



***State Representative Thomas Hall***  
***State Representative Brigid Kelly***

**Rep. Kelly**

Chairman Baldrige, Vice Chairman McLain, Ranking Member Sheehy, and members of the House Transportation and Public Safety Committee, thank you for the opportunity for us to provide sponsor testimony on House Bill 144 to implement a permissive motor fuel quality testing program in Ohio.

This legislation creates efficiencies and important consumer protections. Ohio is one of three states (others being Alaska and Nebraska) that do not currently test for fuel quality. The idea of testing for fuel quality has bipartisan support in the House, bipartisan support in the Senate, and support from a bipartisan coalition of County Auditors - some of whom have been fighting for this for decades.

Fuel quality is an issue of consumer protection. Contaminated gas can cause serious damage to vehicles and can cost thousands of dollars to fix. Some people want to know how big of a problem this actually is. If you're someone who buys bad gas – this is a huge problem. If it's your car that's damaged, if it's you that's without transportation to your job or your kid's school, or your community event, it's a problem. If you're someone who lives paycheck to paycheck and suddenly lands a huge repair bill, it's a problem. Particularly during a pandemic, this could create additional hardships for Ohioans.

Ohio is one of three states (others being Alaska and Nebraska) that do not currently test for fuel quality. Citizens who live in - or visit - our state deserve access to safe, high quality fuel for their vehicles. In 47 other states, it is mandatory to test fuel quality; however, in Ohio, this legislation would make testing permissive. Cuyahoga and Summit counties already test for fuel quality based on local governance. (Counties that have already lawfully implemented motor fuel quality testing prior to this legislation will continue their existing programs.) Our bill would permit, but not mandate, county auditors to test for octane levels, sediment, and water levels in fuel with no fees or charges on the retail dealers.

County Auditors already test for quantity of gas at the pump, but what they don't test for is quality. So, when a consumer goes to the pump, there are safeguards in place to know that your gallon of gas is, in fact, a gallon. However, there are no safeguards in place to know your gallon of regular gas is a gallon of regular gas or that your gallon of premium is a gallon of premium.

The legislation would authorize county auditors to implement their own fuel quality testing programs. Counties may utilize fuel testing equipment from other counties, but only the fuel inspectors from the county who owns the equipment may perform the tests. Fuel inspectors must use testing equipment that meets the most recent standards established by the American Society for Testing and Materials (ASTM).

**Rep. Hall**

This bill does not mandate counties to do this. We simply allow the auditors to participate. I continue to say, local government is the best government. That is true with this bill.

Reading into this issue, I've come to notice one re-occurring instance. You never know you get bad fuel, until you get dealt bad fuel. Everybody has extremely busy schedules, to have to further worry about the quality of your fuel that you are pumping before leaving to go pick-up your kids, on your way to work, or wherever your schedule is taking you just further hinders the plans.

As Butler County Auditor Roger Reynolds noted: "What we're asking for as county auditors, we're not asking for money in this legislation. We're not asking for any money. We're simply asking for the authority to check the fuel when we have it out of the tanks and we're doing the quantity checks."<sup>1</sup>

If the Department of Agriculture is notified of a U.S. Environmental Protection Agency waiver of standards that applies to federal fuel standards, the Department must notify every county auditor's office. Any auditor participating in a fuel quality testing program (regardless of when the program was implemented) must only test for water and sediment during the waiver period. Additionally, a fuel inspector must transmit data collected from motor fuel quality testing to the Director of Agriculture, who must compile the data, including dates, locations, and results received from fuel inspectors, and make the data accessible to the public via the Department of Agriculture's website.

Under this bill, fuel retailers will be issued violations for dangerous conditions based on the results of the tests. If a first violation is given, the fuel inspector will issue an order to stop selling fuel until the fuel is compliant, a written citation, or both. The Director must adopt rules that establish procedures by which a retail dealer may appeal an order issued by a fuel inspector. The Department of Agriculture will compile data provided by fuel inspectors and make it available to the public through the department of agriculture's web site.

Again, we appreciate the chance to offer testimony on House Bill 144 and would be happy to answer any questions.

---

<sup>1</sup> <https://www.fox19.com/2020/02/24/proposed-bill-would-allow-testing-fuel-quality-ohio/>