Fuel" Seasonal volatility standards for all parishes in the state of Louisiana are hereby suspended to immediately allow the statewide use of gasoline with an RVP of 11.5 psi and a minimum temperature for a Vapor-to-Liquid ratio (V/L) equal to 20 of 116 degrees Fahrenheit or 47 degrees Centigrade (Class 3) through September 15, 2021.

10. The ASTM D4814, "Standard Specifications for Automotive Spark-Ignition Fuel" base gasoline and blending requirements are hereby suspended for all parishes in the state of Louisiana through September 15, 2021.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:29 (January 2005); amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2549 (December 2008); LR 47:

Mike Strain, DVM
Commissioner

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