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August 4, 2015

MEMORANDUM

TO: Petroleum Refiners, Marketers and Biodiesel Suppliers

FROM: David J. Turning, Assistant Division Director Petroleum

SUBJECT: Biodiesel Labeling Requirements

Below is an explanation of the biodiesel labeling requirements as stated in NMAC Rule: 19.15.110.10 DISPENSER LABELING.

1. **No label is required for biodiesel blends of 5 percent and lower.** Retailers are not required to disclose the presence of biodiesel at these low concentrations, provided they meet the specifications in ASTM D975.

A biodiesel blend up to 5 percent is still considered to be “Diesel” (ASTM D975). The dispensers need to refer to the product as such. If a retailer chooses to label these lower concentrations- ex. Contains up to 5 percent, then there must be greater than 0 percent up to 5 percent biodiesel present in the product. If a retailer calls the product B5 or labels the product as containing 5 percent biodiesel, there must be 5 percent biodiesel present in the product.

A retailer **will not be allowed** to use the terms “may or can” in the labeling of the product (ex: may contain up to 5 percent biodiesel).

2. For fuel containing more than 5 percent biodiesel and up to 20 percent, the text within the 16 CFR Part 306.12 label should display either:

   a. The capital letter B followed by a numeric representation of the percentage of biodiesel and then the term “biodiesel blend”- ex: **B20 Biodiesel Blend**, or

   b. The term “biodiesel blend” and directly underneath the text “contains biomass-based diesel or biodiesel in quantities between 5 and 20 percent.” (See Illustration 1).

   c. Along with the appropriate 16 CFR Part 306.12 label, the dispenser will need to be labeled as a “Biodiesel Blend” instead of “Diesel”.

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The exact percentage of biodiesel can be provided, but you are not required to do so on the dispenser product ID label or the 16 CFR Part 306.12 label. Ex: **Biodiesel Blend- contains biomass-based diesel or biodiesel in quantities between 5 and 20 percent** or **B10 Biodiesel Blend- contains biomass-based diesel or biodiesel in quantities between 5 and 20 percent.** (See Illustration 1 and 2).

If a retailer chooses to sell biodiesel in quantities between 5 percent and 20 percent, they are selling a “Biodiesel Blend” and this product must meet ASTM D7467 specifications- all dispenser labeling at the site must reflect this change and have dispensers labeled per #2 a or b and c of the above section.

Please visit our website at [www.nmda.nmsu.edu](http://www.nmda.nmsu.edu) to view NMAC 19.15.110.

<table>
<thead>
<tr>
<th>Fuel type</th>
<th>Blends of 5 percent or less</th>
<th>Blends of more than 5 but not more than 20 percent</th>
<th>Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biodiesel</td>
<td>No label required</td>
<td>Either “B-XX Biodiesel Blend” or “Biodiesel Blend”</td>
<td>Blue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>contains biomass-based diesel or biodiesel in quantities between 5 percent and 20 percent</td>
<td></td>
</tr>
<tr>
<td>Biomass-Based Diesel</td>
<td>No label required</td>
<td>Either “XX% Biomass-Based Diesel Blend” or “Biomass-Based Diesel Blend”</td>
<td>Orange</td>
</tr>
<tr>
<td></td>
<td></td>
<td>contains biomass-based diesel or biodiesel in quantities between 5 percent and 20 percent</td>
<td></td>
</tr>
</tbody>
</table>

**Illustration 1**

![B-20 Biodiesel Blend](image1)

![20% Biomass-Based Diesel Blend](image2)