

**Laws and Regulations (L&R) Committee  
2021 Interim Meeting Report  
Addendum Sheet**

Mr. John McGuire, Committee Chair  
New Jersey

**INTRODUCTION**

The L&R Committee submits its Committee Interim Report for consideration by National Conference on Weights and Measures (NCWM). This addendum sheet contains the report items published in *NCWM Publication 16: Committee Reports for the 106<sup>th</sup> Annual Meeting*. The addendum sheet will address the following items during the Annual Meeting.

Items are grouped according to item status:

**(VC) Voting Consent Calendar:** The Committee has grouped these items for a single vote.

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

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

**(A) Assigned Item:** The Committee assigned development of the item to a recognized subcommittee or task group.

**(D) Developing Item:** The Committee determined the item has merit; however, the item was returned to the submitter or other designated party for further development before any action can be taken at the national level.

**(W) Withdrawn Item:** The item has been removed from consideration by the Committee.

<b>Voting Items Item(s)</b>		
Reference Key	Title of Item	Addendum L&R Page
<b>PAL – UNIFORM PACKAGING AND LABELING REGULATION .....3</b>		
PAL-21.1 V	Section 11.XX. Bacon and 11.19. Margarine .....	3
<b>MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES .....4</b>		
MOS-20.5 V	Section 2.21. Liquefied Petroleum Gas .....	4
<b>ITEM BLOCK 3 (B3) METHOD OF SALE, SECTION 2.33. OIL. FUELS AND AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE (MOTOR) OIL, 3.13. OIL, AND 7.2. REPRODUCIBILITY LIMITS .....5</b>		
B3: MOS-18.1 V	Section 2.33. Oil .....	5
B3: FLR-18.1 V	Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits. ....	5
<b>ITEM BLOCK 7 (B7) TRACTOR HYDRAULIC FLUID .....6</b>		
B7: MOS-21.2. V	Section 2.39.2. Labeling and Identification of Tractor Hydraulic Fluid .....	7
B7: FLR-21.3. V	Section 3.17.1. Labeling and Identification of Tractor Hydraulic Fluid .....	7

<b>Developing Items Item(s)</b>		
Reference Key	Title of Item	Addendum L&R Page
<b>NET – HANDBOOK 133 .....12</b>		
NET-20.2 D	Section 4.5. Polyethylene Sheeting, Bags and Liners. ....	12

<b>OTH – OTHER ITEMS</b>			<b>12</b>
OTH-07.1	D	Fuels and Lubricants Subcommittee	12
OTH-11.1	D	Packaging and Labeling Subcommittee	15

<b>Assigned Item(s)</b>		
Reference Key	Title of Item	Addendum L&R Page

<b>ITEM BLOCK 6 (B6)</b>		<b>TRANSMISSION FLUID</b>	<b>6</b>
B6: MOS-21.1.	A	Section 2.36.2. Labeling and Identification of Transmission Fluid	6
B6: FLR-21.2.	A	Section 3.14.1. Labeling and Identification of Transmission Fluid	6

<b>Informational Item(s)</b>		
Reference Key	Title of Item	Addendum L&R Page

<b>ITEM BLOCK 1 (B1)</b>		<b>HB 130, UPLR, SEC. 2.8. MULTIUNIT PACKAGE. HB 133 MODIFY “SCOPE” FOR CHAPTERS 2 – 4, ADD A NOTE FOLLOWING SECTIONS 2.3.7.1. AND 2.7.3., CREATE A CHAPTER 5. SPECIALIZED TEST PROCEDURES AND HB133 APPENDIX F. GLOSSARY</b>	<b>3</b>
B1: PAL-19.1	I	Section 2.8. Multiunit Package	3
B1: NET-19.1	I	Section 1.2.4. Maximum Allowable Variation	3
B1: NET-19.2	I	Sections 2.1. Scope, 3.1. Scope, 4.1. Scope, 2.3.7.1. Maximum Allowable Variation (MAV) Requirement, and Section 2.7.3. “Evaluation of Results – Compliance Determinations”	3
B1: NET-19.3	I	Create a Chapter 5. Specialized Test Procedures	3
B1: NET-19.4	I	Appendix F. Glossary	3
<b>FLR - UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION</b>			<b>5</b>
FLR-20.5	I	Section 2.1.2.(a). Gasoline-Ethanol Blends	5

<b>Withdrawn Item(s)</b>		
Reference Key	Title of Item	Addendum L&R Page

<b>FLR - UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION</b>			<b>5</b>
FLR-21.1	W	Section 4.4. Product Storage and Dispenser Identification	5
<b>ITEM BLOCK 4 (B4)</b>		<b>METHOD OF SALE REGULATION, SECTION 2.20.2. DOCUMENTATION FOR DISPENSER LABELING PURPOSES. FUELS AND AUTOMOTIVE LUBRICANTS REGULATION, SECTION 1.23. ETHANOL FLEX FUEL, 2.1.2.(B) GASOLINE-ETHANOL BLENDS, AND SECTION 3.2.5. DOCUMENTATION FOR DISPENSER LABELING PURPOSES</b>	<b>6</b>
B4: MOS-20.2	W	Section 2.20.2. Documentation for Dispenser Labeling Purposes	6
B4: FLR-20.3	W	Section 1.23. Ethanol Flex Fuel	6
B4: FLR-20.6	W	Section 2.1.2.(b). Gasoline-Ethanol Blends	6
B4: FLR-20.7	W	Section 3.2.5. Documentation for Dispenser Labeling Purposes	6
<b>NET – HANDBOOK 133</b>			<b>12</b>
NET-16.1	W	Section 3.X. Recognize the Use of Digital Density Meters	12

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

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**ITEM BLOCK 1 (B1)      HB 130, UPLR, SEC. 2.8. MULTIUNIT PACKAGE. HB 133 MODIFY “SCOPE” FOR CHAPTERS 2 – 4, ADD A NOTE FOLLOWING SECTIONS 2.3.7.1. AND 2.7.3., CREATE A CHAPTER 5. SPECIALIZED TEST PROCEDURES AND HB133 APPENDIX F. GLOSSARY**

B1: PAL-19.1    I    Section 2.8. Multiunit Package  
 B1: NET-19.1    I    Section 1.2.4. Maximum Allowable Variation  
 B1: NET-19.2    I    Modify “Scope” for Chapters 2 – 4, and a note following Section 2.3.7.1. Maximum Allowable Variation (MAV) Requirement and 2.7.3. Evaluation of Results – Compliance Determinations  
 B1: NET-19.3    I    Create a Chapter 5, Specialized Test Procedures  
 B1: NET-19.4    I    Appendix F. Glossary

**(B1:NET-19.3, “Handbook 133, Create a Chapter 5. Specialized Test Procedures” must be adopted in order for the remainder of Item Block 1 to proceed.)**

**B1: PAL-19.1      I    Section 2.8. Multiunit Package**

**B1: NET-19.1    I    Section 1.2.4. Maximum Allowable Variation**

**B1: NET-19.2    I    Sections 2.1. Scope, 3.1. Scope, 4.1. Scope, 2.3.7.1. Maximum Allowable Variation (MAV) Requirement, and Section 2.7.3. “Evaluation of Results – Compliance Determinations”**

**B1: NET-19.3    I    Create a Chapter 5. Specialized Test Procedures**

**B1: NET-19.4    I    Appendix F. Glossary**

<b>BLOCK 1 ITEMS</b>
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**Comments:**

Based upon comments heard during open hearings the Committee will update the Item Under Consideration for review at the Fall Regional meetings.

**PAL – UNIFORM PACKAGING AND LABELING REGULATION**

**PAL-21.1      V    Section 11.XX. Bacon and 11.19. Margarine**

<b>PAL-21.1</b>
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**Comments:**

Several regulators stood up during the 2021 NCWM Open Hearings in support of this item. There are no changes to this item.

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

**MOS-20.5      V      Section 2.21. Liquefied Petroleum Gas**

**MOS-20.5**

**Comments:**

Based on testimony during open hearings and reviewing the documents from the regional meetings, the Committee changed:

The effective date in 2.21.2(b) from January 1, 2023 until January 1, 2024.

Including the following editorial changes:

2.21.2. (a), (b) and (c) replaced the words “meter and device” with “metering system”

2.21.2.(a) replaced the words “greater than or equal to” with “equal to or greater than”

The Committee heard from a couple regulators in favor of this item and one in opposition.

**2.21. Liquefied Petroleum Gas.**

**2.21.1. Method of Sale.** – All liquefied petroleum gas, including, but not limited to propane, butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the following methods of sale. If kept, offered, exposed for sale, or sold by:

- (a) **Weight:** by the kilogram or pound; or by,
- (b) **Gaseous Volume:** by the metered cubic meter of vapor (defined as 1 m<sup>3</sup> at 15 °C); or metered cubic foot of vapor (defined as 1 ft<sup>3</sup> at 60 °F) [See Section 2.21. Note<sup>7, page 131</sup> below]; or by,
- (c) **Liquid:** by the liter (defined as 1 liter at 15 °C) or the gallon (defined as 231 in<sup>3</sup> at 60 °F). ~~All metered sales by the or gallon, except those using meters with a maximum rated capacity of (20 gal)/min or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.~~

**2.21.2. Metered Sales by Liquid Volume.** – All metered sales by liquid volume shall be accomplished using metering systems as follows:

- (a) Sales using metering systems with a maximum rated capacity equal to or greater than 20 gal/min shall be accomplished by the use of a metering system that automatically compensates for the effects of temperature.
- (b) Sales using metering systems with a maximum rated capacity less than 20 gal/min that were placed into service after January 1, 2024 shall be accomplished by use of a metering system that automatically compensates for the effects of temperature.

- (c) Effective January 1, 2030, all metered sales (through all capacities of metering devices, regardless of installation and service date) shall be accomplished by use of a metering system that automatically compensates for temperature.

Section 2.21. NOTE 8: Sources: ~~American National Standards Institute, Inc., ANSI B109.1 (2008/2000), "American National Standard For Diaphragm-Type Gas Displacement Meters (14.16 Cubic Meters [Under 500 Cubic Feet] Per Hour Capacity and Under),"~~ and NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices."

(Added 1986, Amended 20XX)

## FLR - UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

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

FLR-20.5
<p><b>Comments:</b> The Committee deescalated this item from Voting status to Informational and will be responsible for this Item.</p> <p>On July 2, 2021, the U.S. Court of Appeals for the D.C. Circuit issued an opinion that ruled on EPA's rule in 2019 that extended the E10 Reid Vapor Pressure (RVP) waiver to 15 percent volume ethanol blends (E15) during the summer driving season (June 1-September 15). The court determined that the Clean Air Act does not authorize the RVP waiver to be extended to E15 and vacated the portion of the rule asserting that E15 is substantially similar to E10. In short, the court overturned EPA's rule on the E15 waiver.</p> <p>FALS Chair Striejewski recommended that this item be deescalated yet provided no recommendation as to a status. A regulator, industry member and CWMA recommended Withdrawn. An industry member and NEWMA recommended Assigned.</p>

### FLR-21.1 W Section 4.4. Product Storage and Dispenser Identification

FLR-21.1
<p><b>Comments:</b> No changes.</p>

## ITEM BLOCK 3 (B3) METHOD OF SALE, SECTION 2.33. OIL. FUELS AND AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE (MOTOR) OIL, 3.13. OIL, AND 7.2. REPRODUCIBILITY LIMITS

### B3: MOS-18.1 V Section 2.33. Oil

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

BLOCK 3 ITEMS	
<b>Comments:</b>  FALS remarked they did not discuss this item however; industry spoke in support of the item.	

**ITEM BLOCK 4 (B4)      METHOD OF SALE REGULATION, SECTION 2.20.2. DOCUMENTATION FOR DISPENSER LABELING PURPOSES. FUELS AND AUTOMOTIVE LUBRICANTS REGULATION, SECTION 1.23. ETHANOL FLEX FUEL, 2.1.2.(B) GASOLINE-ETHANOL BLENDS, AND SECTION 3.2.5. DOCUMENTATION FOR DISPENSER LABELING PURPOSES**

**B4: MOS-20.2    W    Section 2.20.2. Documentation for Dispenser Labeling Purposes.**

**B4: FLR-20.3    W    Section 1.23. Ethanol Flex Fuel**

**B4: FLR-20.6    W    Section 2.1.2.(b). Gasoline-Ethanol Blends**

**B4: FLR-20.7    W    Section 3.2.5. Documentation for Dispenser Labeling Purposes**

BLOCK 4 ITEMS	
<b>Comments:</b> No changes.	

**ITEM BLOCK 6 (B6)      TRANSMISSION FLUID**

**B6: MOS-21.1.    A    Section 2.36.2. Labeling and Identification of Transmission Fluid**

**B6: FLR-21.2.    A    Section 3.14.1. Labeling and Identification of Transmission Fluid**

BLOCK 6 ITEMS	
<b>Comments:</b> FALS recommended this item remain Assigned. Several industry members supported the same.	

**ITEM BLOCK 7 (B7)      TRACTOR HYDRAULIC FLUID**

**B7: MOS-21.2. V Section 2.39.2. Labeling and Identification of Tractor Hydraulic Fluid**

**B7: FLR-21.3. V Section 3.17.1. Labeling and Identification of Tractor Hydraulic Fluid**

**BLOCK 7 ITEMS**

**Comments:**

At the 2020 NCWM Annual Meeting, the L&R Committee Agenda included an Item Block 2 (B2) which consisted of B2: MOS-20.1 and B2: FLR 20.1 on their voting consent calendar. This consent calendar was moved to the 2021 NCWM Board of Director report for ratification at the NCWM 2021 Annual Meeting. The item below modified the language in the Tractor Hydraulic Fluid section of the 2020 L&R Annual agenda. The same language was modified in the 2020 Annual meeting and was ratified on Monday, July 19, 2021. The L&R Committee captured the newly ratified language that was recently adopted. The Committee is doing this for transparency and to allow members to know exactly how the language will appear in NIST Handbook 130 2022 edition.

At the Committee work session a typographical error was identified in Section 3.17.1.2(e). After reviewing all past documentation on this proposal and the previously adopted Item, the Committee determined it was an editorial error and made the correction below.

**B6: MOS-21.2**

**2.39. Tractor Hydraulic Fluid.**

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

(Amended 2021)

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

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

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

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

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

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

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

- (f) an accurate statement of the quantity of the contents in terms of liquid measure.  
(Amended 2021)

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

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

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



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

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

(Amended 2021)

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

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

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

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

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

(Amended 2021)

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

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

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

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

(Added 2019) (Amended 2021)

## **B7: FLR-21.3**

### **3.17. Tractor Hydraulic Fluid**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**3.17.1.6. Documentation of Claims Made Upon Product Label.** – Any manufacturer, packer, or distributor of any product subject to this article and sold shall provide, upon request of duly authorized

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

(Added 2019)

## **NET – HANDBOOK 133**

### **NET-16.1      W      Section 3.X. Recognize the Use of Digital Density Meters**

<b>NET-16.1</b>
<b>Comments:</b> No changes.

### **NET-20.2      D      Section 4.5. Polyethylene Sheeting, Bags and Liners.**

<b>NET-20.2</b>
<b>Comments:</b> Submitter provided an update and hopes to provide data to the Fall Regions.

## **OTH – OTHER ITEMS**

### **OTH-07.1      D      Fuels and Lubricants Subcommittee**

<b>OTH-07.1</b>
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**Comments:**

**IMPORTANT NOTICE**

The Committee raises to your attention the following issue and seeks to determine from membership if there is unanimous consent to update the citations from 40 CFR 80 to 40 CFR 1090 editorially. (This procedure is contingent on a ruling from our parliamentarian).

If the Committee does not receive unanimous consent, a Form 15 will need to be submitted per NCWM policy by August 15, 2021.

NIST will post a notice on the NIST OWM website under the NIST Handbook 130, 2022 edition that notifies users of these new citations and hyper-linked for easy access. It is also anticipated that this will be included in the NIST OWM newsletter. Additionally, NCWM will provide a notice out to all NCWM members.

If appropriate, the anticipated motion will be:

"The L&R Committee is requesting a motion for unanimous consent to treat these changes as editorial and make these changes in the handbook for the 2022 version."

The following statement was read by the FALS Chair in regards to the EPA Streamlining Rule Focus Group.

***EPA Streamlining Rule Focus Group:*** After a multiyear process, the EPA Streamlining Rule was published in the Federal Register in December 2020 and enacted on January 1, 2021. A Focus Group chaired by Marilyn Herman was created during the 2021 Interim Meeting to examine the impact of the Streamlining Rule on Handbook 130 to determine what updates may be required. The group was composed of State regulators, Ethanol, Biodiesel, Auto, Petroleum Marketers, Refiners, Consultants, and the L&R Technical Advisor. Because of the sense of time urgency, their efforts were narrowed to references to 40 CFR 80, which have been moved to a new section 40 CFR 1090. The focus group found 7 references which needed to be updated, 4 instances within the Fuels & Lubricants Regulation section (two of which are the same) and 3 instances within the Method of Sale section, again 2 of which are the same. The final report of the focus group was made available to the full membership this morning. The recommendation of the group was that these changes were editorial in nature, amounting to striking the current reference to 40 CFR 80 and replacing it with the proper updated term within 40 CFR 1090, and do not require any deliberative process through NCWM. The editorial changes should be made as expeditiously as possible.

Discussions have been held among NCWM Chairman Prince, L&R Chair McGuire, and myself, between Ms. Herman and the 3 of us, and between Chair Prince and Don Onwiler and Doug Olson of NIST, hoping to properly assess that these changes are editorial and can be approved by the Board of Directors. A considerable amount of time was spent by the L&R committee discussing this issue during their agenda review meeting last week.

The focus group's final report and recommendation was distributed to FALS membership at the beginning of this month. Ms. Herman made a presentation during Sunday's FALS meeting, and there was significant discussion on the issue and how to handle it. While there was a comment that the work did not go far enough, and a couple of questions, most discussion centered on the report of the Focus Group. Numerous state regulators, representatives from both the renewables and petroleum industries, Chair Prince, and Executive Director Onwiler all expressed their opinion that these changes are editorial. A straw poll of FALS members found none who felt that these changes were not editorial. One comment that may be valuable for consideration was this: if instead of moving information from an old section to a new section that changes had been made to an existing section, we wouldn't be considering this.

*Ms. Warfield stated that NCWM does not have a procedure for approving editorial changes in this way. Mr. Onwiler offered text from page xi of the 2020 volume of Handbook 130, which states, "The following items were deemed editorial in nature based on the following criteria: 1) the modified text did not change the meaning or procedure outlined, 2) modified text corrected an omission or clarified how the text was written, or 3) the item itself was reformatted and relocated in the text to make the organization of the content more meaningful."*

*This morning, word was received from Mr. Robert Anderson of EPA, who oversaw the Streamlining Rule project that online references to the sections of 40 CFR 80 that have been moved to 40 CFR 1090 will disappear on January 1, 2022. As a result, with no editorial updating of these references to 40 CFR 1090 for the 2021 version of Handbook 130, users will be led to information that no longer exists at that location.*

*FALS sees these changes as editorial and asks that if a path exists for the changes to be made at this meeting, that they be made.*

## **G. UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION**

### **Section 2. Standard Specifications**

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

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

- (a) The maximum vapor pressure shall not exceed the latest version of ASTM D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," limits by more than 1.0 psi for blends from June 1 through September 15 as allowed by EPA per 40 CFR ~~80.27(d)~~ **1090.215(b)**.

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

### **Section 3. Classification and Labeling for Sale**

#### **3.2. Automotive Gasoline and Automotive Gasoline-Oxygenate Blends (Including Racing Gasoline).**

**3.2.5. Documentation for Dispenser Labeling Purposes.** – For automotive gasoline, automotive gasoline-oxygenate blends or racing gasoline, the retailer shall be provided, at the time of delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or other documentation:

- (a) Information that complies with 40 CFR ~~80.1503-1090.1110~~ when the fuel contains ethanol. (Added 2014) (**Amended 20XX**)
- (b) For fuels that do not contain ethanol, information that complies with 40 CFR ~~80.1503-1090.1110~~ and a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygenate content of at least 1.0 % by volume in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or alternatively, use the phrase "contains MTBE or other ethers."

(Added 2014) (**Amended 20XX**)

**3.2.6. EPA Labeling Requirements.** – Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR ~~80.1501-1090.1510~~. (For additional information, refer to Section 3.8.2. FTC Labeling Requirements.)

(Added 2012) (Amended 2018 and 20XX)

## **B. UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES**

### **2.20. Gasoline-Oxygenate Blends.**

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

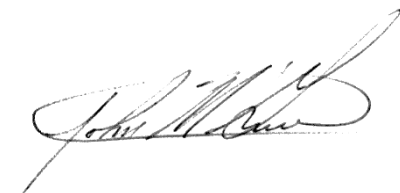
- (a) Information that complies with 40 CFR ~~80.1503-1090.1110~~ when the fuel contains ethanol.
- (b) For fuels that do not contain ethanol, information that complies with 40 CFR ~~80.1503-1090.1110~~ and a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or alternatively, use the phrase “contains MTBE or other ethers.”

**2.20.3. EPA Labeling Requirements.** – Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR ~~80.1501-1090.1510~~. (For additional information, refer to Section 2.30.2. FTC Labeling Requirements.)

(Added 2018) (Amended 20XX)

## **OTH-11.1 D Packaging and Labeling Subcommittee**

<b>OTH-11.1</b>
<b>Comments:</b> No changes.



Mr. John McGuire, New Jersey | Committee Chair

Mr. Mauricio Mejia, Florida | Member  
Mr. Doug Rathbun, Illinois | Member  
Mr. Tim Elliott, Washington | Member  
Mr. Tory Brewer, West Virginia | Member  
Mr. Prentiss Searles, American Petroleum Institute | AMC Representative  
Mr. Lance Robertson, Measurement Canada | Canadian Technical Advisor  
Ms. Lisa Warfield, NIST OWM | Technical Advisor  
Mr. David Sefcik, NIST OWM | Technical Advisor

**Laws and Regulations Committee**