

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA
CORPORATION COMMISSION - OKC
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF A PERMANENT)
RULEMAKING OF THE OKLAHOMA)
CORPORATION COMMISSION) **CAUSE NO. RM 201800004**
AMENDING **OAC 165:16, ANTIFREEZE**)

RULE IMPACT STATEMENT

This Rule Impact Statement addresses proposed permanent rule amendments to the Oklahoma Corporation Commission's ("Commission") OAC 165:16 *et seq.*, rules for selling Antifreeze in Oklahoma. This Rule Impact Statement has been prepared in substantial compliance to 75 O.S. 2013 Section 303(D).

I. PURPOSE OF RULE PROPOSALS

The proposed changes, amendments, additions and revocations include: correct statutory citations to reflect the new antifreeze statutes located in 17 O.S. §§ 301 *et seq.*; strike references to the Compliance and Inspection Department; transfer fees to OAC 165:5 Rules of Practice; revoke a rule; and make a grammatical correction.

II. CLASSES OF PERSONS WHO WILL MOST LIKELY BE AFFECTED BY THE PROPOSED PERMANENT RULES, INCLUDING CLASSES WHICH WILL BEAR THE COST OF THE PROPOSED PERMANENT RULES, AND INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES

The classes of those affected include manufacturers, packers, sellers, and distributors of antifreeze for sale within the State of Oklahoma.

The Commission in its Notice of Proposed Permanent Rulemaking has requested that business entities that are expected to incur a cost increase as a result of compliance with the proposed rulemaking provide written comments stating cost impact information to the Commission. All permitted sellers of antifreeze within the state who subscribed to the Commission's GovDelivery email distribution service were advised of the Notice of Proposed Rulemaking. As of the date of preparation of this Rule Impact Statement, the Commission has received no cost impact statements from any private or public entity. If any such comments are received by the Commission, they will be considered by Staff at the technical conferences on November 7, 2018, and December 5, 2018, and by the Commission *en banc* at the hearing on January 15, 2019.

III. CLASSES OF PERSONS BENEFITING FROM THE PROPOSED PERMANENT RULES

The classes benefiting from the amendments include all purchasers of antifreeze within the state. Also, these rule amendments will benefit all manufacturers, packers, sellers, and distributors of antifreeze doing business within the state.

IV. PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS, INCLUDING ALL FEE CHANGES WITH JUSTIFICATION

It is anticipated that there will be no adverse economic impact upon the affected parties. The proposed amendments will not adversely impact other political subdivisions of the state.

V. IMPACT ON SMALL BUSINESS

Pursuant to 75 O.S. 2002 Supp., Section 303(D)(2)(g), the Commission has reviewed the possible and potential economic impact of the proposed permanent rule amendments according to the requirements of the Oklahoma Small Business Regulatory Flexibility Act of 2002, 75 O.S. 2002 Supp., Section 501 *et seq.* There should be no adverse impact on small businesses in the State of Oklahoma.

VI. PROBABLE COSTS AND BENEFITS TO THE AGENCY AND TO ANY OTHER AGENCY TO IMPLEMENT AND ENFORCE THE PROPOSED PERMANENT RULES, THE SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED PERMANENT RULES, AND ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A NET LOSS OR GAIN IN SUCH REVENUES IF IT CAN BE PROJECTED BY THE AGENCY

The Commission anticipates that its current staff is adequate in both number and training to implement the proposed rules, and that there will be no immediate increase in agency expenses as a result of the amendments. There are no other known governmental entities that regulate antifreeze.

VII. ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISIONS OR COOPERATION OF ANY POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE THE PERMANENT RULES

Political subdivisions (as defined in 75 O.S. 1998 Supp., Section 250.3) that sell antifreeze within the state will have to comply with the proposed permanent rules.

No cooperation of any political subdivision is required to enforce or implement the proposed permanent rules.

VIII. MEASURES THE AGENCY HAS TAKEN TO MINIMIZE COMPLIANCE AND LESS COSTLY OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSES OF THE PROPOSED PERMANENT RULES

There are no less costly or less intrusive methods for achieving the purpose of the proposed rules.

IX. EFFECT OF THE PROPOSED PERMANENT RULES ON THE PUBLIC HEALTH AND SAFETY AND THE ENVIRONMENT AND, IF THE PROPOSED PERMANENT RULES ARE DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH AND SAFETY AND THE ENVIRONMENT, AN EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED PERMANENT RULES WILL REDUCE THE RISK

The proposed permanent rules will protect the general public from unregulated antifreeze.

X. CONFORMANCE WITH FEDERAL STANDARDS

PSTD is not aware of any federal rules governing the sale of antifreeze.

XI. RISK IF NOT IMPLEMENTED

If the proposed permanent rules are not implemented, the citizens of the state would be less protected from adulterated or misbranded antifreeze. Also, there is a risk of confusion regarding statutory authority among the regulated entities and the public.

XII. DATE

This Rule Impact Statement was prepared on the 29th day of October, 2018.

Prepared By:
Travis N. Weedn
Senior Attorney
Oklahoma Corporation Commission
P.O. Box 52000
Oklahoma City, OK 73152-2000
Ph.: 405/521-4137
Fax: 405/521-4150
Email: t.weedn@occcemail.com