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undertaking imposed by the refiner on such retailer designed to prevent such action, and despite reasonable efforts by the refiner (such as periodic sampling) to insure compliance with such contractual obligation, or

(v) That the violation was caused by the action of a distributor subject to a contract with the refiner for transportation of gasoline from a terminal to a distributor, retailer or wholesale purchaser-consumer, in violation of a contractual undertaking imposed by the refiner on such distributor designed to prevent such action, and despite reasonable efforts by the refiner (such as periodic sampling) to insure compliance with such contractual obligation, or

(vi) That the violation was caused by a distributor (such as a common carrier) not subject to a contract with the refiner but engaged by him for transportation of gasoline from a terminal to a distributor, retailer or wholesale purchaser-consumer, despite reasonable efforts by the refiner (such as specification or inspection of equipment) to prevent such action, or

(vii) That the violation occurred at a wholesale purchaser-consumer facility: *Provided, however,* That if such wholesale purchaser-consumer was supplied by a reseller, the refiner must demonstrate that the violation could not have been prevented by such reseller's compliance with a contractual undertaking imposed by the refiner on such reseller as provided in paragraph (b)(2)(iii) of this section.

(viii) In paragraphs (b)(2)(ii) through (vi) hereof, the term "was caused" means that the refiner must demonstrate by reasonably specific showings by direct or circumstantial evidence that the violation was caused or must have been caused by another.

(c) In any case in which a retailer or wholesale purchaser-consumer, a reseller, and any gasoline refiner would be in violation under paragraph (a)(1) of this section, the reseller shall not be deemed in violation if he can demonstrate that the violation was not caused by him or his employee or agent.

(d) In any case in which a retailer or wholesale purchaser-consumer and any gasoline distributor would be in viola-

tion under paragraph (a)(2) of this section, the distributor will not be deemed in violation if he can demonstrate that the violation was not caused by him or his employee or agent.

(e)(1) In any case in which a retailer or his employee or agent or a wholesale purchase-consumer or his employee or agent introduced gasoline other than unleaded gasoline into a motor vehicle which is equipped with a gasoline tank filler inlet designed for the introduction of unleaded gasoline, only the retailer or wholesale purchaser-consumer shall be deemed in violation.

(2) [Reserved]

(Secs. 211, 301 of the Clean Air Act, as amended (42 U.S.C. 1857f-6c, 1857g))

[38 FR 1255, Jan. 10, 1973, as amended at 39 FR 42360, Dec. 5, 1974; 39 FR 43284, Dec. 12, 1974; 42 FR 45307, Sept. 9, 1977; 61 FR 3837, Feb. 2, 1996]

§ 80.24 Controls applicable to motor vehicle manufacturers.

(a) [Reserved]

(b) The manufacturer of any motor vehicle equipped with an emission control device which the Administrator has determined will be significantly impaired by the use of gasoline other than unleaded gasoline shall manufacture such vehicle with each gasoline tank filler inlet having a restriction which prevents the insertion of a nozzle with a spout having a terminal end with an outside diameter of 0.930 inch (2.363 centimeters) or more and allows the insertion of a nozzle with a spout meeting the specifications of § 80.22(f)(2).

(c) A motorcycle, as defined at 40 CFR 86.402 for the applicable model year, is exempt from the requirements of paragraph (b) of this section.

[38 FR 26450, Sept. 21, 1973, as amended at 39 FR 34538, Sept. 26, 1974; 46 FR 50472, Oct. 13, 1981; 48 FR 29692, June 28, 1983; 51 FR 33731, Sept. 22, 1986; 61 FR 3838, Feb. 2, 1996; 61 FR 8221, Mar. 4, 1996; 61 FR 28766, June 6, 1996; 67 FR 36771, May 24, 2002]

§ 80.25 [Reserved]

§ 80.26 Confidentiality of information.

Information obtained by the Administrator or his representatives pursuant to this part shall be treated, in so far as its confidentiality is concerned,

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in accordance with the provisions of 40 CFR part 2.

[38 FR 33741, Dec. 6, 1973]

§ 80.27 Controls and prohibitions on gasoline volatility.

(a)(1) *Prohibited activities in 1991.* During the 1991 regulatory control periods, no refiner, importer, distributor, reseller, carrier, retailer or wholesale purchaser-consumer shall sell, offer for sale, dispense, supply, offer for supply, or transport gasoline whose Reid vapor pressure exceeds the applicable standard. As used in this section and § 80.28,

“applicable standard” means the standard listed in this paragraph for the geographical area and time period in which the gasoline is intended to be dispensed to motor vehicles or, if such area and time period cannot be determined, the standard listed in this paragraph that specifies the lowest Reid vapor pressure for the year in which the gasoline is being sampled. As used in this section and § 80.28, “regulatory control periods” mean June 1 to September 15 for retail outlets and wholesale purchaser-consumers and May 1 to September 15 for all other facilities.

APPLICABLE STANDARDS ¹

| State | May | June | July | Aug. | Sept. |
|---|------|------|------|------|-------|
| Alabama | 10.5 | 10.5 | 9.5 | 9.5 | 10.5 |
| Arizona: | | | | | |
| North of 34 degrees latitude and east of 111 degrees longitude | 9.5 | 9.0 | 9.0 | 9.5 | 9.5 |
| All areas except North of 34 degrees latitude and east of 111 degrees longitude | 9.5 | 9.0 | 9.0 | 9.0 | 9.5 |
| Arkansas | 10.5 | 10.5 | 9.5 | 9.5 | 10.5 |
| California: ² | | | | | |
| North Coast | 10.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| South Coast | 9.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| Southeast | 9.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| Interior | 9.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| Colorado | 10.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| Connecticut | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Delaware | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| District of Columbia | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Florida | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Georgia | 10.5 | 10.5 | 9.5 | 9.5 | 10.5 |
| Idaho | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Illinois: | | | | | |
| North of 40° Latitude | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| South of 40° Latitude | 10.5 | 10.5 | 9.5 | 9.5 | 10.5 |
| Indiana | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Iowa | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Kansas | 10.5 | 10.5 | 9.5 | 9.5 | 10.5 |
| Kentucky | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Louisiana | 10.5 | 10.5 | 9.5 | 9.5 | 10.5 |
| Maine | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Maryland | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Massachusetts | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Michigan | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Minnesota | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Mississippi | 10.5 | 10.5 | 9.5 | 9.5 | 10.5 |
| Missouri | 10.5 | 10.5 | 9.5 | 9.5 | 10.5 |
| Montana | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Nebraska | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Nevada: | | | | | |
| North of 38° Latitude | 10.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| South of 38° Latitude | 9.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| New Hampshire | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| New Jersey | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| New Mexico: | | | | | |
| North of 34° Latitude | 9.5 | 9.0 | 9.0 | 9.5 | 9.5 |
| South of 34° Latitude | 9.5 | 9.0 | 9.0 | 9.0 | 9.5 |
| New York | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| North Carolina | 10.5 | 10.5 | 9.5 | 9.5 | 10.5 |
| North Dakota | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Ohio | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| Oklahoma | 10.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| Oregon: | | | | | |
| East of 122° Longitude | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |
| West of 122° Longitude | 10.5 | 10.5 | 10.5 | 10.5 | 10.5 |