
Detailed Fiscal Analysis

Overview of the bill

Beginning July 1, 2009, the bill requires manufacturers, packagers, distributors, recyclers, and sellers of engine coolant or antifreeze in Ohio to include a bittering agent in engine coolant or antifreeze that contains more than 10% ethylene glycol and was manufactured after December 1, 2008. The bill also requires a manufacturer or packager of engine coolant or antifreeze to maintain a record of the trade name, scientific name, and active ingredients of the bittering agent. The bill does not apply to the sale of a motor vehicle that contains engine coolant or antifreeze, or to a wholesale container of engine coolant or antifreeze containing 55 gallons or more of antifreeze. Overall, the bill could increase oversight, investigation, and enforcement costs for the Department of Agriculture. The bill could also lead to some new prosecutions. The potential fiscal effects are explained below.

Ohio Department of Agriculture

The Department of Agriculture's Weights and Measures Division, which would oversee compliance with the bill's requirements, could incur new costs for staff, laboratory tests, and enforcement. The Division would most likely be required to devote a laboratory technician to oversee compliance. There would also be new expenses for laboratory testing, and to a lesser degree, enforcement. Operating costs for the Division of Weights and Measures are paid by a combination of GRF and fee revenue. H.B. 1 reduced the GRF appropriation item 700412, Weights and Measures, to \$200,000 in both FY 2010 and FY 2011, a reduction of nearly 71% compared to FY 2009 expenditures of \$686,460. Part of this cut is offset by an increase in line item 700608, Metrology Lab and Scale Certification, which H.B. 1 raised from \$664,133 in FY 2009 to \$1.45 million in both FY 2010 and FY 2011. The line item is supported by fees charged to companies for calibration and measuring device certification and that are deposited into the Metrology Scale Certification Fund (Fund 5H20).

Violations

The bill provides for a misdemeanor penalty and fine of not more than \$1,000 for manufacturers, packagers, distributors, recyclers, and sellers of engine coolant or antifreeze who either (1) fail to ensure that these products contain bittering agents or (2) do not keep the required product information available for consumers. While the bill could lead to some new prosecutions handled by county and municipal courts, the expenses related to these cases, as well as the fine revenue they would generate, are likely to be small.