

# **Oregon State Government Chooses Zeltex Portable Analyzers for New Gasoline Testing Program**

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# The Gasoline Retailers **PIPELINE**

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## AG explains fuel testing program

By Ted Kulongoski

The Oregon Department of Justice (DOJ) enforces the state's Unlawful Trade Practices Act (UTPA). The UTPA applies to the retail sale of gasoline. Our goal, which we believe most gasoline dealers share, is to see that consumers are treated fairly in the retail purchase of gasoline.

Consumer complaints and reports from other state agencies have recently alerted us to ... areas of concern for dealers and consumers alike. DOJ is prohibited by law from giving dealers or consumers legal advice. But we can describe the applicable enforcement policies.

### Octane testing

The Oregon Department of Agriculture's Measurement Standards Division (MSD) will conduct a gasoline screening and sampling program. If the field sample differs significantly from the labeled or certified anti-knock index, then the MSD will submit a sample to a test-

ing laboratory.

The UTPA prohibits a seller of gasoline from representing that the seller's fuel has a particular octane rating when, in fact, the octane rating is significantly less. Cases involving samples of fuel that fail laboratory testing will be referred to DOJ by the Department of Agriculture. DOJ will share information concerning possible violations with the Federal Trade Commission (FTC), because the FTC also regulates octane labeling.

DOJ recognizes that in some instances, the retail gasoline Dealer may unknowingly rely on representations made to him or her by the jobber. In every case, we will attempt to place primary responsibility for the injury to consumers at the doorstep of the party who negligently or intentionally caused the injury.

Our aim is to prevent the problem by education. When problems are detected, if any are, our aim will

be to stop the conduct and to deter future violations.

To file a complaint regarding the retail sale of gasoline, consumers should call the Attorney General's consumer hotline at (503) 378-4320 or 229-5576 (Portland only), 8:30 a.m. to noon, Monday through Friday.

Gasoline dealers who would like more information about the gasoline-screening program should contact the MSD at 986-4670.

Dealers who would like a brochure titled "How to Comply With the FTC Fuel Rating Rule" should contact the FTC's Seattle office at (206) 220-6350.

*Attorney General Ted Kulongoski is the state's top law-enforcement officer, whose duties include consumer protection. A former state senator from Lane County, he is in his first term as attorney general but is not seeking reelection this year, choosing instead to run for a seat on the Oregon Supreme Court.*

## Fuel testers ready to start work

Oregon Measurement Standards Division (MSD) employees should be out in the field, testing gasoline, by April 1.

That's the word from George Shefcheck, MSD field-operations manager. He reported that preparations for the fuel-testing program moved right on schedule, despite severe flood damage to MSD offices in the headquarters of its parent agency, the Oregon Department of

Agriculture.

Field-testing equipment was itself tested in mid-March by MSD and manufacturer representatives, Shefcheck said. Zeltex portable analyzers will be used by MSD staff, who will test product at the same time as regular on-site dispenser meter inspections.

Staff received classroom training in the testing program and related equipment during the last week of

March, according to Shefcheck. They were scheduled to go into the field for supervised, hands-on training April 1.

During the March tests, staff gathered some official samples and sent them to Saybolt, a Seattle testing lab, which used the samples to calibrate the testing equipment.

Should field-testing samples fall outside ASTM standards and toler-

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ances, MSD will collect official samples and send them to Saybolt for further testing. Shefcheck said Saybolt, which tests fuel for the state of Washington, is a long-time company with a proven track record.

"They've inspected and tested everything from milk-tank meters to the cargo holds of large tank vessels," Shefcheck said.

The Legislature's Emergency Board in January allocated \$292,690

in oil-overcharge lawsuit monies to fund the testing program through June 30, 1997. It will be up to the '97 Legislature to decide if the testing program is necessary and if so, how to fund it for another two years.

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## MSD begins fuel testing; results good

The Oregon Measurement Standards Division (MSD) reports all is well from the field, insofar as motor-fuel quality tests are concerned.

George Shefcheck, MSD field-operations manager, reported that after the first week of testing, MSD employees had found no substandard fuel at sites throughout the state. That bit of good news was a carryover from an April 5 "kickoff" of the program, when an MSD inspector got positive results from samples taken at the south Salem station hosting the event.

MSD inspector Clark Cooney tested samples of all three grades of product available at Sunnyslope

Texaco, as reporters and other interested parties looked on. All three samples made the grade — in fact, the premium sample tested above the posted octane-level.

It was the same story a bit later, when participants moved to an adjacent lot and Cooney tested samples purchased by a KOIN-TV crew led by reporter Lisa Balick. All three samples, purchased at Portland-area sites, were found to meet appropriate fuel-quality standards.

The MSD and its parent agency, the Oregon Department of Agriculture, were represented at the kickoff by Shefcheck and department head Bruce Andrews. Also present were representatives of Oregon AAA and the news media from throughout western Oregon.

Executive Director Mike Sherlock and administrator Mike Sims represented the OGD. Sherlock told members of the press that OGD believes the test program will that Oregonians are receiving high-quality gasoline, and he said the Association was glad to be part of the program.

He told KGW-TV's Tom Fuller that OGD is glad the program is structured in such a way that if substandard gas is found, the burden of enforcement and sanctions will fall upon the responsible party — whether it be a dealer or distributor — and not automatically upon the retail dealer.

Earlier in the week, KOIN news anchors Mike Donahue and Shirley Hancock in no uncertain terms told viewers their station would report findings of substandard product. But Andrews and Agriculture Department spokesman Bruce Pokarney said the identities of stations failing initial tests would not be reported until all tests are complete. Any violations are turned over

to the Oregon Department of Justice and sanctions are issued.

"We're certainly not trying to cover up anything," said Pokarney, a former reporter for Portland radio station KEX. "But at the same time, we want to be responsible and fair."

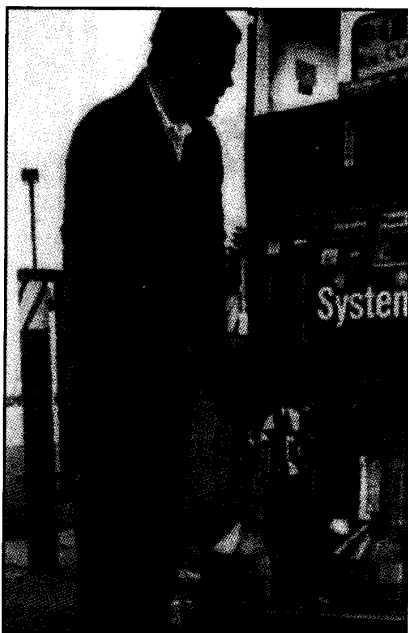
That positive attitude on the part of the department begins with Pokarney's boss.

"This should be viewed as a plus for consumers and the industry," Andrews said. "This will affirm product integrity and will help identify any persons who may be abusing the system when it comes to motor-fuel quality."

MSD staff will test product for octane levels and oxygenates at the same time as regular on-site dispenser meter inspections. Samples must have octane levels of within seven-tenths (7/10) of the whole number listed as the fuel's octane rating, per American Society for Testing and Materials (ASTM) Standards for reproducibility.

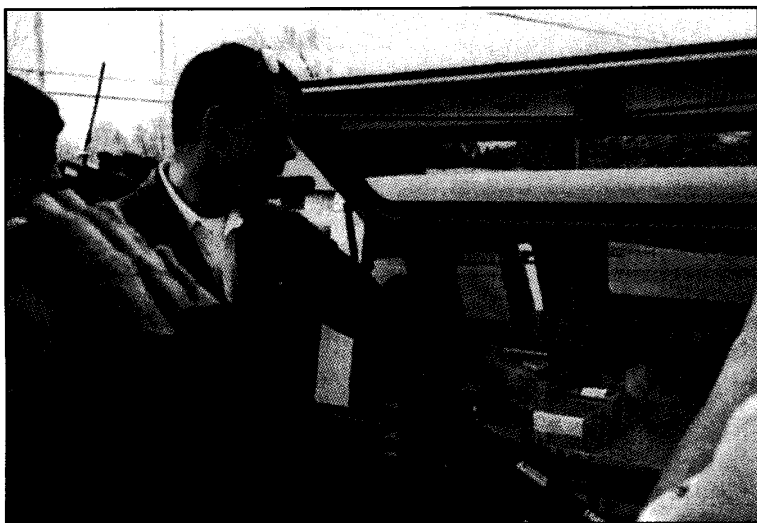
For example, a sample of 92 octane gasoline must yield a field-analyzer reading of 91.3 or better to meet the ASTM standard. If a sample falls below that standard, the MSD inspector will draw an official sample and send it to Saybolt, an independent Seattle laboratory, for further verification. If the lab confirms a violation, the result will be turned over to the Oregon Attorney General's office for possible civil action.

Department sources said that at the very least, lawmakers may be asked to authorize adoption of the ASTM standards as part of Oregon state standards for motor-fuel quality. Oregon never has officially adopted the ASTM guidelines, although Washington, California and other adjacent states have done so.



**THE FIRST SAMPLE IS DRAWN** — Clark Cooney, field inspector for the Oregon Measurement Standards Division (MSD), takes a product sample at Sunnyslope Texaco in Salem during the April 5 "kickoff" of MSD's motor-fuel testing program.

**Bruce Andrews, Oregon Department of Agriculture director, begins the press conference before the initial product tests. Waiting to make their remarks are Mike Sherlock, OGDAs executive director, and Oregon AAA President Roger Graybeal.**



**Clark Cooney, Measurement Standards Division (MSD) field inspector, gives reporters the result of a test on a sample of premium gasoline. The product passed with flying colors.**

**KOIN-TV's Lisa Balick brought her own samples for Cooney to test, as a photographer recorded the moment for viewers. The KOIN samples, from three Portland-area stations, also passed the MSD test.**

