



REQUEST FOR PUBLIC COMMENT Retail Sale of Motor Fuels – Proposed Rule Review

The rules in this package have been reviewed pursuant to Chapter 119 of the Revised Code and are being proposed as follows. **The comment period will remain open through August 11, 2017.** Comments may be emailed to ecomments@agri.ohio.gov or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068.

The Ohio Department of Agriculture, Division of Weights and Measures (hereinafter “Department”) is statutorily tasked with protecting Ohio businesses and consumers by ensuring products are accurately measured and sold. Under current law, the Department regulates the method of sale of motor fuel in section 901:6-5-01 of the Ohio Administrative Code by requiring retail fuel metering devices to display the price per gallon/liter, be able to indicate the total amount of fuel being delivered and total price of a single retail transaction.

The Department received requests from members of the natural gas and renewable energy industries to modify the current rule because it does not reflect the advent of new motor vehicle fuel and energy sources. Additionally, there has been a national movement to update these regulations. For those reasons, the Department began the task of creating new rules to regulate these transactions.

OAC 901:6-5-01 is being rescinded pursuant to the Legislative Service Commission’s guidelines on rule drafting as the proposed amendments modify over 50% of the existing rule. The proposed version sets out the definitions as used in OAC 901:6-5-02. The definitions set a standard of identity for many motor fuel types. The vast majority of these standards mirror the standards adopted in National Institute of Standards Technology (NIST) Handbook 130 (2016). NIST is a non-regulatory federal agency within the U.S. Department of Commerce whose stated purpose is to achieve, to the maximum extent possible, uniformity in weights and measures laws and regulations among the various states and local jurisdictions in order to facilitate trade between the states, permit fair competition among businesses, and provide uniform and sufficient protection to all consumers in commercial weights and measures practices.

OAC 901:6-5-02 sets forth regulations for the retail sale of fuels in the state. The rule maintains the current requirements on retail motor fuel metering devices as well as adds requirements for the advertisement of these energy sources. Specifically, the rule outlines labeling standards for “flex” fuels including ethanol and biodiesel. In addition, the rule establishes requirements regarding any street advertisement of motor fuels.

