

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 214.10, 214A.2 and 215.24, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 85, "Weights and Measures," Iowa Administrative Code.

The proposed amendments would eliminate the need for the labeling of biodiesel fuel containing 5 percent or less of biodiesel. The new labeling requirements for biodiesel are set out. Wholesalers selling ethanol blended gasoline or biodiesel fuel would be required to provide the exact volume of the ethanol or biodiesel on the sales slip or invoice.

Any interested persons may make written comments or suggestions on these proposed amendments on or before 4:30 p.m. on September 1, 2009. Written comments should be sent to Margaret Thomson, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319; or faxed to (515)281-6236. E-mail comments may be sent to [Margaret.Thomson@Iowagriculture.gov](mailto:Margaret.Thomson@Iowagriculture.gov).

No waiver provision is included in these proposed amendments. However, the Department's general waiver provisions, found at 21—Chapter 8, apply.

These amendments are intended to implement 2009 Iowa Acts, Senate File 478, sections 118 to 121. The following amendments are proposed.

ITEM 1. Adopt the following **new** paragraph **85.48(10)"e"**:

*e.* Biodiesel fuel containing 5 percent or less of biodiesel does not require the biodiesel label.

ITEM 2. Adopt the following **new** paragraph **85.48(10)"f"**:

*f.* Biodiesel fuel containing more than 5 percent but not more than 20 percent of renewable fuel must indicate on the label whether biodiesel or biomass-based diesel is the renewable fuel contained in the product. The label must also indicate that the fuel contains biodiesel or biomass-based diesel in quantities greater than 5 percent but not more than 20 percent. A specific blend percentage is not required.

ITEM 3. Adopt the following **new** paragraph **85.48(10)"g"**:

*g.* Biodiesel fuel containing more than 20 percent renewable fuel must indicate on the label whether biodiesel or biomass-based diesel is the renewable fuel contained in the product. The label must also reflect the specific percentage of biodiesel or biomass-based diesel in the product.

ITEM 4. Adopt the following **new** subrule 85.48(16):

**85.48(16)** Ethanol blended gasoline shall be designated E-xx where "xx" is the volume percent of ethanol in the ethanol gasoline. Ethanol blended gasoline formulated with a percentage of ethanol between 70 and 85 percent by volume shall be designated as E-85. Biodiesel fuel shall be designated as B-xx where "xx" is more than 20 percent renewable fuel by volume.

ITEM 5. Adopt the following **new** subrule 85.48(17):

**85.48(17)** A wholesale dealer selling ethanol blended gasoline or biodiesel fuel to a purchaser shall provide the purchaser with a statement indicating the actual volume present. The statement may be on the sales slip provided or a similar document such as a bill of lading or invoice. This statement shall include the specific amount of biodiesel, even if the amount of renewable fuel is 5 percent or less.