



**DAN FEYEN**

**STATE SENATOR**

18th Senate District  
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To: The Senate Committee on Economic Development, Commerce, and Trade  
From: Sen. Dan Feyen  
Re: Senate Bill 349

Mr. Vice Chair, members of the committee, thank you for holding this hearing today.

This legislation seeks to align Wisconsin law with federal law in its regulation of gas pumps.

Under current law gas pumps may not dispense fuel blends of more than 10% ethanol and less than 10% ethanol through the same hose and nozzle. This bill allows gas pumps to dispense blended fuels of more than 10% ethanol but not exceeding 15% ethanol through the same nozzle and hose as long as the gas station has one dedicated hose and nozzle that only dispenses a fuel blend of 10% ethanol or less. All E15 fuel dispensers must also have a label informing consumers about what vehicles can and cannot use E15.

From a consumer standpoint, this legislation offers more options. This bill requires a dedicated hose and nozzle that dispenses E10 or lower if the retailer chooses to move to a single hose pump configuration. This bill accommodates concerns regarding certain motors needing E10 or lower fuel by ensuring that each gas station that uses a one hose set up still has a dedicated pump that dispenses only E10 or lower fuel with clear signage denoting it. Additionally, this legislation allows the retailer to offer consumers a more price-competitive product

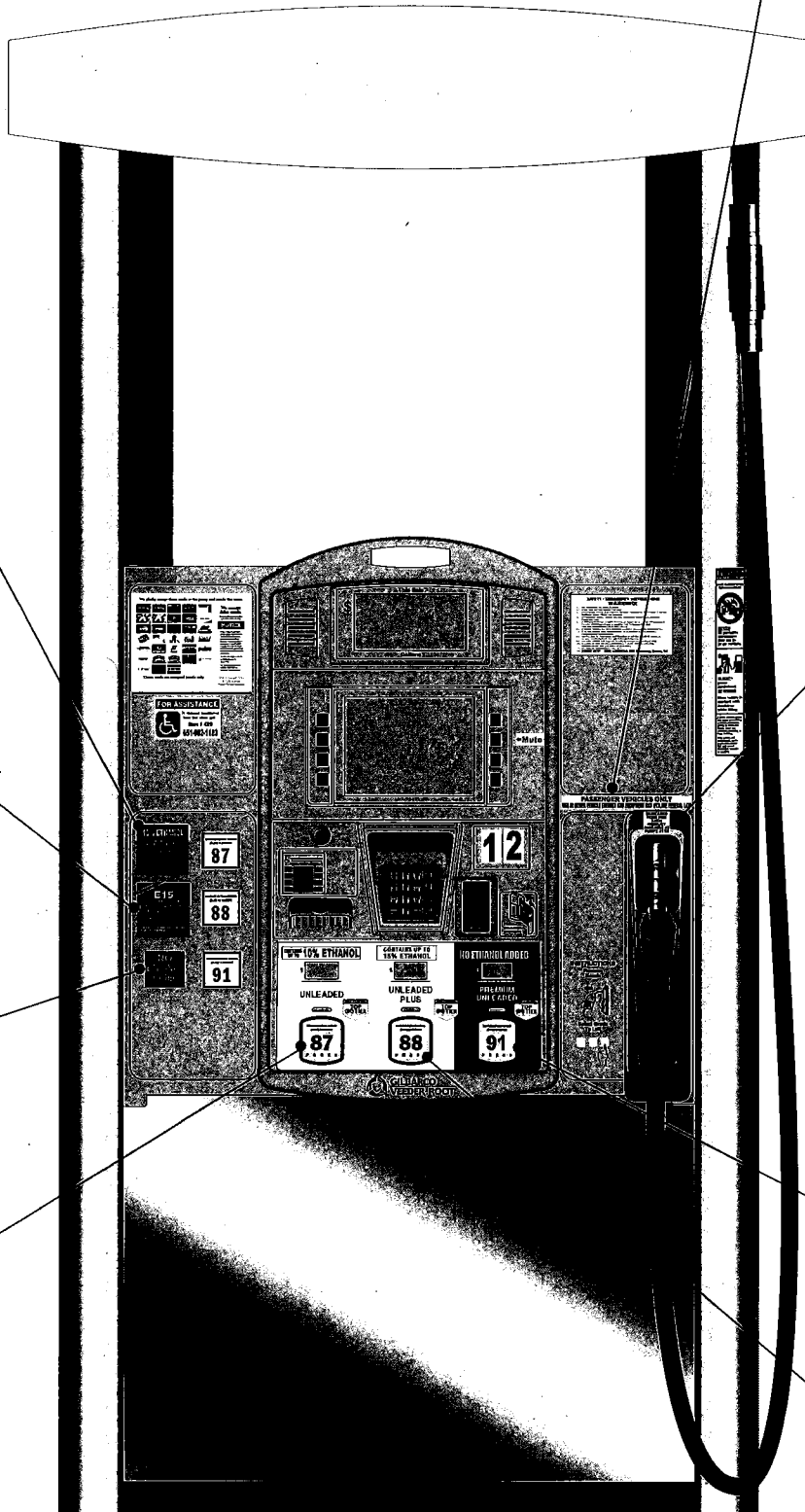
This is not a mandate – just an option that is compliant with federal guidelines. If a gas station does not want to change their current fuel pump set up, nothing in this bill requires them to make a change. This bill simply allows more options for gas stations who do want to update their equipment.

The proposal has been vetted by the Wisconsin Department of Agricultural and Consumer Protection and they have indicated to my office that they have no concerns with the language in the bill.

Thank you for your time today. I welcome any questions you may have.

Kwik Trip

**PASSENGER VEHICLES ONLY  
USE IN OTHER VEHICLE ENGINES AND EQUIPMENT MAY VIOLATE FEDERAL LAW**



10% ETHANOL  
CONTAINS UP TO  
10% ETHANOL  
Not safe for  
passenger vehicles.  
Use the correct product.  
Available at Kwik Trip  
stores only.

10% ETHANOL  
CONTAINS UP TO  
10% ETHANOL  
Not safe for  
passenger vehicles.  
Use the correct product.  
Available at Kwik Trip  
stores only.

**NO  
ETHANOL  
ADDED**

MINIMUM OCTANE RATING  
(R-40 METHOD)  
**87**

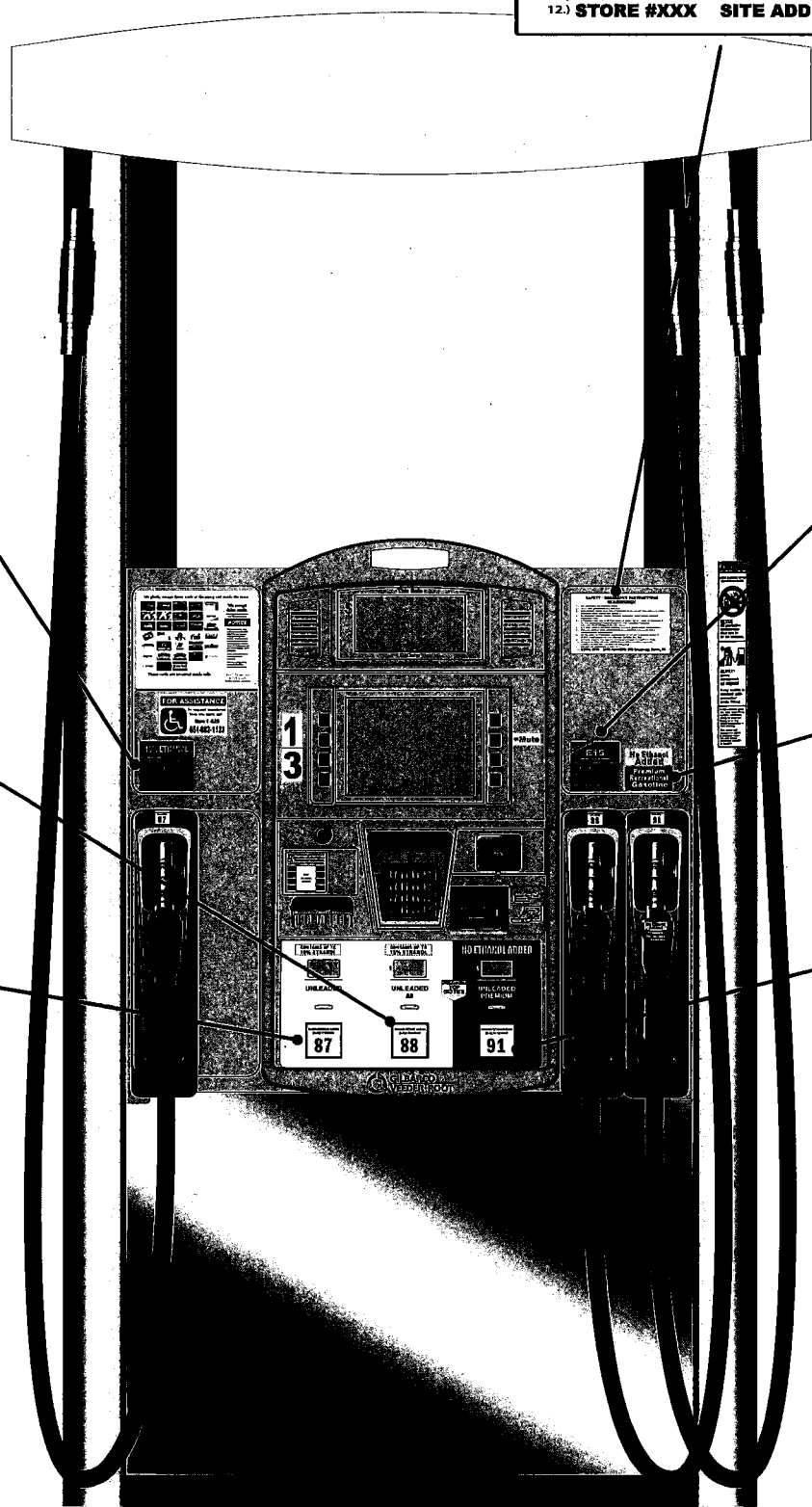
**DEDICATED  
HOSE FOR  
EACH  
PRODUCT  
AVAILABLE AT  
PUMPS 13/14**

MINIMUM OCTANE RATING  
(R-40 METHOD)  
**91**

MINIMUM OCTANE RATING  
(R-40 METHOD)  
**88**

**SAFETY / EMERGENCY INSTRUCTIONS  
WARNING!**

- 1.) NO SMOKING OR OPEN FLAMES
- 2.) SHUT OFF MOTOR WHILE FUELING
- 3.) DISCHARGE STATIC ELECTRICITY BEFORE FUELING BY TOUCHING A METAL SURFACE AWAY FROM THE NOZZLE
- 4.) TO PREVENT STATIC SPARK, DO NOT RE-ENTER YOUR VEHICLE WHILE PUMPING FUEL
- 5.) A PERSON FUELING A MOTOR VEHICLE MUST BE IN CLOSE ATTENDANCE TO THE DISPENSER NOZZLE DURING THE FUELING PROCESS. YOU ARE RESPONSIBLE FOR ANY SPILLS.
- 6.) IF A FIRE STARTS, DO NOT REMOVE NOZZLE, BACK AWAY IMMEDIATELY
- 7.) IT IS UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS
- 8.) NO FILLING OF PORTABLE CONTAINERS IN OR ON A MOTOR VEHICLE, PLACE CONTAINER ON THE GROUND BEFORE FILLING
- 9.) NO ONE UNDER THE AGE OF 16 ARE ALLOWED TO DISPENSE FUEL
- 10.) IN CASE OF FIRE OR SPILL-EMERGENCY STOP SWITCH AND FIRE EXTINGUISHER ARE LOCATED AT BUILDING
- 11.) IN CASE OF EMERGENCY CALL 911
- 12.) **STORE #XXX SITE ADDRESS: ADDRESS, CITY, WI**



**EX-100**  
 PREMIUM RECREATIONAL  
 100% ETHANOL  
 87 OCTANE  
 100% ETHANOL  
 87 OCTANE  
 100% ETHANOL  
 87 OCTANE  
 100% ETHANOL  
 87 OCTANE

**EX-100**  
 PREMIUM RECREATIONAL  
 100% ETHANOL  
 87 OCTANE  
 100% ETHANOL  
 87 OCTANE  
 100% ETHANOL  
 87 OCTANE  
 100% ETHANOL  
 87 OCTANE

MINIMUM OCTANE RATING  
 (R140 / 2 METHOD)  
**88**

**No Ethanol  
 Added**  
**Premium  
 Recreational  
 Gasoline**

MINIMUM OCTANE RATING  
 (R140 / 2 METHOD)  
**87**

MINIMUM OCTANE RATING  
 (R140 / 2 METHOD)  
**91**



## **Please Support SB 349**

### **Elimination of the “separate hose” rule**

E15 or Unleaded 88 is quickly being adopted as a mid-grade fuel by petroleum retailers. It has the double bonus of having a higher octane and usually being priced lower than gasoline blended with 10 percent ethanol. Regular gasoline now has an octane of 84, while ethanol has an octane of 113. It is important to note that E15 is approved for use in any vehicle manufactured after 2001, but is not approved for small engine use.

Unfortunately, some of Wisconsin’s regulations have not kept up with the changing fuel marketplace. We have worked with Kwik Trip and others to advance this proposal to eliminate the requirement that E15 only be sold on pumps that have a separate hose for the fuel. We propose that both E10 and E15 may be sold from pumps with only one hose.

Wisconsin is the only state in the union with this unfortunate, outdated regulation. There is no scientific reason to require separate hoses for the two fuels.

A renewable fuel, ethanol is priced below gasoline, it burns much cleaner – reducing greenhouse gases by more than 34%, and its higher octane means it performs better in engines.

Making it easier to retailers and consumers to access higher ethanol blends will also have a positive effect on our struggling farm economy.

The use of renewable fuels should be prioritized by our state, not only because of the positive effect on our rural economy, but they also provide the energy resilience that emergency management experts are looking for.

For more information please contact our representative Bob Welch at the number below.

***Wisconsin BioFuels Association** is represents Wisconsin’s multi-billion dollar renewable fuels industry. We encourage policymakers to work with our industry to encourage utilization of higher ethanol blends as these blends help our agricultural economy, our environment, and our consumers with higher quality, higher value fuel.*

**Dave Zien**

Thursday, September 5, 2019

Statement from former State Senator Dave Zien .

Thank you committee members and attendees for continuing the legacy of serving a great and progressive state of Wisconsin . Your efforts though seemingly minuscule now , may surely be miraculously monumental to others in the future..

It is with great pride that I help out the ethanol industry in every way possible. When you retire, you too will “help out when asked and where needed” - as I am here today .

It was an honor to be the lead local State Senator in locating the Wisconsin’s first ethanol plant in Stanley Wisconsin . It was located the approximate center of the 23rd Senate District , which I represented .

As you know, ethanol has been a blessing for Wisconsin Farmers & the Wisconsin economy . The price of gas has been lowered substantially. But most of all , it’s helped reduce our dependence on foreign oil - thus saving the lives of our American troops

The privilege of being a lawmaker has never been forgotten or relinquished. I still help out constituents each and every day. Always troubleshooting concerns, Veteran entitlements and giving guidance etc. My Mom Orpha does much of my typing proofreading and copying.

State Representative Tom Sykora took the lead as state representative in bringing Ace Ethanol to Stanley . During those years, the State Senate fell back & forth to Democratic control. Bob Sather was our champion / resource , “go to it guy .”

Located immediately across the road , we had been working on conveying heat / etc to the Stanley prison , from Ace Ethanol— by pipeline beneath HWY 29 . At one point we were working on grants to pay for installation of these pipelines . Perhaps that’s something to be researched in the future —?

Here are other motorcycle and ethanol related facts —————

It is legal to use E10 in every motorcycle made today. I myself have driven hundreds of thousands of miles on my Harley using E10 and have never had a fuel issue.

Ethanol is an octane boost, so motorcycles actually get a bit of kick using fuel with ethanol.

Ethanol helps keep engines clean, removing deposits. In fact, the detergents you see advertised as being in fuel as usually alcohol based.

Use of ethanol blends reduces greenhouse gases and the use of aromatics in fuel which are corrosive and are known carcinogens.

The bill and EPA require that at least one pump at each location have no E15. This was at the request of the motorcycle industry. It solves the problem.

The bill is drafted to make sure motorcycle riders who want gasoline with no ethanol or with only exactly 10% ethanol can get it. It's a pro rider bill.

No motorcycle manufacturer can deny a warranty claim based on fuel, unless they can definitely prove that the fuel itself caused a problem. There has never been a successful claim against E10 or E15 for being at fault for vehicle issues.

Please pass this important bill and join the other 44 states in allowing increased access to this new consumer option – E15.

Thank you Committee Members for the opportunity to speak with you today . Please accept my trade mark "Apache Tear Stones " as a token of my appreciation to your Service . Over 1/4 million have been distributed since 2007.

God bless you , your loved ones & our troops .

Senator Dave Zien  
1716 53rd St.,  
Eau Claire, WI 54703?  
cell 715-829-9436



PS-

Often I am asked ,”Dave - what you been up to ?” in my spare time;

— world’s first documented million mile motorcycle , 1991 Harley FXRT ( 1991-2009).Now at Sturgis Motorcycle Museum &Hall of Fame

—141,000 plus in 12 months

—252,00 plus 23?months

—2nd in World lifetime motorcycle miles ( 1st is Dan Stephens - the retired Wisconsin Chief Architect )

—157 World records on motorcycle & with flags



September 4, 2019

Senator Dan Feyen  
Chair of the Committee on Economic Development, Commerce & Trade  
201 SE, State Capitol  
Madison, WI 53703

RE: Support for SB 349: One Hose Regulation

Mr. Chairman and Members of the Committee,

Farmers across the country have fought for the year-round sale of ethanol for over a decade.

In a time when our producers are facing inclement weather, trade uncertainty and low commodity prices, the sale of ethanol throughout the year is a welcomed relief. Not only does it allow our farmers to expand markets, it provides a cleaner fuel and more options for consumers at the pumps. In fact, E15 can save consumers between three and 10 cents per gallon.

As you've likely heard, E15 – otherwise known as Unleaded 88 – is quickly being adopted by retailers across the state and the nation. Unfortunately for residents of Wisconsin, it is required that this blend be sold on a different hose – making it an inefficient and unfriendly experience for the consumer.

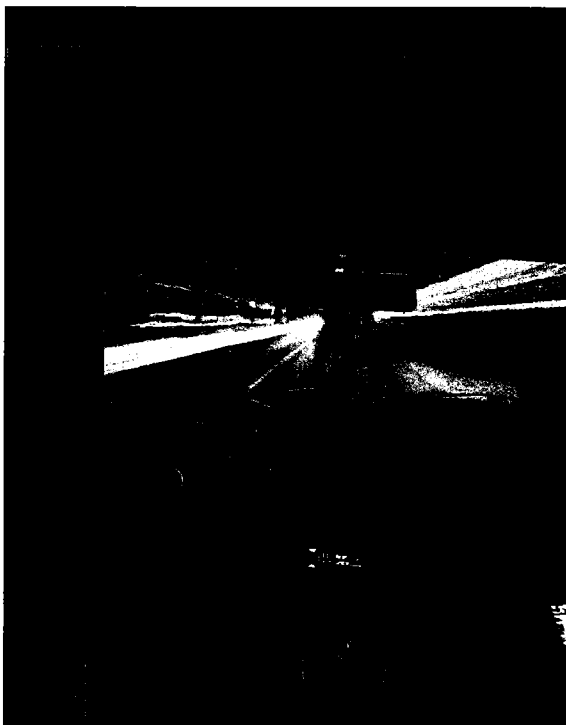
Therefore, we ask that you join us in support of Senate Bill 349, in an effort to not only impact the consumer's bottom line, but also that of Wisconsin's farmers.

Thank you,

Wisconsin Corn Growers Association  
Wisconsin Soybean Association  
Wisconsin Farm Bureau Federation

## Why would they risk liability?

Retailer	Gasoline Guarantee
Sheetz	Yes
Casey's	Yes
Thornton's	Yes
RaceTrac	Yes
QT	Yes
Kwik Trip	Yes



## American Drivers Have Logged More Than 10 Billion Miles on E15

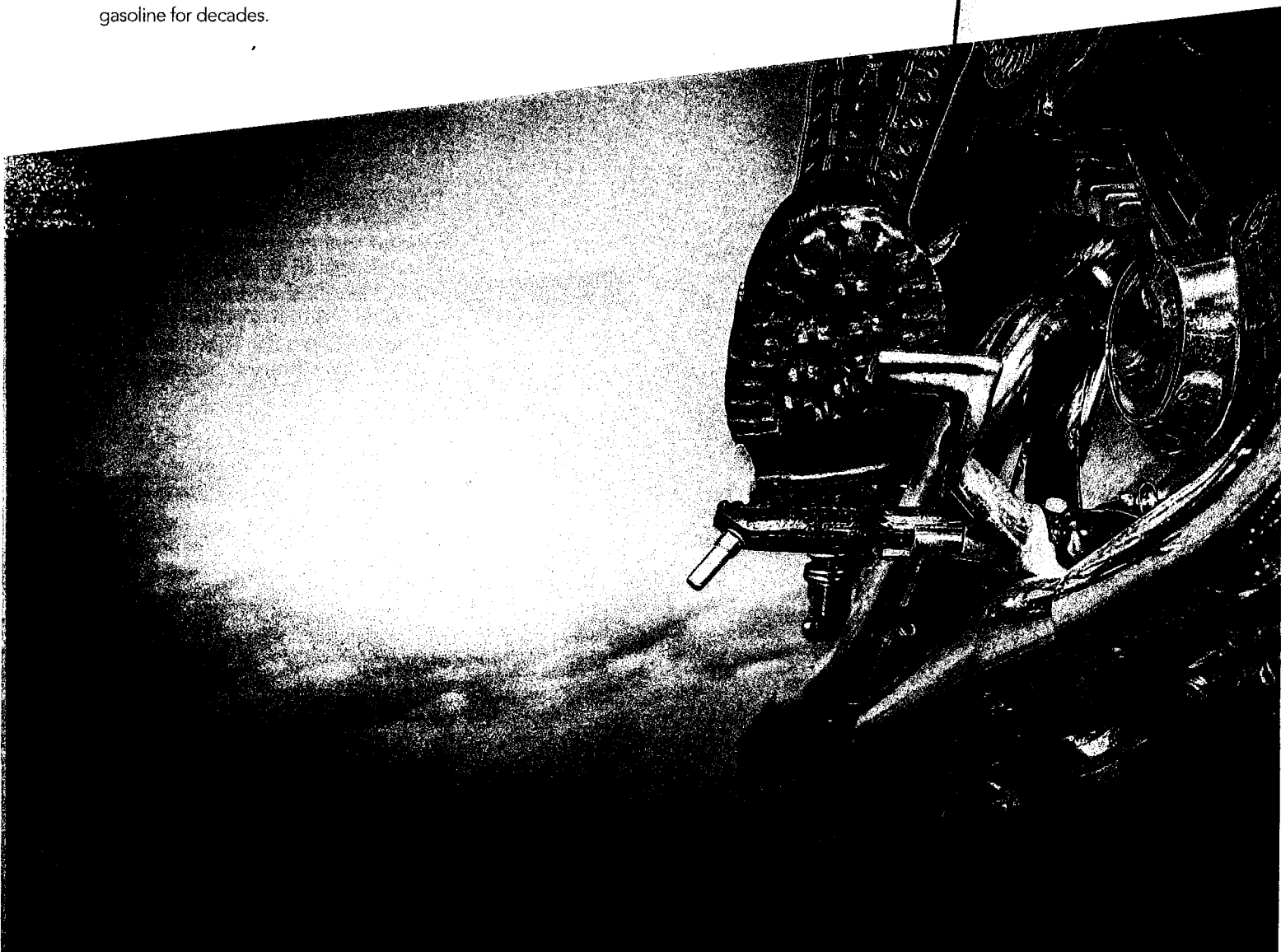
Millions of transactions with no reported issues



# ETHANOL AND MOTORCYCLES

## All motorcycle manufacturers endorse the use of 10% ethanol (E10).

- Ethanol provides the high octane that many motorcycles require at a lower cost.
- RFA has partnered with legendary motorcycle craftsman Paul Teutul, Jr., of Paul Jr. Designs, star of the hit series American Chopper, to build a custom ethanol motorcycle to promote ethanol. The bike will be part of the Discovery Channel's hit series, American Chopper, during the Summer of 2018.
- E10 has been approved and used by motorcycles as a safe and cost saving alternative to straight gasoline for decades.
- RFA partners with bike enthusiasts and organizations like the Legendary Buffalo Chip Campground where, the infamous Sturgis Motorcycle rally is held.
- Motorcycles should not use ethanol blends above 10%, which are all clearly labeled for easy identification.



# WHAT DOES YOUR MOTORCYCLE MANUFACTURER SAY?



## HARLEY-DAVIDSON:

Fuels with an ethanol content of up to 10 percent may be used in your motorcycle without affecting vehicle performance.



## INDIAN:

Gasoline containing up to 15% Ethanol can be used.



## BMW:

You can run the engine on fuel with a maximum ethanol content of 10 %, i.e. E10.



## YAMAHA:

Gasohol: There are two types of gasohol: Gasohol containing ethanol and that containing methanol. Gasohol containing ethanol can be used if the ethanol content does not exceed 10% (E10).



## HONDA:

There are two types of "gasohol": one containing ethanol, and the other containing methanol. Do not use gasohol that contains more than 10% ethanol.



## KAWASAKI:

Do not use any fuel that contains more ethanol or other oxygenates than specified for E10 fuel in this vehicle.



## SUZUKI:

Blends of unleaded gasoline and ethanol (grain alcohol), also known as "GASOHOL", may be used in your vehicle if the ethanol content is not greater than 10%.



## TRIUMPH:

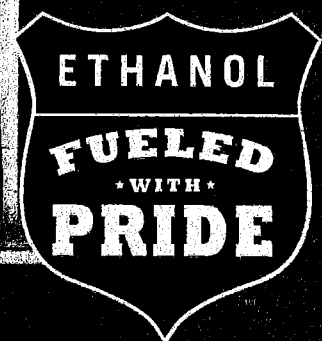
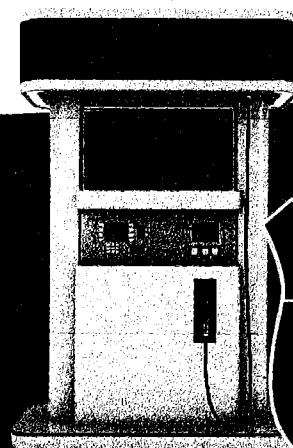
Ethanol fuel is a mixture of 10% Ethanol and 90% gasoline and is often described under the names 'gasohol', 'Ethanol enhanced', or 'contains Ethanol'. This fuel may be used in your Triumph motorcycle.



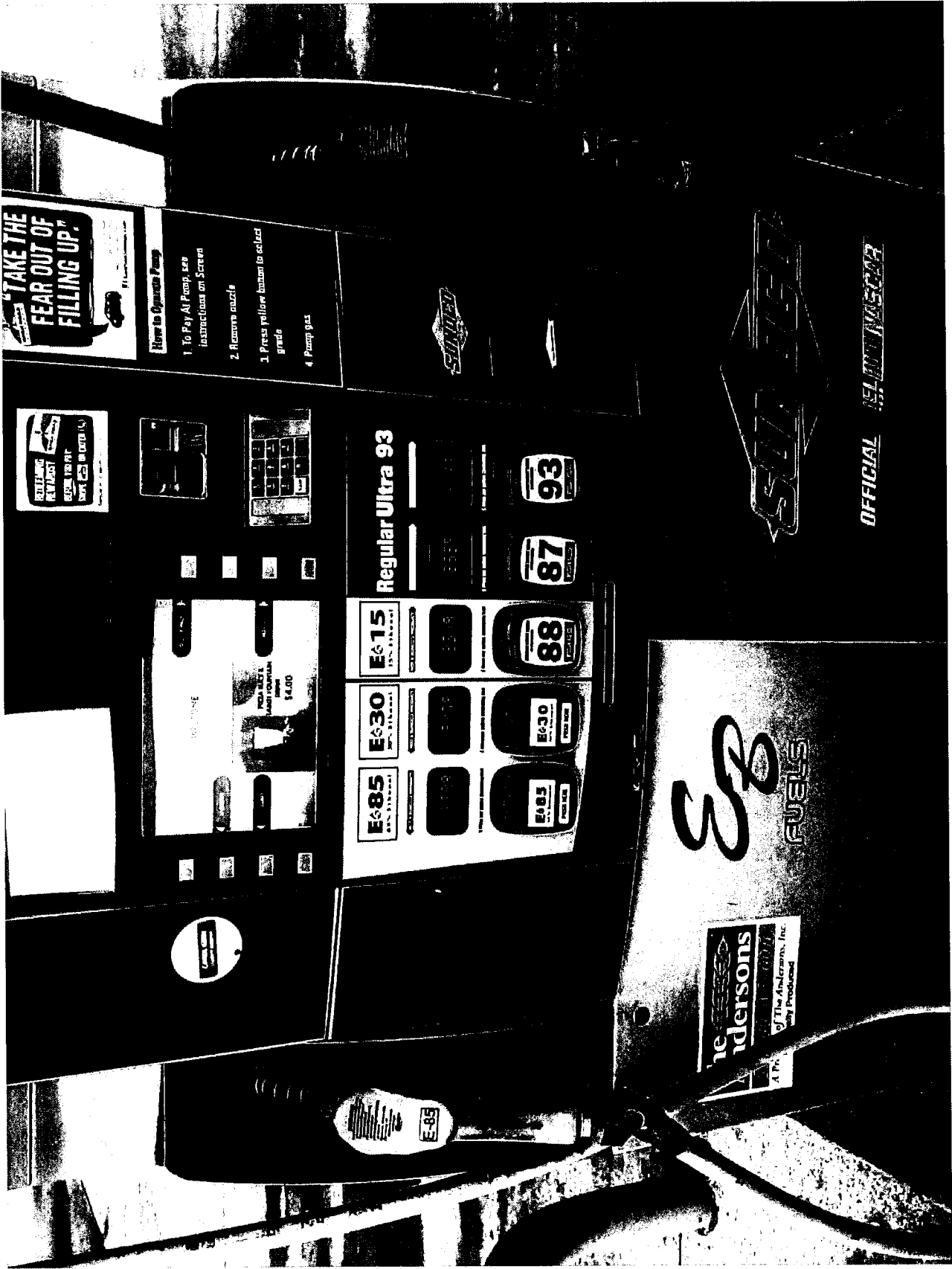
## VICTORY:

Gasoline containing up to 15% Ethanol can be used.

**NOTE: ALL STATEMENTS ARE DIRECT QUOTES FROM EACH OF THE MOTORCYCLE MANUFACTURER'S 2018 MODEL YEAR OWNER'S MANUALS.**



ALBATE



September 5, 2019

Chairman Dan Feyen  
Senate Committee on Economic Development, Commerce and Trade  
The Capitol  
Madison, Wisconsin 53703

RE: Written Testimony on SB349

Dear Chairman Feyen, Vice Chair Testin and Members of the Committee:

Thank you for the opportunity to comment on SB 349 and its impact on the gasoline supply available to boaters.

I am Jill Sims, Manager of Great Lakes Policy & Engagement for the National Marine Manufacturers Association (NMMA). NMMA, the leading trade association representing the recreational boating industry in North America, is dedicated to industry growth through programs in public policy advocacy, product quality assurance and promotion of the boating lifestyle. NMMA member companies produce more than 80 percent of the boats, engines, trailers, accessories and gear used by boaters and anglers throughout the United States and Canada. Recreational boating in Wisconsin generates more than \$4 billion in economic impact annually, supports more than 800 businesses and 16,900 jobs. Wisconsin is a top ten boating state in the country, with more than 624,350 registered boats.

NMMA understands the need for renewable fuel supply and the marine engine industry has adapted to the E-10 blend that is available throughout the country. We appreciate that SB 349 requires dedicated pumps that dispense only E-10 and requires a four-gallon minimum purchase on blender pumps. That is a good start toward nudging consumers toward the proper use of E-15.

However, the E-15 blend regulated in SB 349 has been proven to damage marine engines, lawn equipment and off-road engines. Those test results were the basis for the EPA's decision to forbid the use of E-15 in off-road vehicles, marine engines and lawn equipment.

There is a corn-based alternative – biobutanol – that is becoming increasingly available in the United States. All Wisconsin legislation and laws should make room for innovative fuel blends by using more generic language when regulating renewable fuels. Biobutanol is a next-generation renewable fuel. It has been thoroughly tested and found to be compatible with engines of all types, including marine engines. Furthermore, it can be used in even higher blends than E-15.

SB 349 specifies ethanol as the only renewable fuel that can be sold at Wisconsin gas stations.

- **We ask that SB 349 be amended to allow the dispensing of all renewable fuels approved by the US Environmental Protection Agency. Specifying ethanol in the legislation will hinder innovation and new solutions that outperform ethanol in every category.**

**Executive Committee**

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Yamaha Marine Group

**Vice Chairperson**

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Maverick Boat Company

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Smoker Craft, Inc.

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Mercury Marine

MACD Representative  
Steve Tilders  
Xylem Inc.

**Member at Large**

Bill Walters  
Syntec Industries

President  
Thomas J. Dammrich  
NMMA

Biobutanol has several benefits as compared to ethanol, but it also has one key similarity – the same corn used to make ethanol can be used to make biobutanol. Biobutanol contains nearly 90% of the energy content of a gallon of gasoline (compared to 67% for ethanol). It does not phase separate in the presence of water, has lower evaporative emissions, raises octane and can be blended at higher volume percentages than ethanol while remaining compatible with marine engines and fuel systems. It can be produced using the same feedstocks and infrastructure that supports ethanol production.

- **Our second request is that SB 349 be amended to require greater consumer education and better signage at the pump.**

The E15 warning labels required by the EPA are smaller than a pack of gum – making it hard for consumers to tell which blend they are buying at the gas pump and to know that the EPA forbids its use in marine engines. These labels fail the American consumer and deprive them of making informed choices.

About 90 percent of boats are fueled at gas stations. With 61 percent of consumers assuming that gas sold at gas stations is safe for their engines and only two in five Americans aware that higher ethanol blends are harmful to outdoor power equipment, consumers are widely unaware of potential damage to their boat engines, snowmobiles and lawn equipment. Now that the federal government has lifted the ban on summer sales of E-15, it is even more critical that consumers know to use only E-10 to fuel their boats.

I would be glad to work with the committee to write language that accommodates biobutanol and requires the education and labeling needed by consumers. I can be reached at [jsims@nmma.org](mailto:jsims@nmma.org).

Thank you again for this opportunity to provide input on SB 349.

Sincerely,

*Jill Sims*

Jill Sims  
Manager, Great Lakes Policy and Engagement  
National Marine Manufacturers Association

**Executive Committee**

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Yamaha Marine Group

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