

Biodiesel Content of Heating Oil Sold in Vermont Fact Sheet

Introduction

On May 25, 2011 the Governor signed Act 47 which, among other things, mandates that all heating oil have a particular percentage of biodiesel content. The law requires biodiesel content to be phased in over time, and also includes specific language that rendered the mandate effective.

Section 585 of the Air Pollution Control Laws

10 V.S.A. §585(c) requires that heating oil have a certain biodiesel content by the effective dates prescribed in Act 47. For the purposes of the law, heating oil is defined as No. 2 distillate that can be used in residential, commercial and industrial heating applications. Biodiesel is defined as monoalkyl esters derived from plant or animal matter which meets EPA fuel standards established pursuant to Section 211 of the Clean Air Act and other industry standards.

The original phase-in dates (not currently in effect) and content percentages included in the law are as follows:

Phase-in Date	Biodiesel content of Heating Oil
July 1, 2012	At least 3% biodiesel
July 1, 2015	At least 5% biodiesel
July 1, 2016	At least 7% biodiesel

Actual Effective Date of the Mandate

While Section 585 does not include the additional detailed language in Section 21(d) of Act 47, the effective date in the Act outlines the series of events that must occur for the biodiesel mandate to legally go into effect in Vermont. Section 21(d) states that the mandate shall take effect on the later of the following:

1. By July 1, 2012, when Section 585 mandates that heating oil contain 3% biodiesel; or
2. The date on which the last of Vermont's surrounding states adopts a biodiesel mandate that is just as or more stringent than the requirements in Section 585.

By surrounding states, the law explains that Massachusetts, New Hampshire, and New York must all adopt similar or more stringent mandates before Vermont's may come into effect. The law also requires that the Vermont Attorney General make the determination that all the surrounding states' requirements are sufficient to trigger implementation of the mandate in Vermont.

Status of the Mandate

As of January 1, 2016 none of Vermont's surrounding states have adopted a biodiesel mandate. Therefore, heating oil in Vermont is currently not required to have any biodiesel content, regardless of the dates set forth in Section 585 of the Air Pollution Control Laws.