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MEMO



Senate of Pennsylvania

January 14, 2011

TO: ALL SENATORS

FROM: Stewart J. Greenleaf *Stewart*

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

I am reintroducing **Senate Bill 138**, requiring the Department of Agriculture to conduct random testing of octane levels in gasoline.

Currently, the Department of Agriculture 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%, with 7 of the 40 tests failing by more than one-half octane number, suggesting that Pennsylvanians are paying millions of dollars for octane they do not receive. A 2009 survey of AAA members in Pennsylvania indicated that 83% of those members surveyed favored the establishment of a random annual statewide program to check the quality of gasoline.

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

During the 2009-2010 legislative session, Senate Bill 138 was favorably reported out of the Senate Consumer Protection and Professional Licensure Committee but was laid on the table in the Senate after receiving third consideration.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.