

PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to Chapter 901:6-5 of the Ohio Administrative Code.

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OAC 901:6-5-01 is being rescinded pursuant to the Legislative Service Commission’s guidelines on rule drafting as the proposed amendments modify over 50% of the existing rule.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.

The hearing will be held on:

January 2, 2017 at 9:00 A.M.

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 133 (Seminar “B”)
8995 East Main Street
Reynoldsburg, Ohio 43068-3399.**



The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

More information on the rule package, including a business impact analysis and copies of the rules, can be found at <http://www.agri.ohio.gov/proposedrules/proposedrules.aspx> or by visiting the Register of Ohio at www.registerofohio.state.oh.us.

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at ecomments@agri.ohio.gov, or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.

