

Laws and Regulations (L&R) Committee 2021 Interim Meeting Agenda

Mr. John McGuire, Committee Chair
New Jersey

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 and Engine Fuel Quality, 2020 Edition*, and *Handbook 133 Checking the Net Contents of Packaged Goods, 2020 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 **underlining** 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

NIST Handbook 130 – General	GEN Series
Uniform Laws	
Uniform Weights and Measures Law	WAM Series
Uniform Weighmaster Law	WMR Series
Uniform Fuels and Automotive Lubricants Inspection Law	FLL Series
Uniform Regulations	
Uniform Packaging and Labeling Regulation	PAL Series
Uniform Regulation for the Method of Sale of Commodities	MOS Series
Uniform Unit Pricing Regulation	UPR Series
Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices	RSA Series
Uniform Open Dating Regulation	ODR Series
Uniform Regulation for National Type Evaluation	NTP Series
Uniform Fuels and Automotive Lubricants Regulation	FLR Series
Examination Procedure for Price Verification.....	PPV Series
NCWM Policy, Interpretations, and Guidelines.....	POL Series
NIST Handbook 133.....	NET Series
Other Items	OTH Series

Table A
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Table B
Glossary of Acronyms and Terms

Acronym	Term	Acronym	Term
ASTM	ASTM International	NEWMA	Northeastern Weights and Measures Association
API	American Petroleum Institute	NIST	National Institute of Standards and Technology
CFR	Code of Federal Regulations	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	SAE	SAE International
FPLA	Fair Packaging and Labeling Act	SWMA	Southern Weights and Measures Association
FTC	Federal Trade Commission	UPLR	Uniform Packaging and Labeling Regulation
HB	Handbook	USNWG	U.S. National Work Group
L&R	Laws and Regulations	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. HB 133
MODIFY “SCOPE” FOR CHAPTERS 2 – 4, ADD A NOTE FOLLOWING
SECTIONS 2.3.7.1. AND 2.7.3., CREATE A CHAPTER 5. SPECIALIZED TEST
PROCEDURES AND HB133 APPENDIX F. GLOSSARY**

- 5 B1: PAL-19.1 I Section 2.8. Multiunit Package
- 6 B1: NET-19.1 I Section 1.2.4. Maximum Allowable Variation
- 7 B1: NET-19.2 I Modify “Scope” for Chapters 2 – 4, and a note following Section 2.3.7.1. Maximum Allowable
- 8 Variation (MAV) Requirement and 2.7.3. Evaluation of Results – Compliance Determinations
- 9 B1: NET-19.3 I Create a Chapter 5, Specialized Test Procedures
- 10 B1: NET-19.10 I Appendix F. Glossary

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

B1: PAL-19.1 I Section 2.8. Multiunit Package

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 I 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.

Packages may be offered for sale individually or in multiunit packages which contain two or more individual inner packages.

1 **When individual packages are tested, the MAV is applied to each package in the sample which has a minus**
2 **package error.**

3 **When a total quantity declaration on a multiunit or variety package is verified, and the MAV is not**
4 **determined in terms of a percent of the labeled quantity, a “Total Quantity MAV” is compared to the**
5 **minus Total Quantity Package Error(s) to determine if they are unreasonable.**

6 ***Total Quantity Package Error = Sum of Individual Inner Package Errors***
7 (Amended 2010 **and 20XX**)

8 **1.2.4.1. Total Quantity MAV for Multiunit and Variety Packages (See Chapter 5. “Specialized Test**
9 **Procedures”)**

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

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

15 **Terms are defined as:**

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

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

20 **b. Variety Package. – The total quantity declaration that appears on a variety package, compare**
21 **a Total Quantity MAV to each minus Total Quantity Package Error to determine if the error**
22 **is unreasonable. Calculate the Total Quantity MAV using the following formula:**

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

24 **Variety packages include commodities that may be generically similar, but differ in weight,**
25 **measure, volume, or appearance. For these packages a Total Quantity MAV is calculated for**
26 **each product type and the results are added to obtain a Total Quantity MAV for comparison**
27 **to each minus Total Quantity Package Error.**

28 **Terms are defined as:**

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

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

33 **(Added 20XX)**

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

4 **Purpose:**

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

7 **Item Under Consideration:**

8 Amend Handbook 133, Chapters 2, 3, and 4 as follows:

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

11 **Note: If Multiunit or Variety Packages are to be inspected, refer to Chapter 5. “Specialized Test**
12 **Procedures” for guidance in testing.**

13 **If a total quantity declaration is verified and the MAV to be applied is not based on a percentage of the**
14 **labeled quantity, refer to Section 1.2.4.1. “Total Quantity MAV for Multiunit and Variety Packages.”**
15 **(Added 20XX)**

16 And

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

19 **Note: If a total quantity declaration on a multiunit or variety package is verified, and the MAV applied is**
20 **not based on a percent of the labeled quantity see Section 1.2.4.1. “Total Quantity MAV for Multiunit and**
21 **Variety Packages.**
22 **(Added 20XX)**

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

24 **Purpose:**

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

27 **Item Under Consideration:**

28 Amend NIST Handbook 133, Chapter 5. Specialized Test Procedures as follows:

29 **5.1. Scope**

30 **The following procedures are used in either verifying the net quantity of contents of multiunit packages with**
31 **individual inner packages that have the same commodity and identically labeled quantities or verifying variety**
32 **packages with individual inner packages that differ in labeled weight, measure or volume.**

33 **1. The procedure used is determined by using the labeled net contents.**

34 ➤ **If a total net quantity of contents is not declared on the package label, use Section 5.2. “Individual**
35 **Package Quantity.”**

36 ➤ **If a total net quantity of contents is declared on the package, use Section 5.3. “Total Quantity.”**

1 **Note: If the packages are labeled with additional quantity statements (i.e., dry volume, area, length, width,**
 2 **or thickness), added steps or, when proper, additional Total Quantity MAVs may be required.**

3 **5.2. Individual Package Quantity**

4 **This procedure is used to test open or transparent wrapped multiunit packages. These packages have a labeled**
 5 **net quantity visible on each individual inner package and they are identical but there is no total net quantity**
 6 **on the package label. (see Figure 1. Open or Transparent Multiunit Package with Individual Quantity**
 7 **Declarations).**

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

8 **Figure 1. Open or Transparent Multiunit Package with Individual**
 9 **Quantity Declarations (which contains two rows of packages)**
 10

11 **5.2.1. Test Procedure for Multiunit Packages**

12 **1. Follow Section 2.3.1. “Define the Inspection Lot.” The inspection lot is defined as the total number**
 13 **of individual inner packages in the multiunit packages (e.g., 120 packages × 12 individual inner**
 14 **packages = Inspection Lot size is 1440). Select “Category A” or “Category B” sampling plan in**
 15 **the inspection (depending on location of test) and select a random sample (See Section 2.3.4.**
 16 **“Random Sample Selection”).**

17 **2. Determine an average tare weight according to Section 2.3.5. “Procedures for Determining Tare**
 18 **and Average Tare Weight.” Follow Section 2.3.6. “Determine Nominal Gross Weight and Package**
 19 **Errors” to determine package errors.**

20 **3. Determine the net quantity of each individual inner package in the sample.**

21 **➤ If a count declaration is declared on the multiunit packages, verify using Section 4.2.**
 22 **“Packages Labeled by Count” and apply the appropriate MAV using Appendix A, Table 2- 7.**
 23 **MAV for Packages Labeled by Count applied.**

24 **4. If minus package errors are found in the sample, the value of the MAV to be applied is determined**
 25 **by looking up the quantity for the individual inner packages (see Appendix A “Tables”).**

26 **Compare the MAV for the labeled quantity to each minus package error in the individual inner**
 27 **packages to determine if any are unreasonable using Section 2.3.7.1. “MAV Requirement”. If the**
 28 **number of unreasonable errors exceeds the amount allowed for the sample size (see Appendix A,**
 29 **Tables 2-1. “Sampling Plans for Category A” or Table 2-2. “Sampling Plans for Category B.”**
 30 **Column 4), the sample fails. If the sample passes, go to Step 5.**

31 **5. Apply Section 2.3.7.2. “Average Requirement.” Follow the procedures in Section 2.3.7.**
 32 **“Evaluation for Compliance.”**

1 **5.3. Total Quantity**

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

7 **5.3.1. Test Procedure for Multiunit Packages**

- 8 **1. Follow Section 2.3.1. “Define the Inspection Lot” to define the inspection lot (number of multiunit**
9 **packages). Use the inspection lot size and select a “Category A” or “Category B” sampling plan**
10 **(see Appendix A. “Tables”) in the inspection plan and select a random sample. (see Section 2.3.2.**
11 **“Select Sampling Plans” and Section 2.3.4. “Random Sample Selection”).**
- 12 **2. For packages labeled by weight, determine the tare weight and nominal gross weight. Follow**
13 **Section 2.3.5. “Procedures for Determining Tare” through Section 2.3.6. “Determine Nominal**
14 **Gross Weight and Package Error”. This is used to determine errors in the total package quantity**
15 **declaration.**
- 16 **3. Determine the net quantity of each multiunit package and calculate the Total Quantity Package**
17 **Error for each multiunit package.**

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

19 ***Total Quantity Package Error = Sum of Individual Inner Package Errors***

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

- 22 **4. If minus package errors are found in the sample, use the MAV for the individual inner package**
23 **labeled quantity. (see Section 1.2.4.1. “Total Quantity MAV for Multiunit and Variety Packages”**
24 **and the appropriate MAVs in Appendix A “Tables”). Calculate the MAV to be applied to the total**
25 **quantity of contents declaration as follows:**

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

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

- 30 **5. The Total Quantity MAV is compared to each minus Total Quantity Package Error to determine**
31 **if any of the errors are unreasonable (See Section 2.3.7.1. “MAV Requirement”).**

32 **➤ If the number of unreasonable errors exceeds the amount allowed for the sample size the**
33 **sample fails. (See Section 2.3.1. “Define the Inspection Lot” and Tables 2-1 or 2-2, Column 4).**
34 **5.4. Exceptions**

35 **5.4. Exceptions for Multiunit Packages**

36 **5.4.1. Multiunit Packages with Only a Total Quantity Declaration**

37 **NIST Handbook 130, Uniform Packaging and Labeling Regulation (UPLR), Section 10.4. “Multiunit**
38 **Packages” states that unlabeled individual packages not intended for individual retail sale are only**
39 **required to declare a total quantity declaration (see Figure 2. Multiunit Package [three packages] with**
40 **only a Total Quantity Declaration). UPLR, Section 10.4. “Multiunit Packages” does allow for**

1 multiunit packages to include an optional statement for the count of the individual inner packages even
 2 when the UPLR, Section 10.4. “Multiunit Packages” regulations do not require such a statement.

<u>Floor Cleaner</u>	<u>Floor Cleaner</u>	<u>Floor Cleaner</u>
	<u>NET WEIGHT 15 kg</u>	

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

5 5.4.1.1. MAV Application

6 When multiunit package label does not include a quantity statement for each individual inner
 7 package (e.g., only a total quantity appears) a Total Quantity MAV cannot be applied because the
 8 quantities in the individual inner packages are unknown. In this cases, the MAV value for the
 9 total quantity declaration as listed in the MAV tables (See Appendix A. Tables) is compared to the
 10 Total Quantity Package Error to determine if any of the errors are unreasonable (see Section
 11 2.3.7.1. “MAV Requirement”).

12 5.4.2. Variety Packages: Non-Uniform Quantity Declarations

13 UPLR, Section 10.6. “Variety Packages” states that a variety package is required to have total quantity
 14 declaration. The commodities may be generically similar; however, they can differ in weight, measure,
 15 volume, or appearance. When the labeled weight, measure or count varies, the value of the MAV can also
 16 vary.

17 When variety packages are tested, the procedure used to calculate a Total Quantity MAV requires the
 18 summing of the MAV values over the number of inner packages of all types. (An example is shown in
 19 Figure 3. Variety Package – Four Similar but Different Products with Varying Net Weights, to illustrate a
 20 total quantity declaration, count, and the weight of the individual inner packages.)

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

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

23 5.5. Test Procedure for Packages with Varying Net Weights

- 24 1. When a variety package with varying net weights is tested, the average tare weight (e.g., packaging
 25 from the individual inner packages and the outer package combined) is determined and a nominal
 26 gross weight is used to determine the error in the total quantity declaration.

27
$$\textit{Total Quantity Package Error} = \textit{Sum of Individual Inner Package Errors}$$

MAVs used in calculating the Total Quantity Package MAV are based on the labeled quantities of each
product type and are calculated for each product type within the variety package. The calculated

1 MAVs for each of the product types are summed to obtain the Total Quantity MAV (See example
 2 shown in Table 1. Steps in Calculating a MAV for a Variety Package).

3 **5.6. MAV Application**

4 A Total Quantity MAV must be applied because the labeled quantities and MAVs of the individual inner
 5 packages vary. For example, based on the quantity of the total net weight the MAV for 1.33 kg is 42.6 g
 6 but the “Total Quantity MAV” to be applied is 122.4 g (See example shown in Table 1. Steps in Calculating
 7 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)				
<u>Product</u>	<u>Number in Package</u>	<u>MAV for each Package Net Quantity (MAV Table 2-5)</u>	<u>Net Weight</u>	<u>Total Quantity MAV</u>
<u>Peanut Butter Cups</u>	<u>10</u>	<u>5.4 g</u>	<u>55 g</u>	<u>10 × 5.4 = 54 g</u>
<u>Dark Chocolate Bars</u>	<u>6</u>	<u>10 % of labeled quantity</u>	<u>30 g</u>	<u>6 × (0.1 × 30) = 18 g</u>
<u>Milk Chocolate Bars</u>	<u>8</u>	<u>3.6 g</u>	<u>41 g</u>	<u>8 × 3.6 = 28.8 g</u>
<u>Milk Chocolate Bars with Almonds</u>	<u>6</u>	<u>3.6 g</u>	<u>46 g</u>	<u>6 × 3.6 = 21.6 g</u>
<u>Total Quantity MAV</u>				<u>122.4 g</u>

8 (Added 20XX)

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

10 **Purpose:**

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

12 **Item Under Consideration:**

13 Amend NIST Handbook 133, Appendix F as follows:

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

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

19 Total Quantity MAV. – A calculated value used to determine if each minus Total Quantity Package Error
 20 found in multiunit and variety packages are unreasonable. A Total Quantity MAV is based on the declared
 21 quantity and count of the individual inner packages. It is determined by looking up MAV for each
 22 individual inner package quantity (refer to the appropriate Appendix A. “Tables” and then calculating the
 23 “Total Quantity MAV” as follows:

24 > Multiunit Package: Total Quantity MAV = Number of Individual Inner Packages × MAV for
 25 Individual Inner Package Quantity

26 > Variety Package: Total Quantity MAV is not used when the MAV to be applied is based on a
 27 percentage of the labeled quantity on a multiunit or variety package.

1 **Note: A Total Quantity MAV is not used when the MAV applied is based on the percentage of the labeled**
2 **quantity on a multiunit or variety package**

3 **Note: Total Quantity Package Error = Sum of Individual Inner Package Errors.**

4 **Background/Discussion:**

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

7 Ms. Lisa Warfield
8 NIST, Office of Weights and Measures
9 301-975-3308, lisa.warfield@nist.gov

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

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

23 At the 2019 NCWM Interim Meeting comments were heard recognizing the merit of this item. Several regulators and
24 an industry member made comments that some areas within the procedure are too confusing. Mr. Tim Chesser (AR)
25 remarked that does not understand Item Net 3. Section 5.4.1.1. MAV Application. Mr. Kurt Floren (L.A. County,
26 CA) submitted editorial changes that the Committee accepted for the entire Item Block 1. In addition, the Committee
27 would like NIST/OWM to address Mr. Floren’s comments for NET- 3. Chapter 5. Specialized Test Procedures will
28 be reviewed by the NIST/OWM. The submitter, NIST OWM was not in attendance due to a government furlough, so
29 concerns could not be addressed. The Committee would like the submitter to review formatting, clarifying label
30 quantity, and modifying language for additional clarity. The Committee would like to see the above issues reviewed
31 by the submitter and encourages further development.

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

37 During Open hearings at the 2020 NCWM Interim Meeting, an update on the last language submitted for this item on
38 December 27, 2019 was provided by Ms. Lisa Warfield (NIST OWM). She remarked the work done to develop the
39 proposal and clarify the procedure language. Ms. Warfield reminded the audience NET-19.3 creates a Chapter 5,
40 “Specialized Test Procedures” must be approved for the rest of the items in the block to proceed. This block of items
41 was submitted by OWM after some states requested assistance inspecting these types of packages. Mr. Chris Guay
42 (Procter and Gamble Co.) gave merit to the item but, requested review of the definition of Multiunit Package and
43 referred to the one in CFR 21. Mr. Kurt Floren (L.A. County, CA) expressed his support for the item but pointed out
44 some punctuation and editorial required changes. He said wording in Section 5.4.3 can be improved. Ms. Ann
45 Boeckman (Kraft Heinz Foods Co.) also expressed concerns about the definition of multiunit package for retail sale.
46 Opinions from Ms. Angela Godwin (Ventura County, CA) and Ms. Katherine de Contreras (California) were also

1 heard during the open hearing; both agreed the procedure is confusing and needs additional work but, both concur the
2 item has merit.

3 There was concern that members may not have seen the modifications submitted by OWM in December 2019. There
4 was some confusion as to whether members comments were still valid since they did not review the latest language.
5 All comments received gave merit to the blocked Item but, some pointed out concerns about the definitions of
6 multiunit packages for retail sale and some found the language of the procedure to be confusing. Based on the
7 comments, the L&R Committee would like the submitter to review possible issues with the definition of Multiunit
8 packages and, to work on the procedure language to improve clarity. The L&R Committee recommends the Item
9 Block 1 be Informational to allow the submitter to do an additional review

10 **Regional Association Comments:**

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

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

18 **1.2.4. Maximum Allowable Variation**

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

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

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

32 The Committee does believe this item has merit. The Committee is requesting that the submitter continue to work to
33 simplify the test procedure. The Committee does not believe it is necessary to have Section 5.2. Individual Package
34 Quantity. For the reasons mentioned above the Committee is recommending this as a Developing item.

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

37 CWMA 2020 Interim Meeting: Ms. Lisa Warfield (NIST), commented that this item has been on the agenda since
38 2019. She said that during development of this item, the only input received was a comment regarding the term multi-
39 unit retail, which NIST does not object to. She explained that federal agencies have different definitions for the
40 term “multi-unit.” She wants to get any additional feedback to be sure the language is clear, concise and fully vetted.
41 The Committee believes this item is fully developed and is ready for Voting status.

42 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
43 <https://www.ncwm.com/publication-16> to review these documents.

1 **PAL – UNIFORM PACKAGING AND LABELING REGULATION**

2 **PAL-21.1 Section 11.XX. Bacon**

3 **Source:**

4 NIST Office of Weights and Measures

5 **Purpose:**

6 Add language for shingle sliced packed bacon to align with USDA Labeling requirements, 9 CFR § 317.2 - Labels:
7 definition; required features.

8 **Item Under Consideration:**

9 Amend NIST Handbook 130, Uniform Packaging and Labeling Regulation as follows:

10 **11.XX. Bacon – Bacon packaged as sliced shingles in rectangular packages shall be exempt from the**
11 **requirement in this regulation for location (see Section 8.1.1. Location) of the net quantity declaration.**

12 **Previous Action:**

- 13 • N/A

14 **Original Justification:**

15 This will align the Handbook 130 model regulation with USDA/FSIS requirements for labeling of sliced shingle
16 packaged bacon as referenced in 9 CFR § 317.2 - Labels: definition; required features. It states:

17 (v) Sliced shingle packed bacon in rectangular packages is exempt from the requirements of paragraphs (h)(3)
18 and (h)(5) of this section regarding the placement of the statement of the net quantity of contents within the
19 bottom 30 percent of the principal display panel, and that the statement be expressed both in ounces and in
20 pounds, if the statement appears in a conspicuous manner on the principal display panel.



21
22 Example of Sliced Shingle Packed Bacon

23 The submitter requested voting status for this item in 2021.

1 **Arguments in Favor:**

2 **Regulatory:**

- 3 •

4 **Industry:**

- 5 •

6 **Advisory:**

- 7 •

8 **Arguments Against:**

9 **Regulatory:**

- 10 •

11 **Industry:**

- 12 •

13 **Advisory:**

- 14 •

15 **Item Development:**

16 N/A

17 **Regional Associations' Comments:**

18 WWMA 2020 Annual Meeting: Ms. Lisa Warfield (NIST OWM, Submitter) provided testimony as to the purpose of
19 the proposal, which is to harmonize the Handbook 130 model regulation pertaining to labeling of sliced shingle
20 packaged bacon with USDA/FSIS requirements. The Committee received comments from Mr. Kurt Floren (County
21 of Los Angeles, California), indicating that while he sees the need for alignment with USDA regulations, he also
22 believes it is important to retain the requirement that the net quantity declaration appear in a conspicuous manner on
23 the principal display panel.

24 The WWMA L&R Committee recommends this as a Voting item provided the additional language, indicated by a
25 double underline below is added.

26
27 **11.XX. Bacon – Bacon packaged as sliced shingles in rectangular packages shall be exempt from the**
28 **requirement in this regulation for location (see Section 8.1.1. Location) of the net quantity declaration.**
29 **However, such exemption shall not apply to the requirement for the net quantity declaration to appear in**
30 **a conspicuous manner on the principal display panel.**

31 SWMA 2020 Annual Meeting: Ms. Lisa Warfield (NIST OWM) remarked that they submitted this proposal to add
32 the USDA labeling requirements for bacon to NIST HB130 UPLR. If adopted this language would appear in Section
33 11. Exemptions. When drafting this proposal, the exemption for bacon was only for the location (section 8.1.1.) We
34 were not exempting bacon from 8.1.2. and 8.1.3. of the UPLR that requires the net quantity to be conspicuous. This
35 language mirrors the language found for margarine under Section 11.19. Both margarine and bacon exemption are
36 found in 9 CFR 317.2. If the Committee agrees language for conspicuous needs to be addressed. NIST OWM
37 recommends adding a sentence – “The statement of net quantity shall be clear and conspicuous on the principal display
38 panel. (refer to 9 CFR 317.2) The Committee received comments from Mr. Tim Chesser (AR) in support of the item
39 with alternative language to include clear and conspicuous.

40 Comments were also received from Ms. Elizabeth Koncki (MD) requesting clarification where the proposal was going
41 and that she preferred to add the conspicuous language.

1 The SWMA L&R Committee recommends this as a Voting item provided the additional language, indicated by a
2 double underline below is added.

3
4 **11.XX. Bacon - Bacon packaged as sliced shingles in rectangular packages shall be exempt from the**
5 **requirement in this regulation for location (see Section 8.1.1. Location) of the net quantity**
6 **declaration. The statement of net quantity shall be clear and conspicuous on the principal display panel.**
7 **(see 9 CFR 317.2)**

8 NEWMA 2020 Interim Meeting: During the 2020 NEWMA Interim Meeting Lisa Warfield (NIST) worked with Kurt
9 Floren (L.A. County, CA) on updating the language in the proposal. The new language was submitted for
10 consideration by the Committee. It was requested that the Committee should also apply the same language to
11 margarine. These changes would align language with USDA's CFR. The Committee concurred and recommends
12 that the updated proposal be a Voting item.

13 **11.XX. Bacon – Bacon packaged as sliced shingles in rectangular packages shall be exempt from the**
14 **requirement in this regulation for location (see Section 8.1.1. Location) of the net quantity**
15 **declaration. The statement of net quantity shall appear in a clear and conspicuous manner on the**
16 **principal display panel. (see 9 CFR 317.2)**

17 **11.19 Margarine.** – Margarine in 1 lb rectangular packages, except for packages containing whipped or soft
18 margarine or packages, containing more than four sticks, shall be exempt from the requirement in this regulation
19 for location (see Section 8.1.1. Location) of the net quantity. **The statement of net quantity shall appear in a**
20 **clear and conspicuous manner on the principal display panel. (see 9 CFR 317.2)**

21 CWMA 2020 Interim Meeting: Ms. Lisa Warfield (NIST) commented that this item is intended to reaffirm that
22 UPLR Section 11.19. Margarine should have the same language that was accepted by NEWMA, which will align
23 language with USDA's CFR. The Committee discussed the option of adding Section 11.19. Margarine to the Item
24 title above and suggests that the National L&R Committee change the title to reflect the change below for Section
25 11.19. Margarine. Based on Committee discussion, the item is fully developed and ready for Voting status.

26
27 **11.XX. Bacon – Bacon packaged as sliced shingles in rectangular packages shall be exempt from the**
28 **requirement in this regulation for location (see Section 8.1.1. Location) of the net quantity declaration.**
29 **The statement of net quantity shall appear in a clear and conspicuous manner on the principal display**
30 **panel. (see 9 CFR 317.2)**

31
32 **11.19 Margarine.** – Margarine in 1 lb rectangular packages, except for packages containing whipped or soft
33 margarine or packages, containing more than four sticks, shall be exempt from the requirement in this regulation
34 for location (see Section 8.1.1. Location) of the net quantity. **The statement of net quantity shall appear in a**
35 **clear and conspicuous manner on the principal display panel. (see 9 CFR 317.2)**

36 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
37 <https://www.ncwm.com/publication-16> to review these documents.

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

2 **MOS-20.5 I Section 2.21. Liquefied Petroleum Gas**

3 **Source:**

4 Arizona Department of Agriculture, Weights and Measures Services Division

5 **Purpose:**

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

8 **Item Under Consideration:**

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

10 **2.21. Liquefied Petroleum Gas.** – All liquefied petroleum gas, including, but not limited to propane, butane, and
11 mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [^{NOTE 7, page 132}] of
12 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
13 the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be accomplished
14 by use of a meter and device that automatically compensates for temperature.~~

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

18 (b) For equipment placed in service on or after January 1, 2023, all metered sales using a meter with a
19 maximum rated capacity of 20 gal/min or less shall be accomplished by use of a meter and device that
20 automatically compensates for temperature.

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

23 (Added 1986 Amended 20XX)

24 **Background/Discussion:**

25 There appears to be a lack of clarity and consistency regarding the method of sale (MOS) for liquefied petroleum gas
26 (LPG) through a meter that has a maximum rated capacity of 20 gal/min or less. The Uniform Regulation for the
27 Method of Sale of Commodities, Section 2.2. Liquefied Petroleum Gas specifically exempts these meters from the use
28 of automatic temperature compensation but defines a gallon as 231 in³ at 60 °F [15.6 °C]. With this definition, it can
29 be interpreted that, while automatic temperature compensation is not required, the sale of LPG shall be temperature
30 compensated through manual means (or alternatively sold by weight). Temperature compensation manually requires
31 the use temperature readings and a chart to manually perform conversions to determine the volume sold.

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

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

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

3 At the 2020 NCWM Interim Meeting, Mr. Tim Chesser (AR) felt that the current proposal conflicts with language in
4 Handbook 44. Ms. Tina Butcher (NIST OWM) responded the current language in Handbook 44 does not conflict
5 with the language in this item, referencing language from Handbook 44 stating “If a device is equipped with an
6 automatic temperature compensator,” This suggests that language in Handbook 44 does not require modification to
7 accommodate devices with automatic temperature compensation capabilities. Mr. Constantine Cotsoradis (Flint Hill
8 Resources) questioned if this proposal would have any benefit for consumers. Representing the submitter, Mr. Vince
9 Wolpert (AZ) stated that temperature in the state ranges from 32 to 100 degrees Fahrenheit and volume delivered for
10 LP sales varies accordingly. As a result of the lack of consistency with volume delivered the state receives a lot of
11 complaints concerning LP sales. Several regulators commented that the most equitable way to address the issue is to
12 require automatic temperature compensation for all sales. The submitter received feedback from the fall regions and
13 modified the language (dated January 24, 2020). The submitter, Ms. Wilson recommends that this modified language
14 be vetted through the regional meetings and industry for consideration. Currently, the Committee concurs with this
15 recommendation and moves this item forward as the Item under Consideration as Informational.

16 On the 2020 NCWM Interim Agenda the item under consideration appeared as:

17 **2.21. Liquefied Petroleum Gas.** – All liquefied petroleum gas, including, but not limited to propane, butane, and
18 mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [^{NOTE 7, page 132}] of
19 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
20 the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be accomplished by
21 use of a meter and device that automatically compensates for temperature. **Metered sales using a meter with a**
22 **maximum rated capacity of 20 gal/min or less is exempt from temperature compensation requirements.**

23 (Added 1986 **Amended 20XX**)

24 **Regional Association Comments:**

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

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

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

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

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

39 **SWMA 2019 Annual Meeting:** The SWMA considered the two proposals that were submitted by Ms. Michelle Wilson
40 (AZ) on September 30, 2019. The Committee took into consideration proposal number two.

41 **2.21. Liquefied Petroleum Gas.** – All liquefied petroleum gas, including, but not limited to propane, butane,
42 and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [^{NOTE 7, page}
43 ¹³¹] 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**

1 ~~sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be~~
2 ~~accomplished by use of a meter and device that automatically compensates for temperature.~~

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

6 (b) For equipment placed in service on or after January 1, 2023, all metered sales using a meter with
7 a maximum rated capacity of 20 gal/min or less shall be accomplished by use of a meter and device
8 that automatically compensates for temperature.

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

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

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

20 CWMA 2020 Interim Meeting: Mr. Charlie Stutesman (KS) commented that if this requires a temperature
21 compensation meter, Handbook 44 exempts meters with a capacity of 20 gallons per minute or less and wonders if
22 that would create an inconsistency between NIST Handbooks 44 and 130. Ms. Lisa Warfield (NIST) commented that
23 the submitter asked that this item move forward through the regions for consideration. She further stated NIST
24 believes the language in the two handbooks does not conflict. Mr. Loren Minnich (KS) commented that Handbook
25 44, Section S 2.8. does not conflict. Mr. Stutesman asked for clarification regarding whether this would force meters
26 without temperature compensation to require them to be installed. Ms. Warfield further commented that the reason
27 this item was developed is to provide consistency for the method of sale. Mr. Ivan Hankins (IA) commented that he
28 also wonders if there is a conflict between the handbooks. Mr. Stutesman lastly commented that he believes that
29 Handbook 130 indicates that states shall require temperature compensation, and Handbook 44 indicates that states
30 may have but are not required to have temperature compensation meters, and whether this should be a jurisdictional
31 issue depending on which handbooks are adopted in states. Ms. Warfield reminded members to review the
32 background information on this issue. Mr. Stephen Peter (WI) asked how if this item is adopted, there should be lead
33 time – possibly 2030 – to allow time for compliance. The Committee discussed the implementation date should be
34 five years from the date of adoption. The Committee requests that the NCWM S&T Committee to consider the
35 implications of passing this item as it relates to requiring temperature compensation on all meters. The Committee
36 believes that the item is fully vetted in terms of its technical content and therefore recommends it become a Voting
37 item.

38 During the Committee’s work session, Ms. Warfield indicated that metric terms are not included in the language and
39 suggests that they be included as highlighted below.

40 **2.21. Liquefied Petroleum Gas.** – All liquefied petroleum gas, including, but not limited to propane, butane,
41 and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the (kilogram) pound, (cubic meter)
42 metered cubic foot [^{NOTE 7, page 132}] of vapor (defined as 1 ft³ at 60 °F [15.6 °C]), or the (liter) gallon (defined as
43 231 in³ at 60
44 °F [15.6 °C]). ~~All metered sales by the gallon, except those using meters with a maximum rated capacity of~~
45 ~~20 gal/min or less, shall be accomplished by use of a meter and device that automatically compensates for~~
46 ~~temperature.~~

1 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
2 <https://www.ncwm.com/publication-16> to review these documents.

3 **FLR - UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION**

4 **FLR-21.1 Section 4.4. Product Storage and Dispenser Identification**

5 **Source:**

6 Delaware Weights and Measures

7 **Purpose:**

8 Make product lines distinguishable so Inspectors can identify defective equipment.

9 **Item Under Consideration:**

10 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, as follows:

11 **4.4. Product Storage and Dispenser Identification.**

12 4.4.1. Fill Connection Labeling. – The fill connection for any fuel product storage tank or vessel supplying
13 engine-fuel devices shall be permanently, plainly, and visibly marked as to the product contained.

14 (Amended 2008)

15 4.4.2. Declaration of Meaning of Color Code. – When the fill connection device is marked by means of a
16 color code, the color code shall be conspicuously displayed at the place of business and the API color codes
17 as specified and published in “API Recommended Practice 1637” shall be used.

18 (Amended 2018)

19 **4.4.3. Dispenser Identification. - Inside the dispenser cabinet, the individual dispenser supply piping**
20 **or the individual meters must be marked by either a label or by color (as defined in 4.4.2) as to the**
21 **grade of fuel that they provide.**

22 **(Added 20XX)**

23 **Previous Action:**

- 24
 - N/A

25 **Original Justification:**

26 With the development of new technologies, there is no way for an Inspector to differentiate which meter is supplying
27 fuel to the discharge hose. In the past, a cog, a gear or totalizer would be visible, and you could identify which meter
28 belonged to which grade of fuel. If the meter is leaking today, you have to fail all grades because you cannot verify
29 which grade is at issue. With pulsers and security covers to prevent access, you cannot see which meter is actually
30 moving product. The easiest solution would be to spray paint a spot on the supply line with white for Regular, red for
31 Premium, Yellow for Diesel, etc. This would also be beneficial when verifying which type of filter must be installed
32 (10 micron for Unleaded or 30 micron for Diesel/Kerosene).

33 The submitter acknowledged that this would be added expense and extra step to installing a dispenser. It would also
34 be costly for the retailer to have a service person come and make needed compliance repairs if they were unable to do
35 it themselves. This could be non-retroactive to alleviate Retailers from incurring new expenses but would be more
36 beneficial if it were retroactive.

37 The submitter requested voting status for this item in 2021.

1 **Arguments in Favor:**2 **Regulatory:**

- 3
-

4 **Industry:**

- 5
-

6 **Advisory:**

- 7
-

8 **Arguments Against:**9 **Regulatory:**

- 10
-

11 **Industry:**

- 12
-

13 **Advisory:**

- 14
-

15 **Item Development:**

16 N/A

17 **Regional Associations' Comments:**18 WWMA 2020 Annual Meeting: A regulator from the State of New Mexico found the proposal helpful from a weights
19 and measures and environmental field inspector's point of view.20 The Committee heard concerns from industry and regulators regarding the costs to retrofit dispensers, changing colors
21 on secondhand dispensers, challenges with ready access to the API document, the challenge of one dispenser providing
22 a myriad of grades and blending fuels, and questioning if the problem the proposal intends to address is pervasive
23 enough to make a regulation. Testimony was given regarding logistical challenges of implementing a standardized
24 color code, the possible cost of implementation, and whether this was something that should be codified in regulation.25 The WWMA L&R Committee recommends this item be Withdrawn. The Committee felt while well intentioned, this
26 item is better suited as a best practice.27 SWMA 2020 Annual Meeting: The L&R Committee received comments from several regulators in favor of the
28 proposed item and believed it had merit but needed more development. Many commented that feedback was needed
29 from industry and other regulators. Tennessee and North Carolina already adopt Section 4.4.2. Declaration of Meaning
30 of Color Code of the Uniform Fuels and Automotive Lubricants Regulation. Mr. Prentiss Searles (API) commented
31 that there would be many challenges in implementation. He agreed with the intent of the proposal but felt it would be
32 more fitting as a best practice instead of rule. He also mentioned that the color code standard (RP 1637) has been
33 updated and is available online (<https://www.apiwebstore.org/>). The latest version can also be reviewed in the API
34 "reading room" at this [link](#). An account will need to be created, which is free, and then go to the "IBR Documents
35 Under Construction" section to read it. Ms. Kristy Moore (Growth Energy) commented that RP 1637 did not have
36 input by industry (ethanol) and that they have their own industry standard. Ms. Rebecca Richardson (National
37 Biodiesel Board) while in support of the proposal she expressed concerns about the use of only colors to identify for
38 those who may be color challenged. Mr. Searles noted that the updated standard uses a combination of letters and
39 colors.40 The Committee recommends this item to be Withdrawn. The Committee does not believe this item has merit as a
41 weights and measures issue but may be an industry best practice.

1 NEWMA 2020 Interim Meeting: At the NEWMA 2020 Interim Meeting Mike Sikula (NY) asks how inspectors will
2 confirm if the required labeling is correct. Brent Price (Gilbarco) is not in support of this item. He does not feel it is
3 a weights and measures issue. Ethan Bogren (Westchester County, NY) feels it would be useful for field inspectors to
4 have confirmation as to which meter is for which product. Mr. Bogren believes the item has merit but recommends
5 that the labeling be required on the meter rather than the piping. Jason Flint (NJ) seconds that product labeling on the
6 meter would be helpful. The Committee wants to know what type of labeling would be used. Color coding, octane
7 value, product identification. Mr. Bogren suggested that meter labels use same terminology as the product
8 identification on the dispenser face. The Committee would like to see the developer revise language to require labeling
9 on meters rather than piping. Additionally, the developer should provide standardized terms for meter labeling for
10 different products. The Committee recommends this item as a Developing item for further development by the
11 submitter.

12 CWMA 2020 Interim Meeting: Mr. Charlie Stutesman (KS) recommends this item be withdrawn. While regulators
13 inspect the inside of a cabinet, identifying supply lines neither impedes nor helps with inspections. He believes this
14 is unnecessary. The term “non-retroactive” does not appear anywhere else in NIST Handbook 130 but instead uses
15 an implementation date. Mr. Prentiss Searles (API) commented that he believes this item would be difficult to
16 implement especially at the manufacturing level and should be withdrawn. He suggested this item might be more
17 appropriate as a best practice. Mr. John Albert (MO) commented that he concurs the item should be withdrawn. Ms.
18 Kristy Moore (Growth Energy) commented that API RP1637 did not include many ethanol blends for decades, and
19 she does not believe regulations should be implemented that require a purchase of a resource. She agrees that the item
20 should not move forward at this time without consideration that API RP1637 did not include ethanol blends for a
21 long time. Mr. Doug Rathbun (IL) recommends the item be withdrawn. Mr. Searles commented that the API
22 publication listed above (“Recommended Practice 1637, Using the API Color-Symbol System to Identify Equipment,
23 Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Dispensing and Storage Facilities and
24 Distribution Terminals”) is available for anyone to review online through the API reading room. Based on the
25 discussions heard during open hearings and during the work session, the Committee recommends this item be
26 Withdrawn.

27 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
28 <https://www.ncwm.com/publication-16> to review these documents.

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

30 B6: MOS-21.1 Section 2.36.2. Labeling and Identification of Transmission Fluid
31 B6: FLR-21.2 Section 3.14.1. Labeling and Identification of Transmission Fluid

32 **Source:**
33 Missouri Department of Agriculture

34 **Purpose:**
35 Protect consumers by providing a cautionary statement of package labels of obsolete transmission fluids.

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

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

39 **2.36.2. Labeling and Identification of Transmission Fluid.** – Transmission fluid shall be labeled or identified
40 as described below.

41 (Added 2017)

42 **2.36.2.1. Container Labeling.** – The label on a container of transmission fluid shall not contain any
43 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,

1 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of transmission fluid shall
2 be labeled with the following:

- 3 (a) the brand name;
- 4 (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- 5 (c) the words “Transmission Fluid,” which may be incorporated into a more specific description of
6 transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission
7 Fluid”;
- 8 (d) the primary performance claim or claims met by the fluid and reference to where any supplemental
9 claims may be viewed (for example, website reference). Performance claims include but are not
10 limited to those set by original equipment manufacturers and standards setting organizations such
11 as SAE and JASO and are acknowledged by reference; and
- 12 (e) an accurate statement of the quantity of the contents in terms of liquid measure.

- 13 (f) **Any obsolete equipment manufacturer specifications shall be clearly identified as “obsolete”**
14 **and accompanied by the following warning on the principle display panel in clearly legible**
15 **font size and color as stated in Uniform Packaging and Labeling Regulation 8.2.2.:**

16 **Caution: Some of the specifications are no longer deemed active by the original equipment**
17 **manufacturer. Significant harm to the Transmission is possible when using in applications in**
18 **which it is not intended. Always refer to your vehicle owner’s manual for proper transmission**
19 **fluids.**

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

22 **(Added 20XX)**

23 (Added 2017)

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

25 **Item Under Consideration:**

26 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, as follows

27 3.14.1. Labeling and Identification of Transmission Fluid. – Transmission fluid shall be labeled or identified as
28 described below.

29 (Added 2017)

30 3.14.1.1. Container Labeling. – The label on a container of transmission fluid shall not contain any
31 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
32 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of transmission fluid shall
33 be labeled with the following:

- 34 (a) the brand name;
- 35 (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- 36 (c) the words “Transmission Fluid,” which may be incorporated into a more specific description of
37 transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission
38 Fluid”;

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

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

6 (f) **Any obsolete equipment manufacturer specifications shall be clearly identified as “obsolete”**
7 **and accompanied by the following warning on the principle display panel in clearly legible**
8 **font size and color as stated in Uniform Packaging and Labeling Regulation 8.2.2.:**

9 **Caution: Some of the specifications are no longer deemed active by the original equipment**
10 **manufacturer. Significant harm to the Transmission is possible when using in applications in**
11 **which it is not intended. Always refer to your vehicle owner’s manual for proper transmission**
12 **fluids.**

13 **The above warning is not required if the fluid claims to meet current original equipment**
14 **manufacturer’s specifications and refers to thereby preceding specifications**
15 **(Added 20XX)**

16 (Amended 2017)

17 **Previous Action:**

- 18 • N/A

19 **Original Justification:**

20 Cautionary statements regarding obsolete products are currently required for tractor hydraulic fluids and are under
21 consideration for motor oil. A cautionary statement and its position on the product label is not currently required for
22 Transmission fluid in either the Method of Sale, or Fuels and Lubricants Regulations. This proposal will protect
23 consumers by ensuring they are informed when purchasing transmission fluids.

24 The submitter acknowledged that there may be argument that there is not sufficient space on the front package label
25 for a cautionary statement.

26 The submitter requested voting status for this item in 2021.

27 **Arguments in Favor:**

28 **Regulatory:**

- 29 •

30 **Industry:**

- 31 •

32 **Advisory:**

- 33 •

34 **Arguments Against:**

35 **Regulatory:**

- 36 •

37 **Industry:**

- 38 •

1 **Advisory:**

- 2 •

3 **Item Development:**

4 N/A

5 **Regional Associations' Comments:**

6 WWMA 2020 Annual Meeting: The Committee heard concerns from regulators about having an up-to-date reference
7 table to implement and enforce this regulation for transmission fluids. Mr. Ron Hayes (MO, Submitter) indicated he
8 would work with Lubrizol to provide a table. The Committee heard concerns from regulators regarding the necessity
9 of the language proposed in the third paragraph of subsection (f) in proposals MOS-21.1 and FLR 21.2; testimony
10 indicated that this language is not needed and confusing. The Committee heard concerns from regulators regarding a
11 definition for “obsolete”.

12
13 The WWMA L&R Committee recommends this as a Developing item. The Committee recommends that the third
14 paragraph in subsection (f) be removed from both items (see suggested edit below), that a reference table be provided
15 prior to the item being forwarded for a vote, and that the submitter include a clear definition of obsolete in the proposal.
16

17 (f) Any obsolete equipment manufacturer specifications shall be clearly identified as “obsolete” and
18 accompanied by the following warning on the principle display panel in clearly legible font size and
19 color as stated in Uniform Packaging and Labeling Regulation 8.2.2.:

20 Caution: Some of the specifications are no longer deemed active by the original equipment
21 manufacturer. Significant harm to the Transmission is possible when using in applications in which it
22 is not intended. Always refer to your vehicle owner’s manual for proper transmission fluids.

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

25 SWMA 2020 Annual Meeting: Mr. Stephen Benjamin (NC) expressed his support of the item. The Committee had
26 concerns over the definition of “obsolete” and the need for the third paragraph in Section 2.36.2.1(f). It was also noted
27 that UPLR 8.2.2 does not address color. This Section was amended by the Committee to read Section 8.1. General.

28 The SWMA L&R Committee recommends this as an Information item. The Committee recommends that the submitter
29 provide a clear definition of obsolete, that the first paragraph of subsection (f) for both items be updated as suggested
30 below and that the third paragraph of subsection (f) be removed from both items.

31 (f) Any obsolete equipment manufacturer specifications shall be clearly identified as “obsolete” and
32 accompanied by the following warning on the principle display panel in accordance with clearly legible
33 font size and color as stated in Uniform Packaging and Labeling Regulation 8.1General-8.2.2.:

34 Caution: Some of the specifications are no longer deemed active by the original equipment
35 manufacturer. Significant harm to the Transmission is possible when using in applications in which it
36 is not intended. Always refer to your vehicle owner’s manual for proper transmission fluids.

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

39 ~~(Added 20XX)~~

40 NEWMA 2020 Interim Meeting: At the 2020 NEWMA Interim Meeting Mike Sikula (NY) asked if this language
41 applied to all transmission fluid or only specific types. Mr. Sikula commented that he has concerns about getting
42 regulators in a precarious position between the engine manufacturers and the fluid manufacturers. He believes this is
43 already covered with motor oil in Handbook 130 and doesn’t need further elaboration for transmission fluid. He is
44 concerned this could become an unmanageable trend for any engine liquids or even beyond. Ethan Bogren
45 (Westchester County, NY) questioned if there is an existing problem that is being addressed by this proposal. Lisa

1 Warfield (NIST) commented that this language was modeled after the tractor hydraulic fluid regulation. Lou Sakin
2 (Hopkinton, Massachusetts) asked if this could veer into a deceptive-practices situation. John McGuire (New Jersey)
3 recommended that paragraph f “and color” and the third paragraph under section “f “ be stricken. John Gaccione
4 (Westchester County, New York) commented that he agrees with Mr. Sikula and believes there has never been a clear
5 distinction between regulation and consumer protection. Mr. Gaccione believes there are ambiguous definitions,
6 including the word “obsolete” and this should be further vetted as a Developing item. Mr. Gaccione believes
7 clarification on the definition of the term obsolete is defined as, when it takes effect, and to explain when it is
8 applicable. Lisa Warfield commented that she believes it is when the engine manufacturer determines it is obsolete.
9 Mr. Sikula believes this item could put regulators in an awkward position. Jeffrey Leiter (ILMA) commented that
10 ILMA is in the process of gathering information on this item. He is unsure if there is currently any concern in the
11 marketplace regarding this issue and is attempting to gather information from the industry. The Committee
12 recommends this item be moved forward as a Developing item and asks the submitter to address the comments made
13 during NEWMA open hearings.

14 CWMA 2020 Interim Meeting: Ms. Joanna Johnson (Automotive Oil Change Association) commented that this item
15 should remain a developing item. There are several facets of this item that require further discussion. engine oil and
16 transmission fluid terminology are not necessarily consistent. Automakers have no history using this type of language
17 for transmission fluid and wants to work with other stakeholders to develop language for consumer protection as the
18 submitter intended. Mr. Aaron Lowe (Auto Care Association) representing auto part chains, agrees with Ms. Johnson
19 and supports the general idea but needs more study. An average age for cars on the road currently is twelve-years
20 and more study needs to be done to develop language. Mr. Jeff Harmening (API) concurs with the above-mentioned
21 comments. Mr. Charlie Stutesman (KS) commented that this item has merit and should move forward as a developing
22 item. Mr. Ron Hayes (Missouri) regulator and submitter of this item commented that this item is intended to give
23 consumer guidance like other equipment fluids. He intends to continue to work with industry on this item including
24 developing a list of obsolete oils. Mr. Jeff Leiter (ILMA) submitted written comments that were reviewed by the
25 Committee. Ms. Lisa Warfield (NIST) asked if the submitter wishes the item to be considered through FALS. Mr.
26 Hayes agrees that the item is developing and should be assigned to FALS for further review and consideration. Based
27 on discussions during open hearings and the Committee work session, the Committee recommends the item become
28 an Assigned item and be referred to FALS through the NCWM L&R Committee.

29 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
30 <https://www.ncwm.com/publication-16> to review these documents.

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

32 B7: MOS-21.2 Section 2.39.2. Labeling and Identification of Tractor Hydraulic Fluid
33 B7: FLR-21.3 Section 3.17.1. Labeling and Identification of Tractor Hydraulic Fluid

34 **Source:**
35 Missouri Department of Agriculture

36 **Purpose:**
37 To ensure that the obsolete labeling is required and not an option.

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

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

41 **2.39.2. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluids shall be labeled or
42 identified as described below.

43 **2.39.2.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any
44 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,

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

3 ...

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

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

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

12 ...

13 **2.39.2.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
14 manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation
15 with the information listed below:

16 ...

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

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

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

25 **2.39.2.3. Identification on Service Provider Documentation.** – Tractor hydraulic fluid installed from a
26 bulk tank at time of service shall be identified on the customer invoice with the information listed below:

27 ...

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

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

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

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

37 **Item Under Consideration:**

1 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, as follows

2 **3.17.1. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluid shall be labeled or
3 identified as described below

4 **3.17.1.1. Container Labeling** – The label on a container of tractor hydraulic fluid shall not contain any
5 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,
6 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid
7 shall be labeled with the following:

8 ...

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

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

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

17 ...

18 **3.17.1.2. Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the
19 manufacturer, packer, seller or distributor invoice, bill of lading, shipping paper, or other documentation with
20 the information listed below:

21 ...

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

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

28 The above warning is not required if the fluid claims to meet current original equipment
29 manufacturer’s specifications and refers to thereby preceding specifications. an accurate
30 statement of the quantity of the contents in terms of liquid measure.

31 **3.17.1.3. Identification on Service Provider Documentation.** – Tractor hydraulic fluid installed from a
32 bulk tank at time of service shall be identified on the customer invoice with the information listed below:

33 ...

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

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

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

3 **Previous Action:**

- 4 • N/A

5 **Original Justification:**

6 This is a proposal to change the word “should” to “shall” in section 3.17. Tractor Hydraulic Fluid. This proposal
7 would ensure that an obsolete caution label is required and not optional. Sections 3.17.1.1. (e), and 3.17.1.2. (e), and
8 3.17.1.3. (e) contain the word “should” which could result in confusion for the reader.

9 The submitter requested voting status for this item in 2021.

10 **Arguments in Favor:**

11 **Regulatory:**

- 12 •

13 **Industry:**

- 14 •

15 **Advisory:**

- 16 •

17 **Arguments Against:**

18 **Regulatory:**

- 19 •

20 **Industry:**

- 21 •

22 **Advisory:**

- 23 •

24 **Item Development:**

25 N/A

26 **Regional Associations’ Comments:**

27 WWMA 2020 Annual Meeting: The Committee heard testimony from both industry and regulators in support of this
28 item. The WWMA L&R Committee recommends that this item move forward as a Voting item. The Committee
29 agreed that the language in the regulation be mandatory rather than permissive.

30 SWMA 2020 Annual Meeting: The L&R Committee recommends this as a Voting item. It is our hope that this will
31 be resolved with carry over item Block 2 on the L&R NCWM Committee Agenda.

32 NEWMA 2020 Interim Meeting: At the 2020 NEWMA Interim Meeting Lisa Warfield (NIST) stated that these items
33 may not be necessary if addressed in Voting items in Block 2 Tractor Hydraulic Fluid. These changes can be applied
34 to MOS 20.1 and FLR 20.1. If adopted these items would not be needed. Jeffrey Leiter (ILMA) supports changing
35 “should” to “shall”. Mike Sikula (New York State) has concerns that manufacturers are dictating the terms putting
36 Weights & Measures in a position that compromises the equity role of weights & measures officials. John McGuire
37 (New Jersey) recommends striking the word “color” in Section 2.39.2.1(e), Section 2.39.2.2(e), Section 2.39.2.3(e),
38 and Section 3.17.1.1 as it does not comport with UPLR Section 8.2.2. The Committee recommends this block as
39 Voting items with incorporated changes.

1 CWMA 2020 Interim Meeting: L&R Chair Doug Musick commented that the recommended language for Block 2.
2 Tractor Hydraulic Fluid includes these changes (“should” to “shall”). Mr. Ron Hayes (Missouri) commented that this
3 language change is important, and he wants this item to move forward in case the items in Block 2. Tractor Hydraulic
4 Fluid are not adopted. Mr. Jeff Harmening (API) commented that he supports this item moving forward as a voting
5 item. Mr. Charlie Stutesman (Kansas) commented that he believes these changes are appropriate and supports this
6 item moving forward as a voting item. He further stated that if these changes are included in Block 2. Tractor Hydraulic
7 Fluid, he wants to ensure that this language change be a priority regardless if all of Block 2 passes or not. Ms. Lisa
8 Warfield (NIST) commented that the Block 2 item is on the NCWM Annual Meeting agenda and will be determined
9 prior to this item’s consideration. Mr. Hayes commented that this item should have voting status. Ms. Warfield
10 commented that if Block 2 doesn’t move forward in entirety, some changes in this item could still pass if the National
11 only moved forward the language they felt would be adopted. Based on the discussions held during open hearings and
12 Committee work session, the recommendation for this item is to become a Voting item.

13 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
14 <https://www.ncwm.com/publication-16> to review these documents.

15 **ITEM BLOCK 4 (B4) METHOD OF SALE REGS., SECTION 2.20.2.**
16 **DOCUMENTATION FOR DISPENSER LABELING PURPOSES, FUELS &**
17 **AUTOMOTIVE LUBRICANTS REG. SECTION 1.23. ETHANOL FLEX FUEL,**
18 **2.1.2.(B) GASOLINE-ETHANOL BLENDS, AND SECTION 3.2.5.**
19 **DOCUMENTATION FOR DISPENSER LABELING PURPOSES**

- 20 B4: MOS-20.2 A Section 2.20.2. Documentation for Dispenser Labeling Purposes
21 B4: FLR-20.3 A Section 1.23. Ethanol Flex Fuel
22 B4: FLR-20.6 A Section 2.1.2.(b) Gasoline-Ethanol Blends
23 B4: FLR-20.7 A Section 3.2.5. Documentation for Dispenser Labeling Purposes

24 **(B4: FLR-20.6, Section 2.1.2.(b) Gasoline-Ethanol Blends and B4: FLR-20.7, Section 3.2.5. Documentation for**
25 **Dispenser Labeling Purposes appeared in the 2020 NCWM Publication 15 under FLR-20.2. These two sections**
26 **were removed from that “item under consideration” and merged into this block as it proceeds through the**
27 **conference.)**

28 **Source:**
29 Fuels and Lubricants Subcommittee (original submitter API)

30 **Purpose:**
31 More comprehensively align NIST Handbook 130 Uniform Fuels and Automotive Lubricants Regulations with the
32 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
33 ensure consumers receive a consistent E15 blend. The proposed changes reflect the regulatory changes finalized by
34 the EPA that revise product transfer document (PTD) requirement for disclosure of the percentage concentration of
35 ethanol in gasoline-ethanol blends, as revised in 40 CFR 80.

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

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

39 **2.20.2. Documentation for Dispenser Labeling Purposes.** – The retailer shall be provided, at the time of
40 delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or other
41 documentation:

- 42 (a) Information ~~that complies with 40 CFR 80.1503~~ when the fuel contains ethanol **as described below.**
43 (Added 2014, **Amended 20XX**)

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

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

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

11 (Added 20XX)

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

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

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

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

21 **Item Under Consideration:**

22 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation as follows:

23 **1.23. Ethanol Flex Fuel.** – Blends of ethanol and hydrocarbons restricted for use as fuel in ground vehicles equipped
24 with flexible-fuel spark-ignition engines. Ethanol Flex Fuel intended for blending with gasoline and gasoline
25 ethanol blends shall contain certified components e.g., blending of ethanol flex fuel containing natural gas
26 liquids is prohibited unless certified consistent with 40 CFR 80.28(g)(8) requirements.

27 Amended 2014 and 20XX)

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

29 **2.1.1. Gasoline and Gasoline-Oxygenate Blends** (as defined in this regulation). – Shall meet the latest version
30 of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel” except for the permissible
31 offsets for ethanol blends as provided in Section 2.1.2. Gasoline-Ethanol Blends.

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

34 (Added 2009) (Amended 2018)

35 **2.1.2. Gasoline-Ethanol Blends.** – When gasoline is blended with denatured fuel ethanol, the denatured fuel
36 ethanol shall meet the latest version of ASTM D4806, “Standard Specification for Denatured Fuel Ethanol for
37 Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel,” and the blend shall meet the latest
38 version of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” with the
39 following permissible exceptions:

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

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

12 **(Added 20XX)**

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

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

16 (Added 2009) (Amended 2012 and 2016)

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

18 **3.2.5. Documentation for Dispenser Labeling Purposes.** – For automotive gasoline, automotive gasoline
19 oxygenate blends, **ethanol flex fuel for blending** or racing gasoline, the retailer shall be provided, at the time of
20 delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or other
21 documentation:

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

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

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

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

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

34 **(Added 20XX)**

35 (b) For fuels that do not contain ethanol, information that complies with 40 CFR 80.1503 and a declaration
36 of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield
37 an oxygenate content of at least 1.0 % by volume in the fuel. Where mixtures of only ethers are present,
38 the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate
39 contributing the largest mass percent oxygen) or alternatively, use the phrase “contains MTBE or other
40 ethers.”

41 (Added 2014)

42 (c) Gasoline containing more than 0.3 % by volume methanol shall be identified as “with” or “containing”
43 methanol.

1 (Added 2014) (Amended 2018)
 2 (Amended 1996, 2014, ~~and~~ 2018 and 20XX)

3 **Background/Discussion:**

4 This item has been assigned to the Fuels and Lubricants Subcommittee for further development. For more information
 5 or to provide comment, please contact the subcommittee chair:

6 Mr. Bill Striejewski
 7 Nevada Department of Agriculture/Bureau of Petroleum Technology
 8 775-353-3792, wstriejewski@agri.state.nv.us

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

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

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

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

- 29
- Blending at the pump can be done using E85 or other high blend ethanol product
 - 30 • E85, or flex fuel, is a term that refers to high-level ethanol-gasoline blends containing 51%-83% ethanol,
 31 depending on geography and season
 - 32 • Because of the range in possible ethanol content of E85, retailers must ensure the blend ratio on all dispensers
 33 are set to properly blend for E15 at all times
 - 34 • There are two ways to ensure proper blend ratio:
 - 35 ○ Program the dispensers for the maximum ethanol content of the E85/Flex Fuel
 - 36 ○ Have a service company adjust the blend ratios every time the ethanol content in the E85/Flex Fuel
 37 changes
 - 38 ■ This requires regular monitoring of the ethanol content of the E85/Flex Fuel you are receiving and
 39 prompt action when the ethanol content changes
 - 40 ○ If a consumer experiences vehicle damage as a result of fuel being dispensed at a higher ethanol content
 41 than what is posted on the dispenser, the retailer is responsible.

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

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

5 **Amendments to FLR Section 2.1.2.(b)** address the new U.S. EPA approach for E15. For parties in the fuel
6 distribution system, U.S. EPA has reinterpreted the 1-psi allowance for RVP maximum limits in the gasoline
7 distribution system for up to 15% ethanol blends. Parties in the fuel distribution system utilize the “deemed to comply”
8 provision in the U.S. EPA regulations to certify that the fuel sold complies with federal regulations. The Clean Air
9 Act Section 211(h) extends that allowance **only** if parties in the distribution system are deemed to comply, that is, they
10 have evidence that: (1) the hydrocarbon portion meets the RVP limits, (2) the ethanol portion meets its waiver
11 condition and (3) no additional alcohol or other additive has been added to increase the RVP of the ethanol portion of
12 the blend. Specifically, the proposed changes to HB 130 reflect the U.S. EPA language that requires parties in the
13 distribution system seeking to utilize the “deemed to comply” provision to qualify for the 1-psi waiver for ethanol
14 blends from 9 to 15 volume percent, must demonstrate that the gasoline-ethanol blend or hydrocarbon portion of an
15 ethanol flex fuel blend meets RVP requirements per 40 CFR 80.28. Without this language in HB 130, inspectors will
16 not have the full information needed to regulate the fuel and they may not recognize that E15 produced at the pump
17 by blending ethanol flex fuel made with natural gas liquids (NGL) with gasoline-ethanol blends may not qualify for
18 the 1-psi waiver and will likely violate state and federal vapor pressure requirements. Specifically, the EPA final rule
19 indicates that, “..., in order for these fuels to be introduced into commerce, they must be substantially similar to
20 certification fuel or obtain a waiver from the substantially similar requirement.” Further, information that describes
21 the challenges of using NGLs is provided in the list of attachments, Section 20. below).

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

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

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

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

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

39 • **40 CFR 80.27(d)** *Special provisions for alcohol blends.*

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

43 (2) In order to qualify for the special regulatory treatment specified in paragraph (d)(1) of this section, gasoline
44 must contain denatured, anhydrous ethanol. **The concentration of the ethanol, excluding the required**
45 **denaturing agent, must be at least 9% and no more than 15% (by volume) of the gasoline.** The ethanol
46 content of the gasoline shall be determined by the use of one of the testing methodologies specified in §

1 80.47. The maximum ethanol content shall not exceed any applicable waiver conditions under section 211(f)
2 of the Clean Air Act.

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

6 (emphasis added)

7 • **40 CFR 80.28(g) Defenses.**

8 (8) In addition to the defenses provided in paragraphs (g)(1) through (6) of this section, in any case in which an
9 ethanol blender, distributor, reseller, carrier, retailer, or wholesale purchaser-consumer would be in violation
10 under paragraph (b), (c), (d), (e), or (f) of this section, as a result of gasoline which contains between 9 and
11 15 percent ethanol (by volume) but exceeds the applicable standard by more than one pound per square inch
12 (1.0 psi), the ethanol blender, distributor, reseller, carrier, retailer or wholesale purchaser-consumer **shall not**
13 **be deemed in violation if such person can demonstrate, by showing receipt of a certification from the**
14 **facility from which the gasoline was received or other evidence acceptable to the Administrator,** that:

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

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

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

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

33 (emphasis added)

34 • **40 CFR 80.1503** *What are the product transfer document requirements for gasoline-ethanol blends, gasolines,*
35 *and conventional blendstocks for oxygenate blending subject to this subpart?*

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

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

- 1 (i) The name and address of the transferor;
- 2 (ii) The name and address of the transferee;
- 3 (iii) The volume of conventional blendstock for oxygenate blending or gasoline being transferred;
- 4 (iv) The location of the conventional blendstock for oxygenate blending or gasoline at the time of
5 the transfer;
- 6 (v) The date of the transfer;
- 7 (vi) For gasoline during the regulatory control periods defined in § 80.27(a)(2)(ii) or any SIP
8 approved or promulgated under §§ 110 or 172 of the Clean Air Act:
- 9 (A) The maximum RVP, as determined by a method permitted under § 80.46(c), stated in
10 the following format: “The RVP of this gasoline does not exceed [fill in appropriate
11 value]”; and
- 12 (B) The conspicuous statement that the gasoline being shipped contains ethanol and the
13 percentage concentration of ethanol as described in § 80.27(d)(3).
- 14 (2) The requirements in paragraph (a)(1) of this section do not apply to reformulated gasoline
15 blendstock for oxygenate blending, as defined in § 80.2(kk), which is subject to the product transfer
16 document requirements of §§ 80.69 and 80.77.
- 17 (3) Except for transfers to truck carriers, retailers, or wholesale purchaser-consumers, product codes
18 may be used to convey the information required under paragraph (a)(1) of this section if such codes
19 are clearly understood by each transferee.
- 20 (b) Product transfer documentation for gasoline transferred downstream of an oxygenate blending facility.
- 21 (1) In addition to any other product transfer document requirements under 40 CFR part 80, on each
22 occasion after October 31, 2011, when any person transfers custody or title to any gasoline-ethanol
23 blend downstream of an oxygenate blending facility, as defined in § 80.2(ll), except for transfers to
24 the ultimate consumer, the transferor shall provide to the transferee product transfer documents
25 which include the following information:
- 26 (i) The name and address of the transferor;
- 27 (ii) The name and address of the transferee;
- 28 (iii) The volume of gasoline being transferred;
- 29 (iv) The location of the gasoline at the time of the transfer;
- 30 (v) The date of the transfer; and
- 31 (vi) One of the statements detailed in paragraph (b)(1)(vi)(A) through (E) which accurately describes
32 the gasoline-ethanol blend. The information regarding the ethanol content of the fuel is required
33 year-round. The information regarding the RVP of the fuel is only required for gasoline during
34 the regulatory control periods.
- 35 (A) For gasoline containing no ethanol (E0), the following statement; “E0: Contains no ethanol.
36 The RVP does not exceed [fill in appropriate value] psi.”

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

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

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

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

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

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

19 (emphasis added)

20 On January 17, 2020 Mr. Prentiss Searles (API) submitted modified language for Section 2.1.2.(a). Gasoline-Ethanol
21 Blends. There were over ten letters received in opposition for MOS-20.2 Documentation for Dispenser Labeling
22 Purposes and FLR 20.3. Section 1.23. Ethanol Flex Fuel language. Many were opposed due to its duplication with
23 the EPA compliance program for this subject

24 At the 2020 NCWM Interim Meeting Mr. Searles did provide a presentation and requested from the floor that Section
25 2.1.2.(a) Gasoline -Ethanol Blends be considered as a Voting Item and he volunteered to chair a workgroup to further
26 develop the remaining items. Many rose in support and opposition of this block of items. It was addressed by Ms.
27 Warfield (NIST) that FALS was tasked by the Committee in July 2019 to review the EPA language and its impact on
28 the regulations within the Fuels Regulations within NIST Handbook 130. Mr. Striejewske (FALS Chair) remarked
29 that he has created a focus group but needs additional clarification from the Committee on what specifically they
30 should address.

31 During Committee work session they concurred that Section 2.1.2.(a). Gasoline-Ethanol Blends will proceed as a
32 Voting item. All the remaining items will be merged into Block 4 and be assigned to FALS for further development.

33 **Regional Association Comments:**

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

1 gasoline and consumers understand what they are purchasing. Ms. Michelle Wilson (AZ) remarked that they require
2 PTDs to document the amount of ethanol and recommends this be assigned to FALS.

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

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

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

13 NEWMA 2019 Interim Meeting: Mr. Bill Hornbach (representing Chevron and API), provided a presentation
14 regarding this item. L&R Chairman Sakin read comments submitted from Ms. Kristy Moore during open hearings at
15 WWMA Annual Meeting. Ms. Moore believes this item as it currently appears in Handbook 130 is enough, and the
16 proposal should be withdrawn because it places unfair rules on ethanol and not on other fuels. Mr. Kevin Adlaf
17 (ADM) commented that transfer documents are not new, and he believes that having these provisions in place will not
18 guarantee the finished fuel will meet spec. Ms. Jackie Fee (Cargill) opposes the item and believes the proposal should
19 be withdrawn. Due to its technical complexity, the Committee believes the item should be assigned to FALS for
20 further consideration.

21 CWMA 2020 Interim Meeting: Charlie Stutesman, Kansas commented that he believes this item should continue to
22 develop through FALS. Kristy Moore, Growth Energy believes this item should be withdrawn. She does not believe
23 EPA regulations should appear in Handbook 130. The Committee recommends this item remain Assigned to FALS.

24 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
25 <https://www.ncwm.com/publication-16> to review these documents.

26 NET – HANDBOOK 133

27 NET-16.1 D Section 3.X. Recognize the Use of Digital Density Meters

28 **Source:**
29 Missouri

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

33 **Item Under Consideration:**
34 Amend NIST Handbook 133 as follows:

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

36 This test method is suitable for measuring the density of dairy products such as milk and half and half,
37 petroleum products such as fuel and paint thinner, fruit drinks such as pulp-free juices, syrups, vegetable oils,
38 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 (2.078 lb ÷ 33.8 fl oz = 0.0614 lb/fl oz)

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

29 mL × 0.943 g/mL = 27.347 g 1 fl oz × 0.0614 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)

- 1 • Thermometer for measuring air temperature with a tolerance of ±1°C (2°F)
- 2 • Portable digital density meter meeting a minimum requirement of:

<u>Measuring Range</u>	
<u>Density</u>	<u>0 – 3 g/cm³</u>
<u>Temperature</u>	<u>0 – 4 °C (32 – 104 °F)^a</u>
<u>Viscosity</u>	
<u>Accuracy^b</u>	
<u>Density</u>	<u>0.001 g/cm³</u>
<u>Temperature</u>	<u>0.2 °C (0.4 °F)</u>
<u>Repeatability s.d.</u>	
<u>Density</u>	<u>0.0005 g/cm³</u>
<u>Temperature</u>	<u>0.1 °C (0.1 °F)</u>
<u>Sample Volume</u>	<u>2 mL</u>
<u>Sample Temperature</u>	<u>max. 200 °C (212 °F)</u>
<u>footnotes</u>	
<u>^a Filling at higher temperatures possible.</u>	
<u>^b Viscosity < 100 mPa·s, density < g/cm³</u>	

3 **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 $\pm 0.5^\circ\text{F}$ 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

$$\text{Temperature coefficient Alpha} = \frac{\rho_1 - \rho_2}{T_1 - T_2}$$

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>

3.2.3. Calculate the Conventional Mass⁶ of S_e , CM_{S_e} .

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

11. Drain the 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.

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<u>Table X.X. Density Measurement</u>		
<u>Calculate the density of air at the temperature of test</u>		
<u>using the following equation:</u>		
<u>$d_{\text{air, g/mL}} = 0.001293[273.15/T][P/760]$</u>		
<u>where:</u>		
<u>T = temperature, K, and</u>		
<u>P = barometric pressure, torr.</u>		
<u>°C</u>	<u>mmHg</u>	<u>d_{air}, g/mL</u>
<u>15.56</u>	<u>760</u>	<u>0.001223314</u>
<u>Table X.X. Approximate Viscosities of Common Materials</u>		
<u>Material</u>	<u>Viscosity in Centipoise</u>	<u>Correction</u>
<u>Water</u>	<u>1 cps</u>	
<u>Milk</u>	<u>3 cps</u>	
<u>SAE 10 Motor Oil</u>	<u>85–140 cps</u>	<u>0.0003</u>
<u>SAE 20 Motor Oil</u>	<u>140–420 cps</u>	<u>0.0006</u>
<u>SAE 30 Motor Oil</u>	<u>420–650 cps</u>	<u>0.0007</u>
<u>SAE 40 Motor Oil</u>	<u>650–900 cps</u>	<u>0.0007</u>

<u>Castrol Oil</u>	<u>1,000 cps</u>	<u>0.0008</u>
<u>Karo Syrup</u>	<u>5,000 cps</u>	<u>0.0008</u>
<u>Honey</u>	<u>10,000 cps</u>	<u>0.00085</u>
<u>Chocolate</u>	<u>25,000 cps</u>	<u>0.0009</u>
<u>Ketchup</u>	<u>50,000 cps</u>	<u>0.0009</u>
<u>Mustard</u>	<u>70,000 cps</u>	<u>0.0009</u>
<u>Sour Cream</u>	<u>100,000 cps</u>	<u>0.0009</u>
<u>Peanut Butter</u>	<u>250,000 cps</u>	

1 Anton Paar DMA 35 Instrument Manual page 54

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

4 3.X.3. Evaluation of Results

5 Follow the procedures in Section 2.3.7. “Evaluate for Compliance” to determine lot conformance.

<u>Table X.X. Cleaning Agents</u>		
<u>Commodity</u>	<u>Cleaning Liquid 1</u>	<u>Cleaning Liquid 2</u>
<u>Petroleum products</u>	<u>Toluene, petroleum naphtha, petroleum ether, n-nonane, cyclohexane</u>	<u>Ethanol</u>
<u>Battery acid</u>	<u>Tap water</u>	<u>Ultra-pre (bi-distilled or deionized) water</u>
<u>Liquid soap & detergent, shampoo</u>	<u>Tap water</u>	<u>Ultra-pre (bi-distilled or deionized) water</u>
<u>Salad dressing, mayonnaise</u>	<u>Petroleum naphtha, dish washing agent in water</u>	<u>Ethanol</u>
<u>Suntan lotion</u>	<u>Tap water</u>	<u>Ethanol</u>
<u>Spirits</u>	<u>Tap water</u>	<u>Ultra-pre (bi-distilled or deionized) water</u>
<u>Grape juice, syrup</u>	<u>Warm tap water</u>	<u>Ultra-pre (bi-distilled or deionized) water</u>
<u>Milk*</u>	<u>Tap water, enzymatic lab cleaner</u>	<u>Ultra-pre (bi-distilled or deionized) water</u>

6

Package Checking Calculation Worksheet - Density Meter Method

		<u>Package No.</u>				
<u>Product</u>	<u>10W-30 Oil</u>	<u>8/28/2019</u>	<u>Run 1</u>	<u>Run 2</u>	<u>Run 3</u>	<u>Run 4</u>
<u>Barometer</u>	<u>air temp, °C</u>	-	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>

-	<u>barometric press, mmHg</u>	-	<u>760</u>	<u>760</u>	<u>600</u>	<u>760</u>
Density	<u>ρsubstance (g/cc)</u>	-	<u>0.8500</u>	<u>0.8501</u>	<u>0.8500</u>	<u>0.8501</u>
Meter	<u>temperature substance</u>	<u>tproduct, °C</u>	<u>21</u>	<u>20.5</u>	<u>20</u>	<u>19.5</u>
Table	<u>coefficient of expansion</u>	<u>alpha</u>	<u>0.000830</u>	<u>0.000830</u>	<u>0.000830</u>	<u>0.000830</u>
-	<u>reference temperature</u>	<u>treference, °C</u>	<u>15.56</u>	<u>15.56</u>	<u>15.56</u>	<u>15.56</u>
Table	<u>Viscosity Correction</u>	<u>g/cc</u>	<u>0.0003</u>	<u>0.0003</u>	<u>0.0003</u>	<u>0.0003</u>
Scale	<u>total weight</u>	<u>pounds</u>	<u>7.113</u>	<u>7.113</u>	<u>7.120</u>	<u>7.120</u>
Weight	<u>tare</u>	<u>pounds</u>	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>
-	<u>net weight</u>	<u>pounds</u>	<u>7.113</u>	<u>7.113</u>	<u>7.120</u>	<u>7.120</u>
-	<u>Apparent Density</u>	-	<u>0.8531</u>	<u>0.8528</u>	<u>0.8526</u>	<u>0.8521</u>
-	<u>Test Package Content</u>	<u>Gallons</u>	<u>0.999</u>	<u>0.999</u>	<u>1.001</u>	<u>1.001</u>
-	-	<u>over/short(+/-)</u>	<u>-0.001</u>	<u>-0.001</u>	<u>0.001</u>	<u>0.001</u>
-	<u>calculated from above net wt</u>	<u>fluid ounces</u>	<u>127.9</u>	<u>127.9</u>	<u>128.1</u>	<u>128.2</u>
-	-	<u>over/short(+/-)</u>	<u>-0.1</u>	<u>-0.1</u>	<u>0.1</u>	<u>0.2</u>
-	-	<u>ml</u>	<u>3782</u>	<u>3783</u>	<u>3788</u>	<u>3790</u>
-	-	<u>over/short(+/-)</u>	<u>-3</u>	<u>-2</u>	<u>3</u>	<u>5</u>
-	-	<u>liter</u>	<u>3.782</u>	<u>3.783</u>	<u>3.788</u>	<u>3.790</u>
-	-	<u>over/short(+/-)</u>	<u>-0.003</u>	<u>-0.002</u>	<u>0.003</u>	<u>0.005</u>
-	<u>Density of air</u>	-	<u>0.0012</u>	<u>0.0012</u>	<u>0.0010</u>	<u>0.0012</u>
-	<u>density reference temp</u>	-	<u>0.8541</u>	<u>0.8539</u>	<u>0.8534</u>	<u>0.8532</u>
-	<u>Apparent Density</u>	-	<u>0.8531</u>	<u>0.8528</u>	<u>0.8526</u>	<u>0.8521</u>
-	<u>App Mass, lb (gal @ ref T)</u>	<u>lb/gal</u>	<u>7.119144</u>	<u>7.117038</u>	<u>7.115147</u>	<u>7.111149</u>
-	<u>lb X factor</u>	<u>gal/lb</u>	<u>0.140466</u>	<u>0.140508</u>	<u>0.140545</u>	<u>0.140624</u>
-	-	<u>floz/lb</u>	<u>17.980</u>	<u>17.985</u>	<u>17.990</u>	<u>18.000</u>

1 **Background/Discussion:**

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

4 Mr. Ronald Hayes
5 Missouri Department of Agriculture
6 573-751-4316, ron.hayes@mda.mo.gov

7 The submitter provided proposed test procedures prior to the 2019 fall regional meetings for consideration at the 2020
8 NCWM Interim Meeting.

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

11 Digital density meters are fast and accurate in comparison with recognized Handbook 133 test procedures for viscous
12 fluids. Using digital density meters equipped with built-in API density tables will not require the cooling samples to
13 60 °F. There is no need to “wet down” volumetric flasks before each measurement. Most non-food products may be
14 recovered without contamination. Only a small sample size (2 ml) of the product is needed for testing. There is no
15 need for a partial immersion thermometer or volumetric flasks. The current method in “Section 3.4. Volumetric Test
16 Procedures for Viscous Fluids – Headspace” does not work for plastic oblong bottles often used for motor oil. This

1 new test procedure would eliminate the entrapment of air in testing viscous fluids (i.e. motor oil, DEF, antifreeze,
2 syrups, etc.) Well established ASTM and other international standard test methods are available with precision
3 statements.

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

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

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

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

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

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

26 At the 2020 NCWM Interim Meeting, Mr. Kevin Upshulte (MO), and Mr. Charles Stutesman (KS) remarked that the
27 submitter has fully developed the language and it is ready to move forward. Ms. Lisa Warfield (NIST OWM)
28 remarked that the purpose statement identifies it is to be used for motor oils, diesel exhaust fluid, and antifreeze. It
29 appears with the latest language has now includes juices, syrups and vegetable oils. The data submitted only reflects
30 one brand of density meters and there are many types available for use. The Committee would like the submitter to
31 take into consideration comments heard at the regional and NCWM meetings in further development this item. The
32 Committee does not believe this item is fully developed and returned to the submitter.

33 **Regional Association Comments:**

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

39 The Committee believes that a proposal for the device specifications should be submitted prior to the finalization of
40 the HB133 proposal. Suggestions were provided to the submitter from the S&T in 2017 which stated, "*Fundamental*
41 *Considerations of NIST Handbook 44 be considered in defining the suitability criteria of any density meter used in*
42 *testing. Ms. Butcher also suggested it may be that the NIST EPOs, training materials, or other guidance documents*
43 *might be a more appropriate place(s) to specify details regarding the selection and use of this equipment and to*
44 *provide details on its specifications.*" and "*the item should be included in other documents such as NIST Handbooks*
45 *112 and 105.*"

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

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

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

12 CWMA 2020 Interim Meeting: Mr. Ron Hayes (original submitter from Missouri) commented that he has updated
13 language that identifies a few additional test fluids to obtain better precision (see attached document). He is also
14 incorporating recommendations from David Sefcik (NIST). He still needs to convert the density meter table into a
15 usable format for regulators. Currently he is waiting for an additional instrument to finish the method. Ms. Lisa
16 Warfield (NIST) commented that there are concerns with this test procedure, particularly the lack of a step-by-step
17 procedure. She also commented that the method should be developed to use with different devices manufactures rather
18 than just one. She appreciates continued collaboration with Missouri. Mr. Charlie Stutesman (Kansas) commented
19 that he believes the item should be assigned to a task group to allow for more expedient development and inclusion of
20 other devices. Mr. Hayes further commented that the method is not specific to a single device and is intended to be
21 used for any manufacturer that meets the technical specifications. He is also taking photos to illustrate steps on how
22 to complete the testing. Ms. Warfield agrees a work group might help finalize this method. Mr. Don Onwiler (NCWM)
23 commented that a working group needs to be appointed by the NCWM Chairperson. Mr. Hayes, submitter, agrees the
24 item should be moved to Assigned status. The Committee recommends that the NCWM L&R Committee consider the
25 creation of a new task group and include a technical advisor from NIST, as well as leave the item as Assigned.

26 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
27 <https://www.ncwm.com/publication-16> to review these documents.

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

29 **Source:**

30 New York State Weights and Measures

31 **Purpose:**

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

33 **Item Under Consideration:**

34 Amend NIST Handbook 133 as follows:

35 **4.5. Polyethylene Sheeting, Bags, and Liners**

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

38 (Amended 2017)

39 **4.5.1. Test Equipment**

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

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

3 ➤ Metric units:

4 For labeled dimensions 400 mm or less, linear measure: 300 mm in length, 1 mm divisions; or a
5 1 m ruler with 0.1 mm divisions, overall length tolerance of 0.4 mm.

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

7 ➤ U.S. customary units:

8 For labeled dimensions 25 in or less, use a 36 in ruler with $\frac{1}{64}$ in or $\frac{1}{100}$ in divisions and an overall
9 length tolerance of $\frac{1}{64}$ in.

10 For dimensions greater than 25 in, use a 100 ft tape with $\frac{1}{16}$ in divisions and an overall length
11 tolerance of 0.1 in.

12 • Deadweight dial micrometer (or equal) equipped with a flat anvil, 6.35 mm or ($\frac{1}{4}$ in) diameter or larger,
13 and a ~~4.75 mm ($\frac{3}{16}$ in) diameter~~ flat ~~surface on the head of the~~ spindle head with a diameter between
14 3.20 mm ($\frac{1}{8}$ in) and 12.70 mm ($\frac{1}{2}$ in).

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

16 ➤ ~~The mass of the probe head (total of anvil, weight 102 g or [3.6 oz], spindle, etc.) must total~~
17 ~~113.4 g (4 oz).~~ **The pressure exerted by the instrument should not exceed 70 kPa (10 psi).**

18 ➤ The anvil and spindle head surfaces should be ground and lapped, parallel to within 0.002 mm
19 (0.0001 in), and should move on an axis perpendicular to their surfaces.

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

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

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

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

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

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

- 1 • Gage blocks covering the range of thicknesses to be tested should be used to check the accuracy of the
- 2 micrometer
- 3 • T-square

4 **Background/Discussion:**

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

6 please contact:

7 Mr. Mike Sikula
8 New York Department of Agriculture and Markets
9 518-457-3452, mike.sikula@agriculture.ny.gov

10 This will update the test equipment to allow for the use of other type of instruments to perform the test procedure. In
11 addition, it aligns the test equipment within the latest version of ASTM D6988 “Guide for Determination of Thickness
12 of Plastic Film Test Specimens”.

13 At the 2020 NCWM Interim Meeting, Mr. Kurt Floren (L.A. County, CA) had concern with the spindle head having
14 a diameter of 3.20 mm and 12.70 mm, due to the type of product being tested as this may create inconsistencies within
15 the thickness. Mr. Floren would like to see data that justified this range. In addition, there are many other instruments
16 that are available in the marketplace to do testing. Therefore, Mr. Floren has concerns with this item proceeding as
17 currently written. The Committee would like the submitter to review the recommendations that came out of the fall
18 regional meetings. The submitter should also address any procedural differences between the current procedure and
19 use of an electronic instrument. The Committee recommends this item as a Developing item.

20 **Regional Association Comments:**

21 WWMA 2019 Annual Meeting: Mr. Kurt Floren (L.A. County, CA) provided modifications to the language to the
22 Committee. The Committee addressed his concerns by modifying the language as it appears below. The WWMA
23 cautions that the ASTM D6988 “Standard Guide for Determination of Thickness of Plastic Film Test Specimens”
24 needs to be researched further to make sure it is applicable. It appears that ASTM D6988 is a Guide and not a
25 specification standard. There is a note within the standard that appears to prohibit the use for this application. The
26 Committee is requiring data from the submitter that changes to the micrometer specifications are justified. Further
27 development of the entire test procedure (not just test equipment) will need to occur for its applicability for the
28 electronic instrument. The Committee recommends this be a Developmental item requiring confirmation of the
29 applicability of the ASTM standard.

30 **4.5. Polyethylene Sheeting, Bags, and Liners**

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

33 (Amended 2017)

34 **4.5.1. Test Equipment**

- 35 • A scale that meets the requirements in Section 2.2. “Measurement Standards and Test Equipment.”
- 36 • Steel tapes and rulers. Determine measurements of length to the nearest division of the appropriate tape
- 37 or ruler.
 - 38 ➤ Metric units:
 - 39 For labeled dimensions 400 mm or less, linear measure: 300 mm in length, 1 mm divisions; or a
 - 40 1 m ruler with 0.1 mm divisions, overall length tolerance of 0.4 mm.
 - 41 For labeled dimensions greater than 400 mm, 30 m tape with 1 mm divisions.

1 ➤ U.S. customary units:
2 For labeled dimensions 25 in or less, use a 36 in ruler with $\frac{1}{64}$ in or $\frac{1}{100}$ in divisions and an overall
3 length tolerance of $\frac{1}{64}$ in.

4 For dimensions greater than 25 in, use a 100 ft tape with $\frac{1}{16}$ in divisions and an overall length
5 tolerance of 0.1 in.

6 • **Thickness Measuring Device (use one of the following)**

- 7 • Deadweight dial micrometer (or equal) equipped with a flat anvil, 6.35 mm or ($\frac{1}{4}$ in) diameter or
8 larger, and ~~a 4.75 mm ($\frac{3}{16}$ in) diameter flat surface on the head of the spindle~~ **head with a**
9 **diameter between 3.20 mm ($\frac{1}{8}$ in) and 12.70 mm ($\frac{1}{2}$ in).**

10 ~~Note: Electronic or other instruments that provide equivalent accuracy are also permitted.~~
11 — ~~The mass of the probe head (total of anvil, weight 102 g or [3.6 oz], spindle, etc.) must total~~
12 **113.4 g (4 oz).** ~~The pressure exerted by the instrument should not exceed 70 kPa (10 psi).~~

13 – The anvil and spindle head surfaces should be ground and lapped, parallel to within 0.002 mm
14 (0.0001 in), and should move on an axis perpendicular to their surfaces.

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

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

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

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

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

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

- 31 ➤ **Electronic Instrument that meet or exceed the precision requirements within the latest version**
32 **of ASTM D6988 “Guide for Determination of Thickness of Plastic Film Test Specimens” and**
33 **the requirements of the applicable material or product specification or applicable test**
34 **standards**

1 • Gage blocks covering the range of thicknesses to be tested should be used to check the accuracy of the
2 micrometer

3 • T-square

4 SWMA 2019 Annual Meeting: The Committee did not hear any comments regarding this item from regulators. It
5 was noted that if you are adding electronic instruments then the test procedure should also address them throughout
6 the test procedure. The SWMA encourages the submitter to develop this proposal.

7 NEWMA 2020 Interim Meeting: At the 2020 NEWMA Interim Meeting the submitter of this item, Mike Sikula (New
8 York State) reported that he believes this item is fully developed.

9 CWMA 2020 Interim Meeting: Mr. Lisa Warfield (NIST) commented that she reached out to Mr. Mike Sikula and
10 Mr. Jim Willis (submitter and New York State) and recommended that they reach out to the D20 ASTM Committee
11 for further review on this item. Mr. Loren Minnich (KS) a regulator, believes there is a word missing between the word
12 “of” and “thickness” there should be a verb. Ms. Warfield checked and indicated the word “measuring” should be
13 inserted. Based on comments heard during the open hearing, the Committee believes the item should remain as a
14 Developing item.

15 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
16 <https://www.ncwm.com/publication-16> to review these documents.

17 **OTH – OTHER ITEMS**

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

19 **Source:**
20 NCWM Fuels and Lubricants Subcommittee (FALS)

21 **Purpose:**
22 Provide an update of the activities of this Subcommittee which works on direction from and reports to the L&R
23 Committee. The mission of FALS is to assist the L&R Committee in the development of agenda items that affect
24 Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law and Uniform Fuels and Automotive
25 Lubricants Regulation. The Subcommittee consists of regulators and associate members who have subject matter
26 expertise in the area of fuels and lubricants. The Subcommittee will be called upon to aid in the development, provide
27 guidance, and help establish NCWM position on items concerning fuels and lubricants.

28 **Item Under Consideration:**
29 Not Applicable.

30 **Background/Discussion:**
31 This item is to provide a report on the activities of the Fuels and Lubricants Subcommittee which reports and provides
32 recommendations to the Laws and Regulations Committee.

33 For more information or to provide comment, please contact the FALS Chair:

34 Mr. Bill Striejewski
35 Nevada Department of Agriculture/Bureau of Petroleum Technology
36 775-353-3792, wstriejewski@agri.state.nv.us

37 FALS met on Sunday, January 26, 2020, at the NCWM Interim Meeting in Riverside, California to review the agenda
38 items related to fuel and automotive fluid standards before the L&R Committee. There was discussion of the items
39 assigned to FALS, MOS-18.2 Reorganize the MOS, and Item Block 3 (B3) FLL-18.1 Section 8.6, MOS Section 2.33
40 Oil, and FLR 18.1. Section 2.14, 3.13, and 7.2. There was additional time for FALS discussed additional fuel related

1 items on the 2020 NCWM Interim L&R agenda: MOS-20.3, Item Block 2 (B2) Tractor Hydraulic Fluid, Item Block
 2 4 (B4) E15 Waiver, and FLR-20.2. Section 1.23 Ethanol Flex Fuel and 2.1.1. Gasoline and Gasoline-Oxygenate
 3 Blends. The meeting also provided a brief update concerning the focus group requested by L&R Committee at the
 4 2019 NCWM Annual Meeting. Finally, there was a discussion of BOD agenda item SPB-5- Bylaws, Article IX –
 5 Committees, which would elevate FALS to a standing Committee. The following is a brief summary of these items
 6 mentioned.

7 **EPA Final Rule** – At the 2019 NCWM Annual Meeting the L&R Committee tasked the FALS to review regulations
 8 under 40 CFR 80.20 to ensure there are no conflicts within NIST Handbook 130 – Fuels and Automotive Lubricants
 9 Regulations. A group has been formed, containing a number of regulators, as well as private sector members from
 10 both the renewables and the petroleum industries. The group has held conference calls, but there have been questions
 11 asking for clarification of the group’s ultimate goal. Mr. Striejewske is seeking clarification from the L&R Chair so
 12 that the group can continue its work.

13 **Discussion on Board of Directors (BOD) Agenda Item SPD-5 Bylaws, Article IX - Committees:** There was a
 14 robust discussion around BOD Item SPB-5, which would elevate the FALS to standing Committee. A number of
 15 BOD members were in attendance for this discussion. Members from both public and private sectors offered their
 16 opinions and concerns. A concern common to both groups was the loss of the Sunday face-to-face sessions at Interim
 17 and National Meetings as well as conference calls and work sessions between meetings (Chairman VanBuren
 18 addressed this by saying that these meetings did not need to stop). Others said that industry’s involvement would
 19 suffer if they were only able to comment during Open Hearings. There was also a comment that an FAL Standing
 20 Committee would find it difficult to find and replenish committee members of suitable subject matter expertise.
 21 Several thought that solving the structural issues within FALS would be a better solution than elevation to standing
 22 status, and so there was also discussion that addressed improving the structure of FALS as a subcommittee, such that
 23 it can perform its duties more effectively and fairly. With the assigning of SPB-5 as Informational, it is Mr.
 24 Striejewske’s intent that these conversations will continue, with the subcommittee looking at ways to improve the
 25 structure and operations of FALS

26 **Regional Association Comments:**

27 WWMA 2019 Annual Meeting: The FALS Chair provided an update to the WWMA.

28 SWMA 2019 Annual Meeting: No comments were heard.

29 NEWMA 2019 Interim Meeting: No comments were heard.

30 CWMA 2020 Interim Meeting: No comments were heard.

31 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
 32 <https://www.ncwm.com/publication-16> to review these documents.

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

34 **Source:**

35 NCWM Packaging and Labeling Subcommittee (PALS)

36 **Purpose:**

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

43 **Item Under Consideration:**

44 Not Applicable.

1 **Background/Discussion:**

2 This item is to provide a report on the activities of the Packaging and Labeling Subcommittee which reports and
3 provides recommendations to the Laws and Regulations Committee.

4 For more information or to provide comment, please contact the PALS Char:

5 Mr. Chris Guay
6 Procter and Gamble Co.
7 513-983-0530, guay.cb@gmail.com

8 The Package and Labeling Subcommittee (PALS) is comprised of four voting regulatory officials (one from each
9 region) and four voting members from industry (retailers and manufacturers) in addition to its Chairman and NIST
10 Technical Advisor. Mr. Guay, (PALS Chair) reported that work is currently being progressed through monthly
11 webinar meetings and at the NCWM meetings. Members of NCWM can participate in the PALS meetings by
12 contacting Mr. Guay. PALS members are responsible for providing updates at their Regional Meetings. Mr. Guay
13 added PALS will be developing proposals and providing guidance and recommendations on existing proposals as
14 assigned by the NCWM L&R Committee. He stressed the importance of having key federal agencies (FDA, FTC,
15 and USDA) participating.

16 Mr. Guay reported that PALS is working on a “Recommended Best Practice” document for quantity expressions
17 appearing on the principal display panel (PDP) in addition to the required statement of net quantity has begun
18 development of proposed requirements for packages/products sold exclusively through e-commerce sites, and during
19 2019, PALS submitted public comments on behalf of the NCWM to the Federal Register proposals that are related to
20 quantity declarations by two federal agencies. In addition, PALS is considering further development of the following
21 items:

- 22 • **Additional Net Content Declarations on the Principal Display Panel to Meet U.S. and International**
23 **Requirements** - Package net contents are most commonly determined by the product form, for example –
24 solid products are labeled by weight and liquid products are labeled by volume. Semi-solid products such
25 as pastes, creams and viscous liquids are required to be labeled by weight in the United States and by volume
26 in Canada.
- 27 • **Icons in Lieu of Words in Packaged labeled by Count** – Can a clear and non-misleading icon take the
28 place of the word “count” or “item name” in a net content statement? While existing Federal regulation
29 requires regulatory label information to be in “English,” the increasing presence of multilingual labels and
30 the growing diversity of the U.S. population suggest more consumers are served with a clear and non-
31 misleading icon.

32 At the 2019 Interim Meeting, Mr. Guay reported that the text of “Recommended Best Practice” was complete except
33 for the inclusion of a few paragraphs. PALS continues to develop the illustrative appendix, with graphics support
34 being provided by the NCWM office. PALS is also starting to define e-commerce product net content labeling
35 requirements beginning with standard packages. PALS would then proceed to discuss random weight and bulk
36 products.

37 At the 2019 Annual Meeting, Mr. Guay reported that the PALS submitted comments on behalf of NCWM regarding
38 an FSIS proposal to revise its declaration-of-net-quantity regulations. These comments encouraged FSIS to make its
39 requirements aligned with the requirements of the Fair Packaging and Labeling Act. PALS will also be submitting
40 NCWM comments in response to three proposals from Alcohol and Tobacco Tax and Trade Bureau pertaining to net
41 quantity declarations at the end of August 2019. PALS also discussed the content for comments to the Alcohol and
42 Tobacco Tax and Trade Bureau and they will be drafted by mid-August 2019 and submitted at the end of the month.

43 PALS also discussed e-commerce transactions as part of its development of a proposal to cover standard, random, and
44 bulk packages sold on-line for shipment or delivery to the purchaser. PALS plans to draft a proposed regulation
45 covering requirements for the on-line sites which sell these types of products and for products that are received at
46 home by the purchaser. When this proposal has been developed, it will be forwarded to the Laws and Regulations
47 Committee for consideration on its agenda.

1 At the 2020 Interim Meeting, Mr. Guay reported that PALS is continuing to draft a proposed regulation and
2 accompanying “Best Practice” document regarding products sold via e-commerce. The focus of this document is to
3 help provide more clarity on the information necessary for consumers to make informed product choices on-line and
4 for consumers to confirm receipt of the products ordered. PALS currently believes certain information is better
5 included in a regulation while other information is better provided as guidance or Best Practice document. The
6 Subcommittee will work on development of this proposed regulation and proposed guidance in the spring of 2020
7 with a target to have a draft proposal prepared by the 2020 NCWM Annual meeting. Separately, PALS believes the
8 text of “Recommended Best Practice” for quantity expressions is complete. Also, PALS is developing an illustrative
9 appendix with graphics support being provided by the NCWM office.

10 **Regional Association Comments:**

11 WWMA 2019 Annual Meeting: The PALS Chair provided an update on the work of the subcommittee.

12 SWMA 2019 Annual Meeting: There was an update provided by Mr. Chris Guay (PALS Chair), this information is
13 documented in Appendix A for ongoing projects.

14 NEWMA 2019 Interim Meeting: No comments were heard.

15 CWMA 2020 Interim Meeting: Mr. Chris Guay (Chairman PALS) indicated that the Subcommittee had not met for
16 a few months due to the COVID-19 pandemic but is reconvening in November 2020.

17 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
18 <https://www.ncwm.com/publication-16> to review these documents.

19 Mr. John McGuire, New Jersey | Committee Chair
20 Mr. Mauricio Mejia, Florida | Member
21 Mr. Doug Rathbun, Illinois | Member
22 Mr. Tim Elliott, Washington | Member
23 Mr. Tory Brewer, West Virginia | Member
24 Mr. Prentiss Searles, American Petroleum Institute | AMC Representative
25 Mr. Lance Robertson, Measurement Canada | Canadian Technical Advisor
26 Ms. Lisa Warfield, NIST OWM | Technical Advisor
27 Mr. David Sefcik, NIST OWM | Technical Advisor

Laws and Regulations Committee

