



March 3, 2008

Mr. Ed Williams
Assistant Director
California Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828-1812

Re: Request for Emergency Regulations – Automatic Temperature Compensation

Dear Mr. Williams:

The American Trucking Associations is writing to request that the Division of Measurement Standards (DMS) adopt emergency regulations prohibiting the installation and use of automatic temperature compensating (ATC) equipment on retail fuel dispensing equipment. As the representative of the largest consumers of diesel fuel, we have serious concerns with any state allowing fuel retailers to install ATC equipment at this time. As discussed in more detail below, our concerns are amplified by the fact that California has not promulgated regulations or enforcement procedures governing the use of ATC, which could be detrimental to fuel consumers in California.

Of paramount importance to this matter is the fact that California has not promulgated regulations specifying how retailers must operate ATC equipment. It is imperative that California prohibit retailers from deactivating the ATC equipment once it is installed to prevent the possibility that retailers would utilize ATC equipment only when it is to their advantage to do so.

Equally important is the fact that neither California nor the National Conference on Weights & Measures (NCWM) has established specifications or inspection and maintenance procedures governing the use of this equipment.

Finally, we note that ATC equipment is new to fuel consumers and it will be necessary for the State to educate consumers on its use. An educational campaign is needed to help consumers make an informed purchasing decision and compare retail fuel prices at establishments using ATC with those that do not use ATC. Related to this issue is the need to promulgate uniform labeling requirements to inform consumers that ATC equipment is in use.

While the debate over the use of ATC equipment in California is not yet settled and may turn largely upon the results of the legislatively-mandated cost-benefit study, in the interim, DMS must prevent the permissive use of ATC technology until (1) regulations specifying how retailers must operate ATC equipment are promulgated; (2) inspection and maintenance procedures governing ATC equipment are codified; (3) uniform labeling requirements are enacted; and (4) an educational campaign targeted at consumers is initiated.

If you have any questions concerning these requests, please contact me at (703) 838-1910.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Moskowitz", written in a cursive style.

Richard Moskowitz
Vice President and Regulatory Affairs Counsel



cc: A. G. Kawamura, Secretary, California Department of Food & Agriculture
Eric Stein, Deputy Secretary, California Department of Food & Agriculture
Jackalyne Pfannenstiel, Chair, California Energy Commission
Gordon Schremp, California Energy Commission
Mike Campbell, California Trucking Association