

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION  
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)  
COVID-19 STATE OF EMERGENCY

Temporary Rule Waiver adopted by Paul R. Rodríguez, Acting Director, Division of Consumer Affairs

Date: March 30, 2020

Authority: N.J.S.A. App.A:9-45; Executive Order No. 103 (Murphy)(“EO 103”),

Effective Date: March 30, 2020

Expiration Date: May 1, 2020.

This is an emergency adoption of a temporary waiver of the ASTM fuel requirements under N.J.A.C. 13:47H-1.1.

Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes the Director of the Division of Consumer Affairs to waive, suspend, or modify rules, the enforcement of which would be detrimental to the public welfare. Additionally, pursuant to N.J.A.C. 13:45C-2.3(c), the Division of Consumer Affairs may waive or relax its regulatory requirements on its own initiative if the consequence of requiring strict compliance with the rules, or parts of the rules, in a particular instance, would lead to an unfair, burdensome or incongruous result, or would endanger the health, safety and welfare of the general public.

Pursuant to the authorities referenced in this waiver, the Office of Weights and Measures in the Division of Consumer affairs hereby waives certain requirements under N.J.A.C. 13:47H-1.1, concerning engine fuels and automotive lubricants. Specifically, N.J.A.C. 13:47H-1.1 provides that all engine fuels and automotive lubricants sold or offered for sale in New Jersey must comply with Uniform Engine Fuels and Automotive Lubricants Regulations contained in the National Institute of Standards and Technology (NIST) Handbook 130, 2020 edition on page 191, adopted by the National Conference on Weights and Measures, which are incorporated in the New Jersey Office of Weight and Measures rules by reference, as amended and supplemented. NIST Handbook 130, in turn, references and incorporates 1) the American Society for Testing and Materials International (ASTM) standards that establish vapor pressure and distillation class requirements for automotive fuel and 2) United States Environmental Protection Agency rules codified at 40 C.F.R. 80.27. These ASTM and EPA standards are seasonal and are adjusted through the year. Under these standards, automotive fuel that has a maximum Reid Vapor Pressure (RVP) of 15.0 pounds per square inch may be sold in the State of New Jersey until April 1, 2020.

The COVID-19 pandemic has resulted in reduced consumption of gasoline which, in turn, has resulted in a surplus of 15.0 RVP maximum automotive fuel. As a result, automotive gasoline

terminals report a large inventory of 15.0 RVP maximum automotive fuel that they must sell prior to stocking the 9.0 RVP maximum automotive fuel inventory that is arriving.

Therefore, in consideration that automotive gasoline terminals will not be able to diminish their supplies of 15.0 RVP maximum fuel by April 1, 2020, pursuant to the above-cited authority, with the approval of the Governor, and in consultation with the State Director of Emergency Management, I hereby waive, until May 1, 2020, N.J.A.C. 13:47H-1.1, to the extent necessary to permit automotive gasoline terminals to continue the sale of existing, on-hand, 15.0 RVP maximum automotive fuel inventory in order to clear tank storage capacity for incoming 9.0 RVP maximum automotive fuel.

I find that waiver of the rule above is necessary because enforcement of the existing requirements would be detrimental to the public welfare during this emergency.

---

Date: March 30, 2020



---

Paul R. Rodriguez  
Acting Director, Division of Consumer Affairs