

ADDENDUM SHEET INSTRUCTIONS

- **NOTE: DO NOT adjust the Table of Contents. This will be edited only by NCWM Staff.**
- **NOTE: DO NOT rearrange items according to status.**

1. Develop a Consent Calendar of non-controversial Voting Items that have not been amended nor require additional explanation.
2. Agree on language, recommendations, and status of remaining items.
3. Provide supplemental comments and amendments within the corresponding item table
4. Approve addendum sheets by recorded vote of the 5 Active Members.
Submit approved addendum sheets via USB to NCWM by Tuesday @ 5:00 p.m.

Laws and Regulations (L&R) Committee 2020 Annual Meeting Report Addendum Sheet

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

INTRODUCTION

The L&R Committee submits its Committee Interim Report for consideration by National Conference on Weights and Measures (NCWM). This addendum sheet contains the report items published in *NCWM Publication 16: Committee Reports for the 105th Annual Meeting*. The addendum sheet will address the following items during the Annual Meeting.

Items are grouped according to item status:

(VC) Voting Consent Calendar: the committee has grouped these items for a single vote.

(V) Voting Item: the committee is making recommendations requiring a vote by the active members of NCWM.

(I) Informational Item: the item is under consideration by the committee but, not proposed for Voting.

(A) Assigned Item: the committee has assigned development of the item to a recognized subcommittee or task group.

(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(W) Withdrawn Item: the item has been removed from consideration by the committee.

Consent Calendar Item(s)

Reference Key	Title of Item	Addendum L&R Page
MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES		5
MOS-20.3 VC	Section 2.XX. Diesel Fuel	5
ITEM BLOCK 5 (B5) METHOD OF SALE & FUELS AND AUTOMOTIVE LUBRICANTS REGULATIONS – BACKGROUND INFORMATION.....		5
B5: MOS-18.2 VC	Method of Sale of Commodities – 1. Background Information.....	5
B5: FLR-20.4 VC	Fuels and Automotive Lubricants Regulation – 1. Background Information	5
ITEM BLOCK 2 (B2) TRACTOR HYDRAULIC FLUID		6
B2: MOS-20.1 VC	Section 2.39. Tractor Hydraulic Fluid	6
B2: FLR-20.1 VC	Sections 1.31. Hydraulic Fluid, 2.22. Products for Use in Lubricating Tractors, and 3.17. Tractor Hydraulic Fluid.	6
ITEM BLOCK 3 (B3) FUELS & AUTOMOTIVE LUBRICANTS INSPECTION LAW, SECTION 8. PROHIBITED ACTS. METHOD OF SALE, SECTION 2.33. OIL. FUELS & AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE (MOTOR OIL), 3.13. OIL, AND 7.2. REPRODUCIBILITY LIMITS		13
B3: FLL-18.1 VC	Section 8. Prohibited Acts	13

Voting Item(s)		
Reference Key	Title of Item	Addendum L&R Page
MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES5		
MOS-20.3 V	Section 2.XX. Diesel Fuel	5
ITEM BLOCK 5 (B5) METHOD OF SALE & FUELS AND AUTOMOTIVE LUBRICANTS REGULATIONS – BACKGROUND INFORMATION.....5		
B5: MOS-18.2 V	Method of Sale of Commodities – 1. Background Information.....	5
B5: FLR-20.4 V	Fuels and Automotive Lubricants Regulation – 1. Background Information	5
ITEM BLOCK 2 (B2) TRACTOR HYDRAULIC FLUID6		
B2: MOS-20.1 V	Section 2.39. Tractor Hydraulic Fluid	6
B2: FLR-20.1 V	Sections 1.31. Hydraulic Fluid, 2.22. Products for Use in Lubricating Tractors, and 3.17. Tractor Hydraulic Fluid.	6
ITEM BLOCK 3 (B3) FUELS & AUTOMOTIVE LUBRICANTS INSPECTION LAW, SECTION 8. PROHIBITED ACTS. METHOD OF SALE, SECTION 2.33. OIL. FUELS & AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE (MOTOR OIL), 3.13. OIL, AND 7.2. REPRODUCIBILITY LIMITS13		
B3: FLL-18.1 V	Section 8. Prohibited Acts	13
B3: MOS-18.1 I	Section 2.33. Oil	13
B3: FLR-18.1 I	Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits.	13
FLR – UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION.....13		
FLR-20.5 I	Section 2.1.2.(a). Gasoline-Ethanol Blends.	13

Details of All Items
(In order by Reference Key)

MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES

MOS-20.3 V Section 2.XX. Diesel Fuel

MOS-20.3
Comments: Several regulators commented in support of this item being moved forward as a Voting item. No comments were heard in opposition.
No changes.

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

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

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

ITEM BLOCK 5
Comments: The original submitter, Chuck Corr (Iowa Renewable Fuels Association) suggested a modification to the last sentence. Suggested revisions to provide clarity were provided by Tim Elliott (Washington State). The committee agreed to incorporate the suggested changes.
<p>1. Background</p> <p>The National Conference on Weights and Measures (NCWM) has long been concerned with the proper units of measurement to be used in the sale of all commodities. This approach has gradually broadened to concerns of standardized package sizes and general identity of particular commodities. Requirements for individual products were at one time made a part of the Weights and Measures Law or were embodied in separate individual Model Regulations. In 1971, this “Model State Method of Sale of Commodities Regulation” was established (renamed in 1983); amendments have been adopted by the Conference almost annually since that time.</p> <p>Sections with “added 1971” dates refer to those sections that were originally incorporated in the Weights and Measures Law or in individual Model Regulations recommended by the NCWM. Subsequent dates reflect the actual amendment or addition dates.</p> <p>The 1979 edition included, for the first time, requirements for items packaged in quantities of the International System of Units (SI), the modernized metric system, as well as continuing to present requirements for U.S. customary quantities. It should be stressed that nothing in this Regulation requires changing to the SI system of measurement. SI values are given for the guidance of those wishing to adopt new SI quantities of the commodities governed by this Regulation. SI means the International System of Units as established in 1960 by the General Conference on Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce.</p>

This Regulation assimilates all of 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.

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

**note – The Committee made no changes to B5 FLR-20.4 item under consideration.*

ITEM BLOCK 2 (B2) TRACTOR HYDRAULIC FLUID

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

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

ITEM BLOCK 2

Comments: The Committee heard comments for editorial changes which align language within the proposal with language that is used within the Uniform Packaging and Labeling Regulation. The Committee agreed to incorporate those changes that are editorial in nature to the block items. Several comments were made regarding the term “should” being changed to “shall” throughout the proposal. The Committee agrees that changing “should” to “shall” is beyond editorial and should be changed at a later date. A Form 15 has already been submitted recommending the change.

B2: MOS-20.1

Section 2.39. Tractor Hydraulic Fluid

2.39. Tractor Hydraulic Fluid.

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

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

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

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

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

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

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words "Tractor Hydraulic Fluid," which may include words such as "Hydraulic Fluid for Agricultural Applications" or "Universal Tractor Transmission Oil";
- (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims are those set by original equipment manufacturers;
- (e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following **warning cautionary statement** on the **front package label principal display panel** in **accordance with the Uniform Packaging and Labeling Regulation, Section 8. Prominence and Placement: Consumer Packages and Section 9. Prominence and Placement: Non-Consumer Packages.** **clearly legible font size and color**

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

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

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

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

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

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

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

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

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

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

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

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

- (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; **and**
- (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) (**Amended 20XX**)

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

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

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

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

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

(Added 2019) (Amended 202X)

3.17. Tractor Hydraulic Fluid

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

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

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;
- (d) the primary performance claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims are those set by original equipment manufacturers;
- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following **warning cautionary statement** on the ~~front package label~~ **principal display panel** in accordance with the **Uniform Packaging and Labeling Regulation, Section 8. Prominence and Placement: Consumer Packages and Section 9. Prominence and Placement: Non-Consumer Packages.** ~~clearly legible font size and color.~~

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

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

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

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

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

- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;
- (d) the primary performance claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims include but are not limited to those set by original equipment manufacturers;
- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following **warning cautionary statement** on the **front package label documentation** in **a clear and conspicuous manner. ~~clearly legible font size and color~~**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B3: FLL-18.1 V Section 8. Prohibited Acts

B3: MOS-18.1 I Section 2.33. Oil

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

ITEM BLOCK 3
Comments: The Committee heard suggested revisions to MOS-18.1 and FLR-18.1 presented as “API revision (Concept 1). The Committee heard several comments in support of the revisions outlined in “API revision (concept 1). The Committee has decided that Block #3 including MOS-18.1 and FLR-18.1 move forward as Informational so the items can be vetted with the incorporated changes recommended in “API revision (concept 1). The Committee does agree that FLL-18.1 can proceed as a Voting item at this time.
No changes.

FLR – UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

FLR-20.5 I Section 2.1.2.(a). Gasoline-Ethanol Blends.

FLR-20.5
Comments: The Committee heard several comments regarding how the EPA streamlining rule may affect this item. The Committee agrees to move this item forward as Informational so that the regions can further review the language.
No changes.



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- Mr. Ethan Bogren, Westchester County, New York | Committee Chair
 - Mr. Mauricio Mejia, Florida | Member
 - Mr. John McGuire, New Jersey | Member
 - Mr. Doug Rathbun, Illinois | Member
 - Mr. Tim Elliott, Washington | Member
 - Mr. Prentiss Searles, American Petroleum Institute | AMC Representative
 - Mr. Lance Robertson, Measurement Canada | Canadian Technical Advisor
 - Ms. Lisa Warfield, NIST OWM | Technical Advisor
 - Mr. David Sefcik, NIST OWM | Technical Advisor

Laws and Regulations Committee