



Enforcement Division

Advisory

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

Number 397

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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 gasoline”) in California. This advisory applies only to motor vehicles. This advisory does not apply to boats and airplanes.

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 a zero lead (Pb) content requirement.

Note that “Supply (defined in CCR Section 2260(a)(34) means to provide or transfer a product to a physically separate facility, vehicle, or transportation system.” Any person in the marketing chain, including an end user or purchaser fueling his own vehicle, is supplying gasoline and is subject to the California RFG Regulations.

“Racing vehicle (defined in CCR Section 2260(a)(29.5) means a vehicle that: (A) Is exclusively operated in conjunction with sanctioned racing events; (B) Exhibits racing features and modifications such that it is incapable of safe and practical street or highway use; (C) Is not licensed by the State of California Department of Motor Vehicles for operation on public streets or highways; and (D) Is never operated on public streets or highways.” 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 gasoline, 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”. Therefore, as long as reasonably prudent precautions have been taken, gasoline (leaded or unleaded) not certified as California RFG is legal for use only in racing vehicles operated in conjunction with sanctioned racing events, including testing, practice, and actual competition.

Competition motor vehicles driven to a racing event on a public highway rather than being transported on a trailer or other carrier are not racing vehicles as defined. Motor vehicles used, on or off-road, for work, pleasure, or recreation, i.e. cars, trucks, 4X4’s, motorcycles, dirt bikes, ATV’s, dune buggies, sand rails, and other vehicles are not racing vehicles as defined. It is illegal to sell, offer for sale, supply, and offer for supply racing gasoline that is not certified as California RFG for use in non-racing motor vehicles in California.

Many refiners, blenders, and distributors of racing gasoline sell and supply a “street legal” high octane unleaded gasoline blend that complies with the specifications for California RFG. This complying high octane unleaded gasoline is readily available and is legal for use in all motor vehicles both on and off road. Retailers may sell this high octane “racing” gasoline as complying California RFG.

Leaded and unleaded racing gasoline 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 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 non-complying racing 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 gasoline 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. It is suggested that 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 gasoline 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 may 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 gasoline 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 gasoline, instructions sent to distributors and retailers concerning legal sales and use of racing gasoline, 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 (Revised) 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.

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