



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

Mr. Richard Moskowitz
American Trucking Associations
2200 Mill Road
Alexandria, VA 22314

JUN 5 2006

Dear Mr Moskowitz:

This is in response to the question you asked Don Kopinski over the phone on May 17, 2006. As I understand the issue, ATA members are seeking clarification of EPA requirements placed on owners of model year 2007 vehicles powered by model year 2006 heavy-duty diesel engines (not using sulfur-sensitive technology), with regard to fueling requirements.

An EPA technical amendment (70 FR 40433, July 13, 2005) modified the vehicle labeling requirement in 40 CFR 86.007-35(c) to make clear that the requirement to label vehicles "Ultra Low Sulfur Diesel Fuel Only" applies only to "vehicles powered by model year 2007 and later diesel-fueled engines". This action addressed a concern that the model year of heavy-duty engines may not match the model year of the vehicle. We agreed that the label should not require the use of USLD where the engine is a model year 2006 or earlier engine. Thus the vehicles in question need not include these labels. However, no change was made in the fuel pump labeling regulations at 40 CFR 80.570(b) requiring fuel pumps dispensing highway fuel subject to the 500 ppm sulfur standard be labeled "Federal law prohibits use in model year 2007 and later highway vehicles and engines", starting June 1, 2006, or to the improper fuel usage language in 40 CFR 80.610(e) prohibiting introduction of fuel not meeting ULSD requirements into model year 2007 and later diesel motor vehicles.

This correspondence serves to clarify that, although we encourage the use of ULSD wherever it is available, we interpret the reference to "model year 2007 vehicles" in our pump labeling and misfueling regulations as referring to those model year 2007 vehicles where either the vehicle or the engine is certified to the model year 2007 emissions standards. These provisions were added to minimize the possibility that 2007 vehicles using sulfur sensitive emission control systems would be fueled with 500 ppm diesel fuel. A majority of vehicles with engines certified to 2006 model year standards would not be using these sulfur sensitive emission control systems. Thus these regulations would permit the fueling of model year 2007 vehicles powered by model year 2006 certified heavy-duty diesel engines (excluding those engines that certified early to 2007 standards) with the 500 ppm maximum sulfur diesel fuel, as long as EPA has approved a certificate of conformity applicable to the engine. Vehicle manufacturers may

want to inform purchasers of such vehicles of this to help make sure the pump labels are interpreted correctly and to assure them that their vehicles will not be damaged by the 500 ppm maximum sulfur fuel.

Please feel free to contact David Dickinson at 202-343-9256 if you have any further questions related to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl Simon', with a stylized flourish at the end.

Karl Simon, Director
Certification and Innovative Strategies Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

JUN 15 2006

Mr. Jed Mandel
Engine Manufacturers Association
Two North LaSalle Street, Suite 2200
Chicago, IL 60602

Dear Mr Mandel:

This is in response to the question you asked Don Kopinski over the phone on May 17, 2006. As I understand the issue, EMA members are seeking clarification of EPA requirements placed on owners of model year 2007 vehicles powered by model year 2006 heavy-duty diesel engines (not using sulfur-sensitive technology), with regard to fueling requirements.

An EPA technical amendment (70 FR 40433, July 13, 2005) modified the vehicle labeling requirement in 40 CFR 86.007-35(c) to make clear that the requirement to label vehicles "Ultra Low Sulfur Diesel Fuel Only" applies only to "vehicles powered by model year 2007 and later diesel-fueled engines". This action addressed a concern that the model year of heavy-duty engines may not match the model year of the vehicle. We agreed that the label should not require the use of USLD where the engine is a model year 2006 or earlier engine. Thus the vehicles in question need not include these labels. However, no change was made in the fuel pump labeling regulations at 40 CFR 80.570(b) requiring fuel pumps dispensing highway fuel subject to the 500 ppm sulfur standard be labeled "Federal law prohibits use in model year 2007 and later highway vehicles and engines", starting June 1, 2006, or to the improper fuel usage language in 40 CFR 80.610(e) prohibiting introduction of fuel not meeting ULSD requirements into model year 2007 and later diesel motor vehicles.

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Karl Simon, Director
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