

Laws and Regulations (L&R) Committee 2020 Interim Meeting Report

Mr. Ethan Bogren, Committee Chair
Westchester County, New York

INTRODUCTION

The L&R Committee (hereinafter referred to as the “Committee”) submits this Committee Interim Report for consideration by National Conference on Weights and Measures (NCWM). This report contains the items discussed and actions proposed by the Committee during its Interim Meeting in Riverside, California, January 26-29, 2020. The report will address the items in Table A during the Interim Meeting. Table A identifies the agenda items by reference key, title of item, page number and the appendices by appendix designations. The acronyms for organizations and technical terms used throughout the agenda are identified in Table B. The headings and subjects apply to NIST Handbook 130, *Uniform Laws and Regulations in the Areas of Legal Metrology an Engine Fuel Quality, 2020 Edition*, and NIST Handbook 133, *Checking the Net Contents of Packaged Goods, 2020 Edition*. The first three letters of an item’s reference key are assigned from the Subject Series List. The status of each item contained in the report is designated as one of the following: **(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submitter or other designated party for further development before any action can be taken at the national level; **(W) Withdrawn Item:** the item has been removed from consideration by the Committee.

Some Voting Items are considered individually; others may be grouped in a consent calendar. Consent calendar items are Voting Items that the Committee has assembled as a single Voting Item during their deliberation after the Open Hearings on the assumption that the items are without opposition and will not require discussion. The Voting Items that have been grouped into consent calendar items will be listed on the addendum sheets. Prior to adoption of the consent calendar, the Committee will remove specific items from the consent calendar upon request to be discussed and voted upon individually.

Committees may change the status designation of agenda items (Developing, Informational, Assigned, Voting and Withdrawn) up until the report is adopted, except that items which are marked Developing, Informational, Assigned or Withdrawn cannot be changed to Voting Status. Any change from the Committee Interim Report (as contained in this publication) or from what appears on the addendum sheets will be explained to the attendees prior to a motion and will be acted upon by the active members of NCWM prior to calling for the vote.

An “Item under Consideration” is a statement of proposal and not necessarily a recommendation of the Committee. Suggested revisions are shown in **bold face print** by ~~striking out~~ information to be deleted and **underlining** information to be added. Requirements that are proposed to be nonretroactive are printed in **bold faced italics**. Please refer to <http://www.ncwm.com/publication-16> to review these documents.

All sessions are open to registered attendees of the conference. If the Committee must discuss any issue that involves proprietary information or other confidential material; that portion of the session dealing with the special issue may be closed if (1) the Chairman or, in his absence, the Chairman-Elect approves; (2) the Executive Director is notified; and (3) an announcement of the closed meeting is posted on or near the door to the meeting session and at the registration desk. If possible, the posting will be done at least a day prior to the planned closed session.

Note: It is policy to use metric units of measurement in publications; however, recommendations received by NCWM technical committees and regional weights and measures associations have been printed in this publication as submitted. Therefore, the report may contain references to inch-pound units.

Subject Series List

NIST Handbook 130 – General	GEN Series
Uniform Laws	
Uniform Weights and Measures Law	WAM Series
Uniform Weighmaster Law	WMR Series
Uniform Fuels and Automotive Lubricants Inspection Law	FLL Series
Uniform Regulations	
Uniform Packaging and Labeling Regulation	PAL Series
Uniform Regulation for the Method of Sale of Commodities	MOS Series
Uniform Unit Pricing Regulation	UPR Series
Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices	RSA Series
Uniform Open Dating Regulation	ODR Series
Uniform Regulation for National Type Evaluation	NTP Series
Uniform Fuels and Automotive Lubricants Regulation	FLR Series
Examination Procedure for Price Verification.....	PPV Series
NCWM Policy, Interpretations, and Guidelines.....	POL Series
NIST Handbook 133.....	NET Series
Other Items	OTH Series

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Table B
Glossary of Acronyms and Terms

Acronym	Term	Acronym	Term
ASTM	ASTM International	NEWMA	Northeastern Weights and Measures Association
API	American Petroleum Institute	NIST	National Institute of Standards and Technology
CFR	Code of Federal Regulations	OWM	Office of Weights and Measures
CWMA	Central Weights and Measures Association	PALS	Packaging and Labeling Subcommittee
FALS	Fuels and Lubricants Subcommittee	S&T	Specifications and Tolerances
FDA	Food and Drug Administration	SAE	SAE International
FPLA	Fair Packaging and Labeling Act	SWMA	Southern Weights and Measures Association
FTC	Federal Trade Commission	UPLR	Uniform Packaging and Labeling Regulation
HB	Handbook	USNWG	U.S. National Work Group
L&R	Laws and Regulations	WWMA	Western Weights and Measures Association

Details of All Items
(In order by Reference Key)

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

2 **MOS-20.3 V Section 2.XX. Diesel Fuel**

3 **Source:**

4 National Biodiesel Board (NBB)

5 **Purpose:**

6 Add the recently approved language for premium diesel into the section (B) for method of sale.

7 **Item Under Consideration:**

8 Amend NIST Handbook 130, Uniform Regulation for the Method of Sale of Commodities as follows:

9 **2.XX. Diesel Fuel. – Shall meet the following requirements, based on the biodiesel concentration of the fuel:**

10 **(a) Diesel fuel that contains less than or equal to 5 % by volume biodiesel shall meet the latest version**
11 **of ASTM D975, “Standard Specifications for Diesel Fuels” and shall be sold as diesel fuel.**

12 **(b) Diesel fuel that contains greater than or equal to 6 % by volume biodiesel and that contains less**
13 **than or equal to 20 % by volume shall meet the latest version of ASTM D7467, “Standard**
14 **Specifications for Diesel Fuel Oil, Biodiesel Blend (B6 to B20).”**

15 **(c) Only fuel additive registered with the U.S. EPA may be used to additize diesel fuel, and the final**
16 **product shall meet the latest version of ASTM D975 and/or ASTM D7467.**

17 **2.XX.1. Premium Diesel Fuel. – All diesel fuels identified on retail dispensers as premium, super, supreme,**
18 **or premier must conform to the following minimum requirements.**

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

21 **NOTE: ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil” is the referee**
22 **method; however, the following methods can be used to determine cetane number: the latest**
23 **version of ASTM D6890, “Standard Test Method for Determination of Ignition Delay and Derived**
24 **Cetane Number” (DCN) of Diesel Fuel Oils by Combustion in a Constant Volume Chamber”; and**
25 **ASTM D7668, “Standard Test Method for Determination of Derived Cetane Number (DCN) of**
26 **Diesel Fuel Oils–Ignition Delay and Combustion Delay Using a Constant Volume Combustion**
27 **Chamber Method.”**

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

1 (c) Lubricity. – A maximum wear scar diameter of 460 micrometers as determined by the latest
2 version ASTM D6079, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the
3 High-Frequency Reciprocating Rig (HFRR).”

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

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

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

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

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

19 2.XX.2. Use of Other Diesel Terminology. – For any terms other than premium, super, supreme, or
20 premier included in the diesel fuel product or grade name and/or advertisements and claims displayed on
21 dispensers, pump toppers, pole signs and bollard signs which imply improved performance, the product
22 must have a clearly-defined fuel property with a substantiated functional benefit. Such property must be
23 measurable utilizing industry accepted test methodologies developed by recognized standards
24 organizations such as ASTM, SAE, and CEC to allow verification of the improved performance.

25 (Added 20XX)

26 **Background/Discussion:**

27 Nearly all the text that appears in the item under consideration was adopted into the Uniform Fuels and Automotive
28 Lubricants Regulation at the 2019 NCWM Annual Meeting without opposition from an amendment submitted by
29 multiple organizations. This proposal adds this section and verbatim text to the Uniform Regulation for the Method
30 of Sale of Commodities. This section is adopted by more states and will improve the uniformity of implementing the
31 important, amended concept. The amendment on “Premium Diesel Fuel” within the Fuels and Automotive Lubricants
32 Regulation passed without opposition at the 2019 NCWM Annual Meeting.

33 At the 2020 NCWM Interim Meeting, the Committee heard from the submitter that ASTM 7170, “Standard Test
34 Method for Determination of Derived Cetane Number (DCN) Of Diesel Fuel Oils-Fixed Range Injection Period,
35 Constant Volume Combustion Chamber Method” is an obsolete standard and should be stricken from the language.
36 In addition, the word “oil” should be removed within the ASTM D975 standard title. Mr. Bill Striejewski (FALS
37 Chair) concurred with these two edits. The Committee was previously aware of these edits and concurs the item is
38 ready for a Vote.

39 **Regional Association Comments:**

40 WWMA 2019 Annual Meeting: Rebecca Richardson (NBB) spoke in support of this item. This proposal will place
41 the same language that is in the Fuels and Lubricants regulation into the Method of Sale regulation. The Committee
42 believes this item is fully developed and ready for a Vote.

43 SWMA 2019 Annual Meeting: The Committee concurs with this item under consideration and recommends this as a
44 Voting item.

1 NEWMA 2019 Interim Meeting: Ms. Rebecca Richardson (NBB) commented that this language is identical to the
 2 language that was added to the Engine Fuels section of Handbook 130 during the 2019 voting session at the NCWM
 3 Annual Meeting. She stated that two reasons to put the identical language into the Method of Sale section of the
 4 handbook is that more states adopt the MOS section, and several aspects of the new language specifically pertains to
 5 the method of sale of premium diesel fuel. Several regulators support the proposal. The Committee believes this item
 6 is fully developed and is ready for voting status.

7 CWMA 2020 Interim Meeting: No comments were heard during open hearing. The CWMA L&R Committee believes
 8 this item is fully developed and ready for Voting status.

9 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
 10 <https://www.ncwm.com/publication-16> to review these documents.

11 **ITEM BLOCK 5 (B5) METHOD OF SALE & FUELS AND AUTOMOTIVE**
 12 **LUBRICANTS REGULATIONS – BACKGROUND INFORMATION**

13 B5: MOS-18.2. V Method of Sale Regulation – 1. Background information
 14 B5: FLR-20.4. V Fuels and Automotive Lubricants Regulation – 1. Background Information

15 **MOS-18.2. appeared in NCWM Publication 15 (2020) as a standalone item. B5: FLR-20.4 did not appear in**
 16 **the publication and was created by the Committee during its work session.**

17 **Source:**
 18 Fuels and Lubricants Subcommittee (original submitter Archer Daniels Midland Corporation {ADM})

19 **Purpose:**
 20 The current purpose is to add to the information in the background sections of Method of Sale of Commodities
 21 Regulation and Fuels and Automotive Lubricants Regulation to inform the user that there are the same regulations
 22 found in both sections, and that due to the way some states adopt the handbooks that this duplication is needed.

- 23 • Acknowledge the continuing presence and need on the information in two locations
- 24 • Efforts to maintain consistent information in both locations.
- 25 • History for the fuel and automotive related products in the Method of Sale regulations can be found in the
 26 background section for Fuels and Automotive Lubricants Regulation.

27 Note: The original proposal was submitted by Archer Daniels Midland (ADM) to harmonize the Uniform Regulation
 28 for the Method of Sale of Commodities and the Uniform Fuels and Automotive Lubricants Regulation by starting with
 29 method of sale for kerosene. After a lengthy process and many significant revisions, it was decided to only put forward
 30 changes to the Background section to assist the user.

31 **B5: MOS-18.2 V Method of Sale of Commodities – 1. Background Information**

32 **Item Under Consideration:**
 33 Amend NIST Handbook 130, Uniform Method of Sale of Commodities, 1. Background information.

34 **1. Background**

35 The National Conference on Weights and Measures (NCWM) has long been concerned with the proper units of
 36 measurement to be used in the sale of all commodities. This approach has gradually broadened to concerns of
 37 standardized package sizes and general identity of particular commodities. Requirements for individual products were
 38 at one time made a part of the Weights and Measures Law or were embodied in separate individual Model Regulations.

1 In 1971, this “Model State Method of Sale of Commodities Regulation” was established (renamed in 1983);
2 amendments have been adopted by the Conference almost annually since that time.

3 Sections with “added 1971” dates refer to those sections that were originally incorporated in the Weights and Measures
4 Law or in individual Model Regulations recommended by the NCWM. Subsequent dates reflect the actual amendment
5 or addition dates.

6 The 1979 edition included, for the first time, requirements for items packaged in quantities of the International System
7 of Units (SI), the modernized metric system, as well as continuing to present requirements for U.S. customary
8 quantities. It should be stressed that nothing in this Regulation requires changing to the SI system of measurement.
9 SI values are given for the guidance of those wishing to adopt new SI quantities of the commodities governed by this
10 Regulation. SI means the International System of Units as established in 1960 by the General Conference on Weights
11 and Measures and interpreted or modified for the United States by the Secretary of Commerce.

12 This Regulation assimilates all of the actions periodically taken by the Conference with respect to certain food items,
13 non-food items, and general method of sale concepts. Its format is such that it will permit the addition of individual
14 items at the end of appropriate sections as the need arises. Its adoption as a regulation by individual jurisdictions will
15 eliminate the necessity for legislative consideration of changes in the method of sale of particular commodities. Such
16 items will be able to be handled through the normal regulation-making process.

17 **The Conference recognized that some states may only adopt the Method of Sale of Commodities Regulation**
18 **but have the legal authority in their weights and measures law to also regulate and take enforcement action in**
19 **the areas of fuels and related products. For this reason, the user will find fuels and related products within this**
20 **regulation. A brief summary related to the development of regulations on these products can be found in the**
21 **Background information of the Uniform Fuels and Automotive Lubricants Regulation. Efforts have been made**
22 **when possible to align the regulations.**

23 **B5: FLR-20.4 V Fuels and Automotive Lubricants Regulation – 1. Background Information**

24 **Item Under Consideration:**

25 Amend NIST Handbook 130, Fuels and Automotive Lubricants Regulation, 1. Background information.

26 **1. Background**

27 In 1984, the National Conference on Weights and Measures (NCWM) adopted a Section 2.20. in the Uniform
28 Regulation for the Method of Sale of Commodities requiring that motor fuels containing alcohol be labeled to disclose
29 to the retail purchaser that the fuel contains alcohol. The delegates deemed this action necessary since motor vehicle
30 manufacturers were qualifying their warranties with respect to some gasoline-alcohol blends, motor fuel users were
31 complaining to weights and measures officials about fuel quality and vehicle performance, and ASTM International
32 (ASTM) had not yet finalized quality standards for oxygenated (which includes alcohol-containing) fuels. While a
33 few officials argued weights and measures officials should not cross the line from quantity assurance programs to
34 programs regulating quality, the delegates were persuaded that the issue needed immediate attention.

35 A Motor Fuels Task Force was appointed in 1984 to develop mechanisms for achieving uniformity in the evaluation
36 and regulation of motor fuels. The Task Force developed the Uniform Motor Fuel Inspection Law (see the Uniform
37 Engine Fuels and Automotive Lubricants Inspection Law section of this handbook) and the Uniform Engine Fuel and
38 Automotive Lubricants Regulation to accompany the law. The Uniform Law required registration and certification
39 of motor fuel as meeting ASTM standards. The regulation defined the ASTM standards to be applied to motor fuel.

40 In 1992, the NCWM established the Petroleum Subcommittee under the Laws and Regulations Committee. The
41 subcommittee recommended major revisions to the Regulation that was adopted at the 80th NCWM in 1995. The
42 scope of the regulation was expanded to include all engine fuels, petroleum products, and automotive lubricants; its
43 title was changed accordingly; and the fuel specifications and method of sale sections were revised to address the
44 additional products. Other changes included expansion of the definitions section and addition of sections on retail

1 storage tanks, condemned product, registration of engine fuels designed for special use, and test methods and
2 reproducibility limits.

3 In 2007, the Petroleum Subcommittee (now referred to as the Fuels and Lubricants Subcommittee) undertook a review
4 of this regulation to update it by eliminating reference to “petroleum products” and to reflect the addition of new
5 engine fuels to the marketplace. The regulation continues to be updated to incorporate new regulatory requirements
6 and other key changes.

7 **Even after the inclusion of the Uniform Regulation for Motor Fuel and Automotive Lubricants into NIST**
8 **Handbook 130, the Conference recognized that more states adopt the Uniform Regulation for the Method of**
9 **Sale of Commodities than adopt the Uniform Fuel and Automotive Lubricants Regulation. To promote**
10 **uniformity in state regulations a number of these regulations continue to be included in both regulations**

11 (Amended 2018 **and 20XX**)

12 **Background/Discussion:**

13 The Method of Sale of Commodities and the Uniform Fuels and Automotive Lubricants Regulations have different
14 information for the method of sale for kerosene, liquefied petroleum gas, natural gas fuels, and diesel exhaust fluid.
15 This proposal is to integrate the information from both regulations to create identical method of sale language in the
16 two regulations.

17 Information for the method of sale for fuels, lubricants and automotive products currently can appear in the handbook
18 in either the Uniform Regulation for the Method of Sale of Commodities and the Uniform Fuels and Automotive
19 Lubricants Regulation. Sometimes the information for the same product is different in the two regulations which
20 creates an added burden when maintaining and updating the handbook. This proposal is to consolidate and reorganize
21 that information into the Uniform regulation for the Method of Sale of Commodities. This proposal is not intended
22 to modify a specific method of sale. Those modifications should be considered separately by product.

23 At the 2018 Interim Meeting, Mr. Chuck Corr (ADM) spoke on behalf of a work group under FALS and provided an
24 overview of the Block 2 agenda items. Mr. Corr stated the intent of this item is to reorganize and harmonize language
25 only, and not to make any substantial changes to the language. Mr. Bill Striejewski (FALS Chair) commented that
26 FALS discussed these agenda items during their meeting and had concerns about possible conflicts between this item
27 and the NIST Handbook 130 working group (Item FLR-9). Mr. Tim Elliott (WA) commented that all state officials
28 review the proposed language for possible conflicts with state regulations. Mr. Mike Sikula (NY) commented that
29 there is inconsistency between FTC language within 16 CFR 306 and this proposed language related to past editions
30 of the NIST Handbook 130. Mr. Sikula stated that NIST Handbook 130 suggests the most current version of the
31 regulation, and FTC references a specific version. Mr. Sikula believes this inconsistency should be resolved prior to
32 adoption. For these reasons, the L&R Committee decided to Assign this block of items to FALS for further work.

33 At the 2018 NCWM Annual Meeting Mr. Striejewski (FALS Chair) updated the Committee that this item has
34 undergone a major overhaul within the last six months. The submitter is currently contacting each state to see how it
35 impacts the states. It was also noted that if L&R Item FLR-9 was adopted, sections of this item would need to be
36 updated to show the reflect the most recent language as it moves forward.

37 FALS agreed to replace the Method of Sale and Fuels and Lubricants language that was developed at the 2018 Fall
38 Regional Meetings. This developed language appeared in the 2019 NCWM Publication 15.

39 At the 2019 NCWM Interim Meeting comments from regulators and associate members within FALS indicated that
40 they believe FRL-1 is fully developed and ready to be voted on while recognizing that further development is needed
41 regarding MOS-1. After reviewing the comments, the Committee did not assign the same status to both items and
42 they were removed as being a blocked item. FLR-1 is recommended as a Voting item while MOS-1 is assigned back
43 to FALS for additional development.

44 At the 2019 NCWM Annual Meeting Mr. Striejewski (FALS Chair) reports that work on this item continues within
45 FALS. Mr. Tim Elliott (WA) remarked that this item does not delete anything but moves things around. Items are
46 being moved from non-food into fuels. A controversial item is a listing of items sold by liquid measure and why they
47 are specified. Mr. Elliott would like feedback from the regions as they review this item. This Item has been assigned

1 to FALS to be further developed to move all Fuels, Lubricants, and Automotive Products from “Section 2. Non-Food
2 Products”, to a subsection of Section 2 titled” Fuels, Lubricants, and automotive products” and add a reference
3 in the new section for definitions, specifications, and identifications. In addition, a reference will to the Method of
4 Sale Law to individual items missing a method of sale. Due to the number of changes editorial privileges will be
5 required to allow for proper renumbering of regulations within the section. This item will have modifications for the
6 2019 Fall regional agendas.

7 At the 2020 NCWM Interim Meeting, an update was heard that the entire item under consideration for Item MOS-
8 18.2 was being replaced with new language that adds a paragraph to the “Background” information under the Method
9 of Sale. This paragraph will include a history of fuels and related products within this regulation. The latest language
10 for consideration was submitted on January 20, 2020, as a supporting document.

11 Mr. Striejewske (FALS Chair) stated they reviewed the new language and believed it did not need the technical
12 guidance of FALS and recommended it go back to the L&R for consideration. Ms. Lisa Warfield (NIST OWM) had
13 submitted comments and revised language to the Committee. The Committee concurred with the recommendation
14 from NIST that language should also be included within the Fuels and Lubricants Regulation. During the L&R
15 Committee work session they developed language using both language recommendations that were submitted. The
16 Committee also consulted with Tim Elliott and Chuck Corr, who had originally developed the initial proposal. They
17 both concurred with the Committees recommendation that this block move forward as a Voting item.

18 **B. Uniform Regulation for the Method of Sale of Commodities**

19 **1. Background**

20 The National Conference on Weights and Measures (NCWM) has long been concerned with the proper units of
21 measurement to be used in the sale of all commodities. This approach has gradually broadened to concerns of
22 standardized package sizes and general identity of particular commodities. Requirements for individual products were
23 at one time made a part of the Weights and Measures Law or were embodied in separate individual Model Regulations.
24 In 1971, this “Model State Method of Sale of Commodities Regulation” was established (renamed in 1983);
25 amendments have been adopted by the Conference almost annually since that time.

26 Sections with “added 1971” dates refer to those sections that were originally incorporated in the Weights and Measures
27 Law or in individual Model Regulations recommended by the NCWM. Subsequent dates reflect the actual amendment
28 or addition dates.

29 The 1979 edition included, for the first time, requirements for items packaged in quantities of the International System
30 of Units (SI), the modernized metric system, as well as continuing to present requirements for U.S. customary
31 quantities. It should be stressed that nothing in this Regulation requires changing to the SI system of measurement.
32 SI values are given for the guidance of those wishing to adopt new SI quantities of the commodities governed by this
33 Regulation. SI means the International System of Units as established in 1960 by the General Conference on Weights
34 and Measures and interpreted or modified for the United States by the Secretary of Commerce.

35 **In 1984 the NCWM adopted a section in the Uniform Regulation for the Method of Sale of Commodities**
36 **requiring that motor fuel containing alcohol be labeled to disclose to the retail purchaser that the fuel contains**
37 **alcohol. The delegates deemed this action necessary since motor vehicle manufacturers were qualifying their**
38 **warranties with respect to some gasoline-alcohol blends, motor fuel users were complaining to weights and**
39 **measures officials about fuel quality and vehicle performance, and the American Society for Testing and**
40 **Materials (ASTM) had not yet finalized quality standards for oxygenated (which includes alcohol-containing)**
41 **fuels. While many argued that weights and measures officials should not cross the line from quantity assurance**
42 **programs to programs regulating quality, the delegates were persuaded that the issue needed immediate**
43 **attention. (See NIST Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law)**

44 **A Motor Fuels Task Force was appointed in 1984 to develop mechanisms for achieving uniformity in the**
45 **evaluation and regulation of motor fuels. The Task Force developed the Uniform Motor Fuel Inspection Law**
46 **(NIST Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law) and the Uniform Fuel and**

Automotive Lubricants Regulation to accompany the law. The Uniform Regulation for Fuels and Automotive Lubricants was adopted by the NCWM in 1995. (See NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation.)

In 20XX the NCWM determined that the fuels, lubricants, and related products should be consolidated within the non-food products section. For products that did not have a method of sale listed a reference to the method of sale law was added.

This Regulation assimilates all the actions periodically taken by the Conference with respect to certain food items, non-food items, and general method of sale concepts. Its format is such that it will permit the addition of individual items at the end of appropriate sections as the need arises. Its adoption as a regulation by individual jurisdictions will eliminate the necessity for legislative consideration of changes in the method of sale of particular commodities. Such items will be able to be handled through the normal regulation-making process.

2. Status of Promulgation

The table beginning on page 6 shows the status of adoption of the Uniform Regulation for the Method of Sale of Commodities.

*The National Conference on Weights and Measures (NCWM) is supported by the National Institute of Standards and Technology (NIST) in partial implementation of its statutory responsibility for “cooperation with the states in securing uniformity in weights and measures laws and methods of inspection.”

Section 2. Non-Food Products ^[NOTE 1, page 103]

~~2.19. Kerosene (Kerosine).— All kerosene kept, offered, exposed for sale, or sold shall be identified as such and will include, with the word kerosene, an indication of its compliance with the latest version of the standard specification ASTM Standard D3699, “Standard Specification for Kerosine.”~~

Example:

~~1K Kerosene; Kerosene—2K.~~

~~(Added 1983)~~

~~2.19.1. Retail Sale from Bulk.— All kerosene kept, offered, or exposed for sale and sold from bulk at retail shall be in terms of the gallon or liter.~~

~~(Added 2012)~~

~~2.20. Gasoline-Oxygenate Blends.~~

~~2.20.1. Method of Retail Sale.— Type of Oxygenate must be Disclosed.— All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE.” The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase “or other ethers” or alternatively post the phrase “contains MTBE or other ethers.” In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This information shall be posted on the upper 50 % of the dispenser front panel in a position clear and conspicuous from the driver’s position in a type at least 12.7 mm (½ in) in height, 1.5 mm (¼ in) stroke (width of type).~~

~~(Amended 1996)~~

1 ~~2.20.2. Documentation for Dispenser Labeling Purposes.—The retailer shall be provided, at the time of~~
2 ~~delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or~~
3 ~~other documentation:~~

4 ~~(a) Information that complies with 40 CFR 80.1503 when the fuel contains ethanol.~~

5 ~~(b) For fuels that do not contain ethanol, information that complies with 40 CFR 80.1503 and a~~
6 ~~declaration of the predominant oxygenate or combination of oxygenates present in concentrations~~
7 ~~sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of~~
8 ~~only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel~~
9 ~~(i.e., the oxygenate contributing the largest mass percent oxygen) or alternatively, use the phrase~~
10 ~~“contains MTBE or other ethers.”~~

11 ~~(c) Gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as~~
12 ~~“with” or “containing” methanol.~~

13 ~~(Added 1984) (Amended 1985, 1986, 1991, 1996, and 2014)~~

14 ~~2.20.3. EPA Labeling Requirements.—Retailers and wholesale purchaser-consumers of gasoline shall~~
15 ~~comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent~~
16 ~~(v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR 80.1501. (For additional information,~~
17 ~~refer to Section 2.30.2. FTC Labeling Requirements.)~~

18 ~~(Added 2018)~~

19 ~~2.21. Liquefied Petroleum Gas.— All liquefied petroleum gas, including, but not limited to propane, butane,~~
20 ~~and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot~~
21 ~~page 13H of vapor (defined as 1 ft³ at 60 °F [15.6 °C]), or the gallon (defined as 231 in³ at 60 °F [15.6 °C]). All~~
22 ~~metered sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less,~~
23 ~~shall be accomplished by use of a meter and device that automatically compensates for temperature.~~

24 ~~(Added 1986)~~

25 ~~NOTE 7: Sources: American National Standards Institute, Inc., “American National Standard for Gas~~
26 ~~Displacement Meters (500 Cubic Feet per Hour Capacity and Under),” First edition, 1974, and NIST~~
27 ~~Handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring~~
28 ~~Devices.”~~

29 ~~2.27. Retail Sales of Natural Gas Sold as a Vehicle Fuel.~~

30 ~~2.27.1. Definitions.~~

31 ~~2.27.1.1. Compressed Natural Gas (CNG).—A gaseous fuel composed primarily of methane that is~~
32 ~~suitable for compression and dispensing into a fuel storage container(s) for use as an engine fuel.~~

33 ~~(Amended 2016)~~

34 ~~2.27.1.2. Gasoline Gallon Equivalent (GGE).—Gasoline gallon equivalent (GGE) means 2.567 kg~~
35 ~~(5.660 lb) of compressed natural gas.~~

36 ~~(Amended 2016)~~

37 ~~2.27.1.3. Diesel Gallon Equivalent (DGE).—Diesel gallon equivalent means 6.384 lb of compressed~~
38 ~~natural gas or 6.059 lb of liquefied natural gas.~~

39 ~~(Added 2016)~~

40 ~~2.27.1.4. Liquefied Natural Gas (LNG).—Natural gas, which is predominantly methane, that has been~~
41 ~~liquefied at 162 °C (–260 °F) at 14.696 psia and stored in insulated cryogenic fuel storage tanks for~~
42 ~~use as an engine fuel.~~

1 ~~(Added 2016)~~

2 ~~2.27.2. Method of Retail Sale and Dispenser Labeling.~~

3 ~~2.27.2.1. Method of Retail Sale for Compressed Natural Gas.—All compressed natural gas kept,~~
4 ~~offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass, and~~
5 ~~indicted in the gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or mass.~~

6 ~~(Amended 2016)~~

7 ~~2.27.2.2. Dispenser Labeling Compressed Natural Gas.—All retail compressed natural gas dispensers~~
8 ~~shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be~~
9 ~~permanently and conspicuously displayed on the face of the dispenser and shall have the statement~~
10 ~~“1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas” or “1 Diesel Gallon~~
11 ~~Equivalent (DGE) means 6.384 lb of Compressed Natural Gas” consistent with the method of sale used.~~

12 ~~(Amended 2016)~~

13 ~~2.27.2.3. Method of Retail Sale for Liquefied Natural Gas.—All liquefied natural gas kept, offered, or~~
14 ~~exposed for sale and sold at retail as a vehicle fuel shall be measured in mass and indicated in diesel~~
15 ~~gallon equivalent (DGE) units or mass.~~

16 ~~(Added 2016)~~

17 ~~2.27.2.4. Dispenser Labeling of Retail Liquefied Natural Gas.—All retail liquefied natural gas~~
18 ~~dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label~~
19 ~~shall be permanently and conspicuously displayed on the face of the dispenser and shall have the~~
20 ~~statement “1 Diesel Gallon Equivalent (DGE) means 6.059 lb of Liquefied Natural Gas.”~~

21 ~~(Added 2016)~~

22 ~~2.30. Ethanol Flex Fuel.~~

23 ~~2.30.1. How to Identify Ethanol Flex Fuel.—Ethanol flex fuel shall be identified as “Ethanol Flex Fuel or~~
24 ~~EXX Flex Fuel.”~~

25 ~~2.30.2. FTC Labeling Requirements.—Ethanol flex fuel shall be identified and labeled in accordance with~~
26 ~~the Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR 306, as~~
27 ~~amended. (For additional information, refer to Section 2.20.3. EPA Labeling Requirements.)~~

28 ~~(Added 2007) (Amended 2014 and 2018)~~

29 ~~2.31. Biodiesel and Biodiesel Blends.~~

30 ~~2.31.1. Identification of Product.—Biodiesel shall be identified by the term “Biodiesel” with the designation~~
31 ~~“B100.” Biodiesel Blends shall be identified by the term “Biodiesel Blend.”~~

32 ~~2.31.2. Labeling of Retail Dispensers.~~

33 ~~2.31.2.1. Labeling of Grade Required.—Biodiesel shall be identified by the grades S15 or S500.~~
34 ~~biodiesel blends shall be identified by the grades No. 1-D, No. 2-D, or No. 4-D.~~

35 ~~2.31.2.2. EPA Labeling Requirements Also Apply.—Retailers and wholesale purchaser consumers of~~
36 ~~biodiesel blends shall comply with EPA pump labeling requirements for sulfur under 40 CFR 80.570.~~

37 ~~2.31.2.3. Automotive Fuel Rating.—Biodiesel and biodiesel blends shall be labeled with its automotive~~
38 ~~fuel rating in accordance with 16 CFR 306.~~

1 ~~2.31.2.4. Biodiesel Blends.—When biodiesel blends greater than 20 % by volume are offered by sale,~~
2 ~~each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that~~
3 ~~states “Consult Vehicle Manufacturer Fuel Recommendations.” The lettering of this legend shall not~~
4 ~~be less than 6 mm (¼in) in height by 0.8 mm (⅓₃₂ in) stroke; block style letters and the color shall be in~~
5 ~~definite contrast to the background color to which it is applied.~~

6 ~~2.31.3. Documentation for Dispenser Labeling Purposes.— The retailer shall be provided, at the time of~~
7 ~~delivery of the fuel, a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping~~
8 ~~paper, or other document. This documentation is for dispenser labeling purposes only; it is the~~
9 ~~responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to~~
10 ~~blending.~~

11 ~~2.31.4. Exemption.— Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are exempt~~
12 ~~from the requirements of Sections 2.31.1. Identification of Product, 2.31.2. Labeling of Retail Dispensers,~~
13 ~~and 2.31.3. Documentation for Dispenser Labeling Purposes when it is sold as diesel fuel.~~

14 (Added 2008)

15 ~~2.32. Retail Sales of Hydrogen Fuel (H).~~

16 ~~2.32.1. Definitions for Hydrogen Fuel.— A fuel composed of molecular hydrogen intended for consumption~~
17 ~~in a surface vehicle or electricity production device with an internal combustion engine or fuel cell.~~

18 (Amended 2012)

19 ~~2.32.2. Method of Retail Sale and Dispenser Labeling.— All hydrogen fuel kept, offered, or exposed for~~
20 ~~sale and sold at retail shall be in mass units in terms of the kilogram. The symbol for hydrogen vehicle fuel~~
21 ~~shall be the capital letter “H” (the word Hydrogen may also be used).~~

22 ~~2.32.3. Retail Dispenser Labeling.~~

23 ~~(a) A computing dispenser must display the unit price in whole cents on the basis of price per~~
24 ~~kilogram.~~

25 ~~(b) The service pressure(s) of the dispenser must be conspicuously shown on the user interface in bar~~
26 ~~or the SI unit of pascal (Pa) (e.g., MPa).~~

27 ~~(c) The product identity must be shown in a conspicuous location on the dispenser.~~

28 ~~(d) National Fire Protection Association (NFPA) labeling requirements also apply.~~

29 ~~(e) Hydrogen shall be labeled in accordance with 16 CFR 309 — FTC Labeling Alternative Fuels.~~

30 ~~2.32.4. Street Sign Prices and Advertisements.~~

31 ~~(a) The unit price must be in terms of price per kilogram in whole cents (e.g., \$3.49 per kg, not~~
32 ~~\$3.499 per kg).~~

33 ~~(b) The sign or advertisement must include the service pressure (expressed in megapascals) at which~~
34 ~~the dispenser(s) delivers hydrogen fuel (e.g., H35 or H70).~~

35 (Added 2010)

36 ~~2.33. Oil.~~

37 ~~2.33.1. Labeling of Vehicle Engine (Motor) Oil.— Vehicle engine (motor) oil shall be labeled.~~

~~2.33.1.1. Viscosity. The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank, and any invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank, shall contain the viscosity grade classification preceded by the letters "SAE" in accordance with SAE International's latest version of SAE J300, "Engine Oil Viscosity Classification."~~

~~NOTE: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters "SAE" may be omitted from the viscosity classification.~~

~~(Note added 2014)~~

~~(Amended 2014)~~

~~2.33.1.2. Brand. The label on any vehicle engine (motor) oil container and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle engine (motor) oil.~~

~~(Amended 2014)~~

~~2.33.1.3. Engine Service Category. The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined by the latest version of SAE J183, "Engine Oil Performance and Engine Service Classification (Other than "Energy Conserving")," API Publication 1509, "Engine Oil Licensing and Certification System," European Automobile Manufacturers Association (ACEA), "European Oil Sequences," or other Vehicle or Engine Manufacturer standards as approved in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard.~~

~~(Amended 2014)~~

~~2.33.1.3.1. Vehicle or Engine Manufacturer Standard. The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in letters not less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine manufacturer standard, the label must clearly identify that the oil is only intended for use where specifically recommended by the vehicle or engine manufacturer.~~

~~(Added 2014)~~

~~2.33.1.3.2. Inactive or Obsolete Service Categories. The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, Appendix A, whenever the vehicle engine (motor) oil in the container or in bulk does not meet an active API service category as defined by the latest version of SAE J183, "Engine Oil Performance and Engine Service Classification (Other than "Energy Conserving")." If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies.~~

~~(Amended 2014)~~

~~2.33.1.4. Tank Trucks or Rail Cars. Tank trucks, rail cars, and other types of delivery trucks that are used to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service category or categories on such tank trucks, rail cars, and other types of delivery trucks.~~

~~(Amended 2013 and 2014)~~

1 ~~2.33.1.5. Documentation.—When the engine (motor) oil is sold in bulk, an invoice, bill of lading,~~
2 ~~shipping paper, or other documentation must accompany each delivery. This document must identify~~
3 ~~the quantity of bulk engine (motor) oil delivered as defined in Sections 2.33.1.1. Viscosity; 2.33.1.2.~~
4 ~~Brand; 2.33.1.3. Engine Service Category; the name and address of the seller and buyer; and the date~~
5 ~~and time of the sale. For inactive or obsolete service categories, the documentation shall also bear a~~
6 ~~plainly visible cautionary statement as required in Section 2.33.1.3.2. Inactive or Obsolete Service~~
7 ~~Categories. Documentation must be retained at the retail establishment for a period of not less than~~
8 ~~one year.~~

9 ~~(Added 2013) (Amended 2014)~~

10 ~~(Added 2012) (Amended 2013 and 2014)~~

11 ~~2.34. Retail Sales of Electricity Sold as a Vehicle Fuel.~~

12 ~~2.34.1. Definitions.~~

13 ~~2.34.1.1. Electricity Sold as Vehicle Fuel.—Electrical energy transferred to and/or stored onboard an~~
14 ~~electric vehicle primarily for the purpose of propulsion.~~

15 ~~2.34.1.2. Electric Vehicle Supply Equipment (EVSE).—The conductors, including the ungrounded,~~
16 ~~grounded, and equipment grounding conductors; the electric vehicle connectors; attachment plugs;~~
17 ~~and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of~~
18 ~~measuring, delivering, and computing the price of electrical energy delivered to the electric vehicle.~~

19 ~~2.34.1.3. Fixed Service.—Service that continuously provides the nominal power that is possible with~~
20 ~~the equipment as it is installed.~~

21 ~~2.34.1.4. Variable Service.—Service that may be controlled resulting in periods of reduced, and/or~~
22 ~~interrupted transfer of electrical energy.~~

23 ~~2.34.1.5. Nominal Power.—Refers to the “intended” or “named” or “stated” as opposed to “actual”~~
24 ~~rate of transfer of electrical energy (i.e., power).~~

25 ~~2.34.2. Method of Sale.—All electrical energy kept, offered, or exposed for sale and sold at retail as a~~
26 ~~vehicle fuel shall be in units in terms of the megajoule (MJ) or kilowatt-hour (kWh). In addition to the fee~~
27 ~~assessed for the quantity of electrical energy sold, fees may be assessed for other services; such fees may be~~
28 ~~based on time measurement and/or a fixed fee.~~

29 ~~2.34.3. Retail Electric Vehicle Supply Equipment (EVSE) Labeling.~~

30 ~~(a) A computing EVSE shall display the unit price in whole cents (e.g., \$0.12) or tenths of one cent~~
31 ~~(e.g., \$0.119) on the basis of price per megajoule (MJ) or kilowatt-hour (kWh). In cases where the~~
32 ~~electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the~~
33 ~~unit price.~~

34 ~~(b) For fixed service applications, the following information shall be conspicuously displayed or posted~~
35 ~~on the face of the device:~~

36 ~~(1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical~~
37 ~~energy transfer), and~~

38 ~~(2) the type of electrical energy transfer (e.g., AC, DC, wireless).~~

39 ~~(c) For variable service applications, the following information shall be conspicuously displayed or~~
40 ~~posted on the face of the device:~~

- 1 ~~(1) the type of delivery (i.e., variable);~~
- 2 ~~(2) the minimum and maximum power transfer that can occur during a transaction, including~~
- 3 ~~whether service can be reduced to zero;~~
- 4 ~~(3) the condition under which variations in electrical energy transfer will occur; and~~
- 5 ~~(4) the type of electrical energy transfer (e.g., AC, DC, wireless).~~
- 6 ~~(d) Where fees will be assessed for other services in direct connection with the fueling of the vehicle,~~
- 7 ~~such as fees based on time measurement and/or a fixed fee, the additional fees shall be displayed.~~
- 8 ~~(e) The EVSE shall be labeled in accordance with 16 CFR 309 — FTC Labeling Requirements for~~
- 9 ~~Alternative Fuels and Alternative Fueled Vehicles.~~
- 10 ~~(f) The EVSE shall be listed and labeled in accordance with the National Electric Code® (NEC)~~
- 11 ~~NFPA 70, Article 625 Electric Vehicle Charging Systems (www.nfpa.org).~~

12 ~~2.34.4. Street Sign Prices and Other Advertisements.—Where electrical energy unit price information is~~

13 ~~presented on street signs or in advertising other than on EVSE:~~

- 14 ~~(a) The electrical energy unit price shall be in terms of price per megajoule (MJ) or kilowatt-hour~~
- 15 ~~(kWh) in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119). In cases where the electrical~~
- 16 ~~energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.~~
- 17 ~~(b) In cases where more than one electrical energy unit price may apply over the duration of a single~~
- 18 ~~transaction to sales to the general public, the terms and conditions that will determine each unit~~
- 19 ~~price and when each unit price will apply shall be clearly displayed.~~
- 20 ~~(c) For fixed service applications, the following information shall be conspicuously displayed or~~
- 21 ~~posted:~~
- 22 ~~(1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical~~
- 23 ~~energy transfer), and~~
- 24 ~~(2) the type of electrical energy transfer (e.g., AC, DC, wireless).~~
- 25 ~~(d) For variable service applications, the following information shall be conspicuously displayed or~~
- 26 ~~posted:~~
- 27 ~~(1) the type of delivery (i.e., variable);~~
- 28 ~~(2) the minimum and maximum power transfer that can occur during a transaction, including~~
- 29 ~~whether service can be reduced to zero;~~
- 30 ~~(3) the conditions under which variations in electrical energy transfer will occur; and~~
- 31 ~~(4) the type of electrical energy transfer (e.g., AC, DC, wireless).~~

32 ~~Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as~~

33 ~~fees based on time measurement and/or a fixed fee, the additional fees shall be included on all street signs~~

34 ~~or other advertising.~~

35 ~~(Added 2013)~~

36 ~~2.35. Diesel Exhaust Fluid (DEF).~~

1 **2.35.1. Definition.**

2 ~~2.35.1.1. Diesel Exhaust Fluid (DEF).—A preparation of aqueous urea [(NH₂)₂CO], containing 32.5~~
3 ~~% by mass of technically pure urea in high-purity water with quality characteristics defined by the~~
4 ~~latest version of ISO 22241, “Diesel engines – NO_x reduction agent AUS 32.”~~

5 **2.35.2. Labeling of Diesel Exhaust Fluid (DEF).—DEF shall be labeled.**

6 ~~2.35.2.1. Retail Dispenser Labeling.—A label shall be clearly and conspicuously placed on the front~~
7 ~~panel of the Diesel Exhaust Fluid dispenser stating “for operation of selective catalytic reduction (SCR)~~
8 ~~converters in motor vehicles with diesel engines.”~~

9 ~~2.35.2.2. Documentation for Retailers of Bulk Product.—A DEF supplier shall provide, at the time of~~
10 ~~delivery of the bulk shipment of DEF, identification of the fluid’s origin including the name of the fluid~~
11 ~~manufacturer, the brand name, trade name, or trademark, and a statement identifying the fluid as~~
12 ~~DEF conforming to specifications given in the latest version of ISO 22241, “Diesel engines – NO_x~~
13 ~~reduction agent AUS 32.” This information shall be provided by the supplier on an invoice, bill of~~
14 ~~lading, shipping paper, or other document.~~

15 ~~2.35.2.3. Labeling of Packaged Product.—Any diesel exhaust fluid retail package shall bear a label~~
16 ~~that includes the name of the fluid manufacturer, the brand name, trade name, or trademark, a~~
17 ~~statement identifying the fluid as DEF conforming to specifications given in the latest version of ISO~~
18 ~~22241 “Diesel engines – NO_x reduction agent AUS 32,” and the statement, “It is recommended to store~~
19 ~~DEF between 5 °C to 30 °C (23 °F to 86 °F).”~~

20 ~~2.35.2.4. Documentation for Bulk Deliveries.—A carrier that transports or accepts for transportation~~
21 ~~any bulk shipment by tank truck, freight container, cargo tank, railcar, or any other vehicle used to~~
22 ~~transport or deliver bulk quantities of DEF shall, at the time of delivery of the DEF, provide~~
23 ~~identification of the fluid’s origin including the name of the fluid manufacturer, the brand name, trade~~
24 ~~name, or trademark, and a statement identifying the fluid as DEF conforming to specifications given~~
25 ~~in the latest version of ISO 22241, “Diesel engines – NO_x reduction agent AUS 32.” This information~~
26 ~~shall be provided to the recipient on an invoice, bill of lading, shipping paper, or other document.~~

27 **Effective date shall be January 1, 2016.**

28 **(Added 2014)**

29 **2.36. Transmission Fluid.**

30 ~~2.36.1. Products for Use in Lubricating Transmissions.—Transmission fluids shall meet the original~~
31 ~~equipment manufacturer’s requirements for those transmissions or have demonstrated performance~~
32 ~~claims to be suitable for use in those transmissions. Where a fluid can be licensed against an original~~
33 ~~equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable~~
34 ~~documentation of performance against the specification. In the absence of a license from the original~~
35 ~~equipment manufacturer, adherence to the original equipment manufacturer’s recommended~~
36 ~~requirements shall be assessed after testing per relevant methods available to the lubricants industry and~~
37 ~~the state regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or~~
38 ~~transmission rig testing. Any manufacturer of a transmission fluid making suitable for use claims shall~~
39 ~~provide, upon request by a duly authorized representative of the Director, credible documentation of such~~
40 ~~claims. If the product performance claims published by a blender and/or marketer are based on the~~
41 ~~claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by~~
42 ~~a duly authorized representative of the Director. Supporting data may be supplied directly to the~~
43 ~~Director’s office by the additive supplier(s).~~

44 **(Added 2017)**

1 ~~2.36.1.1. Conformance.— Conformance of a fluid per Section 2.36.1. Products for Use in Lubricating~~
2 ~~Transmissions does not absolve the obligations of a fluid licensee with respect to the licensing original~~
3 ~~equipment manufacturer or the original equipment manufacturer’s licensing agent(s), where relevant.~~
4 ~~(Added 2017)~~

5 ~~2.36.1.2. Transmission Fluid Additives.— Any material offered for sale or sold as an additive to~~
6 ~~transmission fluids shall be compatible with the transmission fluid to which it is added, and shall meet~~
7 ~~all performance claims as stated on the label or published on any website referenced by the label. Any~~
8 ~~manufacturer of any such product sold in this state shall provide, upon request by a duly authorized~~
9 ~~representative of the Director, documentation of any claims made on their product label or published~~
10 ~~on any website referenced by the label.~~
11 ~~(Added 2017)~~

12 ~~2.36.2. Labeling and Identification of Transmission Fluid.— Transmission fluid shall be labeled or~~
13 ~~identified as described below.~~
14 ~~(Added 2017)~~

15 ~~2.36.2.1. Container Labeling.— The label on a container of transmission fluid shall not contain any~~
16 ~~information that is false or misleading.— Containers include bottles, cans, multi-quart or liter~~
17 ~~containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container~~
18 ~~of transmission fluid shall be labeled with the following:~~

19 ~~(a) the brand name;~~

20 ~~(b) the name and place of business of the manufacturer, packer, seller, or distributor;~~

21 ~~(c) the words “Transmission Fluid,” which may be incorporated into a more specific~~
22 ~~description of transmission type such as “Automatic Transmission Fluid” or~~
23 ~~“Continuously Variable Transmission Fluid”;~~

24 ~~(d) the primary performance claim or claims met by the fluid and reference to where any~~
25 ~~supplemental claims may be viewed (for example, website reference). Performance claims~~
26 ~~include but are not limited to those set by original equipment manufacturers and~~
27 ~~standards setting organizations such as SAE and JASO and are acknowledged by~~
28 ~~reference; and~~

29 ~~(e) an accurate statement of the quantity of the contents in terms of liquid measure.~~

30 ~~(Added 2017)~~

31 ~~2.36.2.2. Identification on Documentation.— Transmission fluid sold in bulk shall be identified on the~~
32 ~~manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other~~
33 ~~documentation with the information listed below:~~

34 ~~(a) the brand name;~~

35 ~~(b) the name and place of business of the manufacturer, packer, seller, or distributor;~~

36 ~~(c) the words “Transmission Fluid,” which may be incorporated into a more specific description~~
37 ~~of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable~~
38 ~~Transmission Fluid”;~~

39 ~~(d) the primary performance claim or claims met by the fluid or reference to where these claims~~
40 ~~may be viewed (for example, website reference). Performance claims include but are not~~

1 ~~limited to those set by original equipment manufacturers and standards setting organizations~~
2 ~~such as SAE and JASO and are acknowledged by reference; and~~

3 ~~(e) an accurate statement of the quantity of the contents in terms of liquid measure.~~

4 ~~(Added 2017)~~

5 ~~2.36.2.3. Identification on Service Provider Documentation.—Transmission fluid installed from a bulk~~
6 ~~tank at time of transmission service shall be identified on the customer invoice with the information~~
7 ~~listed below:~~

8 ~~(a) the brand name;~~

9 ~~(b) the name and place of business of the service provider;~~

10 ~~(c) the words “Transmission Fluid,” which may be incorporated into a more specific description~~
11 ~~of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable~~
12 ~~Transmission Fluid”;~~

13 ~~(d) the primary performance claim or claims met by the fluid or reference to where these claims~~
14 ~~may be viewed (for example, website reference). Performance claims include but are not~~
15 ~~limited to those set by original equipment manufacturers and standards setting organizations~~
16 ~~such as SAE and JASO and are acknowledged by reference; and~~

17 ~~(e) an accurate statement of the quantity of the contents in terms of liquid measure.~~

18 ~~(Added 2017)~~

19 ~~2.36.2.4. Bulk Delivery.—When the transmission fluid is sold in bulk, an invoice, bill of lading, shipping~~
20 ~~paper, or other documentation must accompany each delivery. This document must identify the fluid~~
21 ~~as defined in Section 2.36.2.2. Identification on Documentation.~~

22 ~~(Added 2017)~~

23 ~~2.36.2.5. Storage Tank Labeling.—Each storage tank of transmission fluid shall be labeled with the~~
24 ~~following:~~

25 ~~(a) the brand name;~~

26 ~~(b) the primary performance claim or claims met by the fluid or reference to where these claims~~
27 ~~may be viewed (for example, website reference). Performance claims include but are not~~
28 ~~limited to those set by original equipment manufacturers and standards setting organizations~~
29 ~~such as SAE and JASO and are acknowledged by reference.~~

30 ~~(Added 2017)~~

31 ~~2.36.3. Documentation of Claims Made Upon Product Label.—Any manufacturer, packer, or distributor~~
32 ~~of any product subject to this article and sold in this state shall provide, upon request of duly authorized~~
33 ~~representatives of the Director, credible documentation of any claim made upon their product label,~~
34 ~~including claims made on any website referenced by said label. If the product performance claims~~
35 ~~published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers,~~
36 ~~documentation of the claims may be requested in confidence by a duly authorized representative of the~~
37 ~~Director. Supporting data may be supplied directly to the Director’s office by the additive supplier(s).~~

38 ~~(Added 2017)~~

39 ~~(Added 2017)~~

1 ~~2.39. Tractor Hydraulic Fluid.~~

2 ~~2.39.1. Products for Use in Lubricating Tractors.—Tractor hydraulic fluids shall meet at least one current~~
 3 ~~and/or verifiable original equipment manufacturer’s specifications for respective tractors. A specification~~
 4 ~~is deemed verifiable if all necessary bench and laboratory tests are available to verify the fluid’s ability to~~
 5 ~~pass those requirements set out by the original equipment manufacturer. A list of current and verifiable~~
 6 ~~specifications is located on the NCWM website (www.newm.com). Where a fluid can be licensed against~~
 7 ~~an original equipment manufacturer’s specification, evidence of current licensing by the marketer is~~
 8 ~~acceptable documentation of performance against the specification. In the absence of a license from the~~
 9 ~~original equipment manufacturer, adherence to the original equipment manufacturer’s specifications shall~~
 10 ~~be assessed after testing per relevant methods available to the lubricants industry and the regulatory~~
 11 ~~agency. Suitability for use claims shall be based upon appropriate field, bench, and/or rig testing. Any~~
 12 ~~manufacturer of a tractor hydraulic fluid making suitable for use claims shall provide, upon request by a~~
 13 ~~duly authorized representative of the Director, credible documentation of such claims. If the product~~
 14 ~~performance claims published by a blender and/or marketer are based on the claim(s) of one or more~~
 15 ~~additive suppliers, documentation of the claims shall be provided upon request to a duly authorized~~
 16 ~~representative of the Director. Supporting data shall, upon request, be supplied directly to the Director’s~~
 17 ~~office by the additive supplier(s).~~

18 ~~2.39.1.1. Conformance.—Conformance of a fluid per Section 2.39.1. Products for Use in Lubricating~~
 19 ~~Tractors does not absolve the obligations of a fluid licensee with respect to the licensing original~~
 20 ~~equipment manufacturer or the original equipment manufacturer’s licensing agent(s), where relevant.~~

21 ~~2.39.1.2. Tractor Hydraulic Fluid Additives.—Any material offered for sale or sold as an additive to~~
 22 ~~tractor hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it is added and~~
 23 ~~shall meet all performance claims as stated on the label or published on any website referenced by the~~
 24 ~~label. Any manufacturer of any such product sold shall provide, upon request by a duly authorized~~
 25 ~~representative of the Director, documentation of any claims made on their product label or published~~
 26 ~~on any website referenced by the label.~~

27 ~~2.39.2. Labeling and Identification of Tractor Hydraulic Fluid.—Tractor hydraulic fluids shall be labeled~~
 28 ~~or identified as described below.~~

29 ~~2.39.2.1. Container Labeling.—The label on a container of tractor hydraulic fluid shall not contain~~
 30 ~~any information that is false or misleading. Containers include bottles, cans, multi-quart or liter~~
 31 ~~containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container~~
 32 ~~of tractor hydraulic fluid shall be labeled with the following:~~

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

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

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

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

7 ~~**2.39.2.2. Identification on Documentation.** Tractor hydraulic fluid sold in bulk shall be identified on~~
8 ~~the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other~~
9 ~~documentation with the information listed below:~~

- 10 (a) ~~the brand name;~~

- 11 (b) ~~the name and place of business of the manufacturer, packer, seller, or distributor;~~

- 12 (c) ~~the words "Tractor Hydraulic Fluid," which may include words such as "Hydraulic Fluid for~~
13 ~~Agricultural Applications" or "Universal Tractor Transmission Oil";~~

- 14 (d) ~~the primary claim or claims met by the fluid and reference to where any supplemental claims~~
15 ~~may be viewed (e.g., website reference). Performance claims are those set by original~~
16 ~~equipment manufacturers;~~

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

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

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

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

26 ~~**2.39.2.3. Identification on Service Provider Documentation.** Tractor hydraulic fluid installed from a~~
27 ~~bulk tank at time of service shall be identified on the customer invoice with the information listed~~
28 ~~below:~~

- 29 (a) ~~the brand name;~~

- 30 (b) ~~the name and place of business of the service provider;~~

- 31 (c) ~~the words "Tractor Hydraulic Fluid," which may include words such as "Hydraulic Fluid for~~
32 ~~Agricultural Applications" or "Universal Tractor Transmission Oil";~~

- 33 (d) ~~the primary claim or claims met by the fluid and reference to where any supplemental claims~~
34 ~~may be viewed (e.g., website reference). Performance claims are those set by original~~
35 ~~equipment manufacturers;~~

- 36 (e) ~~any obsolete equipment manufacturer specifications should be clearly identified as "obsolete"~~
37 ~~and accompanied by the following warning on the front package label in clearly legible font~~
38 ~~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.~~

~~2.39.2.4. 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 2.39.2.2. Identification on Documentation.~~

~~2.39.2.5. 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~~

~~2.39.3. 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 2019)

[Remaining products will be renumbered editorially as needed]

2.XX. Fuels, Lubricants, and Automotive Products

2.XX.1. General Information

2.XX.1.1. Definitions. – For additional information on definitions refer to NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, Section 1. Definitions

2.XX.1.2. Specifications. – For additional information on specifications refer to NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, Section 2. Standard Specifications.

2.XX.1.3. Identification, Classification, and Labeling. – For additional information on Identification, Classification and Labeling refer to NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, Section 3. Classification, Identification, and Labeling for Sale.

2.XX.2. Kerosene (Kerosine). – All kerosene kept, offered, exposed for sale, or sold shall be identified as such and will include, with the word kerosene, an indication of its compliance with the latest version of the standard specification ASTM Standard D3699, “Standard Specification for Kerosine.”

Example:

1K Kerosene; Kerosene - 2K.

(Added 1983)

1 2.XX.2.1. Retail Sale from Bulk. – All kerosene kept, offered, or exposed for sale and sold from bulk
2 at retail shall be in terms of the gallon or liter.

3 (Added 2012)

4 2.XX.3. Gasoline-Oxygenate Blends.

5 2.XX.3.1. Labeling for Retail Sale. – Type of Oxygenate must be Disclosed. – All automotive gasoline
6 or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing
7 at least 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the
8 predominant oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with
9 MTBE.” The oxygenate contributing the largest mass percent oxygen to the blend shall be considered
10 the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the
11 predominant oxygenate followed by the phrase “or other ethers” or alternatively post the phrase
12 “contains MTBE or other ethers.” In addition, gasoline-methanol blend fuels containing more than
13 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This
14 information shall be posted on the upper 50 % of the dispenser front panel in a position clear and
15 conspicuous from the driver’s position in a type at least 12.7 mm (1/2 in) in height, 1.5 mm (1/16 in)
16 stroke (width of type).

17 (Amended 1996)

18 2.XX.3.2. Documentation for Dispenser Labeling Purposes. – The retailer shall be provided, at the
19 time of delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping
20 paper, or other documentation:

21 (a) Information that complies with 40 CFR 80.1503 when the fuel contains ethanol.

22 (b) For fuels that do not contain ethanol, information that complies with 40 CFR 80.1503 and a
23 declaration of the predominant oxygenate or combination of oxygenates present in
24 concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel.
25 Where mixtures of only ethers are present, the fuel supplier may identify either the
26 predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent
27 oxygen) or alternatively, use the phrase “contains MTBE or other ethers.”

28 (c) Gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as
29 “with” or “containing” methanol.

30 (Added 1984) (Amended 1985, 1986, 1991, 1996, and 2014)

31 2.XX.3.3. EPA Labeling Requirements. – Retailers and wholesale purchaser-consumers of gasoline
32 shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume
33 percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR 80.1501. (For additional
34 information, refer to Section 2.XX.6.2. FTC Labeling Requirements.)

35 (Added 2018)

36 2.XX.3.4. Gasoline-Oxygenate Blends - Shall be sold in accordance with the Method of Sale Law. (see
37 NIST Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)

38 (Added 20XX)

39 2.XX.4. Liquefied Petroleum Gas. – All liquefied petroleum gas, including, but not limited to propane,
40 butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic
41 foot [NOTE 7, page XXX] of vapor (defined as 1 ft³ at 60 °F [15.6 °C]), or the gallon (defined as 231 in³ at 60 °F
42 [15.6 °C]). All metered sales by the gallon, except those using meters with a maximum rated capacity of 20
43 gal/min or less, shall be accomplished by use of a meter and device that automatically compensates for
44 temperature.

45 (Added 1986)

1 NOTE 7: Sources: American National Standards Institute, Inc., “American National Standard for Gas
2 Displacement Meters (500 Cubic Feet per Hour Capacity and Under),” First edition, 1974, and NIST Handbook
3 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.”

4 **2.XX.5. Retail Sales of Natural Gas Sold as a Vehicle Fuel.**

5 **2.XX.5.1. Definitions.**

6 **2.XX.5.1.1. Compressed Natural Gas (CNG). – A gaseous fuel composed primarily of methane**
7 **that is suitable for compression and dispensing into a fuel storage container(s) for use as an engine**
8 **fuel.**

9 **(Amended 2016)**

10 **2.XX.5.1.2. Gasoline Gallon Equivalent (GGE). – Gasoline gallon equivalent (GGE) means 2.567**
11 **kg (5.660 lb) of compressed natural gas.**

12 **(Amended 2016)**

13 **2.XX.5.1.3. Diesel Gallon Equivalent (DGE). – Diesel gallon equivalent means 6.384 lb of**
14 **compressed natural gas or 6.059 lb of liquefied natural gas.**

15 **(Added 2016)**

16 **2.XX.5.1.4. Liquefied Natural Gas (LNG). – Natural gas, which is predominantly methane, that**
17 **has been liquefied at – 162 °C (– 260 °F) at 14.696 psia and stored in insulated cryogenic fuel**
18 **storage tanks for use as an engine fuel.**

19 **(Added 2016)**

20 **2.XX.5.2. Method of Retail Sale and Dispenser Labeling.**

21 **2.XX.5.2.1. Method of Retail Sale for Compressed Natural Gas. – All compressed natural gas kept,**
22 **offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass,**
23 **and indicted in the gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or**
24 **mass.**

25 **(Amended 2016)**

26 **2.XX.5.2.2. Dispenser Labeling Compressed Natural Gas. – All retail compressed natural gas**
27 **dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label**
28 **shall be permanently and conspicuously displayed on the face of the dispenser and shall have the**
29 **statement “1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas” or**
30 **“1 Diesel Gallon Equivalent (DGE) means 6.384 lb of Compressed Natural Gas” consistent with**
31 **the method of sale used.**

32 **(Amended 2016)**

33 **2.XX.5.2.3. Method of Retail Sale for Liquefied Natural Gas. – All liquefied natural gas kept,**
34 **offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in mass and**
35 **indicated in diesel gallon equivalent (DGE) units or mass.**

36 **(Added 2016)**

37 **2.XX.5.2.4. Dispenser Labeling of Retail Liquefied Natural Gas. – All retail liquefied natural gas**
38 **dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label**
39 **shall be permanently and conspicuously displayed on the face of the dispenser and shall have the**
40 **statement “1 Diesel Gallon Equivalent (DGE) means 6.059 lb of Liquefied Natural Gas.”**

41 **(Added 2016)**

1 **2.XX.6. Ethanol Flex Fuel.**

2 **2.XX.6.1. How to Identify Ethanol Flex Fuel. – Ethanol flex fuel shall be identified as “Ethanol Flex**
3 **Fuel or EXX Flex Fuel.”**

4 **2.XX.6.2. FTC Labeling Requirements. – Ethanol flex fuel shall be identified and labeled in**
5 **accordance with the Federal Trade Commission (FTC) Automotive Fuel Ratings, Certification and**
6 **Posting Rule, 16 CFR 306, as amended. (For additional information, refer to Section 2.XX.3.3. EPA**
7 **Labeling Requirements.)**

8 **(Added 2007) (Amended 2014 and 2018)**

9 **2.XX.6.3. Ethanol Flex Fuel - Shall be sold in accordance with the Method of Sale Law. (see NIST**
10 **Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)**

11 **(Added 20XX)**

12 **2.XX.7. Biodiesel and Biodiesel Blends.**

13 **2.XX.7.1. Identification of Product. – Biodiesel shall be identified by the term “Biodiesel” with the**
14 **designation “B100.” Biodiesel Blends shall be identified by the term “Biodiesel Blend.”**

15 **2.XX.7.2. Labeling of Retail Dispensers.**

16 **2.XX.7.2.1. Labeling of Grade Required. – Biodiesel shall be identified by the grades S15 or S500.**
17 **Biodiesel blends shall be identified by the grades No. 1-D, No. 2-D, or No. 4-D.**

18 **2.XX.7.2.2. EPA Labeling Requirements Also Apply. – Retailers and wholesale purchaser-**
19 **consumers of biodiesel blends shall comply with EPA pump labeling requirements for sulfur under**
20 **40 CFR 80.570.**

21 **2.XX.7.2.3. Automotive Fuel Rating. – Biodiesel and biodiesel blends shall be labeled with its**
22 **automotive fuel rating in accordance with 16 CFR 306.**

23 **2.XX.7.2.4. Biodiesel Blends. – When biodiesel blends greater than 20 % by volume are offered**
24 **by sale, each side of the dispenser where fuel can be delivered shall have a label conspicuously**
25 **placed that states “Consult Vehicle Manufacturer Fuel Recommendations.” The lettering of this**
26 **legend shall not be less than 6 mm (¹/₄ in) in height by 0.8 mm (¹/₃₂ in) stroke; block style letters**
27 **and the color shall be in definite contrast to the background color to which it is applied.**

28 **2.XX.7.3. Documentation for Dispenser Labeling Purposes. – The retailer shall be provided, at the**
29 **time of delivery of the fuel, a declaration of the volume percent biodiesel on an invoice, bill of lading,**
30 **shipping paper or other document. This documentation is for dispenser labeling purposes only; it is**
31 **the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior**
32 **to blending.**

33 **2.XX.7.4. Exemption. – Biodiesel blends that contain less than or equal to 5 % biodiesel by volume**
34 **are exempt from the requirements of Sections 2.XX.7.1. Identification of Product, 2.XX.7.2. Labeling**
35 **of Retail Dispensers, and 2.XX.7.3. Documentation for Dispenser Labeling Purposes when it is sold**
36 **as diesel fuel.**

37 **(Added 2008)**

38 **2.XX.7.5. Biodiesel and Biodiesel Blends - Shall be sold in accordance with the Method of Sale Law.**
39 **(see NIST Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)**

40 **(Added 20XX)**

1 **2.XX.8. Retail Sales of Hydrogen Fuel (H).**

2 **2.XX.8.1. Definitions for Hydrogen Fuel. – A fuel composed of molecular hydrogen intended for**
3 **consumption in a surface vehicle or electricity production device with an internal combustion engine**
4 **or fuel cell.**

5 **(Amended 2012)**

6 **2.XX.8.2. Method of Retail Sale and Dispenser Labeling. – All hydrogen fuel kept, offered, or exposed**
7 **for sale and sold at retail shall be in mass units in terms of the kilogram. The symbol for hydrogen**
8 **vehicle fuel shall be the capital letter “H” (the word Hydrogen may also be used).**

9 **2.XX.8.3. Retail Dispenser Labeling.**

10 **(a) A computing dispenser must display the unit price in whole cents on the basis of price per**
11 **kilogram.**

12 **(b) The service pressure(s) of the dispenser must be conspicuously shown on the user interface in**
13 **bar or the SI unit of pascal (Pa) (e.g., MPa).**

14 **(c) The product identity must be shown in a conspicuous location on the dispenser.**

15 **(d) National Fire Protection Association (NFPA) labeling requirements also apply.**

16 **(e) Hydrogen shall be labeled in accordance with 16 CFR 309 – FTC Labeling Alternative Fuels.**

17 **2.XX.8.4. Street Sign Prices and Advertisements.**

18 **(a) The unit price must be in terms of price per kilogram in whole cents (e.g., \$3.49 per kg, not**
19 **\$3.499 per kg).**

20 **(b) The sign or advertisement must include the service pressure (expressed in megapascals) at**
21 **which the dispenser(s) delivers hydrogen fuel (e.g., H35 or H70).**

22 **(Added 2010)**

23 **2.XX.9. Oil.**

24 **2.XX.9.1. Labeling of Vehicle Engine (Motor) Oil. – Vehicle engine (motor) oil shall be labeled.**

25 **2.XX.9.1.1. Viscosity. – The label on any vehicle engine (motor) oil container, receptacle,**
26 **dispenser, or storage tank, and any invoice or receipt from service on an engine that includes the**
27 **installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank,**
28 **shall contain the viscosity grade classification preceded by the letters “SAE” in accordance with**
29 **SAE International’s latest version of SAE J300, “Engine Oil Viscosity Classification.”**

30 **NOTE: If an invoice or receipt from service on an engine has limited room for identifying the**
31 **viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice**
32 **or receipt and the letters “SAE” may be omitted from the viscosity classification.**

33 **(Note added 2014)**

34 **(Amended 2014)**

35 **2.XX.9.1.2. Brand. – The label on any vehicle engine (motor) oil container and the invoice or**
36 **receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil**
37 **dispensed from a receptacle, dispenser, or storage tank shall contain the name, brand, trademark,**
38 **or trade name of the vehicle engine (motor) oil.**

1 (Amended 2014)

2 2.XX.9.1.3. Engine Service Category. – The label on any vehicle engine (motor) oil container,
3 receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that
4 includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser,
5 or storage tank shall contain the engine service category, or categories, displayed in letters not less
6 than 3.18 mm (1/8 in) in height, as defined by the latest version of SAE J183, “Engine Oil
7 Performance and Engine Service Classification (Other than “Energy Conserving”),” API
8 Publication 1509, “Engine Oil Licensing and Certification System,” European Automobile
9 Manufacturers Association (ACEA), “European Oil Sequences,” or other Vehicle or Engine
10 Manufacturer standards as approved in Section 2.XX.9.1.3.1. Vehicle or Engine Manufacturer
11 Standard.

12 (Amended 2014)

13 2.XX.9.1.3.1. Vehicle or Engine Manufacturer Standard. – The label on any vehicle engine
14 (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from
15 service on an engine that includes the installation of vehicle engine (motor) oil dispensed from
16 a receptacle, dispenser, or storage tank shall identify the specific vehicle or engine
17 manufacturer standard, or standards, met in letters not less than 3.18 mm (1/8 in) in height. If
18 the vehicle (motor) oil only meets a vehicle or engine manufacturer standard, the label must
19 clearly identify that the oil is only intended for use where specifically recommended by the
20 vehicle or engine manufacturer.

21 (Added 2014)

22 2.XX.9.1.3.2. Inactive or Obsolete Service Categories. – The label on any vehicle engine
23 (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from
24 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed
25 from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement
26 in compliance with the latest version of SAE J183, Appendix A, whenever the vehicle engine
27 (motor) oil in the container or in bulk does not meet an active API service category as defined
28 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification
29 (Other than “Energy Conserving”).” If a vehicle engine(motor) oil is identified as only
30 meeting a vehicle or engine manufacturer standard, the labeling requirements in Section
31 2.XX.9.1.3.1. Vehicle or Engine Manufacturer Standard applies.

32 (Amended 2014)

33 2.XX.9.1.4. Tank Trucks or Rail Cars. – Tank trucks, rail cars, and other types of delivery trucks
34 that are used to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity
35 grade and service category or categories on such tank trucks, rail cars, and other types of delivery
36 trucks.

37 (Amended 2013 and 2014)

38 2.XX.9.1.5. Documentation. – When the engine (motor) oil is sold in bulk, an invoice, bill of lading,
39 shipping paper, or other documentation must accompany each delivery. This document must
40 identify the quantity of bulk engine (motor) oil delivered as defined in Sections 2.XX.9.1.1.
41 Viscosity; 2.XX.9.1.2. Brand; 2.XX.9.1.3. Engine Service Category; the name and address of the
42 seller and buyer; and the date and time of the sale. For inactive or obsolete service categories, the
43 documentation shall also bear a plainly visible cautionary statement as required in Section
44 2.XX.9.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the
45 retail establishment for a period of not less than one year.

46 (Added 2013) (Amended 2014)

47 2.XX.9.2. Oil - Shall be sold in accordance with the Method of Sale Law. (see NIST Handbook 130,
48 Uniform Weights and Measures Law, Section 17. Method of Sale.)

1 (Added 20XX)

2 (Added 2012) (Amended 2013 and 2014)

3 2.XX.10. Retail Sales of Electricity Sold as a Vehicle Fuel.

4 2.XX.10.1. Definitions.

5 2.XX.10.1.1. Electricity Sold as Vehicle Fuel. – Electrical energy transferred to and/or stored
6 onboard an electric vehicle primarily for the purpose of propulsion.

7 2.XX.10.1.2. Electric Vehicle Supply Equipment (EVSE). – The conductors, including the
8 ungrounded, grounded, and equipment grounding conductors; the electric vehicle connectors;
9 attachment plugs; and all other fittings, devices, power outlets, or apparatuses installed specifically
10 for the purpose of measuring, delivering, and computing the price of electrical energy delivered to
11 the electric vehicle.

12 2.XX.10.1.3. Fixed Service. – Service that continuously provides the nominal power that is possible
13 with the equipment as it is installed.

14 2.XX.10.1.4. Variable Service. – Service that may be controlled resulting in periods of reduced,
15 and/or interrupted transfer of electrical energy.

16 2.XX.10.1.5. Nominal Power. – Refers to the “intended” or “named” or “stated” as opposed to
17 “actual” rate of transfer of electrical energy (i.e., power).

18 2.XX.10.2. Method of Sale. – All electrical energy kept, offered, or exposed for sale and sold at retail
19 as a vehicle fuel shall be in units in terms of the megajoule (MJ) or kilowatt-hour (kWh). In addition
20 to the fee assessed for the quantity of electrical energy sold, fees may be assessed for other services;
21 such fees may be based on time measurement and/or a fixed fee.

22 2.XX.10.3. Retail Electric Vehicle Supply Equipment (EVSE) Labeling.

23 (a) A computing EVSE shall display the unit price in whole cents (e.g., \$0.12) or tenths of one cent
24 (e.g., \$0.119) on the basis of price per megajoule (MJ) or kilowatt-hour (kWh). In cases where
25 the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place
26 of the unit price.

27 (b) For fixed service applications, the following information shall be conspicuously displayed or
28 posted on the face of the device:

29 (1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of
30 electrical energy transfer), and

31 (2) the type of electrical energy transfer (e.g., AC, DC, wireless).

32 (c) For variable service applications, the following information shall be conspicuously displayed
33 or posted on the face of the device:

34 (1) the type of delivery (i.e., variable);

35 (2) the minimum and maximum power transfer that can occur during a transaction,
36 including whether service can be reduced to zero;

37 (3) the condition under which variations in electrical energy transfer will occur; and

1 (4) the type of electrical energy transfer (e.g., AC, DC, wireless).

2 (d) Where fees will be assessed for other services in direct connection with the fueling of the
3 vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be
4 displayed.

5 (e) The EVSE shall be labeled in accordance with 16 CFR 309 – FTC Labeling Requirements for
6 Alternative Fuels and Alternative Fueled Vehicles.

7 (f) The EVSE shall be listed and labeled in accordance with the National Electric Code® (NEC)
8 NFPA 70, Article 625 Electric Vehicle Charging Systems (www.nfpa.org).

9 2.XX.10.4. Street Sign Prices and Other Advertisements. – Where electrical energy unit price
10 information is presented on street signs or in advertising other than on EVSE:

11 (a) The electrical energy unit price shall be in terms of price per megajoule (MJ) or kilowatt-hour
12 (kWh) in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119). In cases where the
13 electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of
14 the unit price.

15 (b) In cases where more than one electrical energy unit price may apply over the duration of a
16 single transaction to sales to the general public, the terms and conditions that will determine
17 each unit price and when each unit price will apply shall be clearly displayed.

18 (c) For fixed service applications, the following information shall be conspicuously displayed or
19 posted:

20 (1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of
21 electrical energy transfer), and

22 (2) the type of electrical energy transfer (e.g., AC, DC, wireless).

23 (d) For variable service applications, the following information shall be conspicuously displayed
24 or posted:

25 (1) the type of delivery (i.e., variable);

26 (2) the minimum and maximum power transfer that can occur during a transaction,
27 including whether service can be reduced to zero;

28 (3) the conditions under which variations in electrical energy transfer will occur; and

29 (4) the type of electrical energy transfer (e.g., AC, DC, wireless).

30 Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as
31 fees based on time measurement and/or a fixed fee, the additional fees shall be included on all street signs
32 or other advertising.

33 (Added 2013)

34 2.XX.11. Diesel Exhaust Fluid (DEF).

35 2.XX.11.1. Definition.

36 2.XX.11.1.1. Diesel Exhaust Fluid (DEF). – A preparation of aqueous urea [(NH₂)₂CO],
37 containing 32.5 % by mass of technically-pure urea in high-purity water with quality

1 characteristics defined by the latest version of ISO 22241, “Diesel engines - NOx reduction agent
2 AUS 32.”

3 2.XX.11.2. Labeling of Diesel Exhaust Fluid (DEF). – DEF shall be labeled.

4 2.XX.11.2.1. Retail Dispenser Labeling. – A label shall be clearly and conspicuously placed on the
5 front panel of the Diesel Exhaust Fluid dispenser stating “for operation of selective catalytic
6 reduction (SCR) converters in motor vehicles with diesel engines.”

7 2.XX.11.2.2. Documentation for Retailers of Bulk Product. – A DEF supplier shall provide, at the
8 time of delivery of the bulk shipment of DEF, identification of the fluid’s origin including the name
9 of the fluid manufacturer, the brand name, trade name, or trademark, and a statement identifying
10 the fluid as DEF conforming to specifications given in the latest version of ISO 22241, “Diesel
11 engines - NOx reduction agent AUS 32.” This information shall be provided by the supplier on an
12 invoice, bill of lading, shipping paper, or other document.

13 2.XX.11.2.3. Labeling of Packaged Product. – Any diesel exhaust fluid retail package shall bear a
14 label that includes the name of the fluid manufacturer, the brand name, trade name, or trademark,
15 a statement identifying the fluid as DEF conforming to specifications given in the latest version of
16 ISO 22241 “Diesel engines - NOx reduction agent AUS 32,” and the statement, “It is recommended
17 to store DEF between – 5 °C to 30 °C (23 °F to 86 °F).”

18 2.XX.11.2.4. Documentation for Bulk Deliveries. – A carrier that transports or accepts for
19 transportation any bulk shipment by tank truck, freight container, cargo tank, railcar, or any
20 other vehicle used to transport or deliver bulk quantities of DEF shall, at the time of delivery of
21 the DEF, provide identification of the fluid’s origin including the name of the fluid manufacturer,
22 the brand name, trade name, or trademark, and a statement identifying the fluid as DEF
23 conforming to specifications given in the latest version of ISO 22241, “Diesel engines - NOx
24 reduction agent AUS 32.” This information shall be provided to the recipient on an invoice, bill of
25 lading, shipping paper, or other document.

26 Effective date shall be January 1, 2016.

27 2.XX.11.3. Diesel Exhaust Fluid (DEF) - Shall be sold in accordance with the Method of Sale Law. (see
28 NIST Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)

29 (Added 20XX)

30 (Added 2014)

31 2.XX.12. Transmission Fluid.

32 2.XX.12.1. Products for Use in Lubricating Transmissions. – Transmission fluids shall meet the
33 original equipment manufacturer’s requirements for those transmissions or have demonstrated
34 performance claims to be suitable for use in those transmissions. Where a fluid can be licensed against
35 an original equipment manufacturer’s specification, evidence of current licensing by the marketer is
36 acceptable documentation of performance against the specification. In the absence of a license from
37 the original equipment manufacturer, adherence to the original equipment manufacturer’s
38 recommended requirements shall be assessed after testing per relevant methods available to the
39 lubricants industry and the state regulatory agency. Suitability for use claims shall be based upon
40 appropriate field, bench, and/or transmission rig testing. Any manufacturer of a transmission fluid
41 making suitable-for-use claims shall provide, upon request by a duly authorized representative of the
42 Director, credible documentation of such claims. If the product performance claims published by a
43 blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation
44 of the claims may be in confidence by a duly authorized representative of the Director. Supporting
45 data may be supplied directly to the Director’s office by the additive supplier(s).

46 (Added 2017)

1 **2.XX.12.1.1. Conformance. – Conformance of a fluid per Section 2.XX.12.1. Products for Use in**
2 **Lubricating Transmissions does not absolve the obligations of a fluid licensee with respect to the**
3 **licensing original equipment manufacturer or the original equipment manufacturer’s licensing**
4 **agent(s), where relevant.**
5 **(Added 2017)**

6 **2.XX.12.1.2. Transmission Fluid Additives. – Any material offered for sale or sold as an additive**
7 **to transmission fluids shall be compatible with the transmission fluid to which it is added, and**
8 **shall meet all performance claims as stated on the label or published on any website referenced by**
9 **the label. Any manufacturer of any such product sold in this state shall provide, upon request by**
10 **a duly authorized representative of the Director, documentation of any claims made on their**
11 **product label or published on any website referenced by the label.**
12 **(Added 2017)**

13 **2.XX.12.2. Labeling and Identification of Transmission Fluid. – Transmission fluid shall be labeled or**
14 **identified as described below.**
15 **(Added 2017)**

16 **2.XX.12.2.1. Container Labeling. – The label on a container of transmission fluid shall not contain**
17 **any information that is false or misleading. Containers include bottles, cans, multi-quart or liter**
18 **containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each**
19 **container of transmission fluid shall be labeled with the following:**

20 **(a) the brand name;**

21 **(b) the name and place of business of the manufacturer, packer, seller, or distributor;**

22 **(c) the words “Transmission Fluid,” which may be incorporated into a more specific**
23 **description of transmission type such as “Automatic Transmission Fluid” or**
24 **“Continuously Variable Transmission Fluid”;**

25 **(d) the primary performance claim or claims met by the fluid and reference to where any**
26 **supplemental claims may be viewed (for example, website reference). Performance claims**
27 **include but are not limited to those set by original equipment manufacturers and**
28 **standards setting organizations such as SAE and JASO and are acknowledged by**
29 **reference; and**

30 **(e) an accurate statement of the quantity of the contents in terms of liquid measure.**

31 **(Added 2017)**

32 **2.XX.12.2.2. Identification on Documentation. – Transmission fluid sold in bulk shall be identified**
33 **on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other**
34 **documentation with the information listed below:**

35 **(a) the brand name;**

36 **(b) the name and place of business of the manufacturer, packer, seller, or distributor;**

37 **(c) the words “Transmission Fluid,” which may be incorporated into a more specific**
38 **description of transmission type such as “Automatic Transmission Fluid” or**
39 **“Continuously Variable Transmission Fluid”;**

40 **(d) the primary performance claim or claims met by the fluid or reference to where these**
41 **claims may be viewed (for example, website reference). Performance claims include but**

1 are not limited to those set by original equipment manufacturers and standards setting
2 organizations such as SAE and JASO and are acknowledged by reference; and

3 (e) an accurate statement of the quantity of the contents in terms of liquid measure.
4 (Added 2017)

5 2.XX.12.2.3. Identification on Service Provider Documentation. – Transmission fluid installed
6 from a bulk tank at time of transmission service shall be identified on the customer invoice with
7 the information listed below:

8 (a) the brand name;

9 (b) the name and place of business of the service provider;

10 (c) the words “Transmission Fluid,” which may be incorporated into a more specific
11 description of transmission type such as “Automatic Transmission Fluid” or
12 “Continuously Variable Transmission Fluid”;

13 (d) the primary performance claim or claims met by the fluid or reference to where these
14 claims may be viewed (for example, website reference). Performance claims include but
15 are not limited to those set by original equipment manufacturers and standards setting
16 organizations such as SAE and JASO and are acknowledged by reference; and

17 (e) an accurate statement of the quantity of the contents in terms of liquid measure.
18 (Added 2017)

19 2.XX.12.2.4. Bulk Delivery. – When the transmission fluid is sold in bulk, an invoice, bill of lading,
20 shipping paper, or other documentation must accompany each delivery. This document must
21 identify the fluid as defined in Section 2.XX.12.2.2. Identification on Documentation.

22 (Added 2017)

23 2.XX.12.2.5. Storage Tank Labeling. – Each storage tank of transmission fluid shall be labeled
24 with the following:

25 (a) the brand name;

26 (b) the primary performance claim or claims met by the fluid or reference to where these
27 claims may be viewed (for example, website reference). Performance claims include but
28 are not limited to those set by original equipment manufacturers and standards-setting
29 organizations such as SAE and JASO and are acknowledged by reference.

30 (Added 2017)

31 2.XX.12.3. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or
32 distributor of any product subject to this article and sold in this state shall provide, upon request of
33 duly authorized representatives of the Director, credible documentation of any claim made upon their
34 product label, including claims made on any website referenced by said label. If the product
35 performance claims published by a blender and/or marketer are based on the claim(s) of one or more
36 additive suppliers, documentation of the claims may be requested in confidence by a duly authorized
37 representative of the Director. Supporting data may be supplied directly to the Director’s office by
38 the additive supplier(s).

39 (Added 2017)

40 2.XX.12.4. Transmission Fluid - Shall be sold in accordance with the Method of Sale Law. (see NIST
41 Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)

1 (Added 20XX)

2 (Added 2017)

3 2.XX.13. Tractor Hydraulic Fluid.

4 2.XX.13.1. Products for Use in Lubricating Tractors. – Tractor hydraulic fluids shall meet at least one
5 current and/or verifiable original equipment manufacturer’s specifications for respective tractors. A
6 specification is deemed verifiable if all necessary bench and laboratory tests are available to verify the
7 fluid’s ability to pass those requirements set out by the original equipment manufacturer. A list of
8 current and verifiable specifications is located on the NCWM website (www.ncwm.com). Where a
9 fluid can be licensed against an original equipment manufacturer’s specification, evidence of current
10 licensing by the marketer is acceptable documentation of performance against the specification. In the
11 absence of a license from the original equipment manufacturer, adherence to the original equipment
12 manufacturer’s specifications shall be assessed after testing per relevant methods available to the
13 lubricants industry and the regulatory agency. Suitability for use claims shall be based upon
14 appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making
15 suitable for use claims shall provide, upon request by a duly authorized representative of the Director,
16 credible documentation of such claims. If the product performance claims published by a blender
17 and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the
18 claims shall be provided upon request to a duly authorized representative of the Director. Supporting
19 data shall, upon request, be supplied directly to the Director’s office by the additive supplier(s).

20 2.XX.13.1.1. Conformance. – Conformance of a fluid per Section 2.XX.13.1. Products for Use in
21 Lubricating Tractors does not absolve the obligations of a fluid licensee with respect to the
22 licensing original equipment manufacturer or the original equipment manufacturer’s licensing
23 agent(s), where relevant.

24 2.XX.13.1.2. Tractor Hydraulic Fluid Additives. –Any material offered for sale or sold as an
25 additive to tractor hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it
26 is added and shall meet all performance claims as stated on the label or published on any website
27 referenced by the label. Any manufacturer of any such product sold shall provide, upon request
28 by a duly authorized representative of the Director, documentation of any claims made on their
29 product label or published on any website referenced by the label.

30 2.XX.13.2. Labeling and Identification of Tractor Hydraulic Fluid. – Tractor hydraulic fluids shall be
31 labeled or identified as described below.

32 2.XX.13.2.1. Container Labeling. – The label on a container of tractor hydraulic fluid shall not
33 contain any information that is false or misleading. Containers include bottles, cans, multi-quart
34 or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each
35 container of tractor hydraulic fluid shall be labeled with the following:

36 (a) the brand name;

37 (b) the name and place of business of the manufacturer, packer, seller, or distributor;

38 (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid
39 for Agricultural Applications” or “Universal Tractor Transmission Oil”;

40 (d) the primary claim or claims met by the fluid and reference to where any supplemental
41 claims may be viewed (e.g., website reference). Performance claims are those set by
42 original equipment manufacturers;

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

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

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

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

10 2.XX.13.2.2. Identification on Documentation. – Tractor hydraulic fluid sold in bulk shall be
11 identified on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper,
12 or other documentation with the information listed below:

13 (a) the brand name;

14 (b) the name and place of business of the manufacturer, packer, seller, or distributor;

15 (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid
16 for Agricultural Applications” or “Universal Tractor Transmission Oil”;

17 (d) the primary claim or claims met by the fluid and reference to where any supplemental
18 claims may be viewed (e.g., website reference). Performance claims are those set by
19 original equipment manufacturers;

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

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

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

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

29 2.XX.13.2.3. Identification on Service Provider Documentation. – Tractor hydraulic fluid installed
30 from a bulk tank at time of service shall be identified on the customer invoice with the information
31 listed below:

32 (a) the brand name;

33 (b) the name and place of business of the service provider;

34 (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for
35 Agricultural Applications” or “Universal Tractor Transmission Oil”;

36 (d) the primary claim or claims met by the fluid and reference to where any supplemental claims
37 may be viewed (e.g., website reference). Performance claims are those set by original
38 equipment manufacturers;

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

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

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

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

10 **2.XX.13.2.4. Bulk Delivery. – When the tractor hydraulic fluid is sold in bulk, an invoice, bill of**
11 **lading, shipping paper, or other documentation must accompany each delivery. This document**
12 **must identify the fluid as defined in Section 2.XX.13.2.2. Identification on Documentation.**

13 **2.XX.13.2.5. Storage Tank Labeling. – Each storage tank of tractor hydraulic fluid shall be labeled**
14 **with the following:**

15 **(a) the brand name;**

16 **(b) the primary performance claim or claims met by the fluid or reference to where these**
17 **claims may be viewed (for example, website reference). Performance claims are those set**
18 **by original equipment manufacturers.**

19 **2.XX.13.3. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or**
20 **distributor of any product subject to this article and sold shall provide, upon request of duly**
21 **authorized representatives of the Director, credible documentation of any claim made upon their**
22 **product label, including claims made on any website referenced by said label. If the product**
23 **performance claims published by a blender and/or marketer are based on the claim(s) of one or**
24 **more additive suppliers, documentation of the claims shall be provided upon request to a duly**
25 **authorized representative of the Director. Supporting data shall, upon request, be supplied**
26 **directly to the Director’s office by the additive supplier(s).**

27 **(Added 2019)**

28 **2.XX.13.4. Tractor Hydraulic Fluid – Shall be sold in accordance with the Method of Sale Law.**
29 **(see NIST Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)**

30 **(Added 20XX)**

31 **Regional Association Comments:**

32 **WWMA 2019 Annual Meeting:** Mr. Tim Elliott (WA, submitter) provided a presentation. The current handbook
33 language does not cause harm to any States and the Committee does not see a need to change the existing handbook
34 language. If the language was adopted as proposed it would have unintended consequences. The Committee is
35 recommending this item be Withdrawn.

36 **SWMA 2019 Annual Meeting:** The Committee would like to leave the language as it appears in their agenda. They
37 would like to see this as an Assigned item. They are concerned that if this is adopted it may hinder some states from
38 regulation or their authority. Prior to continuing the developing of this item they would like to have the submitter
39 determine what the ramifications are from the states that may be impacted by the adoption of this item.

40 There is one typographical change that needs to be made (reflected by a double underline) in Section 2.XX.1.2.
41 Specifications

1 **2.XX. Fuels, Lubricants, and Automotive Products**

2 **2.XX.1. General Information**

3 **2.XX.1.1. Definitions. – For additional information on definitions refer to NIST Handbook 130,**
 4 **Uniform Fuels and Automotive Lubricants Regulation, Section 1. Definitions**

5 **2.XX.1.2. Specifications. – For additional information on specifications refer to NIST Handbook 130,**
 6 **Uniform Fuels and Automotive Lubricants Regulation, Section 2. Standard Specifications.**

7 NEWMA 2019 Interim Meeting: Mr. Jim Willis (NY) commented that he has concerns that this item would have
 8 unintended negative consequences, and he does not understand what problem is being solved with this proposal. The
 9 Committee recommended that this item be withdrawn.

10 CWMA 2020 Interim Meeting: Ms. Lisa Warfield (NIST) commented that this item is fully developed and ready
 11 for voting status. Mr. Chuck Corr (Iowa Renewal Fuels Association) commented that he agrees that the item is ready
 12 for voting status. The CWMA L&R Committee recommends this item for a Voting status.

13 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
 14 <https://www.ncwm.com/publication-16> to review these documents.

15 **ITEM BLOCK 2 (B2) TRACTOR HYDRAULIC FLUID**

16 B2: MOS-20.1 V Section 2.39. Tractor Hydraulic Fluid

17 B2: FLR-20.1 V Sections 1.31. Hydraulic Fluid, 2.22. Products for Use in Lubricating Tractors and 3.17.
 18 Tractor Hydraulic Fluid

19 **Source:**

20 Independent Lubricant Manufacturers Association (ILMA)

21 **Purpose:**

22 Amend recently adopted NIST Handbook 130 provisions on tractor hydraulic fluids to include specification being
 23 developed by ASTM. Improve labeling for required cautionary statement, and distinguish hydraulic fluids not
 24 intended for use in tractor central sump.

25 **B2: MOS-20.1 V Section 2.39. Tractor Hydraulic Fluid**

26 **Item Under Consideration:**

27 Amend NIST Handbook 130, Uniform Regulation for the Method of Sale of Commodities as follows.

28 **2.39. Tractor Hydraulic Fluid.**

29 **2.39.1. Products for Use in Lubricating Tractors.** – Tractor hydraulic fluids shall meet at least one current
 30 and/or verifiable original equipment manufacturer’s specifications for respective tractors. A specification is
 31 deemed verifiable if all necessary bench and laboratory tests are available to verify the fluid’s ability to pass those
 32 requirements set out by the original equipment manufacturer. A list of current and verifiable **original equipment**
 33 **manufacturer’s** specifications is located on the NCWM website (www.ncwm.com). Where a fluid can be
 34 licensed against an original equipment manufacturer’s specification, evidence of current licensing by the marketer
 35 is acceptable documentation of performance against the specification. In the absence of a license from the original
 36 equipment manufacturer, adherence to the original equipment manufacturer’s specifications shall be assessed
 37 after testing per relevant methods available to the lubricants industry and the regulatory agency. Suitability for
 38 use claims shall be based upon appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic
 39 fluid making suitable for use claims shall provide, upon request by a duly authorized representative of the
 40 Director, credible documentation of such claims. If the product performance claims published by a blender and/or

1 marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be
2 provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request,
3 be supplied directly to the Director's office by the additive supplier(s).

4 **2.39.1.1. Conformance.** – Conformance of a fluid per Section 2.39.1. Products for Use in Lubricating
5 Tractors does not absolve the obligations of a fluid licensee with respect to the licensing original equipment
6 manufacturer or the original equipment manufacturer's licensing agent(s), where relevant.

7 **2.39.1.2. Tractor Hydraulic Fluid Additives.** – Any material offered for sale or sold as an additive to
8 tractor hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it is added and shall meet
9 all performance claims as stated on the label or published on any website referenced by the label. Any
10 manufacturer of any such product sold shall provide, upon request by a duly authorized representative of the
11 Director, documentation of any claims made on their product label or published on any website referenced
12 by the label.

13 **2.39.2. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluids shall be labeled or
14 identified as described below.

15 **2.39.2.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any
16 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
17 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid
18 shall be labeled with the following:

- 19 (a) the brand name;
- 20 (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- 21 (c) the words "Tractor Hydraulic Fluid," which may include words such as "Hydraulic Fluid for
22 Agricultural Applications" or "Universal Tractor Transmission Oil";
- 23 (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may
24 be viewed (e.g., website reference). Performance claims are those set by original
25 equipment manufacturers;
- 26 (e) any obsolete equipment manufacturer specifications should be clearly identified as
27 "obsolete" and accompanied by the following warning on the front package label in
28 **conspicuous and** clearly legible font size and color **in accordance with 16 CFR.**
29 **1500.121(c)(2)(i) and (ii):**

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

33 The above warning is not required if the fluid claims to meet current original equipment
34 manufacturer's specifications and refers to thereby preceding specifications-; **and**

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

36 **2.39.2.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
37 manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation
38 with the information listed below:

- 39 (g) the brand name;
- 40 (h) the name and place of business of the manufacturer, packer, seller, or distributor;

1 (i) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for
2 Agricultural Applications” or “Universal Tractor Transmission Oil”;

3 (j) the primary claim or claims met by the fluid and reference to where any supplemental claims
4 may be viewed (e.g., website reference). Performance claims are those set by original
5 equipment manufacturers;

6 (k) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete”
7 and accompanied by the following warning on the front package label in **conspicuous and**
8 **clearly** legible font size and color:

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

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

14 (l) an accurate statement of the quantity of the contents in terms of liquid measure.

15 **2.39.2.3. Identification on Service Provider Documentation.** – Tractor hydraulic fluid installed from a
16 bulk tank at time of service shall be identified on the customer invoice with the information listed below:

17 (g) the brand name;

18 (h) the name and place of business of the service provider;

19 (i) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for
20 Agricultural Applications” or “Universal Tractor Transmission Oil”;

21 (j) the primary claim or claims met by the fluid and reference to where any supplemental claims may
22 be viewed (e.g., website reference). Performance claims are those set by original equipment
23 manufacturers;

24 (k) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
25 accompanied by the following warning on the front package label in **conspicuous and** clearly
26 legible font size and color:

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

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

32 (l) an accurate statement of the quantity of the contents in terms of liquid measure.

33 **2.39.2.4. Bulk Delivery** – When the tractor hydraulic fluid is sold in bulk, an invoice, bill of lading, shipping
34 paper, or other documentation must accompany each delivery. This document must identify the fluid as
35 defined in Section 2.39.2.2. Identification on Documentation.

36 **2.39.2.5. Storage Tank Labeling.** – Each storage tank of tractor hydraulic fluid shall be labeled with the
37 following:

- 1 (c) the brand name; **and**
2 (d) the primary performance claim or claims met by the fluid or reference to where these claims may
3 be viewed (for example, website reference). Performance claims are those set by original
4 equipment manufacturers.

5 **2.39.3. Documentation of Claims Made Upon Product Label.** – Any manufacturer, packer, or distributor of
6 any product subject to this article and sold shall provide, upon request of duly authorized representatives of the
7 Director, credible documentation of any claim made upon their product label, including claims made on any
8 website referenced by said label. If the product performance claims published by a blender and/or marketer are
9 based on the claim(s) of one or more additive suppliers, documentation of the claims shall be provided upon
10 request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied
11 directly to the Director’s office by the additive supplier(s).

12 (Added 2019) (**Amended 20XX**)

13 **B2: FLR-20.1 V Sections 1.31. Hydraulic Fluid, 2.22. Products for Use in Lubricating Tractors,**
14 **and 3.17. Tractor Hydraulic Fluid.**

15 **Item Under Consideration:**

16 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation.

17 **1.31. Hydraulic Fluid.** – A product intended for use in multiple applications with a dedicated hydraulic system and
18 sump. Such fluids cannot be used in tractors. **A person shall not represent a hydraulic fluid in any manner that**
19 **may deceive or tend to deceive the purchaser as to suitability for the use of the product as a Tractor Hydraulic**
20 **Fluid.** See Tractor Hydraulic Fluid for reference.

21 **2.22. Products for Use in Lubricating Tractors.** – Tractor hydraulic fluids shall meet at least one current and/or
22 verifiable original equipment manufacturer’s specifications for respective tractors. A specification is deemed
23 verifiable if all necessary bench and laboratory tests are available to verify the fluid’s ability to pass those requirements
24 set out by the original equipment manufacturer. A list of current and verifiable **original equipment manufacturer’s**
25 **specifications** is located on the NCWM website (**www.ncwm.com**). Where a fluid can be licensed against an original
26 equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable documentation of
27 performance against the specification. In the absence of a license from the original equipment manufacturer,
28 adherence to the original equipment manufacturer’s specifications shall be assessed after testing per relevant methods
29 available to the lubricants industry and the regulatory agency. Suitability for use claims shall be based upon
30 appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable for use
31 claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such
32 claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or
33 more additive suppliers, documentation of the claims shall be provided upon request to a duly authorized
34 representative of the Director. Supporting data shall, upon request, be supplied directly to the Director’s office by the
35 additive supplier(s).

36 **2.22.1. Conformance.** – Conformance of a fluid per Section 2.22. Products for Use in Lubricating Tractors does
37 not absolve the obligations of a fluid licensee with respect to the licensing original equipment manufacturer or
38 the original equipment manufacturer’s licensing agent(s), where relevant.

39 **2.22.2. Tractor Hydraulic Fluid Additives.** – Any material offered for sale or sold as an additive to tractor
40 hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it is added and shall meet all
41 performance claims as stated on the label or published on any website referenced by the label. Any manufacturer
42 of any such product sold shall provide, upon request by a duly authorized representative of the Director,
43 documentation of any claims made on their product label or published on any website referenced by the label.

44 (Added 2019) (**Amended 202X**)

1 **3.17. Tractor Hydraulic Fluid**

2 **3.17.1. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluid shall be labeled or
3 identified as described below

4 **3.17.1.1. Container Labeling** – The label on a container of tractor hydraulic fluid shall not contain any
5 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
6 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid
7 shall be labeled with the following:

- 8 (a) the brand name;
- 9 (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- 10 (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for
11 Agricultural Applications” or “Universal Tractor Transmission Oil”;
- 12 (d) the primary performance claim or claims met by the fluid and reference to where any supplemental
13 claims may be viewed (e.g., website reference). Performance claims are those set by original
14 equipment manufacturers;
- 15 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
16 accompanied by the following warning on the front package label in **conspicuous and** clearly
17 legible font size and color **in accordance with 16 C.F.R. §1500.121(c)(2)(i) and (ii)**:

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

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

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

24 **3.17.1.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
25 manufacturer, packer, seller or distributor invoice, bill of lading, shipping paper, or other documentation with
26 the information listed below:

- 27 (a) the brand name;
- 28 (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- 29 (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for
30 Agricultural Applications” or “Universal Tractor Transmission Oil”;
- 31 (d) the primary performance claim or claims met by the fluid and reference to where any supplemental
32 claims may be viewed (e.g., website reference). Performance claims include but are not limited to
33 those set by original equipment manufacturers;
- 34 (e) any obsolete equipment manufacturer standard should be clearly identified as “obsolete” and
35 accompanied by the following warning on the front package label in **conspicuous and** clearly
36 legible font size and color:

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

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

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

7 **3.17.1.3. Identification on Service Provider Documentation.** – Tractor hydraulic fluid installed from a
8 bulk tank at time of service shall be identified on the customer invoice with the information listed below:

9 (a) the brand name;

10 (b) the name and place of business of the service provider;

11 (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for
12 Agricultural Applications” or “Universal Tractor Transmission Oil”;

13 (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may
14 be viewed (e.g., website reference). Performance claims are those set by original equipment
15 manufacturers;

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

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

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

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

25 **3.17.1.4. Bulk Delivery.** – When the tractor hydraulic fluid is sold in bulk, an invoice, bill of lading, shipping
26 paper, or other documentation must accompany each delivery. This document must identify the fluid as
27 defined in Section 3.17.1.1. Container Labeling.

28 **3.17.1.5. Storage Tank Labeling.** – Each storage tank of tractor hydraulic fluid shall be labeled with the
29 following:

30 (a) the brand name; **and**

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

34 **3.17.1.6. Documentation of Claims Made Upon Product Label.** – Any manufacturer, packer, or distributor
35 of any product subject to this article and sold shall provide, upon request of duly authorized representatives
36 of the Director, credible documentation of any claim made upon their product label, including claims made
37 on any website referenced by said label. If the product performance claims published by blender and/or
38 marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be

1 provided upon request to a duly authorized representative of the Director. Supporting data shall, upon
2 request, be supplied directly to the Director's office by the additive supplier(s).

3 (Added 2019) (Amended 20XX)

4 **Background/Discussion:**

5 ASTM has announced an effort to develop a national specification for tractor hydraulic fluids. The adopted NIST
6 Handbook 130 amendments (July 2019) do not provide for such specification. The requirement that a cautionary
7 statement be "clearly legible" is too subjective. The consumer needs to be drawn to the cautionary statement. There
8 are multiple uses of hydraulic fluids not intended for tractor sumps. These alternative uses, especially in ag community
9 need to be addressed.

10 The submitter acknowledges the ASTM effort is just starting and may not be successful. Invoice printers may not
11 have enough room for cautionary statement.

12 At the 2020 NCWM Interim Meeting, the Committee received modified language from the submitter (dated January
13 21, 2020). Mr. Matthew Leveton (ILMA) requested the language modification for the "cautionary statement" be
14 moved forward as a Voting item. Mr. Leveton remarked that farmers are going back to older tractors. Ms. Joy Black
15 (Lubrizol) agreed with Mr. Leveton on this change. Ms. Black requested that there not be a placeholder that includes
16 the words "ASTM specification" within the proposal. Mr. Scott Fenwick, (NBB and Chair of ASTM D2 Committee)
17 remarked that it would be awhile for ASTM subcommittee C. to develop a standard. Two regulators remarked that
18 the proposal as written was not fully developed. During L&R Committee work session the Committee struck the
19 words "ASTM specification" throughout the proposal and moved Block 2 forward as a Voting Item.

20 The Committee did also review the language that appeared in 2020 NCWM Publication 15.

21 **2.39. Tractor Hydraulic Fluid.**

22 **2.39.1. Products for Use in Lubricating Tractors.** – Tractor hydraulic fluids shall meet at least one current
23 and/or verifiable original equipment manufacturer's or a specifications, standard or code of practice issued by
24 a nationally-recognized association for respective tractors. A specification is deemed verifiable if all necessary
25 bench and laboratory tests are available to verify the fluid's ability to pass those requirements set out by the
26 original equipment manufacturer. A list of current and verifiable specifications and specification, standard or
27 code of practice is located on the NCWM website (www.ncwm.com). Where a fluid can be licensed against an
28 original equipment manufacturer's specification, evidence of current licensing by the marketer is acceptable
29 documentation of performance against the specification. In the absence of a license from the original equipment
30 manufacturer, adherence to the original equipment specifications shall be assessed after testing per relevant
31 methods available to the lubricants industry and the regulatory agency. Suitability for use claims shall be based
32 upon appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable
33 for use claims shall provide, upon request by a duly authorized representative of the Director, credible
34 documentation of such claims. If the product performance claims published by a blender and/or marketer are
35 based on the claim(s) of one or more additive suppliers, documentation of the claims shall be provided upon
36 request to by a duly authorized representative of the Director. Supporting data shall, upon request, be supplied
37 directly to the Director's office by the additive supplier(s).

38 ...

39 **2.39.2. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluids shall be labeled or
40 identified as described below.

41 **2.39.2.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any
42 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
43 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid
44 shall be labeled with the following:

1 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
2 accompanied by the following warning on the front package label in clearly legible font size and color
3 **and in a manner reasonably calculated to draw the purchaser’s attention to such warning:**

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

7 The above warning is not required if the fluid claims to meet **and refers to the** current original
8 equipment manufacturer’s specifications **and/or specification, standard or code of practice issued**
9 **by a nationally-recognized association and refers to thereby preceding specifications.**

10 ...

11 **2.39.2.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
12 manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation
13 with the information listed below:

14 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
15 accompanied by the following warning on the **invoice, bill of lading, shipping paper, or other**
16 **documentation front package** in clearly legible font size and color **and in a manner reasonably**
17 **calculated to draw the purchaser’s attention to such warning:**

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

21 The above warning is not required if the fluid claims to meet **and refers to the** current original
22 equipment manufacturer’s specifications **and/or specification, standard or code of practice issued**
23 **by a nationally-recognized association and refers to thereby preceding specifications.**

24 ...

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

28 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
29 accompanied by the following warning on the **customer invoice or other documentation front**
30 **package label** in clearly legible font size and color **and in a manner reasonably calculated to draw**
31 **the purchaser’s attention to such warning:**

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

35 The above warning is not required if the fluid claims to meet **and refers to the** current original
36 equipment manufacturer’s specifications **and/or specification, standard or code of practice issued**
37 **by a nationally-recognized association and refers to thereby preceding specifications.**

1 **B2: FLR-20.1 V 1.31. Hydraulic Fluid, 2.22. Products for Use in Lubricating Tractors and 3.17.**
 2 **Tractor Hydraulic Fluid.**

3 **Item Under Consideration:**

4 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law, Section 8.6. Prohibited
 5 Acts.

6 **1.31. Hydraulic Fluid.** – A product intended for use in multiple applications with a dedicated hydraulic system and
 7 sump. Such fluids cannot be used in tractors. **A person shall not represent a hydraulic fluid in any manner that**
 8 **may deceive or tend to deceive the purchaser as to suitability for the use of the product as a Tractor Hydraulic**
 9 **Fluid.** See Tractor Hydraulic Fluid for reference.

10 **2.22. Products for Use in Lubricating Tractors.** – Tractor hydraulic fluids shall meet at least one current and/or
 11 verifiable original equipment manufacturer’s **or a specifications, standard or code of practice issued by a**
 12 **nationally-recognized association** for respective tractors. A specification is deemed verifiable if all necessary bench
 13 and laboratory tests are available to verify the fluid’s ability to pass those requirements set out by the original
 14 equipment manufacturer. A list of current and verifiable specifications **and specification, standard or code of**
 15 **practice** is located on the NCWM website (www.ncwm.com). Where a fluid can be licensed against an original
 16 equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable documentation of
 17 performance against the specification. In the absence of a license from the original equipment manufacturer,
 18 adherence to the original equipment manufacturer’s recommended requirements shall be assessed after testing per
 19 relevant methods available to the lubricants industry and the regulatory agency. Suitability for use claims shall be
 20 based upon appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable
 21 for use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation
 22 of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s)
 23 of one or more additive suppliers, documentation of the claims shall be provided upon request to a duly authorized
 24 representative of the Director. Supporting data shall, upon request, be supplied directly to the Director’s office by the
 25 additive supplier(s).

26 ...

27 **3.17. Tractor Hydraulic Fluid.**

28
 29 **3.17.1. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluid shall be labeled or
 30 identified as described below.

31 **3.7.1.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any
 32 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
 33 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid
 34 shall be labeled with the following:

35 ...

- 36 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
 37 accompanied by the following warning on the front package in clearly legible font size and color
 38 **and in a manner reasonably calculated to draw the purchaser’s attention to such warning:**

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

42 The above warning is not required if the fluid claims to meet **and refers to the** current original
 43 equipment manufacturer’s specifications **and/or specification, standard or code of practice**
 44 **issued by a nationally-recognized association and refers to thereby preceding specifications.**

1 ...

2 **3.17.1.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
3 manufacturer, packer, seller or distributor invoice, bill of lading, shipping paper, or other documentation with
4 the information listed below:

5 ...

6 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
7 accompanied by the following warning on the **invoice, bill of lading, shipping paper, or other**
8 **documentation front package** in clearly legible font size and color **and in a manner reasonably**
9 **calculated to draw the purchaser’s attention to such warning:**

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

13 The above warning is not required if the fluid claims to meet **and refers to the** current original
14 equipment manufacturer’s specifications **and/or specification, standard or code of practice**
15 **issued by a nationally-recognized association and refers to thereby preceding specifications.**

16 ...

17 **3.17.1.5. Storage Tank Labeling.** – Each storage tank of tractor hydraulic fluid shall be labeled with the
18 following:

19 (a) the brand name;

20
21
22 (b) the primary performance claim or claims met by the fluid and reference to where any supplemental
23 claims may be viewed (e.g., website reference). Performance claims include but are not limited to
24 are those set by original equipment manufacturers **or a nationally-recognized association;**

25 **Regional Association Comments:**

26 WWMA 2019 Annual Meeting: The proposal was not based on the recently adopted language from the 2019 NCWM
27 Annual Meeting. NIST/OWM did provide the submitter with the most recent handbook language and requested that
28 the submitter provide an updated proposal to the WWMA. The WWMA did not receive an updated proposal from
29 the submitter. Mr. Jeffrey Harmening (API) and several regulators had concerns with the statement “and in a manner
30 reasonably calculated to draw the purchaser’s attention to such warning.” Mr. Mahesh Albuquerque (CO) also wanted
31 to know when ASTM would be complete with their work pertaining to this subject. It was difficult for the Committee
32 to evaluate with the submitter not using the most recent language. For these reasons the Committee is recommending
33 that the submitter submit modified language to the upcoming regional meetings. The Committee is recommending
34 that the language in their agenda be Withdrawn.

35 SWMA 2019 Annual Meeting: The latest language that was adopted at the 2019 NCWM Annual Meeting was not
36 used by the submitter in their “item under consideration.” The Committee recommends this item be withdrawn and
37 have the submitter resubmit using the latest language.

38 NEWMA 2020 Interim Meeting: At the NEWMA 2020 Interim Meeting the Committee felt it was important to
39 address this Voting item. The Committee recommends changing the word “should” to “shall” in Section 2.39.2.1(e),
40 Section 2.39.2.2(e), and Section 2.39.2.3(e). John McGuire (New Jersey) suggests changing language from “front
41 facing labels” to “PDP” in Section 3.17.1.1 and the above-mentioned sections. The Committee concurs that this block
42 of items shall maintain its Voting status with the recommended changes.

1 CWMA 2020 Interim Meeting: Mr. Jeffrey Harmening (API) commented that his organization supports this item
 2 moving forward with voting status. Mr. Jeff Leiter representing ILMA submitted a letter of comments that was
 3 reviewed by the Committee. Mr. Ron Hayes (Missouri) commented that he concurs with the proposed technical
 4 change of inserting “shall” to substitute for “should”. He also commented that package and labeling regulation exists
 5 in the NIST Uniform Packaging and Labeling Regulation that requires specific font sizes and references alternative
 6 language as shown below.

7
 8 The Committee discussed and incorporated the critical substitution of “shall” for “should” in Item Block 7. Tractor
 9 Hydraulic Fluid and added those changes to this item. If this item is deescalated, the Committee’s intent is that this
 10 substitution should move forward when Block 7. Tractor Hydraulic Fluid is considered.

11
 12 Based on the discussion held in the CWMA L&R Committee work session, the Committee believes that
 13 modifications are editorial in nature. The Committee requests that the submitter review the modified language below.
 14 The Committee believes this item should remain at voting status with these recommended changes in the following
 15 sections:

17 **MOS 20.1. Section 2.39 Tractor Hydraulic Fluid**

18
 19 **2.39.2.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any
 20 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
 21 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid shall
 22 be labeled with the following:

- 23
 24 (e) any obsolete equipment manufacturer specifications ~~should~~ **shall** be clearly identified as “obsolete”
 25 and accompanied by the following warning on the ~~front package label principle display panel in~~
 26 ~~conspicuous and clearly legible font size and color in accordance with 16 CFR. 1500.121(c)(2)(i)~~
 27 ~~and (ii): in accordance with NIST Handbook 130 Uniform Packaging and Labeling Regulation,~~
 28 ~~Section 8 Prominence and Placement: Consumer Packages and Section 9 Prominence and~~
 29 ~~Placement: Non-Consumer Packages:~~

30
 31 **Caution:** Some of the specifications are no longer deemed active by the original equipment
 32 manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is
 33 possible when using this product in applications in which it is not intended.

34
 35 The above warning is not required if the fluid claims to meet current original equipment
 36 manufacturer’s specifications and refers to thereby preceding specifications. **: and**

37
 38 **2.39.2.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
 39 manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation with
 40 the information listed below:

- 41
 42 (e) any obsolete equipment manufacturer specifications ~~shall~~ ~~should~~ be clearly identified as “obsolete”
 43 and accompanied by the following warning ~~on the front package label with the information listed~~
 44 ~~below: in a clear and conspicuous manner: and clearly legible font size and color:~~

45
 46 **Caution:** Some of the specifications are no longer deemed active by the original equipment
 47 manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is
 48 possible when using in applications in which it is not intended.

49
 50 The above warning is not required if the fluid claims to meet current original equipment
 51 manufacturer’s specifications and refers to thereby preceding specifications. **: and**

52 **2.39.2.3. Identification on Service Provider Documentation....**

- 53
 54 (e) any obsolete equipment manufacturer specifications ~~should~~ **shall** be clearly identified as “obsolete”

1 and accompanied by the following warning ~~on the front package label~~ in a clear and conspicuous
2 manner: and clearly legible font size and color:

3
4 **FLR 20.1. Section 3.17. Tractor Hydraulic Fluid**

5
6 **3.17.1.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any
7 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
8 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid shall
9 be labeled with the following:

- 10
11 (e) any obsolete equipment manufacturer specifications ~~should~~ shall be clearly identified as “obsolete”
12 and accompanied by the following warning on the ~~front package label~~ principle display panel ~~in~~
13 conspicuous and clearly legible font size and color ~~in accordance with 16 CFR. 1500.121(e)(2)(i)~~
14 ~~and (ii):~~ in accordance with NIST Handbook 130 Uniform Packaging and Labeling Regulation,
15 Section 8 Prominence and Placement: Consumer Packages and Section 9 Prominence and
16 Placement: Non-Consumer Packages:

17
18 **Caution:** Some of the specifications are no longer deemed active by the original equipment
19 manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is
20 possible when using this product in applications in which it is not intended.

21
22 The above warning is not required if the fluid claims to meet current original equipment
23 manufacturer’s specifications and refers to thereby preceding specifications. **; and**

24
25 **3.17.1.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
26 manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation with
27 the information listed below:

- 28
29 (e) any obsolete equipment manufacturer specifications ~~should~~ shall be clearly identified as “obsolete”
30 and accompanied by the following warning ~~on the front package label with the information listed~~
31 ~~below:~~ in a clear and conspicuous manner: and clearly legible font size and color:

32
33 **Caution:** Some of the specifications are no longer deemed active by the original equipment
34 manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is
35 possible when using in applications in which it is not intended.

36
37 The above warning is not required if the fluid claims to meet current original equipment
38 manufacturer’s specifications and refers to thereby preceding specifications. **; and**

39
40 **3.17.1.3. Identification on Service Provider Documentation....**

- 41
42 (e) any obsolete equipment manufacturer specifications ~~should~~ shall be clearly identified as “obsolete”
43 and accompanied by the following warning ~~on the front package label~~ in a clear and conspicuous
44 manner: and clearly legible font size and color

45
46 **Caution:** Some of the specifications are no longer deemed active by the original equipment
47 manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is
48 possible when using in applications in which it is not intended.

49
50 The above warning is not required if the fluid claims to meet current original equipment manufacturer’s
specifications and refers to thereby preceding specifications. **; and**

51 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
52 <https://www.ncwm.com/publication-16> to review these documents.

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

5 B3: FLL-18.1 V Section 8. Prohibited Acts
6 B3: MOS-18.1 V Section 2.33. Oil
7 B3: FLR-18.1 V Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits.

8 **Source:**
9 Independent Lubricant Manufacturers Association (ILMA)

10 **Purpose:**
11 Provide information to protect consumers from purchasing obsolete motor oils that can harm modern engines.

12 **B3: FLL-18.1 V Section 8. Prohibited Acts**

13 **Item Under Consideration:**
14 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law, Section 8.6. Prohibited
15 Acts.

16 **Section 8. Prohibited Acts**

17 It shall be unlawful to:

18 **8.6. Misrepresent automotive lubricants with an SAE. (SAE International) viscosity grade or performance categories**
19 **as provided in the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification**
20 **(other than “Energy Conserving”)” API 1509 “Engine Oil Licensing and Certification System,” European**
21 **Automobile Manufacturer Standards (ACEA), “European Oil Sequences,” or other “Vehicle or Engine**
22 **Manufacturers Standards” as applicable, ~~(American Petroleum Institute) service classification other than those~~**
23 **specified by to the intended purchaser.**

24 (Added 1996) (Amended 20XX)

25 **B3: MOS-18.1 V Section 2.33. Oil**

26 **Item Under Consideration:**
27 Amend NIST Handbook 130, Uniform Method of Sale of Commodities Regulation as follows:

28 **2.33. Oil.**

29 **2.33.1. Labeling of Vehicle Engine (Motor) Oil.** – Vehicle engine (motor) oil shall be labeled.

30 **2.33.1.1. Viscosity.** –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage
31 tank, and any invoice or receipt from service on an engine that includes the installation of vehicle engine
32 (motor) oil dispensed from a receptacle, dispenser, or storage tank, shall contain the viscosity grade
33 classification preceded by the letters “SAE” in accordance with SAE International’s latest version of
34 SAE J300, “Engine Oil Viscosity Classification.”

35 *NOTE: If an invoice or receipt from service on an engine has limited room for identifying the viscosity,*
36 *brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the*
37 *letters “SAE” may be omitted from the viscosity classification.*

38 (Note added 2014)

1 (Amended 2014)

2 **2.33.1.2. Brand.** –The label on any vehicle engine (motor) oil container and the invoice or receipt from
3 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a
4 receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle
5 engine (motor) oil.

6 (Amended 2014)

7 **2.33.1.3. Engine Service Category.** –The label on any vehicle engine (motor) oil container, receptacle,
8 dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation
9 of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the
10 engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined
11 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than
12 “Energy Conserving”),” API Publication 1509, “Engine Oil Licensing and Certification System,” European
13 Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other Vehicle or Engine
14 Manufacturer standards as approved in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard.

15 (Amended 2014)

16 **2.33.1.3.1. Vehicle or Engine Manufacturer Standard.** –The label on any vehicle engine (motor) oil
17 container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine
18 that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or
19 storage tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in
20 letters not less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine
21 manufacturer standard, the label must clearly identify that the oil is only intended for use where
22 specifically recommended by the vehicle or engine manufacturer.

23 (Added 2014)

24 **2.33.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil~~
25 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an~~
26 ~~engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle,~~
27 ~~dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with~~
28 ~~the latest version of SAE J183, Appendix A, Whenever the any vehicle engine (motor) oil in the a~~
29 ~~container, receptacle, dispenser, storage tank, or in bulk does not meet an active API service category~~
30 ~~as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service~~
31 ~~Classification (Other than “Energy Conserving”).” the front or forward facing-label of such vehicle~~
32 ~~engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from~~
33 ~~service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed~~
34 ~~from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary statement~~
35 ~~set forth in the latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil~~
36 ~~is declared obsolete by a vehicle or engine manufacturer, the front or forward-facing label of such~~
37 ~~vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or~~
38 ~~receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil~~
39 ~~dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary~~
40 ~~statement required by the vehicle or engine manufacturer. If a vehicle engine (motor) oil is~~
41 ~~identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements~~
42 ~~in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies.~~

43 (Amended 2014 and 20XX)

44 **2.33.1.4. Tank Trucks or Rail Cars.** –Tank trucks, rail cars, and other types of delivery trucks that are used
45 to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service
46 category or categories on such tank trucks, rail cars, and other types of delivery trucks. In lieu of such
47 display requirements, the documentation defined in Section 2.33.1.5. Documentation shall be readily
48 available for inspection.

49 (Amended 2013, and 2014 and 20XX)

1 **2.33.1.5. Documentation.** –When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping
 2 paper, or other documentation must accompany each delivery. This document must identify the quantity of
 3 bulk engine (motor) oil delivered as defined in Sections 2.33.1.1. Viscosity, grade as defined by SAE J300
 4 “Engine Oil Viscosity Classification,” 2.33.1.2. Brand; 2.33.1.3. Engine Service Category; the name and
 5 address of the seller and buyer; and the date and time of the sale. For inactive or obsolete service categories,
 6 the documentation shall also bear a the plainly visible cautionary statements as required in Section 2.33.1.3.2.
 7 Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a
 8 period of not less than one year.

9 (Added 2013) (Amended 2014 and 20XX)

10 (Added 2012) (Amended 2013, and 2014 and 20XX)

11 **B3: FLR-18.1 V Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits.**

12 **Item Under Consideration:**

13 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation as follows:

14 **Section 2. Standard Specification**

15 **2.14. Engine (Motor) Oil.** – Shall not be sold or distributed for use unless the product conforms to the following
 16 specifications:

17 (a) performance claims made regarding active performance categories, as listed on the label shall be
 18 evaluated against the latest version of SAE J183, “Engine Oil Performance and Engine Service
 19 Classification,” API 1509 “Engine Oil Licensing and Certification System,” European Automobile
 20 Manufacturers’ Association (ACEA), “European Oil Sequences,” or other “Vehicle or Engine
 21 Manufacturer Standards” as applicable; **and**

22 (b) performance claims made regarding any obsolete performance categories, as listed on the label, shall
 23 be determined to meet the requirements of Section 3.13.1.3.2. “Inactive or Obsolete Service
 24 Categories” by displaying the appropriate cautionary labeling and

25 (c) the product shall meet its labeled viscosity grade specification as specified in the latest version of
 26 SAE J300, “Engine Oil Viscosity Classification.”

27 (Added 2004) (Amended 2014 and 20XX)

28 **Section 3. Classification, Identification, and Labeling for Sale**

29 **3.13. Oil.**

30 **3.13.1. Labeling of Vehicle Engine (Motor) Oil Required.**

31 **3.13.1.1. Viscosity.** –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage
 32 tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine
 33 (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the viscosity grade
 34 classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of
 35 SAE J300, “Engine Oil Viscosity Classification.”

36 (Amended 2012 and 2014)

37 **3.13.1.2. Brand.** –The label on any vehicle engine (motor) oil container and the invoice or receipt from
 38 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a
 39 receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle
 40 engine (motor) oil.

41 (Added 2012 and 2014)

1 **3.13.1.3. Engine Service Category.** –The label on any vehicle engine (motor) oil container, receptacle,
2 dispenser or storage tank and the invoice or receipt from service on an engine that includes the installation
3 of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the
4 engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined
5 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than
6 “Energy Conserving”)” API Publication 1509, “Engine Oil Licensing and Certification System,” European
7 Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other “Vehicle or Engine
8 Manufacturer Standards” as provided in Section 3.13.1.3.1.
9 (Amended 2012 and 2014)

10 **3.13.1.3.1. Vehicle or Engine Manufacturer Standard.** –The label on any vehicle engine (motor) oil
11 container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that
12 includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage
13 tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in letters not
14 less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine manufacturer
15 standard, the label must clearly identify that the oil is only intended for use where specifically
16 recommended by the vehicle or engine manufacturer.
17 (Added 2014)

18 **3.13.1.3.2. Inactive or Obsolete Service Categories.** ~~–The label on any vehicle engine (motor) oil~~
19 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an~~
20 ~~engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle,~~
21 ~~dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the~~
22 ~~latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other~~
23 ~~than “Energy Conserving”)” Appendix A, Whenever the any vehicle engine (motor) oil in the a~~
24 ~~container receptacle, dispenser, storage tank or in bulk does not meet an active API service category~~
25 ~~as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification~~
26 ~~(Other than “Energy Conserving”), the front or forward-facing label ~~If a of such~~ vehicle engine~~
27 ~~(motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service~~
28 ~~on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a~~
29 ~~receptacle, dispenser or storage tank shall bear the plainly-visible cautionary statement set forth~~
30 ~~in the latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil is declared~~
31 ~~obsolete by a vehicle or engine manufacturer, the front of forward-facing label of such vehicle~~
32 ~~engine (motor) oil container, receptacle, dispenser or storage tank and the invoice or receipt from~~
33 ~~service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from~~
34 ~~a receptacle, dispenser, or storage tank shall bear the plainly-visible cautionary statement~~
35 ~~required by the vehicle or engine manufacturer.~~
36 (Added 2012) (Amended 2014 and 20XX)

37 **3.13.1.4. Tank Trucks or Rail Cars.** Tank trucks, rail cars, and types of delivery trucks that are used to
38 deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service
39 category or categories on such tank trucks, rail cars, and other types of delivery trucks. In lieu of such
40 display requirements the documentation defined in Section 3.13.1.5. Documentation shall be readily
41 available for inspection.
42 (Added 2012) (Amend 2013, ~~and~~ 2014 and 20XX)

43 **3.13.1.5. Documentation.** – When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping
44 paper, or other documentation must accompany each delivery. This document must identify the quantity of
45 bulk engine (motor) oil delivered as defined in Sections 3.13.1.1. Viscosity, grade as defined by the latest
46 version of SAE J300 “Engine Oil Viscosity Classification”; 3.13.1.2. Brand; 3.13.1.3. Engine Service
47 Category; the name and address of the seller and buyer; and the date and time of the sale. For inactive or
48 obsolete service categories, the documentation shall also bear a plainly visible cautionary statement as
49 required in Section 3.13.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at
50 the retail establishment for a period of not less than one year.

1 (Added 2013) (Amended 2014)

2 (Amended 2012, 2013, and 2014)

3 **3.13.2. Labeling of Recreational Motor Oil.**

4 **3.13.2.1. Viscosity.** The label on each container of recreational motor oil shall contain the viscosity grade
5 classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of
6 SAE J300, “Engine Oil Viscosity Classification.”

7 **3.13.2.2. Intended Use.** –The label on each container of recreational motor oil shall contain a statement of
8 its intended use in accordance with the latest version of SAE J300, “Engine Oil Viscosity Classification.”

9 **3.13.3. Labeling of Gear Oil.**

10 **3.13.3.1. Viscosity.** –The label on each container of gear oil shall contain the viscosity grade classification
11 preceded by the letters “SAE” in accordance with the SAE International’s latest version of SAE J306,
12 “Automotive Gear Lubricant Viscosity Classification” or SAE J300, “Engine Oil Viscosity Classification.”

13 **3.13.3.1.1. Exception.** –Some automotive equipment manufacturers may not specify an SAE viscosity
14 grade requirement for some applications. Gear oils intended to be used only in such applications are not
15 required to contain an SAE viscosity grade on their labels.

16 **3.13.3.2. Service Category.** –The label on each container of gear oil shall contain the service category, or
17 categories, in letters not less than 3.18 mm ($\frac{1}{8}$ in) in height, as defined by the latest version of SAE J308,
18 “Axle and Manual Transmission Lubricants.”

19 (Added 2004)

20 **Section 7. Test Methods and Reproducibility Limits**

21 **7.2. Reproducibility Limits.**

22 **7.2.1. AKI Limits.** – When determining the antiknock index acceptance or rejection of a gasoline sample, the
23 AKI reproducibility limits as outlined in the latest version of ASTM D4814, “Standard Specification for
24 Automotive Spark-Ignition Engine Fuel,” Appendix X1 shall be acknowledged for enforcement purposes.

25 **7.2.2. Reproducibility.** – The reproducibility limits of the standard test method used for each test performed
26 shall be acknowledged for enforcement purposes, except as indicated in Section 2.2.1. Premium Diesel Fuel and
27 Section 7.2.1. AKI Limits. No allowance shall be made for the precision of the test methods for aviation gasoline
28 or aviation turbine fuels.

29 (Amended 2008)

30 **7.2.3. SAE Viscosity Grades for Engine Oils.** – ~~All values are critical specifications as defined in the latest~~
31 ~~version of ASTM D3244, “Standard Practice for Utilization of Test Data to Determine Conformance with~~
32 ~~Specifications.” The product shall be considered to be in conformance if the Assigned Test Value (ATV)~~
33 ~~is within the specification. With the exception of the low-temperature cranking viscosity, all values~~
34 ~~required to define SAE Viscosity Grades, as defined in the latest version of SAE J300, “Engine Oil Viscosity~~
35 ~~Classification”, are critical specifications as defined by the latest version of ASTM D3244, “Standard~~
36 ~~Practice for Utilization of Test Data to Determine Conformance with Specifications”.~~

37 (Added 2008) (Amended 20XX)

38 **7.2.4. Dispute Resolution.** – In the event of a dispute over a reported test value, the guidelines presented in the
39 latest version of ASTM D3244, “Standard Practice for Utilization of Test Data to Determine Conformance with
40 Specifications,” shall be used to determine the acceptance or rejection of the sample.

1 **7.2.5. Additional Enforcement Action.** – The Director may initiate enforcement action in the event that, based
2 upon a statistically significant number of samples, the average test result for products sampled from the same
3 source location is greater than the legal maximum or less than the legal minimum limits (specification value),
4 posted values, certified values, or registered values.
5 (Added 2008) (Amended 2018)

6 **Background/Discussion:**

7 Consumers are being misled and are not being adequately informed under existing Handbook 130 provisions about
8 the performance of “obsolete” oils in the engines of their vehicles. Many of these obsolete oils can damage modern
9 engines. The submitter recognizes that there may be as many as 14 million vehicles that can use pre-1988 motor oils.

10 At the 2018 NCWM Interim Meeting, Mr. Bill Striejewski (FALS Chair), indicated that FALS is recommending this
11 as a Voting item. In addition, support was heard from ILMA, API, and several regulators recommending this item as
12 a Voting item. However, many commenters stated that editorial and minor changes were still needed for the item to
13 be fully developed. Mr. Tim Elliot (WA) recommended that this item have streamlined language to use a generic
14 warning statement. Suggestions were also provided on the ultimate placement of the label. Due to lack of consensus,
15 potentially non-editorial changes, and lack of specific details on proposed changes, the L&R Committee recommends
16 this item be “Assigned” to FALS for further development to address the issues mentioned in this write-up.

17 At the 2018 NCWM Annual, Mr. Striejewski remarked that FALS received modified language from the submitter
18 and FALS is recommending this item remain Assigned with the updated.

19 At the 2019 NCWM Interim Meeting comments were heard from members of FALS stating that the level of discussion
20 desired was not had regarding this item due to the absence of the submitter at the FALS meeting that was held Sunday,
21 January 13, 2019. There were several comments regarding the term “modern” not being defined in the cautionary
22 statements. Several stakeholders and regulators feel these items need further review and clarification. A Kansas
23 regulator stated that the caution statement is incorrect and should be modified because it is oil being sold, not an
24 engine. After consideration the committee recommends this item remain Assigned to FALS.

25 At the 2019 NCWM Annual Meeting Mr. Striejewski (FALS Chair) commented that the submitter has a revision
26 (May 10, 2019) under the L&R supporting documents. This is the language that the Committee has moved forward
27 for consideration.

28 Prior to the 2020 NCWM Interim Meeting, the submitter provided an updated proposal dated January 18,
29 2020. During the FALS meeting they recommended changes to Item FLL-18.1 Section 8, Prohibited Acts. The
30 change to FLL-18.1 was presented by Mr. Striejewski (FALS Chair) on the screen for memberships review during
31 open hearing and posted January 27, 2020. FALS believes the language is fully developed and sent it back to the
32 L&R Committee.

33 During the open hearings, several members voiced their support for the block as amended by FALS and for it to move
34 forward as a Voting Item: Kevin Schnepf (CA), Jeff Harmening (API), Joanna Johnson (AOCA), Kurt Floren (Los
35 Angeles County, CA). Matthew Levetown (ILMA, representing submitter) supported the changes made by FALS but
36 with 2 edits; “Automotive motor oil” not “Automotive lubricants” and the inclusion of a comma after “as applicable
37 to purchaser”.

38 There was concern from a member that Publication 15 did not provide the latest language for this Block and that
39 modifications are being sent in at the last minute. This has occurred for several items and this situation needs to be
40 addressed. One solution maybe for the submitter to provide printed copies. Lisa Warfield (NIST OWM) stated she
41 understands the frustration, but updated proposals can all be found on the NCWM website listed as supporting
42 documents.

43 The Committee moved this item forward as a Voting item with minor editorial changes.

1 **Section 8. Prohibited Acts**

2 It shall be unlawful to:

3 **8.6.** Misrepresent automotive lubricants with an S.A.E. (Society of Automotive Engineers) viscosity grade or API
4 (American Petroleum Institute) service classification other than those **specified** by the intended purchaser.

5 (Added 1996) (Amended 20XX)

6 **Regional Association Comments:**

7 WWMA 2019 Annual Meeting: Within both regulations Section 2.33.1.3.2. and 3.13.1.3.2. the term “statement”
8 needs to be inserted after the word “cautionary.” With the inclusion of this word the FALS Chair and API believed
9 that B3: MOS-18.1 and B3 FLR-18.1 are fully developed. The Committee is recommending this block be provided a
10 Voting status.

11 The modified language in each paragraph is shown below in response to a request during the voting session:

12 **2.33.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil~~
13 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine~~
14 ~~that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser,~~
15 ~~or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version~~
16 ~~of SAE J183, Appendix A, Whenever the any vehicle engine (motor) oil in the a container, receptacle,~~
17 ~~dispenser, storage tank, or in bulk does not meet an active API service category as defined by the latest~~
18 ~~version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy~~
19 ~~Conserving”);” the front or forward facing-label of such vehicle engine (motor) oil container,~~
20 ~~receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes~~
21 ~~the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage~~
22 ~~tank shall bear the plainly-visible, cautionary statement set forth in the latest version of SAE J183,~~
23 ~~Appendix A. Whenever any vehicle engine (motor) oil is declared obsolete by a vehicle or engine~~
24 ~~manufacturer, the front or forward-facing label of such vehicle engine (motor) oil container,~~
25 ~~receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes~~
26 ~~the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage~~
27 ~~tank shall bear the plainly-visible, cautionary statement required by the vehicle or engine~~
28 ~~manufacturer. If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine~~
29 ~~manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine~~
30 ~~Manufacturer Standard applies.~~

31 (Amended 2014 and 20XX)

32 **3.13.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil~~
33 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine~~
34 ~~that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or~~
35 ~~storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of~~
36 ~~SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy~~
37 ~~Conserving”)” Appendix A, Whenever the any vehicle engine (motor) oil in the a container receptacle,~~
38 ~~dispenser, storage tank or in bulk does not meet an active API service category as defined by the latest~~
39 ~~version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy~~
40 ~~Conserving”);” the front or forward-facing label If a of such vehicle engine (motor) oil container,~~
41 ~~receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes~~
42 ~~the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser or storage~~
43 ~~tank shall bear the plainly-visible cautionary statement set forth in the latest version of SAE J183,~~
44 ~~Appendix A. Whenever any vehicle engine (motor) oil is declared obsolete by a vehicle or engine~~
45 ~~manufacturer, the front of forward-facing label of such vehicle engine (motor) oil container, receptacle,~~
46 ~~dispenser or storage tank and the invoice or receipt from service on an engine that includes the~~
47 ~~installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank~~
48 ~~shall bear the plainly-visible cautionary statement required by the vehicle or engine manufacturer.~~

49 (Added 2012) (Amended 2014 and 20XX)

1 **FLL-18.1 A Engine Fuels & Automotive Lubricants Inspection Law, Section 8.6 Prohibited Acts**

2 It was noted within background information in the report that the submitter did not address the concern with Section
3 8.6. as to why the term “specified” is being stricken. In addition, the sentence is not complete and the Committee
4 questions “what is the meaning of the sentence, it appears to place the burden on the purchaser?” The Committee
5 recognizes this is a preexisting regulation but would like it addressed by FALS.

6 Based on comments and uncertainty of FLL-18.1 we recommend that the submitter continue to work with FALS to
7 develop this item.

8 SWMA 2019 Annual Meeting: In previous reports Section 2.14 had been included. The Committee reached out to
9 Mr. Jeff Leiter (ILMA) confirmed that in error this Section is still under consideration and needs to be added into the
10 reporting.

11 **2.14. Engine (Motor) Oil.** – Shall not be sold or distributed for use unless the product conforms to the following
12 specifications:

13 (a) performance claims **made regarding active performance categories, as** listed on the label shall be
14 evaluated against the latest version of SAE J183, “Engine Oil Performance and Engine Service
15 Classification,” API 1509 “Engine Oil Licensing and Certification System,” European Automobile
16 Manufacturers’ Association (ACEA), “European Oil Sequences,” or other “Vehicle or Engine
17 Manufacturer Standards” as applicable;

18 **(b) performance claims made regarding any obsolete performance categories, as listed on the label,**
19 **shall be determined to meet the requirements of Section 3.13.1.3.2. “Inactive or Obsolete Service**
20 **Categories” by displaying the appropriate cautionary labeling and**

21 (c) the product shall meet its labeled viscosity grade specification as specified in the latest version of
22 SAE J300, “Engine Oil Viscosity Classification.”

23 (Added 2004) (Amended 2014 **and 20XX**)

24 In addition, the header file for B3: FLR-18.1. should read 18.5 and B3: MOS-18.1 should read 18.4.

25 For Section 8. Prohibited Act the first word should “misrepresent” and not “represent.” This is being addressed
26 editorially in NIST Handbook 130 (2020).

27 The word “statement” should be added after the term “cautionary” throughout the proposal.

28 In B3: FLL-18.1 Section 8.6. needs clarification as to what the submitter is intending.

29 The Committee is recommending this remain at FALS and the concerns be addressed.

30 NEWMA 2019 Interim Meeting: Mr. Jeff Leiter (ILMA) commented that this proposal follows language that was
31 recently adopted in California that addresses non-compatible or “obsolete” oils in the marketplace. This effort is
32 intended to address current litigation being considered in multiple states. Ultimately, this current language is a product
33 of further work with regulators as well as additional language which was inadvertently left out of the regional agenda
34 proposals. The Committee recommends the item is ready for voting as amended.

35 The Committee recommends the following amendment:

1 **Section 8. Prohibited Act**

2 It shall be unlawful to:

3 **8.6. Mis**represent automotive lubricants with an S.A.E. (Society of Automotive Engineers) viscosity grade or API
 4 (American Petroleum Institute) service classification ~~other than those specified by~~ to the intended purchaser/
 5 **consumer**.

6 (Added 1996) (Amended 20XX)

7 CWMA 2020 Interim Meeting: Mr. Jeffrey Harmening (API) commented that his organization supports the
 8 modifications in general, but has a recommendation that Sections 2.33.1.3.2. and 3.13.1.3.2. Inactive or Obsolete
 9 Service Categories (both sections) be revised to include the list of organizations and specifications listed in 2.33.1.3.
 10 and 3.13.1.3. Engine Service Category (both sections) to minimize the potential for improper use in engines. Mr.
 11 Charlie Stutesman (Kansas) commented that he agrees that the NCWM L&R Committee consider this be
 12 downgraded so that API's concept can be fully vetted. He believes it makes a great deal of difference whether the
 13 new language references only the API service category or other organizations and specifications.

14 Another concept received from Mr. Jeff Leiter, ILMA (the original submitter) is to reinstate the last sentence of the
 15 section: *If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the*
 16 *labeling requirements in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies.* The Committee
 17 considered these changes and had a very comprehensive discussion regarding 1) which proposal would best address
 18 the concerns of the industry, and 2) if the concept of either proposal had been vetted enough to allow the item to
 19 move forward with voting status. The Committee opted to provide both concepts to the NCWM L&R Committee
 20 to further vet both proposals. Consequently, the CWMA L&R Committee opts to not make a specific
 21 recommendation.

22 **API Revision (Concept 1):**

23 **2.33.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil container,~~
 24 ~~receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the~~
 25 ~~installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall~~
 26 ~~bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, Appendix A,~~
 27 ~~Whenever the any vehicle engine (motor) oil in the a container, receptacle, dispenser, storage tank, or in bulk~~
 28 ~~does not meet an active API service category as defined by the latest version of SAE J183, "Engine Oil Performance~~
 29 ~~and Engine Service Classification (Other than "Energy Conserving"), API Publication 1509, "Engine Oil~~
 30 ~~Licensing and Certification System," European Automobile Manufacturers Association (ACEA),~~
 31 ~~"European Oil Sequences," or other Vehicle or Engine Manufacturer standards as approved in Section~~
 32 ~~2.33.1.3.1., the front or forward facing-label of such vehicle engine (motor) oil container, receptacle,~~
 33 ~~dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation~~
 34 ~~of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear the~~
 35 ~~plainly-visible, cautionary statement set forth in the latest version of SAE J183, Appendix A. Whenever any~~
 36 ~~vehicle engine (motor) oil is declared obsolete by a vehicle or engine manufacturer, the front or forward-~~
 37 ~~facing label of such vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice~~
 38 ~~or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed~~
 39 ~~from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary statement required by~~
 40 ~~the vehicle or engine manufacturer. If a vehicle engine (motor) oil is identified as only meeting a vehicle or~~
 41 ~~engine manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine~~
 42 ~~Manufacturer Standard applies.~~

43 (Amended 2014 and 20XX)

44
 45 **3.13.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil container,~~
 46 ~~receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the~~
 47 ~~installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear a~~
 48 ~~plainly visible cautionary statement in compliance with the latest version of SAE J183, "Engine Oil~~
 49 ~~Performance and Engine Service Classification (Other than "Energy Conserving") Appendix A, Whenever~~

1 ~~the any~~ vehicle engine (motor) oil in ~~the a~~ container **receptacle, dispenser, storage tank** or in bulk does not meet
2 an active API service category as defined by the latest version of SAE J183, “Engine Oil Performance and Engine
3 Service Classification (Other than “Energy Conserving”).” **API Publication 1509, “Engine Oil Licensing and
4 Certification System,” European Automobile Manufacturers Association (ACEA), “European Oil
5 Sequences,” or other Vehicle or Engine Manufacturer standards as approved in Section 2.33.1.3.1.,” the front
6 or forward-facing label ~~if a of such~~ vehicle engine (motor) oil **container, receptacle, dispenser, or storage tank
7 and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine
8 (motor) oil dispensed from a receptacle, dispenser or storage tank shall bear the plainly-visible cautionary
9 statement set forth in the latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil
10 is declared obsolete by a vehicle or engine manufacturer, the front of forward-facing label of such vehicle
11 engine (motor) oil container, receptacle, dispenser or storage tank and the invoice or receipt from service on
12 an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle,
13 dispenser, or storage tank shall bear the plainly-visible cautionary statement required by the vehicle or
14 engine manufacturer.****

15 (Added 2012) (Amended 2014 **and 20XX**)

16 **ILMA Revision (Concept 2):**

17 **2.33.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil container,
18 receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the
19 installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall
20 bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, Appendix A,
21 Whenever ~~the any~~ vehicle engine (motor) oil in ~~the a~~ container, **receptacle, dispenser, storage tank,** or in bulk
22 does not meet an active API service category as defined by the latest version of SAE J183, “Engine Oil Performance
23 and Engine Service Classification (Other than “Energy Conserving”).” ~~the front or forward facing-label of such
24 vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from
25 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a
26 receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary statement set forth in the
27 latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil is declared obsolete by a
28 vehicle or engine manufacturer, the front or forward-facing label of such vehicle engine (motor) oil container,
29 receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the
30 installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall
31 bear the plainly-visible, cautionary statement required by the vehicle or engine manufacturer. ~~If a vehicle
32 engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling
33 requirements in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies. (Reinstate the last
34 sentence).~~~~~~

35 (Amended 2014 **and 20XX**)

36 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
37 <https://www.ncwm.com/publication-16> to review these documents.

1 **FLR – UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION**

2 **FLR-20.5 V Section 2.1.2.(a). Gasoline-Ethanol Blends.**

3 **This item appeared as part of FLR-20.2 on the NCWM 2020 Interim Agenda. Part of the original “Item Under**
4 **Consideration” was not moved forward as a Voting item and now appears in Block 4 of this Agenda.**

5 **Source:**

6 American Petroleum Institute (API)

7 **Purpose:**

8 More comprehensively align Handbook 130 Uniform Fuels and Automotive Lubricants Regulations with the U.S.
9 EPA’s rule that grants a 1-psi vapor pressure waiver to E15 for summertime (June 1 to September 15) and to help
10 ensure consumers receive a consistent E15 blend. The proposed changes to HB 130 reflect the important information
11 that an inspector will need to ensure that E15 is properly blended and that the potential harm to the consumer and the
12 environment will be minimized.

13 **Item Under Consideration:**

14 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation as follows:

15 **2.1. Gasoline and Gasoline-Oxygenate Blends**

16 **2.1.1. Gasoline and Gasoline-Oxygenate Blends** (as defined in this regulation). – Shall meet the latest version
17 of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel” except for the permissible
18 offsets for ethanol blends as provided in Section 2.1.2. Gasoline-Ethanol Blends.

19 (a) The maximum concentration of oxygenates contained in gasoline-oxygenate blends shall not exceed
20 those permitted by the EPA under Section 211 of the Clean Air Act and applicable waivers.

21 (Added 2009) (Amended 2018)

22 **2.1.2. Gasoline-Ethanol Blends.** – When gasoline is blended with denatured fuel ethanol, the denatured fuel
23 ethanol shall meet the latest version of ASTM D4806, “Standard Specification for Denatured Fuel Ethanol for
24 Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel,” and the blend shall meet the latest
25 version of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” with the
26 following permissible exceptions:

27 (a) The maximum vapor pressure shall not exceed the latest edition of ASTM D4814, “Standard
28 Specification for Automotive Spark-Ignition Engine Fuel,” limits by more than 1.0 psi for blends
29 **containing at least 9 and not more than 15 volume percent ethanol** from June 1 through
30 September 15 as allowed by EPA per 40 CFR 80.27(d).

31 (Amended 2016, ~~and~~ 2018, 2019 **and 20XX**)

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

34 (Added 2009) (Amended 2012 and 2016)

1 **Background/Discussion:**

2 Aligning Handbook 130 with the important parts of the U.S. EPA rule that grants a 1-psi vapor pressure waiver during
3 the summer months for E15 is important to ensure that E15 has the correct vapor pressure during these months and
4 provides comprehensive information to aid in ensuring compliant E15 gasoline is provided to consumers. FLR
5 Sections 2.1.2. and 1.23. are modified to address these issues.

6 **Amendments to FLR paragraph 2.1.2.(a)**, specify that the range of ethanol in the gasoline-ethanol blends qualifying
7 for the 1-psi waiver shall only be from 9 to 15 volume percent as per 40 CFR 80.27(d). The change is unambiguous
8 and does not require the inspector to access the federal rule to understand the applicable range of the waiver.

9 **EPA Final rule**, “Modifications to Fuel Regulations To Provide Flexibility for E15; Modifications to RFS RIN
10 Market Regulations” June 10, 2019, www.govinfo.gov/content/pkg/FR-2019-06-10/pdf/2019-11653.pdf

11 U.S. EPA “Modifications to Fuel Regulations to Provide Flexibility for E15; Modifications to RFS RIN Market
12 Regulations: Response to Comments.” June 10, 2019. Added in total with an example provided below.

13 www.regulations.gov/document?D=EPA-HQ-OAR-2018-0775-1174

14 p. 53 (Response to comments) E15 is allowed to be blended at blender pumps as long as **only certified**
15 **components** are used (sic) Cases where blender pumps introduce uncertified components into gasoline
16 continue to be illegal and may result in fuel that exceeds gasoline quality standards. Parties that blend
17 uncertified components into previously certified gasoline are considered fuel manufacturers under the
18 regulations at 40 CFR part 79 and refiners under 40 CFR part 80. [emphasis added]

19 The following quotes from the U.S. EPA proposal provide additional information:

20 • EPA provided the following comments in its final rule on the recent E15 1-psi waiver related to Section G,
21 2.1.2. and 1.23.:

22 ○ “[U.S. EPA] note that for E15 produced at blender pumps using E85 made with natural gas liquids, **use**
23 **of the deemed to comply provision to demonstrate compliance would not be available.** This is
24 because the RVP of natural gas liquids can be as high as 15.0 psi and even a small amount of natural gas
25 liquids could cause the gasoline portion of the blend to not comply with the applicable RVP limitations
26 established under CAA sec. 211(h), which is required under CAA sec. 211(h)(4)(A) to be deemed in
27 compliance. Parties that make E15 at a blender pump using **E85 made with previously certified**
28 **gasoline can take advantage of the ‘deemed to comply’ provision** and associated affirmative defense
29 at 40 CFR 80.28 if all applicable requirements in 80.28 are met.” (84 FR 27008)

30 ○ (emphasis added)

31 • “As discussed in the [U.S. EPA] proposal, E15 made at blender pumps is often made with certified E10 (or
32 CBOB) and E85 (made with denatured fuel ethanol and uncertified hydrocarbon blendstocks, i.e., natural gas
33 liquids). While data is limited, we believe that approximately 50 percent of stations offering E15 make E15
34 in this manner. (84 FR 27010)

35 • **40 CFR 80.27(d) Special provisions for alcohol blends.**

36 (1) Any gasoline which meets the requirements of paragraph (d)(2) of this section shall not be in violation of
37 this section if its Reid vapor pressure does not exceed the applicable standard in paragraph (a) of this section
38 by more than one pound per square inch (1.0 psi).

39 (2) In order to qualify for the special regulatory treatment specified in paragraph (d)(1) of this section,
40 gasoline must contain denatured, anhydrous ethanol. **The concentration of the ethanol, excluding the**
41 **required denaturing agent, must be at least 9% and no more than 15% (by volume) of the gasoline.**
42 The ethanol content of the gasoline shall be determined by the use of one of the testing methodologies

1 specified in § 80.47. The maximum ethanol content shall not exceed any applicable waiver conditions under
2 section 211(f) of the Clean Air Act.

3 **(3) Each invoice, loading ticket, bill of lading, delivery ticket and other document which accompanies**
4 **a shipment of gasoline containing ethanol shall contain a legible and conspicuous statement that the**
5 **gasoline being shipped contains ethanol and the percentage concentration of ethanol.**

6 (emphasis added)

7 • **40 CFR 80.28(g) Defenses.**

8 (8) In addition to the defenses provided in paragraphs (g)(1) through (6) of this section, in any case in
9 which an ethanol blender, distributor, reseller, carrier, retailer, or wholesale purchaser-consumer would
10 be in violation under paragraph (b), (c), (d), (e), or (f) of this section, as a result of gasoline which contains
11 between 9 and 15 percent ethanol (by volume) but exceeds the applicable standard by more than one
12 pound per square inch (1.0 psi), the ethanol blender, distributor, reseller, carrier, retailer or wholesale
13 purchaser-consumer **shall not be deemed in violation if such person can demonstrate, by showing**
14 **receipt of a certification from the facility from which the gasoline was received or other evidence**
15 **acceptable to the Administrator, that:**

16 **(i) The gasoline portion of the blend complies with the Reid vapor pressure limitations of §**
17 **80.27(a); and**

18 **(ii) The ethanol portion of the blend does not exceed 15 percent (by volume); and**

19 **(iii) No additional alcohol or other additive has been added to increase the Reid vapor pressure**
20 **of the ethanol portion of the blend.**

21 In the case of a violation alleged against an ethanol blender, distributor, reseller, or carrier, if the
22 demonstration required by paragraphs (g)(8)(i), (ii), and (iii) of this section is made by a certification, it
23 must be supported by evidence that the criteria in paragraphs (g)(8)(i), (ii), and (iii) of this section have
24 been met, such as an oversight program conducted by or on behalf of the ethanol blender, distributor,
25 reseller or carrier alleged to be in violation, which includes periodic sampling and testing of the gasoline
26 or monitoring the volatility and ethanol content of the gasoline. Such certification shall be deemed
27 sufficient evidence of compliance provided it is not contradicted by specific evidence, such as testing
28 results, and provided that the party has no other reasonable basis to believe that the facts stated in the
29 certification are inaccurate. **In the case of a violation alleged against a retail outlet or wholesale**
30 **purchaser-consumer facility, such certification shall be deemed an adequate defense for the retailer**
31 **or wholesale purchaser-consumer, provided that the retailer or wholesale purchaser-consumer is able**
32 **to show certificates for all of the gasoline contained in the storage tank found in violation, and,**
33 **provided that the retailer or wholesale purchaser-consumer has no reasonable basis to believe that the**
34 **facts stated in the certifications are inaccurate.**

35 (emphasis added)

36 On January 17, 2020 Mr. Prentiss Searles (API) submitted modified language for Section 2.1.2.(a). Gasoline-Ethanol
37 Blends. There were over ten letters received in opposition for MOS-20.2. Documentation for Dispenser Labeling
38 Purposes and FLR 20.3. Section 1.23. Ethanol Flex Fuel language. Many were opposed due to its duplication with
39 the EPA compliance program for this subject

40 At the 2020 NCWM Interim Meeting Mr. Searles did provide a presentation and requested from the floor that Section
41 2.1.2.(a) Gasoline -Ethanol Blends be considered as a Voting Item and he volunteered to chair a workgroup to further
42 develop the remaining items. Many rose in support and opposition of this block of items. It was addressed by Ms.
43 Warfield (NIST OWM) that FALS was tasked by the Committee in July 2019 to review the EPA language and its
44 impact on the regulations within the Fuels Regulations within NIST Handbook 130. Mr. Striejewske (FALS Chair)

1 remarked that he has created a focus group but needs additional clarification from the Committee on what specifically
2 they should address.

3 During Committee work session they concurred that Section 2.1.2.(a). Gasoline-Ethanol Blends will proceed as a
4 Voting item. All the remaining items will be merged together into Block 4 and be assigned to FALS for further
5 development.

6 **Regional Association Comments:**

7 WWMA 2019 Annual Meeting: There was a presentation that was provided by Mr. Joe Sorena (representing API).
8 Mr. Steven Harrington (OR) recommended this be assigned to FALS for review and he concurs with the modification
9 to 2.1.2.(a) in adding the language “containing at least 9 and not more than 15 volume percent ethanol.” Mr. Kevin
10 Adlaf (ADM) felt that the proposal provided too much information that was not necessary. Mr. Adlaf asked if there
11 was any data to support this proposal. Ms. Cadence Matijevich (NV) remarked that Section 2.1.2.(b), the first sentence
12 has grammar issues. Ms. Jacki Fee (Cargill) remarked that several items were left out of the language. Ms. Kristy
13 Moore (Growth Energy) remarked that the item was addressed at the 2019 NCWM Annual meeting and recommends
14 this item be withdrawn. The Committee is recommending this be Assigned to FALS for further review. It was noted
15 that the formatting was not correct within the agenda and it should appear as:

16 **2.1.2. Gasoline-Ethanol Blends.** – When gasoline is blended with denatured fuel ethanol, the denatured fuel
17 ethanol shall meet the latest version of ASTM D4806, “Standard Specification for Denatured Fuel Ethanol for
18 Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel,” and the blend shall meet the latest
19 version of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” with the
20 following permissible exceptions:

21 (a) The maximum vapor pressure shall not exceed the latest version of ASTM D4814, “Standard
22 Specification for Automotive Spark-Ignition Engine Fuel,” limits by more than 1.0 psi for blends
23 **containing at least 9 and not more than 15 volume percent ethanol** from June 1 through September
24 15 as allowed by EPA per 40 CFR 80.27(d).

25 (Amended 2016, 2018, ~~and~~ 2019, and 20XX)

26 (b) **An ethanol blender, distributor, reseller, carrier, retailer, or wholesale purchaser-consumer who**
27 **exceeds the applicable standard by more than 1.0 psi, shall demonstrate, by showing receipt of a**
28 **certification from the facility from which the gasoline, gasoline-ethanol blend or ethanol flex fuel**
29 **blend was received, that the hydrocarbon portion of the blend complies with the Reid vapor**
30 **pressure and other limitations of 40 CFR 80.27(a), as required in 40 CFR 80.28(g)(8). The**
31 **certification shall be supported by evidence that the above criteria have been met, such as an**
32 **oversight program which includes periodic sampling and testing of the gasoline or monitoring the**
33 **volatility and ethanol content of the gasoline.**

34 **(Added 20XX)**

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

37 (Added 2009) (Amended 2012, ~~and~~ 2016, and 20XX)

38 SWMA 2019 Annual Meeting: The Committee believes there could be misuse of Section 2.1.2(b). Once the sample
39 is tested it could be in violation for being substandard. The responsible party would be the retailer. How does this
40 responsibility change when they are showing a certification where the product is coming from and is the product in
41 the tank? It would be difficult for the inspector for following the quality and oversight of that product. During work
42 session, clarification was provided that if there is documentation that certified product is within the tank the retailer
43 does not need to test for conformance. There must be a documentation and traceability of the certification. However,
44 if no certification then testing would need to be done to be verified. The Committee does not concur that with the
45 language and the clarification that was provided. They believe that someone needs to be responsible even if
46 certification is provided. There were too many questions concerning this issue and the Committee is requesting this
47 be assigned to FALS for additional work and a recommendation to the National L&R Committee.

1 NEWMA 2019 Interim Meeting: Mr. Bill Hornbach (representing Chevron and API) made a brief presentation as to
2 the details of the proposal. Mr. Hornbach supports the item. Ms. Kristy Moore submitted written comments and
3 believes the item should be withdrawn. Ms. Jackie Fee (Cargill) opposes the item. She indicated that the word
4 “certification” is misleading and recommends withdrawal of this item. The Committee recommended this item be
5 assigned to FALS for further technical review and clarification.

6 CWMA 2019 Interim Meeting: Mr. Prentiss Searles (API) commented that this item adds back and updates the
7 waiver limitations that were provided in the 2019 version of NIST Handbook 130. The 2019 version specified the
8 range of a gasoline-ethanol blend that was granted the 1-psi waiver as “containing 9 to 10 volume percent ethanol.”
9 In June 2019, the U.S. EPA extended the range to 15 volume percent ethanol and during last year’s annual meeting
10 (July 2019), a vote to adopt that modification was made and the applicable range of the waiver was lost. This proposal
11 adds the range for the waiver of 9 to 15% ethanol back in the text. This proposed change realigns NIST Handbook
12 130 with the language that was there before, is unambiguous and provides necessary contextual information to the
13 user of the Handbook. Having this information available is consistent with the labeling requirements in the NIST
14 Handbook that refer to E15.

15
16 Mr. Charlie Stutesman (Kansas) commented he prefers to leave the NIST Handbook 130 as it is with reference
17 language rather than specifics. He believes the item is ready for voting status. Mr. Chuck Corr (Iowa Renewable
18 Fuels Association) commented that if Handbook 130 is amended to include all the federal rules, it would become too
19 lengthy to be useful for field inspectors. Ms. Beverly Michaels (BP) commented that she believes this reference is
20 important to include in NST Handbook 130 and should be amended as presented by API. She believes a lack of
21 specificity in the NIST Handbook could be problematic and confusing for those in the field. Regardless of members’
22 positions on the topic, the item has been fully vetted and is ready for voting status. Mr. Mike Harrington (Iowa)
23 commented that he heard from many industry representatives and constituents that it would be best to leave the
24 Handbook as a general reference to EPA language. He believes the item should be withdrawn.

25
26 The Committee discussed the question of publishing protocols passed recently by the membership that references
27 other documents without specific numbers cited in NIST Handbook 130. Another point that was made was that
28 the industry is rapidly changing, and it is difficult to keep pace in the Handbook as changes happen in the referenced
29 materials. Based on these points, the CWMA L&R Committee recommends this item be Withdrawn.

30 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
31 <https://www.ncwm.com/publication-16> to review these documents.

32 Mr. Ethan Bogren, Westchester County, New York | Committee Chair

33 Mr. Mauricio Mejia, Florida | Member

34 Mr. John McGuire, New Jersey | Member

35 Mr. Doug Rathbun, Illinois | Member

36 Mr. Tim Elliott, Washington | Member

37 Mr. Prentiss Searles, American Petroleum Institute | AMC Representative

38 Mr. Lance Robertson, Measurement Canada | Canadian Technical Advisor

39 Ms. Lisa Warfield, NIST OWM | Technical Advisor

40 Mr. David Sefcik, NIST OWM | Technical Advisor

Laws and Regulations Committee

