

July 2, 2020

Mr. David Woldseth
Policy Analyst, Division of Trade and Consumer Protection
Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
Madison WI 53718
Via email: DavidA.Woldseth@wisconsin.gov

Dear Mr. Woldseth,

Growth Energy is the world's largest association of biofuel producers, representing 103 U.S. plants that each year produce more than 8.6 billion gallons of cleaner-burning, renewable fuel; 95 businesses associated with the production process; and tens of thousands of biofuel supporters around the country. Together, we remain committed to bring better and more affordable choices at the fuel pump to consumers, help our country diversify our energy portfolio in order to grow more energy jobs, sustain family farms, and drive down the costs of transportation fuels for consumers.

We appreciate the opportunity to comment on the modifications proposed to the fuel regulations for the state. The change to the regulation to allow common hose fueling was an excellent step forward to recognize a nationwide industry practice. Growth Energy has reviewed these changes to Wisconsin statute Chapter ATCP94 entitled "Petroleum and Other Liquid Fuel Products" and we have a few helpful comments and questions.

- The preamble to the proposed modifications identifies the surrounding states motor fuel regulations as having a "base or blended" component. This is not an accurate depiction of the Illinois, Iowa, Michigan and Minnesota motor fuel regulations and we would be capable of providing the Department of summary of these regulations if that was of interest.
- While we are supportive of both Standards Developing Organizations: ASTM International and National Conference of Weights and Measures (NIST Handbook 130), we are concerned with the shift away from direct adoption of ASTM standards being replaced indirect adoption with reference to Handbook 130. Understanding the benefit to Wisconsin would be helpful.
- There are many new definitions added to ATCP 94.120 some of which are repeated in Handbook 130 and are not necessarily used in the text. An explanation of the intent of the large number and duplicative use of the terms would also be helpful.
 - Can the origin of the term "alternative liquid automotive fuel" be shared? This definition appears to similar to the Federal Trade Commission definition with purposeful modifications.

- One term that has been introduced without definition is “dissimilar fuel product.”
- The growth in ethanol use since the 1980s was due in part to the phase out of tetra-ethyl lead (lead) due to severe neurotoxicity which created a need for a new octane source. Especially in “racing gasoline” applications, the use of ethanol has increased exponentially; ethanol has replaced unhealthy and environmentally harmful octane additives. Is the Department promoting “lead” or “lead substitute” additives for this application? It’s concerning that only lead and lead substitute additives are singled out in ATCP 94.260.
 - Handbook 130, IV. Uniform Regulations, Section G. includes requirements for lead substitute additives in Section 2.1.5.
 - We would recommend that the Department require a health warning label for any leaded gasoline.

We also support the comments submitted by the Wisconsin Biofuels Association.

Today, 98 percent of all gasoline sold in the U.S. contains 10 percent ethanol, and E15 is now available at more than 2,000 retail locations in 30 states. Consumers have now driven more than 14 billion miles on E15, and retailers have conducted millions of transactions with this fuel. There have been no adverse reports of fuel quality experienced with E15 since first being approved 9 years ago. There are retailers making significant investments in Wisconsin to offer affordable cleaner fuels such as E15. The Department can take steps to support these local investments by including these legally approved fuels.

Growth Energy appreciates the opportunity to comment on the modifications to the fuel regulation for the state of Wisconsin. We are available to discuss these comments on the modifications at your convenience and would welcome an opportunity to update you on our efforts to advance ethanol blends.

Respectfully,



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