



**The Andersons, Inc.**

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Written Testimony of The Andersons, Inc.  
IN SUPPORT OF S.B. 150  
Before the Ohio Senate Civil Justice Committee  
June 22, 2015

Chairman Bacon and Members of The Civil Justice Committee,

The Andersons, Inc. fully supports S.B. 150 and its goal to provide responsible retailers and the fuel supply chain with liability protection in cases where customers misfuel with a motor fuel.

The Andersons, Inc was formed in 1947 in Maumee, Ohio to focus on grain and transportation storage. Since that time, we have grown into six different groups, including an Ethanol Group. Our Ethanol Group includes four plants total in Indiana, Iowa, Michigan and Ohio. Our Ohio plant in Greenville produces 120 million gallons of ethanol each year. At these plants, we both produce ethanol that is sold to other companies to blend in gasoline and we also produce a finished Flex Fuel also known as E85 that is sold directly to retailers.

E85 is a blend of 85% ethanol/15% gasoline and is for use in "flex-fuel vehicles". Currently, there are 103 stations selling E85 in Ohio and all of them clearly and responsibly label their fuel as "for use in flex-fuel vehicles only". Yet, under current law, if a non-flex fuel vehicle customer ignores the signage, uses E85 and had vehicle damage, the owner could require the retailer or the fuel supplier to defend the fuel in a court of law.

S.B. 150 resolves this issue. Retailers can take every precaution to ensure fuels are properly labeled, but at the end of the day, the responsibility for using the proper fuel for a vehicle comes down to the vehicle owner and personal choice. This bill makes it clear that the liability for using an incompatible fuel in a vehicle remains with the individual making the incorrect fuel choice, i.e. the customer.

S.B. 150 will provide the retailers who responsibly sell new fuels and the suppliers such as The Andersons Inc., who provide the fuels with certainty that we will not held liable for the actions of customers who irresponsibly use our fuels.

We urge the Civil Justice Committee to support S.B. 150.

Thank you.

Mike Irmen  
Vice President – General Manager  
Ethanol Group  
The Andersons, Inc.