



TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

Testimony on Senate Bill 392 Senate Committee on Agriculture, Small Business, and Tourism January 6th, 2016

Thank you members for allowing me to testify on Senate Bill 392 (SB 392) relating to DATCP authority regarding motor vehicle fueling facilities.

Very simply, this bill prohibits the Department of Agriculture, Trade and Consumer Protection from requiring a gas station to have a phone, or other means for contacting emergency services, available to the public.

Wisconsin has required, since around 2002, that retail locations with self-serve pumps must have a telephone, or other approved means, available to the public in case of emergency. This rule made sense before the prevalence of cell phones, however, it is now unnecessary.

Over time, all gas stations that close for a period of time were required to have a phone outside. Even gas stations that were closed with their pumps shut-off were required to provide an emergency phone. This does not increase safety, but it does increase costs to the business.

I think it is important to remember that gas stations already are required to have an emergency "shut off" button in case of emergency. In the case of a fire, these buttons prevent the fire from spreading to the larger gas tanks. If a fire did start, it would make the most sense for an individual to press the "shut off" button and immediately leave the scene. Once in a safe location, they could then use their cell phone to contact the fire department.

In short, requiring all gas stations to have an emergency phone available to the public has now become an unnecessary and burdensome expense.

I want to thank the committee for allowing me to testify and would ask for your support of Senate Bill 392.

Thank you.

Tom Tiffany
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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

SB 392: DATCP Fueling Facility Authority
Testimony of State Representative Joan Ballweg
Senate Committee on Agriculture, Small Business, and Tourism
January 6, 2016

Thank you, Chair Moulton, and members of the Committee on Agriculture, Small Business, and Tourism 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. As Co-Chair of the Joint Committee for Review of Administrative Rules, I greatly respect the department for recognizing their parameters. We feel the best way to change this burdensome requirement is to re-write the law.

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 to address the everyday and practical issues regarding this rule.

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



Wisconsin State Fire Chiefs' Association

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DATE: January 6, 2016
TO: Senate Committee on Agriculture, Small Business, and Tourism
FROM: Wisconsin State Fire Chiefs Association
RE: Oppose SB 392

The Wisconsin State Fire Chiefs Association (WSFCA) asks that you oppose SB 392. SB 392 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 SB 392.

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