CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE
Karen Ross, Secretary

October 17, 2014

DMS NOTICE
P - 14 - 02
DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Statewide Bulk Engine Coolant Baseline Survey

The Division of Measurement Standards (DMS) has completed a statewide survey for quality and labeling for bulk automotive engine coolants. The survey was conducted October 2013 through December 2013.

DMS Petroleum Enforcement investigators randomly visited 210 locations throughout the state that specialized in oil changes and tune ups. In addition to the public access locations, the survey included four state and local government locations. DMS investigators discovered 49 locations that stored or distributed bulk engine coolant, and 64 samples were obtained by enforcement staff. The DMS Fuels and Lubricants laboratories in Sacramento and Anaheim tested the samples for compliance with state quality specifications and labeling requirements.

The results for this baseline survey have revealed that for bulk coolant quality, 87.5 percent of the product tested was in compliance, while 79.7 percent of the products inspected were in compliance with labeling requirements. The following enclosure outlines the scope, parameters, compliance levels, and detailed results of the baseline survey.

If you have any questions regarding this notice, please contact Steven Cook, Chief, Enforcement Branch, at (916) 229-3000.

Sincerely,

Kristin J. Macey
Director

Enclosure

cc: Gary Leslie, County/State Liaison, CDFA

MARKETPLACE EVALUATION

CALIFORNIA DIVISION OF MEASUREMENT STANDARDS

BULK ENGINE COOLANT QUALITY AND LABELING BASELINE SURVEY

October - December
2013

CALIFORNIA DIVISION OF MEASUREMENT STANDARDS
STATEWIDE BULK ENGINE COOLANT QUALITY AND LABELING SURVEY

A statewide survey to determine the baseline compliance levels for engine coolants sold from bulk storage was conducted within California from October 2013 through December 2013.

SCOPE OF THE SURVEY

The Division of Measurement Standards (DMS), Petroleum Enforcement Program's investigative staff sampled bulk engine coolants at randomly selected locations throughout the state to determine compliance with Division 5, Chapter 15 of the California Business and Professions Code, and Title 4, Division 9, Chapter 6, Article 7 of the California Code of Regulations. The DMS Fuels and Lubricants laboratories in Sacramento and Anaheim tested the samples for compliance with the adopted ASTM International quality specifications for high freeze point, low reserve alkalinity, and chloride ion content. DMS staff also evaluated labeling compliance for "BRAND" and the identification of the applicable ASTM International standard.

ASTM STD:	**USE**
D3306	Automotive and Light Duty
D6210	Heavy Duty Coolant
D6471	Recycled Prediluted Glycol Base for Auto and Light Duty
D4985	Low Silicate Heavy Duty Truck
D6472	Recycled Ethylene Glycol Concentrate Light Duty
D5345	Prediluted EG Low Silicate Heavy Duty
D4340	Aluminum Corrosion Test

Location and Sample Selection

A total of two hundred ten (210) locations in twenty two (22) counties were visited. Locations included public business locations such as drive-in tune up and lube places, and four state and local government fleet yards. Bulk engine coolants were discovered at forty nine (49) locations and sixty-four (64) samples were taken.

Survey Results

The following chart summarizes the results of the 2013 baseline survey. The results of this and future surveys should be useful to weights and measures officials in determining which areas of the marketplace to focus their enforcement activities.

Bulk Engine Coolant Quality and Labeling Survey Results	2013
Overall percent compliance for engine coolant quality specifications	87.5% See Note 1
Overall percent compliance for engine coolant labeling requirements	79.7% See Note 2
Locations visited	210
Locations that stored or distributed bulk engine coolant	45
Total number of bulk engine coolant samples taken	64

Note [1]	The "quality" compliance problem with engine coolants relates to high freeze point values obtained for combination passenger car/light-duty truck and heavy-duty truck coolants as well as extended life coolants. It appeared to staff that pre-diluted coolant was being diluted again with water. There were two instances of low reserve alkalinity as specified in ASTM 01121. California regulations provide a method to exempt these types of coolants from the reserve alkalinity requirement. The packagers of products failing this specification were contacted regarding applying for the exemption. Discounting the reserve alkalinity specification, the overall percent compliance for engine coolants was 93%.
Note [2]	Discounting the 13 containers that failed to have any labeling, the overall percent compliance for the labeling of bulk engine coolants was 100%. Appropriate labels were applied in the presence of DMS.

LABELING VIOLATIONS

Packagers (including manufacturers and suppliers) generally are complying with the requirements for brand name and product name, and grade including identification of the applicable ASTM International standard.

Bulk containers, while generally complying with the requirements for brand name, product name, and grade were found to have problems with missing labels. After Notices of Violations were issued, packagers of these products then provided the proper labeling requirements and corrected the containers either in the presence of DMS investigators or prior to the end of the survey period.

VIOLATIONS

CATEGORIES:

Violation types are designated in the California Code of Regulations Title 4, Division 9 Chapter 12, Article 2. Weights and Measures Penalty Guidelines.

(1) "Category A" violations are violations in which there are actual, or there is the potential for actual false, deceptive, or misleading business practices, or significant monetary loss to consumers.

(2) "Category B" violations are violations in which there is a reasonable potential for intermediate level of consumer or competitive harm.

(3) "Category C" violations are primarily violations that would typically have a less egregious effect on consumers or equitable competition in the marketplace.

PENALTY RANGES:
1 = Category A ($400 to $1,000)
2 = Category B ($150 to $600)
3 = Category C ($50 to $250)

CATEGORIES BY VIOLATION TYPE:

Listed below are violation categories that were used during this survey for documenting the violations observed:

Category C
§ 13740. SALE OR DISTRIBUTION OF ADULTERATED OR MISLABELED PRODUCT

Engine Coolant from Bulk Storage	2013
Overall percent compliance for all coolant specifications	87.5
Percent compliance for high freeze point	90.6
Percent compliance for low reserve alkalinity	96.9
Percent compliance for chloride ion content	100.0

Engine Coolant Labeling from Bulk Storage*	2013
Overall percent compliance for all coolant labeling	79.7
Percent compliance for brand name	79.7
Percent compliance for ASTM International standard identification	79.7
* 13 containers failed to meet any labeling. The overall percentage compliance for the labeling of bulk engine coolants was 100% after labels were applied in response to the Notices of violation issued by Petroleum investigators.	