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By E-Mail

William J. Striejewski, Ph.D
Consumer Equitability Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, Nevada 89431

***Re: Upcoming FALS Conference Call & Meeting
Item Block 3 (B3) Obsolete Engine (Motor) Oils***

Dear Bill:

This letter in follow up to our recent email exchanges concerning the upcoming FALS consideration of the Independent Lubricant Manufacturers Association's ("ILMA") pending Handbook 130 proposal on "obsolete oils." The relevant information for the FALS discussion is found at pages A142 to A149 of the Laws & Regulations ("L&R") Committee's published agenda for the NCWM Interim Meeting. Please feel free to circulate this letter to the members of FALS.

ILMA is requesting that FALS recommend to the L&R Committee at the Interim Meeting that the obsolete oil proposal be advanced to the full NCWM as a voting item. WWMA, NEWMA and CWMA have recommended that the item, with some recommended edits, is ready for voting status. As discussed more fully below, the proposed changes to Section 8 fully addresses the primary concern from SWMA (*see* page A144, lines 41-42).

The edits suggested by the regional weights and measures associations fall into three "buckets." Let me address each of them.

First, the word "statement" inadvertently was omitted from the proposed text in several places. The word "statement" has been inserted into all of the relevant sections at page A143, line 40; page A144, line 12; page A147, line 9; and, page A149, line 6. This issue has been fully addressed.

Second, NCWM and NIST recognized that they inadvertently omitted Section 2.14. from the proposal (*see* A145, lines 29-43) because the text had not been modified as it has moved through the process. This section has been added back to the item, and it should remain and be voted upon. This issue has been fully addressed.

Third, the most substantive proposed edits are to Section 8.6, Prohibited Acts, on page A147, lines 26-35. There are two proposed edits in this section. The first edit is from NCWM/NIST, recommending an editorial change, modifying the word "represent" to "misrepresent" (*see* page A147, lines 34-35). ILMA supports this editorial change proposed by NCWM/NIST.

The second edit goes to the former use of the word "specified" in the item that was identified by each of the regional associations. I had a detailed discussion of this issue with NEWMA's Laws & Regulations Committee at its meeting last October. The outcome of this discussion is the proposed language on page A147, lines 29-31. ILMA supports this revised language proposed by NEWMA. If agreed to by FALS, the final language recommended to the L&R Committee for section 8.6 is:

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 purchaser/consumer.

Holly Alfano and I will be unable to attend the Interim Meeting, because it conflicts with ILMA's Executive Committee meeting. My colleague, Matt Levetown, will represent ILMA at the Interim Meeting.

In closing, I want to address the one comment from CWMA (*see* page A145, lines 19-21). ILMA's obsolete oil proposal has undergone significant modification from its initial submission. ILMA first proposed Handbook 130 language that mirrored California's AB 808, enacted in October 2015. The obsolete oil proposal subsequently was modified several times to address substantive comments from state weights and measures officials and stakeholders. ILMA believes the item, as it currently sits, reflects consensus on obsolete oils.

Sincerely,



Jeffrey L. Leiter

cc: FALS members
Ethan Bogren, L&R Committee Chair
Holly Alfano
Matt Levetown