

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

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STATUS: As Passed by the House

SPONSOR: Rep. Johnson

LOCAL IMPACT STATEMENT REQUIRED: No - No local cost in the introduced version

CONTENTS: Changes to the state's enhanced vehicle inspection and maintenance program; declares an emergency

State Fiscal Highlights

STATE FUND	FY 1997	FY 1998	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	Up to \$30.1 million loss	Up to \$30.1 million loss or more
Expenditures	- 0 -	Potential significant increase	- 0 -
Environmental Protection Agency (possibly GRF) - annual			
Revenues	- 0 -	Minimal loss	Minimal loss
Expenditures	- 0 -	- 0 -	- 0 -
Environmental Protection Agency - Fund 602 - annual			
Revenues	- 0 -	Indeterminate effect	Indeterminate effect
Expenditures	- 0 -	Indeterminate effect	Indeterminate effect
Attorney General (possibly GRF)			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential increase	- 0 -
Department of Taxation (possibly GRF)			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential increase	Potential increase

Switching from E-Check to a Biennial Basic Program (Dayton and Cleveland)

Because the bill requires changing from E-Check to a biennial basic program, and does not require the renegotiation of the contract with the current testing company, it is difficult to predict how the revenue flowing into Fund 602 will be affected. If a new contractor is chosen, this analysis cannot predict what fee will be assessed by the new testing company, or what portion of that fee will go into Fund 602 (i.e. if it is lower than the current fee, then presumably EPA would receive less revenue). Presumably, if the contract is renegotiated with the current testing company, it is possible that fees assessed will be similar (as well as EPA's portion of the fee), so as not to substantially change the revenues flowing to the contractor. However, language in this bill does not require that fees be set to ensure an adequate level of revenue to the contractor. Because the level of revenues is difficult to determine, the amount of spent from Fund 602 to administer both a biennial basic program and an enhanced program is also difficult to determine.



Income Tax Credit

The bill allows an income a tax credit to compensate for the payment of the \$19.50 inspection fee. If all persons take advantage of this tax credit, a revenue loss of approximately \$34 million to the GRF and three local government funds would occur. In future years, this revenue loss will become greater, if more areas become subjected to vehicle emissions testing and the residents are assessed an inspection fee under this section. The Department of Taxation may also incur expenditure increases resulting from changing tax forms to accommodate an emissions testing tax credit section, reviewing submitted emissions testing receipts for accuracy, and other related expenditures.

Contractual Changes from the Current Program

Changing from E-Check to a biennial basic program in Cleveland and Dayton, must involve the renegotiation of the current emission testing contract. The bill does not require the EPA or the state to utilize the existing contractor to perform the basic biennial test, and there are certain provisions in the bill that further alter the current contract. Therefore, the testing company may construe these changes as a potential breaking of the contract. If the testing company sues the state as a result of this, potential expenditures may include an amount up to \$206 million (the total cost of the contract in Cleveland and Dayton minus the amount already received by the testing company), plus potential additional punitive damages that may ensue as a result of civil litigation. Any dispute over damages will be heard in the court of claims and any settlement will be approved by the Controlling Board. Additionally, the bill states that EPA must negotiate the contract that changes E-Check to a biennial basic program and implement the basic program within four months of the effective date of this bill, or else all vehicle testing in the state is prohibited. Because of the short time period, this could impose expenditure increases to both the EPA and the Attorney General in the form of staff overtime to implement this provision, such as issuing a request for proposal, review of the contract, promulgating the rules of the program, etc. The contractual ramifications described earlier could also occur if this timeline proves to short to adequately implement all phases of the basic program and vehicle testing is subsequently prohibited.

Vehicle Testing Exemption

A minimal revenue loss would occur due to the provision that exempts all vehicles that are two years old or newer (regardless if title has been transferred) from the testing requirements.

Administration and Implementation of Other Air Pollution Control Programs

Depending on what type of air pollution control strategy is implemented in conjunction with the basic program, there are potential GRF expenditures, especially with regard to administering a remote sensing program. There may also be potential GRF expenditures if the local clean air councils utilize lower RVP gasoline or reformulated gasoline (RFG) as additional compliance options.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1997	FY 1998	FUTURE YEARS
Counties, Municipalities, and Townships (loss from LGF and LGRAF)			
Revenues	- 0 -	Up to \$1.6 million loss	Up to \$1.6 million loss
Expenditures	- 0 -	Potential increase	Potential increase
Libraries and other local governments			
Revenues	-0-	Up to \$1.9 million loss	Up to \$1.9 million loss
Expenditures	-0-	-0-	-0-

- Local governments in the Cleveland and Dayton areas may be required to assist or completely fund the activities of the clean air advisory council in their area.
- Potential increase to counties and municipalities as a result of the prosecution of persons on the charge of falsification of a motor vehicle inspection report.
- Counties, municipalities, and townships could lose up to \$1.6 million per year from the Local Government Fund (LGF) and Local Government Revenue Assistance Fund (LGRAF) as a result of the income tax credit in the bill.
- Libraries and other local governments could lose up to \$1.9 million per year from the Library and Local Government Support Fund (LLGSF) as a result of the income tax credit in the bill.

Detailed Fiscal Analysis

Vehicle Testing Exemption

Under current law, cars that are two years old or newer are exempt from the testing requirements. However, when receiving the vehicle's initial title or if the legal title changes owners within the two-year time period, the vehicle must have an emissions test. Under this bill, the two-year exemption applies, regardless if the vehicle has gone through a change of ownership. Because this provision would decrease the number of vehicles tested, OEPA will experience a loss of revenue in Fund 602, which receives approximately \$1.73 per test (an average across the two attainment areas) to administer the E-Check program. It is also possible that this reduction in the number of vehicles tested will change the amount of revenue that the testing company expects to receive. Because the state entered into a ten year contract with the testing company which contained revenue estimates based on the rules of the program, it may attempt to recover the amount of money that is lost as a result of the exemption. Therefore, the state may incur a GRF expenditure increase if required to compensate the testing company for the lost revenue.

Clean Air Advisory Councils

The bill creates the northeast clean air advisory council and the west clean air advisory council. Each advisory council shall consist of seven members from each of the counties represented in the advisory council. To assist the advisory councils in performing their duties, OEPA, the Department of Development and the Department of Transportation shall provide technical assistance, including information on cost, feasibility and impacts of alternative compliance strategies. Additionally, applicable local air pollution control authorities and metropolitan planning organizations shall provide technical assistance to the advisory councils. The bill creates the southwest clean air advisory council if or when the Cincinnati area is redesignated to attainment.

The relevant metropolitan planning organization shall consult with each political subdivision represented on the metropolitan planning organization to submit to the advisory council a confirmation or modification of the emissions growth projection, prepared by the metropolitan planning organization for state and federal law, which impacts the National Ambient Air Quality Standards under the Clean Air Act Amendments of 1990 (CAA). The advisory councils shall develop a final list of additional compliance strategies in conjunction with a biennial basic program, for maintaining compliance with the National Ambient Air Quality Standards for ozone and carbon monoxide, in lieu of the operation of E-Check. The advisory councils shall evaluate any technical or other difficulties in implementing the strategy and shall quantify the economic cost and effect on air emissions, the creation and preservation of jobs, and public health in the attainment area. At this point, each advisory council shall hold at least one public meeting in the appropriate attainment area to receive public comments in the proposed compliance strategies. The advisory councils shall publish notice concerning the meeting in the newspaper of general circulation in the county, not less than two weeks prior to the meeting. Before finalizing this list, the advisory councils shall submit the list to the director of OEPA. The director shall certify those additional strategies that will most likely be approved by the USEPA, and return the list to the advisory councils. The advisory council shall adopt a list of additional compliance strategies certified by the director, and deliver that list to the legislative authority in each county,

municipal corporation and township, the executive officer in each municipal corporation, the appropriate metropolitan planning organization and local air pollution control agency, and OEPA.

The members of the advisory council that represent a particular county shall hold at least one public hearing for the purpose of receiving public comments on the additional compliance strategies developed by the advisory council. The advisory councils shall publish notice concerning the meeting in the newspaper of general circulation in the county, not less than two weeks prior to the meeting. The legislative authority receiving a final list of additional compliance strategies may adopt a resolution approving one of the additional compliance strategies on the list, in lieu of continued operation of the E-Check program.

Fiscal Impact of Changing from E-Check to a Biennial Basic Program

State fiscal impacts may occur in three ways: (1) potential expenditure increase to the state for breaking their contracts with the testing company; (2) potential expenditure increase to the EPA and Attorney General with regard to the provision that gives the state four months to negotiate a contract and implement a basic program; and, (3) a potential expenditure increase to EPA, for administrating compliance strategies in addition to a biennial basic program without a dedicated revenue source to allay the expenditures. Local governments in the two attainment areas may incur fiscal impacts, if they are responsible for funding the activities of the two councils.

The Contract with Envirotest

On October 24, 1994, the State Controlling Board approved two contracts with Envirotest for implementation of the state’s enhanced vehicle emissions testing program for Zone 1 (Geauga, Lake, Lorain, Medina, Portage, and Summit counties) and Zone 2 (Clark, Greene and Montgomery). Additionally, on April 25, 1995, Controlling Board approved a contract extension with Envirotest to implement an enhanced vehicle emissions testing program in Cuyahoga County (Envirotest was administering Cuyahoga County’s basic vehicle emissions program). All three of these contracts encompassed a 10 year time period, in which Envirotest estimated the total value of the contract over the 10 year period, based upon a \$19.50 testing fee. The following table shows the original cost of the contract, the revenue collected over 15 months (based on a straight monthly average) and the adjusted total cost of the contract to date:

<i>County/Zone</i>	<i>Envirotest’s Estimated Total Receipts over the Ten Year Period</i>	<i>Straight Average of 15 Months of Revenues Collected by the Contractor to Date</i>	<i>Adjusted Total</i>
Zone 1	\$ 92,145,464	\$11,518,185	\$ 80,627,279
Zone 2	\$ 60,065,975	\$ 7,508,250	\$ 52,557,725
Cuyahoga County	\$ 83,216,840	\$10,402,110	\$ 72,814,730
Total	\$ 235,428,279	\$29,428,560	\$205,999,734

Emissions Testing Contracts in Other States

To give an idea of what has occurred in other states when enhanced vehicle emissions test programs have been repealed the following details the experiences of Maine and Pennsylvania.

Maine

Maine began their enhanced I&M program in July 1994. The state signed a seven-year contract with Systems Control to implement their program. The program was in full operation until September 1994, when it became a voluntary program with phased-in vehicle testing. Essentially, motorists could wait until the following March to get their vehicle tested. As the volunteer program continued, Systems Control's revenues steadily decreased, causing them to shut down testing centers. In May 1995, the program was repealed. According to the Section Chief for Mobile Sources in Maine's Department of Environmental Protection, the contract with Systems Control had been signed for approximately \$40 million, of which the company had already spent \$20 million. Systems Control sued the state. As of this writing, one judgment has been returned in favor of the state (Systems Control would get nothing). Apparently, a clause in the request for proposal stated that if the Legislature repealed the program, the state was not liable. However, this particular clause did not make its way into the contract. But in the ruling, the judge declared that Systems Control had adequate knowledge that this clause was in the RFP, therefore, the state was not financially liable for repealing the program

Pennsylvania

Pennsylvania signed a seven-year contract with Envirotest to perform the enhanced I&M program in 1995. The contract was subsequently repealed by the state legislature before the program started. Pennsylvania, up until that time, had been running a decentralized program. This decentralized program is still being run under a consent decree by the USEPA (i.e., USEPA is forcing Pennsylvania to implement the program). Pennsylvania is under a different set of circumstances than Ohio, with the Philadelphia area being designated as a severe ozone attainment area, mandating an enhanced program under CAAA. According to a spokesperson from the Office of Chief Counsel in the Pennsylvania Department of Transportation, when the Legislature repealed the program, Envirotest sued in excess of \$350 million. This included not only the cost of the estimated receipts from the program, but also items such as loss of goodwill and damage to reputation. The suit never went to court. It was settled for \$142 million plus a possible additional amount of up to \$15 million related to the construction of testing facilities.

Fiscal Impact of Breaking the Contract

This bill changes E-Check to a biennial basic program, as well as makes certain contract alterations, such as:

- stating that EPA *may* negotiate with the contractor, without issuing multiple RFPs, but that they are *not required* to renegotiate with the current contractor;

- stating that the period of operation of the contract to conduct the basic program *may* be for a term of years not to exceed the term remaining on the contract to conduct E-Check, but that this time period is not *required*; and
- eliminating the provision that the fees assessed by the contractor are adequate to cover their costs, plus EPA’s administrative costs.

There is also a provision of this bill that requires the EPA to negotiate a contract that switches from E-Check to a basic program, and implement a basic program within four months after the effective date of the bill. This will likely pose expenditure increases to both the EPA and the Attorney General’s office (who is required to review the contract), in the form of overtime worked to meet the bill’s deadlines. According to a spokesperson from the EPA, it is assumed that implementation of the program includes issuing a Request for Proposal, and promulgation of rules. Because of the short time period, the spokesperson stated that it is likely that EPA will not use this time to issue a new RFP; instead they will negotiate with the current testing company. Additionally, because it is assumed that implementation of the program will include a promulgation of rules, it is possible that there will not be enough time to implement the entire program and all testing would be subsequently prohibited.

These changes (especially the one described in the preceding paragraph) may lead the testing company to construe that these provisions represent a breaking of the current contract. Language in the current contract states that “in the event that the EPA fails to cure a default..., the EPA agrees to reimburse the contractor for any actual and direct losses incurred as determined by a court of competent jurisdiction.” Presumably, this cost could include an amount up to \$206 million, the total cost of the contract minus the amount already received by the testing company for implementing the first fifteen months of this program, plus additional punitive damages that may ensue as a result of civil litigation. It is presumed that if the state were required to pay a settlement, the money would come from GRF.

Remote Sensing Programs

The bill requires the EPA to evaluate the feasibility, utility, and cost-effectiveness of implementing a remote sensing program, and may implement a remote sensing pilot program. What is remote sensing? In general, an infrared beam is projected across a road, at tailpipe level, into a detection device that is normally monitored with a van or other roadside vehicle. The detector converts the infrared energy into an electric signal. The greater the energy detected the higher the electric signal and the lower the emission reading. Higher polluting cars absorb more of the infrared energy, creating a lower electric signal. A high-speed camera snaps a photograph of the vehicle’s license plate, and if the vehicle is detected as a “gross polluter,” a notice is mailed to the owner to take their car to a testing facility for further emissions tests. The question for this analysis then is how much would it cost to implement a remote sensing pilot program? Arizona, Colorado and New Jersey are currently implementing a remote sensing program in various ways with the associated costs:

<i>Location of Program</i>	<i>Type of Program</i>	<i>Cost per Year</i>
Phoenix, Arizona	Fully implemented	\$915,000 ^a
Greeley, Colorado	One-year pilot program	\$500,000 ^b
New Jersey	10-week pilot program	\$200,000 to \$468,000 ^c

^a Expenditures originate from general funds of Arizona (i.e. state money)

^b An estimate if all cars in the vehicle population are tested; funding originally from the contractor, but in future years will come from the state

^c Annualized estimate based upon the bid received for the ten-week pilot program

As shown above, the annual costs to implement a remote sensing program in the states contacted ranged from \$200,000 to \$915,000 per year. For more specific details these areas' remote sensing programs, please see the Appendix.

Implementing Additional Air Pollution Control Programs

The bill specifies that additional air pollution control programs be implemented in the areas of the state running a biennial basic program. Because the bill does not specify which additional programs are to be used, it is difficult to estimate any potential cost to the state. Two programs that have been used in other states and that have been the subject of discussion in committee include reformulated gasoline (RFG) and the utilization of lower RVP gasoline. Because these two options are fairly common, this analysis assumes that one or both could be implemented. If so, there is potential cost to the state for administration of these programs, specifically some state oversight activities. However, it appears that most of the cost associated with a lower RVP and RFG program is absorbed by entities other than the state (i.e. the petroleum industry, gasoline consumers, etc.). For more information on both a lower RVP gasoline program and RFG, please see the Appendix.

Income Tax Credit

The bill allows a tax credit to compensate for the payment of the \$19.50 inspection fee. If all persons take advantage of this tax credit, a revenue loss of approximately \$34 million to the GRF and three local government funds would occur. The following table illustrates the impact of the tax credit by area:

Area	1995 Registered Vehicles	Biennial Test (divide previous column by 2)	Adjusted Registered Vehicles (16% of all vehicles are two years old or less and are exempt)^a	Fee	Total Revenue Loss (multiply column 4 by column 5)
Zone 1 (Northeast)	1,231,446	615,723	517,207	\$19.50	\$10,085,537
Zone 2 (Dayton)	722,290	361,145	303,362	\$19.50	\$ 5,915,559
Cuyahoga	981,610	490,805	412,276	\$19.50	\$ 8,039,382
Zone 3 (Cincinnati)	1,177,729	588,865	494,647	\$19.50	\$ 9,645,616
Total					\$33,686,094

^a Under the bill, cars that are two years old or newer are exempt, even if the title is transferred. According to EPA, approximately 16 percent of all vehicles registered are two years old or newer.

Again, this figure represents the upper level of potential revenue loss, assuming that all persons who have their vehicles inspected will take advantage of this tax credit. The revenue loss would be distributed as follows: 89.5 percent to the General Revenue Fund, 4.2 percent to the Local Government Fund (LGF), 0.6 percent to the Local Government Revenue Assistance Fund (LGRA), and 5.7 percent to the Library and Local Government Support Fund (LLGSF). Thus,

each fund would lose up to the following amounts: \$30.1 million to the GRF, \$1.4 million to the LGF, \$.2 million to the LGRAF, and \$1.9 million to the LLGSF.

There may also be potential expenditure increases to the Department of Taxation with regard to reprinting new tax forms with an emissions testing tax credit area, reviewing the submitted emissions testing receipts for accuracy and other related expenditures. In future years, this revenue loss will become greater, if more areas become subjected to vehicle emissions testing and the residents are assessed an inspection fee under this section.

Knowingly Falsifying Information

In the bill, whoever knowingly falsifies information on the results of a motor vehicle inspection conducted or in an inspection certificate is guilty of the offense of falsification. Any person convicted of or pleading guilty of falsification is disqualified from holding public office or employment for the state, or from working for a company that contracts with the state. This provision may cause expenditure increases to local governments related to the cost of adjudication.

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Appendix

Remote Sensing

Colorado – City of Greeley

In Greeley, Colorado, the Colorado Department of Public Health and Environment (DPHE) administers a basic vehicle emissions testing program in conjunction with a remote sensing program called Clean Screen. For 3 to 4 days a week, the remote sensing equipment is set up to detect which cars are clean (i.e. are not emitting pollutants above a certain standard). If a car is detected as clean, it does not have to be tested at an inspection center. If a car is not clean, the vehicle owner would be required to have the car's emissions tested anyway. By using remote sensing to determine which car is clean, as opposed to catching dirty cars, a more positive emphasis is placed on the program. However, because Greeley's remote sensing program focuses on clean cars instead of dirty cars, the state does not receive any emission reduction credits from the USEPA.

In setting up a remote sensing area, the site chosen is critical as the car must be slightly accelerating past the infrared beam in order to receive representative emissions readings. Low speed with no acceleration past a remote sensing area often produce abnormally clean readings while deceleration past a site produces high hydrocarbon (HC) readings. Weather is a major factor, in that rain or water from the road greatly interferes with the proper functioning of remote sensing devices.

The contractor spent \$500,000 for the first year operation of the remote sensing program, a figure that was negotiated in the testing companies' contract. According to the spokesperson from the DPHE, the state will probably be able to fund the program for the next year, but will need to create funding mechanism for future years. According to an interim report from the DPHE, the average test cost about \$2 per car and that approximately 50 percent of the cars in Greeley have been tested (approximately 27,000 cars). This does not mean, however, that there have been 27,000 tests. In fact the spokesperson states that there have been approximately 140,000 tests, as many cars have been measured multiple times (because the testing equipment is set up in the same place). The report estimates that an annualized figure of \$250,000 has been spent on the equipment purchased and the testing of the cars. Because the spokesperson stated that only half of Greeley's vehicles have been tested, doubling the \$250,000 figure to \$500,000 may give an indication of the true cost of the program per year to test the entire vehicle population in Greeley.

New Jersey

As a part of the ozone transport region, the entire state of New Jersey is classified as severe non-attainment for ozone, and is currently running an annual basic I/M program, along with other transportation control programs. In addition, New Jersey sent out a bid for proposal on a ten-week data collection study to determine the feasibility of remote sensing in their state. The winning bid of \$38,300 was spent to set up a remote sensing area and collect data (a spokesperson from the New Jersey Bureau of Transportation Control stated that the winning bid was probably low and a closer approximation of the true cost was sent by another bidder at

approximately \$90,000). To give an annualized approximation of New Jersey's remote sensing program based upon these two bids, the program could cost from \$200,000 to \$468,000 per year.

The remote sensing area was set up on a long entranceway into a Trenton-area inspection and maintenance station. During the 10-week study (from September 1996 through November 1996), approximately 10,000 readings were collected, which likely included multiple measurements on certain vehicles. As is the case in Colorado, weather played a role in the collection of data. Measurements could not be taken when it was raining, and wet roads made measurement close to impossible. The spokesperson stated that a report on their findings would be completed in June 1997.

Arizona – City of Phoenix

Since January 1, 1995, Phoenix, Arizona has been running a remote sensing program in six areas around the city. The program has been funded through a variety of means, but most recently, general funds have been utilized. Approximately \$915,000 has been spent annually on the remote sensing program. The six remote sensing areas in Phoenix collect a total of approximately 200,000 valid vehicle emission measurements. Multiple "dirty" observations on one car must be measured before the vehicle owner is notified as needing to bring the car to an inspection center for further testing. Weather (rain, specifically) is not as much of a problem in Phoenix. However, because the state runs both an idle (basic) and dynamometer (enhanced) test, it can be difficult to translate the remote sensing measurements into telling vehicle owners which type of test their vehicle must take.

Lower RVP Gasoline

The term RVP is a measure of a fuel's volatility. Lower RVP, then, has lower volatility than conventional gasoline. Therefore, when lower RVP gasoline (as compared to conventional gasoline) is used, there is a reduced rate of gasoline evaporation into the atmosphere. Lowering RVP in the summer months (during peak ozone production) offsets the accelerated effect that hot temperatures have on the evaporation of gasoline. Using lower RVP gasoline in the summer slows down the amount of volatile organic compounds (VOC) released into the atmosphere. This decreases the amount of VOCs that could potentially combine with nitrous oxides to form ground-level ozone.

Does the state have oversight over a lower RVP gasoline program? According to a spokesperson from the Georgia Department of Environmental Protection, the lower RVP gasoline program being implemented in Atlanta has certain state oversight activities involved in the testing of the gasoline. Therefore, while not specifically stated in the bill, the state may bear some expenditures in the implementation of a lower RVP gasoline program. However, it is likely that the majority of costs associated in implementing a lower RVP gasoline program in Cleveland and Dayton would be borne out by the companies refining and distributing the gasoline and by the consumers who may pay higher prices at the pump.

Reformulated Gasoline (RFG)

Reformulated gasoline (RFG) is "...a new blend of gasoline in which the composition has been altered to reduce polluting automobile emission."¹ CAAA 1990 requires that all RFG have a minimum oxygen content of 2 percent by weight, to ensure complete combustion of the fuel, thereby reducing CO emissions.² The oxygen content is achieved through the addition of methyl tertiary butyl ether (MTBE), ethyl tertiary butyl ether (ETBE) or ethanol. RFG also contains lower concentrations of certain VOCs and is formulated to reduce hydrocarbons and air toxics.³ According to USEPA, in 1995 RFG reduced VOC emissions and toxic air pollutants by 15 percent over 1990 conventional gasoline standards, the equivalent of taking 8 million cars off the road.⁴ One of RFGs main advantages is that it can be used in existing vehicles without engine or fuel modifications. Additionally, it "...provides the best emissions benefits currently available for gasoline powered vehicles."⁵

In committee, some individuals testified about health problems that have been reported by persons using RFG, specifically that RFG containing MTBE may cause headaches, nausea and dizziness. On the other hand, numerous studies, by USEPA, various state health agencies and Yale and Rutgers universities, both before and after health concerns were raised, indicate that there is "...no verifiable evidence to support adverse health effects of MTBE on human health."⁶

Another potential drawback is the slight reduction in fuel economy that may occur, due to the reduced energy content in RFG. Some studies have concluded, "...vehicle performance may decrease by no more than 1 to 3 percent with the use of reformulated gasoline."⁷ Other studies suggest that over time, the cleaner burning nature of the fuel may increase vehicle performance due to the reduction of engine deposits.

Testimony has been mixed on the issue of how switching to RFG would affect the price of gasoline at the pump. According to a spokesperson from the Ohio Petroleum Council, in a 15-state area from late 1994 through early 1996, on average RFG exceeded conventional gasoline by 4.3 cents. This 4.3 cents coupled with the 1 to 3 percent reduction in fuel economy, increases the cost to the consumer to approximately 7 cents per gallon.⁸ According to OEPA testimony, in certain parts of the U.S. price increases up to 10 cents per gallon occurred in markets where RFG was used.⁹ Other studies suggest that initially the price of RFG is higher than conventional gasoline "...but actual experience in California, Rhode Island and 17 other states show that there is no differential between RFG and conventional gasoline after the market place stabilizes."¹⁰

¹ Hugh K. Wilson, Jackie Cummins and Jeff Dale. *Alternative Fuels: A Case Study Report*, National Conference of State Legislatures (March 1996), p. 16.

² *Ibid.*

³ USEPA, *Oxyfuels Information Needs*, EPA/600/R-96/069, (May 1996), p. 1.

⁴ Hugh K. Wilson, Jackie Cummins and Jeff Dale. *Alternative Fuels: A Case Study Report*, National Conference of State Legislatures (March 1996), p. 4.

⁵ *Ibid.* p. 17.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Robert Leidich, *Testimony before the House Energy and Environment Committee*, (April 11, 1996), p. 2.

⁹ Donald R. Schregardus, *Testimony before the House Finance Committee*, OEPA, (September 11, 1996), p. 2.

¹⁰ William Johnson, *Testimony before the House Energy and Environment Committee*, Ohio Motorists Association, (May 9, 1996), p. 3-4.

In Jefferson County, Kentucky (Louisville), RFG is used in conjunction with enhanced I&M testing. With respect to the price at the pump, the price per gallon of RFG in Jefferson County is very similar to the counties surrounding Jefferson. According to a spokesperson from the Jefferson County Air Quality Board the market tends to even out the prices between conventional gas and RFG. Whenever the price differential rises above 2 cents, people will start to drive out of Jefferson County to put conventional gas in their car. Therefore, the market tends to keep RFG below this 2 cent differential.¹¹

¹¹ Dick Everhart, Jefferson County Air Quality Control Board, telephone interview, (October 15, 1996)