

**Executive Summaries from the  
NIST Office of Weights and Measures (OWM) Analysis  
Laws and Regulations (L&R)  
2023 NCWM Interim Meeting Agenda**

The NIST OWM Executive Summary is extracted from the NIST OWM Analysis. This provides the OWM community with high level points that summarize the technical aspects and recommendations for the Item Under Consideration. The full NIST OWM Analysis can be viewed at <https://www.nist.gov/pml/owm/publications/owm-technical-analysis>. OWM offers these comments and recommendations based upon information and input available as of the date of this report.

Language 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***.

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**Details of All Items**  
*(In order by Reference Key)*

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## **WAM – Uniform Weights and Measures Law**

### **WAM-23.1      Section 11. Powers and Duties of the Director**

| <b>OWM Executive Summary for WAM-23.1. Section 11. Powers and Duties of the Director</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p><b>OWM Recommendation:</b> OWM believes this item is developed. However, this should not proceed if OTH-22.1. Uniform Regulation for E-commerce Product Identity, Net Quantity, Responsible Party, and Price Information is not adopted. Therefore, this item should be placed into a block with OTH-22.1 so they can proceed through the conference together.</p> <ul style="list-style-type: none"><li>• States should consult with their legal counsel to determine if their state has authority to enforce the e-commerce regulation (if adopted) or whether having a (model) weights and measures law is needed.</li><li>• It is not necessary to use the title of NIST HB 130 within the model law. OWM recommends the following language:<br/><br/><p style="text-align: center;"><b><u>(s) have the authority to employ recognized procedures and regulations designated within the Uniform Regulation for E-commerce Product Identity, Net Quantity, Responsible Party, and Price Information.</u></b></p></li><li>• The Committee should consider blocking this with OTH-22.1. Uniform Regulation for E-commerce Product Identity, Net Quantity, Responsible Party, and Price Information. Until the E-commerce Regulation is adopted it would be premature to adopt this before a Regulation is in place.</li></ul> |

## **WML – Uniform Weighmaster Law**

### **WML-23.1      Section 10. Certificate: Required Entries**

| <b>OWM Executive Summary for WML-23.1 – Section 10. Certificate: Required Entries</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p><b>OWM Recommendation:</b> OWM believes this item is fully developed and ready for Voting status.</p> <ul style="list-style-type: none"><li>• OWM has learned that 49 states, the District of Columbia, U.S. Virgin Islands have adopted the UETA most states adopt the Uniform Electronic Transactions Act (UETA <a href="https://www.uniformlaws.org/home">https://www.uniformlaws.org/home</a>) which promotes the use of electronic signatures. New York has not adopted UETA but has enacted a similar statute.</li><li>• This is adding a “Note” to Section 10 to inform the user that electronic signatures are acceptable if a State has a digital signature statute.</li></ul> |

## MOS – Uniform Regulation for the Method of Sale of Commodities

### MOS-23.1 Section 1.12. Ready-to Eat Food, 1.12.2. Methods of Sale.

| OWM Executive Summary for MOS-23.1 Section 1.12. Ready-to-Eat Food, 1.12.2. Methods of Sale.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p><b>OWM Recommendation:</b> OWM does not believe this item has merit and recommends this item be withdrawn.</p> <ul style="list-style-type: none"><li>• The title should not have “/” but a period. Should read 1.12.2.</li><li>• In 2016, a Ready to Eat Task Group was chaired by OWM and was comprised of 14 regulatory officials and seven industry and trade association representatives. The method of sale and definition of “ready-to-eat” was significantly vetted prior to its last modification adopted in 2017, including a discussion on the use of eliminating the term “single serving”.</li><li>• The submitter is implying within the justification that “ready-to-eat” would be applicable to all prepackaged type foods within the marketplace. The definition of “ready-to-eat” is used to apply the method of sale, which states it applies only to restaurant style food.</li><li>• Applying the term “single serving” would eliminate such items as whole chickens and pizza.</li></ul> |

### MOS-20.5 Section 2.21. Liquefied Petroleum Gas

| OWM Executive Summary for MOS-20.5 – Section 2.21. Liquefied Petroleum Gas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p><b>OWM Recommendation:</b> OWM recommends this as a Voting Item.</p> <ul style="list-style-type: none"><li>• OWM recognizes that this proposal did not garner enough votes at the 2021 and 2022 NCWM Annual Meetings and was returned to the Committee.</li><li>• As the Committee considers the next steps for this item, OWM would ask that the Committee consider the new format (layout) as shown under the OWM Detailed Analysis of the existing language. This will provide clarity and is easier to read. If this item is not adopted, OWM does considers a format change to the existing language to be considered editorial and would move forth to apply the format to the next edition of HB130.</li><li>• OWM recommends that the Committee consider delaying the effective date in Section 2.21.2.(b).</li></ul> |

**MOS-23.4      Retail Sales of Electricity Sold as a Vehicle Fuel**

| OWM Executive Summary for MOS-23.4 – Retail Sales of Electricity Sold as a Vehicle Fuel                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p><b>OWM Recommendation:</b> OWM recommends this as a Voting Item.</p> <ul style="list-style-type: none"> <li>• The Joule unit of measurement is not in use for this commercial application. This will align with the USNWG recommendation to delete all references in HB44 to the megajoule, as well as align HB130.</li> <li>• The proposal aligns the unit of measurement recognized for electrical energy vehicle fueling equipment in corresponding legal metrology requirements in NIST Handbooks 44 and 130 by removing all reference to “joule.”</li> <li>• The proposal is in harmony with the USNWG’s EVFE Subgroup 2022 recommendation deleting all references to the “megajoule” unit of measurement in the EVFS handbook requirements.</li> <li>• The “joule” unit of measurement is not recognized for electrical energy in corresponding OIML R 46 <i>Active electrical energy meters</i> and the recently published OIML Guide 22 Electrical vehicle supply equipment standard.</li> <li>• NIST OWM acknowledges that removing the “megajoule (MJ)” unit of measurement from the handbook does not conform to the practice in place for applying the concept of primary use of SI (metric) measurements. However, it appears that the trade practice is limited to use of the kilowatt-hour unit of measurement. Should the delivery, displayed quantity, and advertised price of electrical energy move to expressions of quantity by the joule the handbook could be modified at that time to recognize that unit of measurement.</li> </ul> |

**UPR – Uniform Unit Pricing Regulation**

**UPR-23.1      Section 2. Terms for Unit Pricing.**

| OWM Executive Summary for UPR-23.1 – Section 2. Terms for Unit Pricing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p><b>OWM Recommendation:</b> OWM supports the recommended proposal with a minor modification.</p> <ul style="list-style-type: none"> <li>• OWM supports the proposed change and recommends adding “per 100 feet” be added to the proposed language. The modified language would read, “Price per meter, decimeter, centimeter or price per yard, foot or 100 feet, or inch, if net quantity of contents of the commodity is in terms of length.”</li> <li>• The Uniform Unit Pricing Regulation does not provide guidance for commodities sold by length. The terms recommended in the proposal have been in use in the marketplace for many years. Adding the proposed language will add clear guidance to the regulation and assist retailers with providing accurate and uniform unit pricing information to consumers.</li> <li>• Making this change would be consistent with NIST Special Publication 1181 Unit Pricing Guide,</li> </ul> |

| <b>OWM Executive Summary for UPR-23.1 – Section 2. Terms for Unit Pricing.</b>                                                                                                                                                                         |
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| <p>“A Best Practice Approach to Unit Pricing”.</p> <ul style="list-style-type: none"> <li>• The title as stated in the report “<b>Uniform Unit Pricing Verification.</b>” The accurate title is the <b>Uniform Unit Pricing Regulation.</b></li> </ul> |

## **NTP – Uniform Regulation for National Type Evaluation**

### **NTP-23.1      Section 4. Prohibited Acts and Exemptions.**

| <b>OWM Executive Summary for NTP-23.1 Section 4. Prohibited Acts and Exemptions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <p><b>OWM Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Recommend the submitter contact Mr. Darrell Flocken (NCWM NTEP Administrator) for input on any proposed language.</li> <li>• Proposal will affect not only electric vehicle fueling devices, so also recommend the submitter seek input from industry and regulators addressing other device types.</li> <li>• NIST HB 130 already encourages states to amend the regulation to include a provision allowing them to conduct an evaluation in instances where formal NTEP Type Evaluation does not apply: <ul style="list-style-type: none"> <li>▪ Such provisions would allow these states to conduct their own evaluation and they will not likely exempt devices from type evaluation.</li> <li>▪ Instead, such states would conduct their own type evaluation and/or accept type evaluation certificates issued by other organizations.</li> </ul> </li> <li>• Granted there are states that do have these provisions in the laws:</li> <li>• Provisions in the model regulation for “exemptions” are intended to set implementation dates for when the state began requiring type evaluation and traceability to an active Certificate of Conformance: <ul style="list-style-type: none"> <li>▪ These clauses are not device category- or model-driven and are intended to serve the best interests of business, consumers, and the regulatory authority.</li> </ul> </li> <li>• It is unlikely that states will be willing to adopt a clause that would allow a given “type” to be exempt from type evaluation for future installations.</li> </ul> |

## FLR – Uniform Fuels and Automotive Lubricants Regulation

### FLR-23.3 Section 2.20. Hydrogen Fuel.

| OWM Executive Summary for FLR-23.3 Section 2.20. Hydrogen Fuel                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p><b>OWM Recommendation:</b> OWM recommends that this item either be returned to the Submitter or to FALS for additional development.</p> <ul style="list-style-type: none"><li>• The weights and measures community recognizes for more than two decades a concerted effort in the hydrogen community to globally align related standards.</li><li>• Address the concerns raised about the proposal resulting in dual fuel quality standards in effect should there be a delay in the alignment process. What are the mechanisms in place for rapid alignment of the standards and the technical committee with oversight having the ability to recognize emerging test methods for the verification of constituent values?</li><li>• There should be clarification on whether specific portions of the ISO standard applicable to fueling road vehicles must be cited in the fuel specification requirement.</li></ul> |

### FLR-23.4 Section 4.3. Dispenser Filters

| OWM Executive Summary for FLR-23.4. – Section 4.3. Dispenser Filters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p><b>OWM Recommendation:</b> OWM recommends that this item be assigned to either back to the Submitter or to FALS for additional development.</p> <p>Section 4.3.1. (c) should be reflected in bold and underscore.</p> <ul style="list-style-type: none"><li>• The proposal would include a new subparagraph 4.3.1.(c) in NIST HB 130 Part IV. Uniform Regulations F. Uniform Fuels and Automotive Lubricants Regulation 4.3. Dispenser Filters as part of Section 4.3.1. Engine Fuel Dispensers. Although the phrase “hydrogen engine” is used to describe the systems that power a hydrogen car, the HB 130 definition of the term “engine fuel,” is limited to fuels used to generate power in an internal combustion engine (ICE). Hydrogen fuel is intended for consumption in a vehicle, or an electricity production device equipped with an ICE or <i>fuel cell</i>. Is the placement of the proposed new hydrogen gas dispenser filter requirement under the “engine fuel dispensers” heading the proper descriptor when most hydrogen cars are powered by fuel cells? Recommend a separate new subsection designation and heading for this proposed dispenser filter requirement to read: <b><u>4.3.3. Delivery of Hydrogen Gas</u></b>.</li><li>• What is the current input on the proposal from hydrogen dispenser manufacturers, hydrogen car manufacturers, and owner/operators of dispensers produced and installed prior to 2022?</li></ul> |

## PPV – Examination Procedure for Price Verification

### PPV-23.1 Inspection Procedures for Online Orders

| OWM Executive Summary for PPV-23.1. – Inspection Procedures of Online Orders                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p><b>OWM Recommendation:</b> OWM believes this item may have merit and encourages this to be further developed by either the submitter or an NCWM TG should be created to see if this Inspection Procedure is needed by the states.</p> <ul style="list-style-type: none"><li>• If states believe the current Examination Procedure for Price Verification is inadequate or impractical to use to conduct price verification inspections for online or e-commerce sales, additional details are needed as to how the current procedure falls short so that a proper evaluation can be made.</li><li>• In addition, it should be recognized that an e-commerce is currently under development that will have an impact on how online price verification procedures will be developed.</li><li>• The title within NCWM Publication 15 states “Exam Procedure” the correct title should be “Examination Procedure for Price Verification”.</li></ul> |

## NET – Handbook 133: Checking the Net Content of Packaged Goods

### NET-22.1 A HB133, Section 1.2.6. Deviations Caused by Moisture Loss or Gain and Section 2.3.8. Table 2-3 Moisture Allowances.

| OWM Executive Summary for NET-22.1 – HB133, Section 1.2.6. Deviations Caused by Moisture Loss or Gain and Section 2.3.8. Table 2-3 Moisture Allowances.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p><b>OWM Recommendation<sup>1</sup>:</b> OWM recognizes the importance of this work and the progress the TG has made thus far. However, there are some significant issues that need to be addressed before this item is ready for adoption. OWM recommends the item remain Assigned to the Cannabis Task Group.</p> <ul style="list-style-type: none"><li>• OWM does not concur with adding a 3 % weight variance without study, documentation, and verification of results.</li><li>• The 3% was assigned by the Cannabis TG; the TG based this value on other known commodities stated within NIST HB 133 Table 2-3 Moisture Allowance and to align with California regulations. The Cannabis Moisture Loss WG has not shared any moisture allowance data with the Cannabis TG or L&amp;R Committee.</li><li>• OWM recognizes that there was only one member of the Cannabis TG Moisture Loss WG. We encourage those other members to join this group, submit data, and reach consensus on bringing language forward to the L&amp;R Committee. In 1988, NCWM Task Force developed the Guidelines for NCWM Resolution of Requests for the Recognition of Moisture Loss in Other Packaged Foods in NIST Handbook 130 NCWM Policy, Interpretations and Guidelines Section 2.5.6. we encourage the Cannabis Moisture Allowance TG to follow this guidance.</li></ul> |

**OWM Executive Summary for NET-22.1 – HB133, Section 1.2.6. Deviations Caused by Moisture Loss or Gain and Section 2.3.8. Table 2-3 Moisture Allowances.**

- They would need to conduct a nationwide scientifically valid study that reflects regional environment and seasonal changes in humidity. Any studies should also consider the different types of packaging into consideration. This needs to be for both moisture loss and moisture gain (as being proposed).
- Two key components, among others, for any industry in determining moisture loss include:
  1. having “real world” data on product as found in the retail marketing chain (not just laboratory moisture loss data) and
  2. collect data on industry-wide basis (rather than from only one or two companies).
- A modification to NIST Handbook 133 procedures will need to be submitted for consideration. Current procedures are written to guide inspectors only on applying a moisture allowance when a sample has a negative average error.
- OWM recommends that the state directors be surveyed (see OWM general comments on Block 3) to determine if they intend to have their inspectors take enforcement action on overweight packages of *cannabis*. If they do not implement this type of enforcement action for the reason, they doubt that the public or courts would find those cases justify prosecution, then the approach should probably not be added to NIST Handbook 133 and remain as guidance.

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<sup>1</sup> In contrast to hemp, marijuana remains a Schedule I substance under the Controlled Substances Act. NIST does not have a policy role related to the production, sale, distribution, or use of cannabis (including hemp and marijuana). NIST participates in the National Conference of Weights and Measures (NCWM) as part of NIST’s statutory mission to promote uniformity in state laws, regulations, and testing procedures.

**NET-22.2      Section 3.1.1 Test Methods and 3.X. Gravimetric Test Procedure for Viscous and Non-Viscous Liquids by Portable Digital Density Meter.**

**OWM Executive Summary for Section 3.1.1 Test Methods and 3.X. Gravimetric Test Procedure for Viscous and Non-Viscous Liquids by Portable Digital Density Meter.**

**OWM Recommendation:** OWM recommends this be Assigned to a Task Group to assist with the further development of this proposal.

- Prior to the 2022 NCWM Annual, OWM submitted comments and revisions to the Item Under Consideration published in NCWM Pub. 16 (2022). OWM has actively been working with Mr. Hayes in addressing OWM concerns and as a result Mr. Hayes has made a several significant updates to the current Item Under Consideration. OWM believes that additional review and development on the Item Under Consideration within 2023 NCWM Publication 15, is needed by all stakeholders which includes outstanding comments and concerns outlined by OWM.

**OWM Executive Summary for Section 3.1.1 Test Methods and 3.X. Gravimetric Test Procedure for Viscous and Non-Viscous Liquids by Portable Digital Density Meter.**

- Within each section of the Item Under Consideration OWM has provided a detailed analysis providing comments and recommendations from the OWM Lab Metrology Program to the current Item Under Consideration. OWM has also engaged an inspector from Los Angeles County, California to assist in reviewing and further develop this test procedure.
- OWM has engaged its metrology group to assist with the ongoing review and provide expertise on how to best validate the accuracy and performance of the meter, and to review the test procedure for clarity, usability, and reliability. OWM is in the process obtaining a portable digital density meter from two different manufacturers so we can have on hands experience which will enable OWM to provide more recommendations to improve the test procedure.
- It is unusual for a new technical and detailed procedure to have no comments heard from membership. We encourage the membership to perform a critical review of the test procedure as it will have a significant impact in weights and measures.
- The use of this equipment has great potential to facilitate package testing for many viscous and non-viscous liquids, as well as other weights and measures inspection areas. OWM will continue to assist the L&R Committee and the weights and measures community as it works to support the use of this equipment in official inspections.
- Like any standards or test equipment such as test weights, volumetric standards, temperature sensing devices that will be used in regulatory action, it is essential for a weights and measures jurisdiction to validate the traceability of measurements made using the equipment. Results must be “beyond a reasonable doubt.” It is OWM’s opinion this has not been met. Very limited testing has been conducted by the submitter.
- Not all portable digital density meters are suitable for use using the proposed test procedure. Criteria must be developed to determine if a portable digital density meter is suitable.
- Another concern is the limited testing analysis provided by the submitter comparing the digital density meter to the current NIST Handbook 133 volumetric test procedure. Data on only five products were submitted which is insufficient to statistically validate results to ensure the test procedure will be defensible for use in official inspections.
- At the 2022 Interim, the Committee removed the Table 2. Density Coefficient Factors (Alpha) due to the factors not being validated. The Alpha correction must now be calculated manually using the formula provided in the test procedure. OWM believes adding this table back into the test procedure, with validated correction factors would benefit officials by eliminating manual calculations and simplifying the test procedure.
- Many questions need to still be answered such as the level of accuracy required based on study, calibration methods including certified reference materials, use of correction factors and how they affect the measurement, limitations of the devices use, the number and type of samples that should be tested in order to validate results as compared to current NIST HB 133 procedures, and proper procedures for validating a device.

## OTH – Other Items

### OTH-22.1 A Uniform Regulation for E-commerce Product Identity, Net Quantity, Responsible Person, Price, and Unit Price Information

| OWM Executive Summary for OTH-22.1 – Uniform Regulation for E-commerce Product Identity, Net Quantity, Responsible Person, Price, and Unit Price Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
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| <p><b>OWM Recommendation:</b> OWM concurs that this item has merit and should be made Informational to allow for greater stakeholder input including NCWM membership.</p> <ul style="list-style-type: none"> <li>OWM supports the continued work and development of this item through PALS. OWM agrees that greater stakeholder outreach is needed and should continue. OWM will assist PALS in reaching out to stakeholders once they are determined by PALS.</li> <li>To align with the other HB130 regulations the “Status of Promulgation” should read “The table beginning on page 6 Section II. Uniformity of Laws and Regulations shows the status of adoption of the Uniform Regulation for E-commerce Product Identity, Net Quantity, Responsible Person, Price, and Unit Price Information.”</li> <li>This extensive proposed model regulation has heard very little input or comment from NCWM membership. We encourage membership to give this proposed regulation a critical review.</li> <li>Numerous formatting changes were provided in the OWM analysis to align the regulation with Handbook 130 formatting. OWM will work with PALS to identify these changes and to recommend corrections.</li> </ul> |  |

### Item Block 1 (B1) Renewable Diesel and Diesel

- B1: MOS-23.1 Sections 2.23. Biodiesel and biodiesel Blends that Contain Greater Than or Equal to 21% by Volume Biodiesel. and 2.40. Diesel Fuel.
- B1: FLR-23.1 Sections 1.9. Biodiesel Blend., 1.27. Fuel Oil., 1.XX. Renewable Diesel., 3.3.2. Automotive Fuel Rating., 3.15. Biodiesel and Biodiesel Blends Containing Greater than 20% by Volume Biodiesel.

| OWM Executive Summary for Item Block 1 (B1)– Renewable Diesel and Diesel                                                                |  |
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| <p><b>OWM Recommendation:</b></p> <ul style="list-style-type: none"> <li>The title should read Section 2.31 not Section 2.23</li> </ul> |  |

### Item Block 3 (B3) Cannabis

(**Note:** At the 2022 NCWM Interim Meeting, the Committee heard testimony on each individual item in Block 3: B3 (Cannabis). The comments heard are reported for each item within the block, but the Committee kept PAL-22.1 PAL 22.2 and MOS-22.2 together as a block. At the 2022 NCWM Annual Meeting, NET-22.1 was removed from the block and was considered separately.)

- B3: PAL-22.1 V Section 2. Definitions 2.XX. *Cannabis* and *Cannabis-Containing Products*.  
B3: PAL-22.2 V Section 10. Requirements, 10.XX. *Cannabis* and *Cannabis-Containing Products*.  
B3: MOS-22.2 V Section 1.XX. *Cannabis* and *Cannabis-Containing Products* and 2.XX. *Cannabis* and *Cannabis-Containing Products*.

**OWM Executive Summary for Block 3. (B3) – Cannabis**

**OWM Recommendation<sup>1</sup>:** OWM recognizes the importance of this work and the progress the TG has made thus far. However, there are some significant issues that need to be addressed before this block of items is ready for adoption.

OWM recommends this block be designated “Assigned” to the Cannabis TG in order for them to obtain additional information and further develop. OWM has outlined a number of areas requiring additional work in the OWM Executive Summary and OWM Detailed Technical Analysis (below) and states may have additional areas that need to be addressed.

- OWM continues to encourage the Cannabis TG reach out to State Cannabis Commissions, Medicinal Programs, Health Departments, and other State Cannabis Regulatory authorities to work collaboratively to develop language that is acceptable to all stakeholders. There are approximately 22 states that have labeling laws or regulations.
- To inform stakeholders of any developments by the TG, OWM recommends the TG provide a summary to appear in the NCWM Publications. It should be clarified if this TG reports to the NCWM L&R Committee or NCWM Board of Directors.

Form 15’s submitted by the Cannabis TG include the following statements. OWM comments are included with each point.

- “W&M does not regulate quality. To the extent establishing an acceptable water activity range is monitoring quality, this is a positive by-product of monitoring equitable transactions, promoting health and safety and preventing diversion.”

**OWM Comment:** *Weights and measures strives for equity in the marketplaces but has not been involved with the health and safety side of commodities.*

- “Equipment cost. The additional cost of water activity meter(s) should not be prohibitive. It could be easily offset by the revenue that would be saved by preventing over drying and diversion and/or by fees collected. This could be accomplished by random testing of Cannabis flower throughout the manufacturing and distributions processes. It should also be noted that setting a water activity standard in the MOS does not establish testing requirements nor frequency of testing requirements.”

**OWM Comment:** *Many states’ package inspection activities are not fee-supported and would not be generating income by charging fees for services.*

**B3: PAL-22.1. – Section 2. Definitions, 2.XX. *Cannabis* and *Cannabis-Containing Products***

**OWM Executive Summary for Block 3. (B3) – Cannabis**

- Section 2 Definitions define terms as they are used in the UPLR; these are not intended to define commodities in the marketplace. The Committee would not want to set a precedent to defining commodities.
- “Cannabis” has a known standard of identity; it is not necessary to add a definition to the handbook.

**B3: PAL-22.2. – Section 10. Requirements, 10.XX. *Cannabis* and *Cannabis-Containing Products***

- OWM had previously noted our concerns with “*Cannabis*” being italicized. Is it a requirement that this term “Cannabis” appear an italics style for packaging and labeling requirements? If so, OWM recommends the Committee add the statement to (a)(2); “the term *Cannabis* shall appear in capitalization and italics style.” If it is not a requirement the capitalization and italics format must be removed to avoid confusion in labeling requirements. If the Committee believes that a change is required, they should provide an acceptable time for industry to redo their labeling. We do not concur that these labels are printed “on demand”.
- OWM commends the NCWM Cannabis Task Group for its outstanding work on developing these proposals. If these proposals move forward and the NCWM Cannabis Packaging and Labeling Subcommittee is disbanded, OWM recommends that Committee task PALS with the development of *Cannabis* labeling.

**B3: MOS-22.2 Section 1.XX *Cannabis* and *Cannabis-Containing Products* and 2.XX *Cannabis* and *Cannabis-Containing Products***

OWM does not concur that a method of necessary for this commodity. The Weights and Measures Law, Section 16. Method of Sale which specifies:

**Section 16. Method of Sale**

Except as otherwise provided by the Director or by firmly established trade custom and practice,

(a) commodities in liquid form shall be sold by liquid measure or by weight; and

(b) commodities not in liquid form shall be sold by weight, by measure, or by count.

The method of sale shall provide accurate and adequate quantity information that permits the buyer to make price and quantity comparisons.

- Section 2.XX.X. Water Activity speaks about “unprocessed” Cannabis but does not define what this means and there is no reference within ASTM D8197. With the Water Activity incorporated within the Method of Sale the sentence should have the terms “kept, offered, or exposed, sold, bartered, or exchanged, or ownership transfers” stricken from the proposal.
- Water Activity is not related to Moisture Allowance. Water Activity should not be placed into the Moisture Allowance Table 2-3 within NIST HB 133. Doing so will only cause confusion.
- Water Activity is used to measure the growth of microbes using ASTM D8196-20, Standard Practice for Determination of Water activity (aw) in Cannabis, helping to ensure its safety. It is also used to identify the

| <b>OWM Executive Summary for Block 3. (B3) – Cannabis</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
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| <p>potency (THC level). In many states water activity testing would be conducted by an agency, other than weights and measures. Outside of fuel quality most weights and measures programs do not inspect and enforce quality and safety of most consumer commodities.</p> <ul style="list-style-type: none"> <li>• The Committee should consider the development of a NIST HB133 – Chapter 5 test procedure for determining moisture allowance if the MOS is adopted with criteria for Water Activity.</li> </ul> |  |
| <hr/> <p><sup>1</sup> In contrast to hemp, marijuana remains a Schedule I substance under the Controlled Substances Act. NIST does not have a policy role related to the production, sale, distribution, or use of cannabis (including hemp and marijuana). NIST participates in the National Conference of Weights and Measures (NCWM) as part of NIST’s statutory mission to promote uniformity in state laws, regulations, and testing procedures.</p>                                                          |  |

**Item Block 6 (B6)      Transmission Fluid**

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

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

| <b>OWM Executive Summary for Section Item Block 6 (B6) – Transmission Fluid</b>                                                                                                                                                                                                                   |
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| <p>NOTE: The original submitter of this Item was Missouri Department of Agriculture. The source should read the Fuels and Lubricants Subcommittee. OWM supports the continued work of Transmission Fluid Focus Group.</p> <p><b>OWM Recommendation:</b> OWM recommends this as Assigned Item.</p> |