



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



Low sulphur gas oil for use in agricultural machinery

On foot of queries received by the *Irish Farmers Journal*, the Department of the Environment, Community and Local Government would like to take this opportunity to clarify a number of issues relating to the introduction of low sulphur gas oil (sometimes referred to as 'green diesel' or 'tractor diesel').

1. Legislation

The specifications for gas oil are regulated by the European Communities Act, 1972 (Environmental Specifications for Petrol, Diesel Fuels and Gas Oils for use by non-road mobile machinery, including inland waterway vessels, agricultural and forestry tractors, and recreational craft) Regulations 2011, S.I. 155 of 2011.

This legislation has been in effect from 31 March, 2011. The Regulations are available at www.irishstatutebook.ie.

2. Impact of the legislation

Only low sulphur gas oil can be supplied for use in non-road mobile machinery, which includes agricultural machinery. It is a breach of the legislation to supply high sulphur (1,000 parts per million) gas oil for this purpose. High sulphur gas oil can still be used for certain other purposes, such as heating or for marine use, though it should be noted that low sulphur gas oil is equally suitable for these applications.

There is an obligation on everybody in the supply chain, and in particular on the distributor and the farmer and/or professional agricultural contractor (PAC), to ensure that the appropriate fuel is supplied and used in agricultural machinery so that the law is upheld.

3. Enforcement

Officers of the Revenue Commissioners or the local authority have powers to enforce this legislation.

Penalties applicable for a breach of the Regulations provide, on summary conviction, for a fine of up to **€5,000 or imprisonment** for a term not exceeding 3 months, or both.

The Department of the Environment, Community and Local Government will commission a monitoring survey shortly on compliance with the Regulations. In tandem with this survey on compliance, the Office of Environmental Enforcement of the Environmental Protection Agency (EPA), in conjunction with local authorities, is making

preparations to sample fuel from gas oil suppliers and to take appropriate action, based on the results of the sampling process.

4. Biofuel content

Regulation 12(5) requires persons or companies distributing gas oils in the State to provide appropriate information to consumers concerning the biofuel content, if any, of gas oils intended for use by non-road mobile machinery.

Gas oil suppliers have advised the Department that the vast majority of low sulphur gas oil marketed in Ireland does not contain biofuel. Low sulphur gas oil is only likely to contain biofuel if 'road diesel' (which is already refined to the low sulphur specification) is being sold as a substitute product for low sulphur gas oil. Road diesel may contain up to 7% biofuel.

As per Regulation 12(5), if the gas oil does contain biofuel, the distributor must advise the consumer of this and provide appropriate information on the biofuel content.

5. Unfounded concern regarding clogging of filters in tanks / engines etc

The Department is unaware of any evidence to suggest any connection between the use of low sulphur gas oil and any clogging of filters in tanks or engines. The Department has been advised by the Irish Petroleum Industry Association that they have not received any such complaints with regard to the use of low sulphur gas oil.

Low sulphur gas oil has been in widespread use in farm machinery in the UK (where the fleet is similar to that in Ireland) since the introduction of similar regulations in mid-January, 2011. There are no reported cases of low sulphur gas oil causing any problems in that jurisdiction either.

Conclusion

Since 31 March 2011 it is an offence to supply high sulphur gas oil for use in agricultural machinery. Only low sulphur gas oil should be used and there is no evidence of any adverse effects to filters in tanks or engines. Low sulphur gas oil is also suitable for other applications (e.g. heating or marine), where storage restrictions permit only one grade of gas oil.

There is an obligation on everyone, and in particular on the distributor and the farmer or professional agricultural contractor (PAC), to ensure that the appropriate fuel is supplied and used in agricultural machinery so that the law is upheld.