

IRS Issues Guidance on Change to ASTM D6751 Specification

The Internal Revenue Service (IRS) has issued Notice 2008-110 pertaining to the biodiesel tax incentive and the cellulosic biofuel producers credit. Specifically, the notice provides guidance relating to the recent change in the ASTM D6751 biodiesel fuel specification.

Under current law, biodiesel must meet the fuel registration requirements of Section 211 of the Clean Air Act and ASTM D6751 biodiesel specification to qualify for the income tax and excise tax credits that comprise the biodiesel tax incentive.

On October 13, 2008, ASTM International published changes to the ASTM D6751 biodiesel specification, which included the addition of the cold soak filtration test to the ASTM D6751 specification.

Notice 2008-110 provides transitional rules to address this change to the specification. Specifically, the guidance reads as follows:

If a claim relates to production, sale, or use of biodiesel or a biodiesel mixture and the production, sale, or use occurs before April 1, 2009, a certification that the biodiesel covered by the claim meets the requirements of ASTM D6751 is valid if the biodiesel meets the requirements of ASTM D6751 as in effect either before or after the October 13, 2008, revision adding the cold soak filtration test for biodiesel. If a claim relates to production, sale, or use of biodiesel or a biodiesel mixture and the production, sale, or use occurs after April 1, 2009, a certification that the biodiesel covered by the claim meets the requirements of ASTM D6751 is valid only if the biodiesel satisfies the requirements of ASTM D6751 as in effect after the October 13, 2008, revision adding the cold soak filtration test for biodiesel.

I hope this information is helpful. If you have any additional questions or need more information, please do not hesitate to contact NBB's Washington, DC office.

With Best Regards,

Manning Feraci
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National Biodiesel Board