



Red Tags

BUREAU OF WEIGHTS & MEASURES

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RESOURCES

Weights and Measures Program

https://datcp.wi.gov/Pages/Programs_Services/WeightsAndMeasures.aspx

Fuel Quality Program

https://datcp.wi.gov/Pages/Programs_Services/FuelQuality.aspx

Storage Tanks Program

https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx

Wis. Admin. Code ATCP 92

http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/92

Wis. Admin. Code ATCP 93

http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93

Wis. Admin. Code ATCP 94

http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/94

Wis. Statute Ch 98

<http://docs.legis.wisconsin.gov/statutes/statutes/98>

Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) inspectors have the authority to prohibit the use of weighing devices and storage tank systems, and to prohibit the dispensing and delivery of liquid petroleum products, by securing a "red tag" to a component of the system. The red tag serves as a notice to owners, employees, and the public that the equipment or product has been rejected by the department. Red-tagged equipment cannot be used until it is brought back into compliance and approved by a state inspector. Only after a red tag is removed by a state inspector or other authorized agent may the use of the equipment or sale of the product resume.

There are three different bureau programs that issue red tags: Weights and Measures, Fuel Quality, and Storage Tanks.

Weights and Measures Program

DATCP's Weights and Measures team is responsible for regularly monitoring the accuracy and correctness of weighing and measuring devices and packaged commodities statewide to ensure that consumers are receiving their money's worth. Weights and measures devices include gas pumps, scales, liquid propane gas meters, price scanners, and vehicle tank meters.

A weights and measures device may be red tagged:

- If it is determined that the device is out of measurement tolerance and causing significant economic harm
- If the device is operating without a department-required license
- If use of the device poses a danger to life, safety or health
- If the device is operating in violation of Wis. Stat. chapter 98 or Wis. Admin. Code chapter ATCP 92

([Wis. Stat. § 98.05](#), & [Wis. Admin. Code § ATCP 92.09\(2\)](#))

Removing a Weights and Measures red tag:

Weights and Measures red tags can only be removed by a state inspector or a licensed Weights and Measures service company. ([Wis. Admin. Code § ATCP 92.24\(5\)](#))

- If a red tag is to be removed by a state inspector and the necessary corrections have been made to bring the red-tagged device back into compliance, contact the inspector to schedule a follow-up inspection. You can also check our website to find your assigned inspector's contact information: https://datcp.wi.gov/Pages/Programs_Services/WeightsAndMeasuresContacts.aspx. The inspector will return to reinspect the red-tagged device and will notify the device owner of the results of that reinspection.

- If a red tag is to be removed by a licensed Weights and Measures service company, that service company must ensure that necessary corrections have been made to bring the device back into compliance, and must notify the department of the corrections. Once the device is compliant with Wis. Admin. Code chapter ATCP 92 and Wis. Stat. chapter 98, the service company may remove the red tag and the device may be returned to use.

Fuel Quality Program

Weights and Measures inspectors collect fuel samples at gas stations, bulk plants, and terminals to test the fuel quality and octane rating in order to ensure fuel sold in Wisconsin meets national fuel standards. In addition, they check fuel tank water levels, proper blend ratios, and conduct fuel screenings during routine inspections at retail facilities.

Fuel dispensers may be red tagged or shut down:

- **Immediately**
Inspectors are authorized to immediately red tag fuel dispensers if the product fails to meet the standards of Wis. Admin. Code ch. ATCP 94 (including if fuel is misdelivered into a tank), or if the product poses a danger to life, safety or health.
- **After failure to maintain records**
Liquid fuel storage tank systems are subject to immediate shutdown if inventory, delivery, or manifest records either have been falsified or are not available for inspection within 24 hours after being requested by an inspector.
- **After other continued violations**
Storage tank systems containing liquid fuel products are subject to shut down if all of the following conditions are met:
 1. An order is issued with a specific compliance date and a period for compliance.
 2. The first reinspection made after the specified compliance date shows that compliance has not been achieved.
 3. A second compliance date is set with a period for compliance.
 4. Reinspection after the second compliance date shows that compliance is still not achieved.

[\(Wis. Admin. Code § ATCP 94.100\(8\)\)](#)

Removing a Fuel Quality red tag:

Fuel Quality red tags can only be removed by a state inspector or a registered service company with written authorization from the department. If a red-tagged component requires testing or servicing in order to achieve compliance, a Registered Tank Specialty Firm may request permission from the assigned inspector to temporarily remove the red tag. However, product may not be dispensed until it has been inspected and approved by a state inspector.

Once all the necessary steps have been taken to bring the product into compliance, contact the inspector to schedule a reinspection. You can also check our website to find your assigned inspector's contact information: https://datcp.wi.gov/Pages/Programs_Services/WeightsAndMeasuresContacts.aspx. The inspector will return to conduct a reinspection of the product and will notify the facility of the results of that reinspection. Only after the inspector removes the red tag may the product be sold.

Storage Tank Program

Weights and Measures Petroleum System inspectors are also responsible for enforcing Wis. Admin. Code ch. ATCP 93 - Flammable and Combustible Liquids. Inspections include aboveground and underground hazardous liquid storage tank system components such as leak detection, tank and piping integrity, tank permits and registration, product inventory records, corrosion protection, and overfill and spill protection.

Storage tank systems may be red tagged or shut down:

- Immediately
Department inspectors are authorized to immediately shut down equipment if it is determined that the equipment poses an immediate danger to life, safety or health. Examples include visual evidence of leakage of a regulated substance, immediate human exposure to a regulated substance in the environment, defective equipment resulting in release of a regulated substance, overfill prevention that is not functioning properly, or inadequate tank venting. In addition, tank systems without proof of financial responsibility will be red tagged.
- After continued violation
Inspectors may red tag equipment if compliance is not met within the required timeframe. Violations which are not subject to immediate red tag will be issued a 10-day order by the inspector, providing 10 calendar days for the equipment to be returned to compliance. If compliance is not met after the 10-day order, a 5-day order will be issued. If compliance is still not met after 5 days, the inspector will red tag the equipment.

(Wis. Admin. Code §§ [ATCP 93.115\(3\)\(a\)1.](#) & [ATCP 94.100\(8\)](#))

Removing a Storage Tank red tag:

Storage Tank red tags can only be removed by a state inspector or a registered service company with written authorization from the department. If a red-tagged component requires testing or servicing in order to achieve compliance, a Registered Tank Specialty Firm may request permission from the assigned inspector to temporarily remove the red tag. However, use of red-tagged equipment, or transfer of product into or out of that equipment, may not occur until it has been approved by a state inspector.

Once all the necessary steps have been taken to bring equipment or products into compliance, contact the inspector to schedule a reinspection. You can also check our website to find your assigned inspector's contact information: https://datcp.wi.gov/Pages/Programs_Services/WeightsAndMeasuresContacts.aspx. The inspector will return to conduct a reinspection of the equipment/product and will notify the facility of the results of that reinspection. Only after the inspector removes the red tag may the equipment resume operation.

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