

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF A PERMANENT)
RULEMAKING OF THE OKLAHOMA)
CORPORATION COMMISSION AMENDING)
OAC 165:16, ANTIFREEZE)

CAUSE RM NO. 201800004

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CORPORATION COMMISSION
OF OKLAHOMA

PROPOSED RULES
October 16, 2018

SUBCHAPTER 1. GENERAL PROVISIONS

165:16-1-1. Purpose

The purpose of this Chapter is to implement the provisions of ~~47 O.S. (1995) § 461~~ 17 O.S. § 301 et seq., regarding the sale of antifreeze in the State of Oklahoma.

165:16-1-2. Definitions

In addition to the terms defined in ~~47 O.S. § 461 et seq.~~ 17 O.S. §§ 303 and 348, the following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"**Antifreeze**" means all substances and preparations intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of an internal combustion engine to prevent freezing or to raise the boiling point.

"**Certified**" means to attest that the analysis is as represented and meets the required standards of this Chapter.

"**Commission**" means the Oklahoma Corporation Commission and includes its designated divisions, departments, agents or representatives.

"**Ethylene glycol antifreeze**" means an antifreeze containing ethylene glycol as the major component.

"**Licensee**" means the name and address of the person who is distributing, manufacturing, marketing, producing, selling or transporting antifreeze under a specific brand name.

"**Manufacturer**" means any person engaged in the manufacture of any antifreeze sold, offered for sale, displayed, distributed, produced, used, or consumed in the State of Oklahoma.

"**Methanol**" means an antifreeze with an alcohol base.

"**Person**" means any and all persons, including any individual, firm, partnership, corporation, company, trust, LLC, LLP, and association, whether such persons are acting as owner, bailee, or agent.

"**Propylene glycol antifreeze**" means an antifreeze containing propylene glycol as the major component.

"**Prediluted aqueous ethylene glycol**" means an antifreeze containing a 50 volume percent aqueous solution.

"**PSTD**" means the Petroleum Storage Tank Division.

SUBCHAPTER 3. APPLICATIONS AND PERMITS

165:16-3-1. General requirements

Before any antifreeze can be displayed, distributed, manufactured, marketed, produced, sold, used and/or offered for sale or resale, held with intent to sell, or transported within the State of Oklahoma, a permit, bearing an official permit number shall be obtained by the manufacturer of the antifreeze from ~~the Compliance and Inspection Department of the Petroleum Storage Tank Division~~ PSTD.

(1) Application for antifreeze permits shall be submitted with certified laboratory analysis, copies of the labels, and ~~\$100.00~~ the fee amount set forth in Chapter 5 of Commission rules per brand and per type. If PSTD has previously approved the formula, a new laboratory analysis is not needed.

(2) If antifreeze meets the specifications and standards as set out in OAC165:16-5-1, 165:16-5-2, 165:16-5-3 and 165:16-5-4 a permit shall be issued to the applicant authorizing the sale of such antifreeze until the end of the fiscal year, June 30.

(3) Renewal invoices will be sent sixty (60) days before the fiscal year expires. The renewal fee amount set forth in Chapter 5 of Commission rules is \$100.00 per brand and per type. Licensees do not need to resubmit information on individual brands and types each year unless the formula, name of the brand or the type has changed.

165:16-3-2. Application for variance [REVOKED]

~~(a) Application shall be made for an order establishing standards for any antifreeze product which does not fall within any classification established by this Chapter. The application shall be accompanied by a certified analysis setting out the chemical composition of the product and test data, including boiling point, pH, reserve alkalinity, and freezing point as measured by applicable ASTM or other appropriate methods.~~

~~(b) After notice as prescribed by the Commission and public hearing, the Commission may enter its order prescribing appropriate minimum standards applicable to the product and authorizing issuance of permit for the product pursuant to 165:16-3-1.~~

~~(c) A permit issued pursuant to such an order may be renewed annually, without further hearing, as provided in 165:16-3-1.~~

SUBCHAPTER 7. ADULTERATION AND MISBRANDING

165:16-7-1. Adulteration

Any antifreeze submitted to the ~~Compliance and Inspection Department~~ PSTD for permit approval and testing shall be deemed to be adulterated if the certified analysis or other testing indicates:

- (1) It consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine or will make the operation of the engine dangerous to the user.
- (2) Its strength, quality, or purity falls below the professed standard of strength, quality, or purity under which it is sold.
- (3) It is a product intended to be used without further dilution and does not provide freezing point protection to -34° Fahrenheit.

165:16-7-2. Misbranding and labeling

Any antifreeze submitted to the ~~Compliance and Inspection Department~~ PSTD for permit approval shall be deemed to be misbranded if:

- (1) Labeling is false or misleading in any particular manner.
- (2) In package form it does not bear a label containing the name and place of business of the distributor, manufacturer, marketer, packer, producer, seller, warehouse or wholesaler, and an accurate statement of the quantity of contents in terms of weight or volume and these facts are not stated plainly and correctly on the outside.
- (3) The product is to be diluted with another substance for use and does not bear on the label or in an accompanying instruction sheet, folder, or booklet a statement or chart showing

appropriate amounts of each substance to be used to provide protection from freezing at various degrees of temperature down to at least thirty degrees (30°) below zero Fahrenheit.

(4) The product is intended to be used without further dilution and the freezing point is not stated on the label and the front and back labels do not bear the words "Ready to Use" in minimum one quarter (~~1/4~~) inch (1/4) high letters.

(5) Antifreeze manufacturers and licensees must provide a copy of any new version of any label change not previously submitted and approved by PSTD.

[**Authority:** ~~47 O.S. §§ 461~~ 17 O.S. §301 et seq.]

[**Source:** Codified 6-25-92]