

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submitter or other designated party for further development before any action can be taken at the national level; **(W) Withdrawn Item:** the item has been removed from consideration by the Committee.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 2019 Interim Meeting: Mr. Scott Fenwick (National Biodiesel Board, submitter) commented that this is
 8 identical language that was adopted during the last cycle regarding the definition and details for sale of premium
 9 diesel. Since more states adopt the NIST Handbook 130, Method of Sale than the Fuels and Automotive Lubricants
 10 Regulations, he believes the model language should appear in both regulations. The Committee believes this item is
 11 fully developed and ready for voting status.

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

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

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

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

20 **Source:**

21 Fuels and Lubricants Subcommittee (original submitter Archer Daniels Midland Corporation {ADM})

22 **Purpose:**

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

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

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

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

2 **Item Under Consideration:**

3 Amend NIST Handbook 130, Uniform Method of Sale of Commodities, 1. Background information.

4 **1. Background**

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

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

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

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

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

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

32 **Item Under Consideration:**

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

34 **1. Background**

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

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

6 In 1992, the NCWM established the Petroleum Subcommittee under the Laws and Regulations Committee. The
 7 subcommittee recommended major revisions to the Regulation that was adopted at the 80th NCWM in 1995. The
 8 scope of the regulation was expanded to include all engine fuels, petroleum products, and automotive lubricants; its
 9 title was changed accordingly; and the fuel specifications and method of sale sections were revised to address the
 10 additional products. Other changes included expansion of the definitions section and addition of sections on retail
 11 storage tanks, condemned product, registration of engine fuels designed for special use, and test methods and
 12 reproducibility limits.

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

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

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

22 **Background/Discussion:**

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

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

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

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

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

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

8 At the 2019 NCWM Annual Meeting Mr. Striejewske (FALS Chair) reports that work on this item continues within
9 FALS. Mr. Tim Elliott (WA) remarked that this item does not delete anything but moves things around. Items are
10 being moved from non-food into fuels. A controversial item is a listing of items sold by liquid measure and why they
11 are specified. Mr. Elliott would like feedback from the regions as they review this item. This Item has been assigned
12 to FALS to be further developed to move all Fuels, Lubricants, and Automotive Products from “Section 2. Non-Food
13 Products”, to a create a subsection of Section 2 titled” Fuels, Lubricants, and automotive products” and add a reference
14 in the new section for definitions, specifications, and identifications. In addition, a reference will to the Method of
15 Sale Law to individual items missing a method of sale. Due to the number of changes editorial privileges will be
16 required to allow for proper renumbering of regulations within the section. This item will have modifications for the
17 2019 Fall regional agendas.

18 At the 2020 NCWM Interim Meeting, an update was heard that the entire item under consideration for Item MOS-
19 18.2 was being replaced with new language that adds a paragraph to the “Background” information under the Method
20 of Sale. This paragraph will include a history of fuels and related products within this regulation. The latest language
21 for consideration was submitted on January 20, 2020, as a supporting document.

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

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

30 **1. Background**

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

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

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

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

A Motor Fuels Task Force was appointed in 1984 to develop mechanisms for achieving uniformity in the evaluation and regulation of motor fuels. The Task Force developed the Uniform Motor Fuel Inspection Law (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 ~~1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant~~
2 ~~oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE.” The~~
3 ~~oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant~~
4 ~~oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate~~
5 ~~followed by the phrase “or other ethers” or alternatively post the phrase “contains MTBE or other ethers.”~~
6 ~~In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol~~
7 ~~shall be identified as “with” or “containing” methanol. This information shall be posted on the upper 50 %~~
8 ~~of the dispenser front panel in a position clear and conspicuous from the driver’s position in a type at least~~
9 ~~12.7 mm (½ in) in height, 1.5 mm (3/16 in) stroke (width of type).~~

10 (Amended 1996)

11 ~~2.20.2. Documentation for Dispenser Labeling Purposes.— The retailer shall be provided, at the time of~~
12 ~~delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or~~
13 ~~other documentation:~~

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

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

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

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

24 ~~2.20.3. EPA Labeling Requirements.— Retailers and wholesale purchaser-consumers of gasoline shall~~
25 ~~comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent~~
26 ~~(v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR 80.1501. (For additional information,~~
27 ~~refer to Section 2.30.2. FTC Labeling Requirements.)~~

28 (Added 2018)

29 ~~2.21. Liquefied Petroleum Gas.— All liquefied petroleum gas, including, but not limited to propane, butane,~~
30 ~~and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot~~
31 ~~page 1311 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~~
32 ~~metered sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less,~~
33 ~~shall be accomplished by use of a meter and device that automatically compensates for temperature.~~

34 (Added 1986)

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

39 ~~2.27. Retail Sales of Natural Gas Sold as a Vehicle Fuel.~~

40 ~~2.27.1. Definitions.~~

41 ~~2.27.1.1. Compressed Natural Gas (CNG).— A gaseous fuel composed primarily of methane that is~~
42 ~~suitable for compression and dispensing into a fuel storage container(s) for use as an engine fuel.~~

43 (Amended 2016)

1 ~~2.27.1.2. Gasoline Gallon Equivalent (GGE).— Gasoline gallon equivalent (GGE) means 2.567 kg~~
2 ~~(5.660 lb) of compressed natural gas.~~
3 ~~(Amended 2016)~~

4 ~~2.27.1.3. Diesel Gallon Equivalent (DGE).— Diesel gallon equivalent means 6.384 lb of compressed~~
5 ~~natural gas or 6.059 lb of liquefied natural gas.~~
6 ~~(Added 2016)~~

7 ~~2.27.1.4. Liquefied Natural Gas (LNG).— Natural gas, which is predominantly methane, that has been~~
8 ~~liquefied at 162 °C (– 260 °F) at 14.696 psia and stored in insulated cryogenic fuel storage tanks for~~
9 ~~use as an engine fuel.~~
10 ~~(Added 2016)~~

11 ~~2.27.2. Method of Retail Sale and Dispenser Labeling.~~

12 ~~2.27.2.1. Method of Retail Sale for Compressed Natural Gas.— All compressed natural gas kept,~~
13 ~~offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass, and~~
14 ~~indicted in the gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or mass.~~
15 ~~(Amended 2016)~~

16 ~~2.27.2.2. Dispenser Labeling Compressed Natural Gas.— All retail compressed natural gas dispensers~~
17 ~~shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be~~
18 ~~permanently and conspicuously displayed on the face of the dispenser and shall have the statement~~
19 ~~“1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas” or “1 Diesel Gallon~~
20 ~~Equivalent (DGE) means 6.384 lb of Compressed Natural Gas” consistent with the method of sale used.~~
21 ~~(Amended 2016)~~

22 ~~2.27.2.3. Method of Retail Sale for Liquefied Natural Gas.— All liquefied natural gas kept, offered, or~~
23 ~~exposed for sale and sold at retail as a vehicle fuel shall be measured in mass and indicated in diesel~~
24 ~~gallon equivalent (DGE) units or mass.~~
25 ~~(Added 2016)~~

26 ~~2.27.2.4. Dispenser Labeling of Retail Liquefied Natural Gas.— All retail liquefied 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 Diesel Gallon Equivalent (DGE) means 6.059 lb of Liquefied Natural Gas.”~~
30 ~~(Added 2016)~~

31 ~~2.30. Ethanol Flex Fuel.~~

32 ~~2.30.1. How to Identify Ethanol Flex Fuel.— Ethanol flex fuel shall be identified as “Ethanol Flex Fuel or~~
33 ~~EXX Flex Fuel.”~~

34 ~~2.30.2. FTC Labeling Requirements.— Ethanol flex fuel shall be identified and labeled in accordance with~~
35 ~~the Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR 306, as~~
36 ~~amended. (For additional information, refer to Section 2.20.3. EPA Labeling Requirements.)~~
37 ~~(Added 2007) (Amended 2014 and 2018)~~

38 ~~2.31. Biodiesel and Biodiesel Blends.~~

39 ~~2.31.1. Identification of Product.— Biodiesel shall be identified by the term “Biodiesel” with the designation~~
40 ~~“B100.” Biodiesel Blends shall be identified by the term “Biodiesel Blend.”~~

1 ~~2.31.2. Labeling of Retail Dispensers.~~

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

4 ~~2.31.2.2. EPA Labeling Requirements Also Apply.— Retailers and wholesale purchaser-consumers of~~
5 ~~biodiesel blends shall comply with EPA pump-labeling requirements for sulfur under 40 CFR 80.570.~~

6 ~~2.31.2.3. Automotive Fuel Rating.— Biodiesel and biodiesel blends shall be labeled with its automotive~~
7 ~~fuel rating in accordance with 16 CFR 306.~~

8 ~~2.31.2.4. Biodiesel Blends.— When biodiesel blends greater than 20 % by volume are offered by sale,~~
9 ~~each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that~~
10 ~~states “Consult Vehicle Manufacturer Fuel Recommendations.” The lettering of this legend shall not~~
11 ~~be less than 6 mm (¼ in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in~~
12 ~~definite contrast to the background color to which it is applied.~~

13 ~~2.31.3. Documentation for Dispenser Labeling Purposes.— The retailer shall be provided, at the time of~~
14 ~~delivery of the fuel, a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping~~
15 ~~paper, or other document.— This documentation is for dispenser labeling purposes only; it is the~~
16 ~~responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to~~
17 ~~blending.~~

18 ~~2.31.4. Exemption.— Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are exempt~~
19 ~~from the requirements of Sections 2.31.1. Identification of Product, 2.31.2. Labeling of Retail Dispensers,~~
20 ~~and 2.31.3. Documentation for Dispenser Labeling Purposes when it is sold as diesel fuel.~~

21 (Added 2008)

22 ~~2.32. Retail Sales of Hydrogen Fuel (H).~~

23 ~~2.32.1. Definitions for Hydrogen Fuel.— A fuel composed of molecular hydrogen intended for consumption~~
24 ~~in a surface vehicle or electricity production device with an internal combustion engine or fuel cell.~~

25 (Amended 2012)

26 ~~2.32.2. Method of Retail Sale and Dispenser Labeling.— All hydrogen fuel kept, offered, or exposed for~~
27 ~~sale and sold at retail shall be in mass units in terms of the kilogram. The symbol for hydrogen vehicle fuel~~
28 ~~shall be the capital letter “H” (the word Hydrogen may also be used).~~

29 ~~2.32.3. Retail Dispenser Labeling.~~

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

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

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

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

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

37 ~~2.32.4. Street Sign Prices and Advertisements.~~

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

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

~~(Added 2010)~~

~~2.33. Oil.~~

~~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)~~

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

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

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

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

~~2.34.1. Definitions.~~

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

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

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

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

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

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

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

~~(a) A computing EVSE shall display the unit price in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119) on the basis of price per megajoule (MJ) or kilowatt-hour (kWh). In cases where the~~

1 ~~electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the~~
2 ~~unit price.~~

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

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

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

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

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

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

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

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

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

17 ~~(e) The EVSE shall be labeled in accordance with 16 CFR 309—FTC Labeling Requirements for~~
18 ~~Alternative Fuels and Alternative Fueled Vehicles.~~

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

21 ~~2.34.4. Street Sign Prices and Other Advertisements.—Where electrical energy unit price information is~~
22 ~~presented on street signs or in advertising other than on EVSE:~~

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

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

29 ~~(c) For fixed service applications, the following information shall be conspicuously displayed or~~
30 ~~posted:~~

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

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

34 ~~(d) For variable service applications, the following information shall be conspicuously displayed or~~
35 ~~posted:~~

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

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

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

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

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

~~(Added 2013)~~

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

~~2.35.1. Definition.~~

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

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

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

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

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

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

~~Effective date shall be January 1, 2016.~~

~~(Added 2014)~~

~~2.36. Transmission Fluid.~~

~~2.36.1. Products for Use in Lubricating Transmissions.— Transmission fluids shall meet the original equipment manufacturer’s requirements for those transmissions or have demonstrated performance claims to be suitable for use in those transmissions. Where a fluid can be licensed against an original equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable~~

1 ~~documentation of performance against the specification. In the absence of a license from the original~~
2 ~~equipment manufacturer, adherence to the original equipment manufacturer's recommended~~
3 ~~requirements shall be assessed after testing per relevant methods available to the lubricants industry and~~
4 ~~the state regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or~~
5 ~~transmission rig testing. Any manufacturer of a transmission fluid making suitable for use claims shall~~
6 ~~provide, upon request by a duly authorized representative of the Director, credible documentation of such~~
7 ~~claims. If the product performance claims published by a blender and/or marketer are based on the~~
8 ~~claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by~~
9 ~~a duly authorized representative of the Director. Supporting data may be supplied directly to the~~
10 ~~Director's office by the additive supplier(s).~~

11 ~~(Added 2017)~~

12 ~~2.36.1.1. Conformance. Conformance of a fluid per Section 2.36.1. Products for Use in Lubricating~~
13 ~~Transmissions does not absolve the obligations of a fluid licensee with respect to the licensing original~~
14 ~~equipment manufacturer or the original equipment manufacturer's licensing agent(s), where relevant.~~

15 ~~(Added 2017)~~

16 ~~2.36.1.2. Transmission Fluid Additives. Any material offered for sale or sold as an additive to~~
17 ~~transmission fluids shall be compatible with the transmission fluid to which it is added, and shall meet~~
18 ~~all performance claims as stated on the label or published on any website referenced by the label. Any~~
19 ~~manufacturer of any such product sold in this state shall provide, upon request by a duly authorized~~
20 ~~representative of the Director, documentation of any claims made on their product label or published~~
21 ~~on any website referenced by the label.~~

22 ~~(Added 2017)~~

23 ~~2.36.2. Labeling and Identification of Transmission Fluid. Transmission fluid shall be labeled or~~
24 ~~identified as described below.~~

25 ~~(Added 2017)~~

26 ~~2.36.2.1. Container Labeling. The label on a container of transmission fluid shall not contain any~~
27 ~~information that is false or misleading. Containers include bottles, cans, multi-quart or liter~~
28 ~~containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container~~
29 ~~of transmission fluid shall be labeled with the following:~~

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

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

32 ~~(c) the words "Transmission Fluid," which may be incorporated into a more specific~~
33 ~~description of transmission type such as "Automatic Transmission Fluid" or~~
34 ~~"Continuously Variable Transmission Fluid";~~

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

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

41 ~~(Added 2017)~~

42 ~~2.36.2.2. Identification on Documentation. Transmission fluid sold in bulk shall be identified on the~~
43 ~~manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other~~
44 ~~documentation with the information listed below:~~

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

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

3 ~~(c) the words "Transmission Fluid," which may be incorporated into a more specific description~~
4 ~~of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable~~
5 ~~Transmission Fluid";~~

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

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

11 ~~(Added 2017)~~

12 ~~2.36.2.3. Identification on Service Provider Documentation.— Transmission fluid installed from a bulk~~
13 ~~tank at time of transmission service shall be identified on the customer invoice with the information~~
14 ~~listed below:~~

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

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

17 ~~(c) the words "Transmission Fluid," which may be incorporated into a more specific description~~
18 ~~of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable~~
19 ~~Transmission Fluid";~~

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

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

25 ~~(Added 2017)~~

26 ~~2.36.2.4. Bulk Delivery.— When the transmission fluid is sold in bulk, an invoice, bill of lading, shipping~~
27 ~~paper, or other documentation must accompany each delivery. This document must identify the fluid~~
28 ~~as defined in Section 2.36.2.2. Identification on Documentation.~~

29 ~~(Added 2017)~~

30 ~~2.36.2.5. Storage Tank Labeling.— Each storage tank of transmission fluid shall be labeled with the~~
31 ~~following:~~

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

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

37 ~~(Added 2017)~~

38 ~~2.36.3. Documentation of Claims Made Upon Product Label.— Any manufacturer, packer, or distributor~~
39 ~~of any product subject to this article and sold in this state shall provide, upon request of duly authorized~~

1 ~~representatives of the Director, credible documentation of any claim made upon their product label,~~
2 ~~including claims made on any website referenced by said label. If the product performance claims~~
3 ~~published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers,~~
4 ~~documentation of the claims may be requested in confidence by a duly authorized representative of the~~
5 ~~Director. Supporting data may be supplied directly to the Director's office by the additive supplier(s).~~

6 ~~(Added 2017)~~

7 ~~(Added 2017)~~

8 **2.39. Tractor Hydraulic Fluid.**

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

25 ~~2.39.1.1. Conformance. Conformance of a fluid per Section 2.39.1. Products for Use in Lubricating~~
26 ~~Tractors does not absolve the obligations of a fluid licensee with respect to the licensing original~~
27 ~~equipment manufacturer or the original equipment manufacturer's licensing agent(s), where relevant.~~

28 ~~2.39.1.2. Tractor Hydraulic Fluid Additives. Any material offered for sale or sold as an additive to~~
29 ~~tractor hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it is added and~~
30 ~~shall meet all performance claims as stated on the label or published on any website referenced by the~~
31 ~~label. Any manufacturer of any such product sold shall provide, upon request by a duly authorized~~
32 ~~representative of the Director, documentation of any claims made on their product label or published~~
33 ~~on any website referenced by the label.~~

34 ~~2.39.2. Labeling and Identification of Tractor Hydraulic Fluid. Tractor hydraulic fluids shall be labeled~~
35 ~~or identified as described below.~~

36 ~~2.39.2.1. Container Labeling. The label on a container of tractor hydraulic fluid shall not contain~~
37 ~~any information that is false or misleading. Containers include bottles, cans, multi-quart or liter~~
38 ~~containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container~~
39 ~~of tractor hydraulic fluid shall be labeled with the following:~~

- 40 (a) ~~the brand name;~~
- 41 (b) ~~the name and place of business of the manufacturer, packer, seller, or distributor;~~
- 42 (c) ~~the words "Tractor Hydraulic Fluid," which may include words such as "Hydraulic Fluid for~~
43 ~~Agricultural Applications" or "Universal Tractor Transmission Oil";~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 ~~**2.39.2.3. Identification on Service Provider Documentation.** Tractor hydraulic fluid installed from a~~
33 ~~bulk tank at time of service shall be identified on the customer invoice with the information listed~~
34 ~~below:~~

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

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

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

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

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

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

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

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

13 ~~2.39.2.4. Bulk Delivery. When the tractor hydraulic fluid is sold in bulk, an invoice, bill of lading,~~
14 ~~shipping paper, or other documentation must accompany each delivery. This document must identify~~
15 ~~the fluid as defined in Section 2.39.2.2. Identification on Documentation.~~

16 ~~2.39.2.5. Storage Tank Labeling. Each storage tank of tractor hydraulic fluid shall be labeled with~~
17 ~~the following:~~

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

19 ~~(b) the primary performance claim or claims met by the fluid or reference to where these claims~~
20 ~~may be viewed (for example, website reference). Performance claims are those set by original~~
21 ~~equipment manufacturers~~

22 ~~2.39.3. Documentation of Claims Made Upon Product Label. Any manufacturer, packer, or distributor~~
23 ~~of any product subject to this article and sold shall provide, upon request of duly authorized~~
24 ~~representatives of the Director, credible documentation of any claim made upon their product label,~~
25 ~~including claims made on any website referenced by said label. If the product performance claims~~
26 ~~published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers,~~
27 ~~documentation of the claims shall be provided upon request to a duly authorized representative of the~~
28 ~~Director. Supporting data shall, upon request, be supplied directly to the Director’s office by the additive~~
29 ~~supplier(s).~~

30 ~~(Added 2019)~~

31 [Remaining products will be renumbered editorially as needed]

32 2.XX. Fuels, Lubricants, and Automotive Products

33 2.XX.1. General Information

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

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

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

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

4 Example:

5 1K Kerosene; Kerosene - 2K.

6 (Added 1983)

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

9 (Added 2012)

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

11 2.XX.3.1. Labeling for Retail Sale. – Type of Oxygenate must be Disclosed. – All automotive gasoline
12 or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing
13 at least 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the
14 predominant oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with
15 MTBE.” The oxygenate contributing the largest mass percent oxygen to the blend shall be considered
16 the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the
17 predominant oxygenate followed by the phrase “or other ethers” or alternatively post the phrase
18 “contains MTBE or other ethers.” In addition, gasoline-methanol blend fuels containing more than
19 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This
20 information shall be posted on the upper 50 % of the dispenser front panel in a position clear and
21 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)
22 stroke (width of type).

23 (Amended 1996)

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

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

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

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

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

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

41 (Added 2018)

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

44 (Added 20XX)

1 2.XX.4. Liquefied Petroleum Gas. – All liquefied petroleum gas, including, but not limited to propane,
2 butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic
3 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
4 [15.6 °C]). All metered sales by the gallon, except those using meters with a maximum rated capacity of 20
5 gal/min or less, shall be accomplished by use of a meter and device that automatically compensates for
6 temperature.

7 (Added 1986)

8 NOTE 7: Sources: American National Standards Institute, Inc., “American National Standard for Gas
9 Displacement Meters (500 Cubic Feet per Hour Capacity and Under),” First edition, 1974, and NIST Handbook
10 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.”

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

12 2.XX.5.1. Definitions.

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

16 (Amended 2016)

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

19 (Amended 2016)

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

22 (Added 2016)

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

26 (Added 2016)

27 2.XX.5.2. Method of Retail Sale and Dispenser Labeling.

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

32 (Amended 2016)

33 2.XX.5.2.2. Dispenser Labeling Compressed Natural Gas. – All retail compressed natural gas
34 dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label
35 shall be permanently and conspicuously displayed on the face of the dispenser and shall have the
36 statement “1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas” or
37 “1 Diesel Gallon Equivalent (DGE) means 6.384 lb of Compressed Natural Gas” consistent with
38 the method of sale used.

39 (Amended 2016)

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

1 (Added 2016)

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

6 (Added 2016)

7 2.XX.6. Ethanol Flex Fuel.

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

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

14 (Added 2007) (Amended 2014 and 2018)

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

17 (Added 20XX)

18 2.XX.7. Biodiesel and Biodiesel Blends.

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

21 2.XX.7.2. Labeling of Retail Dispensers.

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

24 2.XX.7.2.2. EPA Labeling Requirements Also Apply. – Retailers and wholesale purchaser-
25 consumers of biodiesel blends shall comply with EPA pump labeling requirements for sulfur under
26 40 CFR 80.570.

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

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

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

39 2.XX.7.4. Exemption. – Biodiesel blends that contain less than or equal to 5 % biodiesel by volume
40 are exempt from the requirements of Sections 2.XX.7.1. Identification of Product, 2.XX.7.2. Labeling

1 of Retail Dispensers, and 2.XX.7.3. Documentation for Dispenser Labeling Purposes when it is sold
2 as diesel fuel.

3 (Added 2008)

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

6 (Added 20XX)

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

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

11 (Amended 2012)

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

15 2.XX.8.3. Retail Dispenser Labeling.

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

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

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

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

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

23 2.XX.8.4. Street Sign Prices and Advertisements.

24 (a) The unit price must be in terms of price per kilogram in whole cents (e.g., \$3.49 per kg, not
25 \$3.499 per kg).

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

28 (Added 2010)

29 2.XX.9. Oil.

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

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

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

4 (Note added 2014)

5 (Amended 2014)

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

10 (Amended 2014)

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

21 (Amended 2014)

22 2.XX.9.1.3.1. Vehicle or Engine Manufacturer Standard. – 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 vehicle engine (motor) oil dispensed from
25 a receptacle, dispenser, or storage tank shall identify the specific vehicle or engine
26 manufacturer standard, or standards, met in letters not less than 3.18 mm (1/8 in) in height. If
27 the vehicle (motor) oil only meets a vehicle or engine manufacturer standard, the label must
28 clearly identify that the oil is only intended for use where specifically recommended by the
29 vehicle or engine manufacturer.

30 (Added 2014)

31 2.XX.9.1.3.2. Inactive or Obsolete Service Categories. – The label on any vehicle engine
32 (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 a plainly visible cautionary statement
35 in compliance with the latest version of SAE J183, Appendix A, whenever the vehicle engine
36 (motor) oil in the container or in bulk does not meet an active API service category as defined
37 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification
38 (Other than “Energy Conserving”).” If a vehicle engine(motor) oil is identified as only
39 meeting a vehicle or engine manufacturer standard, the labeling requirements in Section
40 2.XX.9.1.3.1. Vehicle or Engine Manufacturer Standard applies.

41 (Amended 2014)

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

46 (Amended 2013 and 2014)

47 2.XX.9.1.5. Documentation. – When the engine (motor) oil is sold in bulk, an invoice, bill of lading,
48 shipping paper, or other documentation must accompany each delivery. This document must

1 identify the quantity of bulk engine (motor) oil delivered as defined in Sections 2.XX.9.1.1.
2 Viscosity; 2.XX.9.1.2. Brand; 2.XX.9.1.3. Engine Service Category; the name and address of the
3 seller and buyer; and the date and time of the sale. For inactive or obsolete service categories, the
4 documentation shall also bear a plainly visible cautionary statement as required in Section
5 2.XX.9.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the
6 retail establishment for a period of not less than one year.

7 (Added 2013) (Amended 2014)

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

10 (Added 20XX)

11 (Added 2012) (Amended 2013 and 2014)

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

13 2.XX.10.1. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (Added 2013)

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

6 2.XX.11.1. Definition.

7 2.XX.11.1.1. Diesel Exhaust Fluid (DEF). – A preparation of aqueous urea [(NH₂)₂CO],
8 containing 32.5 % by mass of technically-pure urea in high-purity water with quality
9 characteristics defined by the latest version of ISO 22241, “Diesel engines - NO_x reduction agent
10 AUS 32.”

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

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

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

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

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

34 Effective date shall be January 1, 2016.

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

37 (Added 20XX)

38 (Added 2014)

39 2.XX.12. Transmission Fluid.

40 2.XX.12.1. Products for Use in Lubricating Transmissions. – Transmission fluids shall meet the
41 original equipment manufacturer’s requirements for those transmissions or have demonstrated
42 performance claims to be suitable for use in those transmissions. Where a fluid can be licensed against
43 an original equipment manufacturer’s specification, evidence of current licensing by the marketer is

1 acceptable documentation of performance against the specification. In the absence of a license from
2 the original equipment manufacturer, adherence to the original equipment manufacturer's
3 recommended requirements shall be assessed after testing per relevant methods available to the
4 lubricants industry and the state regulatory agency. Suitability for use claims shall be based upon
5 appropriate field, bench, and/or transmission rig testing. Any manufacturer of a transmission fluid
6 making suitable-for-use claims shall provide, upon request by a duly authorized representative of the
7 Director, credible documentation of such claims. If the product performance claims published by a
8 blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation
9 of the claims may be in confidence by a duly authorized representative of the Director. Supporting
10 data may be supplied directly to the Director's office by the additive supplier(s).

11 (Added 2017)

12 2.XX.12.1.1. Conformance. – Conformance of a fluid per Section 2.XX.12.1. Products for Use in
13 Lubricating Transmissions does not absolve the obligations of a fluid licensee with respect to the
14 licensing original equipment manufacturer or the original equipment manufacturer's licensing
15 agent(s), where relevant.

16 (Added 2017)

17 2.XX.12.1.2. Transmission Fluid Additives. – Any material offered for sale or sold as an additive
18 to transmission fluids shall be compatible with the transmission fluid to which it is added, and
19 shall meet all performance claims as stated on the label or published on any website referenced by
20 the label. Any manufacturer of any such product sold in this state shall provide, upon request by
21 a duly authorized representative of the Director, documentation of any claims made on their
22 product label or published on any website referenced by the label.

23 (Added 2017)

24 2.XX.12.2. Labeling and Identification of Transmission Fluid. – Transmission fluid shall be labeled or
25 identified as described below.

26 (Added 2017)

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

31 (a) the brand name;

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

33 (c) the words "Transmission Fluid," which may be incorporated into a more specific
34 description of transmission type such as "Automatic Transmission Fluid" or
35 "Continuously Variable Transmission Fluid";

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

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

42 (Added 2017)

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

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

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

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

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

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

14 **(Added 2017)**

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

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

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

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

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

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

28 **(Added 2017)**

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

32 **(Added 2017)**

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

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

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

1 (Added 2017)

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

10 (Added 2017)

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

13 (Added 20XX)

14 (Added 2017)

15 2.XX.13. Tractor Hydraulic Fluid.

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

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

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

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

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

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

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

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

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

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

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

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**
32 **or axles is possible when using 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.**

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

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

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

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

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

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

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

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

- 22 **(a) the brand name;**

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

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

34 **(Added 2019)**

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

37 **(Added 20XX)**

38 **Regional Association Comments:**

39 **WWMA 2019 Annual Meeting:** Mr. Tim Elliott (WA, submitter) provided a presentation. The current handbook
40 language does not cause harm to any States and the Committee does not see a need to change the existing handbook

1 language. If the language was adopted as proposed it would have unintended consequences. The Committee is
2 recommending this item be Withdrawn.

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

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

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

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

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

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

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

18 CWMA 2019 Interim Meeting: Mr. Chuck Corr (CC Consulting), representing himself due to previous activity with
19 the Conference gave a presentation regarding this item. Mr. Corr provided a history and purpose for this item, which
20 is to improve the organization of NIST Handbook 130 to make it more user friendly. He encouraged comments during
21 open hearings so they could be reflected in the regional report. Mr. Charlie Stutesman (KS) commented that he
22 believes it is appropriate to have fuel regulation in its own section. He suggests incorporating references from one
23 section to another. The committee believes the item is still being developed and should continue with an Assigned
24 status.

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

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

28 B2: MOS-20.1 V Section 2.39. Tractor Hydraulic Fluid
29 B2: FLR-20.1 V Sections 1.31. Hydraulic Fluid, 2.22. Products for Use in Lubricating Tractors and 3.17.
30 Tractor Hydraulic Fluid

31 **Source:**
32 Independent Lubricant Manufacturers Association (ILMA)

33 **Purpose:**
34 Amend recently adopted NIST Handbook 130 provisions on tractor hydraulic fluids to include specification being
35 developed by ASTM. Improve labeling for required cautionary statement, and distinguish hydraulic fluids not
36 intended for use in tractor central sump.

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

38 **Item Under Consideration:**
39 Amend NIST Handbook 130, Uniform Regulation for the Method of Sale of Commodities as follows.

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

17 **2.39.1.1. Conformance.** – Conformance of a fluid per Section 2.39.1. Products for Use in Lubricating
18 Tractors does not absolve the obligations of a fluid licensee with respect to the licensing original equipment
19 manufacturer or the original equipment manufacturer’s licensing agent(s), where relevant.

20 **2.39.1.2. Tractor Hydraulic Fluid Additives.** – Any material offered for sale or sold as an additive to
21 tractor hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it is added and shall meet
22 all performance claims as stated on the label or published on any website referenced by the label. Any
23 manufacturer of any such product sold shall provide, upon request by a duly authorized representative of the
24 Director, documentation of any claims made on their product label or published on any website referenced
25 by the label.

26 **2.39.2. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluids shall be labeled or
27 identified as described below.

28 **2.39.2.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any
29 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
30 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid
31 shall be labeled with the following:

- 32 (g) the brand name;
- 33 (h) the name and place of business of the manufacturer, packer, seller, or distributor;
- 34 (i) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for
35 Agricultural Applications” or “Universal Tractor Transmission Oil”;
- 36 (j) the primary claim or claims met by the fluid and reference to where any supplemental claims may
37 be viewed (e.g., website reference). Performance claims are those set by original
38 equipment manufacturers;
- 39 (k) any obsolete equipment manufacturer specifications should be clearly identified as
40 “obsolete” and accompanied by the following warning on the front package label in
41 **conspicuous and** clearly legible font size and color **in accordance with 16 CFR.**
42 **1500.121(c)(2)(i) and (ii):**

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
3 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-; **and**

- 6 (l) 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 the
8 manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation
9 with the information listed below:

- 10 (g) the brand name;

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

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

- 14 (j) 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 (k) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete”
18 and accompanied by the following warning on the front package label in **conspicuous and**
19 **clearly** legible font 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 axles is
22 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-; **and**

- 25 (l) 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 below:

- 28 (g) the brand name;

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

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

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

- 35 (k) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
36 accompanied by the following warning on the front package label in **conspicuous and** clearly
37 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 (l) an accurate statement of the quantity of the contents in terms of liquid measure.

7 **2.39.2.4. Bulk Delivery** – When the tractor hydraulic fluid is sold in bulk, an invoice, bill of lading, shipping
8 paper, or other documentation must accompany each delivery. This document must identify the fluid as
9 defined in Section 2.39.2.2. Identification on Documentation.

10 **2.39.2.5. Storage Tank Labeling.** – Each storage tank of tractor hydraulic fluid shall be labeled with the
11 following:

12 (c) the brand name; **and**

13 (d) the primary performance claim or claims met by the fluid or reference to where these claims may
14 be viewed (for example, website reference). Performance claims are those set by original
15 equipment manufacturers.

16 **2.39.3. Documentation of Claims Made Upon Product Label.** – Any manufacturer, packer, or distributor of
17 any product subject to this article and sold shall provide, upon request of duly authorized representatives of the
18 Director, credible documentation of any claim made upon their product label, including claims made on any
19 website referenced by said label. If the product performance claims published by a blender and/or marketer are
20 based on the claim(s) of one or more additive suppliers, documentation of the claims shall be provided upon
21 request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied
22 directly to the Director's office by the additive supplier(s).

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

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

26 **Item Under Consideration:**

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

28 **1.31. Hydraulic Fluid.** – A product intended for use in multiple applications with a dedicated hydraulic system and
29 sump. Such fluids cannot be used in tractors. **A person shall not represent a hydraulic fluid in any manner that**
30 **may deceive or tend to deceive the purchaser as to suitability for the use of the product as a Tractor Hydraulic**
31 **Fluid.** See Tractor Hydraulic Fluid for reference.

32 **2.22. Products for Use in Lubricating Tractors.** – Tractor hydraulic fluids shall meet at least one current and/or
33 verifiable original equipment manufacturer's specifications for respective tractors. A specification is deemed
34 verifiable if all necessary bench and laboratory tests are available to verify the fluid's ability to pass those requirements
35 set out by the original equipment manufacturer. A list of current and verifiable **original equipment manufacturer's**
36 **specifications** is located on the NCWM website (**www.ncwm.com**). Where a fluid can be licensed against an original
37 equipment manufacturer's specification, evidence of current licensing by the marketer is acceptable documentation of
38 performance against the specification. In the absence of a license from the original equipment manufacturer,
39 adherence to the original equipment manufacturer's specifications shall be assessed after testing per relevant methods
40 available to the lubricants industry and the regulatory agency. Suitability for use claims shall be based upon
41 appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable for use
42 claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such
43 claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or

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

4 **2.22.1. Conformance.** – Conformance of a fluid per Section 2.22. Products for Use in Lubricating Tractors does
5 not absolve the obligations of a fluid licensee with respect to the licensing original equipment manufacturer or
6 the original equipment manufacturer’s licensing agent(s), where relevant.

7 **2.22.2. Tractor Hydraulic Fluid Additives.** – Any material offered for sale or sold as an additive to tractor
8 hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it is added and shall meet all
9 performance claims as stated on the label or published on any website referenced by the label. Any manufacturer
10 of any such product sold shall provide, upon request by a duly authorized representative of the Director,
11 documentation of any claims made on their product label or published on any website referenced by the label.

12 (Added 2019) (~~Amended 202X~~)

13 **3.17. Tractor Hydraulic Fluid**

14 **3.17.1. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluid shall be labeled or
15 identified as described below

16 **3.17.1.1. Container Labeling** – The label on a container of tractor hydraulic fluid shall not contain any
17 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
18 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid
19 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 “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for
23 Agricultural Applications” or “Universal Tractor Transmission Oil”;
- 24 (d) the primary performance claim or claims met by the fluid and reference to where any supplemental
25 claims may be viewed (e.g., website reference). Performance claims are those set by original
26 equipment manufacturers;
- 27 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
28 accompanied by the following warning on the front package label in **conspicuous and** clearly
29 legible font size and color **in accordance with 16 C.F.R. §1500.121(c)(2)(i) and (ii)**:

30 **Caution:** Some specifications are no longer deemed active by the original equipment manufacturer.
31 Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when
32 using in applications in which it was 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 **3.17.1.2. 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 with
38 the information listed below:

- 39 (a) the brand name;

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

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 in applications in which it is not intended.

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

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

16 **3.17.1.3. Identification on Service Provider Documentation.** – Tractor hydraulic fluid installed from a
17 bulk tank at time of service shall be identified on the customer invoice with the information listed below:

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

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

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

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

34 **3.17.1.4. Bulk Delivery.** – When the tractor hydraulic fluid is sold in bulk, an invoice, bill of lading, shipping
35 paper, or other documentation must accompany each delivery. This document must identify the fluid as
36 defined in Section 3.17.1.1. Container Labeling.

37 **3.17.1.5. Storage Tank Labeling.** – Each storage tank of tractor hydraulic fluid shall be labeled with the
38 following:

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

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

5 **3.17.1.6. Documentation of Claims Made Upon Product Label.** – Any manufacturer, packer, or distributor
6 of any product subject to this article and sold shall provide, upon request of duly authorized representatives
7 of the Director, credible documentation of any claim made upon their product label, including claims made
8 on any website referenced by said label. If the product performance claims published by blender and/or
9 marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be
10 provided upon request to a duly authorized representative of the Director. Supporting data shall, upon
11 request, be supplied directly to the Director’s office by the additive supplier(s).

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

13 **Background/Discussion:**

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

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

21 At the 2020 NCWM Interim Meeting, the Committee received modified language from the submitter (dated January
22 21, 2020). Mr. Matthew Leveton (ILMA) requested the language modification for the “cautionary statement” be
23 moved forward as a Voting item. Mr. Leveton remarked that farmers are going back to older tractors. Ms. Joy Black
24 (Lubrizol) agreed with Mr. Leveton on this change. Ms. Black requested that there not be a placeholder that includes
25 the words “ASTM specification” within the proposal. Mr. Scott Fenwick, (NBB and Chair of ASTM D2 Committee)
26 remarked that it would be awhile for ASTM subcommittee C. to develop a standard. Two regulators remarked that
27 the proposal as written was not fully developed. During L&R Committee work session the Committee struck the
28 words “ASTM specification” throughout the proposal and moved Block 2 forward as a Voting Item.

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

30 **2.39. Tractor Hydraulic Fluid.**

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

1 ...

2 **2.39.2. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluids shall be labeled or
3 identified as described below.

4 **2.39.2.1. 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 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
9 accompanied by the following warning on the front package label in clearly legible font size and color
10 **and in a manner reasonably calculated to draw the purchaser’s attention to such warning:**

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

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

17 ...

18 **2.39.2.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
19 manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation
20 with the information listed below:

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

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

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

31 ...

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

35 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and
36 accompanied by the following warning on the **customer invoice or other documentation front**
37 **package label** in clearly legible font size and color **and in a manner reasonably calculated to draw**
38 **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.

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

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

Item Under Consideration:

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

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 **or a specifications, standard or code of practice issued by a nationally-recognized association** 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 specifications **and specification, standard or code of practice** 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 recommended requirements 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).

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.

3.7.1.1. 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:

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

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.

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

4 ...

5 **3.17.1.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
6 manufacturer, packer, seller or distributor invoice, bill of lading, shipping paper, or other documentation with
7 the information listed below:

8 ...

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

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

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

19 ...

20 **3.17.1.5. Storage Tank Labeling.** – Each storage tank of tractor hydraulic fluid shall be labeled with the
21 following:

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

28 **Regional Association Comments:**

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

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

41 NEWMA 2019 Interim Meeting: Mr. Jeff Leiter (ILMA) commented that ILMA suggested these amendments to the
42 same section of the NIST Handbook 130 which was adopted in July 2019, but ultimately opted to submit this cycle to

1 avoid any delay to implement proposed changes that came out of the 2019 Interim Meeting. Mr. Leiter said there has
 2 been work by the submitter on this item throughout the summer. The Committee suggested that the region consider
 3 the item as developing and request that the submitter have final language ready for further consideration at the 2020
 4 NCWM Interim Meeting. The Committee also agreed with suggested revisions from both the WWMA and SWMA
 5 and believes it should continue to move forward by the developer to finalize language.

6 CWMA 2019 Interim Meeting: Mr. Ron Hayes (MO) read an email from Mr. Jeff Leiter (ILMA) with comments on
 7 what ILMA is hoping to accomplish with this item. Mr. Hayes does not support the item as it appears on the CWMA
 8 agenda. Mr. Hayes believes the term “national recognized association” is ambiguous and would lead to unintended
 9 consequences in the marketplace. He believes the item needs further development. Mr. Charlie Stutesman (KS)
 10 commented that he concurs with Mr. Hayes. Mr. Stutesman also questions what a code of practice is for tractor
 11 hydraulic fluid. He has concerns about the warning label terminology and believes the language is vague and needs
 12 more specifics. He believes the item should be withdrawn because the entire proposal is poorly constructed. Mr.
 13 Hayes further questions whether there should be specific font sizes stipulated for various sizes of containers. Mr.
 14 Hayes also suggests that an obsolete fluid should not have a label indicating that it is tractor hydraulic fluid when it is
 15 neither a hydraulic fluid nor has it ever been formulated for a tractor. The committee recommends this item be
 16 withdrawn.

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

19 **ITEM BLOCK 3 (B3) FUELS & AUTOMOTIVE LUBRICANTS INSPECTION**
 20 **LAW, SECTION 8. PROHIBITED ACTS. METHOD OF SALE, SECTION**
 21 **2.33. OIL. FUELS & AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE**
 22 **(MOTOR OIL), 3.13. OIL, AND 7.2. REPRODUCIBILITY LIMITS**

23 B3: FLL-18.1 V Section 8. Prohibited Acts

24 B3: MOS-18.1 V Section 2.33. Oil

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

26 **Source:**

27 Independent Lubricant Manufacturers Association (ILMA)

28 **Purpose:**

29 Provide information to protect consumers from purchasing obsolete motor oils that can harm modern engines.

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

31 **Item Under Consideration:**

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

34 **Section 8. Prohibited Acts**

35 It shall be unlawful to:

36 **8.6. Misrepresent automotive lubricants with an SAE. (SAE International) viscosity grade or performance categories**
 37 **as provided in the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification**
 38 **(other than “Energy Conserving”) API 1509 “Engine Oil Licensing and Certification System,” European**
 39 **Automobile Manufacturer Standards (ACEA), “European Oil Sequences,” or other “Vehicle or Engine**
 40 **Manufacturer Standards” as applicable, (~~American Petroleum Institute~~) service classification other than those**
 41 **specified by to the intended purchaser.**

42 (Added 1996) (Amended 20XX)

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

2 **Item Under Consideration:**

3 Amend NIST Handbook 130, Uniform Method of Sale of Commodities Regulation as follows:

4 **2.33. Oil.**

5 **2.33.1. Labeling of Vehicle Engine (Motor) Oil.** – Vehicle engine (motor) oil shall be labeled.

6 **2.33.1.1. Viscosity.** –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage
7 tank, and any invoice or receipt from service on an engine that includes the installation of vehicle engine
8 (motor) oil dispensed from a receptacle, dispenser, or storage tank, shall contain the viscosity grade
9 classification preceded by the letters “SAE” in accordance with SAE International’s latest version of
10 SAE J300, “Engine Oil Viscosity Classification.”

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

14 (Note added 2014)

15 (Amended 2014)

16 **2.33.1.2. Brand.** –The label on any vehicle engine (motor) oil container and the invoice or receipt from
17 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a
18 receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle
19 engine (motor) oil.

20 (Amended 2014)

21 **2.33.1.3. Engine Service Category.** –The label on any vehicle engine (motor) oil container, receptacle,
22 dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation
23 of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the
24 engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined
25 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than
26 “Energy Conserving”),” API Publication 1509, “Engine Oil Licensing and Certification System,” European
27 Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other Vehicle or Engine
28 Manufacturer standards as approved in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard.

29 (Amended 2014)

30 **2.33.1.3.1. Vehicle or Engine Manufacturer Standard.** –The label on any vehicle engine (motor) oil
31 container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine
32 that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or
33 storage tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in
34 letters not less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine
35 manufacturer standard, the label must clearly identify that the oil is only intended for use where
36 specifically recommended by the vehicle or engine manufacturer.

37 (Added 2014)

38 **2.33.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil~~
39 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an~~
40 ~~engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle,~~
41 ~~dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with~~
42 ~~the latest version of SAE J183, Appendix A, Whenever the any vehicle engine (motor) oil in the a~~
43 ~~container, receptacle, dispenser, storage tank, or in bulk does not meet an active API service category~~
44 ~~as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service~~
45 ~~Classification (Other than “Energy Conserving”).”~~ the front or forward facing-label of such 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 the plainly-visible, cautionary statement set forth in the latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil is declared obsolete by a vehicle or engine manufacturer, the front or forward-facing label of such 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 the plainly-visible, cautionary statement required by the vehicle or engine manufacturer. 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 and 20XX)

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. In lieu of such display requirements, the documentation defined in Section 2.33.1.5. Documentation shall be readily available for inspection.

(Amended 2013, and 2014 and 20XX)

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

(Added 2013) (Amended 2014 and 20XX)

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

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

Item Under Consideration:

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

Section 2. Standard Specification

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

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

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

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

(Added 2004) (Amended 2014 and 20XX)

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

2 **3.13. Oil.**

3 **3.13.1. Labeling of Vehicle Engine (Motor) Oil Required.**

4 **3.13.1.1. Viscosity.** –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage
5 tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine
6 (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the viscosity grade
7 classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of
8 SAE J300, “Engine Oil Viscosity Classification.”
9 (Amended 2012 and 2014)

10 **3.13.1.2. Brand.** –The label on any vehicle engine (motor) oil container and the invoice or receipt from
11 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a
12 receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle
13 engine (motor) oil.
14 (Added 2012 and 2014)

15 **3.13.1.3. Engine Service Category.** –The label on any vehicle engine (motor) oil container, receptacle,
16 dispenser or storage tank and the invoice or receipt from service on an engine that includes the installation
17 of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the
18 engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined
19 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than
20 “Energy Conserving”)” API Publication 1509, “Engine Oil Licensing and Certification System,” European
21 Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other “Vehicle or Engine
22 Manufacturer Standards” as provided in Section 3.13.1.3.1.
23 (Amended 2012 and 2014)

24 **3.13.1.3.1. Vehicle or Engine Manufacturer Standard.** –The label on any vehicle engine (motor) oil
25 container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that
26 includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage
27 tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in letters not
28 less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine manufacturer
29 standard, the label must clearly identify that the oil is only intended for use where specifically
30 recommended by the vehicle or engine manufacturer.
31 (Added 2014)

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

1 **a receptacle, dispenser, or storage tank shall bear the plainly-visible cautionary statement**
2 **required by the vehicle or engine manufacturer.**

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

4 **3.13.1.4. Tank Trucks or Rail Cars.** Tank trucks, rail cars, and types of delivery trucks that are used to
5 deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service
6 category or categories on such tank trucks, rail cars, and other types of delivery trucks. **In lieu of such**
7 **display requirements the documentation defined in Section 3.13.1.5. Documentation shall be readily**
8 **available for inspection.**

9 (Added 2012) (Amend 2013, ~~and~~ 2014 **and 20XX**)

10 **3.13.1.5. Documentation.** – When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping
11 paper, or other documentation must accompany each delivery. This document must identify the quantity of
12 bulk engine (motor) oil delivered as defined in Sections 3.13.1.1. Viscosity, **grade as defined by the latest**
13 **version of SAE J300 “Engine Oil Viscosity Classification”**; 3.13.1.2. Brand; 3.13.1.3. Engine Service
14 Category; the name and address of the seller and buyer; and the date and time of the sale. For inactive or
15 obsolete service categories, the documentation shall also bear a plainly visible cautionary statement as
16 required in Section 3.13.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at
17 the retail establishment for a period of not less than one year.

18 (Added 2013) (Amended 2014)

19 (Amended 2012, 2013, and 2014)

20 **3.13.2. Labeling of Recreational Motor Oil.**

21 **3.13.2.1. Viscosity.** The label on each container of recreational motor oil shall contain the viscosity grade
22 classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of
23 SAE J300, “Engine Oil Viscosity Classification.”

24 **3.13.2.2. Intended Use.** –The label on each container of recreational motor oil shall contain a statement of
25 its intended use in accordance with the latest version of SAE J300, “Engine Oil Viscosity Classification.”

26 **3.13.3. Labeling of Gear Oil.**

27 **3.13.3.1. Viscosity.** –The label on each container of gear oil shall contain the viscosity grade classification
28 preceded by the letters “SAE” in accordance with the SAE International’s latest version of SAE J306,
29 “Automotive Gear Lubricant Viscosity Classification” or SAE J300, “Engine Oil Viscosity Classification.”

30 **3.13.3.1.1. Exception.** –Some automotive equipment manufacturers may not specify an SAE viscosity
31 grade requirement for some applications. Gear oils intended to be used only in such applications are not
32 required to contain an SAE viscosity grade on their labels.

33 **3.13.3.2. Service Category.** –The label on each container of gear oil shall contain the service category, or
34 categories, in letters not less than 3.18 mm ($\frac{1}{8}$ in) in height, as defined by the latest version of SAE J308,
35 “Axle and Manual Transmission Lubricants.”

36 (Added 2004)

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

2 **7.2. Reproducibility Limits.**

3 **7.2.1. AKI Limits.** – When determining the antiknock index acceptance or rejection of a gasoline sample, the
4 AKI reproducibility limits as outlined in the latest version of ASTM D4814, “Standard Specification for
5 Automotive Spark-Ignition Engine Fuel,” Appendix X1 shall be acknowledged for enforcement purposes.

6 **7.2.2. Reproducibility.** – The reproducibility limits of the standard test method used for each test performed
7 shall be acknowledged for enforcement purposes, except as indicated in Section 2.2.1. Premium Diesel Fuel and
8 Section 7.2.1. AKI Limits. No allowance shall be made for the precision of the test methods for aviation gasoline
9 or aviation turbine fuels.

10 (Amended 2008)

11 **7.2.3. SAE Viscosity Grades for Engine Oils.** – ~~All values are critical specifications as defined in the latest~~
12 ~~version of ASTM D3244, “Standard Practice for Utilization of Test Data to Determine Conformance with~~
13 ~~Specifications.” The product shall be considered to be in conformance if the Assigned Test Value (ATV)~~
14 ~~is within the specification. With the exception of the low-temperature cranking viscosity, all values~~
15 ~~required to define SAE Viscosity Grades, as defined in the latest version of SAE J300, “Engine Oil Viscosity~~
16 ~~Classification”, are critical specifications as defined by the latest version of ASTM D3244, “Standard~~
17 ~~Practice for Utilization of Test Data to Determine Conformance with Specifications”.~~

18 (Added 2008) (Amended 20XX)

19 **7.2.4. Dispute Resolution.** – In the event of a dispute over a reported test value, the guidelines presented in the
20 latest version of ASTM D3244, “Standard Practice for Utilization of Test Data to Determine Conformance with
21 Specifications,” shall be used to determine the acceptance or rejection of the sample.

22 **7.2.5. Additional Enforcement Action.** – The Director may initiate enforcement action in the event that, based
23 upon a statistically significant number of samples, the average test result for products sampled from the same
24 source location is greater than the legal maximum or less than the legal minimum limits (specification value),
25 posted values, certified values, or registered values.

26 (Added 2008) (Amended 2018)

27 **Background/Discussion:**

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

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

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

40 At the 2019 NCWM Interim Meeting comments were heard from members of FALS stating that the level of discussion
41 desired was not had regarding this item due to the absence of the submitter at the FALS meeting that was held Sunday,
42 January 13, 2019. There were several comments regarding the term “modern” not being defined in the cautionary
43 statements. Several stakeholders and regulators feel these items need further review and clarification. A Kansas

1 regulator stated that the caution statement is incorrect and should be modified because it is oil being sold, not an
2 engine. After consideration the committee recommends this item remain Assigned to FALS.

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

6 Prior to the 2020 NCWM Interim Meeting, the submitter provided an updated proposal dated January 18,
7 2020. During the FALS meeting they recommended changes to Item FLL-18.1 Section 8, Prohibited Acts. The
8 change to FLL-18.1 was presented by Mr. Striejewski (FALS Chair) on the screen for memberships review during
9 open hearing and posted January 27, 2020. FALS believes the language is fully developed and sent it back to the
10 L&R Committee.

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

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

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

22 Section 8. Prohibited Acts

23 It shall be unlawful to:

24 **8.6.** Misrepresent automotive lubricants with an S.A.E. (Society of Automotive Engineers) viscosity grade or API
25 (American Petroleum Institute) service classification other than those **specified** by the intended purchaser.

26 (Added 1996) (Amended 20XX)

27 Regional Association Comments:

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

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

33 **2.33.1.3.2. Inactive or Obsolete Service Categories. ~~The label on any vehicle engine (motor) oil~~**
34 **~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine~~**
35 **~~that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser,~~**
36 **~~or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version~~**
37 **~~of SAE J183, 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 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~~**

1 manufacturer, the front or forward-facing label of such vehicle engine (motor) oil container,
2 receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes
3 the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage
4 tank shall bear the plainly-visible, cautionary statement required by the vehicle or engine
5 manufacturer. If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine
6 manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine
7 Manufacturer Standard applies.

8 (Amended 2014 and 20XX)

9 **3.13.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil~~
10 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine~~
11 ~~that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or~~
12 ~~storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of~~
13 ~~SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy~~
14 ~~Conserving”)” Appendix A, Whenever the any vehicle engine (motor) oil in the a container receptacle,
15 dispenser, storage tank or in bulk does not meet an active API service category as defined by the latest
16 version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy
17 Conserving”),” the front or forward-facing label If a of such vehicle engine (motor) oil container,
18 receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes
19 the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser or storage
20 tank shall bear the plainly-visible cautionary statement set forth in the latest version of SAE J183,
21 Appendix A. Whenever any vehicle engine (motor) oil is declared obsolete by a vehicle or engine
22 manufacturer, the front of forward-facing label of such vehicle engine (motor) oil container, receptacle,
23 dispenser or storage tank and the invoice or receipt from service on an engine that includes the
24 installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank
25 shall bear the plainly-visible cautionary statement required by the vehicle or engine manufacturer.~~

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

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

28 It was noted within background information in the report that the submitter did not address the concern with Section
29 8.6. as to why the term “specified” is being stricken. In addition, the sentence is not complete and the Committee
30 questions “what is the meaning of the sentence, it appears to place the burden on the purchaser?” The Committee
31 recognizes this is a preexisting regulation but would like it addressed by FALS.

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

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

37 **2.14. Engine (Motor) Oil.** – Shall not be sold or distributed for use unless the product conforms to the following
38 specifications:

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

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

1 (c) the product shall meet its labeled viscosity grade specification as specified in the latest version of
2 SAE J300, “Engine Oil Viscosity Classification.”
3 (Added 2004) (Amended 2014 **and 20XX**)

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

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

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

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

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

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

15 The Committee recommends the following amendment:

16 **Section 8. Prohibited Act**

17 It shall be unlawful to:

18 **8.6. Misrepresent** automotive lubricants with an S.A.E. (Society of Automotive Engineers) viscosity grade or API
19 (American Petroleum Institute) service classification ~~other than those specified by~~ to the intended purchaser/
20 **consumer.**

21 (Added 1996) (**Amended 20XX**)

22 CWMA 2019 Interim Meeting: L&R Chairman Mr. Musick (KS) commented that there is confusion in the numbering
23 of this item, and the table of contents reference is accurate. Mr. Musick also reviewed changes submitted changes
24 from Mr. Leiter’s which mirrored proposed changes from the 2019 NEWMA regional meeting. Mr. Ron Hayes (MO)
25 commented that there are too many obsolete oils in the marketplace, and we need to do all we can to provide consumers
26 with some protection in this area. Mr. Hayes suggested to double-check the language to be sure it is uniform between
27 sections of the handbook. Mr. Charlie Stutesman (KS) commented that he has been frustrated with how much the
28 language for this item changes before each time we meet at both the regional and national levels, and it is very hard
29 to take a position when there is constant change.

30 The Committee recommends this item has been fully vetted through each region and is ready for voting status as
31 amended below. The version listed below was received October 21 by Mr. Doug Musick:

1 **Uniform Method of Sale Regulation**

2 **2.14. Engine (Motor) Oil.** – Shall not be sold or distributed for use unless the product conforms to the following
3 specifications:

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

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

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

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

15 Note: the above language was in ILMA’s proposal but was inadvertently omitted by NCWM/NIST because it had not
16 been modified.

17 **2.33. Oil.**

18 **2.33.1. Labeling of Vehicle Engine (Motor) Oil.** – Vehicle engine (motor) oil shall be labeled.

19 **2.33.1.1. Viscosity.** – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage
20 tank, and any invoice or receipt from service on an engine that includes the installation of vehicle engine
21 (motor) oil dispensed from a receptacle, dispenser, or storage tank, shall contain the viscosity grade
22 classification preceded by the letters “SAE” in accordance with SAE International’s latest version of
23 SAE J300, “Engine Oil Viscosity Classification.”

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

27 (Note added 2014)

28 (Amended 2014)

29 **2.33.1.2. Brand.** – The label on any vehicle engine (motor) oil container and the invoice or receipt from
30 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a
31 receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle
32 engine (motor) oil.

33 (Amended 2014)

34 **2.33.1.3. Engine Service Category.** – The label on any vehicle engine (motor) oil container, receptacle,
35 dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation
36 of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the
37 engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined
38 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than
39 “Energy Conserving”),” API Publication 1509, “Engine Oil Licensing and Certification System,” European
40 Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other Vehicle or Engine
41 Manufacturer standards as approved in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard.

42 (Amended 2014)

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

8 (Added 2014)

9 **2.33.1.3.2. Inactive or Obsolete Service Categories.** —~~The label on any vehicle engine (motor) oil~~
 10 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an~~
 11 ~~engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle,~~
 12 ~~dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with~~
 13 ~~the latest version of SAE J183, Appendix A, whenever the vehicle engine (motor) oil in the~~
 14 ~~container or in bulk does not meet an active API service category as defined by the latest version~~
 15 ~~of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy~~
 16 ~~Conserving”).” If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine~~
 17 ~~manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine~~
 18 ~~Manufacturer Standard applies. —Whenever any vehicle engine (motor) oil in a container,~~
 19 ~~receptacle, dispenser, storage tank or in bulk does not meet an active API service category as~~
 20 ~~listed in the latest version of SAE J183, “Engine Oil Performance and Engine Service~~
 21 ~~Classification (Other than “Energy Conserving”),” the front or forward-facing label of such~~
 22 ~~vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or~~
 23 ~~receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil~~
 24 ~~dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary~~
 25 ~~statement set forth in Appendix A of the latest version of SAE J183. Whenever any vehicle engine~~
 26 ~~(motor) oil is declared obsolete by a vehicle or engine manufacturer, the front or forward-facing~~
 27 ~~label of such vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the~~
 28 ~~invoice or receipt from service on an engine that includes the installation of bulk vehicle engine~~
 29 ~~(motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible,~~
 30 ~~cautionary statement required by the vehicle or engine manufacturer.~~

31 (Amended 2014 and 20XX)

32 **2.33.1.4. Tank Trucks or Rail Cars.** Tank trucks, rail cars, and other types of delivery trucks that are used
 33 to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service
 34 category or categories on such tank trucks, rail cars, and other types of delivery trucks. In lieu of such
 35 display requirements, the documentation defined in 2.33.1.5 shall be readily available for inspection.

36 (Amended 2013 ~~and~~ 2014 and 20XX)

37 **2.33.1.5. Documentation.** –When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping
 38 paper, or other documentation must accompany each delivery. This document must identify the quantity of
 39 bulk engine (motor) oil delivered as defined in Sections 2.33.1.1. Viscosity; grade as defined by SAE J300
 40 “Engine Oil Viscosity Classification,” 2.33.1.2. Brand, 2.33.1.3. Engine Service Category; the name and
 41 address of the seller and buyer; and, the date and time of the sale. For inactive or obsolete service categories,
 42 the documentation shall also bear the a plainly visible cautionary statements as required in Section 2.33.1.3.2.
 43 Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a
 44 period of not less than one year.

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

46 (Added 2012) (Amended 2013 ~~and~~ 2014 and 20XX)

1 **Uniform Engine Fuels and Automotive Lubricants Inspection Law**

2 **Section 8. Prohibited Acts**

3 It shall be unlawful to:

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

7 (Added 1996) (Amended 20XX)

8 (**Note:** The change from “represent” to “misrepresent” is an editorial change made by NCWM/NIST. The other
9 proposed language change was recommended by NEWMA’s L&R Committee.)

10 **Uniform Fuels and Automotive Lubricants Regulation.**

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

12 **3.13. Oil.**

13 **3.13.1. Labeling of Vehicle Engine (Motor) Oil Required.**

14 **3.13.1.1. Viscosity.** –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage
15 tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine
16 (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the viscosity grade
17 classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of
18 SAE J300, “Engine Oil Viscosity Classification.”

19 (Amended 2012 and 2014)

20 **3.13.1.2. Brand.** –The label on any vehicle engine (motor) oil container and the invoice or receipt from
21 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a
22 receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle
23 engine (motor) oil.

24 (Added 2012 and 2014)

25 **3.13.1.3. Engine Service Category.** –The label on any vehicle engine (motor) oil container, receptacle,
26 dispenser or storage tank and the invoice or receipt from service on an engine that includes the installation
27 of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the
28 engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined
29 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than
30 “Energy Conserving)”” API Publication 1509, “Engine Oil Licensing and Certification System,” European
31 Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other “Vehicle or Engine
32 Manufacturer Standards” as provided in Section 3.13.1.3.1.

33 (Amended 2012 and 2014)

34 **3.13.1.3.1. Vehicle or Engine Manufacturer Standard.** –The label on any vehicle engine (motor) oil
35 container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that
36 includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage
37 tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in letters not
38 less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine manufacturer
39 standard, the label must clearly identify that the oil is only intended for use where specifically
40 recommended by the vehicle or engine manufacturer.

41 (Added 2014)

1 ~~3.13.1.3.2. Inactive or Obsolete Service Categories. –The label on any vehicle engine (motor) oil~~
 2 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an~~
 3 ~~engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle,~~
 4 ~~dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with~~
 5 ~~the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other~~
 6 ~~than “Energy Conserving”)” Appendix A, whenever the vehicle engine (motor) oil in the~~
 7 ~~container or in bulk does not meet an active API service category as defined by the latest version~~
 8 ~~of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy~~
 9 ~~Conserving”).” If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine~~
 10 ~~manufacturer standard, the labeling requirements in Section 3.13.1.3.1. Vehicle or Engine~~
 11 ~~Manufacturer Standard applies. Whenever any vehicle engine (motor) oil in a container,~~
 12 ~~receptacle, dispenser, storage tank or in bulk does not meet an active API service category as~~
 13 ~~listed in the latest version of SAE J183, “Engine Oil Performance and Engine Service~~
 14 ~~Classification (Other than “Energy Conserving”),” the front or forward-facing label of such~~
 15 ~~vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or~~
 16 ~~receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil~~
 17 ~~dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary~~
 18 ~~statement set forth in Appendix A of the latest version of SAE J183. Whenever any vehicle engine~~
 19 ~~(motor) oil is declared obsolete by a vehicle or engine manufacturer, the front or forward-facing~~
 20 ~~label of such vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the~~
 21 ~~invoice or receipt from service on an engine that includes the installation of bulk vehicle engine~~
 22 ~~(motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible,~~
 23 ~~cautionary statement required by the vehicle or engine manufacturer.~~

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

25 **3.13.1.4. Tank Trucks or Rail Cars.** –Tank trucks, rail cars, and types of delivery trucks that are used to
 26 deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service
 27 category or categories on such tank trucks, rail cars, and other types of delivery trucks. In lieu of such
 28 display requirements, the documentation defined in 3.13.1.5. shall be readily available for inspection.

29 (Added 2012) (Amend 2013, ~~and~~ 2014 and 20XX)

30 **3.13.1.5. Documentation.** – When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping
 31 paper, or other documentation must accompany each delivery. This document must identify the quantity of
 32 bulk engine (motor) oil delivered as defined in Sections 3.13.1.1. Viscosity grade as defined by SAE J300
 33 “Engine Oil Viscosity Classification”; 3.13.1.2. Brand; 3.13.1.3. Engine Service Category; the name and
 34 address of the seller and buyer; and the date and time of the sale. For inactive or obsolete service categories,
 35 the documentation shall also bear a plainly visible cautionary statement as required in Section 3.13.1.3.2.
 36 Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a
 37 period of not less than one year.

38 (Added 2013) (Amended 2014)

39 (Amended 2012, 2013, 2014 and 20XX)

40 **3.13.2. Labeling of Recreational Motor Oil.**

41 **3.13.2.1. Viscosity.** The label on each container of recreational motor oil shall contain the viscosity grade
 42 classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of
 43 SAE J300, “Engine Oil Viscosity Classification.”

44 **3.13.2.2. Intended Use.** – The label on each container of recreational motor oil shall contain a statement of
 45 its intended use in accordance with the latest version of SAE J300, “Engine Oil Viscosity Classification.”

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

2 ~~7.2.3. SAE Viscosity Grades for Engine Oils.—All values are critical specifications as defined in the latest~~
3 ~~version of ASTM D3244, “Standard Practice for Utilization of Test Data to Determine Conformance with~~
4 ~~Specifications.” The product shall be considered to be in conformance if the Assigned Test Value (ATV)~~
5 ~~is within the specification. With the exception of the low-temperature cranking viscosity, all values~~
6 ~~required to define SAE Viscosity Grades, as defined in the latest version of standard SAE J300, “Engine~~
7 ~~Oil Viscosity Classification”, are critical specifications as defined by the latest version of ASTM D3244.~~
8 (Added 2008)(Amended 20XX)

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

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

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

15 **Source:**

16 American Petroleum Institute (API)

17 **Purpose:**

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

23 **Item Under Consideration:**

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

25 **2.1. Gasoline and Gasoline-Oxygenate Blends**

26 **2.1.1. Gasoline and Gasoline-Oxygenate Blends** (as defined in this regulation). – Shall meet the latest version
27 of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel” except for the permissible
28 offsets for ethanol blends as provided in Section 2.1.2. Gasoline-Ethanol Blends.

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

31 (Added 2009) (Amended 2018)

32 **2.1.2. Gasoline-Ethanol Blends.** – When gasoline is blended with denatured fuel ethanol, the denatured fuel
33 ethanol shall meet the latest version of ASTM D4806, “Standard Specification for Denatured Fuel Ethanol for
34 Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel,” and the blend shall meet the latest
35 version of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” with the
36 following permissible exceptions:

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

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

2 *NOTE 1: The values shown above appear only in U.S. customary units to ensure that the values are identical to*
 3 *those in ASTM standards and the Environmental Protection Agency regulation.*
 4 (Added 2009) (Amended 2012 and 2016)

5 **Background/Discussion:**

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

10 **Amendments to FLR paragraph 2.1.2.(a)**, specify that the range of ethanol in the gasoline-ethanol blends qualifying
 11 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
 12 and does not require the inspector to access the federal rule to understand the applicable range of the waiver.

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

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

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

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

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

- 24 • EPA provided the following comments in its final rule on the recent E15 1-psi waiver related to Section G,
 25 2.1.2. and 1.23.:
 - 26 ○ “[U.S. EPA] note that for E15 produced at blender pumps using E85 made with natural gas liquids, **use**
 27 **of the deemed to comply provision to demonstrate compliance would not be available.** This is
 28 because the RVP of natural gas liquids can be as high as 15.0 psi and even a small amount of natural gas
 29 liquids could cause the gasoline portion of the blend to not comply with the applicable RVP limitations
 30 established under CAA sec. 211(h), which is required under CAA sec. 211(h)(4)(A) to be deemed in
 31 compliance. Parties that make E15 at a blender pump using **E85 made with previously certified**
 32 **gasoline can take advantage of the ‘deemed to comply’ provision** and associated affirmative defense
 33 at 40 CFR 80.28 if all applicable requirements in 80.28 are met.” (84 FR 27008)
 - 34 ○ (emphasis added)
- 35 • “As discussed in the [U.S. EPA] proposal, E15 made at blender pumps is often made with certified E10 (or
 36 CBOB) and E85 (made with denatured fuel ethanol and uncertified hydrocarbon blendstocks, i.e., natural gas
 37 liquids). While data is limited, we believe that approximately 50 percent of stations offering E15 make E15
 38 in this manner. (84 FR 27010)
- 39 • **40 CFR 80.27(d) Special provisions for alcohol blends.**

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

4 (2) In order to qualify for the special regulatory treatment specified in paragraph (d)(1) of this section,
5 gasoline must contain denatured, anhydrous ethanol. **The concentration of the ethanol, excluding the**
6 **required denaturing agent, must be at least 9% and no more than 15% (by volume) of the gasoline.**
7 The ethanol content of the gasoline shall be determined by the use of one of the testing methodologies
8 specified in § 80.47. The maximum ethanol content shall not exceed any applicable waiver conditions under
9 section 211(f) of the Clean Air Act.

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

13 (emphasis added)

14 • **40 CFR 80.28(g) Defenses.**

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

23 (i) **The gasoline portion of the blend complies with the Reid vapor pressure limitations of §**
24 **80.27(a); and**

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

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

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

42 (emphasis added)

43 On January 17, 2020 Mr. Prentiss Searles (API) submitted modified language for Section 2.1.2.(a). Gasoline-Ethanol
44 Blends. There were over ten letters received in opposition for MOS-20.2. Documentation for Dispenser Labeling

1 Purposes and FLR 20.3. Section 1.23. Ethanol Flex Fuel language. Many were opposed due to its duplication with
2 the EPA compliance program for this subject

3 At the 2020 NCWM Interim Meeting Mr. Searles did provide a presentation and requested from the floor that Section
4 2.1.2.(a) Gasoline -Ethanol Blends be considered as a Voting Item and he volunteered to chair a workgroup to further
5 develop the remaining items. Many rose in support and opposition of this block of items. It was addressed by Ms.
6 Warfield (NIST OWM) that FALS was tasked by the Committee in July 2019 to review the EPA language and its
7 impact on the regulations within the Fuels Regulations within NIST Handbook 130. Mr. Striejewske (FALS Chair)
8 remarked that he has created a focus group but needs additional clarification from the Committee on what specifically
9 they should address.

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

13 **Regional Association Comments:**

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

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

28 (a) The maximum vapor pressure shall not exceed the latest version of ASTM D4814, “Standard
29 Specification for Automotive Spark-Ignition Engine Fuel,” limits by more than 1.0 psi for blends
30 **containing at least 9 and not more than 15 volume percent ethanol** from June 1 through September
31 15 as allowed by EPA per 40 CFR 80.27(d).

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

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

41 **(Added 20XX)**

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

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

45 SWMA 2019 Annual Meeting: The Committee believes there could be misuse of Section 2.1.2(b). Once the sample
46 is tested it could be in violation for being substandard. The responsible party would be the retailer. How does this
47 responsibility change when they are showing a certification where the product is coming from and is the product in

1 the tank? It would be difficult for the inspector for following the quality and oversight of that product. During work
2 session, clarification was provided that if there is documentation that certified product is within the tank the retailer
3 does not need to test for conformance. There must be a documentation and traceability of the certification. However,
4 if no certification then testing would need to be done to be verified. The Committee does not concur that with the
5 language and the clarification that was provided. They believe that someone needs to be responsible even if
6 certification is provided. There were too many questions concerning this issue and the Committee is requesting this
7 be assigned to FALS for additional work and a recommendation to the National L&R Committee.

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

13 CWMA 2019 Interim Meeting: Ms. Bev Michels (representing BP and API) commented that the purpose of this item
14 is the same as items in Block 4. Mr. Charlie Stutesman (KS) stated that this proposal adds new provisions in addition
15 to the Clean Air Act. Ms. Michels commented that she believes this proposal is directed only to the elements that
16 regulators would be enforcing and provide consumer protection. Mr. Doug Musick (KS) asked why natural gas liquids
17 (NGL) as an additive was considered a certified component. Mr. Mike Harrington (IA) commented that he had gotten
18 a call from an engine manufacturer about bad fuel. Mr. Harrington indicated that he told this engine manufacturer that
19 30% of the fuel was NGL. The OEM indicated that should not be problematic. Mr. Rod Lawrence, (Magellan)
20 commented that he met with EPA and clarified that you cannot use an ethanol flex fuel made with uncertified NGL’s
21 to meet RFS volume obligations. Ms. Tamara Paik (Marathon Petroleum Co.) commented that if you certify the
22 NGL’s, then you know the Reid vapor pressure (RVP). Mr. Charlie Stutesman commented that he recommends this
23 item be withdrawn and believes this issue could conflict with the Clean Air Act, and if a fuel fails vapor pressure, it
24 is not in specification. Mr. Harrington recommends the item be withdrawn. Mr. Kevin Adlaf (ADM) commented he
25 wonders if weights and measures become EPA’s customer through this proposal. Mr. Adlaf is also concerned about
26 language being outdated soon after it is implemented. Mr. Chuck Corr (CC Consulting) commented that he believes
27 the language will lead to additional aspects to be enforced. He also recommends that the item be withdrawn. Based
28 on the comments during open hearings, the committee recommends the item be withdrawn.

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

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

Laws and Regulations Committee