



**Date:** September 23, 2008  
**To:** Instate B100 producers and importers  
**RE:** Permanent biofuel administrative rules adopted 7/21/08

If you are an instate producer of B100 or import B100 into Oregon for commercial use, this administrative rule has important information and testing requirements you need to be aware of. Following is an excerpt. A complete copy of the administrative rule is posted on our webpage at [oregon.gov/ODA/MSD](http://oregon.gov/ODA/MSD).

### Certificate of analysis requirements

#### **OAR 603-027-0420(8)**

Biodiesel; B100 Biodiesel and Biodiesel intended for blending with diesel fuel shall,

- (a) Meet the requirements of ASTM D 6751, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels";
- (b) Have a Certificate of Analysis for each batch or production lot produced in Oregon prior to blending with any diesel fuel sold or offered for sale in Oregon. Imported biodiesel shall have a Certificate of Analysis after entry into Oregon prior to blending, sale, or offer for sale in Oregon;
- (c) If biodiesel with a Certificate of Analysis does not comply with the specifications of ASTM International D 6751 when tested by the Department of Agriculture, then until the producer's Certificate of Analysis is verified and acceptable to the Department, the Department may require the producer of the biodiesel to test future productions by one of the following:
  - (A) An accredited motor fuel laboratory, or
  - (B) A non-accredited motor fuel laboratory that meets all of the following requirements:
    - (i) The laboratory facilities must house and allow proper operation of all required equipment in accordance with the applicable test procedures,
    - (ii) The laboratory must use personnel trained to perform and analyze ASTM International D 6751 biodiesel fuel tests and other required tests,
    - (iii) The laboratory must use testing equipment that has been calibrated or verified to meet the requirements of each ASTM International test procedure used,
    - (iv) The laboratory must participate in an ASTM International proficiency program or similar national proficiency program for at least three times per year with appropriate results, and
    - (v) The laboratory must maintain current documentation of personnel qualifications, equipment verification, and proficiency results for at least one year. These records shall be available for inspection and reproduction upon request by the Director.

#### **OAR 603-027-0420(9)**

Biodiesel Blends; Blends of biodiesel and diesel fuels shall meet the following requirements:

- (a) The base diesel fuel shall meet the requirements of ASTM D 975, Standard Specification for Diesel Fuel Oils; and

(b) The biodiesel blend stock shall meet:

- (A) The requirements of ASTM D 6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, and
- (B) The requirements in OAR 603-027-0420(8).

(c) Exception; Biodiesel may be blended with diesel fuel whose sulfur, lubricity, or aromatic levels are outside specification ASTM D 975, Standard Specification for Diesel Fuel Oils, grades 1-D S15, 1-D S500, 2-D S15, or 2-D S500 provided the finished mixture meets pertinent national and local specifications and requirements for these properties.

**OAR 603-027-0420(10)**

Other Renewable Diesel shall meet its established ASTM International standard, be approved by the United States Environmental Protection Agency, and comply with specifications of the National Conference on Weights and Measures.

**Record keeping requirements**

**OAR 603-027-0430(1)**

- (C) Each biodiesel or other renewable diesel producer, each operator of a biodiesel bulk facility and each person who imports biodiesel or other renewable diesel into Oregon for sale in this state shall keep, on a monthly basis for at least one year, at the person's registered place of business the certificate of analysis for each batch or production lot of biodiesel or other renewable diesel sold or delivered in Oregon.
- (D) Each biodiesel producer in Oregon shall keep, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the producer's name, location address, date, and quantity of biodiesel production and sales from base feedstock grown or produced in Oregon, Washington, Idaho, and Montana. This documentation shall be completed on a form provided by the Department of Agriculture and mailed on a quarterly basis to the Department in Salem, Oregon.
- (E) All retail dealers, nonretail dealers, and wholesale dealers in Oregon are required to provide, upon request of the Department, evidence of a certificate of analysis for the biodiesel received.

**OAR 603-027-0450(3)** The Director of Agriculture, or the Director's authorized agent, upon reasonable oral or written notice, may make such examinations of books, papers, records, and equipment the Director requires to be kept by a biodiesel or other renewable diesel producer, facility operator or importer as may be necessary to carry out the duties of the Director under OAR 603-027-0420 and OAR 603-027-0430.

**State testing of B100 requirements**

**OAR 603-027-0450(4)** The Director or the Director's authorized agent, may obtain up to eight times per calendar year, at no cost to the Department, representative samples of biodiesel from any producer, bulk facility, business, or other establishment that sells, offers for sale, distributes, transports, hauls, delivers, or store biodiesel. The entire cost of transporting and testing of the samples shall be the responsibility of and invoiced directly to the business from which the sample was obtained. Any additional biodiesel testing beyond this specific requirement at the request of the Director shall be paid for by the Department of Agriculture.

If you have questions regarding this matter, please feel free to contact the ODA Measurement Standards Division at 503-986-4670 or e-mail at [msd-info@oda.state.or.us](mailto:msd-info@oda.state.or.us).

Regards,  
Russ Wyckoff  
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Measurement Standards Division