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

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

INTRODUCTION

The L&R Committee 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 headings and subjects apply to *Handbook 130 Uniform Laws and Regulations in the Areas of Legal Metrology an Engine Fuel Quality, 2019 Edition*, and *Handbook 133 Checking the Net Contents of Packaged Goods, 2019 Edition*. The first three letters of an item's reference key are assigned from the Subject Series List. The next 2 digits represent the year the item was introduced. The acronyms for organizations and technical terms used throughout the agenda are identified in Table B. In some cases, background information will be provided for an item. The fact that an item appears on the agenda does not mean it will be presented to National Conference on Weights and Measures (NCWM) for a vote. The Committee will review its agenda and may withdraw some items, present some items for information meant for additional study, issue interpretations, or make specific recommendations for change to the publications identified which will be presented for a vote at the Annual Meeting. The Committee may also take up routine or miscellaneous items brought to its attention after the preparation of this document. The Committee may decide to accept items for discussion that are not listed in this document, providing they meet the criteria for exceptions as presented in NCWM Policy 3.1.4. Handbooks, *Procedures to Modify Handbooks*. The Committee has not determined whether the items presented will be Voting or Informational in nature; these determinations will result from their deliberations at the Interim Meeting.

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 **<u>underlining</u>** information to be added. Requirements that are proposed to be nonretroactive are printed in ***bold faced italics***.

In some cases, there may be proposed changes affecting multiple model laws or regulations that share the same purpose or proposed changes to one model law or regulation may be dependent on the adoption of proposed changes to another. The Committee may group such items into "Blocks" to facilitate efficient handling for open hearings and voting. These blocks are identified in Committee's agenda.

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

Table A
Table of Contents

Appendices

Table B
Glossary of Acronyms and Terms

Acronym	Term	Acronym	Term
ASTM	ASTM International	NIST	National Institute of Standards and Technology
CFR	Code of Federal Regulations	OWM	Office of Weights and Measures
CNG	Compressed Natural Gas	PALS	Packaging and Labeling Subcommittee
CWMA	Central Weights and Measures Association	S&T	Specifications and Tolerances
FALS	Fuels and Lubricants Subcommittee	SAE	Society of Automotive Engineers
L&R	Laws and Regulations	SWMA	Southern Weights and Measures
LNG	Liquefied Natural Gas	UPLR	Uniform Packaging and Labeling Regulation
NCWM	National Conference on Weights and Measures	USNWG	U.S. National Work Group
NEWMA	Northeastern Weights and Measures Association	WWMA	Western Weights and Measures Association

Details of All Items
(In order by Reference Key)

ITEM BLOCK 1 (B1) HB 130, UPLR, SEC. 2.8. MULTIUNIT PACKAGE. HB133, 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	D	Handbook 130 Uniform Packaging and Labeling Regulation: Section 2.8. Multiunit Package
B1: NET-19.1	D	Handbook 133: Section 1.2.4. Maximum Allowable Variation
B1: NET-19.2	D	Handbook 133: 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	D	Handbook 133: Create a Chapter 5, Specialized Test Procedures
B1: NET-19.10	D	Handbook 133, Appendix F. Glossary

(B1:NET-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 D Handbook 130, Uniform Packaging and Labeling Regulation, Section 2.8. Multiunit Package

Source:
NIST OWM

Purpose:
Eliminate conflicts between the UPLR and Federal Trade Commission (FTC) regulation for multiunit packages cited in 16 CFR 500.27.

Item Under Consideration:
Amend NIST Handbook 130, Uniform Packaging and Labeling Regulation as follows:

2.8. Multiunit Package. - A package containing two or more individual packages of the same commodity, in the same quantity, intended to be sold as a multiunit package~~**., but where the component packages are labeled individually in full compliance with all requirements of this regulation.**~~

B1: NET-19.1 D Handbook 133, Section 1.2.4. Maximum Allowable Variation

Purpose:
Amend language regarding the total quantity declaration on multiunit or variety packages, when the MAV may need to be recalculated based on the Total Quantity MAV.

Item Under Consideration:
Amend NIST Handbook 133, Chapter 1 as follows:

1.2.4. Maximum Allowable Variation

The limit of the "reasonable minus variation" for an under filled package is called a "Maximum Allowable Variation" (MAV). An MAV is a deviation from the labeled weight, measure, or count of an individual package beyond which the deficiency is considered an unreasonable minus error. Each sampling plan limits the number of negative package errors permitted to be greater than the MAV. unreasonable minus error. Each sampling plan limits the number of

negative package errors permitted to be greater than the MAV. **Packages are offered for sale individually or in multiunit packages which may contain two or more individual inner packages. When individual packages are tested the MAV is applied to each package in the sample which has a minus package error. When a total quantity declaration on a multiunit or variety package is verified, and the MAV is not determined in terms of a percent of the labeled quantity, a "Total Quantity MAV" is compared to the minus Total Quantity Package Error(s) to determine if they are unreasonable.**

Note: The Total Quantity Package Error is the sum of the errors found in the individual inner packages.

Total Quantity Package Error = Sum of Individual Inner Package Errors

(Amended 2010 **and 20XX**)

1.2.4.1. Total Quantity MAV for Multiunit and Variety Packages (See also Chapter 5. "Specialized Test Procedures")

a. Multiunit Package. – Regarding the total quantity declaration that appears on a multiunit package compare a Total Quantity MAV to each minus Total Quantity Package Error to determine if the error is unreasonable. Calculate the Total Quantity MAV using the following formula:

Total Quantity MAV = Number of Individual Inner Packages × MAV for Individual Inner Package Quantity

Terms are defined as:

Number of Individual Inner Packages. – The total number of individual inner packages having a uniform labeled weight, measure and or count.

MAV for Individual Inner Package Quantity. – The MAV for the labeled quantity for the individual inner packages specified in the proper table of MAVs in Appendix A. "Tables."

b. Variety Package. – Regarding the total quantity declaration that appears on a variety package, compare a Total Quantity MAV to each minus Total Quantity Package Error to determine if the error is unreasonable.

Calculate the Total Quantity MAV using the following formula:

Total Quantity MAV = The sum of the applicable MAVs for all Individual Inner Packages

Variety packages typically include several different types of similar products with various net quantity declarations. While the commodities may be generically similar, they can differ in weight, measure, volume, or appearance. For these packages a Total Quantity MAV is calculated for each product type and the results are added to obtain a Total Quantity MAV for comparison to each minus Total Quantity Package Error.

Terms are defined as:

Number of Individual Inner Packages. – The total number of similar but not identical individual inner packages with differing and/or uniform labeled weight or measure.

MAV for Individual Inner Package Quantity. – The MAV for the quantity declared for the individual inner packages specified in the proper Table of MAVs in Appendix A. "Tables."

B1: NET-19.2 D Handbook 133, Sections 2.1. Scope, 3.1. Scope, 4.1. Scope and 2.3.7.1. Maximum Allowable Variation (MAV) Requirement

Purpose:
With the adoption of NIST Handbook 133, Chapter 5. Specialized Test Procedures this item clarifies the language within NIST Handbook 133.

Item Under Consideration:
Amend NIST Handbook 133, Chapters 2, 3 and 4 as follows:

Add a Note to HB133, Chapter 2, Section 2.1. "Scope;" Section 3.1. "Scope;" and Section 4.1 "Scope" that refers users to the Chapter 5. "Specialized Test Procedures" for these types of packages.

> **Note: If Multiunit or Variety Packages are to be inspected, see Chapter 5. "Specialized Test Procedures" for guidance in testing these types of packages. If a total quantity declaration is to be verified and the MAV to be applied is not based on a percentage of the labeled quantity, see also Section 1.2.4.1. "Total Quantity MAV for Multiunit and Variety Packages.**

And

Add the following note to HB133, Chapter 2, Section 2.3.7.1 "Maximum Allowable Variation (MAV) Requirement" and Section 2.7.3. "Evaluation of Results – Compliance Determinations."

> **Note: If a total quantity declaration on a multiunit or variety package is verified, and the MAV applied is not based on a percent of the labeled quantity see Section 1.2.4.1. "Total Quantity MAV for Multiunit and Variety Packages.**

B1: NET-19.3 D Handbook 133, Create a Chapter 5. Specialized Test Procedures

Purpose:
Create new chapter in NIST Handbook 133 that has specialized test procedures to verify the inner contents of multiunit and variety packages.

Item Under Consideration:
Amend NIST Handbook 133, Chapter 5 as follows:

5.1. Scope

The following procedures are for use in verifying the net quantity of contents of multiunit packages with individual inner packages that have the same commodity and identically labeled quantities in verifying variety packages with individual inner packages that differ in labeled weight, measure or volume. The procedure used is determined by the package label. If a total net quantity of contents is not declared on the package label, use Section 5.2. Individual Package Quantity. If a total net quantity of contents is declared on the package, use Section 5.3. Total Quantity. If the packages are labeled with other or additional quantity statements (i.e., dry volume, area, length, width, or thickness), added steps or, when proper, additional Total Quantity MAVs may be required.

5.2. Individual Package Quantity

This procedure is used to test open or transparent multiunit packages with no total net quantity declaration on the package label. For these packages, the labeled net quantity is visible on each individual inner package and they are identical (See Figure 1. Multiunit Package with Individual Quantity Declarations [which contains two rows of packages]).

Cereal Net Wt 100 g	Cereal Net Wt 100 g	Cereal Net Wt 100 g	Cereal Net Wt 100 g	Cereal Net Wt 100 g

Figure 1. Multiunit Package with Individual Quantity Declarations (which contains two rows of packages)

5.2.1. Test Procedure

1. **Follow Section 2.3.1. "Define the Inspection Lot" which is the total number of individual inner packages in the multiunit packages (e.g., if there are 120 packages and each contains 12 individual inner packages, the Inspection Lot size is 1440). Use this number with Category A or Category B. to find the sample size (See Section 2.3.2. "Select Sampling Plans"). Select a random sample (See Section 2.3.4. "Random Sample Selection").**

2. **At least two of the individual inner packages are opened to determine an average tare weight (See Section 2.3.5. "Procedures for Determining Tare"). The Average Tare Weight is added to the labeled quantity to obtain a Nominal Gross Weight (See Section 2.3.6. "Determine Nominal Gross Weight and Package Errors") which is used to determine package errors.**

3. **The net quantity of each individual inner package in the sample is determined. If a count declaration appears on the multiunit packages, it should be verified (See Section 4.2. "Packages Labeled by Count") and the appropriate MAV for the count from Table 2-7. MAV for Packages Labeled by Count applied.**

4. **If minus package errors are found in the sample, the value of the MAV to be applied is determined by looking up the quantity for the individual inner packages (See Appendix A "Tables"). The MAV for the labeled quantity is compared to each minus package error in the individual inner packages to determine if any are unreasonable (See Section 2.3.7.1. "MAV Requirement"). If the number of unreasonable errors exceeds the amount allowed for the sample size (See Appendix A. Tables 2-1 or 2-2, Column 4), the sample fails. If the sample passes, go to Step 5.**

5. **Apply Section 2.3.7.2. "Average Requirement." The sample passes or fails depending on the results of the evaluation conducted according to Section 2.3.7. "Evaluation for Compliance."**

5.3. Total Quantity

Use this procedure to test multiunit packages labeled with a count and/or total net quantity declaration. This procedure can be used to verify the total net quantity declared on open or closed multiunit packages or multiunit packages with transparent or opaque packaging. If the quantities of the individual inner packages vary (which is allowed in Variety Packages) or, if the quantity of the individual inner packages is not declared, see Section 5.4. Exceptions.

5.3.1. Test Procedure

1. **Follow Section 2.3.1. "Define the Inspection Lot" which is the number of multiunit packages. Use this number with Category A or Category B. to find the sample size (See Section 2.3.2. "Select Sampling Plans"). Select a random sample (See Section 2.3.4. "Random Sample Selection").**

2. For packages labeled by weight, determine the tare weight of at least two multiunit packages using Section 2.3.5. "Procedures for Determining Tare". The average tare weight is added to the labeled weight to obtain a nominal gross weight (See Section 2.3.6. "Determine Nominal Gross Weight and Package Error"). This is used to determine errors in the total package quantity declaration.

3. Determine the net quantity of each multiunit package and calculate the Total Quantity Package Error for each multiunit package.

NOTE: The Total Quantity Package Error is the sum of the errors found in the individual inner packages.

Total Quantity Package Error = Sum of Individual Inner Package Errors

If needed, verify the count declaration of the individual inner packages. To determine the MAV for count use Appendix A. Table 2-7. "MAV for Packages Labeled by Count."

4. If minus package errors are found in the sample, look up and use the MAV for the individual inner package labeled quantity. (See Section 1.2.4.1. "Total Quantity MAV for Multiunit and Variety Packages" and the appropriate MAVs in Appendix A "Tables"). Calculate the MAV to be applied to the total quantity of contents declaration as follows:

Total Quantity MAV = Number of Individual Inner Packages × MAV for Individual Inner Package Quantity

NOTE: A "Total Quantity MAV" is not required when the MAV to be applied is based on a percent of a labeled quantity of a multiunit or variety package.

5. The "Total Quantity MAV" is compared to each minus Total Quantity Package Error to determine if any of the errors are unreasonable (See Section 2.3.7.1. "MAV Requirement"). If the number of unreasonable errors exceeds the amount allowed for the sample size the sample fails. (See Section 2.3.1. "Define the Inspection Lot" and Tables 2-1 or 2-2, Column 4). If the sample passes go to Step 6.

6. Apply Section 2.3.7.2. "Average Requirement." The sample passes or fails depending on the results of the evaluation conducted according to Section 2.3.7. "Evaluation for Compliance."

5.4. Exceptions

5.4.1. Multiunit Packages with Only a Total Quantity Declaration

In NIST HB 130, Uniform Packaging and Labeling Regulation (UPLR), Section 10.4. Multiunit Packages states that unlabeled individual packages not intended for individual retail sale are only required to declare a total quantity declaration [See Figure 2. Multiunit Package (three packages) with only a Total Quantity Declaration]. Section 10.4. Multiunit Packages also permits multiunit packages to include an optional statement of the count of the individual inner packages even when the regulations do not require such a statement.

Floor Cleaner	**Floor Cleaner** **NET WEIGHT 15 kg**	**Floor Cleaner**

Figure 2. Multiunit Package (three packages) with only a Total Quantity Declaration

5.4.1.1. MAV Application

When multiunit package labels do not include a quantity statement for each individual inner package (e.g., only a total quantity appears) a Total Quantity MAV cannot be not applied because the quantities in the individual inner packages are unknown. In these cases, the MAV value for the total quantity declaration in the MAV tables (See Appendix A. Tables) is compared to the Total Quantity Package Error to determine if any of the errors are unreasonable (See Section 2.3.7.1. "MAV Requirement").

5.4.2. Variety Packages: Non-Uniform Quantity Declarations

Uniform Packaging and Labeling Regulation, Section 10.6. Variety Packages states that a variety package is required to have total quantity declaration. While the commodities may be generically similar, they can differ in weight, measure, volume, or appearance. When the labeled weight, measure or count varies, the value of the MAV can also vary. When variety packages are tested, the procedure used to calculate a Total Quantity MAV requires the summing of the MAV values over the number of inner packages of all types. An example label for a variety package of candy bars is shown in Figure 3. Variety Package – Four Similar but Different Products with Varying Net Weights, to illustrate a total quantity declaration, count, and the weight of the individual inner packages.

30 Candy Bar – Variety Pack Total Net Weight 1.33 kg	
10 – 55 g Peanut Butter Cups	**6 – 30 g Dark Chocolate Bars**
6 – 46 g Milk Chocolate Bars with Almonds	**8 – 41 g Milk Chocolate Bars**

Figure 3. Variety Package – Four Similar but Different Products with Varying Net Weights

5.4.3. Test Procedure

1. **When this type of variety package is tested the average tare weight (e.g., packaging from the individual inner packages and the outer package combined) is determined and a nominal gross weight is used to determine the error in the total quantity declaration.**

   Note: The Total Quantity Package Error is the sum of the errors found in the individual inner packages.

   Total Quantity Package Error = Sum of Individual Inner Package Errors

   The MAV used to determine if any minus Total Quantity Package Error is unreasonable is to be calculated. The MAVs applied are based on the labeled quantities of each product type and are calculated (i.e., the number of individual inner packages of each product type is multiplied by their count) and these are summed to obtain the Total Quantity MAV (See example shown in Table 1. Steps in Calculating a MAV for a Variety Package).

5.4.3.1. MAV Application

A Total Quantity MAV must be applied because the labeled quantities and MAVs of the individual inner packages vary. For example, based on the quantity of the total net weight the MAV for 1.33 kg

is 42.6 g but the "Total Quantity MAV" to be applied is 122.4 g (See example shown in Table 1. Steps in Calculating a MAV for a Variety Package).

Table 1. Steps in Calculating a MAV for a Variety Package

(Based on Figure 3. Variety Package – Four Similar but Different Products with Varying Net Weights)

Item	Product	Number in Package	Net Weight	MAV for Net Quantity	Total Quantity MAV
1	Peanut Butter Cups	10	55 g	5.4 g	10 × 5.4 = 54 g
2	Dark Chocolate Bars	6	30 g	10 % of labeled quantity	6 × (0.1 × 30) = 18 g
3	Milk Chocolate Bars	8	41 g	3.6 g	8 × 3.6 = 28.8 g
4	Milk Chocolate Bars with Almonds	6	46 g	3.6 g	6 × 3.6 = 21.6 g
				Total Quantity MAV	122.4 g

(Added 20XX)

B1: NET-19.4 D Handbook 133, Appendix F. Glossary

Purpose:
This will add definitions for language being placed into a NIST Handbook 133 regarding multiunit packages.

Item Under Consideration:
Amend NIST Handbook 133, Appendix F as follows:

Multiunit Package. - A package containing two or more individual packages of the identical commodity, in the same quantity, intended to be sold as a multiunit package

Variety Package. – A package intended for retail sale, containing two or more individual packages or units of similar, but not identical, commodities. Commodities that are generically the same, but that differ in weight, measure, volume, appearance, or quality, are considered similar, but not identical.

Total Quantity MAV. – A calculated value used to determine if each minus Total Quantity Package Error found in multiunit and variety packages are unreasonable. A Total Quantity MAV is based on the declared quantity and count of the individual inner packages. It is determined by looking up MAV for the individual inner package quantity (See appropriate table of MAVs in Appendix A "Tables" of NIST HB 133) and then calculating the "Total Quantity MAV" as follows:

Total Quantity MAV = Number of Individual Inner Packages × MAV for Individual Inner Package Quantity

Note: A Total Quantity MAV is not used when the MAV to be applied is based on a percentage of the labeled quantity on a multiunit or variety package.

Note: The Total Quantity Package Error is the sum of the errors found in the individual inner packages.

Total Quantity Package Error = Sum of Individual Inner Package Errors

Background/Discussion: See Appendix A, Page L&R-A134.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES

MOS-18.2 A Reorganize the Method of Sale of Commodities and create a section for Fuels, Lubricants and Automotive Products

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

Purpose:
Originally when this this proposal was submitted by Archer Danial Midland it was to harmonize the method of sale for kerosene between the Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation. This Item has been assigned to FALS to be further developed as follows:

- To allow for easier navigation, understanding and use within the Method of Sale Regulation.
- Move all Fuels, Lubricants, and Automotive Products from "Section 2. Non-Food Products," to a new subsection within Section 2 titled" Fuels, Lubricants, and automotive products".
- Add reference in the new section for definitions, specifications, and identifications.
- Add reference to the Method of Sale Law to individual items missing a method of sale.
- Renumbering of the remaining products within the method of sale regulation.

Item Under Consideration:

B. Uniform Regulation for the Method of Sale of Commodities

1. Background

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

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

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

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

2. Status of Promulgation

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

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

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

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

~~**Example:**~~
~~**1K Kerosene; Kerosene – 2K.**~~
~~**(Added 1983)**~~

~~**2.19.1. Retail Sale from Bulk. – All kerosene kept, offered, or exposed for sale and sold from bulk at retail shall be in terms of the gallon or liter.**~~
~~**(Added 2012)**~~

~~**2.20. Gasoline-Oxygenate Blends.**~~

~~**2.20.1. Method of Retail Sale. – Type of Oxygenate must be Disclosed. – All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read "contains ethanol" or "with MTBE." The**~~

~~oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers" or alternatively post the phrase "contains MTBE or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This information shall be posted on the upper 50 % of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (½ in) in height, 1.5 mm ($\frac{1}{16}$ in) stroke (width of type).~~

~~(Amended 1996)~~

~~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 when the fuel contains ethanol.~~

~~(b) For fuels that do not contain ethanol, information that complies with 40 CFR 80.1503 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."~~

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

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

~~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. (For additional information, refer to Section 2.30.2. FTC Labeling Requirements.)~~

~~(Added 2018)~~

~~2.21. Liquefied Petroleum Gas. All liquefied petroleum gas, including, but not limited to propane, butane~~Error! Bookmark not defined.~~, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [*NOTE 7*, page 132] of vapor (defined as 1 ft^3 at 60 °F [15.6 °C]), or the gallon (defined as 231 in^3 at 60 ºF [15.6 °C]). All metered sales by the 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.~~

~~(Added 1986)~~

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

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

~~2.27.1. Definitions.~~

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

~~(Amended 2016)~~

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

~~(Amended 2016)~~

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

~~(Added 2016)~~

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

~~(Added 2016)~~

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

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

~~(Amended 2016)~~

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

~~(Amended 2016)~~

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

~~(Added 2016)~~

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

~~(Added 2016)~~

~~2.30. Ethanol Flex Fuel.~~

~~2.30.1. How to Identify Ethanol Flex Fuel. – Ethanol flex fuel shall be identified as "Ethanol Flex Fuel or EXX Flex Fuel."~~

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

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

~~2.31. Biodiesel and Biodiesel Blends.~~

~~2.31.1. Identification of Product. – Biodiesel shall be identified by the term "Biodiesel" with the designation "B100." Biodiesel Blends shall be identified by the term "Biodiesel Blend."~~

2.31.2. Labeling of Retail Dispensers.

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

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

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

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

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

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

(Added 2008)

2.32. Retail Sales of Hydrogen Fuel (H).

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

(Amended 2012)

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

2.32.3. Retail Dispenser Labeling.

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

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

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

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

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

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~~

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

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

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

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

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

~~(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 condition under which variations in electrical energy transfer will occur; and~~

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

~~(d) 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 displayed.~~

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

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

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

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

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

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

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

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

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

~~(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 - NOx 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 - NOx 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 - NOx 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 - NOx 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~~

~~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 state regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or transmission rig testing. Any manufacturer of a transmission 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 may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director's office by the additive supplier(s).~~

~~(Added 2017)~~

~~2.36.1.1. Conformance. Conformance of a fluid per Section 2.36.1. Products for Use in Lubricating Transmissions 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.~~

~~(Added 2017)~~

~~2.36.1.2. Transmission Fluid Additives. Any material offered for sale or sold as an additive to transmission fluids shall be compatible with the transmission 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 in this state shall provide, upon request by a duly authorized representative of the Director, documentation of any claims made on their product label or published on any website referenced by the label.~~

~~(Added 2017)~~

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

~~(Added 2017)~~

~~2.36.2.1. Container Labeling. The label on a container of transmission 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 transmission 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 "Transmission Fluid," which may be incorporated into a more specific description of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable Transmission Fluid";~~

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

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

~~(Added 2017)~~

~~2.36.2.2. Identification on Documentation. Transmission 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 "Transmission Fluid," which may be incorporated into a more specific description of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable Transmission Fluid";~~

~~(d) 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 include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and~~

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

~~(Added 2017)~~

~~2.36.2.3. Identification on Service Provider Documentation. Transmission fluid installed from a bulk tank at time of transmission 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 "Transmission Fluid," which may be incorporated into a more specific description of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable Transmission Fluid";~~

~~(d) 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 include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and~~

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

~~(Added 2017)~~

~~2.36.2.4. Bulk Delivery. When the transmission 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 2.36.2.2. Identification on Documentation.~~

~~(Added 2017)~~

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

~~(a) the brand name;~~

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

~~(Added 2017)~~

~~2.36.3. Documentation of Claims Made Upon Product Label. Any manufacturer, packer, or distributor of any product subject to this article and sold in this state 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 may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director's office by the additive supplier(s).~~

~~(Added 2017)~~

~~(Added 2017)~~

~~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 test 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 is located on NIST OWM Publication website at www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130. Where a fluid can be licensed against an original equipment manufacturer's specification, evidence of current licensing by the marketer is acceptable documentation of performance against the specification. In the absence of a license from the original equipment manufacturer, adherence to the original equipment manufacturer's specifications shall be assessed after testing per relevant methods available to the lubricants industry and the regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable for use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the Director's office by the additive supplier(s).~~

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

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

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

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

~~(a) the brand name;~~

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

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

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

~~(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning 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 this product in applications in which it is not intended.~~

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

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

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

~~(a) the brand name;~~

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

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

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

~~(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning 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.~~

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

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

~~(a) the brand name;~~

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

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

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

~~(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning 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.~~

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

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

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

~~(a) the brand name;~~

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

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

~~(Added 2019)~~

[Remaining products will be renumbered editorially as needed]

2.XX. Fuels, Lubricants, and Automotive Products

2.XX.1. General Information

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

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

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

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

Example:
1K Kerosene; Kerosene - 2K.

(Added 1983)

2.XX.2.1. 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.XX.3. Gasoline-Oxygenate Blends.

2.XX.3.1. Labeling for Retail Sale. – Type of Oxygenate must be Disclosed. – All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read "contains ethanol" or "with MTBE." The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers" or alternatively post the phrase "contains MTBE or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This information shall be posted on the upper 50 % of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (½ in) in height, 1.5 mm ($^{1}/_{16}$ in) stroke (width of type).

(Amended 1996)

2.XX.3.2. 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 when the fuel contains ethanol.

(b) For fuels that do not contain ethanol, information that complies with 40 CFR 80.1503 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."

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

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

2.XX.3.3. 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. (For additional information, refer to Section 2.XX.6.2. FTC Labeling Requirements.)

(Added 2018)

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

(Added 20XX)

2.XX.4. Liquefied Petroleum Gas. – 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 pound, metered cubic foot [*NOTE 7*, page XXX] of vapor (defined as 1 ft^3 at 60 °F [15.6 °C]), or the gallon (defined as 231 in^3 at 60 °F [15.6 °C]). All metered sales by the 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.

(Added 1986)

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

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

2.XX.5.1. Definitions.

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

(Amended 2016)

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

(Amended 2016)

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

(Added 2016)

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

(Added 2016)

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

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

(Amended 2016)

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

(Amended 2016)

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

(Added 2016)

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

(Added 2016)

2.XX.6. Ethanol Flex Fuel.

2.XX.6.1. How to Identify Ethanol Flex Fuel. – Ethanol flex fuel shall be identified as "Ethanol Flex Fuel or EXX Flex Fuel."

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

(Added 2007) (Amended 2014 and 2018)

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

(Added 20XX)

2.XX.7. Biodiesel and Biodiesel Blends.

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

2.XX.7.2. Labeling of Retail Dispensers.

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

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

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

2.XX.7.2.4. Biodiesel Blends. – When biodiesel blends greater than 20 % by volume are offered by sale, each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that states "Consult Vehicle Manufacturer Fuel Recommendations." The lettering of this legend shall not 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 definite contrast to the background color to which it is applied.

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

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

(Added 2008)

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

(Added 20XX)

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

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

(Amended 2012)

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

2.XX.8.3. Retail Dispenser Labeling.

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

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

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

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

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

2.XX.8.4. 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.XX.9. Oil.

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

2.XX.9.1.1. 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.XX.9.1.2. 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.XX.9.1.3. 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.XX.9.1.3.1. Vehicle or Engine Manufacturer Standard.

(Amended 2014)

2.XX.9.1.3.1. 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.XX.9.1.3.2. 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.XX.9.1.3.1. Vehicle or Engine Manufacturer Standard applies.

(Amended 2014)

2.XX.9.1.4. 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.XX.9.1.5. 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.XX.9.1.1. Viscosity; 2.XX.9.1.2. Brand; 2.XX9.1.3. 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.XX.9.1.3.2. 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)

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

(Added 20XX)

(Added 2012) (Amended 2013 and 2014)

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

2.XX.10.1. Definitions.

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

2.XX.10.1.2. 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.XX.10.1.3. Fixed Service. – Service that continuously provides the nominal power that is possible with the equipment as it is installed.

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

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

2.XX.10.2. 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.XX.10.3. 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 electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.

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

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

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

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

(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 condition under which variations in electrical energy transfer will occur; and

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

(d) 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 displayed.

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

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

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

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

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

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

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

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

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

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

2.XX.11.1. Definition.

2.XX.11.1.1. 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 - NOx reduction agent AUS 32."

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

2.XX.11.2.1. 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.XX.11.2.2. 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 - NOx reduction agent AUS 32." This information shall be provided by the supplier on an invoice, bill of lading, shipping paper, or other document.

2.XX.11.2.3. 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 - NOx 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.XX.11.2.4. 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 - NOx 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.

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

(Added 20XX)

(Added 2014)

2.XX.12. Transmission Fluid.

2.XX.12.1. 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 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 state regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or transmission rig testing. Any manufacturer of a transmission 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 may be in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director's office by the additive supplier(s).

(Added 2017)

2.XX.12.1.1. Conformance. – Conformance of a fluid per Section 2.XX.12.1. Products for Use in Lubricating Transmissions 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.
(Added 2017)

2.XX.12.1.2. Transmission Fluid Additives. – Any material offered for sale or sold as an additive to transmission fluids shall be compatible with the transmission 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 in this state shall provide, upon request by a duly authorized representative of the Director, documentation of any claims made on their product label or published on any website referenced by the label.

(Added 2017)

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

(Added 2017)

2.XX.12.2.1. Container Labeling. – The label on a container of transmission 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 transmission 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 "Transmission Fluid," which may be incorporated into a more specific description of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable Transmission Fluid";

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

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

(Added 2017)

2.XX.12.2.2. Identification on Documentation. – Transmission 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 "Transmission Fluid," which may be incorporated into a more specific description of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable Transmission Fluid";

(d) 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 include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and

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

(Added 2017)

2.XX.12.2.3. Identification on Service Provider Documentation. – Transmission fluid installed from a bulk tank at time of transmission 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 "Transmission Fluid," which may be incorporated into a more specific description of transmission type such as "Automatic Transmission Fluid" or "Continuously Variable Transmission Fluid";

(d) 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 include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and JASO and are acknowledged by reference; and

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

(Added 2017)

2.XX.12.2.4. Bulk Delivery. – When the transmission 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.XX.12.2.2. Identification on Documentation.

(Added 2017)

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

(a) the brand name;

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

(Added 2017)

2.XX.12.3. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or distributor of any product subject to this article and sold in this state 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 may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director's office by the additive supplier(s).

(Added 2017)

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

(Added 20XX)

(Added 2017)

2.XX.13. Tractor Hydraulic Fluid.

2.XX.13.1. 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 test 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 is located on the NIST OWM Publication website at www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130. Where a fluid can be licensed against an original equipment manufacturer's specification, evidence of current licensing by the marketer is acceptable documentation of performance against the specification. In the absence of a license from the original equipment manufacturer, adherence to the original equipment manufacturer's specifications shall be assessed after testing per relevant methods available to the lubricants industry and the regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable for use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the Director's office by the additive supplier(s).

2.XX.13.1.1. Conformance. – Conformance of a fluid per Section 2.XX.13.1. 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.XX.13.1.2. 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.XX.13.2. Labeling and Identification of Tractor Hydraulic Fluid. – Tractor hydraulic fluids shall be labeled or identified as described below.

2.XX.13.2.1. Container Labeling. – The label on a container of tractor hydraulic fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart

or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid shall be labeled with the following:

(a) the brand name;

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

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

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

(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning 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 this product in applications in which it is not intended.**

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

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

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

(a) the brand name;

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

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

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

(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning 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.

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

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

(a) the brand name;

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

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

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

(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning 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.

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

2.XX.13.2.4. 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.XX.13.2.2. Identification on Documentation.

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

(a) the brand name;

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

2.XX.13.3. 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)

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

(Added 20XX)

Background/Discussion: See Appendix A, Page L&R-A136.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

MOS-20.3 2.X. Diesel Fuel

Source:
National Biodiesel Board

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

Item Under Consideration:
Amend NIST Handbook 130 Uniform Regulation for the Method of Sale of Commodities as follows:

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

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

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

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

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

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

NOTE: ASTM D613, "Standard Test Method for Cetane Number of Diesel Fuel Oil" is the referee method; however, the following methods can be used to determine cetane number: the latest versions of ASTM D6890, "Standard Test Method for Determination of Ignition Delay and Derived Cetane Number" (DCN) of Diesel Fuel Oils by Combustion in a Constant Volume Chamber"; ASTM D7170, "Standard Test Method for Determination of Derived Cetane Number (DCN) of Diesel Fuel Oils—Fixed Range Injection Period, Constant Volume Combustion Chamber Method"; and ASTM D7668, "Standard Test Method for Determination of Derived Cetane Number (DCN) of Diesel Fuel Oils—Ignition Delay and Combustion Delay Using a Constant Volume Combustion Chamber Method."

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

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

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

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

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

(e) Filter Blocking Tendency (FBT) – A maximum of 2.2 by ASTM D2068, "Standard Test Method for Determining Filter Blocking Tendency", following procedure B.

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

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

(Added 20XX)

Background/Discussion: See Appendix A, Page L&R-A137.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

MOS-20.4 2.XX. Ink and Toner Cartridges

Source:
Tennessee Department of Agriculture

Purpose:
Define, designate, and add specific accurate and adequate quantity information that permits buyers to make price and quantity comparisons for each package.

Item Under Consideration:
Amend NIST Handbook 130 Uniform Regulation for the Method of Sale of Commodities as follows:

2.XX. Ink and Toner Cartridges

2.XX.1. Definition.

2.XX.1.1. Ink Cartridge or Ink Jey Cartridge. - A cartridge that contains ink and can be replaced, a module designed to be inserted into a larger piece of equipment.

2.XX.1.2. Toner Cartridge. - also called laser toner, is the consumable component of a laser printer. Toner cartridges contain toner powder, a fine, dry mixture of plastic particles, carbon, and black or other coloring agents that make the actual image on the paper.

2.XX.2. Quantity.

2.XX.2.1. - Ink Cartridges, Ink Jet Cartridges shall include on the principal display panel of the package the following information: Average Page Yield xxxx Pages conducted in accordance with ISO/IEC 24711 & ISO/IEC 24712

2.XX.2.2. Toner Cartridges shall include on the principal display panel of the package the following information: Average Page Yield xxxx Pages conducted in accordance with ISO/IEC 19752.

2.XX.2.3. Additional required statement: "For more specific information go to"www……. Packagers Website". Manufacturer will then have more detailed information and explanation about possible variability in the average page yields due to specific printers used, environmental conditions, number of print jobs, font selected, or any other factors that may influence the declared average page yield.

Background/Discussion: See Appendix A, Page L&R-A138.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

MOS-20.5 2.21. Liquefied Petroleum Gas

Source:
Arizona Dept of Agriculture, Weights and Measures Services Division

Purpose:
Provide clarity and consistency regarding the method of sale (MOS) for liquefied petroleum gas (LPG) through a meter that has a maximum rated capacity of 20 gal/min or less.

Item Under Consideration:
Amend NIST Handbook 130 Uniform Regulation for the Method of Sale of Commodities as follows:

2.21. Liquefied Petroleum Gas. – 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 pound, metered cubic foot [NOTE 7, page 132] 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 metered sales by the 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**. Metered sales using a meter with a maximum rated capacity of 20 gal/min or less is exempt from temperature compensation requirements.**

(Added 1986 **Amended XXXX)**

Background/Discussion: See Appendix A, Page L&R-A139.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

ITEM BLOCK 2 (B2) TRACTOR HYDRAULIC FLUID

B2: MOS-20.1 2.XX. Tractor Hydraulic Fluid
B2: FAL-20.1 1.XX. Tractor Hydraulic Fluid

Source:
Independent Lubricant Manufacturers Association (ILMA)

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

B2: MOS-20.1. 2.XX. Tractor Hydraulic Fluid

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

2.XX. Tractor Hydraulic Fluid.

2.XX.1. Products for Use in Lubricating Tractors. – Tractor hydraulic fluids shall meet at least one current and/or verifiable original equipment manufacturer's requirements **or a specification, standard or code of practice issued by a nationally-recognized association** for those respective tractors. A list of current and verifiable specifications **and specification, standard or code of practice** can be found under "References" on NCWM's homepage. 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 by a duly authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the Director's office by the additive supplier(s).

…

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

2.XX.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:

(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning on the front package label 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.

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**~~.

…

2.XX.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:

(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning on the **invoice, bill of lading, shipping paper, or other documentation** ~~**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.

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**~~.

…

2.XX.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 **or other documentation** with the information listed below:

(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning on the **customer invoice or other documentation**~~**front package label**~~ 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.

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 1.XX. Tractor Hydraulic Fluid, 2.XX. Products for Use in Lubricating Tractors and 3.XX. Tractor Hydraulic Fluid.

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

1.XX. Tractor Hydraulic Fluid. - A product intended for use in tractors with a common sump for the transmission, final drives, wet brakes, axles and hydraulic system.

1.XX. 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.XX. Products for Use in Lubricating Tractors. – Tractor hydraulic fluids shall meet at least one current and/or verifiable original equipment manufacturer's requirements **or a specification, standard or code of practice issued by a nationally-recognized association** for those respective tractors. A list of current and verifiable specifications **and specification, standard or code of practice** can be found under "References" on NCWM's homepage. 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.XX. Tractor Hydraulic Fluid.

3.XX.1. Labeling and Identification of Tractor Hydraulic Fluid. – Tractor hydraulic fluid shall be labeled or identified as described below.

3.XX.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.

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**~~.

…

3.XX.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:

…

(e) any obsolete equipment manufacturer specifications should be clearly identified as "obsolete" and accompanied by the following warning on the **invoice, bill of lading, shipping paper, or other documentation** ~~**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.

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**~~.

…

3.XX.1.5. Storage Tank Labeling. – Each storage tank of tractor hydraulic fluid shall be labeled with the following:

(a) the brand name;

(c) 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 are those set by original equipment manufacturers **or a nationally-recognized association**;

Background/Discussion: See Appendix A, Page L&R-A141.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

ITEM BLOCK 3 (B3) ENGINE FUELS & AUTOMOTIVE LUBRICANTS INSPECTION LAW, SECTION 8.6 PROHIBITED ACTS. METHOD OF SALE, SECTION 2.33 OIL. FUELS & AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE (MOTOR OIL), 3.13. OIL, AND 7.2. REPRODUCIBILITY LIMITS

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

Source:
Independent Lubricant Manufacturers Association (ILMA)

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

B3: FLL-18.1 A Section 8. Prohibited Acts

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

Section 8. Prohibited Act

It shall be unlawful to:

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

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

B3: MOS-18.1 A Section 2.33. Oil

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

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,~~ **W**henever ~~the~~ **any** vehicle engine (motor) oil in ~~the~~ **a** container**, receptacle, dispenser, storage tank,** 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")~~.~~**.**" **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 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 statement**s** 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 A 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**)

Section 3. Classification and Method of Sale

3.13. Oil.

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

3.13.1.1. Viscosity. –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 viscosity grade classification preceded by the letters "SAE" in accordance with the SAE International's latest version of SAE J300, "Engine Oil Viscosity Classification."

(Amended 2012 and 2014)

3.13.1.2. 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.

(Added 2012 and 2014)

3.13.1.3. 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 provided in Section 3.13.1.3.1.

(Amended 2012 and 2014)

3.13.1.3.1. 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)

3.13.1.3.2. 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 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, "Engine Oil Performance and Engine Service Classification (Other than "Energy Conserving")" Appendix A,**~~ **W**henever ~~**the**~~ **any** vehicle engine (motor) oil in ~~**the**~~ **a** container **receptacle, dispenser, storage tank** 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")~~**.**~~," **the front or forward-facing label** ~~**If a**~~ **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 of 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 required by the vehicle or engine manufacturer.**

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

3.13.1.4. Tank Trucks or Rail Cars. Tank trucks, rail cars, and 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 3.13.1.5. Documentation shall be readily available for inspection.**

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

3.13.1.5. 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 3.13.1.1. Viscosity, **grade as defined by the latest version of SAE J300 "Engine Oil Viscosity Classification";** 3.13.1.2. Brand; 3.13.1.3. 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 3.13.1.3.2. 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)

(Amended 2012, 2013, and 2014)

3.13.2. Labeling of Recreational Motor Oil.

3.13.2.1. Viscosity. The label on each container of recreational motor oil shall contain the viscosity grade classification preceded by the letters "SAE" in accordance with the SAE International's latest version of SAE J300, "Engine Oil Viscosity Classification."

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

3.13.3. Labeling of Gear Oil.

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

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

3.13.3.2. Service Category. –The label on each container of gear oil shall contain the service category, or categories, in letters not less than 3.18 mm ($^1/_8$ in) in height, as defined by the latest version of SAE J308, "Axle and Manual Transmission Lubricants."

(Added 2004)

Section 7. Test Methods and Reproducibility Limits

7.2. Reproducibility Limits.

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

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

(Amended 2008)

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

(Added 2008**) (Amended 20XX)**

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

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

(Added 2008) (Amended 2018)

Background/Discussion: See Appendix A, Page L&R-A142.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

ITEM BLOCK 4 (B4) E15 WAIVER: PRODUCT TRANSFER DOCUMENT REQUIREMENTS

B4: MOS-20.2 2.20.2. Documentation for Dispenser Labeling Purposes.
B4: FLR-20.3 3.2.5. Documentation for Dispenser Labeling Purposes.

Source:
American Petroleum Institute (API)

Purpose:
More comprehensively align Handbook 130 Uniform Fuels and Automotive Lubricants Regulations with the U.S. EPA's rule that grants a 1-psi vapor pressure waiver to E15 for summertime (June 1 to September 15) and to help ensure consumers receive a consistent E15 blend. The proposed changes reflect the regulatory changes finalized by the EPA that revise product transfer document (PTD) requirement for disclosure of the percentage concentration of ethanol in gasoline-ethanol blends, as revised in 40 CFR 80.

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

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

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**~~ when the fuel contains ethanol **as described below**.

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

(1) Per 40 CFR 80.1503, For gasoline containing less than 9 volume percent ethanol, the following statement: "EX - Contains up to X% ethanol. The RVP does not exceed [fill in appropriate value] psi." The term X refers to the maximum volume percent ethanol present in the gasoline.

(2) Per 40 CFR 80.1503, For gasoline containing 9 or more volume percent ethanol, a conspicuous statement that the gasoline being shipped contains ethanol and the percentage concentration of ethanol as described in 40 CFR 80.27(d)(3).

(3) To meet the requirements of 40 CFR 80.28(g)(8), for ethanol flex fuel intended for blending with gasoline or gasoline-ethanol blends, to make gasoline containing not more than 15 volume percent ethanol, the following statement: "EXX contains XX% ethanol." The term XX refers to the volume percent ethanol present.

(Added 20XX)

(b) For fuels that do not contain ethanol, information that complies with 40 CFR 80.1503 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."

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

(Added 1984) (Amended 1985, 1986, 1991, 1996, ~~**and**~~ 2014**, and 20XX**)

B4: FLR-20.3 3.2.5. Documentation for Dispenser Labeling Purposes.

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

3.2.5. Documentation for Dispenser Labeling Purposes. – For automotive gasoline, automotive gasoline oxygenate blends**, ethanol flex fuel for blending** 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:

(b) Information ~~**that complies with 40 CFR 80.1503**~~ when the fuel contains ethanol **as described below**.

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

(1) Per 40 CFR 80.1503, For gasoline containing less than 9 volume percent ethanol, the following statement: "EX - Contains up to X% ethanol. The RVP does not exceed [fill in appropriate value] psi." The term X refers to the maximum volume percent ethanol present in the gasoline.

(2) Per 40 CFR 80.1503, For gasoline containing 9 or more volume percent ethanol, a conspicuous statement that the gasoline being shipped contains ethanol and the percentage concentration of ethanol as described in 40 CFR 80.27(d)(3).

(3) To meet the requirements of 40 CFR 80.28(g)(8), for ethanol flex fuel intended for blending with gasoline or gasoline-ethanol blends, to make gasoline containing not more than 15 volume percent ethanol, the following statement: "EXX contains XX% ethanol." The term XX refers to the volume percent ethanol present.

(Added 20XX)

(b) For fuels that do not contain ethanol, information that complies with 40 CFR 80.1503 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)

(c) Gasoline containing more than 0.3 % by volume methanol shall be identified as "with" or "containing" methanol.

(Added 2014) (Amended 2018)

(Amended 1996, 2014, ~~**and**~~ 2018 **and 20XX**)

Background/Discussion: See Appendix A, Page L&R-A150.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

FLR – UNIFORM FUELS AND AUTOMOTOVE LUBRICANTS REGULATION

FLR-20.2 1.23. Ethanol Flex Fuel. and 2.1. Gasoline and Gasoline-Oxygenate Blends

Source:
American Petroleum Institute (API)

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

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

1.23. Ethanol Flex Fuel. – Blends of ethanol and hydrocarbons restricted for use as fuel in ground vehicles equipped with flexible-fuel spark-ignition engines. **Ethanol Flex Fuel intended for blending with gasoline and gasoline ethanol blends shall contain certified components e.g., blending of ethanol flex fuel containing natural gas liquids is prohibited unless certified consistent with 40 CFR 80.28(g)(8) requirements.**
(Amended 2014 **and 20XX**)

And

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

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

(Added 2009) (Amended 2018)

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 edition of ASTM D4814 limits by more than:
(1) 1.0 psi for blends **containing at least 9 and not more than 15 volume percent ethanol** from June 1 through September 15 as allowed by EPA per 40 CFR 80.27(d).
(Amended 20XX)

(b) An ethanol blender, distributor, reseller, carrier, retailer or wholesale purchaser-consumer who exceeds the applicable standard by more than 1.0 psi, shall demonstrate, by showing receipt of a certification from the facility from which the gasoline, gasoline-ethanol blend or ethanol flex fuel blend was received, that the hydrocarbon portion of the blend complies with the Reid vapor pressure and other limitations of 40 CFR 80.27(a), as required in 40 CFR 80.28(g)(8). The certification shall be supported by evidence that the above criteria have been met, such as an oversight program which includes periodic sampling and testing of the gasoline or monitoring the volatility and ethanol content of the gasoline.
(Added 20XX)

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

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

Background/Discussion: See Appendix A, Page L&R-A154.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

POL – NCWM POLICY, INTERPRETATIONS AND GUIDELINES

POL-18.1 D Section 2.6.XX. Methods of Sale for Packages of Consumer Commodities – Federal Trade Commission (FTC) and Acceptable Common or Usual Declarations for Packages of Food – Food and Drug Administration (FDA).

Source:
NIST OWM

Purpose:
Provide NIST HB130 users with easy access to tables to identify the method of sales prescribed by the Federal Trade Commission (FTC) for products subject to that agency's regulation and the acceptable common or usual declarations permitted to appear on packages of food by the Food and Drug Administration.

Item Under Consideration:
Amend NIST Handbook 130, NCWM Policy, Interpretations and Guidelines as follows:

Note: NIST OWM is requesting editorial privileges to add items as they receive guidance from FDA or USDA as to what the acceptable common or usual declaration for a product is. To allow an opportunity for input, NIST OWM will place a notice in the Federal Register (FRN) prior to the next NCWM meeting and automatically update Section 2.6.XX. and list all changes to the amendment chart in front of NIST Handbook 130 following the NCWM Annual Meeting.

2.6.XX. Method of Sale for Packages of Consumer Commodities – **Federal Trade Commission (FTC) and Acceptable Common or Usual Declarations for Packages of Food – Food and Drug Administration (FDA), and U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS).**

The purpose of a method of sale requirement is to provide a uniform measurement unit for the sale of a commodity or product, so that consumers can compare quantities and prices and make informed purchasing decisions and value comparisons. Traditional methods of sale are established based upon long-term usage of that are prevalent among an industry or trade groups, which have gained widespread acceptance and use by both sellers and consumers. The decision to adopt a traditional method of sale is based on the unit of measurement being traceable to national standards.

Table A. Acceptable Common or Usual Net Quantity of Contents Declarations on Packages of Food is based in part upon FDA's, Fair Packaging and Labeling Manual, Guide 7699.2 (1978), other publications, and guidance received from FDA in response to inquiries. In addition, the information in the table is based on FDA's interpretation of 21 CFR 101.7 Subpart A. "Declaration of Net Quantity of Contents,"

21 CFR 101.7 Subpart A. and C.

(a) The principal display panel of a food in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure.

The statement shall be in terms of fluid measure if the food is liquid, or in terms of weight if the food is solid, semisolid, or viscous, (See Note 1) or a mixture of solid and liquid;

Except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity that is customarily sold by dry measure.

If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semisolid, or viscous product by fluid measure, it may be used.

Whenever the Commissioner determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers and offers opportunity for consumer confusion, he will by regulation designate the appropriate term or terms to be used for such commodity.

…

(c) When the declaration of quantity of contents by numerical count does not give adequate information as to the quantity of food in the package, it shall be combined with such statement of weight, measure, or size of the individual units of the foods as will provide such information.

Note 1. FDA has not defined a "viscous" liquid, but a general definition is that it is typically a liquid that has a thick (for example, some syrups have between 66 % to 74 % solids) or sticky consistency and which flows slowly when poured. Another identifying characteristic is that significant variations between two or more density measurements are frequently, but not always found in tests of viscous liquids.

A product that is "concentrated or "semi-concentrated" (for example, "concentrated soup" typically has a high solids content and the instructions indicate that it is to be mixed with water or milk to "reconstitute" it) is typically treated as a "semi-solid" food.

Note 2. The U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) has primary jurisdictional authority over meat and poultry labeling but some food products containing certain percentages of meat and poultry fall under FDA jurisdiction. For example, spaghetti sauces with less than 2 percent cooked meat, pork and beans, bagel dogs and gravy mixes are exempt from FSIS regulations but are under FDA jurisdiction (this is called an "amenability" determination). See USDA publication "A Guide to Federal Food Labeling Requirements for Meat, Poultry and Egg Products (2007

Glossary of Acronyms and Terms	
Acroynm	**Term**
CFR	**Code of Federal Regulations**
CPG	**FDA Compliance Policy Guideline**
HB	**Handbook**
FDA	**Food and Drug Administration**
FDCA, or FD&C	**Food, Drug, and Cosmetic Act**
FPLA	**Fair Packaging and Labeling Act**
FPLM	**Fair Packaging and Labeling Manual**
FSIS	**Food Safety and Inspection Service**

FTC	**Federal Trade Commission**
I&G	**NIST Handbook 130 – NCWM Policy, Interpretations and Guidelines**
MOS	**Uniform Method of Sale of Commodities**
NBS	**National Bureau of Standards (now referred to as NIST)**
NBS HB 108	**Weights and Measures Labeling Handbook (1971).**
NIST	**National Institute of Standards and Technology**
NIST OWM	**National Institute of Standards and Technology, Office of Weights and Measures**
USC	**Code of Laws of the United States of America**
USDA	**U.S. Department of Agriculture**

1

Table A. **Fair Packaging and Labeling Manual, Guide 7699.2 (1978)** **Acceptable Common or Usual Net Quantity of Contents Declarations on Packages of Food**		
Product	**Acceptable Common or Usual Declaration**	**Additional References (refer to 21 CFR 101.7)**
Abalone, Canned in Brine	**Net Weight**	**Refer to FDA FPLM, Guide 7622**
Apples, Fresh	**Dry Measure or Net Weight In addition, may also show min. size, range in size, and/or count**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Anchovies (in salt)	**Weight of Fish**	
Apricots, canned	**Net Weight**	
Artichokes, canned	**Drained Weight**	**Refer to FDA- FPLM, Guide 7563** **see footnotes 2 and 3.**
Asparagus, fresh	**Net Weight**	
Beans, fresh	**Dry Measure or Net Weight**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Berries, small open container	**No Marking, Dry Measures on cellophane covered**	**Also refer to MOS, Section 1.12. Methods of Sale.** **Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.** **see footnote 1**
Biscuits	**Net Weight and Count**	
Bloaters, smoked **(a Bloater is a whole, ungutted, cold-smoked herring.)**	**Net Weight of Fish**	

Bread	**Net Weight**	**Also refer to MOS, Section 1.2. Methods of Sale.**
Broth, Beef and Chicken	**Net Weight**	**Beef and chicken broth labeling is regulated by the USDA and these products are included here for information.** **see footnote 4 for method of sale information, which is based on trade custom.**
Cabbage, fresh	**Dry Measure or Net Weight**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Cake (decorations)	**No markings**	
Cantaloupes, fresh	**Count**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Catsup (ketchup or catchup)	**Net Weight**	
Celery, fresh	**Count**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Cereals	**Net Weight**	
Cheese (general)	**Net Weight**	
Cheese (limburger)	**Net Weight**	
Cherries, canned	**Net Weight**	
Cherries, maraschino	**Net Weight or Dry Measure, No. of rows and minimum size**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Chicken, canned	**Net Weight**	**Most chicken is regulated by the USDA and this product is included in this list for information only.** **Refer to 9 CFR 381.121(c)(5)**
Citrus fruit (fresh)	**Dry Measure**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Chow-Chow	**Net Weight**	**Note: Chow chow is a relish (typically made from chopped and chunks of green tomatoes {and sometimes red tomatoes}, cabbage, mustard seed or powder, onions, hot peppers, sweet peppers, and vinegar.)**
Citrus juices	**Fluid Measure**	
Clams, canned	**Drained Weight**	**Refer to FDA-FPLM, Guides 7563 and 7622** **see footnotes 2 and 3.**
Cookies (cakes)	**Net Weight and Count**	

Corn on Cob (canned)	**Count**	**CPG Sec. 585.325 Corn on the Cob, Canned - Quantity of Contents Declaration.** **Refer to FDA-FPLM, Guide 7641**
Cottonseed meal	**Net Weight**	
Crabmeat, canned (dry)	**Net Weight**	
Crabmeat in brine	**Drained Weight**	**see footnote 2.**
Crackers	**Net Weight**	
Cranberries	**Dry Measure (e.g., cranberry barrel) also Net Weight**	
Dates	**Net Weight**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Doughnuts (Donuts)	**Net Weight and Count**	**Count alone is not sufficient, refer to FDA-FPLM, Guide 7605**
Fish, canned	**Net Weight**	
Fish, fresh	**No marking, Net Weight**	
Fish, frozen	**Net Weight, No marking**	
Fish, salted or smoked	**Net Weight and Count**	
Fruits, canned	**Net Weight**	
Fruits, fresh	**Dry Measure or Net Weight, also min size and/or count**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Fruit juices	**Fluid Volume**	
Grains, sacked	**Net Weight**	
Grapefruit, fresh	**Dry Measure, Size & Count, also Net Weight**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Grapes, fresh	**Net Weight & Dry Measure**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Greens, fresh	**Dry Measure & Net Weight, also No marking**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Gum	**Number of Sticks**	**refer to FDA FPLM, Guide 7613**
Herring Roe	**Net Weight**	
Herring, spiced	**Drained Weight Herring, Total Weight Contents**	**see footnotes 2 and 3.**
Honey, comb	**Net Weight**	
Honey, strained	**Net Weight**	
Jelly	**Net Weight**	
Lemons, fresh	**Count & Average Diameter, also Dry Measure**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Lettuce	**Dozen Count & Dry Measure**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**

Lobster, canned (dry)	**Net Weight**	
Lobster meat in brine (cooked)	**Drained Weight**	**Also refer to FDA-FPLM, Guide 7563 and 7622** **see footnotes 2 and 3.**
Margarine	**Net Weight**	**21 USC 21 Chapter 9, IV. FDCA, Section 347 Intrastate Sales of Colored Oleomargarine.**
Mayonnaise	**Fluid Volume**	**Also refer to 21 CFR 169.140**
Meats	**Net Weight**	**Most meat is regulated by USDA.** **refer to 9 CFR 317.2(h)**
Microgreens	**Net Weight**	**FDA responded to a NIST OWM inquiry (11/4/2014) which confirms that a solid food product should be sold by weight.[5]**
Milk, sweetened, condensed	**Net Weight**	**Also refer to MOS, Section 1.7. Other Milk Products**
Milk, evaporated	**Fluid Volume (Net Weight, may be declared on side panel(s))**	
Molasses	**Net Weight and/or Fluid Volume**	
Mushrooms, fresh	**Net Weight**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Mushrooms, canned	**Drained Weight**	**refer to 21 CFR 155.201, Subpart B** **see footnotes 2 & 3.**
Mussels (canned)	**Drained Weight**	**Refer to MOS, Section 1.5.2.5. Canned (heat processed) Mussels, Clams, Oysters, or Other Mollusks which requires these products be sold by weight.**
Mustard, Prepared	**Net Weight**	
Oil, salad, olive	**Fluid Volume**	
Olives, green (in brine)	**Drained Weight**	**see footnotes 2 and 3.**
Olives, ripe	**Drained Weight**	**see footnotes 2 and 3.**
Oranges	**Dry Measure & Count, also Net Weight & Size**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Oysters, fresh	**Fluid Volume**	**Also refer to MOS, Section 1.5.2.3. Canned (heat processed) Mussels, Clams, Oysters, or Other Mollusks**
Oysters, canned	**Net Weight**	**Also refer to MOS, Section 1.5.2.5. Canned (heat processed) Mussels, Clams, Oysters, or Other Mollusks**
Peaches, canned	**Net Weight**	

Peaches, fresh	**Dry Measure, Min. Diameter, also Net Weight & Count**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Peanut, butter	**Net Weight**	
Pears, canned	**Net Weight**	
Pears, fresh	**Count, also Dry Measure, or Net Weight**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Peas, canned	**Net Weight**	
Pickles	**Fluid Volume**	**Also refer to MOS, Section 1.8. Pickles** **21 CFR 101.7 (r) which permits sales of one or two whole pickles in clear plastic bags by count.**
Pineapple, fresh	**Count**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Plums, prunes, fresh	**Net Weight or Dry Measure, Count & Size denoted by rows in top layer**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Potatoes, fresh	**Net Weight or Dry Measure**	**Also refer to I&G, Section 2.3.2. Fresh Fruits and Vegetables.**
Rabbits, dressed	**Net Weight**	
Rolls and Buns	**Net Weight and Count**	**refer to CFR 101.7 (a)** **refer to FDA FPLM, Guide.**
Relish	**Net Weight**	**For pickle relish: Refer to 21 CFR 101.7(r**
Rock Lobster, canned (dry)	**Net Weight**	
Roe, herring	**Net Weight**	
Salad dressing	**Fluid Volume**	**Also refer to 21 CFR 169.150**
Salmon, canned	**Net Weight**	
Sardines, canned	**Net Weight**	
Sauces	**Fluid volume**	**When the sauce is a free-flowing liquid (e.g., "Hot Sauce or "Worcestershire Sauce") it must be sold by fluid volume.** **When the sauce is a viscous or slow flowing liquid or a mixture of solids and liquids it must be sold by net weight (e.g., "Chili Sauce," "Cocktail Sauce," "Tomato Sauce," "Spaghetti Sauce").**
Sauerkraut, (unprocessed in glass)	**Fluid Volume**	
Shrimp, canned (wet)	**Drained Weight**	**refer to FDA FPLM, Guide 7563**

		footnotes 2 and 3.
Shrimp, canned (dry)	**Net Weight**	
Syrup	**Fluid Volume or Net Weight**	
Soups, canned (liquid single strength)	**Fluid Volume**	**Soups which contain meat and poultry are subject to the regulations of the USDA and packages bear a seal of inspection by that agency.** **For method of sale labeling refer to 9 CFR 317.2 for meat products and 9 CFR 381.121 for poultry products**
Soups, canned (condensed & semi-condensed)	**Net Weight**	
Tea	**Net Weight**	
Tea bags	**Net Weight & Count**	**refer to CFR 101.7(a) a solid food must be sold by weight or count but, count alone is not sufficient for this food.**
Toddler Food (e.g., ravioli and vegetables in a single tray.)	**Net Weight**	**FDA responded to a NIST OWM inquiry (9/20/17) - A food entree for toddlers (comprised of ravioli and peas and carrots) included a drained weight declaration for the vegetables. FDA that the quantity of the vegetables should be declared by net weight and not drained weight.[5]**
Tomatoes, canned	**Net Weight**	
Tomatoes, fresh	**Net Weight or Dry Measure, Size denoted by Rows in top layer**	**Also refer to I&G Section 2.3.2. Fresh Fruits and Vegetables.**
Tuna fish, canned	**Net Weight or, Drained Weight***	***Several packers have permission to temporarily label by drained weight. Refer to page 35362 Federal Register / Vol. 79, No. 119 / Friday, June 20, 2014 / Notices – "FDA - Canned Tuna Deviating from Identity Standard;"**
Vegetables, canned	**Net Weight**	
Vegetables, fresh	**Dry Measure or Net Weight, also Count**	**Also refer to I&G Section 2.3.2. Fresh Fruits and Vegetables.**
Water, infused (e.g., with pieces of fruit or vegetables)	**Fluid Volume**	**FDA responded to a NIST OWM inquiry (5/24/2017) in regard to containers of water sold at retail with pieces of fruit, vegetable or herb to infuse flavor. FDA responded these products should be sold by fluid measure.[5]**

Yogurt, drinkable/pourable	**Fluid Volume**	**FDA responded to a NIST OWM inquiry (5/24/2018) regarding the method of sale for containers of pourable yogurt and smoothies. FDA responded these products should be sold by fluid measure.[5]**
[1]Refer to Subpart G—Exemptions from Food Labeling Requirements –21 CFR 101.100 Food; exemptions from labeling. Subpart (c) An open container (a container of rigid or semi-rigid construction, which is not closed by lid, wrapper, or otherwise other than by an uncolored transparent wrapper which does not obscure the contents) of a fresh fruit or fresh vegetable, the quantity of contents of which is not more than 1 dry quart, shall be exempt from the labeling requirements of sections 403(e), (g)(2) (with respect to the name of the food specified in the definition and standard), and (i)(1) of the act; but such exemption shall be on the condition that if two or more such containers are enclosed in a crate or other shipping package, such crate or package shall bear labeling showing the number of such containers enclosed therein and the quantity of the contents of each **[2]Drained Weight – When required. For decades, on a case-by-case basis, under both the Federal Food Drug and Cosmetic Act (FD&C) and the Fair Packaging and Labeling Act (FPLA) FDA has advised firms that the net contents declaration should include the packing medium if it is generally consumed as part of the food. Conversely, where solid foods are packed in a salt brine or other medium that is always, or almost always, discarded before serving, the agency has expected that the label would disclose the drained weight.** **[3]Net Weights and Drained Weight Declaration May Appear on Package Labels. This interpretation by the FDA appears on page 9856 in the Feder Register/Vol. 62/Tuesday March 4, 1997/ Proposed Rules** **[4]In a June 3, 1998 letter to Campbell Soup Company from the USDA, Food Safety and Inspection Service (FSIS), Office of Policy Program Development and Evaluation the trade custom of labeling the net quantity of contents of packages of beef and chicken broth by net weight instead fluid measure was recognized. (copy available from the NIST Office of Weights and Measures)** **[5]A copy of the correspondence is available by contacting the NIST Office of Weights and Measures at (301) 975-4004 or email: OWM@nist.gov**		
Revised ##/20XX		

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Table B. **Method of Sale – Federal Trade Commission**	
The Net Quantity Declaration designated in this chart is that one used on the most common form of packaging for each commodity. If the product is packaged in multiple units or with other commodities, see Multiunit Package, Variety Package, or Combination Package, as appropriate. As noted below NIST HB 130 Uniform Regulation for the Method of Sale of Commodities (UMSCR) also includes methods of sale for several products or commodities. Details on labeling requirements are in NIST HB 130 Uniform Packaging and Labeling Regulation (UPLR).	
Product or Commodity	**Net Quantity of Contents Declaration**
Aerosol Containers	**Net Weight (Also refer to UPLR, Section 10.3. "Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure").**
Air Freshener	

Aerosol	**Net Weight (Also refer to UPLR, Section 10.3. "Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure").**
Liquid	**Fluid Measure**
Cake	**Net Weight**
Aluminum Foil	
Cooking & Bakeware	**Count and inside dimensions (length, width, and depth, or diameter and depth). Depth of less than 5 cm (2 in) and capacity are optional. (See UPLR Section 10.8. Measurement of Container-Type Commodities – How Expressed).**
Wrap	**See Food Wraps**
Bags	
Garbage, Trash, Food Storage, Leaf, Lunch, etc.	**Count and dimensions (width and length for non-gusseted; width, depth, and length for gusseted). Capacity is optional. (see UMSCR Section 2.13. Polyethylene).**
Vacuum Cleaner, Disposable	**Count. (Make and model of vacuum for which intended, and name and place of business must appear on the principal display panel.)**
Bathmats, paper	**Count and dimensions (length and width in millimeters or centimeters and inches).**
Bathroom Tissue	**Total square meters and square feet, number of rolls (if more than one), number of tissues per roll, ply, plus length and width of each tissue in centimeters and inches.**
Batteries, Household	**Count. (Voltage and/or size are factors of identity, not quantity.)**
Bed Sheet, Paper	**Dimensions (length and width of finished item in millimeters or centimeters and inches).**
Bowls (Paper Foil, Plastic, etc.)	**Count and dimensions. (Depth and diameter (outer top rim) in inches.) Depth of less than 5 cm (2 in) and capacity are optional.**
Boxes, Food Storage	**Count and dimensions (length, width and depth). Capacity is optional. (see UPLR Section 10.8. Measurement of Container-Type Commodities – How Expressed).**
Bulb, Light	**Count, if more than one. Voltage, wattage, lumens, size, etc., are factors of identity, not quantity.**
Butane Fuel	**Net Weight**
Calking Compounds	**Fluid Measure**
Candle	
Uniform Width or Diameter	**Dimensions (length and diameter or width, in millimeters or centimeters and inches).**

Tapered or irregularly shaped figures, numbers, etc.	**Length or height in millimeters or centimeters and inches. (diameter need not be expressed – refer to 16 CFR 501.7)**
Chamois	
Full Skin (shape of the animal)	**Total square meters and square feet**
Cut Skin (Square, Rectangular, or Pocket)	**Total square meters and square inches followed in parentheses by square feet if more than one square foot.**
Charcoal Briquets	**Net Weight**
Christmas Decorations	
Balls	**See Ornaments**
Bulbs	**See Bulb, Light**
Garlands	**See Garlands**
Icicles or Tinsel	**Count, plus length of strands**
Ornaments	**See Ornaments**
Cigarette Paper	**Count**
Cleaning Compound	
Liquid	**Fluid Measure**
Powder, Cake, or Paste	**Net Weight**
Clothesline	**See Cordage**
Combination Package	**Count, weight volume, dimensions, or a combination thereof, for each commodity included. (see UPLR Section 10.5. Combination Packages.)**
Cooking and Bakeware Containers (Foil and Paper	**See Aluminum Foil**
Cordage	**Length in meters and feet (followed in parentheses by length in yards). Ply and diameter are optional. (Breaking strength and size designation are elements of identity.)**
Cups	
Drinking	**Count, plus fluid capacity (see UPLR Section 10.8.3 Terms regarding the optional use of terms such as "fluid" with the capacity declaration.)**
Nut and Party	**Count, plus dimensions (top outside diameter, or length and width). Capacity is optional.**
Cooking and Baking (Foil or Paper)	**Count and inside dimensions (diameter and depth). Depth of less than 5 cm (2 in) and capacity are optional.**
Deodorizer	
Aerosol	**Net Weight (Also refer to UPLR, Section 10.3. "Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure").**
Liquid	**Fluid Measure**
Cake	**Net Weight**

Detergent	
Liquid	**Fluid Measure**
Powder, Cake, or Granular	**Net Weight**
Diapers, Disposable	**Count and dimensions (length and width in millimeters or centimeters and inches). Dimensions may be omitted if diaper is in permanent pre-fold or form-fitted shape.**
Distilled Water	**Fluid Measure**
Doilies, Paper	**Count, plus dimensions (length and width, or diameter in millimeters or centimeters or inches).**
Drop Cloth (Plastic)	**Total square meters and square feet, plus length and width in the largest whole unit measurements.**
Dyes and Tints (Household)	
Powder	**Net Weight**
Liquid	**Fluid Measure**
Emory Cloth (Paper	**See Sandpaper**
Eyeglass Tissue	**Count**
Facial Tissue	**Count, ply, plus length and width of each tissue in millimeters or centimeters and inches.**
Film	
Bulk or Movie	**(see UPLR Section 11.22. Camera Film, Recording Tape, Audio Recording Tape and Other Image and Audio Recording Media Intended for Retail Sale and Consumer Use). Number of meters or feet of usable film only.**
Still	**Number of exposures. Length and width of individual exposures in millimeters and inches are optional.**
Filters, Coffee	**Count and dimensions (length and width, or diameter).**
Fireplace Wood (See Section 2.4. in UMSCR)	
Cord Wood (Packaged)	**Cubic feet and liters (see UMSCR Section 2.4. Fireplace and Stove Wood.")**
Compressed Log	**Net Weight**
Flints, Lighter	**Count**
Food Storage	
Bags	**See Bags**
Boxes	**See Boxes, Food Storage**
Food Wrap (Plastic, Paper, Foil, etc.) (See Section 6.9. "Bi-dimensional Commodities" in the UPLR).	**Total square meters and square feet, plus length and width in largest whole measurement. (see UPLR Section 6.9. Bi-Dimensional Commodities.)**
Fuses, Household	**Count (if more than one). Amperage, type, voltage, size, etc., are factors of identity, not net quantity.**
Garden Bags	**See Bags**

Garlands	**Length in meters and feet (followed in parentheses by yards). Ply and/or width in inches are optional.**
Glasses, Disposable	**Count, plus fluid capacity of each glass.**
Glue	
Liquid	**Fluid Measure**
Powdered	**Net Weight**
Grease, Household	**See Lubricants, Household**
Incense	**Count**
Laundry Supplies	
Liquid	**Fluid Measure**
Aerosol	**Net Weight (Also refer to UPLR, Section 10.3. "Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure").**
Powder or Solid	**Net Weight**
Leaf Bags	**See Bags**
Light Bulbs	**See Bulbs, Light**
Lighter Fuel	
Non-pressurized	**Fluid Measure**
Pressurized (e.g., Butane)	**Net Weight**
Logs, Compressed	**See Fireplace Wood**
Lubricants, Household	
Liquid (Oil)	**Fluid Measure**
Powder, Paste, Solid, Semi-Solid, etc.	**Net Weight**
Lunch Bag	**See Bags**
Matches	
Wooden (Kitchen, Fireplace, etc.)	**Count plus length if they are extra-long intended for fireplace use, etc.**
Book-Matches (By the Box)	**Count (number of books, number of matches per book, total number of matches).**
Mucilage	**Fluid Measure**
Multi-Unit Package	**Count, plus weight, measure, or volume for each unit, followed by the total weight, measure, or volume, as appropriate. (see UPLR Section 10.4. Multiunit Packages.)**
Napkins, Paper	**Count, ply, plus length and width of each napkin in inches.**
Oil, Household	**See Lubricants, Household**
Ornaments, Christmas	**Opaque package – count and dimensions. Count only, if ornaments are clearly visible to retail purchaser at time of purchase. (refer to 16 CFR 501.2)**

Paper: Crepe, Shelf, or Wrapping (Not Gift Wrap)	**Total square area, plus length and width in largest whole measurements.**
Paper Streamers	**See Tape**
Paste, Household	**Fluid Measure**
Patching Plaster	**Net Weight**
Pillow Case, Paper	**Dimensions (length and width of finished item in centimeters and inches only).**
Pipe Cleaners	**Count. Length for cleaners shorter or longer than the standard 152.4 mm (6 inches).**
Place Mats, Paper	**Count and dimensions (length and width in centimeters and inches only).**
Plastic Food Wrap	**See Food Wraps**
Plates, Disposable	**Count and outside dimensions (length and width or diameter, in centimeters and inches).**
Polish Cloth, Impregnated	**Dimensions (total square area plus length and width in the largest whole measurements).**
Polish	
Liquid	**Fluid Measures**
Aerosol	**Net Weight (Also refer to UPLR, Section 10.3. "Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure").**
Powder, Granule, Cake, or paste	**Net Weight**
Propane Fuel	**Net Weight**
Rope, Household	**See Cordage**
Rubber Bands	**Net Weight**
Sandpaper (Fine, Medium, or Coarse, Grit, Etc.)	
One Grit Only (Fine, Medium or Coarse)	**Count and dimensions of each sheet (length and width in centimeters and inches).**
Assorted Grits	
a. Sheet Count for Each Type of Grit is Constant.	**Count of sheets per each type of grit, dimensions of each sheet (length and width in centimeters and inches), plus total sheet count.**
b. Total Sheet Count is Constant, but Sheet Count for Each Type of Grit Varies from Package to Package.	**Count and dimensions of each sheet (length and width in centimeters and inches). Identity must include term, "Assorted Miscellaneous Grits."**
Scouring Pads	
Steel Wool, Metal Coil, Plastic, Etc.	**Count plus dimensions (length, width and depth in centimeters and inches) for rectangular or square shaped pads.**
Soap	

Powder, Flake, Chip, Poufs, Cake, Ball, etc.	**Net Weight**
Liquid	**Fluid Measure**
Solder	**Net Weight in only. Percentage of composition, diameter, and core size are factors of identity not quantity.** **For Solder containing precious metals (see 16 CFR 501.8) Solder and brazing alloys containing precious metals when packaged and labeled for retail sale are exempt from the net quantity statement requirements of part 500 of this chapter which specify that all statements of weight shall be in terms of avoirdupois pound and ounce provided the net quantity declaration is stated in terms of the troy pound and ounce and the term troy is used in each declaration.**
Solder Flux	
Liquid	**Fluid Measure**
Paste	**Net Weight**
Spackling Compound	**Net Weight**
Sponge (Cellulose, Rubber, etc.)	
Standard Shapes	**Dimensions (length, width and thickness or diameter and thickness, in centimeters and inches).**
Irregular Dimensions	**Count, followed by the phrase "Irregular dimensions."**
Steel Wool, for finishing and polishing pads	**Count. Total net weight is optional.**
Straws, Drinking	**Count and length. Inside diameter is optional.**
String	**See Cordage**
Table Cover, Paper	**Dimensions (length and width in centimeters and inches).**
Tableware (Plastic Cutlery)	**Count (See Variety Package)**
Tape	**Dimensions (width in centimeters and inches followed by length in largest whole measurement (e.g., meters and yards.)**
Tissue	**See Bathroom Tissue and Facial Tissue**
Toothpicks	**Count**
Towels, Paper	
Roll	**Total square meters and square feet, roll count (if more than one), number of towels per roll, ply, length and width of individual towels in centimeters and inches.**
Single	**Dimensions (length and width in centimeters and inches.)**
Trash Bags	**See Bags**
Twine	**See Cordage**
Vacuum Cleaner Bags	**See Bags**
Variety Package	**Weight, volume, measure and count, as appropriate, for each identical commodity, followed by total statement of**

	quantity, as appropriate. (see UPLR Section 10.6. Variety Packages.)
Water, Distilled	**Fluid Measure**
Wax Paper	**See Food Wraps**
Wax	
Liquid	**Fluid Measure**
Aerosol	**Net Weight (Also refer to UPLR, Section 10.3. "Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure").**
Paste, Cake, and Powder	**Net Weight**

Background/Discussion: See Appendix A, Page L&R-A158.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

NET – HANDBOOK 133

NET-16.1 D Recognize the Use of Digital Density Meters

Source:
Missouri

Purpose:
Allow the use of digital density meters for package checking testing of viscous fluids such as motor oils, diesel exhaust fluid (DEF), and antifreeze.

Item Under Consideration:
Amend NIST Handbook 133 as follows:

3.X. Volumetric Test Procedure for Viscous and Non-Viscous Liquids by Portable Digital Density Meter

This test method is suitable for measuring the density of dairy products such as milk and half and half, petroleum products such as fuel and paint thinner, fruit drinks such as pulp-free juices, syrups, vegetable oils, as well as other viscous and non-viscous liquids.

This test method is not recommended for high pulp or carbonated products (soda, beer, etc.) and all products tested should be free of suspended gas, air, sediment, or substances not approved by the digital density meter manufacturer.

3.X.1 Test Equipment

- A scale that meets the requirements in Chapter 2, Section 2.2. "Measurement Standards and Test Equipment."

  Note: To verify that the scale has adequate resolution for use, it is first necessary to determine the density of the liquid; next verify that the scale division is no larger than MAV/6 for the package size under test. The smallest graduation on the scale must not exceed the weight value for MAV/6.

Example:

Assume the inspector is using a scale with 1 g (0.002 lb) increments to test packages labeled 1 L (33.8 fl oz) that have an MAV of 29 mL (1 fl oz). Also, assume the inspector finds that the weight of 1 L of the liquid is 943 g (2.078 lb).

Density: *1 L = 943 g (2.078 lb)*

MAV: *29 mL (1 fl oz)*

Convert Density into mL and fl oz:

943 g ÷ 1000 mL= 0.943 g/mL (2.07 8 lb ÷ 33.8 fl oz = 0.061 4 lb/fl oz)

Convert MAV from Volume (mL/fl oz) to Weight:

29 mL × 0.943 g/mL = 27.347 g 1 fl oz × 0.061 4 lb/fl oz = 0.064 lb)

MAV in Weight/6

27.347 g ÷ 6 = 4.557 g 0.064 ÷ 6 = 0.010 lb

In this example, the 1 g (0.002 lb) scale division is smaller than the MAV/6 value of 4.557 g (0.010 lb) so the scale is suitable for making a density determination.

- Air pump, low pressure– an aquarium air pump (to dry out measuring cell)
- Syringe, glass or plastic with Luer fitting (5mL or larger) - Note: Plastic syringe should be free of any lubricating substances
- Stopwatch (optional)
- Distilled or deionized water
- Cleaning agents (See Table 3.X. Cleaning Agents)
- Waste container
- Barometer, or other device for obtaining the prevailing barometric pressure, with an accuracy of ±3.0 mmHg – Note: smart phones with a barometer application that uses the phone's pressure sensor, have a typical accuracy of ±0.2 mmHg *(comment: barometer may not be necessary)*
- Thermometer for measuring air temperature with a tolerance of ±1°C (2°F)
- Portable digital density meter meeting a minimum requirement of:

Measuring Range	
Density	0 – 3 g/cm^3
Temperature	0 – 4 °C (32 – 104 °F)[a]
Viscosity	
Accuracy[b]	
Density	0.001 g/cm^3

Temperature	0.2 °C (0.4 °F)
Repeatability s.d.	
Density	0.0005 g/cm^3
Temperature	0.1 °C (0.1 °F)
Sample Volume	2 mL
Sample Temperature	max. 200 °C (212 °F)
footnotes [a] Filling at higher temperatures possible. [b] Viscosity < 100 mPa·s, density < g/cm^3	

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2 **3.X.2 Test Procedure**

1. Follow Section 2.3.1. "Define the Inspection Lot." Use a "Category A" sampling plan in the inspection. Select a random sample.

2. Bring the sample packages and their contents to ambient temperature ±5 °C (9 °F).

   Note: For refrigerated samples such as milk and other dairy products, a specimen of the product may be taken and placed into a clean bottle or vial with a closure or a syringe to reach ambient temperature. If the product requires mixing for uniformity, mix it before opening in accordance with any instructions specified on the package label. Shaking liquids, such as flavored milk, often entraps air that will affect volume measurements, so use caution when testing these products. Often, less air is entrapped if the package is gently rolled to mix the contents.

3. The instrument must at ambient temperature. Avoid causing condensation within the unit. Condensation could cause instrument malfunction and harm.

4. Validate the digital density meter per the manufacturer's calibration instructions. Instrument shall calibrate within allowable density range (±0.0005)

5. Ensure the digital density meter is clean prior to testing. Any residual liquid should be drained and the unit should be flushed with a small amount of the sample to be tested.

6. Follow the manufacturer's instructions to select the correct method, when using a meter with built in correction factors, and measure the density of the sample using the built in pump or syringe. Fill sample gently. If gas or air bubbles are present drain sample and refill. Note: a syringe may be desirable to allow sample specimen to achieve ambient temperature prior to introduction of specimen into testing cell.

7. Once digital density meter has stabilized (maintained reading ±0.5°F for 10 seconds) record density and temperature as indicated on instrument.

8. Apply coefficient of expansion (Alpha) to correct to the reference temperature. See Table 3-X. Reference Temperatures of Liquids. If the Alpha correction is not known then factor can be calculated using the below formula. Note: some digital density meters may be programmed to automatically apply this correction.

Calculating the Temperature Coefficient Alpha

$$\text{Temperature coefficient Alpha} = \left|\frac{\rho^1-\rho_2}{T^1-T_2}\right|$$

ρ_1 ….*density at temperature* T_1

ρ_2 ….*density at temperature* T_2

T_1 ….*temperature at initial measurement*

T_2 ….*temperature at second measurement*

9. Apply viscosity correction if viscosity > 85 centipoise at 21°C (70 °F) by adding the value in Table 3.X. Density Measurement to your density measurement.

   Note: Some units may be programmed to automatically apply. See Table 3.X. Approximate Viscosities of Common Materials for viscosity.

10. Calculate the Conventional Mass using the formula below (This value will be approximately 0.999) to correct density to apparent density. to correct density to apparent density of product at prevailing atmospheric pressure or for higher accuracy calculate apparent density by using the following formula (terms as defined in NIST Standard Operating Procedure SOP 2 "Recommended Standard Operating Procedure for Applying Air Buoyancy Corrections https://www.nist.gov/pml/weights-and-measures/laboratory-metrology/standard-operating-procedures

11. Drain the

3.2.3. Calculate the Conventional Mass[6] of S_c, CM_{Sc}.

$$CM_{Sc} = \frac{M_{S_c}\left(1 - \frac{\rho_n}{\rho_{Sc}}\right)}{\left(1 - \frac{\rho_n}{8.0}\right)}$$

instrument and repeat Steps 6–10 on a second specimen of the same package for verification of first measurement.

12. Compare the two readings, they must agree within 0.0003 g/cc. Calculate the average density of the two specimens from the sample. If the difference of two readings is greater than 0.0003 g/cc, discard results and repeat testing of sample. Air or undissolved gas will cause erroneous measurement errors. User of the test method shall always visually inspect for undissolved gas in measurement tube for valid test. User must investigate the cause such as air, operator technique, instrument stability, etc. before repeating more than two tests.

13. Repeat testing for second package of the lot.

14. Calculate the average of sample 1 and sample 2; the two results must agree within 0.0003 g/cc. If the difference between the densities of the two packages exceeds 0.0003 g/cc, use the volumetric procedure in Section 3.3. "Volumetric Test Procedure for Non-Viscous Liquids."

15. Convert the unit of the average density back to the unit of measure specified on the package label i.e. pounds/fluid ounce, etc.

16. The digital density meter must be stored clean. After final use of the day or extended period of time, the instrument should be drained and cleaned following the manufacturer's recommended cleaning procedures. Two cleaning agents should be used. The first cleaning liquid removes sample residue and

the second cleaning liquid removes the first cleaning liquid. See Table 3.X. Cleaning Agents for examples of cleaning agents recommended by a particular digital density meter manufacturer.

NOTE: If the unit will be immediately used to measure another sample of similar composition the unit may be drained and flushed with new sample three times before next analysis.

17. Connect digital density meter to a source of low pressure, such as an aquarium air pump, to dry the unit.

Table X.X. Density Measurement		
Calculate the density of air at the temperature of test using the following equation: d_{air}, g/mL = 0.001293[273.15/T][P/760] where: T = temperature, K, and P = barometric pressure, torr.		
°C	mmHg	d_{air}, g/mL
15.56	760	0.001223314

Table X.X. Approximate Viscosities of Common Materials

Material	Viscosity in Centipoise	Correction
Water	1 cps	
Milk	3 cps	
SAE 10 Motor Oil	85–140 cps	0.0003
SAE 20 Motor Oil	140–420 cps	0.0006
SAE 30 Motor Oil	420–650 cps	0.0007
SAE 40 Motor Oil	650–900 cps	0.0007
Castrol Oil	1,000 cps	0.0008
Karo Syrup	5,000 cps	0.0008
Honey	10,000 cps	0.00085
Chocolate	25,000 cps	0.0009
Ketchup	50,000 cps	0.0009
Mustard	70,000 cps	0.0009
Sour Cream	100,000 cps	0.0009
Peanut Butter	250,000 cps	

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*Do not introduce ethanol or other alcohols into instrument without first flushing all milk products from instruments.

3.X.3. Evaluation of Results

Follow the procedures in Section 2.3.7. "Evaluate for Compliance" to determine lot conformance.

Table X.X. Cleaning Agents

Commodity	Cleaning Liquid 1	Cleaning Liquid 2
Petroleum products	Toluene, petroleum naptha, petroleum ether, n-nonane, cyclohexane	Ethanol
Battery acid	Tap water	Ultra-pre (bi-distilled or deionized) water
Liquid soap & detergent, shampoo	Tap water	Ultra-pre (bi-distilled or deionized) water
Salad dressing, mayonnaise	Petroleum naptha, dish washing agent in water	Ethanol
Sun tan lotion	Tap water	Ethanol
Spirits	Tap water	Ultra-pre (bi-distilled or deionized) water
Grape juice, syrup	Warm tap water	Ultra-pre (bi-distilled or deionized) water
Milk*	Tap water, enzymatic lab cleaner	Ultra-pre (bi-distilled or deionized) water

Package Checking Calculation Worksheet - Density Meter Method

		Package No.				
Product	**10W-30 Oil**	**8/28/2019**	**Run 1**	**Run 2**	**Run 3**	**Run 4**
Barometer	air temp, °C		20	20	20	20
	barometric press, mmHg		760	760	600	760
Density	ρsubstance (g/cc)		**0.8500**	**0.8501**	**0.8500**	**0.8501**
Meter	temperature substance	**t**product, °C	**21**	**20.5**	**20**	**19.5**
Table	coefficient of expansion	alpha	**0.000830**	**0.000830**	**0.000830**	**0.000830**
	reference temperature	**t**reference, °C	**15.56**	**15.56**	**15.56**	**15.56**
Table	Viscosity Correction	g/cc	**0.0003**	**0.0003**	**0.0003**	**0.0003**
Scale	total weight	pounds	**7.113**	**7.113**	**7.120**	**7.120**
Weight	tare	pounds	**0.000**	**0.000**	**0.000**	**0.000**
	net weight	pounds	7.113	7.113	7.120	7.120
	Apparent Density		0.8531	0.8528	0.8526	0.8521
	Test Package Content	Gallons	**0.999**	**0.999**	**1.001**	**1.001**
		over/short(+/-)	-0.001	-0.001	0.001	0.001
	calculated from above net wt	fluid ounces	**127.9**	**127.9**	**128.1**	**128.2**
		over/short(+/-)	**-0.1**	**-0.1**	**0.1**	**0.2**
		ml	**3782**	**3783**	**3788**	**3790**
		over/short(+/-)	-3	-2	3	5
		liter	**3.782**	**3.783**	**3.788**	**3.790**
		over/short(+/-)	-0.003	-0.002	0.003	0.005
	Density of air		0.0012	0.0012	0.0010	0.0012
	density reference temp		0.8541	0.8539	0.8534	0.8532
	Apparent Density		0.8531	0.8528	0.8526	0.8521
	App Mass, lb (gal @ ref T)	lb/gal	7.119144	7.117038	7.115147	7.111149
	lb X factor	gal/lb	0.140466	0.140508	0.140545	0.140624
		floz/lb	17.980	17.985	17.990	18.000

Background/Discussion: See Appendix A, Page L&R-A159.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

NET-20.2 4.5. Polyethylene Sheeting, Bags and Liners.

Source:
New York State Weights and Measures

Purpose:
Remove antiquated terminology used for test equipment to test the thickness of polyethylene sheeting, bags and liners.

Item Under Consideration:
Amend NIST Handbook 133 as follows:

4.5. Polyethylene Sheeting, Bags, and Liners

Most polyethylene products are sold by length, width, thickness, area, and net weight. Accordingly, this procedure includes steps to test for each of these measurements.

(Amended 2017)

4.5.1. Test Equipment

- A scale that meets the requirements in Section 2.2. "Measurement Standards and Test Equipment."

- Steel tapes and rulers. Determine measurements of length to the nearest division of the appropriate tape or ruler.

  - Metric units:

    For labeled dimensions 400 mm or less, linear measure: 300 mm in length, 1 mm divisions; or a 1 m ruler with 0.1 mm divisions, overall length tolerance of 0.4 mm.

    For labeled dimensions greater than 400 mm, 30 m tape with 1 mm divisions.

  - U.S. customary units:

    For labeled dimensions 25 in or less, use a 36 in ruler with 1/64 in or 1/100 in divisions and an overall length tolerance of 1/64 in.

    For dimensions greater than 25 in, use a 100 ft tape with 1/16 in divisions and an overall length tolerance of 0.1 in.

- Deadweight dial micrometer (or equal) equipped with a flat anvil, 6.35 mm or (¼ in) diameter or larger, and ~~**a 4.75 mm (3/16 in) diameter**~~ flat ~~**surface on the head of the**~~ spindle **head with a diameter between 3.20 mm (1/8 in) and 12.70 mm (1/2 in)**.

  Note: Electronic or other instruments that provide equivalent accuracy are also permitted.

  - ~~**The mass of the probe head (total of anvil, weight 102 g or [3.6 oz], spindle, etc.) must total 113.4 g (4 oz).**~~ **The pressure exerted by the instrument should not exceed 70 kPa (10 psi).**

  - The anvil and spindle head surfaces should be ground and lapped, parallel to within 0.002 mm (0.0001 in), and should move on an axis perpendicular to their surfaces.

  - The dial spindle should be vertical, and the dial should be at least 50.8 mm (2 in) in diameter.

- The dial indicator should be continuously graduated to read directly to 0.002 mm (0.0001 in) and should be capable of making more than one revolution. It must be equipped with a separate indicator to indicate the number of complete revolutions. The dial indicator mechanism should be fully jeweled.

- The frame should be of sufficient rigidity that a load of 1.36 kg (3 lb) applied to the dial housing, exclusive of the weight or spindle presser foot, will not cause a change in indication on the dial of more than 0.02 mm (0.001 in).

- The indicator reading must be repeatable to 0.001 2 mm (0.000 05 in) at zero.

- The micrometer should be operated in an atmosphere free from drafts and fluctuating temperature and should be stabilized at ambient room temperature before use.

Note: Other instruments are commercially available that utilize different methods of thickness. Instruments of this nature are acceptable provided they meet or exceed the precision requirements noted within the latest version of ASTM D6988 "Guide for Determination of Thickness of Plastic Film Test Specimens" and the requirements of the applicable material or product specification or applicable test standards.

- Gage blocks covering the range of thicknesses to be tested should be used to check the accuracy of the micrometer

- T-square

Background/Discussion: See Appendix A, Page L&R-A161.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

OTH – OTHER ITEMS

OTH-07.1 D Fuels and Lubricants Subcommittee

Source:
NCWM Fuels and Lubricants Subcommittee

Purpose:
Update the Uniform Fuels and Automotive Lubricants Regulation in NIST Handbook 130 including major revisions to fuel ethanol specifications. Another task will be to update the Basic Engine and Fuels, Petroleum Products, and Lubricants Laboratory Publication.

Item Under Consideration:
This item is under development. All comments should be directed to Mr. Bill Striejewske, FALS Chair at (775) 353-3792, wstriejewske@agri.state.nv, or Ms. Lisa Warfield, NIST Technical Advisor at (301) 975-3308, lisa.warfield@nist.gov.

Background/Discussion: See Appendix A, Page L&R-A163.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

OTH-11.1 D Packaging and Labeling Subcommittee

Source:
NCWM Packaging and Labeling Subcommittee

Purpose:
Provide an update of the activities of this Subcommittee which reports to the L&R Committee. The mission of PALS is to assist the L&R Committee in the development of agenda item, NCWM positions and new standards related to packaging and labeling. The Subcommittee will also be called upon to provide important and much needed guidance to the regulatory and consumer packaging communities on difficult questions. PALS will report to NCWM L&R Committee. The Subcommittee is comprised of a Chairperson, eight voting members, and anyone interested in packaging and labeling standards.

Item Under Consideration:
This item is under development. All comments should be directed to Mr. Chris Guay, Packaging and Labeling Subcommittee Chair at (513) 983-0530, guay.cb@pg.com or Mr. David Sefcik, NIST Technical Advisor at (301) 975-4868, david.sefcik@nist.gov.

Background/Discussion: See Appendix A, Page L&R-A164.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

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

Laws and Regulations Committee

Appendix A

Background/Discussion on Agenda Items of the Laws and Regulations (L&R) Committee

Subject Series List

Table A
Table of Contents

Table B
Glossary of Acronyms and Terms

Acronym	Term	Acronym	Term
AKI	Minimum Antiknock Index	LNG	Liquefied Natural Gas
API	American Petroleum Institute	NCWM	National Conference on Weights and Measures
ASTM	ASTM International	NEWMA	Northeastern Weights and Measures Association
CFR	Code of Federal Regulations	NIST	National Institute of Standards and Technology
CNG	Compressed Natural Gas	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	SWMA	Southern Weights and Measures
FPLA	Fair Packaging and Labeling Act	UPLR	Uniform Packaging and Labeling Regulation
FTC	Federal Trade Commission	USNWG	U.S. National Work Group
HB	Handbook	WWMA	Western Weights and Measures Association
L&R	Laws and Regulations		

Details of All Items
(In order by Reference Key)

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 HB 133 APPENDIX F. GLOSSARY

B1: PAL-19.1	D	Handbook 130 Uniform Packaging and Labeling Regulation: Section 2.8. Multiunit Package
B1: NET-19.1	D	Handbook 133: Section 1.2.4. Maximum Allowable Variation
B1: NET-19.2	D	Handbook 133: 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	D	Handbook 133: Create a Chapter 5., Specialized Test Procedures
B1: NET-19.4	D	Handbook 133, Appendix F. Glossary

(B1:NET-3, "Handbook 133, Create a Chapter 5. Specialized Test Procedures" must be adopted in order for the remainder of Item Block 1 to proceed.)

Source:
NIST OWM (2019)

Background/Discussion:
This item has been assigned to the submitter for further development. For more information or to provide comment, please contact:

Ms. Lisa Warfield
NIST, Office of Weights and Measures
(301) 975-3308, lisa.warfield@nist.gov

When the current test procedures in NIST Handbook 133 are used and an MAV is applied to the total quantity declaration on some multiunit and variety packages the MAV allowed for the individual inner packages can indirectly be reduced as much as 50 % or more, depending on the number of individual items in the package. This proposal places language in NIST Handbook 133 to add language regarding the total quantity declaration on multiunit or variety packages, when the MAV may need to be recalculated based on the Total Quantity MAV.

When a total quantity declaration on a multiunit or variety package is verified it will require the inspector, except when the MAV is based on a percentage of the labeled quantity, to calculate and use a "Total Quantity MAV." This calculation will determine if minus package errors are unreasonable (an unreasonable error is a minus package error that exceeds an MAV specified in the proper table of MAVs in NIST Handbook 133, Appendix A. "Tables") A "Total Quantity MAV" is calculated by multiplying the number of individual inner packages by the MAV value, which is based on the declared quantity of the individual inner packages. It is found by looking up the MAV for the individual inner package quantity (See HB 133, Appendix A. "Tables") and then calculating the "Total Quantity MAV." This test procedure will be used to assist inspectors with their inspection.

At the 2019 NCWM Interim Meeting comments were heard recognizing the merit of this item. Several regulators and an industry member made comments that some areas within the procedure are too confusing. Mr. Tim Chesser (Arkansas) remarked that does not understand Item Net 3. Section 5.4.1.1. MAV Application. Mr. Kurt Floren (Los Angeles County, California) submitted editorial changes that the Committee accepted for the entire Item Block 1. In addition, the Committee would like NIST/OWM to address Mr. Floren's comments for NET- 3. Chapter 5. Specialized Test Procedures will be reviewed by the NIST/OWM. The submitter, NIST OWM was not in attendance due to a government furlough, so concerns could not be addressed. The Committee would like the submitter to review

formatting, clarifying label quantity, and modifying language for additional clarity. The Committee would like to see the above issues reviewed by the submitter and encourages further development.

At the 2019 NCWM Annual Meeting Lisa Warfield (NIST OWM) stressed to membership that this item is fully developed and there is a data and supporting documents that reflect issues that inspectors found pertaining to multi-unit and variety packages during inspections. The white paper also provides additional data as to how and why these proposals were developed. NIST also addressed the WWMA comments in the latest Item under Consideration. There were no additional comments heard at the Annual Meeting.

Regional Association Comments:

WWMA 2019 Annual Meeting: Mr. Kurt Floren (Los Angeles, CA) commented that he submitted his changes to the language to NIST/OWM. Ms. Warfield (NIST/OWM) will immediately forward to the three upcoming regional meetings, the updated language presented at the WWMA for inclusion in their regional reports. Based off comments heard the WWMA supports the concept of this item and encourages NIST to include changes presented at the WWMA in developing this item. The Committee recommends this item remain Developing.

SWMA 2019 Annual Meeting: In B1:NET 19.1. Section 1.2.4. there is an error in the report and the language appearing with double-strikethrough below needs to be removed.

> **1.2.4. Maximum Allowable Variation**
>
> The limit of the "reasonable minus variation" for an under filled package is called a "Maximum Allowable Variation" (MAV). An MAV is a deviation from the labeled weight, measure, or count of an individual package beyond which the deficiency is considered an unreasonable minus error. ~~Each sampling plan limits the number of negative package errors permitted to be greater than the MAV. unreasonable minus error.~~ Each sampling plan limits the number of negative package errors permitted to be greater than the MAV. **Packages are offered for sale individually or in multiunit packages which may contain two or more individual inner packages. When individual packages are tested the MAV is applied to each package in the sample which has a minus package error. When a total quantity declaration on a multiunit or variety package is verified, and the MAV is not determined in terms of a percent of the labeled quantity, a "Total Quantity MAV" is compared to the minus Total Quantity Package Error(s) to determine if they are unreasonable.**

In B1:NET19.2. the Header title needs to be amended to include 2.7.3. "Evaluation Results."

The SWMA is recommending that the submitter review the language for clarity. In item B1:NET-19.3 Section 5.1. the first sentence needs to be broken into separate sentences for clarity reasons.

The Committee does believe this item has merit. The Committee is requesting that the submitter continue to work to simplify the test procedure. The Committee does not believe it is necessary to have Section 5.2. Individual Package Quantity.

For the reasons mentioned above the Committee is recommending this as a Developing item.

NEWMA 2019 Interim Meeting: There were no comments heard during open hearings. The committee believes this item needs further vetting through the regions and PALS should continue to develop these items.

CWMA 2019 Interim Meeting: No comments were heard during open hearings. Hearing no comments, The committee does not have a position regarding this item.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES

MOS-18.2 A Reorganize the Method of Sale of Commodities and create a section for Fuels, Lubricants and Automotive Products

This item appeared as Item Block 2, B2: MOS-1 in Publication 15 (2018).

For more information or to provide comment, please contact:

Mr. Bill Striejewske, Chairman of the Fuels and Lubricants Subcommittee
Nevada Department of Agriculture/Bureau of Petroleum Technology
(775) 353-3792, wstriejewske@agri.state.nv.us

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

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

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

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

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

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

At the 2019 NCWM Annual Meeting Mr. Striejewske (FALS Chair) reports that work on this item continues within FALS. Tim Elliott (WA) remarked that this item does not delete anything but moves things around. Items are being moved from non-food into fuels. A controversial item is a listing of items sold by liquid measure and why they are

specified. Mr. Elliott would like feedback from the regions as they review this item. This Item has been assigned to FALS to be further developed to move all Fuels, Lubricants, and Automotive Products from "Section 2. Non-Food Products", to a create a subsection of Section 2 titled" Fuels, Lubricants, and automotive products" and add a reference in the new section for definitions, specifications, and identifications. In addition, a reference will to the Method of Sale Law to individual items missing a method of sale. Due to the number of changes editorial privileges will be required to allow for proper renumbering of regulations within the section. This item will have modifications for the 2019 Fall regional agendas.

Regional Association Comments:

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

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

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

2.XX. Fuels, Lubricants, and Automotive Products

2.XX.1. General Information

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

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

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

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

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

MOS-20.3 2.XX. Diesel Fuel

Background/Discussion:

Nearly all of the test above was added to the Uniform Fuels and Automotive Lubricants Regulation section (G) at the 2019 NCWM Annual Meeting without opposition from an amendment submitted by multiple organizations. This proposal adds this section and verbatim text to the Uniform Regulation for the Method of Sale of Commodities. This section is adopted by more states and will improve the uniformity of implementing the important, amended concept. The amendment on "Premium Diesel Fuel" passed without opposition at the 2019 NCWM Annual Meeting.

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

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

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

CWMA 2019 Interim Meeting: Scott Fenwick, National Biodiesel Board (NBB), submitter of the item, commented that this is identical language that was adopted during the last cycle regarding the definition and details for sale of premium diesel. Since more states adopt the Handbook 130 Method of Sale than the Engine Fuels section, he believes the model language should appear in both sections. The committee believes this item is fully developed and ready for voting status.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

MOS-20.4 2.XX. Ink and Toner Cartridges

Background/Discussion:
The 2019 Handbook 130 Chapter II Uniformity of Law lists 45 out of 53 states or territories as either adopting the Weights and Measures Law on an annual basis or using the NCWM standard used as a basis of adoption, but from an earlier year. Chapter III A. Section17. Method of Sale states: Except otherwise provided by the Director or by a firmly established trade custom and practice,

(a) Commodities in liquid form shall be sold by liquid measure or by weight; and
(b) Commodities not in liquid form shall be sold by weight, by measure, or by count
(c) The method of sale shall provide accurate and adequate quantity information that permits the buyer to make price and quantity comparisons.

Tennessee receives complaints or concerns each year from consumers who wish to make value comparisons on replacement printer cartridge refills and state they have no way to do this with no declaration being found on packaging. After reviewing multiple packages of ink jet and toner cartridges being offered for sale by multiple manufacturers, the only apparent firmly established trade custom or practice concerning posting of adequate quantity information on packaging that permits the buyer to make price and value comparisons is to post nothing at all.

The conference looked at this issue several years ago and unfortunately came to no decision or conclusion other than to not address the issue and it continues to remain an issue today for consumers and weights and measures officials. Some manufacturers have adopted the “razor / razor blades” model approach to sales subsidizing the initial cost of the printer and making up for it as customers buy high- margin replacement toner and ink again with no quantity declaration on the replacement toner or cartridge packaging to provide adequate price comparisons. In isolated cases it has been found to be cheaper to purchase a new printer with starter ink cartridges and then once the cartridges are emptied buy another new printer with new starter cartridges as opposed to purchasing refill cartridges at high prices and this becomes an ecological problem as well with the discarded printers. One large manufacturer was found to include no quantity information on its ink jet cartridge replacement packaging but their in-store display advertising claims “more pages, more savings” with no other information.

The submitter concedes that determining an exact Page Yield per cartridge may be difficult to determine or verify by the customer or the weights and measures official however a required Average or Minimum Page Yield declaration based on the relevant ISO/IEC test standards printed on the packaging will give the consumer something to base price and quantity comparisons on. If needed to confirm if a particular cartridge or Lot of cartridges meets the ISO/IEC declared page yield the inspectors could institute routine sampling methods from NIST Handbook 133, select the sample for testing and then send the sample to an approved ISO/IEC accredited lab to test for page yield results. This may require the printer manufacturer to provide the needed number of exact printer models required for the specific ISO/IEC method to the accredited lab that will verify. While this process may be difficult at best it beats the alternative which is to look the other way and do nothing leaving the consumer with nothing to base a quantity or price value decision on which is where we stand today. A link to the manufacturers website should be included on packaging to allow the consumer to understand the various environmental factors influence the Average Page Yield such as: Page coverage, Image type, Font used, Print job size, Number of print jobs, Environmental conditions, Paper tray used, Cartridge handling at end of life and others all part of the ISO/IEC test procedures.

One argument may be that it does not fall under weights and measures authority or responsibility to determine "Performance". Weights and measures will not be determining performance of the printer cartridge. The performance is being determined at the appropriate ISO/IES accredited lab and based on that performance the Average Page Yield or Minimum page Yield per cartridge should then being required by the NCWM Method of Sale to be stated on the packaging so consumers have an idea of what the page yield output they can expect and make a value comparison based on the printer selected.

When fuel is purchased by the gallon weights and measures ensures the gallon is a gallon and meets ASTM specifications. The vehicles that the fuel is then pumped into may vary concerning fuel economy performance (estimated m.p.g.) but the fuel itself has to meet declared minimum requirements that are enforced. Manufacturers may insist there are too many models that have differing page yields to include all on individual packaging. If that is the case then perhaps they can state the absolute lowest or minimum page yield on the packaging to cover all models the cartridge may fit and then elect to provide additional information on the shelf so the consumer can then look up the specific minimum yield for their particular model and a link to the manufacturers website for more detailed information on methods incorporated to determine the minimum yield.

It should be noted that several manufacturers already have web pages that provide detailed explanation of the ISO/IEC method to determine page yield and what can be expected not only for the ink cartridge but also with the printer it is used in. Again, the issue here is average consumer does not have access to this information on the package and most likely will not be aware of this link to the needed information until after the purchase if at all and should not be cost prohibited to manufacturers to include this information on the package label.

Regional Association Comments:
This item was not submitted to WWMA, NEWMA and CWMA.

SWMA 2019 Annual Meeting: The Committee believes this item has merit. They would like a workgroup to be assigned by the L&R Chair to bring together regulators and industry to resolve issues that are brought forward by this "item under consideration."

Mr. Ed Coleman (TN) has volunteered to Chair this workgroup.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

MOS-20.5 2.21. Liquefied Petroleum Gas

Background/Discussion:
There appears to be a lack of clarity and consistency regarding the method of sale (MOS) for liquefied petroleum gas (LPG) through a meter that has a maximum rated capacity of 20 gal/min or less. The Uniform Regulation for the Method of Sale of Commodities, Section 2.21 specifically exempts these meters from the use of automatic temperature

compensation, but defines a gallon as 231 in^3 at 60 ^{0}F [15.6 ^{0}C]. With this definition, it can be interpreted that, while automatic temperature compensation is not required, the sale of LPG shall be temperature compensated through manual means (or alternatively sold by weight). Temperature compensation manually requires the use temperature readings and a chart to manually perform conversions to determine the volume sold.

When discussing potential implementation of these requirements, propane industry officials in Arizona noted that other states do not require sale of LPG through these smaller meters to be temperature compensated or sold by weight, and cited numerous problems with manual calibration or changing the MOS to sell by weight. An informal survey of western states appears to support that most do not enforce this requirement to sell LPG through these smaller meters by weight or temperature compensated.

Due to the inconsistency with the method of sale between various states and interpretation of this section, it is being proposed to exempt the sale of LPG through these smaller meters from temperature compensation. The item is proposed developing to allow for discussion and submittal of supporting cost analysis and impact to consumers and businesses that supports a requirement to sell LPG through these small meters as temperature compensated (or by weight).

The submitter noted that the sale of propane that is not temperature compensated can vary in quantities dispensed, which may provide a business or consumer with more or less product than stated.

Regional Association Comments:

WWMA 2019 Annual Meeting: The Committee heard comments in support of addressing the underlying issue that resulted in this proposal. Scott Simmons (CO) recommended an alternative proposal for consideration to require automatic temperature compensation (ATC) for all LPG meters.

1. A non-retroactive date for all new equipment to have ATC.
2. A retroactive date for all equipment to have an ATC retrofit or replacement.

Clark Cooney (CA) commented that LPG has a very high thermal coefficient of expansion, therefore all LPG meters should be temperature compensated.

The Committee believes this item under consideration is fully developed and recommends it as a Vote.

During the voting session, several comments were received that designation of this item as Voting provides an incorrect impression that the Western Region supports the item as written, without consideration of additional options for the sale of propane using meters that temperature compensate. The submitter stated that while the item itself does not require further development; an alternate option will be developed to account for the comments received at the WWMA conference to be presented to other regional meetings. The WWMA L&R Committee agreed to change the status of the item from Voting to Developing.

SWMA 2019 Annual Meeting: The SWMA considered the two proposals that were submitted by Michelle Wilson (AZ) on 9/30/2019. The Committee took into consideration proposal number two.

2.21. Liquefied Petroleum Gas. – 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 pound, metered cubic foot [NOTE 7, page 132] of vapor (defined as 1 ft^3 at 60 °F [15.6 °C]), or the gallon (defined as 231 in^3 at 60 °F [15.6 °C]). ~~**All metered sales by the 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.**~~

(a) All metered sales by the gallon using a meter with a maximum rated capacity greater than 20 gal/min, shall be accomplished by use of a meter and device that automatically compensates for temperature.

(b) For equipment placed in service on or after January 1, 2023, all metered sales using a meter 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.

(c) Effective January 1, 2030, all metered sales shall be accomplished by use of a meter and device that automatically compensates for temperature.

North Carolina would like this item to be withdrawn because they have a statue that addresses this item and they will continue with flat sales. The Committee does like the proposal that is presented but believes there are too many variables in the method of sale and enforcement of this by the states. They would like consideration what to do with the sale of portable cylinders. The Committee is recommending this as a Developing item to address the states' concerns.

NEWMA 2019 Interim Meeting: The Chairman reviewed the information provided from the previous two regional meetings. Richard Sutter commented that the proposal, as written, could be problematic as it pertains to all sizes of devices. The committee recommends the item stay with the developer for further work and vetting through the regions.

CWMA 2019 Interim Meeting: Rachelle Miller, Wisconsin, commented that she opposes this item because all LP bulk sales by volume should be temperature compensated. Ron Hayes, Missouri, agrees. Bev Michels, BP, provided comments from the Western Regional meeting. Jay Garbe, Wisconsin commented that it is a common practice to administer manual temperature compensation. Ivan Hankins, Iowa, commented that we should notify LP industry representatives to discuss this issue further. Charlie Stutesman, Kansas, also believes this item should be further vetted with industry. Scott Fenwick, consumer, commented that this new language does not protect the consumer. Dick Suiter, Suiter Consultants, believes this item is intended to address flat fee sales for LP bottles. John Albert, Missouri, commented that this has become a significant issue, and does not believe any meters should be exempt from temperature compensation without special consideration. Several regulators commented that selling by gallons must be temperature compensated, but if they are selling by mass, there is no need for temperature compensation. Charlie Stutesman, Kansas, commented that he believes the item should move forward as a developing item. The committee recommends this item be withdrawn because it removes compensation requirements that apply to meters rated at 20 gallons per minute or less.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

ITEM BLOCK 2 (B2) TRACTOR HYDRAULIC FLUID

B2: MOS-20.1 2.XX. Tractor Hydraulic Fluid
B2: FLR-20.1 1.XX. Tractor Hydraulic Fluid

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

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

Regional Association Comments:
WWMA 2019 Annual Meeting: The proposal was not based on the recently adopted language from the 2019 NCWM Annual Meeting. NIST/OWM did provide the submitter with the most recent handbook language and requested that the submitter provide an updated proposal to the WWMA. The WWMA did not receive an updated proposal from the submitter. Mr. Jeffrey Harmening (API) and several regulators had concerns with the statement "and in a manner reasonably calculated to draw the purchaser's attention to such warning." Mr. Mahesh Albuquerque (Colorado) also wanted to know when ASTM would be complete with their work pertaining to this subject. It was difficult for the Committee to evaluate with the submitter not using the most recent language. For these reasons the Committee is

recommending that the submitter submit modified language to the upcoming regional meetings. The Committee is recommending that the language in their agenda be Withdrawn.

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

NEWMA 2019 Interim Meeting: Jeff Leiter, Independent Lubricator Manufacturers Association (ILMA) commented that ILMA suggested these amendments to the same section of the Handbook which was passed in July 2019, but ultimately opted to submit this cycle to avoid any delay to implement proposed changes that came out of the 2019 Interim Meeting. He said there has been work by the submitter on this item throughout the summer. The Committee suggested that the region consider the item as developing and request that the submitter have final language ready for further consideration at the 2020 NCWM Interim Meeting. The committee also agreed with suggested revisions from both the Western and the Southern regions and believes it should continue to move forward by the developer to finalize language.

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

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

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

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

For more information or to provide comment, please contact:

Mr. Bill Striejewske, Chairman of the Fuels and Lubricants Subcommittee
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Background/Discussion:
Consumers are being misled and are not being adequately informed under existing Handbook 130 provisions about the performance of "obsolete" oils in the engines of their vehicles. Many of these obsolete oils can damage modern engines. The submitter recognizes that there may be as many as 14 million vehicles that can use pre-1988 motor oils.

At the 2018 NCWM Interim Meeting, Mr. Bill Striejewske (FALS Chairman), indicated that FALS is recommending this as a Voting item. In addition, support was heard from ILMA, API, and several regulators recommending this item as a Voting item. However, many commenters stated that editorial and minor changes were still needed for the

item to be fully developed. Tim Elliot (Washington) recommended that this item have streamlined language to use a generic warning statement. Suggestions were also provided on the ultimate placement of the label. Due to lack of consensus, potentially non-editorial changes, and lack of specific details on proposed changes, the L&R Committee recommends this item be "Assigned" to FALS for further development to address the issues mentioned in this write-up.

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

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

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

Regional Association Comments:

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

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

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,**~~ **W**henever ~~**the**~~ **any** vehicle engine (motor) oil in ~~**the**~~ **a** container**, receptacle, dispenser, storage tank,** 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")~~.~~**.**" **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**)

3.13.1.3.2. 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 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, "Engine Oil Performance and Engine Service Classification (Other than "Energy**~~

~~Conserving")" Appendix A,~~ **W**henever ~~the~~ **any** vehicle engine (motor) oil in ~~the~~ **a** container **receptacle, dispenser, storage tank** 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")~~.~~**,**" **the front or forward-facing label** ~~If a~~ **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 of 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.**

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

FLL-18.1 A Engine Fuels & Automotive Lubricants Inspection Law, Section 8.6 Prohibited Acts
It was noted within background information in the report that the submitter did not address the concern with Section 8.6. as to why the term "specified" is being stricken. In addition, the sentence is not complete and the Committee questions "what is the meaning of the sentence, it appears to place the burden on the purchaser?" The Committee recognizes this is a preexisting regulation but would like it addressed by FALS.

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

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

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;

(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**)

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

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

The word "statement" should be added after the term "cautionary" throughout the proposal.

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

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

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

The Committee recommends the following amendment:

Section 8. Prohibited Act

It shall be unlawful to:

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

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

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

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

Uniform Method of Sale Regulation

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;

(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**)

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

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. —**~~ **Whenever any vehicle engine (motor) oil in a container, receptacle, dispenser, storage tank or in bulk does not meet an active API service category as listed in the latest version of SAE J183, "Engine Oil Performance and Engine Service 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 Appendix A of the latest version of SAE J183. 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.**

(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 2.33.1.5 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 **the** ~~a~~ plainly visible cautionary statement**s** 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**)

C. Uniform Engine Fuels and Automotive Lubricants Inspection Law

Section 8. Prohibited Acts

It shall be unlawful to:

8.6. Misrepresent automotive lubricants with an S.A.E. (Society of Automotive Engineers) viscosity grade or API (American Petroleum Institute) service classification **to the** ~~other than those specified by the intended~~ purchaser/**consumer**.
(Added 1996)**(Amended 20XX)**

Note: The change from "represent" to "misrepresent" is an editorial change made by NCWM/NIST. The other proposed language change was recommended by NEWMA's L&R Committee.

Uniform Fuels and Automotive Lubricants Regulation. Section 3. Classification and Method of Sale

3.13. Oil.

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

3.13.1.1. Viscosity. –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 viscosity grade classification preceded by the letters "SAE" in accordance with the SAE International's latest version of SAE J300, "Engine Oil Viscosity Classification."

(Amended 2012 and 2014)

3.13.1.2. 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.

(Added 2012 and 2014)

3.13.1.3. 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 (⅛ 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 provided in Section 3.13.1.3.1.

(Amended 2012 and 2014)

3.13.1.3.1. 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 (⅛ 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)

3.13.1.3.2. 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 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, "Engine Oil Performance and Engine Service Classification (Other than "Energy Conserving")" 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 3.13.1.3.1. Vehicle or Engine Manufacturer Standard applies.**~~ **Whenever any vehicle engine (motor) oil in a container, receptacle, dispenser, storage tank or in bulk does not meet an active API service category as listed in the latest version of SAE J183, "Engine Oil Performance and Engine Service 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 Appendix A of the latest version of SAE J183. 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.

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

3.13.1.4. Tank Trucks or Rail Cars. –Tank trucks, rail cars, and 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 3.13.1.5. shall be readily available for inspection.**

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

3.13.1.5. 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 3.13.1.1. Viscosity **grade as defined by SAE J300 "Engine Oil Viscosity Classification"**; 3.13.1.2. Brand; 3.13.1.3. 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 3.13.1.3.2. 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)

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

3.13.2. Labeling of Recreational Motor Oil.

3.13.2.1. Viscosity. The label on each container of recreational motor oil shall contain the viscosity grade classification preceded by the letters "SAE" in accordance with the SAE International's latest version of SAE J300, "Engine Oil Viscosity Classification."

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

Section 7. Test Methods and Reproducibility Limits

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

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

ITEM BLOCK 4 (B4) E15 WAIVER: PRODUCT TRANSFER DOCUMENT REQUIRETMENTS

B4: MOS-20.2 2.20.2. Documentation for Dispenser Labeling Purposes
B4: FLR-20.3 3.2.5. Documentation for Dispenser Labeling Purposes.

Background/Discussion:

Aligning Handbook 130 with the important parts of the U.S. EPA rule that grants a 1-psi vapor pressure waiver during the summer months for E15 is important to ensure that E15 has the correct vapor pressure during these months and provides comprehensive information to aid in ensuring compliant E15 gasoline is provided to consumers.

Amend MOS paragraph 2.20.2.(a)(1) and (2) (there is a "mirrored change" intended for FLR 3.2.5.) to address the regulatory changes finalized by the U.S. EPA that revise product transfer document (PTD) requirements for disclosure of the percent concentration of ethanol in gasoline-ethanol blends, as revised in 40 CFR 80.1503.

Amend MOS paragraph 2.20.2(a)(3) (there is a "mirrored change" intended for FLR 3.2.5.). This revision is necessary to the reflect the regulatory requirements within 80.28(g)(8) which are newly applicable to E15 since it has been granted the 1.0 psi waiver. The proposed amendment is needed to address the fact that ethanol flex fuel (EFF), which may be used to produce gasoline-oxygenate blends, can have a significant difference in ethanol content depending on season and geography. EFF can range from 51 to 83 volume percent ethanol. A retail gasoline location receiving EFF that will be used for the purpose of producing gasoline-oxygenate blends needs the correct ethanol content information of the EFF. This information is needed in order to adjust the blend ratio to ensure that the fuel is properly blended to meet the requirements that E15 contain at least 10 and not more than 15 volume percent ethanol per 40 CFR 80.1504(e)(3) and to demonstrate the certification requirements within 40 CFR 80.28(g)(8). Accurate blending of E15 from EFF ensures appropriate dispenser labeling which facilitates customer value comparison and provides consumer misfuelling protection. The following bullets from the November 2017 presentation by the Wisconsin Department of Agriculture Trade and Consumer Protection provide additional explanation for why this information is needed.

Selling E15 (slide 24 and 25, https://www.wpmca.org/assets/ethanol/E15_What_Retailers_Need_to_Know.pdf)

- Blending at the pump can be done using E85 or other high blend ethanol product
- E85, or flex fuel, is a term that refers to high-level ethanol-gasoline blends containing 51%-83% ethanol, depending on geography and season
- Because of the range in possible ethanol content of E85, retailers must ensure the blend ratio on all dispensers are set to properly blend for E15 at all times
- There are two ways to ensure proper blend ratio:
    - Program the dispensers for the maximum ethanol content of the E85/Flex Fuel
    - Have a service company adjust the blend ratios every time the ethanol content in the E85/Flex Fuel changes
        - This requires regular monitoring of the ethanol content of the E85/Flex Fuel you are receiving and prompt action when the ethanol content changes
    - If a consumer experiences vehicle damage as a result of fuel being dispensed at a higher ethanol content than what is posted on the dispenser, the retailer is responsible.

Some may argue that the proposed changes are not "new" requirements. However, as demonstrated above these changes are necessary to address the U.S. EPA's new approach to granting the 1-psi RVP waiver for E15 in the summertime.

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

U.S. EPA "Modifications to Fuel Regulations to Provide Flexibility for E15; Modifications to RFS RIN Market Regulations: Response to Comments." June 10, 2019. Added in total with an example provided below. https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0775-1174

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

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

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

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

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

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

  (emphasis added)

- **40 CFR 80.28(g**) *Defenses.*

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

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

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

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

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

provided that the retailer or wholesale purchaser-consumer has no reasonable basis to believe that the facts stated in the certifications are inaccurate.

(emphasis added)

- **40 CFR 80.1503** *What are the product transfer document requirements for gasoline-ethanol blends, gasolines, and conventional blendstocks for oxygenate blending subject to this subpart?*

(a)Product transfer documentation for conventional blendstock for oxygenate blending, or gasoline transferred upstream of an ethanol blending facility.

(1) In addition to any other product transfer document requirements under 40 CFR part 80, on each occasion after October 31, 2011, when any person transfers custody or title to any conventional blendstock for oxygenate blending which could become conventional gasoline solely upon the addition of ethanol, or gasoline upstream of an oxygenate blending facility, as defined in § 80.2(ll), the transferor shall provide to the transferee product transfer documents which include the following information:

(i) The name and address of the transferor;

(ii) The name and address of the transferee;

(iii) The volume of conventional blendstock for oxygenate blending or gasoline being transferred;

(iv) The location of the conventional blendstock for oxygenate blending or gasoline at the time of the transfer;

(v) The date of the transfer;

(vi) For gasoline during the regulatory control periods defined in § 80.27(a)(2)(ii) or any SIP approved or promulgated under §§ 110 or 172 of the Clean Air Act:

(A) The maximum RVP, as determined by a method permitted under § 80.46(c), stated in the following format: "The RVP of this gasoline does not exceed [fill in appropriate value]"; and

(B) The conspicuous statement that the gasoline being shipped contains ethanol and the percentage concentration of ethanol as described in § 80.27(d)(3).

(2) The requirements in paragraph (a)(1) of this section do not apply to reformulated gasoline blendstock for oxygenate blending, as defined in § 80.2(kk), which is subject to the product transfer document requirements of §§ 80.69 and 80.77.

(3) Except for transfers to truck carriers, retailers, or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraph (a)(1) of this section if such codes are clearly understood by each transferee.

(b)Product transfer documentation for gasoline transferred downstream of an oxygenate blending facility.

(1) In addition to any other product transfer document requirements under 40 CFR part 80, on each occasion after October 31, 2011, when any person transfers custody or title to any gasoline-ethanol blend downstream of an oxygenate blending facility, as defined in § 80.2(ll), except for transfers to the ultimate consumer, the transferor shall provide to the transferee product transfer documents which include the following information:

(i) The name and address of the transferor;

(ii) The name and address of the transferee;

(iii) The volume of gasoline being transferred;

(iv) The location of the gasoline at the time of the transfer;

(v) The date of the transfer; and

(vi) One of the statements detailed in paragraph (b)(1)(vi)(A) though (E) which accurately describes the gasoline-ethanol blend. The information regarding the ethanol content of the fuel is required year-round. The information regarding the RVP of the fuel is only required for gasoline during the regulatory control periods.

(A) For gasoline containing no ethanol (E0), the following statement; "E0: Contains no ethanol. The RVP does not exceed [fill in appropriate value] psi."

(B)(1) **For gasoline containing less than 9 volume percent ethanol, the following statement: "EX - Contains up to X% ethanol.** The RVP does not exceed [fill in appropriate value] psi." **The term X refers to the maximum volume percent ethanol present in the gasoline.**

(2) **The conspicuous statement that the gasoline being shipped contains ethanol and the percentage concentration of ethanol as described in § 80.27(d)(3**) may be used in lieu of the statement required under paragraph (b)(1)(vi)(B)(1) of this section.

(2) Except for transfers to truck carriers, retailers, or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraph (b)(1) of this section if such codes are clearly understood by each transferee.

(c) The records required by this section must be kept by the transferor and transferee for five (5) years from the date they were created or received by each party in the distribution system.

(d) On request by EPA, the records required by this section must be made available to the Administrator or the Administrator's authorized representative. For records that are electronically generated or maintained, the equipment or software necessary to read the records shall be made available, or, if requested by EPA, electronic records shall be converted to paper documents.

[76 FR 44443, July 25, 2011, as amended at 79 FR 42167, July 18, 2014; 84 FR 27025, June 10, 2019]

(emphasis added)

Regional Association Comments:

WWMA 2019 Annual Meeting: There was a presentation that was provided by Joe Sorena (representing API). Kevin Adlaf (ADM) remarked that the CFR covers this information and state regulators would start enforcing EPA requirements. Is there any data showing that this is needed? Jacki Fee (Cargill) also concurred that this would be placing the EPA regulations within the States' hands, for this reason she is recommended this be withdrawn. Steven Harrington (Oregon) indicated that it us useful to have the certain critical elements within the handbook. He encourages further review and development. Rebecca Richardson (NBB) questioned whether this was being driven by a consumer issue and what is the premise for this proposal. It was mentioned that FALS was tasked with doing a review of Handbook 130 regulations and a review of the EPA rule. Kristy Moore (Growth Energy) stated that it is a complex proposal with significant scope. There are considerable references to product transfer documents (PTD) throughout the EPA rule and this only extracts one. Ms. Moore believed if you were extracting one then you should extract all. Ms. Moore believes that that current language is sufficient and recommends this item be withdrawn. Matt Sheehan (Chevron) stated the purpose of the modification was to provide information to retail sites and the EPA rules in the Clean Air Act are complicated. This is needed so retailers can understand the ethanol content in gasoline and consumers understand what they are purchasing. Michelle Wilson (Arizona) remarked that they require PTDs to document the amount of ethanol and recommends this be assigned to FALS.

The Committee is recommending this as an Assigned item with an evaluation if the proposal is warranted and to address comments that were heard during open hearings. They would like FALS to provide a recommendation to NCWM L&R.

SWMA 2019 Annual Meeting: Russ Lewis representing API provided a presentation (on the NCWM L&R supporting documents). There was considerable discussion for the pros and cons of this proposal.

The Committee did not have enough fuels expertise but concurs that this is an important topic. They would like to see the product coming through the nozzle have the specifications that are posted. Consumers need to know what they are getting. They are not sure how it will affect the regulators role in implementing this regulation. The Committee would like this item to be sent to FALS where the SME's can provide their technical expertise.

NEWMA 2019 Interim Meeting: Bill Hornbach, representing Chevron and the American Petroleum Institute (API), provided a presentation regarding this item. Chairman Sakin read comments submitted from Kristy Moore during open hearings at WWMA Annual Meeting. Kristy believes this item as it currently appears in Handbook 130 is sufficient, and the proposal should be withdrawn because it places unfair rules on ethanol and not on other fuels. Kevin Adlaf, ADM, commented that transfer documents are not new, and he believes that having these provisions in place will not guarantee the finished fuel will meet spec. Jackie Fee, Cargill, opposes the item and believes the proposal

should be withdrawn. Due to its technical complexity, the committee believes the item should be assigned to FALS for further consideration.

CWMA 2019 Interim Meeting: Bev Michels, representing BP and the American Petroleum Institute (API) gave a presentation on this item. She says this item more comprehensively reflects the EPA rule and provides more consistency in ethanol blends for consumers. Ivan Hankins, Iowa, commented that he doesn't believe there is any way to get an exact E15 blend except to have it delivered already blended. Charlie Stutesman, Kansas, commented that he believes this item should be withdrawn. Mr. Stutesman does not believe adding the information on the product transfer documents (PTD) will solve the issue, because the determination of the blend percent doesn't happen until at the retail site. Kevin Adlaf, ADM, commented that a PTD does not guarantee any product will meet the appropriate specification. Mr. Adlaf says that the text in the proposal is not consistent with the regulation. Mike Harrington, Iowa, does not support this item and believes it should be withdrawn. Mr. Harrington is concerned that ethanol disclosure on the PTD will give the retailer a false sense of security. Based on the testimony heard, some inconsistencies in language with the CFR Code, and concerns with maintenance of language consistent with the CFR. The committee recommends withdrawing this item.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

FLR – UNIFORM FUELS AND AUTOMOTOVE LUBRICANTS REGULATION

FLR-20.2 1.23. Ethanol Flex Fuel. and 2.1..1. Gasoline and Gasoline-Oxygenate Blends

Background/Discussion:

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

Amend FLR paragraph 1.23. to reflect the modification are needed to address the fact that ethanol flex fuel intended for blending with gasoline and gasoline ethanol blends must contain certified components or each storage tank must be certified before it can be sold as a blendstock for E15. For example, blending of ethanol flex fuel containing natural gas liquids is prohibited unless certified consistent with 40 CFR 80.28(g)(8) requirements.

2.

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

Amendments to FLR paragraph 2.1.2.(b) address the new U.S. EPA approach for E15. For parties in the fuel distribution system, U.S. EPA has reinterpreted the 1-psi allowance for RVP maximum limits in the gasoline distribution system for up to 15% ethanol blends. Parties in the fuel distribution system utilize the "deemed to comply" provision in the U.S. EPA regulations to certify that the fuel sold complies with federal regulations. The Clean Air Act Section 211(h) extends that allowance **only** if parties in the distribution system are deemed to comply, that is, they have evidence that: (1) the hydrocarbon portion meets the RVP limits, (2) the ethanol portion meets its waiver condition and (3) no additional alcohol or other additive has been added to increase the RVP of the ethanol portion of the blend. Specifically, the proposed changes to HB 130 reflect the U.S. EPA language that requires parties in the distribution system seeking to utilize the "deemed to comply" provision to qualify for the 1-psi waiver for ethanol blends from 9 to 15 volume percent, must demonstrate that the gasoline-ethanol blend or hydrocarbon portion of an ethanol flex fuel blend meets RVP requirements per 40 CFR 80.28. Without this language in HB 130, inspectors will not have the full information needed to regulate the fuel and they may not recognize that E15 produced at the pump by blending ethanol flex fuel made with natural gas liquids (NGL) with gasoline-ethanol blends may not qualify for the 1-psi waiver and will likely violate state and federal vapor pressure requirements. Specifically, the EPA final rule indicates that, "…, in order for these fuels to be introduced into commerce, they must be substantially similar to

certification fuel or obtain a waiver from the substantially similar requirement." Further, information that describes the challenges of using NGLs is provided in the list of attachments, Section 20. below).

Some may argue that the proposed changes are not "new" requirements. However, as demonstrated above, the proposed changes to HB 130 are necessary to address the U.S. EPA's new approach to granting the 1-psi RVP waiver for E15 in the summertime (e.g., 40CFR80.28(g)(8) and (g)(8)(ii) now cover E15 where it previously addressed E10). The EPA has also indicated that the change in rules will result in more manufacturing of E15 at the retail pump and that there will be increased availability and use of the fuel. Consequently, it is appropriate for NCWM to make changes that comprehensively reflect the requirements associated with the manufacturing of E15.

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

U.S. EPA "Modifications to Fuel Regulations to Provide Flexibility for E15; Modifications to RFS RIN Market Regulations: Response to Comments." June 10, 2019. Added in total with an example provided below.
https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0775-1174

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

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

- EPA provided the following comments in its final rule on the recent E15 1-psi waiver related to Section G, 2.1.2. and 1.23.:
  - "[U.S. EPA] note that for E15 produced at blender pumps using E85 made with natural gas liquids, **use of the deemed to comply provision to demonstrate compliance would not be available.** This is because the RVP of natural gas liquids can be as high as 15.0 psi and even a small amount of natural gas liquids could cause the gasoline portion of the blend to not comply with the applicable RVP limitations established under CAA sec. 211(h), which is required under CAA sec. 211(h)(4)(A) to be deemed in compliance. Parties that make E15 at a blender pump using **E85 made with previously certified gasoline can take advantage of the 'deemed to comply' provision** and associated affirmative defense at 40 CFR 80.28 if all applicable requirements in 80.28 are met." (84 FR 27008)
  - (emphasis added)

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

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

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

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

  (3) **Each invoice, loading ticket, bill of lading, delivery ticket and other document which accompanies a shipment of gasoline containing ethanol shall contain a legible and conspicuous**

statement that the gasoline being shipped contains ethanol and the percentage concentration of ethanol.

(emphasis added)

- **40 CFR 80.28(g)** *Defenses.*

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

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

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

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

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

(emphasis added)

Regional Association Comments:

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

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

containing at least 9 and not more than 15 volume percent ethanol from June 1 through September 15 as allowed by EPA per 40 CFR 80.27(d).

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

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

(Added 20XX)

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

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

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

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

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

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

POL – NCWM POLICY, INTERPRETATIONS AND GUIDELINES

POL-18.1 D Section 2.6.XX. Methods of Sale for Packages of Consumer Commodities – Federal Trade Commission and Acceptable Common or Usual Declarations for Packages of Food – Food and Drug Administration.

Background/Discussion:
This item has been assigned to the submitter for further development. For more information or to provide comment, please contact:

Ms. Lisa Warfield
NIST, Office of Weights and Measures
(301) 975-3308, lisa.warfield@nist.gov

This proposal is to provide *NIST Handbook 130* users with easy access to tables to identify the method of sales prescribed by the Federal Trade Commission (FTC) for products subject to that agency's regulation and the acceptable common or usual declarations permitted to appear on packages of food by the Food and Drug Administration (FDA). Much of this information has been published by FDA and FTC in out of print publications and by NIST (previously known as NBS) in its training materials since the 1970s. The information is used by the Office of Weights and Measures in both training and daily to respond to inquiries from both weights and measures officials and industry about how products are to be sold and labeled. The tables have been revised to add current FTC labeling requirements which include requirements for metric units and additional common and usual declarations for commodities that FDA has issued in recent years in response to specific inquiries from OWM that submitted to FDA to assist packers and weights and measures officials. The FDA information is based on Guide 7699.2 in the Food and Drug Administrations "Fair Packaging and Labeling Manual" (June 1978) and other FDA guidance.

This information is useful to both packers and inspectors when determining how packages should be labeled and offered for sale. It has been available for many years in out of print publications and should be made widely available through this handbook.

NIST/OWM is also requesting editorial privileges to add items as they receive confirmation from FDA as to what the acceptable common or usual declaration for a product is. NIST/OWM will then automatically update the handbook (chart) and list all changes to the Amendment chart located in the front NIST HB130.

At the 2018 NCWM Interim Meeting written comment was received from Ms. Ann Boeckman (Kraft Heinz) recommending this be a Developing item. Ms. Boeckman wants the listing to be reviewed to ensure it is consistent with current established practices and legal standards. In addition, she requests a review of the listing for consistency, clarity and appropriate use of factual product descriptors. Chris Guay (P&G) questioned why particular products were chosen in Table A and stated it would be helpful if there was and additional column in Table B, Section 2.6.XX. containing notes. Mr. Kurt Floren (Los Angeles County, California) commented that there are products listed that conflict with HB130, Method of Sale and Labeling Requirements as well as routine practices in the marketplace. (Examples include citrus, cabbage, fresh asparagus, and berries). Berries specify no marking or dry measure while Section 1.1.2. Methods of Sale specify either weight or volume. Due to the discrepancies pointed out in the comments received, the L&R Committee recommends this be a Developing item.

At the 2018 NCWM Annual Meeting, Ms. Boeckman (Kraft Heinz) supports the work. This is based on guidance from the 1970's and it is important to have a process to maintain the information. Mr. Guay supports the development of this as a reference document. Mr. Floren concurs with the develops of this item but remarked that if updating it, there should not be conflict with existing regulations. An example of this would be the proposal has berries as having no marking or dry measure but the NIST Handbook 130 method of sale is weight or volume for this product.

At the 2019 NCWM Interim Meeting Mr. Floren (Los Angeles, California) and Mr. Guay (P&G) commented that they want to ensure that the table is accurate. One example Mr. Floren pointed out is citrus fruit does not align with the NIST Handbook 130 Method of Sale. Regulators, industry members, and the regional opinions all recommend

this item remain developing. The submitter, NIST OWM was not in attendance due to a government furlough, so concerns could not be addressed. The Committee recommends this item remain Developing.

At the 2019 NCWM Annual Meeting Ms. Warfield (NIST OWM) remarked that a revision that clarifies any issues that have been presented at the Spring regions and conference will appear in the 2019 Fall reports.

Regional Association Comments:
WWMA 2019 Annual Meeting: The Committee heard comments from Ms. Warfield that this is from the FDA, Fair Packaging and Labeling Manual and the chart was modified to add hyperlinks into federal law. The Committee believes that this adds confusion by conflicting with existing requirements in the handbook. This information is dated from 1978 and has not been updated by FDA. They also believe that industry may use this chart alone to determine how to package their product, without referencing other applicable regulations within NIST Handbook 130. The Committee does believe that OWM should continue to maintain the listing. For the reasons specified the Committee is recommending that this item be Withdrawn.

SWMA 2019 Annual Meeting: The Committee believes that this is good information. There is concern that companies may use this as a guide and will conflict with the regulation. For this primary concern the Committee is recommending this item be Withdrawn.

NEWMA 2019 Interim Meeting: No comments were heard in the open hearings. The Committee believes the chart and additional info could be confusing and is not helpful. Consequently, the committee recommended the item be withdrawn

CWMA 2019 Interim Meeting: No comments were heard. The committee believes the reference is chart is useful but does not believe it can be used for enforcement purposes and would be easier to maintain if housed at NIST. The committee recommends the item be withdrawn.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

NET – HANDBOOK 133

NET-16.1 D Recognize the Use of Digital Density Meters

This item has been assigned to the submitter for further development. For more information or to provide comment, please contact:

Mr. Ronald Hayes
Missouri Department of Agriculture
(573) 751-4316
ron.hayes@mda.mo.gov

Background/Discussion:
The submitter provided proposed test procedures prior to the 2019 fall regional meetings for consideration at the 2020 NCWM Interim Meeting.

Current test procedures are slow and awkward due to the need of using borosilicate glassware for package checking. Digital density meters are fast, use small samples size (2 ml) and have built in thermometers.

Digital density meters are fast and accurate in comparison with recognized Handbook 133 test procedures for viscous fluids. Using digital density meters equipped with built-in API density tables will not require the cooling samples to 60 °F. There is no need to "wet down" volumetric flasks before each measurement. Most non-food products may be recovered without contamination. Only a small sample size (2 ml) of the product is needed for testing. There is no need for a partial immersion thermometer or volumetric flasks. The current method in "Section 3.4. Volumetric Test

Procedures for Viscous Fluids – Headspace" does not work for plastic oblong bottles often used for motor oil. This new test procedure would eliminate the entrapment of air in testing viscous fluids (i.e. motor oil, DEF, antifreeze, syrups, etc.) Well established ASTM and other international standard test methods are available with precision statements.

At the 2016 NCWM Interim Meeting, Mr. Ron Hayes (Missouri) spoke in regard to his submittal of this proposal. The Committee believes this item has merit and requested that the submitter form a focus group to further develop. Mr. Hayes agreed that this item needs have additional data gathered to support the use and accuracy of the digital density meters. The American Petroleum Institute (API) remarked that they would like to assist the task group on this project. The Committee is making this a Developing Item.

At the 2017 NCWM Interim Meeting the submitter Mr. Hayes asked for the states to participate in a round robin to compare the current handbook test procedures with the density meter. The Committee encouraged the submitter to develop a proposal by Fall 2017.

At the 2018 NCWM Interim Meeting, Mr. Ron Hayes (Missouri) gave a presentation regarding this item. Mr. Lou Sakin (Massachusetts) recommended this item be assigned with a specific timetable for development. No other comments were heard on this developing item. The L&R Committee recommends this item as Developing to allow the submitter to finish developing test procedures and review with NIST/OWM staff.

At the 2018 NCWM Annual Meeting, Mr. Hayes (Missouri) provided an update that he has been doing testing and getting repeatability with his results. Mr. Hayes remarked that when NIST OWM was teaching a NIST Handbook 133- Basic course in Missouri he had an opportunity to use the density meter on some of the test procedures.

At the 2019 NCWM Interim Meeting the submitter of this item stated he is close to having an updated proposal posted to the NCWM website. A Michigan regulator stated his desire to see this item remain developing. The Committee recommends this item remain Developing with the stipulation, that if new language is not provided by the 2019 NCWM Annual Meeting, the item will be withdrawn.

At the 2019 NCWM Annual Meeting Mr. Ron Hayes commented that he has a draft of his proposal on the NCWM L&R supporting document website. Mr. Hayes continues to work with states who use the density meters to develop an item under consideration. He also continues to work on the alpha correction.

Regional Association Comments:

WWMA 2019 Annual Meeting: The Committee heard testimony that the language needs to be written generically for all density meter types. The WWMA reviewed the background information and many of the same concerns and issues cited were raised at their meeting. The submitter's purpose statement on his proposal specified that the test procedure would be for motor oils, diesel exhaust fluid (DEF) and antifreeze however, the submitted document does not correlate with this purpose statement.

The Committee believes that a proposal for the device specifications should be submitted prior to the finalization of the HB133 proposal. Suggestions were provided to the submitter from the S&T in 2017 which stated, "*Fundamental Considerations of NIST Handbook 44 be considered in defining the suitability criteria of any density meter used in testing. Ms. Butcher also suggested it may be that the NIST EPOs, training materials, or other guidance documents might be a more appropriate place(s) to specify details regarding the selection and use of this equipment and to provide details on its specifications."* and *"the item should be included in other documents such as NIST Handbooks 112 and 105."*

The Committee would like to see this remain Developing with the submitter addressing the issues that the WWMA and other regional associations have documented. The WWMA is recommending that this item be Withdrawn if updated work efforts are not submitted to the NCWM L&R by January 2020.

SWMA 2019 Annual Meeting: The Committee reviewed the modified proposal and data submitted by Mr. Ron Hayes. This procedure needs to be written in generic format to meet specifications for meters that are in the marketplace. The Committee would like this item to be Developing. They also request that the submitter change his purpose statement or apply the test procedure to what is currently stated in the document.

NEWMA 2019 Interim Meeting: No comments were heard during open hearings. The Committee believes the item should remain on the agenda as a developing item. The committee further believes that final language should be provided by the submitter for the 2020 Interim Meeting. Since this item has remained on the agenda since 2016, if no additional information is supplied by the 2020 Interim Meeting, it should be withdrawn.

CWMA 2019 Interim Meeting: Ron Hayes, Missouri, submitter of this item, gave a brief presentation and an update on this developing item. Mr. Hayes commented that this methodology is good for any homogeneous liquid. He said that Michigan has provided some data. Mr. Hayes will provide a final draft and believes this item will be ready for voting status by Interim. The committee supports this item and recommends it continue as a developing item. If Mr. Hayes has final language submitted for Publication 15 for the 2020 Interim meeting, The committee encourages the National L&R to consider upgrading it to voting status at the Interim meeting.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

NET-20.2 4.5. Polyethylene Sheeting, Bags and Liners.

Background/Discussion:
This will update the test equipment to allow for the use of other type of instruments to perform the test procedure. In addition, it aligns the test equipment within the latest version of ASTM D6988 "Guide for Determination of Thickness of Plastic Film Test Specimens".

Regional Association Comments:
WWMA 2019 Annual Meeting: Mr. Kurt Floren (Los Angeles County, CA) provided modifications to the language to the Committee. The Committee addressed his concerns by modifying the language as it appears below. The WWMA cautions that the ASTM D6988 "Standard Guide for Determination of Thickness of Plastic Film Test Specimens" needs to be researched further to make sure it is applicable. It appears that ASTM D6988 is a Guide and not a specification standard. There is a note within the standard that appears to prohibit the use for this application. The Committee is requiring data from the submitter that changes to the micrometer specifications are justified. Further development of the entire test procedure (not just test equipment) will need to occur for its applicability for the electronic instrument. The Committee recommends this be a Developmental item requiring confirmation of the applicability of the ASTM standard.

4.5. Polyethylene Sheeting, Bags, and Liners

Most polyethylene products are sold by length, width, thickness, area, and net weight. Accordingly, this procedure includes steps to test for each of these measurements.

(Amended 2017)

1.1.1. Test Equipment

- A scale that meets the requirements in Section 2.2. "Measurement Standards and Test Equipment."
- Steel tapes and rulers. Determine measurements of length to the nearest division of the appropriate tape or ruler.
  - Metric units:

    For labeled dimensions 400 mm or less, linear measure: 300 mm in length, 1 mm divisions; or a 1 m ruler with 0.1 mm divisions, overall length tolerance of 0.4 mm.

    For labeled dimensions greater than 400 mm, 30 m tape with 1 mm divisions.

- U.S. customary units:

  For labeled dimensions 25 in or less, use a 36 in ruler with $^{1}/_{64}$ in or $^{1}/_{100}$ in divisions and an overall length tolerance of $^{1}/_{64}$ in.

  For dimensions greater than 25 in, use a 100 ft tape with $^{1}/_{16}$ in divisions and an overall length tolerance of 0.1 in.

- **Thickness Measuring Device (use one of the following)**

  - Deadweight dial micrometer (or equal) equipped with a flat anvil, 6.35 mm or (¼ in) diameter or larger, and ~~**a 4.75 mm ($^{3}/_{16}$ in) diameter**~~ flat ~~**surface on the head of the**~~ spindle **head with a diameter between 3.20 mm ($^{1}/_{8}$ in) and 12.70 mm ($^{1}/_{2}$ in)**.

    ~~**Note: Electronic or other instruments that provide equivalent accuracy are also permitted.**~~

    – ~~**The mass of the probe head (total of anvil, weight 102 g or [3.6 oz], spindle, etc.) must total 113.4 g (4 oz).**~~ **The pressure exerted by the instrument should not exceed 70 kPa (10 psi).**

    – The anvil and spindle head surfaces should be ground and lapped, parallel to within 0.002 mm (0.0001 in), and should move on an axis perpendicular to their surfaces.

    – The dial spindle should be vertical, and the dial should be at least 50.8 mm (2 in) in diameter.

    – The dial indicator should be continuously graduated to read directly to 0.002 mm (0.0001 in) and should be capable of making more than one revolution. It must be equipped with a separate indicator to indicate the number of complete revolutions. The dial indicator mechanism should be fully jeweled.

    – The frame should be of sufficient rigidity that a load of 1.36 kg (3 lb) applied to the dial housing, exclusive of the weight or spindle presser foot, will not cause a change in indication on the dial of more than 0.02 mm (0.001 in).

    – The indicator reading must be repeatable to 0.001 2 mm (0.000 05 in) at zero.

    – The micrometer should be operated in an atmosphere free from drafts and fluctuating temperature and should be stabilized at ambient room temperature before use.

    ~~**Note: Other instruments are commercially available that utilize different methods of measuring thickness. Instruments of this nature are acceptable provided they meet or exceed the precision requirements noted within the latest version of ASTM D6988 "Guide for Determination of Thickness of Plastic Film Test Specimens" and the requirements of the applicable material or product specification or applicable test standards.**~~

  - **Electronic Instrument that meet or exceed the precision requirements within the latest version of ASTM D6988 "Guide for Determination of Thickness of Plastic Film Test Specimens" and the requirements of the applicable material or product specification or applicable test standards**

- Gage blocks covering the range of thicknesses to be tested should be used to check the accuracy of the micrometer

- T-square

SWMA 2019 Annual Meeting: The Committee did not hear any comments regarding this item from regulators. It was noted that if you are adding electronic instruments then the test procedure should also address them throughout the test procedure. The SWMA encourages the submitter to develop this proposal.

NEWMA 2019 Interim Meeting: Jim Willis, New York, commented that this proposal is intended to bring outdated language up to date. The committee recommended the item be placed on the agenda as a developing item. The committee wants to determine if all listed equipment in the proposal meets ASTM standards.

CWMA 2019 Interim Meeting: No comments were heard during open hearings. Due to a lack of comments and unfamiliarity with the topic, the committee does not have a recommendation for this item.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

OTH – OTHER ITEMS

OTH-07.1 D Fuels and Lubricants Subcommittee

This item is to provide a report on the activities of the Fuels and Lubricants Subcommittee which reports and provides recommendations to the Laws and Regulations Committee. For more information or to provide comment, please contact:

Mr. Bill Striejewske, Chairman of the Fuels and Lubricants Subcommittee
Nevada Department of Agriculture/Bureau of Petroleum Technology
(775) 353-3792, wstriejewske@agri.state.nv.us

Background/Discussion:
FALS met on Sunday, July 14, 2019, at the NCWM Annual Meeting in Milwaukee, Wisconsin to review the agenda items related to fuel and automotive fluid standards before the L&R Committee. There was discussion of the Priority Voting item MOS-1, FLR-1, FLR-7, and Item Block 4 on the L&R agenda. The meeting included a brief review and comments regarding a discussion held during Saturday's board meeting about FALS, its mission, and its future. There was also information given about useful materials that are being produced by AOCA. At present, there are no Focus Groups within FALS. The following is a brief summary of these items mentioned above.

Board of Directors Discussion on FALS – Rebecca Richardson (FALS and NCWM Board of Directors) presented highlights of a discussion from the Board of Directors meeting as to how to make FALS function more efficiently and effectively. There was brief, but valuable discussion that centered on a few points: that a strength of FALS in its current configuration is the level of engagement and openness; that whatever changes the subcommittee might make, its primary function is to assist L&R in their work; and that the group could use more structure. Mr. Striejewske will be soliciting further comments from FALS membership moving forward to continue this discussion as necessary.

Automotive Oil Change Association Update – During the new business section of the FALS meeting**,** Ms. Joanna Johnson (AOCA) commented that has created training materials for engine oil and transmission fluid, and she has the preproduction content with her at this meeting. If anyone wants to provide input, they should see or contact her. The association will make it available to the regulatory communities once it is produced.

EPA Final Rule – A the 2019 NCWM Annual Meeting the L&R Committee tasked the FALS to review regulations under **40 CFR 80.20** to ensure there are no conflicts within NIST Handbook 130 – Fuels and Lubricants Regulations.

Regional Association Comments:
WWMA 2019 Annual Meeting: The FALS Chair provided an update to the WWMA.

SWMA 2019 Annual Meeting: There was no update provided.

NEWMA 2019 Interim Meeting: No comments were heard.

CWMA 2019 Interim Meeting: No update at this meeting.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.

OTH-11.1 D Packaging and Labeling Subcommittee

This item is to provide a report on the activities of the Packaging and Labeling Subcommittee which reports and provides recommendations to the Laws and Regulations Committee. For more information or to provide comment, please contact:

Mr. Chris Guay, Chairman of the Packaging and Labeling Subcommittee
Procter and Gamble Co.
(513) 983-0530, guay.cb@pg.com

Background/Discussion:
The Package and Labeling Subcommittee (PALS) is comprised of four voting regulatory officials (one from each region) and four voting members from industry (retailers and manufacturers) in addition to its Chairman and NIST Technical Advisor. Mr. Guay, (PALS Chair) reported that work is currently being progressed through monthly webinar meetings and at the NCWM meetings. Members of NCWM can participate in the PALS meetings by contacting Mr. Guay. PALS members are responsible for providing updates at their Regional Meetings. Mr. Guay added PALS will be developing proposals and providing guidance and recommendations on existing proposals as assigned by the NCWM L&R Committee. He stressed the importance of having key federal agencies (FDA, FTC, and USDA) participating.

Mr. Guay reported that PALS is working on a "Recommended Best Practice" document for quantity expressions appearing on the principal display panel (PDP) in addition to the required statement of net quantity has begun development of proposed requirements for packages/products sold exclusively through e-commerce sites, and has and will be submitting comments on behalf of the NCWM to the Federal Register proposals that are related to quantity declarations by federal agencies. In addition, PALS is considering further development of the following items:

- **Additional Net Content Declarations on the Principal Display Panel to Meet U.S. and International Requirements** - Package net contents are most commonly determined by the product form, for example – solid products are labeled by weight and liquid products are labeled by volume. Semi-solid products such as pastes, creams and viscous liquids are required to be labeled by weight in the United States and by volume in Canada.
- **Icons in Lieu of Words in Packaged labeled by Count** – Can a clear and non-misleading icon take the place of the word "count" or "item name" in a net content statement? While existing Federal regulation requires regulatory label information to be in "English," the increasing presence of multilingual labels and the growing diversity of the U.S. population suggest more consumers are served with a clear and non-misleading icon.

- **Multipacks and Bundle Packages** – The net content statements for multipacks and bundled packages of individually labeled products can be different based on the approach used to calculate them. The difference is the result of the degree of rounding for dual U.S. customary units and metric declarations. Using two apparently valid but different methods can yield two different results; one net content statement result that provides closer accuracy between the declared metric and U.S. customary declaration, or a different net content result which is more intuitive but less accurate.

At the 2018 Interim Meeting, Mr. Guay reported that the PALS was making good progress on a "Recommended Best Practice" document for quality related statements appearing on the package net contents statement outside of the required statement of net quantity. A completed first draft is expected in late 2018. A "Recommended Best Practice" document is expected to bring uniformity and consistency by providing a reference for these types of label expressions. This document will either be a stand-alone document on the NCWM website or an NCWM publication.

At the 2018 Annual Meeting, Mr. Guay reported that the PALS was expecting to complete the first draft of a "Recommended Best Practice" document in 2018 and would begin to do vetting amongst a group of NCWM volunteers. Once input is received and incorporated, the PALS plans to reach out to FDA to review the content of the document with their compliance organization for further input. In addition, the PALS began discussing the need for clarity of packaging and labeling requirements for products which are sold solely in e-commerce distribution. These products may be modified in design and labeling compared to packages intended for retail shelf sale.

At the 2019 Interim Meeting, Mr. Guay reported that the text of "Recommended Best Practice" was complete except for the inclusion of a few paragraphs. Work was continuing on an illustrative appendix, with graphics support being provided by the NCWM Office. PALS is also starting to define e-commerce product net content labeling requirements beginning with standard packages. PALS would then proceed to discuss random weight and bulk products.

At the 2019 Annual Meeting, Mr. Guay reported that the PALS submitted comments on behalf of NCWM regarding an FSIS proposal to revise its declaration-of-net-quantity regulations. These comments encouraged FSIS to make its requirements aligned with the requirements of the Fair Packaging and Labeling Act. PALS will also be submitting NCWM comments in response to three proposals from Alcohol and Tobacco Tax and Trade Bureau pertaining to net quantity declarations at the end of August 2019. PALS also discussed the content for comments to the Alcohol and Tobacco Tax and Trade Bureau and they will be drafted by mid-August 2019 and submitted at the end of the month

PALS also discussed e-commerce transactions as part of its development of a proposal to cover standard, random, and bulk packages sold on-line for shipment or delivery to the purchaser. PALS plans to draft a proposed regulation covering requirements for the on-line sites which sell these types of products and for products that are received at home by the purchaser. When this proposal has been developed, it will be forwarded to the Laws and Regulations Committee for consideration on its agenda

Regional Association Comments:

WWMA 2019 Annual Meeting: The PALS Chair provided an update on the work of the subcommittee.

SWMA 2019 Annual Meeting: There was an updated provided by Chris Guay (PALS Chair), this information is documented in Appendix A for ongoing projects.

NEWMA 2019 Interim Meeting: No comments were heard.

CWMA 2019 Interim Meeting: No update at this meeting.

Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to https://www.ncwm.com/publication-15 to review these documents.