



Senate of Pennsylvania

December 9, 2008

TO: ALL SENATORS

FROM: Stewart J. Greenleaf

*Stewart*

*SB 138*

SUBJECT: Cosponsorship -- **Testing octane levels in gasoline**

I am reintroducing **Senate Bill 744** requiring the Department of Agriculture to conduct random testing of octane levels in gasoline.

Currently, the Agriculture Department is required to annually inspect gas pumps for accuracy. However, Pennsylvania law does not require the testing of octane levels to ensure that consumers are getting the octane rating for which they are paying. Pennsylvania is one of only three states that do not require testing of octane levels.

In January 2007 the Auditor General issued a report on a special performance audit of the Department of Agriculture's inspection of retail gas pumps in Pennsylvania. As part of the findings, the Auditor General suggested that the state should seriously consider random octane testing at stations across the state. The report stated that "While Weights and Measures inspectors are required to test and make sure calibrations are accurate on fuel pumps, they are not required to test the different levels of octane offered. Therefore, customers have no state government assurance they are getting the octane rating they pay for, an assurance that would be most significant to customers who choose gas with the highest octane."

The bill gives the Department of Agriculture investigative and regulatory authority to implement and enforce this law. By providing for random testing, costs can be controlled while the state would be providing a check on the trustworthiness of octane labeling. It will ensure that consumers are getting their money's worth.

A past study by Congress' General Accounting Office revealed mislabeling of 22% to 53% of the pumps tested in states without testing programs. In addition, in 1990 the Pennsylvania Association of Weights and Measures performed a random testing of octane levels throughout the state and found a failure rate of 17%. A 1997 survey of AAA members in Pennsylvania indicated that 84% of those members surveyed favored the establishment of a statewide quality control program to test gasoline.

The Pennsylvania AAA Federation supports legislation that provides for octane testing.

During the 2007-2008 legislative session, the House passed similar legislation (House Bill 684). The Senate Consumer Protection and Professional Licensure Committee reported House Bill 684 from committee but the bill was re-referred to the Senate Appropriations Committee where it remained for the rest of the session.

*If you would like to cosponsor this legislation, please contact Tyra Wallace of my office by calling (717) 787-6599 or e-mailing her at [twallace@pasen.gov](mailto:twallace@pasen.gov).*