

January 21, 2020

Mr. Craig Van Buren, Chair
National Conference of Weights and Measures
Via email: vanburenc9@michigan.gov

Mr. Ethan Bogren, Chair
Laws & Regulations Committee
National Conference of Weights and Measures
Via email: neb2@westchestergov.com

Mr. Bill Striejewske, Chair
Fuels and Lubricants Subcommittee
National Conference of Weights and Measures
Via email: WSTRIEJEWSKE@AGRI.NV.GOV

Dear Chairs:

I write to ensure you are aware of my opposition to the proposals: FAL 20.2 and FAL 20.3, that have been submitted to the National Conference on Weights and Measures (NCWM) for consideration. In my opinion, these proposals have been submitted without any justification or described benefit to the marketplace or consumers. I am quite frankly puzzled of the need for “comprehensively” adding Federal regulations to a model regulation that has the purpose of providing guidance for state and local commerce oversight.

I think a review of the purpose of NIST Handbook 130 may be needed here; I know that I was searching for guidance on appropriate content for the Handbook. I offer this statement from the Handbook 130 Introduction:

The purpose of these Uniform Laws and Regulations is to achieve, to the maximum extent possible, uniformity in weights and measures laws and regulations among the various states and local jurisdictions in order to facilitate trade between the states, permit fair competition among businesses, and provide uniform and sufficient protection to all consumers in commercial weights and measures practices.

The Handbook was not developed to be a second residence for Federal regulations.

I would also remind the Conference that EPA already has a robust compliance program and misfuelling mitigation in place for E15. EPA’s misfueling mitigation requirements for E15 include the following:

- Comprehensive labeling requirements,
- Extensive product transfer document requirements,
- Country-wide retail station fuel collection and analysis costing industry over \$1 million, and
- Detailed public and stakeholder outreach efforts.

More than 5,000 samples are scheduled to be taken each year in EPA’s national survey requirement; fuels being sampled include every gasoline sold at retail regardless of the ethanol content. For good measure, I would also state there is no need for NCWM to duplicate ASTM efforts by developing specific fuel and lubricant specifications and standards.

I have several concerns about the way proposals FLR 20.2 and 20.3 have been handled in the NCWM process. I question the consideration of these proposals by the Fuels and Lubricants Subcommittee (FALS) in December 2019 and January 2020 without direction from the NCWM Laws and Regulations Committee. Mr. Benjamin of North Carolina stated his concerns on a FALS call yet FALS continues to hold discussions on these items. It appears that FALS has skipped the NCWM standards development process. Why have regional consideration of the proposals at all?

Central Weights and Measures, Laws & Regulations Committee recommendation for FLR 20.2 and 20.3: Withdraw.i

Northeastern Weights and Measures, Laws & Regulations Committee recommendation for FLR 20.2 and 20.3: Assigned item on the NCWM Agenda.ⁱⁱ

Southern Weights and Measures, Laws & Regulations Committee recommendation for FLR 20.2 and 20.3: Assigned item on the NCWM Agenda.ⁱⁱⁱ

Western Weights and Measures, Laws & Regulations Committee recommendation for FLR 20.2 and 20.3: Assigned item on the NCWM Agenda.^{iv}

According to the NCWM procedures listed on www.ncwm.com, the recommendations from the regions are to be submitted to the NCWM L&R Committee for review and consideration. After NCWM L&R consideration, a proposal can be identified for further consideration or withdraw. Why are these proposals already being extensively promoted in FALS discussions before NCWM L&R had made a determination?

These proposals should be withdrawn from consideration. The agriculture industry is extending significant resources to expand ethanol market share in support of U.S. agriculture who just experienced one of the worst growing seasons in history. There is one billion bushels of corn still in the field.

On a personal note, I would like to offer my technical expertise and resources if/ when there are ethanol quality or consumer questions. I make significant effort to keep each state apprised of our ethanol market development efforts and identify any areas of concern in the marketplace or standards organization.

Thank you for your consideration. Please feel free to contact me with comments or questions.

Respectfully submitted,



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Principal Scientist
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cc: Don Onwiler, Executive Director, National Conference on Weights and Measures
Via email: don.onwiler@ncwm.com

ⁱ CWMA Laws and Regulations (L&R) Committee 2019 Interim Meeting Report, page 61 and 63.

[https://cwma.net/resources/Documents/Committee%20Reports/LR%20Committee/19-FINAL-REPORT-CWMA-LR%20\(i\).pdf](https://cwma.net/resources/Documents/Committee%20Reports/LR%20Committee/19-FINAL-REPORT-CWMA-LR%20(i).pdf)

ⁱⁱ NEWMA Laws and Regulations (L&R) Committee 2019 Interim Meeting Report, page 57 and 59.

[https://newma.us/resources/Documents/Committee%20Reports/LR%20Committee/19-FINAL-REPORT-NEWMA-LR%20\(i\).pdf](https://newma.us/resources/Documents/Committee%20Reports/LR%20Committee/19-FINAL-REPORT-NEWMA-LR%20(i).pdf)

ⁱⁱⁱ SWMA Laws and Regulations (L&R) Committee 2019 Interim Meeting Report, page 59 and 61.

<https://www.swma.org/resources/Documents/Committee%20Reports/LR%20Committee/FINAL-REPORT-SWMA-LR.pdf>

^{iv} WWMA Laws and Regulations (L&R) Committee 2019 Interim Meeting Report, page 58 and 60.

[https://westernwma.org/resources/Documents/Committee%20Reports/LR%20Committee/19-FINAL-REPORT-WWMA-LR%20\(a\).pdf](https://westernwma.org/resources/Documents/Committee%20Reports/LR%20Committee/19-FINAL-REPORT-WWMA-LR%20(a).pdf)