



Advisory

To: Owners, Installers, Distributors and
Manufacturers of Verified Diesel
Emission Control Strategy (VDECS)

Number 379

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USE OF ALTERNATIVE DIESEL FUELS AND FUEL ADDITIVES IN ENGINES EQUIPPED WITH DIESEL EMISSION CONTROL STRATEGIES

Diesel emissions control strategies (DECS) are used to meet the best available control technology (BACT) requirements in regulations adopted to control diesel exhaust from fleets (Fleet Rules). The Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines (California Code of Regulations (CCR), title 13, section 2706 (e)) requires that the applicant for a DECS verification must specify the fuel and lubricating oil requirements necessary for proper functioning of the DECS. Based on the information provided, the Executive Officer approves which alternative diesel fuel and or fuel additives will be allowed for use with a particular DECS. All terms and conditions for DECS verification, including a list of all approved alternative diesel fuels and or fuel additives, are specified in the Executive Order (EO).

Use of any alternative diesel fuels and or fuel additives not specifically listed in the verification EO is illegal and strictly prohibited. Such operation with a verified DECS may adversely affect system performance or durability, and will affect end user warranty rights and protection. Operating with an unapproved alternative diesel fuel or fuel additive violates the EO, negates the DECS verification for that vehicle, and removes BACT compliance status with the Fleet Rules.

The Verification Procedure defines an alternative diesel fuel as:

“Any fuel used in diesel engines that is not commonly or commercially known, sold or represented as diesel fuel No. 1-D or No. 2-D, pursuant to the specifications in ASTM Standard Specification for Diesel Fuel Oils D975-81, and does not require engine or fuel system modifications for the engine to operate, although minor modifications (e.g. recalibration of the engine fuel control) may enhance performance. Examples of alternative diesel fuels include, but are not limited to, biodiesel, Fischer Tropsch fuels, and emulsions of water in diesel fuel. Natural gas is not an alternative diesel fuel”.

The Verification Procedure defines a fuel additive as:

“Any substance designed to be added to fuel or fuel systems or other engine-related systems such that it is present in-cylinder during combustion and has any of the following effects: decreased emissions, improved fuel economy, increased performance of the entire vehicle or one of its component parts, or any combination thereof; or assists diesel emission control strategies in decreasing emissions, or improving fuel economy or increasing performance of a vehicle or component part, or any combination thereof”.

In addition, under state law, it is illegal for any person to falsely advertise or otherwise claim that a fuel additive purports to achieve reductions in motor vehicle exhaust emissions unless such claims can be demonstrated to the Air Resources Board to be factual.

Non-Compliance:

Health and Safety Code, Section 39674 (a) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

Health and Safety Code, Section 39674 (b) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

Health and Safety Code, Section 43832. Investigation of advertising claims

The state board may request, from any person who advertises, or causes to be advertised, in any manner or claim that a fuel or fuel additive reduces motor vehicle exhaust emissions, a report detailing the data which supports the advertiser's claims of emission reduction by that fuel or fuel additive.

The state board may conduct, and may request the Department of Consumer Affairs to assist the state board in, such further investigation as may appear warranted under the circumstances.

If the state board, or the state board and Department of Consumer Affairs if the latter has assisted in the investigation, determines that the fuel or fuel additive is not substantially as effective as it is claimed to be in the advertisement for it, state board shall report the findings to Attorney General for what-ever action under the Business and Professions Code or other law the Attorney General finds appropriate.

The Air Resource Board (ARB) enforcement will immediately pursue complaints and cases against violators of the alternative diesel fuels and or fuel additives requirements (CCR, title 13, section 2706 (e)). In case the ARB is not able to reach a mutually agreed upon settlement with the violator, the case will be referred to the Attorney General for prosecution, as authorized by Health and Safety Code, Section 43832.

For further information about the Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines regulation, please visit our website at: <http://www.arb.ca.gov/diesel/verdev/verdev.htm> or contact Ms. Shawn Daley at (626) 575-6972 or sdaley@arb.ca.gov.

For questions regarding enforcement of the Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines regulation, please contact Mr. Tajinder Gill at (626) 459-4304 or tgill@arb.ca.gov.