

## **Addendum Sheet**

### **Laws and Regulations (L&R) Committee Interim Report**

Ms. Michelle Wilson, Committee Chair  
Arizona

#### **INTRODUCTION**

The L&R Committee (hereinafter referred to as the “committee”) submits its Committee Interim Report for consideration by National Conference on Weights and Measures (NCWM). This addendum sheet contains the report items published in *NCWM Publication 16, Committee Reports for the 104<sup>th</sup> Annual Meeting*. The addendum sheet will address the following items during the Annual Meeting.

Items are grouped according to item status: **(VC) Voting Consent Calendar:** the committee has grouped these items for a single vote; **(V) Voting Item:** the committee is making recommendations requiring a vote by the active members of NCWM; **(I) Informational Item:** the item is under consideration by the committee but not proposed for Voting; **(A) Assigned Item:** the committee has assigned development of the item to a recognized subcommittee or task group within NCWM; **(D) Developing Item:** the committee determined the item has merit; however, the item was returned to the submitter or other designated party for further development before any action can be taken at the national level; **(W) Withdrawn Item:** the item has been removed from consideration by the committee.



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**MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES .....5**

MOS-1 A Various Sections within the Method of Sale of Commodities, Background and Section 2. and create a Section 3. MOS for Fuels, Lubricants and Automotive Products.....5

**ITEM BLOCK 3 (B3) ENGINE FUELS AND AUTOMOTIVE LUBRICANTS INSPECTION LAW, SECTION 8. PROHIBITED ACTS. METHOD OF SALE, SECTION 2.33 OIL. FUELS & AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE (MOTOR OIL), 3.13 OIL, AND 7.2. REPRODUCIBILITY LIMITS .....7**

B3: FLL-1 A Section 8. Prohibited Acts .....8

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B3: FLR-5 A Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits. ....8

**Developing Item(s)**

| <b>Reference Key</b>   | <b>Title of Item</b>  | <b>Addendum L&amp;R Page</b> |
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| <b>ITEM BLOCK 1 (B1) HB 130, UPLR, SEC. 2.8. MULTIUNIT PACKAGE. HB133, MODIFY “SCOPE” FOR CHAPTERS 2 – 4, ADD A NOTE FOLLOWING SECTIONS 2.3.7.1., 2.7.3., CREATE A CHAPTER 5. SPECIALIZED TEST PROCEDURES AND MODIFY HB133 APPENDIX F. GLOSSARY .....5</b> |   |                              |
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| B1: NET-3  | D Handbook 133, Create a Chapter 5. Specialized Test Procedures .....   | 5                            |
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| <b>POL – NCWM POLICY, INTERPRETATIONS AND GUIDELINES .....17</b>   |   |                              |
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| <b>Reference Key</b>   | <b>Title of Item</b>                              | <b>Addendum L&amp;R Page</b> |
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| <b>MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES .....5</b> |   |                              |
| MOS-9  | W Section 2.37. Pet Treats or Chews .....         | 6                            |
| MOS-10   | W Section 2.37. Pet Treats or Chews .....         | 6                            |
| <b>ODR OPEN DATING REGULATION. ....7</b>                                     |   |                              |
| ODR-1  | W Sections 1. 2. 3, 4, 7, 6, 7, 8 & 9.....        | 16                           |
| <b>FLR – UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION .....14</b>      |   |                              |
| FLR-8  | W Section 3.2.5. Prohibition of Terms .....       | 16                           |
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| POL-1  | W Section 2.3.2. Fresh Fruits and Vegetables..... | 17                           |

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**Details of All Items**  
*(In order by Reference Key)*

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**ITEM BLOCK 1 (B1) HB 130, UPLR, SEC. 2.8. MULTIUNIT PACKAGE. HB133, MODIFY “SCOPE” FOR CHAPTERS 2 – 4, ADD A NOTE FOLLOWING SECTIONS 2.3.7.1., 2.7.3., CREATE A CHAPTER 5. SPECIALIZED TEST PROCEDURES AND MODIFY HB133 APPENDIX F. GLOSSARY**

**B1: PAL-1      D      Handbook 130, Uniform Packaging and Labeling Regulation, Section 2.8. Multiunit Package**

**B1: NET-1      D      Handbook 133, Section 1.2.4. Maximum Allowable Variation**

**B1: NET-2      D      Handbook 133, Sections 2.1. Scope, 3.1. Scope, 4.1. Scope and 2.3.7.1. Maximum Allowable Variation (MAV) Requirement**

**B1: NET-3      D      Handbook 133, Create a Chapter 5. Specialized Test Procedures**

**B1: NET-10    D      Handbook 133, Appendix F. Glossary**

No changes to Block 1.

**MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES**

**MOS-1    A      Various Sections within the Method of Sale of Commodities, Background and Section 2. and create a Section 3. MOS for Fuels, Lubricants and Automotive Products**

No changes.

**MOS-5    V      Section 1. Food Products and Section 2. Non-Food Products**

No changes.

**MOS-7 VC Section 2.4. Fireplace and Stove Wood.**

No changes.

**MOS-8 VC Section 2.XX. Non-Utility Transactions of Electrical Energy (Other than Vehicle Fueling Applications).**

No changes.

**MOS-9 W Section 2.37. Pet Treats or Chews**

**MOS-10 W Section 2.37. Pet Treats or Chews**

There were two competing items for Pet Treats or Chews and only one item could proceed to Vote. Two regions discussed this item under consideration at their annual meeting and both concurred that this item should be Withdrawn from consideration. During open hearings the Committee heard from Jason Schmidt (AAFCO) that they opposed this item and requested that NCWM work with them to develop language on definitions of “pet”. Many AAFCO, industry, and regulators expressed interest in collaborating with NCWM to develop language. In addition, many regulators requested this item to be withdrawn due to the language being ambiguous and left loopholes. AAFCO and PFI asked that the item be withdrawn for other reasons. For these reasons the Committee Withdrew this item.

**MOS-11 V Section 2.37. Pet Treats or Chews**

Lisa Warfield (NIST) recommended that the word “packaged” be placed at the front of the sentence. Many regulators concurred with this change. There were several regulators that supported the language as is. The Committee concurs that adding the term “packaged” provides clarity to the existing regulation. The Committee extended the enforcement date from 2021 to 2022 to allow manufacturers time to change their labeling and to implement this regulation. AAFCO, industry, and regulators expressed interest in collaborating with NCWM to develop language. Mr. Doug Musick (Kansas) did bring up bulk internet sales (indirect sale) for these types of products as a concern with value comparison. The Committee believes that this may be an item for PALS to consider when they are reviewing e-commerce.

**2.37. Pet Treats or Chews – Packaged digestible chews, rawhides, bones, biscuits, antlers or similar type products shall be sold by weight.**

**(Effective July 18, 2019. Enforceable January 1, 2022)**

## ODR – UNIFORM OPEN DATING REGULATION

**ODR-1 W Section 1. Purpose, Scope and Application, Prohibited and Acceptable Terms, Section 2. Definitions, Section 3. Sale of Perishable Food and Date Determination, Section 4. Sale of Semi Perishable and Long Shelf Life Food with “BEST If Used By” Opening Date., Section 5. Placement of the “USE By” or “BEST If Used by Date, Section 6. Factors for the Date Determination of “USE By” or BEST If Used By” Dates, Section 7. Records., Section 8. Exemptions, Section 9. Preemption of Local, County, and Municipal Ordinance and Section 10. Effective Date**

No changes.

## ITEM BLOCK 5 (B5) HANDBOOK 130, OPEN DATING REGULATION AND UPDATE WEIGHTS AND MEASURES LAW, SECTION 9 AND 12.

**B5: WAM-1 VC Section 9. Requirements for Open Dating and Section 12. Powers and Duties of the Director.**

**B5: ODR-2 VC Uniform Open Dating Regulation**

The Committee heard testimony from Frank Green (CT) that he actively enforces the Uniform Open Dating Regulation and would like a sunset date for the Open Dating Regulation to be January 2022 to allow his state time to adopt its own regulation. The Committee did not want to cause an undue burden on Connecticut and Nevada. They do agree with Mr. Green’s request to delay the removal of this regulation. The Committee concurred that the regulation will remain “Effective until January 1, 2022”. This statement will be placed at the bottom of the regulation to alert all stakeholders. At this time the Open Dating regulation will remain in the handbook with the sunset clause at the bottom of the regulation. In 2022, the language in B5: WAM-1 will automatically be updated to reflect the removal of this regulation.

**ITEM BLOCK 3 (B3) ENGINE FUELS AND AUTOMOTIVE LUBRICANTS  
INSPECTION LAW, SECTION 8. PROHIBITED ACTS. METHOD OF SALE,  
SECTION 2.33 OIL. FUELS & AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE  
(MOTOR OIL), 3.13 OIL, AND 7.2. REPRODUCIBILITY LIMITS**

**B3: FLL-1      A      Section 8. Prohibited Acts**

**B3: MOS-4      A      Section 2.33. Oil**

**B3: FLR-5      A      Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits.**

No changes for Block 3.

**ITEM BLOCK 4 (B4) TRACTOR HYDRAULIC FLUID**

**B4: MOS-6      V      Regulation for the Uniform Method of Sale of Commodities Regulation: Section  
2.XX Tractor Hydraulic Fluid**

All the commenters were in support of the amended language that was submitted on July 2, 2019. Scott Fenwick (National Biodiesel Board) stated that ASTM was working on a document for specification for tractor hydraulic fluid that may be referenced in the future. Lisa Warfield (NIST) requested that the specification listing provided within MOS-6 have a contact point and date of submission. Lubrizol offered to provide updated specifications as necessary. The Committee concurred that Lubrizol would be the responsible party and accepted their offer.

The language provided in Publication 15 and 16 (2019) for the Fuels and Lubricants Regulation did not contain Section 3.XX.1.3. Identification for Service Provider Documentation. However, the Method of Sale Section 2.XX.2.3. was intended to be mirrored in FLR-6 as shown in the text box (see below). During open hearings, the FALS Chair, Bill Striejewski remarked that this was an unintentional omission and was deemed editorial during the FALS Sunday session.

The Committee reviewed the criteria in the 2019 NCWM Committee Handbook (Section 14 and Section 17). It was determined that this language change should be included, but there was concern that this did not follow the guidance within the Committee Handbook. The Committee members voted to move forward the language as submitted and not to include the omitted paragraph to allow members to propose an amendment from the floor for due process.



**3.XX.1.3. Identification on Service Provider Documentation. – Tractor hydraulic fluid installed from a bulk tank at time of service shall be identified on the customer invoice with the information listed below:**

- (a) the brand name;**
- (b) the name and place of business of the service provider;**
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;**
- (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims are those set by original equipment manufacturers;**
- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the front package label in clearly legible font size and color:**

**Caution: Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using in applications in which it is not intended.**

**The above warning is not required if the fluid claims to meet current original equipment manufacturer’s specifications and refers to thereby preceding specifications.**

- (f) an accurate statement of the quantity of the contents in terms of liquid measure.**

Current Item under Consideration

**2.XX. Tractor Hydraulic Fluid.**

**2.XX.1. Products for Use in Lubricating Tractors. – Tractor hydraulic fluids shall meet at least one current and/or verifiable original equipment manufacturer’s specifications for respective tractors. A specification is deemed verifiable if all necessary bench and laboratory test are available to verify the fluid’s ability to pass those requirements set out by the original equipment manufacturer. A list of current and verifiable specifications is located on NIST OWM Publication website at [www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130](http://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130) under Uniform Fuels and Automotive Lubricants Regulation. Where a fluid can be licensed against an original equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable documentation of performance against the specification. In the absence of a license from the original equipment manufacturer, adherence to the original equipment manufacturer’s specifications shall be assessed after testing per relevant methods available to the lubricants industry and the regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable for use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the Director’s office by the additive supplier(s).**

**2.XX.1.1. Conformance. – Conformance of a fluid per Section 2.XX.1. Products for Use in Lubricating Tractors does not absolve the obligations of a fluid licensee with respect to the licensing**

original equipment manufacturer or the original equipment manufacturer's licensing agent(s), where relevant.

2.XX.1.2. Tractor Hydraulic Fluid Additives. – Any material offered for sale or sold as an additive to tractor hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it is added and shall meet all performance claims as stated on the label or published on any website referenced by the label. Any manufacturer of any such product sold shall provide, upon request by a duly authorized representative of the Director, documentation of any claims made on their product label or published on any website referenced by the label.

2.XX.2. Labeling and Identification of Tractor Hydraulic Fluid. – Tractor hydraulic fluids shall be labeled or identified as described below.

2.XX.2.1. Container Labeling. – The label on a container of tractor hydraulic fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid shall be labeled with the following:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;
- (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims are those set by original equipment manufacturers;
- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the front package label in clearly legible font size and color:

Caution: Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using this product in applications in which it is not intended.

The above warning is not required if the fluid claims to meet current original equipment manufacturer's specifications and refers to thereby preceding specifications.

- (f) an accurate statement of the quantity of the contents in terms of liquid measure.

2.XX.2.2. Identification on Documentation. – Tractor hydraulic fluid sold in bulk shall be identified on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;
- (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims are those set by original equipment manufacturers;

- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the front package label in clearly legible font size and color:

Caution: Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using in applications in which it is not intended.

The above warning is not required if the fluid claims to meet current original equipment manufacturer’s specifications and refers to thereby preceding specifications.

- (f) an accurate statement of the quantity of the contents in terms of liquid measure.

2.XX.2.3. Identification on Service Provider Documentation. – Tractor hydraulic fluid installed from a bulk tank at time of service shall be identified on the customer invoice with the information listed below:

- (a) the brand name;
- (b) the name and place of business of the service provider;
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;
- (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims are those set by original equipment manufacturers;
- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the front package label in clearly legible font size and color:

Caution: Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using in applications in which it is not intended.

The above warning is not required if the fluid claims to meet current original equipment manufacturer’s specifications and refers to thereby preceding specifications.

- (f) an accurate statement of the quantity of the contents in terms of liquid measure.

2.XX.2.4. Bulk Delivery. – When the tractor hydraulic fluid is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the fluid as defined in Section 2.XX.2.2. Identification on Documentation.

2.XX.2.5. Storage Tank Labeling. – Each storage tank of tractor hydraulic fluid shall be labeled with the following:

- (a) the brand name;
- (b) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (for example, website reference). Performance claims are those set by original equipment manufacturers

2.XX.3. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or distributor of any product subject to this article and sold shall provide, upon request of duly authorized representatives of the Director, credible documentation of any claim made upon their product label,

including claims made on any website referenced by said label. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the Director's office by the additive supplier(s).

(Added 20XX)

**B4: FLR-6      V      Uniform Fuels and Automotive Lubricants Regulation, Sections 1.XX. Tractor Hydraulic Fluid, 1.XX. Hydraulic Fluid, 2.XX. Products for Use in Lubricating Tractors and 3.XX. Tractor Hydraulic Fluid**

Section 1. Definitions

1.XX. Tractor Hydraulic Fluid. - A product intended for use in tractors with a common sump for the transmission, final drives, wet brakes, axles, and hydraulic system.

1.XX. Hydraulic Fluid. – A product intended for use in multiple applications with a dedicated hydraulic system and sump. Such fluids cannot be used in tractors. See Tractor Hydraulic Fluid for reference.

(Added 20XX)

Section 2. Standard Specifications

2.XX. Products for Use in Lubricating Tractors. –Tractor hydraulic fluids shall meet at least one current and/or verifiable original equipment manufacturer's specifications for respective tractors. A specification is deemed verifiable if all necessary bench and laboratory test are available to verify the fluid's ability to pass those requirements set out by the original equipment manufacturer. A list of current and verifiable specifications is located on the NIST OWM Publication website at [www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130](http://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130) under the Uniform Fuels and Automotive Lubricants Regulation. Where a fluid can be licensed against an original equipment manufacturer's specification, evidence of current licensing by the marketer is acceptable documentation of performance against the specification. In the absence of a license from the original equipment manufacturer, adherence to the original equipment manufacturer's specifications shall be assessed after testing per relevant methods available to the lubricants industry and the regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable for use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the Director's office by the additive supplier(s).

2.XX.1. Conformance. – Conformance of a fluid per Section 2.XX. Products for Use in Lubricating Tractors does not absolve the obligations of a fluid licensee with respect to the licensing original equipment manufacturer or the original equipment manufacturer's licensing agent(s), where relevant.

2.XX.2. Tractor Hydraulic Fluid Additives. – Any material offered for sale or sold as an additive to tractor hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it is added and shall meet all performance claims as stated on the label or published on any website referenced by the label. Any manufacturer of any such product sold shall provide, upon request by a duly authorized representative of the Director, documentation of any claims made on their product label or published on any website referenced by the label.

(Added 20XX)

Section 3. Classification and Method of Sale

**3.XX. Tractor Hydraulic Fluid**

**3.XX.1. Labeling and Identification of Tractor Hydraulic Fluid. – Tractor hydraulic fluid shall be labeled or identified as described below**

**3.XX.1.1. Container Labeling. – The label on a container of tractor hydraulic fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid shall be labeled with the following:**

- (a) the brand name;**
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;**
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;**
- (d) the primary performance claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims are those set by original equipment manufacturers;**
- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the front package label in clearly legible font size and color:**

**Caution: Some specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using in applications in which it was not intended.**

**The above warning is not required if the fluid claims to meet current original equipment manufacturer’s specifications and refers to thereby preceding specifications.**

- (f) an accurate statement of the quantity of the contents in terms of liquid measure.**

**3.XX.1.2. Identification on Documentation. – Tractor hydraulic fluid sold in bulk shall be identified on the manufacturer, packer, seller or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:**

- (a) the brand name;**
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;**
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;**
- (d) the primary performance claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims include but are not limited to those set by original equipment manufacturers;**

- (e) any obsolete equipment manufacturer standard should be clearly identified as “obsolete” and accompanied by the following warning on the front package label in clearly legible font size and color:

Caution: Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using in applications in which it is not intended.

The above warning is not required if the fluid claims to meet current original equipment manufacturer’s specifications and refers to thereby preceding specifications.

- (f) an accurate statement of the quantity of contents in terms of liquid measure.

3.XX.1.4. Bulk Delivery. – When the tractor hydraulic fluid is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the fluid as defined in Section 3.XX.1. Container Labeling.

3.XX.1.5. Storage Tank Labeling. – Each storage tank of tractor hydraulic fluid shall be labeled with the following:

- (a) the brand name;
- (b) the primary performance claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims are those set by original equipment manufacturers;

3.XX.1.6. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or distributor of any product subject to this article and sold shall provide, upon request of duly authorized representatives of the Director, credible documentation of any claim made upon their product label, including claims made on any website referenced by said label. If the product performance claims published by blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the Director’s office by the additive supplier(s).

(Added 20XX)

## FLR – UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

FLR-1 VC Section 3. Classification, Identification, and Labeling for ~~Method of Sale~~ and Section 3.2.4. ~~Method of Labeling for Retail Sale~~

No changes.

FLR-7 VC Section 2.2. Diesel Fuel

The Committee heard comments from industry and regulators alike supporting the modified language that was sent by NCWM to membership on July 8, 2019. The Committee did make a modification to the last sentence in Section

2.2.2. to provide clarity that it must be a recognized standards organization. The FALS Chair informed the Committee that they supported the modification that provided clarity to the existing language.

Item Under Consideration:

**2.2.1. Premium Diesel Fuel.** – All diesel fuels identified on retail dispensers, ~~bills of lading, invoices, shipping papers, or other documentation with terms such~~ as premium, super, supreme, ~~plus~~, or premier must conform to the following minimum requirements.

- (a) **Cetane Number.** – A minimum cetane number of 47.0 as determined by the latest version of ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil.”

*NOTE: ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil” is the referee method; however, the following methods can be used to determine cetane number: the latest versions of ASTM D6890, “Standard Test Method for Determination of Ignition Delay and Derived Cetane Number” (DCN) of Diesel Fuel Oils by Combustion in a Constant Volume Chamber”; ASTM D7170, “Standard Test Method for Determination of Derived Cetane Number (DCN) of Diesel Fuel Oils—Fixed Range Injection Period, Constant Volume Combustion Chamber Method”; and ASTM D7668, “Standard Test Method for Determination of Derived Cetane Number (DCN) of Diesel Fuel Oils—Ignition Delay and Combustion Delay Using a Constant Volume Combustion Chamber Method.”*

- (b) **Low Temperature Operability.** – A cold flow performance measurement which meets the latest version of ASTM D975, “Standard Specification for Diesel Fuel Oils,” tenth percentile minimum ambient air temperature charts and maps by the latest versions of either ASTM D2500, “Standard Test Method for Cloud Point of Petroleum Products and Liquid Fuels” or ASTM Standard D4539, “Standard Test Method for Filterability of Diesel Fuels by Low-Temperature Flow Test (LTFT).” The latest version of ASTM D6371, “Standard Test Method for Cold Filter Plugging Point of Diesel and Heating Fuels” may be used when the test results are a maximum of 6 °C below the Cloud Point. Low temperature operability is only applicable October 1 to March 31 of each year.

- ~~(e) **Thermal Stability.** — A minimum reflectance measurement of 80 % as determined by the latest version of ASTM Standard Test Method D6468 (180 min, 150 °C).~~

- (c) **Lubricity.** – A maximum wear scar diameter of ~~520~~ 460 micrometers as determined by the latest version ASTM D6079, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency Reciprocating Rig (HFRR).” ~~If an enforcement jurisdiction’s single test of more than 560 micrometers is determined, a second test shall be conducted. If the average of the two tests is more than 560 micrometers, the sample does not conform to the requirements of this part.~~

*NOTE: The latest version of ASTM D6079, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency Reciprocating Rig (HFRR)” is the referee method; however, the latest version of ASTM D7688, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the High-Frequency Reciprocating Rig (HFRR) by Visual Observation” can be used.*

- (d) **Corrosion.** – A minimum rating of B+ as determined by the most recent version of NACE TM0172, “Determining Corrosive Properties of Cargoes in Petroleum Product Pipelines.”

*NOTE: The latest recent version of NACE TM0172 “Determining Corrosive Properties of Cargoes in Petroleum Product Pipelines” is the referee method. The latest version of ASTM D7548 “Standard Test Method for Determination of Accelerated Iron Corrosion in Petroleum Products” can be used.*

**(e) Filter Blocking Tendency (FBT) – A maximum of 2.2 by ASTM D2068, “Standard Test Method for Determining Filter Blocking Tendency”, following procedure B.**

**(f) Injector Deposit Control. – Maximum power loss in keep-clean mode of 2 % by the latest version of Coordinating European Council, CEC F-98-08, “Direct Injection, Common Rail Diesel Engine Nozzle Coking Test.”**

**2.2.2. Use of Other Diesel Terminology. – For any terms other than premium, super, supreme, or premier included in the diesel fuel product or grade name and/or advertisements and claims displayed on dispensers, pump toppers, pole signs and bollard signs which imply improved performance, the product must have a clearly-defined fuel property with a substantiated functional benefit. Such property must be measurable utilizing industry accepted test methodologies developed by recognized standards organizations such as ASTM, SAE and CEC to allow verification of the improved performance.**

**(Added 20XX)**

(Amended 2003 **and 20XX**)

**FLR-8    W    Section 3.2.5. Prohibition of Terms**

No changes.

**Priority Item    V    Section 2.1. Gasoline and Gasoline-Oxygenate Blends**

The Committee reviewed the comments heard during open hearings that were in support and in opposition of the submitted language. There was a recommendation made during open hearings to provide clearer language in the NIST Handbook that specified a range of ethanol and gasoline ethanol blends by simply striking the 10 % and replacing it with 15 %. Several members concurred with this recommended modification. The FALS Chair reported there was robust discussion on this item and there was diversity of opinion. There was no clear consensus. Some FALS members felt that the item under consideration should be adopted as submitted. Other FALS members believe that a review of the regulations should be done to make sure there are no other conflicts between the NIST Handbook 130 Fuels regulations related to the EPA rule. These same comments were heard during open hearings. The L&R Committee will be assigning a task to the FALS to review the existing Handbook regulations against the EPA rule. The Committee did not make a change to the item under consideration.

**2.1. Gasoline and Gasoline-Oxygenate Blends.**

2.1.2. Gasoline-Ethanol Blends. - When gasoline is blended with denatured fuel ethanol, the denatured fuel ethanol shall meet the latest version of ASTM D4806, “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition engine Fuel,” and the blend shall meet the latest version of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” with the following permissible exceptions:

(a) The maximum vapor pressure shall not exceed the latest edition of ASTM D4814 limits by more than:

**(1) 1.0 psi for blends ~~containing 9 to 10 volume percent~~ ethanol from June 1 through September 15 as allowed by EPA per 40 CFR 80.27(d).**

(Amended 2016, **and 2018, and 20XX**)



*NOTE 1: The values shown above appear only in U.S. customary units to ensure that the values are identical to those in ASTM standards and the Environmental Protection Agency regulation.*

(Added 2009) (Amended 2012 and 2016)

## **POL – NCWM POLICY, INTERPRETATIONS AND GUIDELINES**

### **POL-1 W Section 2.3.2. Fresh Fruits and Vegetables**

No changes.

### **POL-2 D Section 2.6.XX. Methods of Sale for Packages of Consumer Commodities – Federal Trade Commission (FTC) and Acceptable Common or Usual Declarations for Packages of Food – Food and Drug Administration (FDA).**

No changes.

## **NET – HANDBOOK 133**

### **NET-4 VC Section 3.4. Volumetric Test Procedures for Viscous Fluids - Headspace**

No changes.

### **NET-5 VC Section 3.7. Volumetric Test Procedure for Paint, Varnish and Lacquers – Non-Aerosol**

It was noted that on page 137 line 9 and 10 needs to be stricken. With the modified test procedure there is no “Audit Worksheet for Checking Paint” required.

~~**Note: When instructed to record a measurement in a column, refer to the numbered columns in the “audit Worksheet for Checking Paint” in Section 3.7.2.a.**~~

The Committee concurred with this change.

### **NET-6 V Section 4.8. Procedure for Checking the Area Measurement of Chamois**

During open hearings Mr. Floren (Los Angeles County, California) provided the Committee with editorial corrections. Mr. Floren also remarked that a steel square must be used in order to cut exact measurements. The Committee added a steel square under the test equipment.

The following modifications were made:

- Page 141 line 19. The word “using” was added.
- Page 141 line 34 the ruler and steel tape graduations now reads 1 mm or  $1/16$  in graduations
- Page 143 line 5 - now reads 1 mm or  $1/16$  in graduations
- Page 143 line 31 was changed to add clarity to the step by adding. Lay out the pattern and using a steel square cut an accurately measured rectangle (verifying all four corners are at a 90° angle) of a size not less than one-half the area of the pattern.

Item under Consideration

#### 4.8. Procedure for Checking the Area Measurement of Chamois

Chamois is natural leather made from skins of sheep and lambs that have been oil-tanned. Chamois are irregularly shaped, varying in thickness and density, which makes area measurement difficult. ~~Because of these characteristics, an accurate area determination can only be made using an internationally recognized method of conditioning (rehydrating) and measurement. Chamois is produced in a wet manufacturing process, so it has high moisture content at time of measurement. Chamois is hygroscopic; therefore, its dimensions and total area change as it loses or absorbs moisture. It is also subject to wrinkling. Because of the variation of the thickness and density, and therefore the weight per unit area of chamois, an estimated gross weight procedure cannot be used to verify the labeled area declaration.~~

~~Standard Test Conditions: As with all hygroscopic products, reasonable variations in measure must be allowed if caused by ordinary and customary exposure to atmospheric conditions that normally occur in good distribution practice. Both federal and international standards specify procedures to restore the moisture content of chamois so that tests to verify dimensions and area can be conducted.~~

~~Federal Test Method Standard 311, “Leather, Methods of Sampling and Testing,” (January 15, 1969) defines the standard atmospheric condition for chamois as  $50 \pm 4$  % relative humidity and  $23 \pm 2$  °C ( $73.4 \pm 3.6$  °F). The chamois is considered to be at equilibrium moisture when the difference in two successive weighings, made at 1 hr intervals, is no greater than 0.25 % (e.g., the maximum change in weight on a 100 g sample in two successive weighings is less than 0.25 g (250 mg).~~

The area of chamois is verified using either the Graph Paper Audit using a two-stage test Procedure or the Gravimetric Test Procedure for Area Measurement. ~~The first stage is a field audit using the template test procedure. This test is used for field audits because it is simpler to perform and does not require the chamois to be conditioned. The field audit Section 4.8.1. Graph Paper Audit Procedure is used to identify chamois that are potentially under short measure. It is not as accurate as the gravimetric procedure because some error results from reading the area from the template. The Section 4.8.2. Gravimetric Test Procedure for Area Measurement should be is used for compliance testing. because it includes conditioning (rehydrating) the chamois.~~

##### 4.8.1. Template Graph Paper Test Method Audit Procedure (for field audits)

Chamois is typically labeled in uniform sizes in terms of square decimeters and square feet, and are sized in increments of  $2.32 \text{ dm}^2$  ( $1/4 \text{ ft}^2$ ) (e.g.,  $9.29 \text{ dm}^2$  ( $1 \text{ ft}^2$ ),  $11.61 \text{ dm}^2$  ( $1 1/4 \text{ ft}^2$ ), and  $13.93 \text{ dm}^2$  ( $1 1/2 \text{ ft}^2$ ).

##### 4.8.1.1. Test Equipment

- Use Graph Paper:  $43.18 \text{ cm} \times 55.88 \text{ cm}$  ( $17 \text{ in} \times 22 \text{ in}$ ) with  $0.5 \text{ cm}$  or  $1/4 \text{ in}$  squares, a transparent, flexible template that is graduated in square centimeters or square inches and that has been verified for accuracy. The template must be large enough to completely cover the chamois under test.

- Ruler or Steel Tape: 1 mm or 1/16 in graduations.

#### 4.8.1.2. Audit Test Procedure

1. Select a random sample of chamois. ~~Separate the chamois into different sizes and define the inspection lot by specific sizes~~ It is recommended that a minimum of three packages be tested.
2. Place the ~~graph paper template over the chamois specimen on~~ a smooth surface. Use a ruler or steel tape to verify the dimensions of squares at several random points across the page. Determine the area by counting the number of squares that covers the surface of the chamois. Estimate parts of the template that do not completely cover the chamois by adding the number of partially covered square blocks. (See Figure 4-3. “Template for Checking the Area of a Chamois”) ~~Compute the total area and refer to Section 4.8.3. to determine if further action is necessary.~~ Place the chamois on the graph paper and carefully draw around the outline of the skin on the paper.

Note: Graph paper of an appropriate size that allows for tracing of the entire chamois shall be used. However, if a single sheet of appropriate-sized graph paper is not available, it may be necessary to tape sheets of graph paper together to create an area sufficient in size to measure the area for a chamois (e.g., chamois greater than 23.22 dm<sup>2</sup> (2.5 ft<sup>2</sup>)).

3. Determine the area by counting the number of squares the chamois covers. Use a ruler or steel tape to help calculate the area. Add the number of partially covered squares. (See Figure 4-3. “Template for Checking the Area of a Chamois.”)
4. Compute the total area and refer to Section 4.8.3. Evaluation of Results, to determine if further action is necessary.

#### *First Stage – Decision Criteria*

If the average of the samples is a plus error or a minus error that is 3 % or less of the labeled quantity, the audit test results should be accepted. Move on to inspect other chamois. If the average of the samples is a minus error that exceeds 3 % of the labeled area, the chamois may not be labeled accurately. To confirm the finding, ~~the sample must be taken to a laboratory for conditioning and testing using use~~ the gravimetric test procedure.

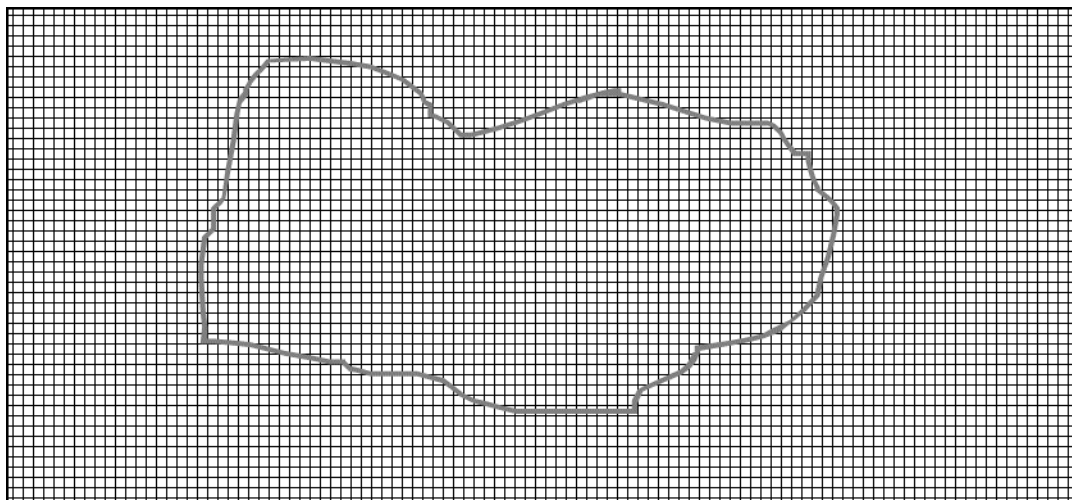


Figure 4-3.  
Template for  
Checking the  
Area of  
Chamois.

#### 4.8.2. Gravimetric Test Procedure for Area Measurement

~~This test cannot be performed in the field because the samples must be conditioned with water before testing.~~ This method is intended for use in checking full or cut skins, or pattern shapes. **Open and condition all the packages in the sample before determining their area on the recommended paper. Conditioning and verifying chamois can be accomplished without destroying the product. When successful tests are completed, the chamois may be repackaged for sale, so do not destroy the packaging material.**

##### 4.8.2.1. Test Equipment

- Scale with a capacity of 1 kg that is accurate to at least  $\pm 0.01$  g and a load-receiving element of adequate size to properly hold the chamois (**record to 0.1 g**)
- ~~Atomizer or trigger type sprayer and sealable, airtight polyethylene bags~~
- Medium weight drawing paper (e.g., drawing paper, medium weight (100 lb), regular surface or comparable)
- A household iron **set on the lowest heat with low** temperature settings (**e.g., silk, nylon**) **30 °C to 40 °C (86 °F to 104 °F)**
- Ruler or **Steel** Tape: ~~that is graduated in centimeters or inches~~ **1 mm em or 1/16 in graduations**
- Instrument for cutting paper (razor blade, scissors, **x-acto® knife**, ~~or~~ cutting board)
- **Steel Square**

##### Sample Conditioning

- ~~Remove each sample from its package and weigh and record each weight. Using an atomizer type sprayer, spray water in the amount of 25 % of the weight of each skin uniformly over its area. Place wetted chamois in an airtight polyethylene bag; seal the bag, and leave it in this condition at room temperature for 24 hours.~~
- ~~Open the bag, remove the chamois, and reweigh the chamois to confirm that it retained maximum moisture. (This is done by confirming that the difference in the two consecutive weighings conducted an hour apart does not exceed 0.25 %.)~~
- ~~Place the chamois flat on a continuous piece of drawing paper. To remove wrinkles and make the chamois lie flat, use a normal domestic iron that is heated to a maximum of 30 °C to 40 °C (86 °F to 104 °F). Place the iron on the bottom of the skin, and iron the skin up from the center to the top. Then, iron the skin from the center out to each side. Iron until the skin is fully extended and perfectly flat.~~

##### 4.8.2.2. Test Procedure

1. **Follow Sections 2.3.1. “Define the Inspection Lot.” Use a “Category A” sampling plan in the inspection. Select random sample.**
2. **Use a household iron set on the lowest heat setting (e.g., silk, nylon) to remove wrinkles. Continuously iron the skin from the center of the chamois to the outer edges in all directions, to spread and flatten out the wrinkles (some wrinkles may not flatten). Use a swift, steady motion, being careful to not let the iron stay in contact with the chamois surface for too long. Excessive heat will shrink the chamois. You may not be able to remove all wrinkles.**

3. Immediately after ironing **the sample**, carefully draw around the outline of the skin on the paper. Remove the skin; carefully cut along the outline of the skin; ~~weigh the cutout pattern, and record to the nearest 0.1 g Sample Weight 1 (W<sub>1</sub>).~~
4. Lay out the pattern and **using a steel square** cut an accurately measured rectangle (**verifying all four corners are at a 90° angle**) of a size not less than one-half the area of the pattern. **Do this for each sample.** Weigh the cutout rectangle and record the weight to the nearest 0.1 g Sample Weight 2 (W<sub>2</sub>). ~~Calculate the area of the rectangle cut from the patterns by multiplying length by width and record as Area (A) in centimeters or square inches.~~
5. **Weigh the entire cutout pattern (the outline of the skin which includes the cutout rectangle), and record to the nearest 0.1 g Sample Weight 1 (W<sub>1</sub>).**

**NOTE: To ensure the proper weighing of the paper outline of the skin and the cutout rectangle it is recommended that the pieces be folded in a way so that the entire pattern is centered and not hanging over the load receiving element.**

6. **Calculate the area of the rectangle cut from the pattern by multiplying length by width and record as Area (A) in centimeters or square inches.**
7. **Calculate the area of the original chamois.**
  - For metric units – calculate the area of the original **chamois skin** being checked as follows:

$$W_1/W_2 \times A = \text{Skin Area in cm}^2/100 = \text{Area in dm}^2$$

- For U.S. customary units – calculate the area of the original **chamois skin** being checked as follows:

$$W_1/W_2 \times A = \text{Skin Area in in}^2/144 = \text{Area in ft}^2$$

#### 4.8.3. Evaluation of Results

Compute the average error for the sample and follow the procedures in Section 2.3.7. “Evaluate for Compliance to determine lot conformance.

The MAV for area declarations on chamois is 3 % of the labeled area as specified in Appendix A, Table 2-8. “Maximum Allowable Variations for Packages Labeled by Length, (Width), or Area”.

#### NET-7 V Section 4.XX. Softwood Lumber

On page 148 an editorial change was made to 6.00 % - 9.90 % to read as 6.00 % - 9.99 %. The Committee recognized this was an editorial change. An editorial change was made on page 144, line item 28 to have the line read: For labeled dimensions exceeding 304 mm (12 in), a steel linear measure with 1 mm or 1/16 in (~~0.062 in~~) graduations.

There was concern raised during open hearings and within the regional reports in regard to the cost of the test equipment. The Committee researched the cost and a NIST calibrated Vernier caliper cost \$88 and a NIST traceable gage block set cost \$81. California opposed this item because they believe if it falls below the minimum dressed size that it fails the legal requirement. U.S. Supreme Court ruled that reasonable moisture loss allowance must be taken into consideration. There are supporting documents pertaining to this matter on the NCWM website.

The Committee did not feel that this equipment was cost prohibitive. This level of test equipment is important when taking enforcement action.

**NET-8 VC Section 4.XX. Plywood and Wood-Based Structural Panels**

The Committee was notified that the PS 2-10 will be considered PS 2-18. The Committee has granted NIST OWM editorial privileges to update the Handbook for any Plywood and Wood-based documents that might occur prior to the final print of the handbook.

The following editorial correction was made on page 152 line 15:

For labeled dimensions exceeding 304 mm (12 in), use a measure with a 0.05 mm or  $\frac{1}{32}$  in graduations.

**NET-9 D Recognize the Use of Digital Density Meters**

No changes.

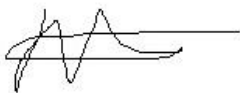
**OTH – OTHER ITEMS**

**OTH-1 D Fuels and Lubricants Subcommittee**

No changes.

**OTH-2 D Packaging and Labeling Subcommittee**

No changes.



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Ms. Michelle Wilson, Arizona | Committee Chair  
Mr. Ethan Bogren, Westchester County, New York | Member  
Mr. Joel Maddux, Virginia | Member  
Mr. John McGuire, New Jersey | Member  
Mr. Doug Rathbun, Illinois | Member  
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**Laws and Regulations Committee**