



NCWM

National Conference on Weights and Measures

2017 NCWM Interim Meeting: San Antonio, TX
January 8th - 11th, 2017

Laws and Regulations Committee Agenda
Item 2301-1

California Agricultural Commissioners & Sealers Association

Request to exempt Multi-unit Non-Consumer packages of Fresh Fruits & Vegetables from Handbook 130, Uniform Packaging & Labeling Section 10.4 (c)

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**NIST HANDBOOK 130 REGULATION,
SECTION 10.4(C) REQUIRES A DECLARATION OF “THE
TOTAL QUANTITY OF THE CONTENTS OF THE MULTI-
UNIT PACKAGE”.**

**CURRENT INDUSTRY PRACTICES DO NOT INCLUDE
TOTAL QUANTITY STATEMENT ON MULTI-UNIT, NON-
CONSUMER, PACKAGES USED IN THE FRESH FRUIT AND
VEGETABLE INDUSTRY**

10.4. Multi-unit Package Regulation

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Any package containing more than one individual “commodity in package form” (see Section 2.1. Package) of the same commodity shall bear on the outside of the package a declaration of:

- (a) the number of individual units;
- (b) the quantity of each individual unit; and
- (c) the total quantity of the contents of the multi-unit package.

Background

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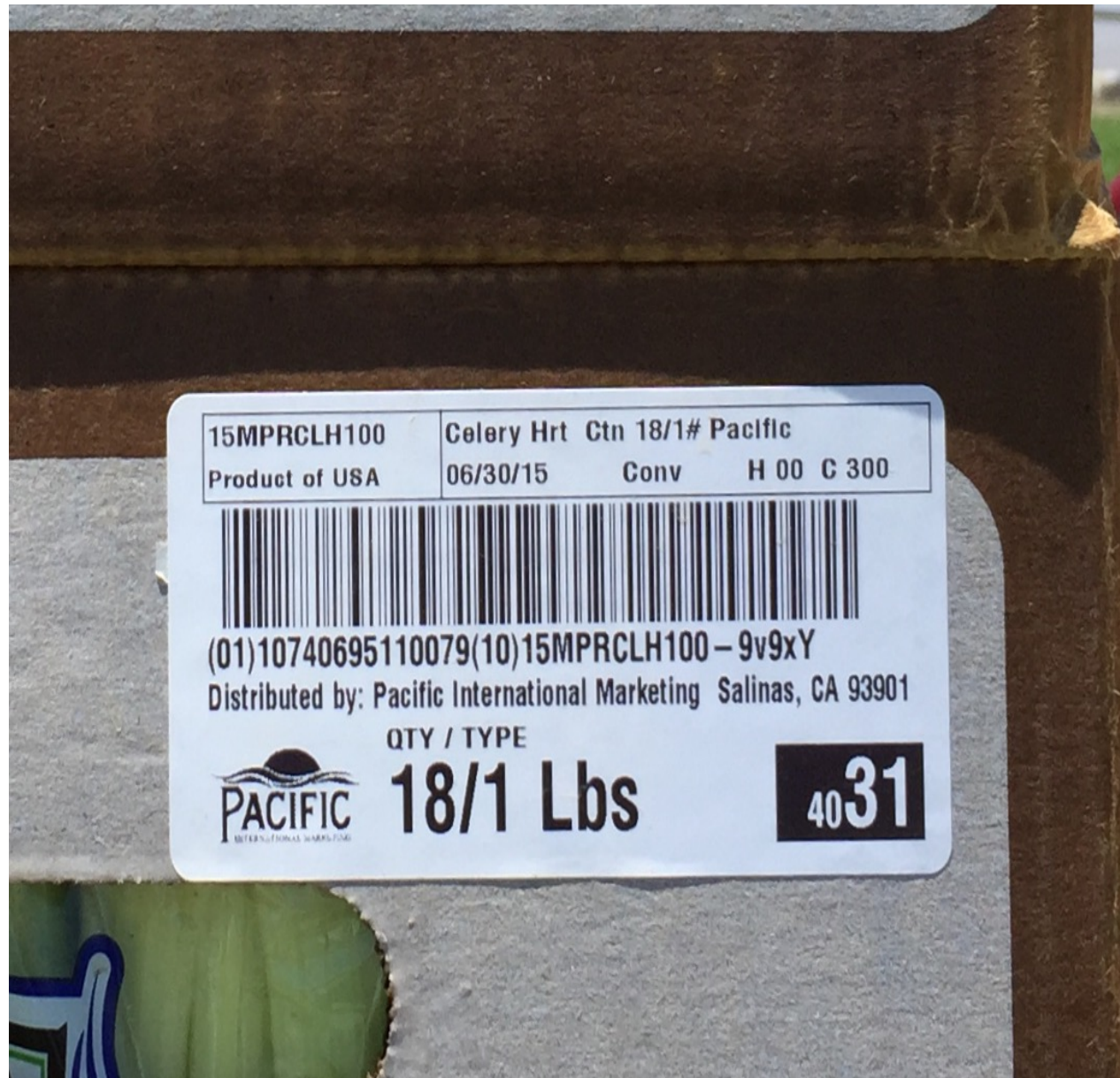
- Routine regulatory inspections revealed increasing use of Product Traceability Initiative (PTI) labeling without total net quantity.
- Industry practice of utilizing PTI labeling in the US has evolved, especially over the last decade, largely in response to food safety requirements - Food Safety Modernization Act (FSMA).
- PTI labeling allows:
 - ✦ Compliance with FSMA
 - ✦ Flexibility for ever-changing product packaging
 - ✦ Has evolved to become de facto IRQ in many cases
- While PTI labeling for multi-pack, non-consumer containers are technically out of compliance (Section 10.4(c)), we are not aware of ANY industry, trade or marketplace complaints or concerns.

PTI LABELING

Product Traceability
Initiative (PTI) Label

Created in a large part to
meet requirements of
2016 Food Safety
Modernization Act
(FSMA)

PTI labeling has evolved
to become the de facto
IRQ label and is unique
to fresh fruits and
vegetables industries



Examples PTI/IRQ Labeling

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Used for a variety of packaging purposes
corrugated cartons, reusable plastic containers, etc.

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Examples PTI/IRQ Labeling

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PTI Labels

With the use of a handheld device and thermal printer, PTI Labels are printed and applied to boxes in both the field and packing facilities



PTI Labels Cont.

PTI Onsite Field Application

Workers affixing PTI Labels to corrugated cartons.

Mobile PTI label printing allows container and pack flexibility.



Regulatory Response & Proposals

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1. Amend language to 10.4, NOTE 7, exempting non-consumer multi-unit produce packaging from subsection (c) “the total quantity of the contents of the multi-unit package”: **A multi-unit produce package declaring the contents of the number of individual units(a), the quantity of each individual unit(b) and labeled in full compliance with this regulation are not required to declare the total quantity(c) of the multi-unit package.**
2. After consulting with NIST staff, efforts were redirected to amend the Title of 10.4 to apply “**Retail**”, which would exempt all non-consumer multi-unit packaging from the requirements of Section 10.4: ***10.4. Multi-unit Retail Packages. (exempt non-consumer packs)***
3. Proposal went to Regional Conferences on Weights and Measures:
 - Western and Central Weights & Measures Associations – recommended withdrawal
 - Southern and Northeastern Weights & Measures Associations - recommended further development.
4. Questions and concerns raised from deliberations lead to the proposal before you.

Recommendation to the National Conference on Weights and Measures

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Pursue an exemption for multi-unit, non-consumer packages of fresh fruits and vegetables from Section 10.4 (c) by amending NIST Handbook 130 Uniform Packaging and Labeling Regulation Section 11 to add “**11.34 Multi-unit Fresh Fruit and Vegetable Package.**”

Proposed Exemption Language:

11.34 Multi-unit Fresh Fruit and Vegetable Package. – A multi-unit, non-consumer package of fresh fruits and vegetables bearing (a) the number of the individual units and (b) the quantity of each individual unit are exempt from 10.4 (c) declaration of the total quantity of the contents of the multi-unit package.

California Agricultural Commissioners and Sealers Association (CACASA)

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- Item was originally brought to Regional Associations by Monterey and Ventura Counties in California.
- On December 15, 2016, the Laws & Regulations (L&R) Committee of the California Agricultural Commissioners & Sealers Association (CACASA) met in Sacramento, CA to discuss Item 2301-1. After discussion and deliberation, the Committee recommended CACASA support the development of NCWM L&R Committee Item-2301-1 with the modified language below.
- On December 16, 2016, CACASA's Board of Directors supported the L & R Committee recommendation for development of an exemption for multi-unit, non-consumer packages of fresh fruit and vegetable.
- Support is now requested from the NCWM L&R Committees to advanced Item 2301-1 to formulate a change of law for this unique industry practice.

Closing

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THANK YOU

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