

June 2, 2010

**To: Race Gas Customers, Dealers, and Distributors**

**Re: New CARB regulations pertaining to Race Fuel sales in California**

Please be advised that the California Air Resources Board (CARB) has issued Advisory #397 (copy attached) concerning the supply, sales, and use of non-compliant gasoline used in Racing Vehicles in California. CARB considers any fuel that does not meet California Reformulated Gasoline (RFG) standards as non-compliant.

**CARB'S POSITION** is that non-compliant race fuel may **ONLY** be used in boats, airplanes, **OR** racing vehicles for testing, practice, or actual competition for and during a sanctioned racing event. CARB further defines what constitutes a "racing vehicle." In any other situation, "street legal" high octane CA RFG Race Fuels may still be used as an alternative.

**WHAT THIS MEANS TO YOU:**

- If you are a user of non-compliant race gas, you will be required to sign a document stating intended uses for the fuel.
- If you are a re-seller of non-compliant race gas, you will be required to sign a document stating you have been made aware of CARB Advisory #397 and you are expected to take "reasonable and prudent" precautions to ensure that non-compliant fuel is only sold for acceptable uses.

**The SoCo Group's POSITION:** We are working with CARB and other industry partners on this issue. However, at this time we believe we have no other option but to comply with CARB's position and strongly encourage our customers to do the same.

For more information or questions, please refer to CARB Advisory #397 (copy attached) or contact customer service at 800-394-7626.

Sincerely,

Dana Aldrich  
The SoCo Group Inc



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145 Vernon Way • El Cajon, CA 92020 • Tel: (800) 394-7626 • Fax: (619) 401-1828





# Advisory

To: Refiners, Blenders, Importers,  
Distributors, Retailers, and  
Users of Racing Fuel

Number 397

January 2010

## RACING FUEL

### SALES, SUPPLY, AND USE REQUIREMENTS

The purpose of this advisory is to inform refiners, blenders, importers, and distributors of racing fuel of the regulations and requirements concerning the supply, sales, and use of gasoline used in racing vehicles (referred to herein as “racing fuel” or “racing gasoline”) in California. This advisory applies only to motor vehicles. See the definition of “motor vehicle” below.

The California Reformulated Gasoline Regulations (RFG) found in Title 13 of the California Code of Regulations (CCR), Sections 2250-2273.5 require California gasoline sold, offered for sale, supplied or offered for supply as a motor vehicle fuel to meet certain and specific chemical content and physical property specifications, including, essentially, a zero lead (Pb) content requirement.

“Supply” means to provide or transfer a product to a physically separate facility, vehicle, or transportation system. Thus, any person in the marketing chain, including an end user / purchaser fueling his own vehicle, is supplying gasoline and is subject to the California RFG Regulations.

“Motor vehicle” is defined as a self-propelled vehicle in section 415 of the California Vehicle Code. Therefore, racing vehicles are by definition motor vehicles. Please note that boats and airplanes are not defined as motor vehicles.

“Racing vehicle” is defined as a competition vehicle not used on public highways. Further, if you can drive it to the track, it is not a racing vehicle. Racing vehicles are exempted from California Air Resources Board (CARB) vehicular air pollution control requirements in section 43001 of the California Health and Safety Code. Racing fuel (gasoline used in racing vehicles), however, is not exempt from the California RFG requirements except as provided in Section 2261(f) of the CCR.

Section 2261(f) specifically provides, in part, that sub-article 2 (Standards for Gasoline) and section 2253.4 (Lead/Phosphorus in Gasoline) “shall not apply to gasoline where the person selling, offering or supplying the gasoline demonstrates as an affirmative defense that the person has taken reasonably prudent precautions to assure that the gasoline is used only in racing vehicles.”

CARB considers gasoline (leaded or unleaded) used in racing vehicles for testing, practice, or actual competition for and during a sanctioned racing event to be exempt from the reformulated gasoline (RFG) specifications. Competition vehicles driven to a racing event on a public highway rather than being transported on a trailer or other carrier are not racing vehicles. Motor vehicles used for work, pleasure, or recreation, i.e. cars, trucks, 4X4's, motorcycles, dirt bikes, ATV's, dune buggies, sand rails, and other vehicles not strictly used for racing events, are not racing vehicles and gasoline used in these vehicles is not exempt from California RFG requirements. Therefore, it is illegal to sell, offer for sale, supply, and offer for supply *non-complying* racing fuel (leaded and unleaded) for motor vehicles in California except in competition racing vehicles.

Many refiners, blenders, and distributors of racing fuel sell and supply a “street legal” high octane unleaded gasoline (racing fuel) blend that complies with the specifications for California RFG. This complying racing

gasoline is readily available and is legal for use in all motor vehicles both on and off road. Retailers may sell this racing gasoline as complying California RFG.

Leaded and unleaded racing fuel that does not meet the California RFG specifications (*non-complying* racing gasoline) can only be sold, offered for sale, offered for supply, or supplied for use in true, competition racing vehicles. The retailer, i.e. service station, speed shop, auto parts store, fuel distributor, and race track fuel dispensing facility, etc., who is selling or supplying this *non-complying gasoline* must “take reasonable prudent precautions to assure that the gasoline will be used only in racing vehicles.” If the vehicle this fuel is to be used in is registered or licensed for on-road or off-road use, this usually indicates that non-complying racing fuel cannot be used in it and the sale or supply of the fuel should not take place. CARB will consider this and all other relevant circumstances to determine if “reasonable prudent precautions” were followed in any particular case. In evaluating whether “reasonable and prudent precautions” were followed, CARB will consider whether the retailer kept a record of each sale of *non-complying* racing gasoline and whether each sales record contains the following information:

- **Date of Fuel Purchase**
- **Name, Address, and Telephone Number of Purchaser / User**
- **Brand, Name, and Grade (octane rating) of Fuel Purchased**
- **Type or Description of Vehicle(s) to be Fueled**
- **Is the vehicle(s) to be fueled registered or licensed for on-road use?**
- **Is the vehicle(s) to be fueled registered or licensed for off-road use?**
- **License Number and VIN, if any, of Vehicle(s) to be Fueled**
- **Name of Sanctioned Racing Event**
- **Date of Event**
- **Name of Racing Association or Sanctioning Body**
- **Racing Association or Sanctioning Body Membership ID Number**
- **Signature under penalty of perjury that the gasoline will be used only in the above racing vehicle(s) for the above sanctioned racing event**

Refiners, blenders, importers, and distributors must also take “reasonable prudent precautions” and prove that adequate steps have been taken to limit sales of *non-complying* racing fuel to racing vehicles, exclusively. CARB will consider, but is not limited to, the following to be reasonable prudent precautions: import notifications, production reporting, labeling, record keeping, distributor training, and providing customer education materials. The requirement to take reasonable prudent precautions applies to all shipments of *non-complying* racing fuel regardless of container size, i.e. railcars, cargo tanks, barrels, drums, cans, etc. Specifically for importers and in-state refiners and blenders, in addition to the above, reasonable prudent precautions should include notification to CARB of the import shipment or in-state production, and labeling of each batch and container of *non-complying* racing gasoline. Refiners, blenders, importers, and distributors may enter into an enforcement protocol with CARB or modify their existing protocol as appropriate.

Bulk containers, including but not limited to railcars, cargo tanks, barrels, drums, and cans, as well as bills of lading, delivery tickets, and invoices for all shipments of *non-complying* racing fuel offered or supplied for sale and use in California must be conspicuously labeled with the following:

**Legal For Use ONLY In Competition Racing Vehicles  
Not Legal For Use In Any Other Motor Vehicle**

Letters or statements included with shipping documents outlining the legal uses of the racing fuel, instructions sent to distributors and retailers concerning legal sales and use of racing fuel, or other specific steps outlined in a new or modified enforcement protocol with CARB Enforcement Division, are additional ways for refiners, blenders, importers, and distributors to comply with the taking “reasonable prudent precautions” requirement.

CARB will evaluate whether all of the information discussed in this Advisory #397 is included in the records. The absence of such records or records that lack the above information argue against “reasonable and prudent precautions” having been taken.

Note: There is some confusion concerning the terms “on road” and “off road” fuels. In California, there is NO such distinction for motor vehicle fuels. All motor vehicle fuel specifications apply to all fuel used in non-racing motor vehicles operated on or off road.

If you have any questions, please contact Frederick Schmidt at (916) 327-1522, or email [fschmidt@arb.ca.gov](mailto:fschmidt@arb.ca.gov).

James R. Ryden, Chief, Enforcement Division, California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812