Oregon
Theodore R. Kulongoski, Governor

Department of Agriculture
635 Capitol Street NE
Salem, OR 97301-2532

September 2, 2005

RE: EPA Emergency Fuel Waiver Concerning Diesel Fuel and Gasoline, August 2005.

In a letter dated August 31, 2005, the United States Environmental Protection Agency (EPA) notified the governors of all 50 states, its territories, and the District of Columbia that it was temporarily waiving certain specific gasoline and diesel fuel standards to enhance the availability of motor fuels following the potential supply disruptions caused by Hurricane Katrina provided that regulated parties have taken "...all reasonable steps to distribute and sell on-hand inventories of gasoline and diesel fuel that would otherwise meet applicable Federal standards".

The Oregon Department of Agriculture, Measurement Standards Division, concurs with these EPA temporary waivers for both gasoline and diesel fuel provided the conditions specified by EPA that gasoline and diesel fuels meeting Federal standards are no longer available before using any fuel covered under this waiver.

In the EPA's letter, gasoline "summer" vapor pressure requirements usually end on September 15 of each year. To accommodate this temporary waiver, the letter continues, "In order to increase the supply of gasoline and minimize potential gasoline supply disruptions caused by Hurricane Katrina, EPA is waiving the requirement to sell summer gasoline, effective immediately, throughout all fifty states, its territories and the District of Columbia."

In addition, EPA's letter states, "In order to increase the supply of motor vehicle diesel fuel and minimize the potential supply disruptions caused by Hurricane Katrina, EPA will temporarily allow regulated parties to supply motor vehicle diesel fuel having a sulfur content greater than 500 ppm with visible evidence of red dye. This waiver is effective immediately throughout all fifty states, its territories and the District of Columbia and will continue through September 15, 2005. However, retail outlets or wholesale purchase-consumers that receive motor vehicle diesel fuel having a sulfur content greater than 500 ppm with visible evidence of red dye, under the terms of this waiver may continue selling or dispensing this fuel after September 15, 2005, until their supplies are depleted."

Once again, the Oregon Department of Agriculture, Measurement Standards Division, concurs with these EPA temporary waivers provided gasoline and diesel fuel that complies with Federal standards has been used and is no longer available.

If you have any questions about this, please do not hesitate to contact me directly at 503-986-4677. Also, additional information may be found on EPA's web site: http://www.epa.gov

Best regards,

Clark Cooney

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