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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

AB 520: DATCP Fueling Facility Authority
Testimony of State Representative Joan Ballweg
Assembly Committee on Consumer Protection
January 5, 2016

Thank you, Chair Krug, and members of the Committee on Consumer Protection for holding this public hearing.

Since at least 2002, Wisconsin has required retail locations with unattended fueling (no employee on site) to maintain a telephone, or other approved means, available for the public to notify the fire department in case of emergency. The requirement to have emergency phones at gas stations came from a recommended rule from the National Fire Protection Association (NFPA) -- a non-governmental advocacy group -- that was adopted by the then Wisconsin Department of Commerce without consulting the industry. After adoption, it wasn't enforced for convenience stores that were open, with an inside phone available -- presumably because department staff felt it unnecessary and burdensome.

When the Department of Agriculture, Trade and Consumer Protection (DATCP) took over jurisdiction for regulation of underground storage tanks, their interpretation of this rule expanded the requirement to ALL retail facilities (that close for a period of hours) to have an outside phone.

Enforcement of this rule has drastically changed in recent months. The requirement itself reflects a time when phones were not readily available. In 2013, The Pew Research Center found that 91% of all adults had cell phones. Additionally, all gas stations have emergency "shut off" switches or buttons-- clearly visible to customers. Once these buttons are pushed a fire cannot spread to tanks, avoiding serious disaster. Therefore it makes sense that once the "shut off" button is pushed, drivers should exit the scene, and when at a place of safety, use a cell phone to contact emergency services.

We know of no other business that is required to have an emergency phone available to the public 24/7. The Wisconsin Petroleum Marketers & Convenience Store Association and DATCP have met to work on this issue, but department's interpretation of the rule requires enforcement. We feel the best way to change this burdensome requirement is to re-write the rules.

DATCP has agreed to wait to enforce their interpretation so we could address this through legislation. We have representatives from the Petroleum Marketers and business here to testify as well.

Thank you for your time, I'm happy to answer any questions.

AB 520: DATCP Fueling Facility Authority
Testimony of Troy Batzel and Erik Peterson of Kwik Trip, Inc.
Assembly Committee on Consumer Protection
January 5, 2016

Thank you, Chair Krug, and members of the Committee on Consumer Protection for holding this public hearing.

I'm here on behalf of Kwik Trip, we are headquartered in La Crosse, have 486 locations with fuel, 292 of which are in Wisconsin and we employ over 16,500 people company wide.

There are 2 basic reasons why we support this bill, first is how emergency phones could affect safety and second is cost.

In the event of a large spill or fire all sites are equipped with emergency shut off switches that are designed to de-energize all systems near the fueling operation. This would include the canopy, dispensers, submersible pumps etc... If a guest has a spill or fire they can quickly hit the emergency stop button and exit the scene. The concern regarding a call box or phone is in many cases it wouldn't allow them to exit the scene quickly if there was a fire as the guest would need to remain while making the call. We would rather they utilize cell phones from a distance rather than remaining nearby to make the call from a supplied device.

Since pay phones are no longer readily available, and have been removed from most sites, the options are wired call boxes or emergency cell phones. Buying control boxes and having an electrician wire these from the store out to the fueling operation could cost thousands of dollars per location. The cheaper option of using an emergency cell phone still has issues of on-going maintenance, cell coverage, and cost to inspect and replace batteries to ensure they will work when needed. And with any call device there is still the fact that we want to keep guests away from potential fires not keep them in it while using these devices.

Research has been done that shows approximately 91% of all Americans have a cell phone and in the age group of 44 and under it is closer to 97% and I am sure these numbers will continue to increase.



Wisconsin State Fire Chiefs' Association

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DATE: January 5, 2016
TO: Assembly Committee on Consumer Protection
FROM: Wisconsin State Fire Chiefs Association
RE: Oppose AB 520

The Wisconsin State Fire Chiefs Association (WSFCA) asks that you oppose AB 520. AB 520 will eliminate the requirement to have a communications device at fueling stations twenty four hours a day.

Currently fueling stations require an emergency shut-off and a communication device in order to contact the fire department when there is an emergency. When you remove the communications device you have eliminated the ability to call the fire department unless you have a cell phone but not everyone has a cell phone. The requirement to have a communications device at fueling stations allows anyone in the unfortunate situation of needing to call the fire department the ability to make that call.

The elimination of the 24 hour communications at fueling stations is not a good change. Please consider opposing AB 520.

If you have questions please Dave Bloom, Legislative Liaison, WSFCA at 608-444-3324 or at bloomd@town.madison.wi.us.