



# CHRIS KAPENGA

WISCONSIN STATE SENATOR

## Testimony on Senate Bill 457

*Senate Committee on Government Operations, Technology, and Consumer Protection*  
December 14, 2017

Thank you Chairman Stroebel and committee members for hearing testimony today on Senate Bill 457. I also want to thank Representative Horlacher for leading on this issue in the Assembly.

Vehicles kept in seven counties of Southeastern Wisconsin are subject to emission testing: Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha. Emission testing is required for vehicles newer than model year 1996. All vehicles are required to be tested once they become four model years old, and then retested every two years.

This bill makes a simple change to the age of vehicles required to have an emissions test. It would only require vehicles 10 years old or newer to have an emissions test using the same schedule as is currently in law.

In an effort to curb air pollution in our urban areas, the regulatory framework passed down from the federal EPA has fostered a burden on vehicle owners. For example, vehicles would fail emissions test when any of its on-board diagnostics become faulty despite a vehicle's emissions falling within regulatory limits. This often requires costly repairs on a vehicle's electronics system just to pass an unrelated emissions test.

Also, air quality in Wisconsin is well within the limits specified by the EPA and the impact of this law will have no effect on those levels.

Thank you for conducting this public hearing and I respectfully look forward to your support in helping make Wisconsin more affordable for lower income individuals and families.



# CODY HORLACHER

STATE REPRESENTATIVE • 33<sup>RD</sup> ASSEMBLY DISTRICT

(608) 266-5715  
Toll-Free: (888) 529-0033  
Rep.Horlacher@legis.wi.gov

P.O. Box 8952  
Madison, WI 53708-8952

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Chairman Stroebel and Committee Members,

Under current law, vehicles kept in seven counties of Southeastern Wisconsin are subject to emission testing: Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha. Testing is required at change of ownership and at time of registration renewal.

Motorists receive notice of the emission-testing requirement after they have titled and registered the vehicle. Failure to complete the emission requirement within the required 45-day time period results in the suspension of the newly-purchased vehicle's registration.

Every other year, 1996 and newer vehicles must be inspected before their license plates can be renewed. These vehicles have on-board diagnostics that monitor a vehicle's engine and emission control system. A vehicle with any malfunctioning diagnostic component, even with clean emissions, fails the state emissions inspection. Recognizing that not all check engine light issues are related to emissions issues, this bill only subjects vehicles 10 years or newer to emissions testing.

Motor vehicle emission control measures are a major part of the national plan to control air pollution in our urban areas. Nationally, air quality levels have been the best on record since 1970. The air quality improvement is happening all while the U.S. population, gross domestic product, and vehicle miles traveled have increased. Current cars are almost 97% cleaner than 1970 models.

This legislation is a commonsense approach to reducing the overly burdensome federal regulation placed on citizens in Southeastern Wisconsin. This legislation addresses the concerns of many of my constituents who are frustrated by the time and money they have to expend every other year just to get to work, school, and church. We need to address this issue head on and work to provide assistance to those who are required to comply with this mandate.

Thank you for taking the time to hear my testimony today and I am available for any questions you may have.

## BUSINESS

# Reformulated gasoline is adding to pump price woes

Special fuel can add up to 25 cents a gallon

*By Lee Bergquist and Joe Taschler of the Journal Sentinel*

March 31, 2012

The cost of producing special environmentally friendly gasoline is pushing Milwaukee-area pump prices higher than ever.

Yet many experts say reformulated gas doesn't make as much difference to air quality as it has in the past.

Motorists in southeastern Wisconsin have been required to burn the specially formulated gas since 1995. It's been a controversial but potent weapon to reduce ground-level ozone pollution - or smog.

But the advantages of reformulated gas are disappearing as conventional gasoline and emissions-control equipment on cars and trucks have been upgraded over time. The combined result is that vehicles pollute less.

"The benefit is not as great - relative to conventional gasoline - because conventional gasoline has gotten a whole lot better," said Michael Leister, senior fuels policy adviser for Marathon Petroleum Corp. of Findlay, Ohio.

Motorists in this part of the state are being hit twice - by higher gasoline prices in general, and by the extra cost for the reformulated fuel.

Nationwide, the cost of a gallon of reformulated regular was \$4.076, compared with \$3.843 for conventional gasoline. That's a difference of 23.3 cents a gallon, according to the latest U.S. Energy Information Administration figures.

Milwaukee-area consumers are paying even more at the pump, with the price of gasoline hovering near all-time highs and far outpacing the rest of Wisconsin, where reformulated gas isn't required.

On Saturday, regular gas sold for an average of \$4.173 a gallon in metro Milwaukee. That's 22.6 cents higher than Green Bay and 35.3 cents higher than La Crosse, according to the AAA Daily Fuel Gauge, produced by the American Automobile Association, the Oil Price Information Service and Wright Express.

A driver filling up a Toyota Camry in Milwaukee is paying \$6.53 more than a motorist doing the same in La Crosse. The owner of a Chevrolet Silverado 2500 pickup, with a 36-gallon gas tank, is paying \$12.71 more than someone on the other side of state.

Since 1995, regular reformulated gasoline has cost an average of 10 cents more a gallon than conventional regular gasoline, according to a Journal Sentinel analysis of Energy Information Administration data.

The biggest price gap - about 25 cents a gallon or more - is often seen in spring and summer, the government data show.

The reason for the bigger difference this spring is largely due to refiners switching to a cleaner-burning summer blend of reformulated gas.

The switch requires refineries to blend in more costly pollution-fighting additives, and make other improvements to the fuel.

"The main thing in summer is you're trying to get it to burn cleaner and at the same time you're trying to get less of it to evaporate," said James Williams, an energy economist and Wausau native who owns

Arkansas-based WTRG Economics, an energy forecasting and data firm. "Evaporation is a big deal."

Summer-blended reformulated gas starts getting shipped to Milwaukee as early as February while refiners are still trying to satisfy winter demand. Spikes in the price of reformulated gas occur when refiners try to balance the demand for both fuels. By June 1, all gasoline sold in metro Milwaukee and other affected areas must be reformulated summer blends.

### **Smog Is Harmful**

Smog can cause respiratory problems for healthy people as well as at-risk groups such as children, the elderly and people with heart and lung problems. It is formed when heat and sunlight mix with nitrogen oxides and volatile organic compounds in the air from automobiles, factories and other sources.

It isn't clear how much reformulated gas is helping improve air quality. The U.S. Environmental Protection Agency has been looking into the issue for years, but has not yet released its findings.

What is clear is that - reformulated gas or not - air quality in this part of the state has improved steadily, and Department of Natural Resources data show that from 2008 to 2010, southeastern Wisconsin met federal ozone standards. The EPA has made a preliminary determination that the region is in compliance.

But that doesn't mean motorists in the region will be allowed to stop using higher-price reformulated gasoline.

That's because another, tougher ozone standard is looming.

Beyond that, the reformulated gas mandate for southeastern Wisconsin "is hard-wired into the Clean Air Act," said Joseph Hoch, a DNR air pollution administrator. "It would take an act of Congress to change it."

### **6 Counties Affected**

When reformulated gas was mandated by the Clean Air Act in 1990, the six counties of southeastern Wisconsin - Milwaukee, Waukesha, Ozaukee, Washington, Racine and Kenosha - were required to use it to reduce ozone levels. Today, reformulated gas is used in 17 states and the District of Columbia and represents about 30% of all gas sold nationwide, according to the EPA.

Public opposition pushed back the debut of reformulated gas for five years.

In late 1995, the Congressional Research Service reported that citizens in the Milwaukee area lodged several thousand complaints that ranged from worries over potential health threats to higher fuel prices, reduced fuel efficiency and potential damage to engines, especially small engines.

It also prompted calls in Congress and the Wisconsin Legislature to ban reformulated gas.

When the fuel arrived at the pump, "there was nothing that could touch it in terms of the benefits," said Bob Lopez, a DNR air policy analyst. "But the gap has narrowed."

In a statement, EPA spokeswoman Catherine C. Milbourn said: "Millions of people live in communities that don't meet federal air quality standards, breathing unacceptably dirty air. Our clean cars standards can cost-effectively help address the problem, making the air we breathe cleaner and saving consumers money at the pump."

DNR computer modeling shows that reformulated gasoline emits less pollution on a hot summer weekday compared to conventional gas. But the difference gets smaller over time.

One example is the reduction of volatile organic compounds. The DNR model shows that savings from reformulated gas was 10.8% in 2008 and will be 10.1% in 2012 and dip to 7.9% in 2022.

Aside from the fuel itself, other factors have played a significant role in attacking the ozone problem.

In 2004, federal regulations known as Tier 2 emission standards cut sulfur content in all gasoline. That virtually eliminated the difference between the two types of gasoline when it comes to emissions of smog-forming nitrogen oxides.

As part of the regulations, automobile companies agreed to design cleaner vehicles. The result: Starting with 2004 models, vehicles were 77% to 95% cleaner than vehicles built in 2003 or earlier, according to the EPA.

Another difference today is that most gasoline contains a 10% ethanol blend, which helps fuel burn more efficiently.

Separately, an array of state and federal regulations targeting industry has sharply curtailed pollution that contributes to smog. Former Gov. Jim Doyle told regulators in 2009 that the rules alone helped cut nitrogen oxide emissions by more than 70% since 1995.

The petroleum industry, while acknowledging that reformulated gas no longer offers the advantages that it once did, doesn't favor getting rid of the fuel.

*Ben Poston of the Journal Sentinel staff contributed to this report.*



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**About Lee Bergquist**

Lee Bergquist covers environmental issues and is author of "Second Wind: The Rise of the Ageless Athlete."

🐦 @leebergquist    ✉ lbergquist@journalsentin...    📞 414-224-2169

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**About Joe Taschler**

Joe Taschler covers aviation, the grocery industry and food production. He is also an assistant business editor, and has won state and national awards for business reporting and editing.

🐦 @JoeTaschler    ✉ jtaschler@journalsentinel.com    📞 414-224-2554

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WISCONSIN STATE SENATE

# Public Hearing

## Written Testimony

Christine Burr  
Name  
W1337 Cedar Ct.  
Street Address or Route Number  
Oostburg, WI 53070  
City/Zip Code

12-14-17  
Date  
Air Quality bills #457 and #466  
Subject

Organization (if applicable)

Registering: In Favor  Against

Protecting the citizens of Wisconsin from the dangers of polluted air is important and should be addressed even if it's difficult or unpopular to do so.

Prohibiting funding and use of air quality monitors because the air quality is poor but it's not Sheboygan County's fault is not going to protect us — it's giving legislators the ability to ignore the problem. We elected our state senators to solve problems, not to pass bills making it legal for them to ignore problems.