



January 19, 2012

Judy Cardin
Chairwoman, NCWM Laws and Regulations Committee
Wisconsin Dept. of Ag & Consumer Protection
PO Box 8911, 2811 Agriculture Drive
Madison, Wisconsin 53708

Lisa Warfield and David Sefcik
NIST
Office of Weights and Measures
1000 Bureau Drive Stop 2600
Gaithersburg, MD 20899-2600

Dear Chairwoman Cardin, Mrs. Warfield and Mr. Sefcik:

The undersigned organizations, representing thousands of small business petroleum marketers, truck stop operators and convenience store owners, would like to thank you for your efforts to address important issues relevant to our industry during the National Conference on Weights and Measures (NCWM) interim and annual meetings. We are writing you today to urge you to withdraw items 237-3 Section 3.1 Standardized Colors for Nozzles and 237-8 Section 4.3. Dispenser Filters from the NCWM Laws and Regulations Committee agenda. We believe that both items are not practical and could potentially lead to unintended consequences on our member companies and their customers.

237-3 Section 3.1 Standardized Colors for Nozzles

Preventing consumer misfueling is important to our member companies; however, 237-3 Section 3.1 Standardized Colors for Nozzles is unnecessary and outside the scope of the NCWM mission. Regulations are already in place requiring clear, conspicuous labeling for consumers, and there is no evidence that color coding will be any more effective in preventing misfueling. Fuel retailers go to great lengths with conspicuous labels and separate dispensers, in some cases, to ensure customers know what fuel they are dispensing. Adding measures designed to remove conscious decision-making on the part of the customer regarding their fuel choice is the incorrect precedent to set given the future availability of many different automotive fuels (i.e., ethanol blends, biodiesel blends, biobutanol, etc.) It is important that consumers remain engaged in the refueling process.

Furthermore, an additional precedent that this proposal sets is one where each fuel is assigned a specific color in order to “alert” consumers. There are not enough distinct colors to accommodate all the different types of fuel a marketer currently is selling or mandated to sell, such as ethanol blended fuels. Additionally, this precedent would eliminate the ability for uni-hose dispensers because these dispensers dispense multiple types of fuel from one nozzle.

Finally, our associations believe the NCWM is attempting to go beyond their scope of mission, which is the “development and implementation of uniform and equitable weights and measures standards.” Regulating nozzle size for the purpose of preventing misfueling has nothing to do with weights or measures standards in the opinion of the undersigned organizations.

237-8 Section 4.3. Dispenser Filters

Our associations also oppose item *237-8 Section 4.3. Dispenser Filters* which would mandate a 10 micron or smaller nominal pore-sized filter for diesel fuel dispensers. This change is unnecessary. The diesel engines on trucks are equipped with two or three filters, which are more than adequate in filtering out any impurities. As biodiesel blends continue to be more frequently used in the marketplace, smaller filters may also clog due to the fuel’s properties, especially in colder climates. In addition, a 10-micron filter will slow the fueling process by 50 percent or more. This additional time in refueling could be costly to the trucking industry. With federal regulations limiting the hours-of-service that commercial drivers can operate their trucks, saving time during fueling is critical. Any lost time resulting from a slower refueling process could increase waiting time in the fueling lanes at truck stops, resulting in traffic backups in the lanes, jeopardizing safety and increasing idling time.

Our associations agree with the Western and Southern Weights and Measures Regions’ position that item 237-8 be withdrawn from the agenda.

Sincerely,

American Petroleum Institute, API
NATSO, Representing America’s Travel Centers and Truckstops
NACS, The Association for Convenience and Fuel Retailing
Petroleum Marketers Association of America, PMAA
Society of Independent Gasoline Marketers of America, SIGMA