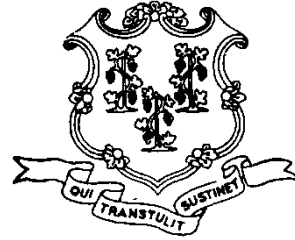


# Department of Consumer Protection



## Report to the General Assembly's Energy & Technology and Environment Committees pursuant to Conn. General Statutes Section 16a-21b (g).

**February 1, 2020**

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## **DEPARTMENT OF CONSUMER PROTECTION**

### **REPORT TO THE ENERGY & TECHNOLOGY AND ENVIRONMENT COMMITTEES BY THE COMMISSIONER REGARDING THE WORK OF THE DISTILLATE ADVISORY BOARD**

#### **I. Background**

This report is prepared and submitted pursuant to CGS Section 16a-21b(g), which requires the Commissioner of Consumer Protection in consultation with the Distillate Advisory Board to report on the progress of said board pursuant to the goals outlined in CGS Section 16a-21b.

#### **II. Legislative Mandate**

Section 16a-21b creates a Distillate Advisory Board with its members appointed by the Commissioner of Consumer Protection. The Board shall advise the Commissioner on industry and market progress in meeting goals and enabling compliance with biodiesel blends to be used in Connecticut pursuant to the levels specified in 16a-21b (b) (1), as follows:

16a-21b (b) (1) Subject to the provisions of subdivision (2) of this subsection and subsections (d) and (f) of this section, (A) not later than July 1, 2011, all heating oil sold in this state shall be a biodiesel blend containing not less than two per cent biodiesel, (B) not later than July 1, 2012, all heating oil sold in this state shall be a biodiesel blend containing not less than five per cent biodiesel, (C) not later than July 1, 2015, all heating oil sold in this state shall be a biodiesel blend containing not less than ten per cent biodiesel, (D) not later than July 1, 2017, all heating oil sold in this state shall be a biodiesel blend containing not less than fifteen per cent biodiesel, and (E) not later than July 1, 2020, all heating oil sold in this state shall be a biodiesel blend containing not less than twenty per cent biodiesel.

However, 16a-21b (b) (2) provides that the percentage levels set forth shall not take effect until our neighboring states have enacted substantially similar requirements in their laws:

(2) The provisions of subparagraphs (A) to (E), inclusive, of subdivision (1) of this subsection shall not take effect until the states of New York, Massachusetts and Rhode Island each have adopted requirements that are substantially similar to the provisions of subparagraphs (A) to (E), inclusive, of subdivision (1) of this subsection.

Therefore the legislation contemplates that the Distillate Board must determine if said neighboring states have enacted substantially similar legislation and then shall provide that information to the Commissioner.

### **III. Determination of the Board**

In recognition of the legislative mandate to determine if neighboring states have adopted substantially similar requirements regarding the mandated use of biodiesel fuel, Distillate Board Chairman James Vitali charged a representative of the Department to conduct a survey. Said representative, Frank Greene, Director of DCP's Food & Standards Division did conduct such survey. Director Greene contacted appropriate representatives from New York, Massachusetts and Rhode Island to determine their applicable laws & regulations. Findings are indicated below:

#### **New York**

Director Greene contacted, David Barnes, P.E. of NYS DEC on January 27, 2020. Mr. Barnes confirmed that at this time there is no statewide requirement for blending biodiesel into heating oil fuel. New York State Senate Bill S5422A, (<https://www.nysenate.gov/legislation/bills/2017/s5422/amendment/a>) was signed by New York Gov. Andrew Cuomo. The bill requires Nassau, Suffolk, and Westchester counties to follow New York City's lead by blending at least 5 percent biodiesel (B5) into all home heating oil sold by July 1, 2018.

#### **Massachusetts**

Director Greene contacted Renewable Energy at the Department of Energy Resources on January 27, 2020. In the past there was a requirement for blending, the requirement was been suspended due to concerns over cost. I am waiting for official confirmation but it is my understanding that the situation remains unchanged.

#### **Rhode Island**

The State of Rhode Island implemented a blending requirement in 2014.

#### **SUMMARY**

Based on the requirements in the CGS Sec. 16a-21b, all the states surrounding Connecticut must have biodiesel blending requirements before the requirements for blending go into effect in the State of Connecticut. At this time New York State has a partial blending requirement in place and Massachusetts continues to place a hold on implementation of their requirement.

As a result of the survey conducted by Director Greene, the Board has determined that the provisions of Section 16a-21b (b) (1) are not in effect due to the fact that the neighboring states have not adopted substantially similar requirements, as set forth in 16a-21b (b) (2).

### **IV. Conclusion**

The Distillate Advisory Board has met their legislative mandate to survey Connecticut's

neighboring states regarding their requirements for the use of biodiesel fuel, and has communicated with the Commissioner the results. The Board will continue to function, especially with regard to surveying any possible future changes to the biodiesel requirements of neighboring states. The Board will continue to consult with the Commissioner of Consumer Protection and annual reports will continue in accordance with statute.

The Department is grateful for the opportunity to carry on this work and to provide this report for the review of legislators and any interested parties. We would welcome your comments and questions and stand ready to be of assistance in this matter.

Questions about this report are welcome and may be directed to the Department of Consumer Protection in care of Frank Greene, Director of the Division of Food & Standards by email at [frank.greene@ct.gov](mailto:frank.greene@ct.gov) or by phone at 860.713.6168.

c. Distillate Board