

SWMA Laws and Regulations (L&R) Committee 2017 Annual Meeting Report

Hal Prince, Chairman
Florida

2000 INTRODUCTION

The Laws and Regulations (L&R) Committee (hereinafter referred to as “Committee”) submits its Report to the Southern Weights and Measures Association (SWMA). The Report consists of the SWMA Agenda (NCWM Carryover and NEW items) and this Addendum. Page numbers in the tables below refer to pages in this Addendum. Suggested revisions to the handbook 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**.

Presented below is a list of agenda items considered by the SWMA and its recommendations to the NCWM Laws and Regulations Committee.

Subject Series List

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Uniform Weighmaster Law	2202 Series
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Uniform Regulations	2300 Series
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Uniform Regulation for the Method of Sale of Commodities	2302 Series
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Glossary of Acronyms and Terms

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

Details of All Items
(In order by Reference Key)

2301 NIST HANDBOOK 130 – UNIFORM PACKAGING AND LABELING REGULATION

New-7 Sections 6.12. Supplementary Quantity Declarations, 6.14. Qualification of Declaration Prohibited, 12. Variations to be allowed. (See related item New-8)

Source:

NIST OWM (2018)

Purpose:

To notify the reader of an existing conflict between NIST Handbook 130, Uniform Packaging and Labeling Regulations (UPLR) and U.S. Environmental Protection Agency (EPA) regulations within 40 CFR 156.10(d), which supersedes state and local regulations.

Item under Consideration:

Amend NIST Handbook 130 Uniform Regulation for the Uniform Packaging and Labeling Regulation as follows:

NOTE X: Packages of pesticides subject to the labeling regulations of the Environmental Protection Agency under 40 CFR 156.10.d. are permitted to display the term “minimum” in conjunction with the net quantity of contents declaration. The packer may choose to fill the packages under the minimum or average systems of fill. However, if the minimum system is declared, variations above minimum quantity is permissible only to the extent that it represents deviation unavoidable in good manufacturing practice and no variation below the stated minimum quantity is permitted.

6.12. Supplementary Quantity Declarations. – The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., “giant quart, “larger” liter, “full” gallon, “when packed,” “minimum,” *(NOTE X, page X)*” or words of similar import).

6.14. Qualification of Declaration Prohibited. –In no case shall any declaration of quantity be qualified by the addition of the words “when packed,” “minimum,” *(NOTE X, page X)*, or “not less than or any words of similar import (e.g., “approximately”), nor shall any unit of weight, measure, or count be qualified by any term (such as “jumbo “giant,” “full,” or the like) that tends to exaggerate the amount of commodity.

Section 12. Variations to be Allowed

12.1. Packaging Variations. *(NOTE X, page X)*

12.1.1. Variations from Declared Net Quantity – Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in current good manufacturing practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity or a lot of the commodity that is kept, offered, or exposed for sale, or sold is below the quantity stated, and no unreasonable shortage in any package shall be permitted even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

12.1.2. Variations Resulting from Exposure. – Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution

practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce, provided the phrase “introduced into intrastate commerce” as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the state, the delivery being either:

- (a) directly to the purchaser or to his/her agent; or
- (b) to a common carrier for shipment to the purchaser,

and this paragraph shall be construed as requiring that so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

12.2. Magnitude of Permitted Variations. (*NOTE X, page X*) – The magnitude of package variations of this regulation permitted under Sections 12. Variations to be Allowed, 12.1. Package Variations, 12.1.1. Variations from Declared Net Quantity, and 12.1.2. Variations Resulting from Exposure shall be those expressly set forth in this regulation and variations such as those contained in the procedures and tables of the latest version of NIST Handbook 133, “Checking the Net Contents of Packaged Goods.”

Background/Discussion: See Appendix A, Page L&R-A5.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>Lisa Warfield (NIST Technical Advisor) provided an overview of Item 7 & 8. Currently there is an existing conflict with the EPA Labeling Regulations and NIST Handbook 130 for labeling of pesticides and microbacterial products registered under EPA. EPA regulated products are not covered under the Fair Packaging and Labeling Act. This proposal modifies the UPLR alerting users that the term “minimum” is allowed for EPA registered products. In addition, allowing for a minimum fill differs from HB133 Requirements. Item 8. is a HB133 companion item that provides guidance for products labeled with the term “minimum.” Guidance for the EPA labeling is located under the NCWM Interim 2018 meeting documents. The SWMA recommends this as a Voting item.</p>

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-9 Section 11.8. Packaged Commodities with Labeling Requirements Specified in Federal Laws. and Appendix C. Reference Information for Packaged Commodities with Labeling Requirements Specified in Federal Laws and Regulations

Source:

NIST OWM (2018)

Purpose:

To update exemptions in the regulation with requirements specified in federal laws and regulations.

Item under Consideration:

Amend NIST Handbook 130 Uniform Regulation for the Uniform Packaging and Labeling Regulation as follows :

11.8. Packaged Commodities with Labeling Requirements Specified in Federal Laws and Regulations. – Packages of alcoholic beverages (i.e., beer, distilled spirits and wine), cosmetics, catfish (Siluriformes), meat and meat products, medical devices, over-the-counter drugs, poultry products, tobacco and tobacco products, pesticides, and shall be exempt from those portions of these regulations specifying location, symbols, abbreviations and minimum type size of the net quantity declaration, provided net quantity of contents and other required labeling requirements (i.e., identity, responsibility) for such products are specified in federal law, regulation or official guidance so as to follow reasonably sound principles of providing consumer information. (See also Section 11.32. SI Units, Exemptions - Consumer Commodities and Appendix C. Reference Information for Packaged Commodities with Labeling Requirements Specified in Federal Laws and Regulations)

And add new Appendix C as follows:

<u>Appendix C. Reference Information for Packaged Commodities with Labeling Requirements Specified in Federal Laws and Regulations</u>		
<u>Product Agency</u>	<u>Code of Federal Regulations</u>	<u>Net Quantity of Contents Requirements, Guides or Other Information</u>
<u>Alcoholic Beverages, Wine and Beer</u> <u>Treasury Department – Alcohol, Tobacco Tax and Trade Bureau.</u> www.ttb.gov	<u>Title 27, Ch. I, Subchapter A. “Alcohol.”</u>	<u>Refer to Part 4 “Labeling and Advertising of Wine.”</u> <u>Refer Part 5 “Labeling and Advertising of Distilled Spirits.” See also: The Beverage Alcohol Manual (BAM) A Practical Guide – “Basic Mandatory Labeling Information for Distilled Spirits - Volume 2” at www.ttb.gov/spirits/bam.shtml</u> <u>Refer to Part 7 “Labeling and Advertising of Malt Beverages.” See also: “The Beverage Alcohol Manual (BAM) A Practical Guide” at www.ttb.gov/beer/bam.shtml</u>
<u>Animal Food</u> <u>Food and Drug Administration</u> www.fda.gov	<u>Title 21 - Food and Drugs. Ch. I - FDA Subchapter E – Animal Drugs, Feeds and Related Products. Part 501 – Animal Food Labeling. Subpart F – Exemptions, Animal Food Labeling Requirements.</u>	<u>Refer to § 501.105 – “Declaration of net quantity of contents when exempt.”</u>

<p><u>Catfish*</u> <u>(Siluriformes)</u></p> <p><u>U.S.D.A.– Food Safety and Inspection Service</u></p> <p>www.fsis.usda.gov</p>	<p><u>Title 9, Ch. III</u> <u>Subchapter F, Part 541</u> <u>“Marks, Marking and Labeling of Products and Containers.”</u></p>	<p><u>Refer to § 541.7 which incorporates the requirements in Section 9 C.F.R. § 317.2 “Labels: definitions; required features.”</u></p> <p><u>*Fish of the order Siluriformes include, but are not limited to, “catfish” (fish of the family Ictaluridae) and “basa” and “swai” (fish of the family Pangasiidae).</u></p>
<p><u>Cosmetics</u></p> <p><u>Food and Drug Administration</u></p> <p>www.fda.gov</p>	<p><u>Title 21, Ch. I</u> <u>Subchapter G, Part 701</u> <u>“Cosmetic Labeling”</u></p>	<p><u>Refer to § 701.13 – “Declaration of net quantity of contents.”</u></p> <p><u>See also:</u> <u>www.fda.gov/Cosmetics/Labeling/default.htm</u></p>
<p><u>Meat & Poultry Products</u></p> <p><u>U.S.D.A.– Food Safety and Inspection Service</u></p> <p>www.fsis.usda.gov</p>	<p><u>Meat and Meat Products:</u></p> <p><u>Title 9, Ch. III</u> <u>Subchapter A, Part 317</u> <u>“Labeling, Marking Devices and Containers”</u></p>	<p><u>Refer to § 317.2 “Labels: definitions; required features.”</u></p>
	<p><u>Poultry:</u></p> <p><u>Title 9, Ch. III</u> <u>Subchapter E, Part 442</u> <u>– “Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights”</u></p>	<p><u>Refer to § 442.1 – “Quantity of contents labeling.”</u></p>
<p><u>Over-the-Counter Medical Devices</u></p> <p><u>Food and Drug Administration</u></p> <p>www.fda.gov</p>	<p><u>Title 21 - Food and Drugs</u> <u>Ch. I - FDA</u> <u>Subchapter H – Medical Devices</u> <u>Part 801 – Labeling</u> <u>Subpart C - Labeling Requirements for Over-the-Counter Medical Devices</u></p>	<p><u>Refer to § 801.62 - Declaration of net quantity of contents.</u></p>
<p><u>Over-the- Counter Drugs</u></p> <p><u>Food and Drug Administration</u></p> <p>www.fda.gov</p>	<p><u>Title 21, Ch. I</u> <u>Subchapter C - Drugs,</u> <u>Part 201 “Labeling”</u></p>	<p><u>Refer to § 201.62 “Declaration of Net Quantity of Contents”</u></p>

<u>Pesticides</u> <u>Environmental Protection Agency</u> www.epa.gov	<u>Title 40, Ch. I</u> <u>Subchapter E, Part 156</u> <u>– “Labeling Requirements for Pesticides and Devices,” Subpart A, “General Provisions”</u>	<u>Refer to § 156.10 “Labeling requirements.”</u> <u>See also: “Pesticide Registration – Label Review Manual” at www.epa.gov/pesticide-registration/label-review-manual</u>
<u>Tobacco and Tobacco Products</u> <u>Food and Drug Administration</u> www.fda.gov	<u>Section 903 of the Federal Food, Drug, and Cosmetic Act - Misbranded Tobacco Products</u>	<u>Since 2009 FDA has regulated all tobacco products, including e-cigarettes, hookah tobacco, and cigars. The exceptions to the UPLR in § 11.5 for “Cuts, Plugs and Twists of Tobacco and Cigars” and § 11.7. for “Cigarettes and Small Cigars” remain in effect as they were based on Treasury Department labeling requirements for smokeless tobacco (chewing tobacco and snuff), and recognize traditional methods of sale of tobacco in cuts, plugs and twists as well as cigars.</u>
<u>Regulations are codified annually in the U.S. Code of Federal Regulations (CFR) online at: www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR</u>		

Background/Discussion: See Appendix A, Page L&R-A5.

SWMA Report
Regional recommendation to NCWM on item status: <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>) Lisa Warfield (NIST Technical Advisor) remarked that the Tobacco and Trade Bureau (TTB) no longer regulates Tobacco. TTB only controls the taxing portion of tobacco. Tobacco is now regulated by FDA. In addition, they are the regulating agency for Siluriformes (catfish.) In addition, the proposal updates the Appendix C. chart to reflect the Product Agency Responsibility, a hyperlink to the Code of Federal Regulations (CFR) and provides a link that directs the user to the net quantity requirements, guides, or other useful information. The SWMA feels this item is ready for a Vote at the NCWM.

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-18 Section 11.XX. – Pet Treats or Chews - Digestible chews, rawhides, bones, biscuits, antlers or similar type products that are defined as having nutritional value under FDA and 21 CFR 501 shall be sold by weight.

Source:
NIST OWM (2018)

Purpose:
There is considerable confusion in the marketplace to how animal treats and bones are to be labeled. This would provide specific guidance to how the package should be labeled.

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

11.XX. – Pet Treats or Chews - Digestible chews, rawhides, bones, biscuits, antlers or similar type products that are defined as having nutritional value under FDA and 21 CFR 501 shall be sold by weight.

Background/Discussion: See Appendix A, Page L&R-A5.

SWMA Report	
Regional recommendation to NCWM on item status:	
<input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)	
Comments and justification for the regional recommendation to NCWM: (This will appear in NCWM reports)	
<p>Lisa Warfield (NIST Technical Advisor and submitter of the proposal) remarked that the title should appear as “Pet Treats or Chews.”</p> <p>Pet treats or chews is one of the fastest growing marketplaces. States have noticed considerable mislabeled packaging for animal treats and chews. FDA does have federal regulations (refer to NCWM L&R Supporting Documents) that state, if the pet treats or chews have nutritional value they must be sold by net weight. This proposal will add a specific method of sale that clearly specifies what the method of sale is for pet treats and chews that have nutritional value. There is additional background information and a copy of the CFR on the NCWM Website. The SWMA believes this item is fully developed and recommends it as a Voting item.</p>	

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2302 NIST HANDBOOK 130 – UNIFORM REGULATION FOR THE METHOD OF SALE COMMODITIES

2302-1 Section 1. Food Products and Section 2. Non-Food Products

Source:

Los Angeles County, California (2016)

Purpose:

Clarify and formalize the long-standing, fundamental, core tenet of legal metrology and weights and measures regulation that the sale of any commodity, in any form or by any method, be according to legally-recognized, traceable units of measure.

Item under Consideration:

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

Section 1. Food Products

(a) Any food product, whether sold from bulk or in packaged form, shall be sold only in a unit of measure or weight that meets all of the following criteria:

- (1) is recognized and defined by NIST as legal for use in commerce**
- (2) has been published in the “Federal Register”; and**
- (3) has metrological traceability *(NOTE #, page #)* to a national standard**

Note: Sale of a product or commodity according to count, where appropriate to be fully informative to facilitate value comparison, is permissible as a method of sale.

(b) At the discretion of the respective State Director, the following commodities may be exempted from the method of sale limitations set forth in Section 1. (a) and permitted to be sold according to “head” or “bunch,” as appropriate:

- (1) asparagus;**
- (2) Brussels Sprouts (on stalk);**
- (3) rhubarb;**
- (4) edible bulbs (onions [spring or green], garlic, leeks, etc.);**
- (5) flower vegetables (broccoli, cauliflower, Brussels sprouts, etc.);**
- (6) leaf vegetables (lettuce, cabbage, celery, parsley, herbs, loose greens, etc.); and**
- (7) root vegetables (turnips, carrots, radishes, etc.).**

(Added 20XX)

And

Section 2. Non-food Products [NOTE 1, page 109]

(a). Any non-food product, whether sold from bulk or in packaged form, shall be sold only in a unit of measure or weight that meets all of the following criteria:

- (1) is recognized and defined by NIST as legal for use in commerce
- (2) has been published in the “Federal Register”; and
- (3) has metrological traceability (NOTE #, page #) to a national standard.

Note: Sale of a product or commodity according to count, where appropriate to be fully informative to facilitate value comparison, is permissible as a method of sale.

(b). The only exemptions from the method of sale limitations set forth in Section 2(a) shall be:

- (1) Retail sales of compressed natural gas (CNG) sold as a vehicle fuel, which are permitted to be sold in terms of gasoline gallon equivalent (GGE) or diesel gallon equivalent (DGE) as defined, respectively, in Section 2.27.1. Definitions
- (2) Retail sales of liquefied natural gas (LNG) sold as a vehicle fuel, which are permitted to be sold in terms of diesel gallon equivalent (DGE) as defined in Section 2.27.1. Definitions.

Note: As defined in NIST Handbook 130, Uniform Weights and Measures Law, Metrological traceability means the property of a measurement result whereby the result can be related to a reference through a documented unbroken chain of calibrations, each contributing to the measurement uncertainty.

(Added 20XX)

Background/Discussion: See Appendix A, Page L&R-A5.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Informational Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda <i>(To be developed by source of the proposal)</i> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i> </p>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>The SWMA reviewed the modified language and questions what legal ramifications does language in a preamble have? Is this the correct location for such language? If the submitter wants an item that is enforceable then the Committee would like an additional look at the placement of such. The SWMA is recommending this as an Informational item.</p>

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2302-5 Section 2.13. Polyethylene Products

Source:

California (2017)

Purpose:

This proposal is to modify the current language to allow for a truncation method for larger non-consumer packages.

Item under Consideration:

Amend the Handbook 130 Uniform Method of Sale of Commodities Regulation as follows:

2.13. Polyethylene Products.

2.13.1. Consumer and Non-Consumer Products. – Offered and exposed for sale shall be sold in the terms given in Section 2.13.1.1. Sheeting and film.

2.13.1.1. Sheeting and Film.

Consumer products shall include quantity statements in both SI and U.S. customary units

Consumer products:

- (a) length and width (in SI and U.S. customary units)
- (b) area (in square meters and square feet)
- (c) thickness (in micrometers and mils [NOTE 4, page 117])
- (d) weight (in SI and U.S. customary units)

Non-Consumer Products:

- (a) length and width (in SI or U.S. customary units)
- (b) area (in square meters or square feet)
- (c) thickness (in micrometers or mils [NOTE 4, page 117])
- (d) weight (in SI or U.S. customary units)

(Added 1982) (Amended 1979, 1993, and 1998)

NOTE 4: *1 mil = 0.001 in = 25.4 micrometers (μm). 1 micrometer = 0.000 039 37 in.*

(Amended 1993)

2.13.2. Consumer Products. – At retail shall be sold in the terms given in Section 2.13.2.1. Food wrap, Section 2.13.2.2. Lawn and trash bags, and Section 2.13.2.3. Food and sandwich bags.

2.13.2.1. Food Wrap.

- (a) length and width
 - (b) area in square meters and square feet
- (Amended 1979)

2.13.2.2. Lawn and Trash Bags.

- (a) count
- (b) dimensions
- (c) thickness in micrometers and mils
(Amended 1993)
- (d) capacity [NOTE 5, page 118]

2.13.2.3. Food and Sandwich Bags. – The capacity statement does not apply to fold-over sandwich bags.

- (a) count
- (b) dimensions
- (c) capacity [NOTE 5, page 118]

***NOTE 5:** See Section 10.8.2. Capacity of the Uniform Packaging and Labeling Regulation.*

2.13.3. Non-consumer Products. – Shall be offered and exposed for sale in the terms given in Section 2.13.3.1. Bags. (Package shall be labeled in SI or U.S. customary units and may include both units.)

(Amended 1998)

2.13.3.1. Bags.

- (a) count
- (b) dimensions
- (c) thickness in micrometers or mils
- (d) weight
- (e) capacity [NOTE 5, page 118]

2.13.4. Declaration of Weight. – The labeled statement of weight for polyethylene sheeting and film products under Sections 2.13.1.1. Sheeting and Film, and 2.13.3.1. Bags, shall be equal to or greater than the weight calculated by using the formula below. The final value shall be calculated to ~~four no more than two~~ digits after the decimal and truncate any additional digits and declared to three digits, dropping the final digit as calculated (for example, if the calculated value is 32.078 lb, then the declared net weight shall be 32.07 lb).

(Added 1977) (Amended 1980, 1982, 1987, 1989, 1990, 1993, ~~and~~ 2012, and 20XX)

For SI dimensions:

$M = T \times A \times D/1000$, where:

M = net mass in kilograms

T = nominal thickness in centimeters

A = nominal length in centimeters times nominal width [NOTE 6, page 119] in centimeters

D = minimum density in grams per cubic centimeter as defined by the latest version of ASTM Standard D1505, "Standard Test Method for Density of Plastics by the Density-Gradient Technique" and the latest version of ASTM Standard D883, "Standards Terminology Relating to Plastics."

For the purpose of this regulation, the minimum density (D) for linear low density polyethylene plastics (LLDPE) shall be 0.92 g/cm³ (when D is not known).

For the purpose of this regulation, the minimum density (D) for linear medium density polyethylene plastics (LMDPE) shall be 0.93 g/cm³ (when D is not known).

For the purpose of this regulation, the minimum density (D) for high density polyethylene plastics (HDPE) shall be 0.94 g/cm³ (when D is not known).

For U.S. customary dimensions:

$W = T \times A \times 0.03613 \times D$, where:

W = net weight in pounds

T = nominal thickness in inches;

A = nominal length in inches times nominal width [NOTE 6, page 118] in inches

D = minimum density in grams per cubic centimeter as defined by the latest version of ASTM Standard D1505, "Standard Test Method for Density of Plastics by the Density-Gradient Technique" and the latest version of ASTM Standard D883, "Standards Terminology Relating to Plastics."

0.03613 is a factor for converting g/cm³ to lb/in³

For the purpose of this regulation, the minimum density (D) for linear low density polyethylene plastics (LLDPE) shall be 0.92 g/cm³ (when D is not known).

For the purpose of this regulation, the minimum density (D) for linear medium density polyethylene plastics (LMDPE) shall be 0.93 g/cm³ (when D is not known).

For the purpose of this regulation, the minimum density (D) for high density polyethylene plastics (HDPE) shall be 0.94 g/cm³ (when D is not known).

(Added 1977) (Amended 1980, 1982, 1987, 1989, 1990, 1993, and 2012)

NOTE 6: The nominal width for bags in this calculation is twice the labeled width.

Background/Discussion: See Appendix A, Page L&R-A8.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</p>

<input checked="" type="checkbox"/> Recommend as an Informational Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)
<p>This item was initially submitted by California. The history for this proposal reflects there is concern as it is currently written. David Sefcik (NIST OWM) has been vetting and working on this proposal with industry and the submitter of the proposal regarding the concerns that have been documented. This small work group hopes to have a fully developed item by the 2018 NCWM Interim Meeting. In addition, NIST OWM will need additional time to submit this to the NIST Statistical Engineering Division to obtain feedback on the requirement of significant digits. The SWMA recommends this as an Informational item.</p>

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-1 **Section 2. 9. Kerosene (Kerosine). (See related item New-2)**

Source:

Archer Daniels Midland Corporation (2018)

Purpose:

This proposal is to harmonize the method of sale for kerosene between the Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation.

Item under Consideration:

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

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

2.19.1. Labeling of Grade Required. – **Kerosene shall be identified by the grades No. 1-K or No. 2-K.**

Example:

1K Kerosene; Kerosene - 2K.

(Added 1983) (**Amended 20XX**)

2.19.2. Additional Labeling Requirements. – **Each retail dispenser of kerosene shall be labeled as 1-K Kerosene or 2-K. In addition, No. 2-K dispensers shall display the following legend:**

“Warning - Not Suitable For Use In Unvented Heaters Requiring No. 1-K.”

The lettering of this legend shall not be less than 12.7 mm (½ in) in height by 1.5 mm (1/16 in) stroke; block style letters and the color of lettering shall be in definite contrast to the background color to which it is applied.

(Added 20XX)

2.19.1, 2.19.3 Retail Sale from Bulk. – All kerosene kept, offered, or exposed for sale and sold from bulk at retail shall be in terms of the gallon or liter.

(Added 2012)

Background/Discussion: See Appendix A, Page L&R-A9.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>There was no opposition to this proposal. The submitter had originally requested this be a Developing item not wanting to cause any confusion with items being moved forward at the NCWM 2017 Annual Meeting. The SWMA believes that this item is fully developed and recommends this as a Voting item.</p>

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2302-7 Section 2.20. Gasoline – Oxygenate Blends and Section 2.30. Ethanol Flex-Fuel (See related Item 2307-2)

Source:

KMoore Consulting, LLC (2017)

Purpose:

Align the duplicative labeling wording for Gasoline-Oxygenate Blends and Ethanol Flex Fuel blends that appears in Section B: Uniform Regulation for the Method of Sale of Commodities with the proposed Section G. Ethanol labeling being proposed by the Handbook 130 Focus Group.

Item under Consideration:

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

2.20. Gasoline-Oxygenate Blends.

2.20.1. Method of Retail Sale. – Type of Oxygenate must be Disclosed. – All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE.” The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase “or other ethers” or alternatively post the phrase “contains MTBE or other ethers.” In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This information shall be posted on the upper 50 % of the dispenser front panel in a position clear and conspicuous from the driver’s position in a type at least 12.7 mm (½ in) in height, 1.5 mm (1/16 in) stroke (width of type). (Amended 1996)

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

- (a) Information that complies with 40 CFR § 80.1503 when the fuel contains ethanol.
- (b) For fuels that do not contain ethanol, information that complies with 40 CFR § 80.1503 and a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or alternatively, use the phrase “contains MTBE or other ethers.”
- (c) Gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol.

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

2.20.3. EPA Labeling Requirements Also Apply. – **Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR § 80.1501 (for additional information refer to Section 2.30.2. Labeling Requirements).**

(Added 20XX)

2.30. Ethanol Flex Fuel.

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

2.30.2. Labeling Requirements.

- (a) Ethanol flex fuel ~~shall be identified and labeled in accordance with Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR, as amended with an ethanol concentration no less than 51 and no greater than 83 volume percent shall be labeled “Ethanol Flex Fuel, minimum 51 % ethanol.”~~ (for additional information refer to Section 2.20.3. EPA Labeling Requirements Also Apply).

(Amended 2014 and 20XX)

- ~~(b) Ethanol flex fuel with an ethanol concentration less than or equal to 50 volume percent shall be labeled “EXX Flex Fuel, minimum YY % ethanol,” where the XX is the target ethanol concentration in volume percent and YY is XX minus five (– 5). The actual ethanol concentration of the fuel shall be XX volume percent plus or minus five (± 5) volume percent.~~

~~(Added 2014)~~

- ~~(c) A label shall be posted which states “For Use in Flexible Fuel Vehicles (FFV) Only.” This information shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type at least 12.7 mm (½ in) in height, 1.5 mm (¼ in) stroke (width of type). A label shall be posted which states, “CHECK OWNERS MANUAL,” and shall not be less than 6 mm (¼ in) in height by 0.8 mm (⅛ in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.~~

~~(Amended 2014)~~

(Added 2007) (Amended 2014 and 20XX)

Background/Discussion: See Appendix A, Page L&R-A9.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>Russ Lewis spoke on behalf of API and remarked that the modifications simply point out the fact that the EPA requires their labeling for any fuel containing between 10% and 15% volume ethanol. Additionally, the proposed modifications point out the discrepancy between EPA and FTC categorization on E15 fuels and are designed to keep NIST HB 130 Sections B and G synchronized.</p> <p>The latest guidance from U.S. EPA on the issue of using Flex-Fuel labeling to sell E15 was published in the FRN within the preamble to the proposed rule update for renewable fuels. The proposed rule is published here: https://www.federalregister.gov/documents/2016/11/16/2016-25292/renewables-enhancement-and-growth-support-rule. Mr. Lewis submitted supporting documents to the SWMA L&R and will be forwarding to the NCWM for posting at the national level.</p> <p><u>Several comments were heard but there was no consensus on how to proceed. The SWMA is recommending that this item proceed through FALS for additional consideration.</u></p>

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-16 Section 2.20. Gasoline – Oxygenate Blends (See related item New-17)

Source:

Archer Daniels Midland Corporation (2018)

Purpose:

Harmonize the method of sale information related to gasoline, with and without ethanol, in section B Uniform Regulation for the Method of Sale of Commodities with the information in section G Uniform Engine Fuels and Automotive Lubricants Regulation.

Item under Consideration:

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

~~2.20. Gasoline-Oxygenate Blends.~~

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

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

~~(Amended 1996)~~

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

~~(a) Information that complies with 40 CFR § 80.1503 when the fuel contains ethanol.~~

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

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

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

3.2. Automotive Gasoline.

3.2.1. How to Identify Gasoline. – All fuels sold as Gasoline shall be identified as Gasoline along with the grade name and automotive fuel rating.

3.2.12. Posting of Antiknock Index Required. – All automotive gasoline shall post the antiknock index in accordance with applicable regulations, 16 CFR Part 306 issued pursuant to the Petroleum Marketing Practices Act, as amended.

3.2.23. When the Term “Leaded” May be Used. – The term “leaded” shall be used only when the fuel meets specification requirements of paragraph 2.1.5. Minimum Lead Content to be Termed “Leaded.”

3.2.34. Use of Lead Substitute Must be Disclosed. – Each dispensing device from which gasoline containing a lead substitute is dispensed shall display the following legend: “Contains Lead Substitute.” The lettering of this legend shall not be less than 12.7 mm (½ in) in height and the color of the lettering shall be in definite contrast to the background color to which it is applied.

3.2.45. Nozzle Requirements for Leaded Fuel. – Each dispensing device from which gasoline that contain lead in amounts sufficient to be considered “leaded” gasoline, or lead substitute engine fuel, is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in). (See 40 CFR 80.24)

3.2.56. Prohibition of Terms. – It is prohibited to use specific terms to describe a grade of gasoline unless it meets the minimum antiknock index requirement shown in Table 1. Minimum Antiknock Index Requirements.

<u>Table 1.</u> <u>Minimum Antiknock Index Requirements</u>		
<u>Term</u>	<u>Minimum Antiknock Index</u>	
	<u>ASTM D4814 Altitude Reduction Areas IV and V</u>	<u>All Other ASTM D4814 Areas</u>
<u>Premium, Super, Supreme, High Test</u>	<u>90</u>	<u>91</u>
<u>Midgrade, Plus</u>	<u>87</u>	<u>89</u>
<u>Regular Leaded</u>	<u>86</u>	<u>88</u>
<u>Regular, Unleaded (alone)</u>	<u>85</u>	<u>87</u>
<u>Economy</u>	<u>--</u>	<u>86</u>

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

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

(a) Information that compiles with 40 CFR § 80.1503 when the fuel contains ethanol.

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

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

(d) A certification of the automotive fuel rating. (see 16 CFR 306.6)

3.2.89. EPA Labeling Requirements Also Apply. – Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR § 80.1501.

(Amended 20XX)

Background/Discussion: See Appendix A, Page L&R-A9.

SWMA Report
Regional recommendation to NCWM on item status: <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Informational Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>) There were several comments mentioned that this proposal go to the FALS for an additional review. The SWMA recommends that this have an additional review at the FALS.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-3 **Section 2.21. Liquefied Petroleum Gas. (See related item New-4)**

Source:

Archer Daniels Midland Corporation (2018)

Purpose:

This proposal is to harmonize the method of sale for liquefied petroleum gas between the Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation.

Item under Consideration:

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

2.21. Liquefied Petroleum Gas (LPG).

2.21.1. How LPG is to be Identified. – Liquefied petroleum gases shall be identified by grades Commercial Propane, Commercial Butane, Commercial PB Mixtures or Special-Duty Propane (HD5).

(Amended 20XX)

2.21.2. Liquefied Petroleum Gas. – All liquefied petroleum gas, including, but not limited to propane, butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [*NOTE 7*, page 125] of vapor (defined as 1 ft³ at 60 °F [15.6 °C]), or the gallon (defined as 231 in³ at 60 °F [15.6 °C]). All metered sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.

(Added 1986)

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

2.21.3. Retail Dispenser Labeling. – **Each retail dispenser of LPGs shall be labeled as “Commercial Propane,” “Commercial Butane,” “Commercial PB Mixtures,” or “Special-Duty Propane (HD5).”**
(Amended 20XX)

2.21.4. Additional Labeling Requirements. – **LPG shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.**
(Amended 20XX)

2.21.5. NFPA Labeling Requirements Also Apply. **(Refer to the most recent edition of NFPA 58.)**
(Amended 20XX)

Background/Discussion: See Appendix A, Page L&R-A12.

SWMA Report	
Regional recommendation to NCWM on item status:	
<input checked="" type="checkbox"/>	Recommend as a Voting Item on the NCWM agenda
<input type="checkbox"/>	Recommend as an Information Item on the NCWM agenda
<input type="checkbox"/>	Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>)
<input type="checkbox"/>	Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)	
There was no opposition to this proposal. The submitter had originally requested this be a Developing item not wanting to cause any confusion with items being moved forward at the NCWM 2017 Annual Meeting. The SWMA believes that this item is fully developed and recommends this as a Voting item.	

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2302-11 D Electric Watthour

Source:

NIST OWM (2016)

Purpose:

1. Make the weights and measures community aware of work being done within the U.S. National Work Group on Electric Vehicle Fueling and Submetering to develop proposed requirements for electric watthour meters used in submeter applications in residences and businesses;
2. Encourage participation in this work by interested regulatory officials, manufacturers, and users of electric submeters.
3. Allow an opportunity for the USNWG to provide regular updates to the S&T Committee and the weights and measures community on the progress of this work;
4. Allow the USNWG to vet specific proposals as input is needed.

Item Under Consideration:

Create a “Developing Item” for inclusion on the NCWM S&T Committee Agenda (and a corresponding item is proposed for inclusion on the L&R Committee Agenda) where progress of the USNWG can be reported as it develops legal metrology requirements for electric watt-hour meters and continues work to develop test procedures and test equipment standards. The following narrative is proposed for this item:

Background/Discussion: See Appendix A, Page L&R-A12.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p>

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-5 **Sections 2.15. Solid Fuel Products, 2.16. Compressed or Liquefied Gases in Refillable Cylinders, 2.19. Kerosene (Kerosine), 2.20. Gasoline Oxygenate Blends, 2.21. Liquefied Petroleum Gas, 2.27. Retail Sales of Natural Gas Sold as a Vehicle Fuel, 2.30. Ethanol Flex Fuel, 2.31. Biodiesel and Biodiesel Blends, 2.32. Retail Sales of Hydrogen, 2.33. Oil, 2.34. Retail Sales of Electricity Sold as a Vehicle Fuel, 2.35. Diesel Exhaust Fluid, and 2.XX. Transmission Fluid (See related item New-6)**

Source:

Archer Daniels Midland Corporation (2018)

Purpose:

To consolidate the method of sale information for fuels, lubricants and automotive products into one regulation in Handbook 130.

Item under Consideration:

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

Delete the following sections in their entirety, to be replaced with new language:

~~2.15. Solid Fuel Products~~
~~2.16. Compressed or Liquefied Gases in Refillable Cylinders.~~
~~2.19. Kerosene (Kerosine).—~~
~~2.20. Gasoline-Oxygenate Blends.~~
~~2.21. Liquefied Petroleum Gas~~
~~2.27. Retail Sales of Natural Gas Sold as a Vehicle Fuel.~~
~~2.30. Ethanol Flex Fuel.~~

- ~~2.31. Biodiesel and Biodiesel Blends.~~
- ~~2.32. Retail Sales of Hydrogen~~
- ~~2.33. Oil.~~
- ~~2.34. Retail Sales of Electricity Sold as a Vehicle Fuel.~~
- ~~2.35. Diesel Exhaust Fluid (DEF).~~
- ~~2.XX. Transmission Fluid.~~

Replace the deleted sections with the following to be editorially renumbered and alphabetized as needed.

Section 3. Classification and Method of Sale of Fuels, Lubricants and Automotive Products

3.1. General Considerations.

3.1.1 Definitions – The definitions set forth in the current edition of NIST Handbook 130, “Uniform Engine Fuels and Automotive Lubricants Regulation” Section 1. Definitions is incorporated into this section by reference.

3.1.2. Specifications – The specifications set forth in the current edition of NIST Handbook 130, “Uniform Engine Fuels and Automotive Lubricants Regulation” Section 2. Standard Fuel Specifications is incorporated into this section by reference.

3.1.3. Documentation. – When products regulated by this rule are sold, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery other than a retail sale. This document must identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, and oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. Documentation must be retained at the retail establishment for a period not less than one year.

(Amended 2008)

3.1.4. Retail Dispenser Labeling. – All retail dispensing devices must identify conspicuously the type of product, the particular grade of the product, and the applicable automotive fuel rating.

3.1.5. Grade Name. – The sale of any product under any grade name that indicates to the purchaser that it is of a certain automotive fuel rating or ASTM grade shall not be permitted unless the automotive fuel rating or grade indicated in the grade name is consistent with the value and meets the requirements specification is 3.1.2. Specifications.

2.15. Solid Fuel Products. – Anthracite, semi anthracite, bituminous, semi-bituminous or lignite coal, and any other natural, manufactured, or patented fuel, not in liquid or gaseous form, except fireplace and stove wood, shall be offered, exposed for sale, or sold by net weight when in package form.

(Added 1979)

2.16. Compressed or Liquefied Gases in Refillable Cylinders.

2.16.1. Application. – This section does not apply to disposable cylinders of compressed or liquefied gases.

2.16.2. Net Contents. – The net contents shall be expressed in terms of cubic meters or cubic feet, kilograms, or pounds and ounces. See Section 2.21. Liquefied Petroleum Gas for permitted expressions of net contents for liquefied petroleum gas. A standard cubic foot of gas is defined as a cubic foot at a temperature of 21 °C (70 °F) and a pressure of 101.35 kilopascals (14.696 psia), except for liquefied petroleum gas as stated in Section 2.21.

2.16.3. Cylinder Labeling. – Whenever cylinders are used for the sale of compressed or liquefied gases by weight, or are filled by weight and converted to volume, the following shall apply:

2.16.3.1. Tare weights.

- (a) Stamped or Stenciled Tare Weight. – For safety purposes, the tare weight shall be legibly and permanently stamped or stenciled on the cylinder. All tare weight values shall be preceded by the letters “TW” or the words “tare weight.” The tare weight shall include the weight of the cylinder (including paint), valve, and other permanent attachments. The weight of a protective cap shall not be included in tare or gross weights. The Code of Federal Regulations Title 49, Section 178.50-22 requires the maker of cylinders to retain test reports verifying the cylinder tare weight accuracy to a tolerance of 1 %.
- (b) Tare Weight for Purposes of Determining the Net Contents. – The tare weight used in the determination of the final net contents may be either:
 - (1) the stamped or stenciled tare weight; or
 - (2) the actual tare determined at the time of filling the cylinder. If the actual tare is determined at the time of filling the cylinder, it must be legibly marked on the cylinder or on a tag attached to the cylinder at the time of filling.
- (c) Allowable difference. – If the stamped or stenciled tare is used to determine the net contents of the cylinder, the allowable difference between the actual tare weight and the stamped (or stenciled) tare weight, or the tare weight on a tag attached to the cylinder for a new or used cylinder, shall be:
 - (1) ½ % for tare weights of 9 kg (20 lb) or less; or
 - (2) ¼ % for tare weights of more than 9 kg (20 lb).
- (d) Average requirement. – When used to determine the net contents of cylinders, the stamped or stenciled tare weights of cylinders at a single place of business found to be in error predominantly in a direction favorable to the seller and near the allowable difference shall be considered to be not in conformance with these requirements.

2.16.3.2. Acetylene Gas Cylinder Tare Weights. – Acetone in the cylinder shall be included as part of the tare weight.

2.16.3.3. Acetylene Gas Cylinder Volumes. – The volumes of acetylene shall be determined from the product weight using approved tables such as those published in NIST Handbook 133 or those developed using 70 °F (21 °C) and 14.7 ft³ (101.35 kPa) per pound at 1 atmosphere as conversion factors.

2.16.3.4. Compressed Gases such as Oxygen, Argon, Nitrogen, Helium, and Hydrogen. – The volumes of compressed gases such as oxygen, argon, nitrogen, helium, or hydrogen shall be determined using the tables and procedures given in NIST Technical Note 1079, Tables of Industrial Gas Container Contents and Density for Oxygen, Argon, Nitrogen, Helium, and Hydrogen and supplemented by additional procedures and tables in NIST Handbook 133.

(Added 1981)(Amended 1990)

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

Example:

1K Kerosene; Kerosene - 2K.

(Added 1983)

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

(Added 2012)

2.21. Liquefied Petroleum Gas. – All liquefied petroleum gas, including, but not limited to propane, butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [NOTE 7, page 125] of vapor (defined as 1 ft³ at 60 °F [15.6 °C]), or the gallon (defined as 231 in³ at 60 °F [15.6 °C]). All metered sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.

(Added 1986)

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

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

2.27.1. Definitions.

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

(Amended 2016)

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

(Amended 2016)

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

(Added 2016)

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

(Added 2016)

2.27.2. Method of Retail Sale and Dispenser Labeling.

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

(Amended 2016)

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

(Amended 2016)

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

(Added 2016)

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

(Added 2016)

2.32. Retail Sales of Hydrogen

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

(Amended 2012)

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

2.32.3. Retail Dispenser Labeling.

- (a) A computing dispenser must display the unit price in whole cents on the basis of price per kilogram.
- (b) The service pressure(s) of the dispenser must be conspicuously shown on the user interface in bar or the SI unit of pascal (Pa) (e.g., MPa).
- (c) The product identity must be shown in a conspicuous location on the dispenser.
- (d) National Fire Protection Association (NFPA) labeling requirements also apply.
- (e) Hydrogen shall be labeled in accordance with 16 CFR 309 – FTC Labeling Alternative Fuels.

2.32.4. Street Sign Prices and Advertisements.

- (a) The unit price must be in terms of price per kilogram in whole cents (e.g., \$3.49 per kg, not \$3.499 per kg).
- (b) The sign or advertisement must include the service pressure (expressed in megapascals) at which the dispenser(s) delivers hydrogen fuel (e.g., H35 or H70).

(Added 2010)

2.33. Oil.

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

2.33.1.1. Viscosity. The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank, and any invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank, shall contain the viscosity grade classification preceded by the letters “SAE” in accordance with SAE International’s latest version of SAE J300, “Engine Oil Viscosity Classification.”

NOTE: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters “SAE” may be omitted from the viscosity classification.

(Note added 2014)

(Amended 2014)

2.33.1.2. Brand. –The label on any vehicle engine (motor) oil container and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle engine (motor) oil.

(Amended 2014)

2.33.1.3. Engine Service Category. –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined by the latest version of SAEJ183, “Engine Oil Performance and Engine Service Classification (Other than “Energy Conserving”),” API Publication 1509, “Engine Oil Licensing and Certification System,” European Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other Vehicle or Engine Manufacturer standards as approved in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard.

(Amended 2014)

2.33.1.3.1. Vehicle or Engine Manufacturer Standard. –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in letters not less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine manufacturer standard, the label must clearly identify that the oil is only intended for use where specifically recommended by the vehicle or engine manufacturer.

(Added 2014)

2.33.1.3.2. Inactive or Obsolete Service Categories. –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of SAEJ183, Appendix A, whenever the vehicle engine (motor) oil in the container or in bulk does not meet an active API service category as defined by the latest version of SAEJ183, “Engine Oil Performance and Engine Service

Classification (Other than “Energy Conserving”).” If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies.
(Amended 2014)

2.33.1.4. Tank Trucks or Rail Cars. –Tank trucks, rail cars, and other types of delivery trucks that are used to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service category or categories on such tank trucks, rail cars, and other types of delivery trucks.

(Amended 2013 and 2014)

2.33.1.5. Documentation. –When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the quantity of bulk engine (motor) oil delivered as defined in Sections 2.33.1.1. Viscosity; 2.33.1.2. Brand; 2.33.1.3. Engine Service Category; the name and address of the seller and buyer; and the date and time of the sale. For inactive or obsolete service categories, the documentation shall also bear a plainly visible cautionary statement as required in Section 2.33.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a period of not less than one year.

(Added 2013)(Amended 2014)

(Added 2012)(Amended 2013 and 2014)

2.34. Retail Sales of Electricity Sold as a Vehicle Fuel.

2.34.1. Definitions.

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

2.34.1.2. Electric Vehicle Supply Equipment (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors; the electric vehicle connectors; attachment plugs; and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of measuring, delivering, and computing the price of electrical energy delivered to the electric vehicle.

2.34.1.3. Fixed Service. –Service that continuously provides the nominal power that is possible with the equipment as it is installed.

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

2.34.1.5. Nominal Power. –Refers to the “intended” or “named” or “stated” as opposed to “actual” rate of transfer of electrical energy (i.e., power).

2.34.2. Method of Sale. – All electrical energy kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be in units in terms of the megajoule (MJ) or kilowatt-hour (kWh). In addition to the fee assessed for the quantity of electrical energy sold, fees may be assessed for other services; such fees may be based on time measurement and/or a fixed fee.

2.34.3. Retail Electric Vehicle Supply Equipment (EVSE) Labeling.

- (a) A computing EVSE shall display the unit price in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119) on the basis of price per megajoule (MJ) or kilowatt-hour (kWh). In cases where the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.
- (b) For fixed service applications, the following information shall be conspicuously displayed or posted on the face of the device:
 - (1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical energy transfer), and
 - (2) the type of electrical energy transfer (e.g., AC, DC, wireless).
- (c) For variable service applications, the following information shall be conspicuously displayed or posted on the face of the device:
 - (1) the type of delivery (i.e., variable);
 - (2) the minimum and maximum power transfer that can occur during a transaction, including whether service can be reduced to zero;
 - (3) the condition under which variations in electrical energy transfer will occur; and
 - (4) the type of electrical energy transfer (e.g., AC, DC, wireless).
- (d) Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be displayed.
- (e) The EVSE shall be labeled in accordance with 16 CFR, Part 309 – FTC Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles.
- (f) The EVSE shall be listed and labeled in accordance with the National Electric Code® (NEC) NFPA 70, Article 625 Electric Vehicle Charging Systems (www.nfpa.org).

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

- (a) The electrical energy unit price shall be in terms of price per megajoule (MJ) or kilowatt-hour (kWh) in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119). In cases where the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.
- (b) In cases where more than one electrical energy unit price may apply over the duration of a single transaction to sales to the general public, the terms and conditions that will determine each unit price and when each unit price will apply shall be clearly displayed.
- (c) For fixed service applications, the following information shall be conspicuously displayed or posted:
 - (1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical energy transfer), and
 - (2) the type of electrical energy transfer (e.g., AC, DC, wireless).

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

(1) the type of delivery (i.e., variable);

(2) the minimum and maximum power transfer that can occur during a transaction, including whether service can be reduced to zero;

(3) the conditions under which variations in electrical energy transfer will occur; and

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

Where fees will be assessed for other services in direct connection with the fueling of the vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be included on all street signs or other advertising.

(Added 2013)

3.2. Automotive Gasoline and Automotive Gasoline-Oxygenate Blends.

3.2.1. Posting of Antiknock Index Required – All automotive gasoline and automotive gasoline-oxygenate blends shall post the antiknock index in accordance with applicable regulations, 16 CFR Part 306 issued pursuant to the Petroleum Marketing Practices Act, as amended.

3.2.2. When the Term “Leaded” May be Used. –The term “leaded” shall be used only when the fuel meets specification requirements of paragraph 2.1.5. Minimum Lead Content to be Termed “Leaded.”

3.2.3. Use of Lead Substitute Must be Disclosed. –Each dispensing device from which gasoline or gasoline-oxygenate blends containing a lead substitute is dispensed shall display the following legend: “Contains Lead Substitute.” The lettering of this legend shall not be less than 12.7 mm (½ in) in height and the color of the lettering shall be in definite contrast to the background color to which it is applied.

3.2.4. Nozzle Requirements for Leaded Fuel. –Each dispensing device from which gasoline or gasoline-oxygenate blends that contain lead in amounts sufficient to be considered “leaded” gasoline, or lead substitute engine fuel, is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in).

3.2.5. Prohibition of Terms – It is prohibited to use specific terms to describe a grade of gasoline or gasoline-oxygenate blend unless it meets the minimum antiknock index requirement shown in Table 1. Minimum Antiknock Index Requirements.

<u>Table 1.</u>		
<u>Minimum Antiknock Index Requirements</u>		
<u>Term</u>	<u>Minimum Antiknock Index</u>	
	<u>ASTM D4814 Altitude Reduction Areas IV and V</u>	<u>All Other ASTM D4814 Areas</u>
<u>Premium, Super, Supreme, High Test</u>	<u>90</u>	<u>91</u>
<u>Midgrade, Plus</u>	<u>87</u>	<u>89</u>
<u>Regular Leaded</u>	<u>86</u>	<u>88</u>
<u>Regular, Unleaded (alone)</u>	<u>85</u>	<u>87</u>
<u>Economy</u>	<u>--</u>	<u>86</u>

(Table 1. Amended 1997)

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

(Amended 1996)

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

- (a) Information that complies with 40 CFR § 80.1503 when the fuel contains ethanol.

(Added 2014)

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

(Added 2014)

Gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol.

(Added 2014)

(Amended 1996 and 2014)

3.2.8. EPA Labeling Requirements also Apply. –Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR § 80.1501.

(Added 2012)

3.3. Diesel Fuel.

3.3.1. Labeling of Grade Required – Diesel Fuel shall be identified by grades No. 1-D, No. 2-D, or No. 4-D.

3.3.2. EPA Labeling Requirements Also Apply. –Retailers and wholesale purchaser-consumers of diesel fuel shall comply with EPA pump labeling requirements for sulfur under 40 CFR § 80.570.

3.3.3. Delivery Documentation for Premium Diesel. –Before or at the time of delivery of premium diesel fuel, the retailer or the wholesale purchaser-consumer shall be provided on an invoice, bill of lading, shipping paper, or other documentation a declaration of all performance properties that qualifies the fuel as premium diesel fuel as required in Section 2.2.1. Premium Diesel Fuel.

(Added 1998)(Amended 1999)

3.3.4. Nozzle Requirements for Diesel Fuel. – Each dispensing device from which diesel fuel is sold at retail shall be equipped with a nozzle spout with a diameter that conforms to the latest version of SAE J285, “Dispenser Nozzle Spouts for Liquid Fuels Intended for Use with Spark Ignition and Compression Ignition Engines.” (Enforceable effective July 1, 2013)

(Added 2012)

(Amended 1998, 1999, 2008, and 2012)

3.4. Aviation Turbine Fuels

3.4.1. Labeling of Grade Required. – Aviation turbine fuels shall be identified by Jet A, Jet A 1, or Jet B.

3.4.2. NFPA Labeling Requirements also Apply. – Each dispenser or airport fuel truck dispensing aviation turbine fuels shall be labeled in accordance with the most recent edition of National Fire Protection Association (NFPA 407, Standard for Aircraft Fuel Servicing.

NOTE: For example, NFPA 407, 2007 edition: Section 4.3.18 Product Identification Signs. Each aircraft fuel servicing vehicle shall have a sign on each side and the rear to indicate the product. The sign shall have letters at least 75 mm (3 in) high of color sharply contrasting with its background for visibility. It shall show the word “FLAMMABLE” and the name of the product carried, such as “JET A,” “JET B,” “GASOLINE,” or “AVGAS.” (NOTE: Refer to the most recent edition NFPA 407.)

3.5. Aviation Gasoline

3.5.1. Labeling of Grade Required. – Aviation gasoline shall be identified by Grade 80, Grade 91, Grade 100, or Grade 100LL, or Grade 82UL

(Amended 2008)

3.5.2. NFPA Labeling Requirements also Apply. –Each dispenser or airport fuel truck dispensing aviation gasoline shall be labeled in accordance with the most recent edition of National Fire Protection Association (NFPA) 407, Standard for Aircraft Fuel Servicing.

NOTE: For example, NFPA 407, 2007 edition: Section 4.3.18 Product Identification Signs. Each aircraft fuel servicing vehicle shall have a sign on each side and the rear to indicate the product. The sign shall have letters at least 3 in (75 mm) high of color sharply contrasting with its background for visibility. It shall show the word “FLAMMABLE” and the name of the product carried, such as “JET A,” “JET B,” “GASOLINE,” or “AVGAS.” (NOTE: Refer to the most recent edition NFPA 407.)

3.6. Fuel Oils.

3.6.1. Labeling of Grade Required. –Fuel Oil shall be identified by the grades of No. 1 S500, No. 1 S5000, No. 2 S500, No. 2 S5000, No. 4 (Light), No. 4, No. 5 (Light), No. 5 (Heavy), or No. 6.

(Amended 2008)

3.7. Kerosene (Kerosine)

3.7.1. Labeling of Grade Required. – Kerosene shall be identified by the grades No. 1-K or No. 2-K.

3.7.2. Additional Labeling Requirements – Each retail dispenser of kerosene shall be labeled as 1-K Kerosene or 2-K. In addition, No. 2-K dispensers shall display the following legend:

“Warning - Not Suitable For Use In Unvented Heaters Requiring No. 1-K.”

The lettering of this legend shall not be less than 12.7 mm (½ in) in height by 1.5 mm (1/16 in) stroke; block style letters and the color of lettering shall be in definite contrast to the background color to which it is applied.

3.8. Ethanol Flex Fuel

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

3.8.2. Labeling Requirements.

(a) Ethanol flex fuel with an ethanol concentration no less than 51 and no greater than 83 volume percent shall be labeled “Ethanol Flex Fuel, minimum 51 % ethanol

(b) Ethanol flex fuel with an ethanol concentration less than or equal to 50 volume percent shall be labeled “EXX Flex Fuel, minimum YY % ethanol,” where the XX is the ethanol concentration in volume percent and YY is XX minus five (– 5). The actual ethanol concentration of the fuel shall be XX volume percent plus or minus five (± 5) volume percent.

(Added 2014)

(c) A label shall be posted which states “For Use in Flexible Fuel Vehicles (FFV) Only.” This information shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type at least 12.7 mm (½ in) in height, 1.5 mm (1/16 in) stroke (width of type). A label shall be posted which states, “CHECK OWNER’S MANUAL,” and shall not be less than 6 mm (¼ in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.

(Amended 2007, 2008, and 2014)

3.9. M85 Fuel Methanol.

3.9.1. How to Identify M85 Fuel Methanol. – Fuel methanol shall be identified as M85.

Example:

M85

3.9.2. Retail Dispenser Labeling.

(a) Fuel methanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

Example:

M85 Methanol

(b) A label shall be posted which states “For Use in Vehicles Capable of Using M85 Only.” This information shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type of at least 12.7 mm (½ in) in height, 1.5 mm (1/16 in) stroke (width of type).

(Amended 2008)

3.10. Liquefied Petroleum Gas (LPG).

3.10.1. How LPG is to be Identified. – Liquefied petroleum gases shall be identified by grades Commercial Propane, Commercial Butane, Commercial PB Mixtures or Special-Duty Propane (HD5).

3.10.2. Retail Dispenser Labeling. – Each retail dispenser of LPGs shall be labeled as “Commercial Propane,” “Commercial Butane,” “Commercial PB Mixtures,” or “Special-Duty Propane (HD5).”

3.10.3. Additional Labeling Requirements. – LPG shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

3.10.4. NFPA Labeling Requirements Also Apply. (Refer to the most recent edition of NFPA 58.)

3.11. Compressed Natural Gas (CNG).

3.11.1. How Compressed Natural Gas is to be Identified. – For the purposes of this regulation, compressed natural gas shall be identified by the term “Compressed Natural Gas” or “CNG.”

3.11.2. Retail Sales of Compressed Natural Gas Sold as a Vehicle Fuel.

3.11.2.1. Retail Dispenser Labeling.

3.11.2.1.1. Identification of Product. – Each retail dispenser of CNG shall be labeled as “Compressed Natural Gas.”

3.11.2.1.2. Pressure. – CNG is dispensed into vehicle fuel containers with working pressures of 20 684 kPa (3000 psi), or 24 821 kPa (3600 psi). The dispenser shall be labeled 20 684 kPa (3000 psi), or 24 821 kPa (3600 psi) corresponding to the pressure of the CNG dispensed by each fueling hose.

(Amended 2016)

3.11.2.1.3. NFPA Labeling. – NFPA Labeling requirements also apply. (Refer to NFPA 52.)

3.11.3. Nozzle Requirements for CNG. – CNG fueling nozzles shall comply with ANSI/AGA/CGA NGV 1.

3.12. Liquefied Natural Gas (LNG).

3.12.1. How Liquefied Natural Gas is to be Identified. For the purposes of this regulation, liquefied natural gas shall be identified by the term “Liquefied Natural Gas” or “LNG.”

3.12.2. Labeling of Retail Dispensers of Liquefied Natural Gas Sold as a Vehicle Fuel.

3.12.2.1. Identification of Product. –Each retail dispenser of LNG shall be labeled as “Liquefied Natural Gas.”

3.12.2.2. Automotive Fuel Rating. – LNG automotive fuel shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

3.12.2.3. NFPA Labeling. – NFPA Labeling requirements also apply. (Refer to NFPA 57.)

3.14. Automatic Transmission Fluid

3.14.1. Labeling. –The label on a container of automatic transmission fluid shall not contain any information that is false or misleading. In addition, each container of automatic transmission fluid shall be labeled with the following:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Automatic Transmission Fluid”;
- (d) the duty type of classification; and
- (e) an accurate statement of the quantity of the contents in terms of liquid measure.

3.14.2. Documentation of Claims Made Upon Product Label. –Any manufacturer or packer of any product subject to this article and sold in this state shall provide, upon request of duly authorized representatives of the Director, documentation of any claim made upon their product label.

(Added 2004)

3.15. Biodiesel and Biodiesel Blends

3.15.1. Identification of Product. – Biodiesel shall be identified by the term “biodiesel” with the designation “B100.” Biodiesel blends shall be identified by the term “Biodiesel Blend.”

3.15.2. Labeling of Retail Dispensers.

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

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

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

3.15.2.4. Biodiesel Blends. – When biodiesel blends greater than 20 % by volume are offered by sale, each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that states “Consult Vehicle Manufacturer Fuel Recommendations.”

The lettering of this legend shall not be less than 6 mm (¼ in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.

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

3.15.4. Exemption. – Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are exempted from the requirements of Sections 3.15.1. Identification of Product, 3.15.2. Labeling of Retail Dispensers, and 3.15.3. Documentation for Dispenser Labeling Purposes when it is sold as “diesel fuel” as required in Section 3.3. Diesel Fuel.

(Added 2005)(Amended 2008)

3.16. Diesel Exhaust Fluid (DEF).

3.16.1. Labeling of Diesel Exhaust Fluid (DEF). – DEF shall be labeled

3.16.1.1. Retail Dispenser Labeling. –A label shall be clearly and conspicuously placed on the front panel of the DEF dispenser stating “for operation of selective catalytic reduction (SCR) converters in motor vehicles with diesel engines.”

3.16.1.2. Documentation for Retailers of Bulk Product. –A DEF supplier shall provide, at the time of delivery of the bulk shipment of DEF, identification of the fluid’s origin including the name of the fluid manufacturer, the brand name, trade name, or trademark, and a statement identifying the fluid as DEF conforming to specifications given in the latest version of ISO 22241, “Diesel engines – NOx reduction agent AUS 32.” This information shall be provided by the supplier on an invoice, bill of lading, shipping paper, or other document.

3.16.1.3. Labeling Packaged Product. –Any DEF retail package shall bear a label that includes the name of the fluid manufacturer, the brand name, trade name, or trademark, a statement identifying the fluid as DEF conforming to specifications given in the latest version of ISO 22241, “Diesel engines – NOx reduction agent AUX 32.” And the statement, “It is recommended to store DEF between – 5 °C to 30 °C (23 °F to 86 °F).”

3.16.1.4. Documentation for Bulk Deliveries. –A carrier that transports or accepts for transportation any bulk shipment by tank truck, freight container, cargo tank, railcar, or any other vehicle used to transport or deliver bulk quantities of DEF shall, at the time of delivery of the DEF, provide identification of the fluid’s origin including the name of the fluid manufacturer, the brand name, trade name, or trademark, and a statement identifying the fluid as DEF conforming to specifications given in the latest version of ISO 22241, “Diesel engines – NOx reduction agent AUS 32.” This information shall be provided to the recipient on an invoice, bill of lading, shipping paper, or other document.

Effective date shall be January 1, 2016.

(Added 2014)

2.XX. Transmission Fluid

2.XX.1. Products for Use in Lubricating Transmissions – Transmission fluids shall meet the original equipment manufacturer’s requirements for those transmissions or have demonstrated performance claims to be suitable for use in those transmissions. Where a fluid can be licensed against an original equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable documentation of performance against the specification. In the absence of a license from the original equipment manufacturer, adherence to the original equipment manufacturer’s recommended requirements shall be assessed after testing per relevant methods available to the lubricants industry and the state regulatory agency. Suitability for use claims shall be based upon appropriate field, bench and/or transmission rig testing. Any manufacturer of a transmission fluid making suitable-for-use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director’s office by the additive supplier(s).

2.XX.1.1. Conformance. – Conformance of a fluid per Section 2.XX.1. Products for Use in Lubricating Transmissions does not absolve the obligations of a fluid licensee with respect to the licensing original equipment manufacturer or the original equipment manufacturer’s licensing agent(s), where relevant.

2.XX.1.2. Transmission Fluid Additives. – Any material offered for sale or sold as an additive to transmission fluids shall be compatible with the transmission fluid to which it is added, and shall meet all performance claims as stated on the label or published on any website referenced by the label. Any manufacturer of any such product sold in this state shall provide, upon request by a duly authorized representative of the Director, documentation of any claims made on their product label or published on any website referenced by the label.

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

2.XX.2.1. Container Labeling. – The label on a container of transmission fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of transmission fluid shall be labeled with the following:

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

2.XX.2.2. Identification on Documentation – Transmission fluid sold in bulk shall be identified on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:

- (a) the brand name;

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

(c) the words “Transmission Fluid,” which may be incorporated into a more specific description of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission Fluid”;

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

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

2.XX.2.3. Identification on Service Provider Documentation – Transmission fluid installed from a bulk tank at time of transmission service shall be identified on the customer invoice with the information listed below:

(a) the brand name;

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

(c) the words “Transmission Fluid,” which may be incorporated into a more specific description of transmission type such as “Automatic Transmission Fluid” or “Continuously Variable Transmission Fluid”;

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

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

2.XX.2.4. Bulk Delivery – When the transmission fluid is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the fluid as defined in Section 2.XX.2.2.

2.XX.2.5. Storage Tank Labeling. – Each storage tank of transmission fluid shall be labeled with the following:

(a) the brand name;

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

2.XX.3. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or distributor of any product subject to this article and sold in this state shall provide, upon request of duly authorized representatives of the Director, credible documentation of any claim made upon their product label, including claims made on any website referenced by said label. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by a duly authorized representative of the Director. Supporting data may be supplied directly to the Director’s office by the additive supplier(s).

Section 3. Section 4. General

Background/Discussion: See Appendix A, Page L&R-A13.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Informational Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>Lisa Warfield (NIST Technical Advisor) remarked that there is an editorial change that needs to be made to the proposal:</p> <ul style="list-style-type: none"> - Section 2.XX. Transmission Fluid should read Section 2.14. throughout this section. The 2017 NCWM had adopted language that should replace this information. This will allow the membership to view the latest handbook language. There were several comments heard that this proposal is moving in the right direction and applauds the work that the IFG is doing on this item. However, the SWMA would like to see additional vetting and comments on this item. <p>The SWMA recommends this item proceed through the FALS for a smooth transition for submittal to the L&R.</p>

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-13 Section 2.33. Oil (See related Item New-14)

Source:

Independent Lubricant Manufacturers Association (ILMA) (2018)

Purpose:

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

Item under Consideration:

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

2.33. Oil.

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

2.33.1.1. Viscosity Grade. – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank, and any invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank, shall contain the viscosity grade classification preceded by the letters “SAE” in accordance with SAE International’s latest version of SAE J300, “Engine Oil Viscosity Classification.” Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation. Where possible in the available space, invoices and receipts shall also display the SAE Viscosity Grade (see Note).

2.33.1.1.1. Most modern engine oil specifications are for multigrade products, and their SAE viscosity grade must appear in the form SAE XXW-YY. The use of “SAE” and of the hyphen

are mandatory. Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation.

2.33.1.1.2. Engine oils marketed under obsolete API Categories SA and SB shall not be described as multigrades.

NOTE: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters "SAE" may be omitted from the viscosity classification.

(Note added 2014)

(Amended 2014)

2.33.1.2. Brand. – The label on any vehicle engine (motor) oil container and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle engine (motor) oil.

(Amended 2014)

Note: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters "SAE" may be omitted from the viscosity classification.

2.33.1.3. Engine Service Category. – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain ~~the at least one~~ engine service category, ~~or categories~~, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined by the latest version of SAE J183, "Engine Oil Performance and Engine Service Classification (Other than "Energy Conserving")," API Publication 1509, "Engine Oil Licensing and Certification System," European Automobile Manufacturers Association (ACEA), "European Oil Sequences," or other Vehicle or Engine Manufacturer standards as approved in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard. **Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation.**

(Amended 2014 ~~and 20XX~~)

2.33.1.3.1. Vehicle or Engine Manufacturer Standard. – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in letters not less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets an active vehicle or engine manufacturer standard, the label must clearly identify that the oil is only intended for use where specifically recommended by the vehicle or engine manufacturer. **Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation.**

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

2.33.1.3.2. Inactive or Obsolete Service Categories. – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, Appendix A, whenever the vehicle engine (motor) oil in the container or in bulk does not meet an active API service category as defined by the latest version of SAE J183, "Engine Oil Performance and Engine Service Classification (Other than "Energy Conserving")." ~~If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the~~

labeling requirements in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies. Marketing of engine oils corresponding to obsolete performance categories as defined in SAE J183 is expressly forbidden, except for antique vehicles requiring non-detergent motor oils corresponding to API Categories SA or SB. Marketers and/or Retailers of products corresponding to API performance categories SA and SB must take judicious steps to ensure that these products are targeted to the engines intended to receive these materials. Such steps should include confinement of these products away from retail shelves featuring engine oils meeting current performance categories. Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation. Beyond product controls, the minimum labeling standard for compliance with this requirement requires the marketer to print one of the following statements, in accordance with the Category claimed, in letters not less than 6.35 mm (1/4 in) in height on the front label of any product marketed under API categories SA and SB:

(Amended 2014, 20XX)

2.33.1.3.2.a API SA Category. – WARNING: THIS PRODUCT IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1930.

2.33.1.3.2.b API SB Category: – WARNING: THIS PRODUCT IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1951.

2.33.1.3.3. In addition to the minimum labeling standard described in 2.33.1.3.2, marketers shall include the full language expressing Category obsolescence in the latest edition of SAE J183 at time of manufacture.

2.33.1.3.3.a. API SA engine oils should bear the following text on the rear label, in letters not less than 3.18 mm (1/8 in) in height:

CAUTION: THIS OIL IS RATED API SA. IT CONTAINS NO ADDITIVES. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1930. USE IN MODERN ENGINES MAY CAUSE UNSATISFACTORY ENGINE PERFORMANCE OR EQUIPMENT HARM.

2.33.1.3.3.b. API SB engine oils should bear the following text on the rear label, in letters not less than 3.18 mm (1/8 in) in height:

CAUTION: THIS OIL IS RATED API SB AND IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1951. USE IN MORE MODERN ENGINES MAY CAUSE UNSATISFACTORY PERFORMANCE OR EQUIPMENT HARM.

2.33.1.3.4 Motorcycles, where wet clutches are present in the design, may not operate properly with highly friction-modified engine oils. As a result, motorcycle OEMs may recommend obsolete category oils in an attempt to avoid friction-modified formulations. Frequently, such recommendations are for “API SG” performance levels. All engine oils intended for the motorcycle market, claiming obsolete categories as defined within SAE J183, must be clearly identified “WARNING: FOR MOTORCYCLE USE ONLY” on the front label, in letters not less than 6.35 mm (1/4”) in height.

2.33.1.3.5. If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard apply.

2.33.1.4. Tank Trucks or Rail Cars. – Tank trucks, rail cars, and other types of delivery trucks that are used to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service category or categories on such tank trucks, rail cars, and other types of delivery trucks. **However, their bill of lading must clearly identify the product present in each compartment per 2.33.1.1.**

(Amended 2013, ~~and 2014~~ and 20XX)

2.33.1.5. Documentation. – When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the quantity of bulk engine (motor) oil delivered as defined in Sections 2.33.1.1. Viscosity; 2.33.1.2. Brand; 2.33.1.3. Engine Service Category; the name and address of the seller and buyer; and the date and time of the sale. For inactive or obsolete service categories, the documentation shall also bear a plainly visible cautionary statement as required in Section 2.33.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a period of not less than one year.

(Added 2013) (Amended 2014)

(Added 2012) (Amended 2013 and 2014)

Background/Discussion: See Appendix A, Page L&R-A14.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>Kevin Ferrick provided a presentation on behalf of ILMA. The NIST Technical Advisor remarked that parts of the proposal do not follow the HB130 formatting structure. She will work with the submitter on formatting prior to the 2018 NCWM Interim Meeting.</p>

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2307 NIST HANDBOOK 130 – UNIFORM ENGINE FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

New-15 Sections 1.12. Compressed Natural Gas (CNG), 1.14. Diesel Exhaust Fluid (DEF), 1.26. Gasoline Gallon Equivalent (GGE), 1.XX. Diesel Gallon Equivalent (DGE), and 1.36. Liquefied Natural Gas Equivalent (LNG)

Source:

Archer Daniels Midland Company (2018)

Purpose:

To harmonize the definitions for natural gas fuels and diesel exhaust fluid in the Uniform Engine Fuels and Automotive Lubricants Regulation with the definitions in the Uniform Regulation for the Method of Sale of Commodities.

Item under Consideration:

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

1.12. Compressed Natural Gas (CNG). – ~~Natural gas which has been compressed and dispensed into fuel storage containers and is suitable for use as an engine fuel.~~ A gaseous fuel composed primarily of methane that is suitable for compression and dispensing into a fuel storage container(s) for use as an engine fuel.

(Amended 20XX)

1.14. Diesel Exhaust Fluid (DEF). – A preparation of aqueous urea [(NH₂)₂CO], containing 32.5 % by mass of technically-pure urea in high-purity water with quality characteristics defined by the latest version of ISO 22241, “Diesel engines - NO_x reduction agent AUS_2132.”

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

(Amended 20XX)

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

(Added 20XX)

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

(Amended 20XX)

Background/Discussion: See Appendix A, Page L&R-A14.

SWMA Report
Regional recommendation to NCWM on item status: <ul style="list-style-type: none"> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Informational Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)
<p>Lisa Warfield (NIST Technical Advisor) remarked that there was a typographical error in NIST Handbook 130 that has been corrected for Section 1.14. Section 1.14 is no longer required to be part of this proposal. Section 1.14. Diesel Exhaust Fluid (DEF) should be stricken from this proposal and a title correction is required for this proposal. The SWMA recommends this item proceed through the FALS for a smooth transition for submittal to the L&R.</p>

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

**New-14 Sections 1.43. Motor Oil, 1.44. Racing Oil, 3.13. Oil and 7.2. Reproducibility Limits.
(See related item New-13)**

Source:

Independent Lubricant Manufacturers Association (ILMA) (2018)

Purpose:

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

Item under Consideration:

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

1.43. Motor Oil. – An oil that reduces friction and wear between the moving parts within a reciprocating internal combustion engine and also serves as a coolant. For the purposes of this regulation, “vehicle motor oil” refers to motor oil which is intended for use in light- to heavy-duty vehicles including cars, sport utility vehicles, vans, trucks, buses, and off-road farming and construction equipment. ~~For the purposes of this regulation, “recreational motor oil” refers to motor oil which is intended for use in four-stroke cycle engines used in motorcycles, ATVs, and lawn and garden equipment. For the purposes of this regulation, motor oil also means engine oil.~~

(Added 2004, Amended 20XX)

1.43.1. For the purposes of this regulation, “recreational motor oil” refers to motor oil which is intended for use in four-stroke cycle engines used in motorcycles (including minibikes and “dirt bikes”), ATVs, golf carts or other self-propelled vehicles that are not passenger cars.

1.43.2. For the purposes of this legislation, “non-transportation motor oil” refers to motor oil which is intended for use in stationary engines (such as those used in generators) and lawn and garden equipment. In particular, monograde products falling under the description of “non-transportation motor oil” (most commonly for lawn and garden equipment) shall be labelled with the following cautionary statement, in letters not less than 6.35 mm (1/4 in) in height:

WARNING: THIS PRODUCT IS GENERALLY NOT RECOMMENDED FOR USE IN GASOLINE-FUELED PASSENGER CAR ENGINES.

1.43.3. Some of the engines and vehicles described in 1.43.1 and 1.43.2 (such as riding lawnmowers “dirt bikes” and golf carts) may occasionally cross, or briefly transit on, public roads, but should not be construed as passenger vehicles for the purpose of this legislation. Thus, their engine oils are exempt from the requirement of featuring at least one active performance category or OEM credential. However, recreational motor oils and non-transportation motor oils shall be labelled with the following cautionary statement, in letters not less than 6.35 mm (1/4 in) in height:

WARNING: THIS PRODUCT IS NOT RECOMMENDED FOR USE IN GASOLINE-FUELED PASSENGER CAR ENGINES. IT IS INTENDED FOR USE IN RECREATIONAL (SUCH AS ATV) OR WORKING EQUIPMENT (SUCH AS GARDEN EQUIPMENT) APPLICATIONS.

1.44. Racing Oil. -- An oil that reduces friction and wear between the moving parts within a reciprocating internal combustion engine and also serves as a coolant. For the purposes of this regulation, “racing oil” refers to motor oil which is intended for use in high-performance engines used in vehicles whose primary function excludes the transport of persons on public roads and highways. The vehicles requiring racing

oils are generally race cars, dragsters, hot rods, funny cars and other vehicles modified for racing and/or spectator performance. The engines in such vehicles are often modified from standard OEM production, operated on fuels other than retail gasoline, and/or custom-built, and so Racing Oils are exempt from the requirement of featuring at least one active performance category or OEM credential. However, racing oils shall be labelled with the following cautionary statement, in letters not less than 6.35 mm (1/4 in) in height:

WARNING: THIS PRODUCT IS NOT RECOMMENDED FOR USE IN GASOLINE-FUELED PASSENGER CAR ENGINES. IT IS INTENDED FOR USE IN RACING APPLICATIONS.

(Renumber sections that follow)

And:

3.13. Oil.

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

3.13.1.1. Viscosity. – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the viscosity grade classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of SAE J300, “Engine Oil Viscosity Classification.” **Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation. Where possible in the available space, invoices and receipts shall also display the SAE Viscosity Grade (see Note).**

(Amended 2012, ~~and~~ 2014 and 20XX)

3.13.1.1.1 Most modern engine oil specifications are for multigrade products, and their SAE viscosity grade must appear in the form SAE XXW-YY. The use of “SAE” and of the hyphen are mandatory. Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation.

3.13.1.1.2 Engine oils marketed under obsolete API Categories SA and SB shall not be described as multigrades.

Note: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters “SAE” may be omitted from the viscosity classification.

3.13.1.2. Brand. – The label on any vehicle engine (motor) oil container and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle engine (motor) oil.

(Added 2012 and 2014)

Note: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters “SAE” may be omitted from the viscosity classification.

3.13.1.3. Engine Service Category. – The label on any vehicle engine (motor) oil container, receptacle, dispenser or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain ~~that least one active~~ engine service category, ~~or categories~~, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy Conserving”)” API

Publication 1509, “Engine Oil Licensing and Certification System,” European Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other “Vehicle or Engine Manufacturer Standards” as provided in Section 3.13.1.3.1. **Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation.**

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

3.13.1.3.1. Vehicle or Engine Manufacturer Standard. – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in letters not less than 3.18 mm (¹/₈ in) in height. If the vehicle (motor) oil only meets a vehicle or engine manufacturer standard, the label must clearly identify that the oil is only intended for use where specifically recommended by the vehicle or engine manufacturer. **Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation.**

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

3.13.1.3.2. Inactive or Obsolete Service Categories. – The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy Conserving”)” Appendix A, whenever the vehicle engine (motor) oil in the container or in bulk does not meet an active API service category as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy Conserving”).” ~~If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements in Section 3.13.1.3.1. Vehicle or Engine Manufacturer Standard applies. Marketing of engine oils corresponding to obsolete performance categories as defined in SAE J183 is expressly forbidden, except for antique vehicles requiring non-detergent motor oils corresponding to API Categories SA or SB. Marketers and/or Retailers of products corresponding to API performance categories SA and SB must take judicious steps to ensure that these products are targeted to the engines intended to receive these materials. Such steps should include confinement of these products away from retail shelves featuring engine oils meeting current performance categories. Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation. Beyond product controls, the minimum labeling standard for compliance with this requirement requires the marketer to print one of the following statements, in accordance with the Category claimed, in letters not less than 6.35 mm (1/4 in) in height on the front label of any product marketed under API categories SA and SB:~~

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

3.13.1.3.2.a API SA Category. – Warning: This product IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1930.

3.13.1.3.2.b API SB Category: – Warning: This product IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1951.

3.13.1.3.3. In addition to the minimum labeling standard described in 3.13.1.3.2, marketers shall include the full language expressing Category obsolescence in the latest edition of SAE J183 at time of manufacture.

3.13.1.3.3.a API SA engine oils should bear the following text on the rear label, in letters not less than 3.18 mm (1/8 in) in height:

CAUTION: THIS OIL IS RATED API SA. IT CONTAINS NO ADDITIVES. IT IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1930. USE IN MODERN ENGINES MAY CAUSE UNSATISFACTORY ENGINE PERFORMANCE OR EQUIPMENT HARM.

3.13.1.3.3.b API SB engine oils should bear the following text on the rear label, in letters not less than 3.18 mm (1/8 in) in height:

CAUTION: THIS OIL IS RATED API SB AND IS NOT SUITABLE FOR USE IN MOST GASOLINE-POWERED AUTOMOTIVE ENGINES BUILT AFTER 1951. USE IN MORE MODERN ENGINES MAY CAUSE UNSATISFACTORY PERFORMANCE OR EQUIPMENT HARM.

3.13.1.4 If a vehicle engine (motor) oil is identified as only meeting an active vehicle or engine manufacturer standard, the labeling requirements in Section 3.13.1.3.1. Vehicle or Engine Manufacturer Standard apply.
(Added 2012)(Amended 2014)

3.13.1.5 For the purposes of this regulation, “Racing oil” refers to motor oil which is intended for use in high-performance engines used in vehicles whose primary function excludes the transport of persons on public roads and highways. The vehicles requiring racing oils are generally race cars, dragsters, hot rods, funny cars and other vehicles modified for racing and/or spectator performance. The engines in such vehicles are often modified from standard OEM production, operated on fuels other than retail gasoline, and/or custom-built, and so Racing Oils are exempt from the requirement of featuring at least one active performance category or OEM credential. However, racing oils shall be labelled with the following cautionary statement, in letters not less than 6.35 mm (1/4 in) in height:

Warning: This product is not recommended for use in gasoline-fueled passenger car engines. It is intended for use in racing applications.

3.13.1.6 Motorcycles, where wet clutches are present in the design, may not operate properly with highly friction-modified engine oils. As a result, motorcycle OEMs may recommend obsolete category oils in an attempt to avoid friction-modified formulations. Frequently, such recommendations are for “API SG” performance levels. All engine oils intended for the motorcycle market, claiming obsolete categories as defined within SAE J183, must be clearly identified “WARNING: For motorcycle use only” on the front label, in letters not less than 6.35 mm (1/4”)in height.

3.13.1.6.1. If a vehicle engine (motor) oil is identified as only meeting a vehicle or engine manufacturer standard, the labeling requirements in Section 3.13.1.3.1. Vehicle or Engine Manufacturer Standard apply.

3.13.1.67. Tank Trucks or Rail Cars.22T – Tank trucks, rail cars, and other types of delivery trucks that are used to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service category or categories on such tank trucks, rail cars, and other types of delivery trucks. However, their bill of lading must clearly identify the product present in each compartment so as to satisfy the requirements of 3.13.1.7.
(Added 2012)(Amend 2013 and 2014)

3.13.1.78. Documentation.22T – When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the quantity of bulk engine (motor) oil delivered as defined in Sections 3.13.1.1. Viscosity; 3.13.1.2. Brand; 3.13.1.3. Engine Service Category; the name and address of the seller and buyer; and the date and time of the sale. For inactive or obsolete service categories API SA or SB, the

documentation shall also bear a plainly visible cautionary statement as required in Section 3.13.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a period of not less than one year.

(Added 2013) (Amended 2014)

(Amended 2012, 2013, and 2014)

3.13.1.4. Tank Trucks or Rail Cars. – Tank trucks, rail cars, and types of delivery trucks that are used to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service category or categories on such tank trucks, rail cars, and other types of delivery trucks.

(Added 2012) (Amend 2013 and 2014)

3.13.1.5. Documentation. – When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the quantity of bulk engine (motor) oil delivered as defined in Sections 3.13.1.1. Viscosity; 3.13.1.2. Brand; 3.13.1.3. Engine Service Category; the name and address of the seller and buyer; and the date and time of the sale. For inactive or obsolete service categories, the documentation shall also bear a plainly visible cautionary statement as required in Section 3.13.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a period of not less than one year.

(Added 2013) (Amended 2014)

(Amended 2012, 2013, and 2014)

3.13.2. Labeling of Recreational Motor Oil.

3.13.2.1. Viscosity. – ~~The label on each container of recreational motor oil shall contain the viscosity grade classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of SAE J300, “Engine Oil Viscosity Classification.” The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the viscosity grade classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of SAE J300, “Engine Oil Viscosity Classification.” Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation. Where possible in the available space, invoices and receipts shall also display the SAE Viscosity Grade (see Note).~~

Note: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters “SAE” may be omitted from the viscosity classification.

3.13.2.2. Intended Use. – The label on each container of recreational motor oil shall contain a statement of its intended use, ~~in accordance with the latest version of SAE J300, “Engine Oil Viscosity Classification.” Where the intended use is not the lubrication of modern passenger car engines, a cautionary statement warning the consumer that the product is not recommended for typical passenger car engines must appear on the label. Containers used in retail trade (such as bottles, jugs, pails, drums) are explicitly targeted by this legislation. Where possible in the available space, invoices and receipts shall also display the SAE Viscosity Grade (see Note). In particular, monograde products falling under the description of “recreational motor oil” (most commonly for lawn and garden equipment) shall be labelled with the following cautionary statement, in letters not less than 3.18 mm (1/8 in) in height:~~

Warning: This product is GEneraly not recommended for use in gasoline-fueled passenger car engines.

Note: If an invoice or receipt from service on an engine has limited room for identifying the viscosity, brand, and service category, then abbreviated versions of each may be used on the invoice or receipt and the letters “SAE” may be omitted from the viscosity classification

And:

7.2. Reproducibility Limits.

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

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

(Amended 2008)

7.2.3. SAE Viscosity Grades for Engine Oils. – All values are critical specifications as defined in the latest version of ASTM D3244, “Standard Practice for Utilization of Test Data to Determine Conformance with Specifications.” **All values, with the exception of the low-temperature cranking viscosity, are critical specifications as defined by ASTM D3244 (see text, Section 7). ASTM D5293: Cranking viscosity – The non-critical specification protocol in ASTM D3244 shall be applied with a P value of 0.95. ASTM D4684: Note that the presence of any yield stress detectable by this method constitutes a failure regardless of viscosity.** The product shall be considered to be in conformance if the Assigned Test Value (ATV) is within the specification.

(Added 2008)

Background/Discussion: See Appendix A, Page L&R-A14.

SWMA Report
Regional recommendation to NCWM on item status: <ul style="list-style-type: none"> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Informational Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>) Kevin Ferrick provided a presentation on behalf of ILMA. The NIST Technical Advisor remarked that parts of the proposal do not follow the HB130 formatting structure. She will work with the submitter on formatting prior to the 2018 NCWM Interim Meeting.

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-6 Section 3. Classification and Method of Sale of Petroleum Products (See related item New-5)

Source:

Archer Daniels Midland Corporation (2018)

Purpose:

To consolidate the method of sale information for fuels, lubricants and automotive products into one regulation in Handbook 130.

Item under Consideration:

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

Section 3. Classification and Method of Sale of Petroleum Products

3.1. General Considerations.

~~3.1.1. Classification and Method of Sale of Fuels of Petroleum Products – The classification and method of sale requirements set forth in the NIST Handbook 130, Uniform Regulation for the Method of Sale of Commodities Section 3. Classification and Method of Sale of Fuels, Lubricants and Automotive Products is incorporated into this section by reference. Documentation. When products regulated by this rule are sold, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery other than a retail sale. This document must identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, and oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. Documentation must be retained at the retail establishment for a period not less than one year.~~

~~(Amended 2008)~~

~~3.1.2. Retail Dispenser Labeling. All retail dispensing devices must identify conspicuously the type of product, the particular grade of the product, and the applicable automotive fuel rating.~~

~~3.1.3. Grade Name. The sale of any product under any grade name that indicates to the purchaser that it is of a certain automotive fuel rating or ASTM grade shall not be permitted unless the automotive fuel rating or grade indicated in the grade name is consistent with the value and meets the requirements of Section 2, Standard Fuel Specifications.~~

And delete the following sections in their entirety:

~~3.2. Automotive Gasoline and Automotive Gasoline-Oxygenate Blends.~~

~~3.3. Diesel Fuel.~~

~~3.4. Aviation Turbine Fuels.~~

~~3.5. Aviation Gasoline.~~

~~3.6. Fuel Oils.~~

~~3.7. Kerosene (Kerosine).~~

~~3.8. Ethanol Flex Fuel.~~

~~3.9. M85 Fuel Methanol.~~

~~3.10. Liquefied Petroleum Gas (LPG).~~

~~3.11. Compressed Natural Gas (CNG).~~

~~3.12. Liquefied Natural Gas (LNG).~~

~~3.13. Oil.~~

~~3.14. Transmission Fluid.~~

~~3.15. Biodiesel and Biodiesel Blends.~~

~~3.16. Diesel Exhaust Fluid (DEF).~~

Background/Discussion: See Appendix A, Page L&R-A14.

SWMA Report
Regional recommendation to NCWM on item status: <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>) There were several comments heard that this proposal is moving in the right direction and applauds the work of the IFG. However, the SWMA would like to see additional vetting and comments on this item. The SWMA recommends this item proceed through the FALS for a smooth transition for submittal to the L&R.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2307-2 **Section 3.28. EPA Labeling Requirements Also Apply and Section 3.8. Ethanol Flex Fuel (See related item 2302-7)**

Source:

KMoore Consulting LLC (2017)

Purpose:

Align the ethanol labeling language with the recently released Federal Trade Commission updates to 16 CFR Part 306 on the Automotive Fuel Rating Rule as it pertains to ethanol fuel blend rating, labeling on retail dispensers, certification and recordkeeping requirements.

Item under Consideration:

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

3.2.8. EPA Labeling Requirements Also Apply – Retailers and wholesale purchaser-consumer of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (V%) up to 15 volume percent (V%) ethanol (E15) under 40 CFR § 80.1501 (for additional information refer to Section 3.8.2. Labeling Requirements).

3.8. Ethanol Flex Fuel.

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

3.8.2. Labeling Requirements.

- (a) Ethanol flex fuel ~~with an ethanol concentration no less than 51 and no greater than 83 volume percent shall be labeled “Ethanol Flex Fuel, minimum 51 % ethanol.”~~ shall be identified and labeled in accordance with the Federal Trade Commission Automotive Fuel Ratings.

Certification and Posting Rule, 16 CFR Part 306, as amended (for additional information refer to Section 3.2.8. EPA Labeling Requirements Also Apply).

(Amended 20XX)

- (b) ~~Ethanol flex fuel with an ethanol concentration less than or equal to 50 volume percent shall be labeled “EXX Flex Fuel, minimum YY % ethanol,” where the XX is the ethanol concentration in volume percent and YY is XX minus five (= 5). The actual ethanol concentration of the fuel shall be XX volume percent plus or minus five (\pm 5) volume percent.~~

~~(Added 2014)~~

- (c) ~~A label shall be posted which states “For Use in Flexible Fuel Vehicles (FFV) Only.” This information shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type at least 12.7 mm (. in) in height, 1.5 mm ($\frac{1}{16}$ in) stroke (width of type). A label shall be posted which states, “CHECK OWNER’S MANUAL,” and shall not be less than 6 mm (. in) in height by 0.8 mm ($\frac{1}{32}$ in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.~~

~~(Amended 2007, 2008, and 2014, and 20XX)~~

Background/Discussion: See Appendix A, Page L&R-A 14.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Informational Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>Russ Lewis spoke on behalf of API and remarked that the modifications simply point out the fact that the EPA requires their labeling for any fuel containing between 10% and 15% volume ethanol. Additionally, the proposed modifications point out the discrepancy between EPA and FTC categorization on E15 fuels and are designed to keep NIST HB 130 Sections B and G synchronized.</p> <p>The latest guidance from U.S. EPA on the issue of using Flex-Fuel labeling to sell E15 was published in the FRN within the preamble to the proposed rule update for renewable fuels. The proposed rule is published here: https://www.federalregister.gov/documents/2016/11/16/2016-25292/renewables-enhancement-and-growth-support-rule. Mr. Lewis submitted supporting documents to the SWMA L&R and will be forwarding to the NCWM for posting at the national level.</p> <p>Several comments were heard but there was no consensus on how to proceed. The SWMA is recommending that this item proceed through FALS for additional consideration.</p>

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-17 Sections 1. Definitions, 2.1. Gasoline and Gasoline Oxygenate Blends, 2.7. Denatured Fuel Ethanol. 3.2. Automotive Gasoline and Automotive Gasoline Oxygenate Blends and 4. Retail Storage Tanks and Dispenser Filters (See related Item New-16)

Source:

Archer Daniels Midland Company (2018)

Purpose:

Harmonize terminology in Handbook 130 related to ethanol containing fuels with federal regulations and add references to federal regulations in section G Uniform Engine Fuels and Automotive Lubricants Regulation.

Item under Consideration:

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

Section 1. Definitions

1.5. Automotive Gasoline, ~~Automotive Gasoline-Oxygenate Blend.~~ – A type of fuel, which may or may not contain oxygenates, suitable for use in spark-ignition automobile engines and also commonly used in marine and non-automotive applications. (See 40 CFR 80.2(c) and 16 CFR 306.0(i)(1))

(Amended 20XX)

1.8. Base Gasoline. ~~— All components other than ethanol in a blend of gasoline and ethanol.~~

1.13. Denatured Fuel Ethanol. – An ethanol blend component for use in gasoline-~~ethanol blends~~ and ethanol flex fuel. The ethanol is rendered unfit for beverage use by the addition of denaturants under formulas approved by the Alcohol and Tobacco Tax and Trade Bureau (TTB) (www.ttb.gov), ~~by the latest version of ASTM D4806, “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark Ignition Engine Fuel” describes the acceptable denaturants for denatured fuel ethanol to be blended into spark ignition engine fuels.~~ (See 27 CFR parts 19 and 21 and 40 CFR 80.2(vv))

(Amended 2014 and 20XX)

1.20. Ethanol. – Also known as “ethyl alcohol.” Ethanol is provided in gasoline-~~ethanol blends~~ by blending denatured fuel ethanol. See Section 1.13. Denatured Fuel Ethanol.

(Amended 2014 and 20XX)

1.21. Ethanol Flex Fuel. – Blends of ethanol and hydrocarbons, containing more than 10 percent but not greater than 83 percent ethanol by volume, restricted for use as fuel in ground vehicles equipped with flexible-fuel spark-ignition engines. (See 16 CFR 306.0(o))

(Amended 2014 and 20XX)

1.24. Gasoline. – A volatile mixture, which may or may not contain oxygenates, of liquid hydrocarbons generally containing small amounts of additives suitable for use as a fuel in a spark-ignition internal combustion engine. (See 40 CFR 80.2(c) and 16 CFR 306.0(i)(1))

(Amended 20XX)

1.25. Gasoline-Alcohol Blend. ~~— A fuel consisting primarily of gasoline and a substantial amount (more than 0.35 mass percent of oxygen, or more than 0.15 mass percent of oxygen if methanol is the only oxygenate) of one or more alcohols.~~

1.28. Oxygenated Gasoline-Oxygenate Blend. – A ~~fuel consisting primarily of~~ gasoline containing a measurable amount along with a substantial amount (more than 0.35 mass percent of oxygen, or more than 0.15 mass percent of oxygen if methanol is the only oxygenate) of one or more oxygenates. (See 40 CFR 80.2(rr))

(Amended 20XX)

1.34. Lead Substitute Engine Fuel. – For labeling purposes, a gasoline ~~or gasoline-oxygenate blend~~ that contains a “lead substitute”.

(Amended 20XX)

1.35. Leaded. – For labeling purposes, any gasoline ~~or gasoline-oxygenate blend~~ which contains more than 0.013 g of lead per liter (0.05 g lead per U.S. gal). *NOTE: EPA defines leaded fuel as one which contains more than 0.0013 g of phosphorus per liter (0.005 g per U.S. gal), or any fuel to which lead or phosphorus is intentionally added.*

(Amended 20XX)

1.48. Reformulated Gasoline (RFG). – A gasoline ~~or gasoline-oxygenate blend~~ certified to meet the specifications and emission reduction requirements established by the Clean Air Act Amendments of 1990, as amended by the Energy Policy Act of 2005, required to be sold for use in automotive vehicles in extreme and severe ozone nonattainment areas and those areas which opt to require reformulated gasoline. (See 40 CFR 80.2(ee))

(Amended 2008 and 20XX)

1.53. Unleaded. – When used in conjunction with “engine fuel” or “gasoline” means any gasoline ~~or gasoline-oxygenate blend~~ to which no lead or phosphorus compounds have been intentionally added and which contains not more than 0.013 g of lead per liter (0.05 g lead per U.S. gallon) and not more than 0.0013 g of phosphorus per liter (0.005 g phosphorus per U.S. gallon). (See 40 CFR 80.2(g))

(Amended 20XX)

Section 2. Standard Fuel Specifications

2.1. Gasoline ~~and Gasoline-Oxygenate Blends.~~

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

(Added 2009, amended 20XX)

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

~~(a) The maximum vapor pressure shall not exceed the ASTM D4814 limits by more than:~~

~~(1) 1.0 psi for blends containing 9 to 10 volume percent ethanol from June 1 through September 15.~~

~~(2) 1.0 psi for blends containing one or more volume percent ethanol for volatility classes A, B, C, D from September 16 through May 31.~~

~~(3) 0.5 psi for blends containing one or more volume percent ethanol for volatility Class E from September 16 through May 31.~~

~~The vapor pressure exceptions in subsections 2.1.2. Gasoline Ethanol Blends will remain in effect until May 1, 2017, or until ASTM incorporates changes to the vapor pressure maximums for ethanol blends, whichever occurs earlier. (Effective July 28, 2016)~~

(Amend 2016 and 20XX)

~~NOTE 1: The temperature values (e.g., 54 °C, 50. °C, 41.5 °C) are presented in the format prescribed in ASTM E29 “Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications.”~~

~~NOTE 2: The values shown above appear only in U.S. customary units to ensure that the values are identical to those in ASTM standards and the Environmental Protection Agency regulation.~~

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

2.1.3. Minimum Antiknock Index (AKI). – The AKI shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation; (See 16 CFR 306)

(Amended 20XX)

2.1.4. Minimum Motor Octane Number. – The minimum motor octane number shall not be less than 82 for gasoline with an AKI of 87 or greater;

2.1.5. Minimum Lead Content to Be Termed “Leaded.” – Gasoline ~~and gasoline-oxygenate blends~~ sold as “leaded” shall contain a minimum of 0.013 g of lead per liter (0.05 g per U.S. gallon);

(Amended 20XX)

2.1.6. Lead Substitute Gasoline. – Gasoline ~~and gasoline-oxygenate blends~~ sold as “lead substitute” gasoline shall contain a lead substitute which provides protection against exhaust valve seat recession equivalent to at least 0.026 g of lead per liter (0.10 g per U.S. gallon).

(Amended 20XX)

2.1.6.1. Documentation of Exhaust Valve Seat Protection. – Upon the request of the Director, the lead substitute additive manufacturer shall provide documentation to the Director that demonstrates that the treatment level recommended by the additive manufacturer provides protection against exhaust valve seat recession equivalent to or better than 0.026 g/L (0.1 g/gal) lead. The Director may review the documentation and approve the lead substitute additive before such additive is blended into gasoline. This documentation shall consist of:

(a) test results as published in the Federal Register by the EPA Administrator as required in Section 211(f)(2) of the Clean Air Act; or

(b) until such time as the EPA Administrator develops and publishes a test procedure to determine the additive’s effectiveness in reducing valve seat wear, test results and description of the test procedures used in comparing the effectiveness of 0.026 g per liter lead and the recommended treatment level of the lead substitute additive shall be provided.

2.1.7. Blending. – Leaded, lead substitute, and unleaded ~~oxygenated~~ gasoline ~~oxygenate blends~~ shall be blended according to the EPA “substantially similar” rule or an EPA waiver for unleaded fuel.

(Amended 20XX)

(Amended 2009 and 20XX)

2.7. Denatured Fuel Ethanol. – Intended for a blend component for gasoline ~~blending with gasoline~~ shall meet the latest version of ASTM D4806, “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

(Amended 2014 and 20XX)

Section 3. Classification and Method of Sale of Petroleum Products

3.2. Automotive Gasoline ~~and Automotive Gasoline-Oxygenate Blends.~~

3.2.1. How to Identify Gasoline. – All fuels sold as Gasoline shall be identified as Gasoline along with the grade name and automotive fuel rating.

3.2.12. Posting of Antiknock Index Required. – All automotive gasoline ~~and automotive gasoline-oxygenate blends~~ shall post the antiknock index in accordance with applicable regulations, 16 CFR Part 306 issued pursuant to the Petroleum Marketing Practices Act, as amended.

(Amended 20XX)

3.2.23. When the Term “Leaded” May be Used. – The term “leaded” shall be used only when the fuel meets specification requirements of paragraph 2.1.5. Minimum Lead Content to be Termed “Leaded.”

3.2.34. Use of Lead Substitute Must be Disclosed. – Each dispensing device from which gasoline ~~or gasoline-oxygenate blends~~ containing a lead substitute is dispensed shall display the following legend: “Contains Lead Substitute.” The lettering of this legend shall not be less than 12.7 mm (½ in) in height and the color of the lettering shall be in definite contrast to the background color to which it is applied.

(amended 20XX)

3.2.45. Nozzle Requirements for Leaded Fuel. – Each dispensing device from which gasoline ~~or gasoline-oxygenate blends~~ that contain lead in amounts sufficient to be considered “leaded” gasoline, or lead substitute engine fuel, is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in). (See 40 CFR 80.24)

(Amended 20XX)

3.2.56. Prohibition of Terms. – It is prohibited to use specific terms to describe a grade of gasoline ~~or gasoline-oxygenate blend~~ unless it meets the minimum antiknock index requirement shown in Table 1. Minimum Antiknock Index Requirements.

Table 1. Minimum Antiknock Index Requirements		
Term	Minimum Antiknock Index	
	ASTM D4814 Altitude Reduction Areas IV and V	All Other ASTM D4814 Areas
Premium, Super, Supreme, High Test	90	91
Midgrade, Plus	87	89

Regular Leaded	86	88
Regular, Unleaded (alone)	85	87
Economy	--	86

(Table 1. Amended 1997)

(Amended 20XX)

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

(Amended 1996 and 20XX)

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

- (a) Information that compiles with 40 CFR § 80.1503 when the fuel contains ethanol.

(Added 2014)

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

(Added 2014)

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

(Added 2014)

(d) A certification of the automotive fuel rating. (see 16 CFR 306.6)

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

3.2.89. EPA Labeling Requirements also Apply. – Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR § 80.1501.

(Added 2012, amended 20XX)

Section 4. Retail Storage Tanks and Dispenser Filters

4.1. Water in Gasoline ~~containing ethanol-Alcohol Blends~~, Biodiesel Blends, Ethanol Flex Fuel, Aviation Gasoline, and Aviation Turbine Fuel. – No water phase greater than 6 mm (¼ in) as determined by an appropriate detection paste or other acceptable means, is allowed to accumulate in any tank utilized in the storage of gasoline ~~containing ethanol-alcohol blend~~, biodiesel, biodiesel blends, ethanol flex fuel, aviation gasoline, and aviation turbine fuel.

(Amended 2008, 2012, ~~and~~ 2014 and 20XX)

4.2. Water in Gasoline not containing ethanol, Diesel, ~~Gasoline-Ether~~, and Other Fuels. – Water shall not exceed 25 mm (1 in) in depth when measured with water indicating paste or other acceptable means in any tank utilized in the storage of diesel, gasoline, gasoline-ether blends, and kerosene sold at retail except as required in Section 4.1. Water in Gasoline ~~containing ethanol-Alcohol Blends~~, Biodiesel Blends, Ethanol Flex Fuel, Aviation Gasoline, and Aviation Turbine Fuel.

(Amended 2008, 2012, ~~and~~ 2014 and 20XX)

4.3. Dispenser Filters.

4.3.1. Engine Fuel Dispensers.

(a) All gasoline, ~~gasoline-alcohol blends, gasoline-ether blends~~, ethanol flex fuel, and M85 methanol dispensers shall have a 10 micron or smaller nominal pore-sized filter.

(b) All biodiesel, biodiesel blends, diesel, and kerosene dispensers shall have a 30 micron or smaller nominal pore-sized filter.

(Amended 2014 and 20XX)

Background/Discussion: See Appendix A, Page L&R-A 14.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Informational Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>There were several comments heard that this item should proceed through FALS. The submitter commented that this should go through FALS for harmonization and determination of proper terminology. The SWMA is recommending this item go through FALS for additional consideration.</p>

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-2 Section 3.7. Kerosene (Kerosine). (See related item New-1)**Source:**

Archer Daniels Midland Corporation (2018)

Purpose:

This proposal is to harmonize the method of sale for kerosene between the Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation.

Item under Consideration:

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

3.7. Kerosene (Kerosine).

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

3.7.1, 3.7.2 Labeling of Grade Required. – Kerosene shall be identified by the grades No. 1-K or No. 2-K.

Example:

1K Kerosene; Kerosene - 2K.

3.7.2, 3.7.3 Additional Labeling Requirements. – Each retail dispenser of kerosene shall be labeled as 1-K Kerosene or 2-K. In addition, No. 2-K dispensers shall display the following legend:

“Warning - Not Suitable For Use In Unvented Heaters Requiring No. 1-K.”

The lettering of this legend shall not be less than 12.7 mm (½ in) in height by 1.5 mm (1/16 in) stroke; block style letters and the color of lettering shall be in definite contrast to the background color to which it is applied.

3.7.4 Retail Sale from Bulk. – All kerosene kept, offered, or exposed for sale and sold from bulk at retail shall be in terms of the gallon or liter.

Background/Discussion: See Appendix A, Page L&R-A17.

SWMA Report
Regional recommendation to NCWM on item status: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda <i>(To be developed by source of the proposal)</i> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i>
Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i>
<p>There was no opposition to this proposal. The submitter had originally requested this be a Developing item not wanting to cause any confusion with items being moved forward at the NCWM 2017 Annual Meeting. The</p>

SWMA believes that this item is fully developed and recommends this as a Voting item.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-4 Section 3.10. Liquefied Petroleum Gas. (See related item New-3)

3.10. Liquefied Petroleum Gas (LPG).

3.10.1. How LPG is to be Identified. – Liquefied petroleum gases shall be identified by grades Commercial Propane, Commercial Butane, Commercial PB Mixtures or Special-Duty Propane (HD5).

3.10.2. Liquefied Petroleum Gas. – All liquefied petroleum gas, including, but not limited to propane, butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [NOTE 7, page 125] of vapor (defined as 1 ft³ at 60 °F [15.6 °C]), or the gallon (defined as 231 in³ at 60 °F [15.6 °C]). All metered sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.

(Added 1986)

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

~~3.10.2.~~ 3.10.3. Retail Dispenser Labeling. – Each retail dispenser of LPGs shall be labeled as "Commercial Propane," "Commercial Butane," "Commercial PB Mixtures," or "Special-Duty Propane (HD5)."

~~3.10.3.~~ 3.10.4. Additional Labeling Requirements. – LPG shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

~~3.10.4.~~ 3.10.5. NFPA Labeling Requirements Also Apply. (Refer to the most recent edition of NFPA 58.)

Background/Discussion: See Appendix A, Page L&R-A17.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda <i>(To be developed by source of the proposal)</i> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>There was no opposition to this proposal. The submitter had originally requested this be a Developing item so that</p>

it would not cause any confusion with items that were being moved forward at the NCWM 2017 Annual Meeting. The SWMA believes that this item is fully developed and recommends this as a Voting item.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2307-3 Section 4.1. Water in Retail Engine Fuel Storage Tanks, Gasoline-Alcohol Blends, Biodiesel Blends, Ethanol Flex Fuel, Aviation Gasoline, and Aviation Turbine Fuel, and Section 4.2. Water in Gasoline, Diesel, Gasoline Ether, and Other Fuels.

Source:

State of Colorado (2016)

Purpose:

Provide a consistent best management practice with regard to managing water in any engine fuel utilizing current detection technology.

Item under Consideration:

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

4.1. Water in Retail Engine Fuel Storage Tanks, Gasoline-Alcohol Blends, Biodiesel Blends, Ethanol Flex Fuel, Aviation Gasoline, and Aviation Turbine Fuel. No water phase greater than 6 mm (¼ in) as determined by an appropriate detection paste or other acceptable means, is allowed to accumulate in any retail tank utilized in the storage of engine fuels including, gasoline, gasoline-alcohol blend, biodiesel, biodiesel blends, ultra-low sulfur diesel, ethanol flex fuel, aviation gasoline, and aviation turbine fuel, gasoline ether blends, kerosene, or any other engine fuels.

(Amended 2008, 2012, ~~and 2014,~~ and 20XX)

4.2. ~~Water in Gasoline, Diesel, Gasoline Ether, and Other Fuels. Water shall not exceed 25 mm (1 in) in depth when measured with water indicating paste or other acceptable means in any tank utilized in the storage of diesel, gasoline, gasoline ether blends, and kerosene sold at retail except as required in Section 4.1. Water in Gasoline-Alcohol Blends, Biodiesel Blends, Ethanol Flex Fuel, Aviation Gasoline, and Aviation Turbine Fuel.~~

~~(Amended 2008, 2012, and 2014)~~

Background/Discussion: See Appendix A, Page L&R-A17.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>The SWMA looks forward to hearing an update from Mr. Albuquerque (IFG Chair).</p>

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2500 NCWM POLICY, INTERPRETATIONS AND GUIDELINES

New-20 Section 2.6.17. Methods of Sale for Packages of Consumer Commodities – Federal Trade Commission and Acceptable Common or Usual Declarations for Packages of Food – Food and Drug Administration.

Source:

NIST OWM (2018)

Purpose:

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

Item under Consideration:

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

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

2.6.17. Methods of Sale for Packages of Consumer Commodities – Federal Trade Commission and Acceptable Common or Usual Declarations for Packages of Food – Food and Drug Administration.

<u>Section 2.6.17 Table A. Acceptable Common or Usual Net Quantity of Contents Declarations on Packages of Food</u>		
<u>Product</u>	<u>Acceptable Common or Usual Declaration</u>	<u>Notes</u>
<u>Abalone, Canned in Brine</u>	<u>Net Weight</u>	
<u>Apples, Fresh</u>	<u>Dry Measure or Net Wt. In addition, may also show min. size, range in size, and/or count</u>	
<u>Anchovies (in salt)</u>	<u>Weight of Fish</u>	
<u>Apricots, canned</u>	<u>Net Weight</u>	
<u>Artichokes, canned</u>	<u>Drained Weight</u>	
<u>Asparagus, fresh</u>	<u>Net Weight or No Marking</u>	
<u>Beans, fresh</u>	<u>Dry Measure or Net Weight</u>	
<u>Berries, small open containers</u>	<u>No marking, Dry Measure on cellophane covered</u>	
<u>Biscuits</u>	<u>Net Weight and Count</u>	
<u>Bloaters, smoked</u>	<u>Weight of Fish</u>	

Section 2.6.17 Table A. Acceptable Common or Usual Net Quantity of Contents Declarations on Packages of Food		
<u>Product</u>	<u>Acceptable Common or Usual Declaration</u>	<u>Notes</u>
<u>Bread</u>	<u>Net Weight</u>	
<u>Cabbage, fresh</u>	<u>Dry Measure or Net Weight</u>	
<u>Cake (decorations)</u>	<u>No markings</u>	
<u>Cantaloupes, fresh</u>	<u>Count</u>	
<u>Catsup</u>	<u>Net Weight</u>	
<u>Celery, fresh</u>	<u>Count</u>	
<u>Cereals</u>	<u>Net Weight</u>	
<u>Cheese (general)</u>	<u>Net Weight</u>	
<u>Cheese (limburger)</u>	<u>Net Weight</u>	
<u>Cherries, canned</u>	<u>Net Weight</u>	
<u>Cherries, maraschino</u>	<u>Net Weight or Dry Measure, No. of rows and minimum size</u>	
<u>Chicken, canned</u>	<u>Net Weight</u>	
<u>Chili sauce</u>	<u>Net Weight</u>	
<u>Citrus fruit (fresh)</u>	<u>Dry Measure</u>	
<u>Chow Chow</u>	<u>Net Weight</u>	
<u>Citrus juices</u>	<u>Fluid Ounces</u>	
<u>Clams, canned</u>	<u>Drained Weight</u>	
<u>Cocktail sauce</u>	<u>Net Weight</u>	
<u>Cookies (cakes)</u>	<u>Net Weight and Count</u>	
<u>Corn on Cob (canned)</u>	<u>Count</u>	
<u>Cottonseed meal</u>	<u>Net Weight</u>	
<u>Crabmeat, canned (dry)</u>	<u>Net Weight</u>	
<u>Crabmeat in brine</u>	<u>Dry Weight</u>	
<u>Crackers</u>	<u>Net Weight</u>	
<u>Cranberries</u>	<u>Dry Measure (cranberry barrel) also Net Weight</u>	
<u>Dates</u>	<u>Net Weight</u>	
<u>Doughnuts</u>	<u>Net Weight and Count</u>	
<u>Fish, canned</u>	<u>Net Weight</u>	
<u>Fish, fresh</u>	<u>No marking, Net Weight</u>	
<u>Fish, frozen</u>	<u>Net Weight, No marking</u>	
<u>Fish, salted or smoked</u>	<u>Net Weight and Count</u>	
<u>Fruits, canned</u>	<u>Net Weight</u>	

Section 2.6.17 Table A. Acceptable Common or Usual Net Quantity of Contents Declarations on Packages of Food		
<u>Product</u>	<u>Acceptable Common or Usual Declaration</u>	<u>Notes</u>
<u>Fruits, fresh</u>	<u>Dry Measure or Net Weight, also min size and/or count</u>	
<u>Fruit juices</u>	<u>Net Volume</u>	
<u>Grains, sacked</u>	<u>Net Weight</u>	
<u>Grapefruit, fresh</u>	<u>Dry Measure, Size & Count, also Net Weight</u>	
<u>Grapes, fresh</u>	<u>Net Weight & Dry Measure</u>	
<u>Greens, fresh</u>	<u>Dry Measure & Net Weight, also No marking</u>	<u>(See Section 2.3.2 Fresh Fruits and Vegetables)</u>
<u>Gum</u>	<u>Number of Sticks</u>	
<u>Herring Roe</u>	<u>Net Weight</u>	
<u>Herring, spiced</u>	<u>Drained Weight Herring, Total Weight Contents</u>	
<u>Honey, comb</u>	<u>Net Weight</u>	
<u>Honey, strained</u>	<u>Net Weight</u>	
<u>Jelly</u>	<u>Net Weight</u>	
<u>Lemons, fresh</u>	<u>Count & Average Diameter, also Dry Measure</u>	
<u>Lettuce</u>	<u>Dozen Count & Dry Measure</u>	
<u>Lobster, canned (dry)</u>	<u>Net Weight</u>	
<u>Lobster meat in brine (cooked)</u>	<u>Drained Weight</u>	
<u>Margarine</u>	<u>Net Weight</u>	
<u>Mayonnaise</u>	<u>Net Weight</u>	
<u>Meats</u>	<u>Net Weight</u>	
<u>Microgreens</u>	<u>Net Weight</u>	<u>FDA Email to OWM 11/4/14</u>
<u>Milk, sweetened, condensed</u>	<u>Net Weight</u>	
<u>Milk, evaporated</u>	<u>Volume (Net Weight, may be declared on side panel (s))</u>	
<u>Molasses</u>	<u>Net Weight and/or Volume</u>	
<u>Mushrooms, fresh</u>	<u>Net Weight</u>	
<u>Mushrooms, canned</u>	<u>Drained Weight</u>	
<u>Mussels (canned)</u>	<u>Drained Weight</u>	
<u>Mustard, prepared</u>	<u>Net Weight</u>	
<u>Oil, salad, olive</u>	<u>Volume</u>	
<u>Olives, green (in brine)</u>	<u>Drained Weight</u>	
<u>Olives, ripe</u>	<u>Drained Weight</u>	

Section 2.6.17 Table A. Acceptable Common or Usual Net Quantity of Contents Declarations on Packages of Food		
<u>Product</u>	<u>Acceptable Common or Usual Declaration</u>	<u>Notes</u>
<u>Oranges</u>	<u>Dry Measure & Count, also Net Weight & Size</u>	
<u>Oysters, fresh</u>	<u>Volume</u>	
<u>Oysters, canned</u>	<u>Drained Weight</u>	
<u>Peaches, canned</u>	<u>Net Weight</u>	
<u>Peaches, fresh</u>	<u>Dry Measure, Min. Diameter, also Net Weight & Count</u>	
<u>Peanut, butter</u>	<u>Net Weight</u>	
<u>Pears, canned</u>	<u>Net Weight</u>	
<u>Peas, canned</u>	<u>Net Weight</u>	
<u>Pickles</u>	<u>Volume</u>	
<u>Pineapple, fresh</u>	<u>Count</u>	
<u>Plums, prunes, fresh</u>	<u>Net Weight or Dry Measure, Count & Size denoted by rows in top layer</u>	
<u>Potatoes, fresh</u>	<u>Net Weight or Dry Measure</u>	
<u>Rabbits, dressed</u>	<u>Net Weight</u>	
<u>Rolls</u>	<u>Net Weight and Count</u>	
<u>Relish</u>	<u>Net Weight</u>	
<u>Rock Lobster, canned (dry)</u>	<u>Net Weight</u>	
<u>Roe, herring</u>	<u>Net Weight</u>	
<u>Salad dressing</u>	<u>Volume</u>	
<u>Salmon, canned</u>	<u>Net Weight</u>	
<u>Sardines, canned</u>	<u>Net Weight</u>	
<u>Sauces, Hot, Tabasco, A-1, etc.</u>	<u>Volume</u>	
<u>Sauerkraut, (unprocessed in glass)</u>	<u>Volume</u>	
<u>Shrimp, canned (wet)</u>	<u>Drained Weight</u>	
<u>Shrimp, canned (dry)</u>	<u>Net Weight</u>	
<u>Syrup</u>	<u>Volume & Net Weight</u>	
<u>Soups, canned (liquid single strength)</u>	<u>Net Volume</u>	
<u>Soups, canned (condensed & semi-condensed)</u>	<u>Net Weight</u>	
<u>Spaghetti sauce</u>	<u>Net Weight</u>	
<u>Tea</u>	<u>Net Weight</u>	
<u>Tea bags</u>	<u>Net Weight & Count</u>	

Section 2.6.17 Table A. Acceptable Common or Usual Net Quantity of Contents Declarations on Packages of Food		
<u>Product</u>	<u>Acceptable Common or Usual Declaration</u>	<u>Notes</u>
<u>Toddler Food (e.g., ravioli and vegetables in a single tray.)</u>	<u>Net Weight</u>	<u>FDA Email to OWM 9/20/17</u>
<u>Tomatoes, canned</u>	<u>Net Weight</u>	
<u>Tomatoes, fresh</u>	<u>Net Weight or Dry Measure, Size denoted by Rows in top layer</u>	
<u>Tomato sauce</u>	<u>Net Weight</u>	
<u>Tuna fish, canned</u>	<u>Net Weight or, Drained Weight*</u>	<u>*Several packers have permission to temporarily label by drained weight. See page 35362 Federal Register / Vol. 79, No. 119 / Friday, June 20, 2014 / Notices – “FDA - Canned Tuna Deviating from Identity Standard.”</u>
<u>Vegetables, canned</u>	<u>Net Weight</u>	
<u>Vegetables, fresh</u>	<u>Dry Measure or Net Weight, also Count</u>	
<u>Water, infused</u>	<u>Fluid Volume</u>	<u>FDA Email to OWM 5/24/17</u>
<u>Yogurt, drinkable</u>	<u>Fluid Volume</u>	<u>FDA Email to OWM 5/24/17</u>
<u>This compilation will be revised from time to time as may be required by changes in consumer understanding, administrative opinion, or court decisions.</u>		

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission	
<p>The Net Quantity Declaration designated in this chart is that one used on the most common form of packaging for each commodity. If the product is packaged in multiple units or with other commodities, see “Multi-Unit Package,” “Variety Package,” or “Combination Package,” as appropriate. As noted below the Uniform Regulation for the Method of Sale of Commodities (UMSCR) also includes methods of sale for several products or commodities. Additional detail on labeling requirements is also contained in the Uniform Packaging and Labeling Regulation (UPLR).</p>	
<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
<u>Aerosol Containers</u>	<u>Net Weight (See also Section 10.3 “Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure” in the UPLR).</u>
<u>Air Freshener</u>	
<u>Aerosol</u>	<u>Net Weight</u>

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission

The Net Quantity Declaration designated in this chart is that one used on the most common form of packaging for each commodity. If the product is packaged in multiple units or with other commodities, see “Multi-Unit Package,” “Variety Package,” or “Combination Package,” as appropriate. As noted below the Uniform Regulation for the Method of Sale of Commodities (UMSCR) also includes methods of sale for several products or commodities. Additional detail on labeling requirements is also contained in the Uniform Packaging and Labeling Regulation (UPLR).

<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Cake</u>	<u>Net Weight</u>
<u>Aluminum Foil</u>	
<u>Cooking & Bakeware</u>	<u>Count and inside dimensions (length, width, and depth, or diameter and depth). Depth of less than 5 cm (2 in) and capacity are optional. (See also Section 10.8. Measurement of Container-Type Commodities – How Expressed in the UPLR).</u>
<u>Wrap</u>	<u>See Food Wraps</u>
<u>Bags</u>	
<u>Garbage, Trash, Food Storage, Leaf, Lunch, etc.</u>	<u>Count and dimensions (width and length for non-gusseted; width, depth, and length for gusseted). Capacity is optional. (See also Section 2.13. “Polyethylene” in the UMSCR).</u>
<u>Vacuum Cleaner, Disposable</u>	<u>Count. (Make and model of vacuum for which intended and name and place of business must appear on the principal display panel.)</u>
<u>Bathmats, paper</u>	<u>Count and dimensions (length and width in millimeters or centimeters and inches).</u>
<u>Bathroom Tissue</u>	<u>Total square meters and square feet, number of rolls (if more than one), number of tissues per roll, ply, plus length and width of each tissue in centimeters and inches.</u>
<u>Batteries, Household</u>	<u>Count. (Voltage and/or size are factors of identity, <i>not</i> quantity.)</u>
<u>Bed Sheet, Paper</u>	<u>Dimensions (length and width of finished item in millimeters or centimeters and inches).</u>
<u>Bowls (Paper Foil, Plastic, etc.)</u>	<u>Count and dimensions. (Depth and diameter (outer top rim) in inches.) Depth of less than 5 cm (2 in) and capacity are optional.</u>
<u>Boxes, Food Storage</u>	<u>Count and dimensions (length, width and depth). Capacity is optional. (See also Section 10.8.</u>

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission

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<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
	<u>Measurement of Container-Type Commodities – How Expressed in the UPLR.</u>
<u>Bulb, Light</u>	<u>Count, if more than one. Voltage, wattage, lumens, size, etc., are factors of identity, <i>not</i> quantity.</u>
<u>Butane Fuel</u>	<u>Net Weight</u>
<u>Calking Compounds</u>	<u>Fluid Measure</u>
<u>Candle</u>	
<u>Uniform Width or Diameter</u>	<u>Dimensions (length and diameter or width, in millimeters or centimeters and inches).</u>
<u>Tapered or irregularly shaped figures, numbers, etc.</u>	<u>Length or height in millimeters or centimeters and inches. (diameter need not be expressed – See also 16 C.F.R. § 501.7)</u>
<u>Chamois</u>	
<u>Full Skin (shape of the animal)</u>	<u>Total square meters and square feet</u>
<u>Cut Skin (Square, Rectangular, or Pocket)</u>	<u>Total square meters and square inches, followed in parentheses by square feet if more than one square foot.</u>
<u>Charcoal Briquets</u>	<u>Net Weight</u>
<u>Christmas Decorations</u>	
<u>Balls</u>	<u>See Ornaments</u>
<u>Bulbs</u>	<u>See Bulb, Light</u>
<u>Garlands</u>	<u>See Garlands</u>
<u>Icicles or Tinsel</u>	<u>Count, plus length of strands</u>
<u>Ornaments</u>	<u>See Ornaments</u>
<u>Cigarette Paper</u>	<u>Count</u>
<u>Cleaning Compound</u>	
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Powder, Cake, or Paste</u>	<u>Net Weight</u>
<u>Clothesline</u>	<u>See Cordage</u>

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission

The Net Quantity Declaration designated in this chart is that one used on the most common form of packaging for each commodity. If the product is packaged in multiple units or with other commodities, see “Multi-Unit Package,” “Variety Package,” or “Combination Package,” as appropriate. As noted below the Uniform Regulation for the Method of Sale of Commodities (UMSCR) also includes methods of sale for several products or commodities. Additional detail on labeling requirements is also contained in the Uniform Packaging and Labeling Regulation (UPLR).

<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
<u>Combination Package</u>	<u>Count, weight volume, dimensions, or a combination thereof, for each commodity included. (See also Section 10.5. “Combination Packages” in the UPLR.</u>
<u>Cooking and Bakeware Containers (Foil and Paper</u>	<u>See Aluminum Foil</u>
<u>Cordage</u>	<u>Length in meters and feet (followed in parentheses by length in yards). Ply and diameter are optional. (Breaking strength and size designation are elements of identity.)</u>
<u>Cups</u>	
<u>Drinking</u>	<u>Count, plus fluid capacity (See also Section 10.8.3 Terms in the UPLR regarding the optional use of terms such as “fluid” with the capacity declaration.)</u>
<u>Nut and Party</u>	<u>Count, plus dimensions (top outside diameter, or length and width). Capacity is optional.</u>
<u>Cooking and Baking (Foil or Paper)</u>	<u>Count and inside dimensions (diameter and depth). Depth of less than 5 cm (2 in) and capacity are optional.</u>
<u>Deodorizer</u>	
<u>Aerosol</u>	<u>Net Weight</u>
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Cake</u>	<u>Net Weight</u>
<u>Detergent</u>	
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Powder, Cake, or Granular</u>	<u>Net Weight</u>
<u>Diapers, Disposable</u>	<u>Count and dimensions (length and width in millimeters or centimeters and inches). Dimensions may be omitted if diaper is in permanent pre-fold or form-fitted shape.</u>
<u>Distilled Water</u>	<u>Fluid Measure</u>
<u>Doilies, Paper</u>	<u>Count, plus dimensions (length and width, or</u>

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission

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<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
	<u>diameter in millimeters or centimeters or inches).</u>
<u>Drop Cloth (Plastic)</u>	<u>Total square meters and square feet, plus length and width in the largest whole unit measurements.</u>
<u>Dyes and Tints (Household)</u>	
<u>Powder</u>	<u>Net Weight</u>
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Emory Cloth (Paper)</u>	<u>See Sandpaper</u>
<u>Eyeglass Tissue</u>	<u>Count</u>
<u>Facial Tissue</u>	<u>Count, ply, plus length and width of each tissue in millimeters or centimeters and inches.</u>
<u>Film</u>	
<u>Bulk or Movie</u>	(See also Section 11.22. “Camera Film, Recording Tape, Audio Recording Tape and Other Image and Audio Recording Media Intended for Retail Sale and Consumer Use” in the UPLR). <u>Number of meters or feet of usable film only.</u>
<u>Still</u>	<u>Number of exposures. Length and width of individual exposures in millimeters and inches are optional.</u>
<u>Filters, Coffee</u>	<u>Count and dimensions (length and width, or diameter).</u>
<u>Fireplace Wood (See Section 2.4 in UMSCR)</u>	
<u>Cord Wood (Packaged)</u>	<u>Cubic feet and liters (See 2.4. “Fireplace and Stove Wood” in the UMSCR.)</u>
<u>Compressed Log</u>	<u>Net Weight</u>
<u>Flints, Lighter</u>	<u>Count</u>
<u>Food Storage</u>	
<u>Bags</u>	<u>See Bags</u>
<u>Boxes</u>	<u>See Boxes, Food Storage</u>
<u>Food Wrap (Plastic, Paper, Foil, etc.) (See Section 6.9.</u>	<u>Total square meters and square feet, plus length and</u>

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission

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<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
<u>“Bi-dimensional Commodities” in the UPLR.</u>	<u>width in largest whole measurement. (See also Section 6.9. Bi-Dimensional Commodities in the UPLR.)</u>
<u>Fuses, Household</u>	<u>Count (if more than one). Amperage, type, voltage, size, etc., are factors of identity, <i>not</i> net quantity.</u>
<u>Garden Bags</u>	<u>See Bags</u>
<u>Garlands</u>	<u>Length in meters and feet (followed in parentheses by yards). Ply and/or width in inches are optional.</u>
<u>Glasses, Disposable</u>	<u>Count, plus fluid capacity of each glass.</u>
<u>Glue</u>	
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Powdered</u>	<u>Net Weight</u>
<u>Grease, Household</u>	<u>See Lubricants, Household</u>
<u>Incense</u>	<u>Count</u>
<u>Laundry Supplies</u>	
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Aerosol</u>	<u>Net Weight</u>
<u>Powder or Solid</u>	<u>Net Weight</u>
<u>Leaf Bags</u>	<u>See Bags</u>
<u>Light Bulbs</u>	<u>See Bulbs, Light</u>
<u>Lighter Fuel</u>	
<u>Non-pressurized</u>	<u>Fluid Measure</u>
<u>Pressurized (e.g., Butane)</u>	<u>Net Weight</u>
<u>Logs, Compressed</u>	<u>See Fireplace Wood</u>
<u>Lubricants, Household</u>	
<u>Liquid (Oil)</u>	<u>Fluid Measure</u>
<u>Powder, Paste, Solid, Semi-Solid, etc.</u>	<u>Net Weight</u>
<u>Lunch Bag</u>	<u>See Bags</u>
<u>Matches</u>	

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission

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<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
<u>Wooden (Kitchen, Fireplace, etc.)</u>	<u>Count plus length if they are extra-long intended for fireplace use, etc.</u>
<u>Book-Matches (By the Box)</u>	<u>Count (number of books, number of matches per book, total number of matches).</u>
<u>Mucilage</u>	<u>Fluid Measure</u>
<u>Multi-Unit Package</u>	<u>Count, plus weight, measure, or volume for each unit, followed by the total weight, measure, or volume, as appropriate. (See also Section 10.4, “Multiunit Packages” in the UPLR.</u>
<u>Napkins, Paper</u>	<u>Count, ply, plus length and width of each napkin in inches.</u>
<u>Oil, Household</u>	<u>See <i>Lubricants, Household</i></u>
<u>Ornaments, Christmas</u>	<u>Opaque package – count and dimensions. Count only, if ornaments are clearly visible to retail purchaser at time of purchase. (See 16 C.F.R. § 501.2)</u>
<u>Paper: Crepe, Shelf, or Wrapping (Not Gift Wrap)</u>	<u>Total square area, plus length and width in largest whole measurements.</u>
<u>Paper Streamers</u>	<u>See <i>Tape</i></u>
<u>Paste, Household</u>	<u>Fluid Measure</u>
<u>Patching Plaster</u>	<u>Net Weight</u>
<u>Pillow Case, Paper</u>	<u>Dimensions (length and width of finished item in centimeters and inches only).</u>
<u>Pipe Cleaners</u>	<u>Count. Length for cleaners shorter or longer than the standard 152.4 mm (6 inches).</u>
<u>Place Mats, Paper</u>	<u>Count and dimensions (length and width in centimeters and inches only).</u>
<u>Plastic Food Wrap</u>	<u>See <i>Food Wraps</i></u>
<u>Plates, Disposable</u>	<u>Count and outside dimensions (length and width or diameter, in centimeters and inches).</u>
<u>Polish Cloth, Impregnated</u>	<u>Dimensions (total square area plus length and width in the largest whole measurements).</u>
<u>Polish</u>	

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission

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<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
<u>Liquid</u>	<u>Fluid Measures</u>
<u>Aerosol</u>	<u>Net Weight</u>
<u>Powder, Granule, Cake, or paste</u>	<u>Net Weight</u>
<u>Propane Fuel</u>	<u>Net Weight</u>
<u>Rope, Household</u>	<u>See Cordage</u>
<u>Rubber Bands</u>	<u>Net Weight</u>
<u>Sandpaper (Fine, Medium, or Coarse, Grit, Etc.)</u>	
<u>One Grit Only (Fine, Medium or Coarse)</u>	<u>Count and dimensions of each sheet (length and width in centimeters and inches).</u>
<u>Assorted Grits</u>	
a..... <u>Sheet Count for Each Type of Grit is Constant.</u>	<u>Count of sheets per each type of grit, dimensions of each sheet (length and width in centimeters and inches), plus total sheet count.</u>
b. <u>Total Sheet Count is Constant, but Sheet Count for Each Type of Grit Varies from Package to Package.</u>	<u>Count and dimensions of each sheet (length and width in centimeters and inches). Identity must include term, “Assorted Miscellaneous Grits.”</u>
<u>Scouring Pads</u>	
<u>Steel Wool, Metal Coil, Plastic, Etc.</u>	<u>Count plus dimensions (length, width and depth in centimeters and inches) for rectangular or square shaped pads.</u>
<u>Soap</u>	
<u>Powder, Flake, Chip, Poufs, Cake, Ball, etc.</u>	<u>Net Weight</u>
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Solder</u>	<u>Net Weight in only. Percentage of composition, diameter, and core size are factors of identity not quantity.</u> <u>For Solder containing precious metals see 16 C.F.R. § 501.8 “Solder.” Solder and brazing alloys containing precious metals when packaged and labeled for retail sale are exempt from the net quantity statement requirements of part 500 of this chapter which specify that all statements of weight</u>

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission

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<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
	<u>shall be in terms of avoirdupois pound and ounce provided the net quantity declaration is stated in terms of the troy pound and ounce and the term troy is used in each declaration.</u>
<u>Solder Flux</u>	
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Paste</u>	<u>Net Weight</u>
<u>Spackling Compound</u>	<u>Net Weight</u>
<u>Sponge (Cellulose, Rubber, etc.)</u>	
<u>Standard Shapes</u>	<u>Dimensions (length, width and thickness or diameter and thickness, in centimeters and inches).</u>
<u>Irregular Dimensions</u>	<u>Count, followed by the phrase “Irregular dimensions.”</u>
<u>Steel Wool, for finishing and polishing pads</u>	<u>Count. Total net weight is optional.</u>
<u>Straws, Drinking</u>	<u>Count and length. Inside diameter is optional.</u>
<u>String</u>	<u>See Cordage</u>
<u>Table Cover, Paper</u>	<u>Dimensions (length and width in centimeters and inches).</u>
<u>Tableware (Plastic Cutlery)</u>	<u>Count (also see Variety Package)</u>
<u>Tape</u>	<u>Dimensions (width in centimeters and inches followed by length in largest whole measurement (e.g., meters and yards.)</u>
<u>Tissue</u>	<u>See Bathroom Tissue and Facial Tissue</u>
<u>Toothpicks</u>	<u>Count</u>
<u>Towels, Paper</u>	
<u>Roll</u>	<u>Total square meters and square feet, roll count (if more than one), number of towels per roll, ply, length and width of individual towels in centimeters and inches.</u>
<u>Single</u>	<u>Dimensions (length and width in</u>

Section 2.6.17. Table B. Method of Sale – Federal Trade Commission

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<u>Product or Commodity</u>	<u>Net Quantity of Contents Declaration</u>
	<u>centimeters and inches.)</u>
<u>Trash Bags</u>	<u>See Bags</u>
<u>Twine</u>	<u>See Cordage</u>
<u>Vacuum Cleaner Bags</u>	<u>See Bags</u>
<u>Variety Package</u>	<u>Weight, volume, measure and count, as appropriate, for each identical commodity, followed by total statement of quantity, as appropriate. (See also Section 10.6. “Variety Packages” in the UPLR.)</u>
<u>Water, Distilled</u>	<u>Fluid Measure</u>
<u>Wax Paper</u>	<u>See Food Wraps</u>
<u>Wax</u>	
<u>Liquid</u>	<u>Fluid Measure</u>
<u>Aerosol</u>	<u>Net Weight</u>
<u>Paste, Cake, and Powder</u>	<u>Net Weight</u>

Background/Discussion: See Appendix A, Page L&R-A8.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>Chris Guay remarked that this is a great idea, but would like to add hyperlinks to direct the user to the supporting document or regulation within the table. Mr. Guay also remarked that consideration be given to locating this information on the NCWM website as a reference document. The SWMA L&R Committee understands that this is not a regulation and would be located within HB130, Interpretations and Guidelines section for the inspectors use. The Committee believes that this information should be kept within NIST Handbook 130 and not as a separate document. The Committee also agrees that NIST should have editorial privileges to add items as they confirm with FDA or other applicable agencies.</p>

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2600 HANDBOOK 133

New-8 **Sections 1.2.2. Average Requirement, 1.4. Other Regulatory Agencies Responsible for Package Regulations and Applicable Requirements, 2.3.7.2. Average Requirement, and Appendix A. Tables – Table 1-1 “Agencies Responsible for Package Regulations and Applicable Requirements (See related item New-7)**

Source:
NIST OWM (2018)

Purpose:

Notify the reader of a significant difference between NIST Handbook 133 requirements and the U.S. Environmental Protection Agency (EPA) regulations within 40 CFR §156.10(d), which supersedes conflicting state and local regulations. Products subject to the EPA control are not covered by the Fair Packaging and Labeling Act (FPLA) and as a result EPA regulations related to labeling and net quantity often differ from those of the Federal Trade Commission (FTC) and the Food and Drug Administration (FDA) under Fair Packaging and Labeling Act (FPLA).

Item under Consideration:

Amend the Handbook 133 as follows:

Add a note to section **1.2.2. Average Requirement:**

(See also Section 1.4.1. Special Net Quantity of Contents Requirements for Pesticides Labeled with a “Minimum” Net Quantity of Contents Declarations.)

Add a new sub-section under section 1.4. “Other Regulatory Agencies Responsible for Package Regulations and Applicable Requirements.”:

1.4.1. Net Quantity of Contents Requirements for Pesticides Labeled with Minimum Net Quantity of Contents Declarations.

The Environmental Protection Agency (EPA) permits packers of pesticides the option of declaring the net quantity of contents using either the average or the minimum package fill systems. If the manufacturer uses the minimum system, the term “minimum” must appear adjacent to the quantity declaration. If the packer uses the average system, the procedures in Section 2.3.7. Evaluate for Compliance are used to determine compliance. Use the procedures in 2.3. “Basic Test Procedure for Gravimetric Testing of Net Weight” to select and test a sample and use the following compliance procedure to determine if the sample passes or fails the minimum package fill requirements.

Compliance Requirements for Packaged Pesticides (e.g., antimicrobial wipes, insect repellent wipes, and towelettes)

- 1. The net weight or measure of quantity shall be exclusive of wrappers or other materials and shall be the average quantity unless there is an explicit statement on the Principal Display Panel**

- (PDP) in conjunction with the quantity declaration that the package was filled under the minimum system of fill [e.g., “minimum weight 500 g (1 lb 1 oz).]
2. A Maximum Allowable Variation (MAV) is not applied.
 3. Variation above minimum content is permissible only to the extent that it represents deviation unavoidable in good manufacturing practice.
 4. Variation below the declared minimum quantity is NOT permitted.
 5. Compliance Procedure and Requirements
 - a. After the samples are tested the individual package errors are determined. The average error is not calculated.
 - b. Review the individual package errors:
 - i. If a minus package error is found the sample fails.
 - ii. If no minus package errors are found the sample passes (e.g., the errors are 0 or plus)

Add a note to 2.3.7.2. Average Requirement –

(Refer to Section 1.4.1. Special Net Quantity of Contents Compliance Requirements for Pesticides Labeled with a “Minimum” Net Quantity of Contents Declarations.)

Add the following note to the Responsibility Agency “EPA” Table 1-1 “Agencies Responsible for Package Regulations and Applicable Requirements.”:

(Refer to Section 1.4.1. Special Net Quantity of Contents Compliance Requirements for Pesticides Labeled with a “Minimum” Net Quantity of Contents Declarations.)

Background/Discussion: See Appendix A, Page L&R-A8.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda <i>(To be developed by source of the proposal)</i> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i> </p>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>Lisa Warfield (NIST Technical Advisor) provided an overview of Items 7 & 8. Currently there is an existing conflict with the EPA Labeling Regulations and NIST Handbook 130 for labeling of pesticides and microbacterial products registered under EPA. EPA regulated products are not covered under the Fair Packaging and Labeling Act. This proposal modifies the UPLR alerting users that the term “minimum” is allowed for EPA registered products. In addition, allowing for a minimum fill differs from HB133 Requirements. Item 7 is a HB130 companion item that provides guidance for products labeled with the term “minimum.” Guidance for the EPA labeling is located under the NCWM Interim 2018 meeting documents. The SWMA recommends this as a Voting item.</p>

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-19 1.2.3.1. Applying Moisture Loss

Source:

Connecticut (2018)

Purpose:

Provide inspectors and industry with a HB133 uniform test method for softwood lumber.

Item under Consideration:

Amend NIST Handbook 133 as follows:

1.2.6.1.

Applying a Moisture Allowance

Some packaged products may lose or gain moisture and, therefore, lose or gain weight or volume after packaging. The amount of moisture loss depends upon the nature of the product, the packaging material, the length of time it is in distribution, environmental conditions, and other factors. Moisture loss may occur even when manufacturers follow good distribution practices. Loss of weight “due to exposure” may include solvent evaporation, not just loss of water. For loss or gain of moisture, the moisture allowances may be applied before or after the package errors are determined.

To apply an allowance before determining package errors, adjust the Nominal Gross Weight (see Section 2.3.6. “Determine Nominal Gross Weight and Package Errors”), so the package errors are increased by an amount equal to the moisture allowance. This approach is used to account for moisture loss in both the average and individual package errors.

It is also permissible to apply the moisture allowances after individual package errors and average errors are determined.

Example:

A sample of a product that could be subject to moisture loss might fail because the average error is minus or the error in several of the sample packages are found to be unreasonable errors (i.e., the package error is greater than the Maximum Allowable Variation (MAV) permitted for the package’s labeled quantity).

You may apply a moisture allowance after determining the package errors by adding the allowance to the Sample Error Limit (SEL) and then, comparing the average error to the SEL to determine compliance. The moisture allowance must be added to the MAV before evaluating sample errors to identify unreasonable minus errors.

(Amended 2010)

This handbook provides “moisture allowances” for some meat and poultry products, flour, pasta, and dry pet food. (See Chapter 2, Table 2-3. “Moisture Allowances”) These allowances are based on the premise that when the average net weight of a sample is found to be less than the labeled weight, but not by an amount that exceeds the allowable limit, either the lot is declared to be within the moisture allowance or more information must be collected before deciding lot compliance or noncompliance.

In the event that a pre-existing moisture allowance, submitted and accepted by the National Conference on Weights and Measures, does not exist for such product, e.g., product packed in a permeable package that potentially would gain or lose moisture over the course of the product life, assuming a good distribution system, the manufacturer may be asked to submit such evidence of moisture loss or gain. In the event that the manufacturer does not reply or such data does not exist the inspector may use a coefficient of 1.5% as a surrogate for submitted data on moisture loss. (Added 20XX)

Test procedures for flour, some meat, and poultry are based on the concept of a “moisture allowance” also known as a “gray area” or “no decision” area (see Section 2.3.8. “Moisture Allowances”). When the average

net weight of a sample is found to be less than the labeled weight, but not more than the boundary of the “gray area,” the lot is said to be in the “gray” or “no decision” area. The gray area is not a tolerance. More information must be collected before lot compliance or noncompliance can be decided. Appropriate enforcement should be taken on packages found short weight and outside of the “moisture allowance” or “gray area.”

(Amended 2002)

Background/Discussion: See Appendix A, Page L&R-A8.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input checked="" type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>There were several comments heard that there was no supporting data attached to the proposal. The Committee believes that this item does not have merit, nor does it have enough information to proceed. The SWMA is not forwarding this item to NCWM.</p>

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-10 4.XX. Softwood Lumber

Source:

NIST OWM (2018)

Purpose:

To provide guidance that would enable inspectors to meet the requirement of allowing “reasonable moisture loss” while also allowing impacted commodity manufacturers to submit materials to NCWM if an additional percentage is desired.

Item under Consideration:

Amend NIST Handbook 133 as follows:

4.XX. Softwood Lumber

4.XX.1. Test Equipment

- 304 mm (12 in) caliper with 0.01 mm (0.0005 in) graduations (or digital equivalent) for labeled dimensions up to 304 mm (12 in).
- Set of precision gage blocks.

- For labeled dimensions exceeding 304 mm (12 in), a steel linear measure with 1 mm ($1/16$ in or 0.062 in) graduations.
- Calculator
- Dimensional Lumber Worksheet
- Wood moisture meter (e.g., a meter equipped with a probe with dual-probes and a hammer head handle for inserting the probes into the sample and that can have the moisture values manually or automatically corrected for different species of wood.)
- The latest version of U.S. Department of Commerce (DOC), Voluntary Product Standard PS 20 “American Softwood Lumber Standard.”

4.10.2. Test Procedure

This procedure may be used to verify the width, length, and thickness of regularly shaped dimensional lumber. Software lumber is generally represented by both the nominal dimension and the minimum dressed sizes. Testing is based on the minimum dressed sizes for both unseasoned (green) and dry lumber as found in the latest version of the U.S. DOC, Voluntary Product Standard PS 20 “American Lumber Softwood Standard.” Lumber substitutes (i.e., composite) are not covered under PS 20 and must be labeled by actual dimensions.

NOTE: Lumber substitutes must be labeled by their actual dimensions.

1. Follow Section 2.3.1. “Define the Inspection Lot.” Use a “Category A” sampling plan in the inspection; select a random sample.
 - a. The lot must be sorted by like items (i.e., species, grade, dry) including dimensions and mill number. Identify the nominal size of each piece (e.g., 38 mm × 89 mm [2 in × 4 in], 38 mm × 286 mm [2 in × 12 in], or 19 mm × 140 mm [1 in × 6 in]) and the minimum dressed size (from U.S. DOC, Voluntary Product Standards PS-20).
 - b. Remove any outer pieces (top, sides) that have been exposed to the elements (e.g., weather, rain, moisture, sun) from the lot.
2. Set up in an area away from foot traffic or material moving equipment. Place the piece of wood to be measured on a solid flat surface.
3. Verify the accuracy of the calipers using the gage blocks. Use the calipers to measure thickness and width and record the actual dimensions on the “Worksheet for Softwood Lumber”.
 - a. For commodities labeled 3 m (10 ft) or less in length, take a minimum of three measurements across the thickness and three measurements across the width. Measurements should be evenly spaced at equal intervals (i.e., at locations approximately $1/4$, $1/2$, and $3/4$ across the thickness and width). Calculate the average thickness and width measurement of each piece of wood.
 - b. For commodities labeled greater than 3 m (10 ft) in length, take one additional measurement per every additional 1.8 m (6 ft) or portion thereof.

Note: Do not take measurements within 150 mm (6 in) from the ends or in areas where the lumber has a knot or damage would affect the measurement.

4. Use a steel linear measure to determine the length of the piece of wood and record the actual length on the worksheet.
 - a. Take a minimum of three measurements across the length. Measurements should be evenly spaced at equal intervals (i.e., at locations across the length at approximate intervals of $\frac{1}{4}$, $\frac{1}{2}$, and $\frac{3}{4}$ distance). Calculate the average length measurement of each piece of wood.

Note: Do not take measurements in areas where the lumber has a knot or damage, which would affect the measurement.

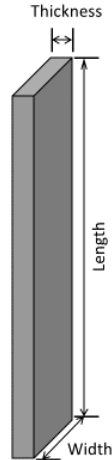


Figure 1. Example of lumber dimensions measured.

3

4.10.3. Shrinkage Allowance

Lumber is a product that shrinks and swells with changes in moisture content. The size of the lumber changes approximately 1 % for each 4 % change in moisture content.

4.10.3.1. Dry Lumber

The latest version of U.S. DOC, Voluntary Product Standard PS 20 defines dry lumber as being 19 % or less in moisture content.

1. Compare the actual dimensions of thickness, width, and length of each piece to the minimum dressed sizes in NIST Handbook 130, “Uniform Regulation for the Method of Sale of Commodities” Table 1. “Softwood Lumber Sizes” and record the differences as errors on the worksheet.
2. Calculate the average errors for thickness, width and length. You can exceed the dressed size for the nominal value for an individual piece.
3. If the average error is a minus value, perform a moisture test on each piece using a wood moisture meter.
 - a. If the moisture content of the piece is 19 %, the sample piece fails. No moisture loss allowance is provided.

- b. If the moisture content of the piece is between 15 % to 19 %, allow an additional 1 % for shrinkage in each dimension. (Allow 0.7 % for shrinkage for Redwood, Western Red Cedar, and Northern White Cedar).

If the moisture content of the piece is between 10 % to 14 %, allow an additional 2 % for shrinkage in each dimension. (Allow 1.4 % for shrinkage for Redwood, Western Red Cedar, and Northern White Cedar).

If the moisture content is less 10 %, continue to apply additional shrinkage factor as referenced above.

4.10.3.2. Unseasoned (Green) Lumber

The latest version of the U.S. DOC Voluntary Product Standard PS 20 defines unseasoned (green) lumber as being over 19 % in moisture content.

1. Compare the actual dimensions of thickness, width, and length of each piece to the minimum dressed sizes in NIST Handbook 130, “Uniform Regulation for the Method of Sale of Commodities” Table 1. “Softwood Lumber Sizes” and record the differences as errors on the worksheet.
2. Calculate the average errors for thickness, width and length. You can exceed the dressed size for the nominal value for an individual piece.
3. If the average error is a minus value, perform a moisture test on each piece.
 - a. If the moisture content of the piece is greater than 30 % the sample piece fails. No moisture allowance is provided.
 - b. If the moisture content of the piece is 26 % to 30 % moisture, allow 1 % for shrinkage in each dimension.

Allow additional 2 % for shrinkage in each dimension for pieces with a 21 % to 25 % moisture content. (Allow 1.4 % for shrinkage for Redwood, Western Red Cedar, and Northern White Cedar).

Continue to apply a 1 % shrinkage for every 4 % loss in moisture, continue to apply additional shrinkage factor as referenced above.

4.10.4. Evaluation of Results

1. To determine lot conformance, return to Section 2.3.7. “Evaluate for Compliance”.
2. If the sample pieces do not meet the average and MAV requirement based on the minimum dressed sizes after the shrinkage (moisture) allowances are considered, the lot fails. Place the Inspection Lot on hold.

*Inspectors should notify the American Lumber Standard Committee (ALSC) of any lots that fail compliance. ALSC may be able to provide further evaluation.

American Lumber Standard Committee, Inc.
7470 New Technology Way, Suite F.
Frederick, MD 21703
301-972-1700 or 301-540-8004
E-mail: alsc@alsc.org
URL: www.alsc.org

Date:		Worksheet for Softwood Lumber						
Product:				Manufacturer/Mill Number				
Labeled Dimensions				Address:		City/State/Zip		
Length:								
Width:								
Thickness:						Testing Location:		
Piece Number	Average Length	Average Width	Average Thickness		Piece Number	Average Length	Average Width	Average Thickness
1.					7.			
Error					Error			
2.					8.			
Error					Error			
3.					9			
Error					Error			
4.					10.			
Error					Error			
5.					11.			
Error					Error			
6.					12.			
Error					Error			
Total Average								
Average Error								

Table 2-8 MAV for Packages Labeled by Length, Width or Area 1 m (1 YD) or less is 3 % of labeled quantity More than 1 m (1 YD) to 43 m (48 YD) is 1.5 % of labeled quantity		
Step 1. Compliance with Maximum Allowable Variation 1. Calculate the MAV for labeled thickness = _____. Do any of the minus errors for thickness exceed the MAV? a. If yes, go to Step 5. b. If no, go to 2. 2. Calculate the MAV for labeled width = _____. Do any of the minus errors for length exceed the MAV? a. _____ If _____ yes, _____ go _____ to _____ Step _____ 5. b. If no, go to 3. 3. Calculate the MAV for length = _____. Do any of the minus errors for width exceed the MAV? a. _____ If _____ yes, _____ go _____ to _____ Step _____ 5. b. If no, go to Step 4.		
Step 2. Compliance with the Average Requirement – Thickness 1. Calculate the Average Error for labeled thickness _____. The sample passes this requirement if the Average Error is zero or a positive number. Go to Step 3. If the Average Error is a negative number, go to 2. 2. Calculate the Sample Standard Deviation (s) and multiply (s) by the Sample Correction Factor (SCF) for the sample size to _____ obtain the Sample Error Limit (SEL). Go to Step 3. $(s) \times (SCF) = SEL$ 3. Disregarding the signs, is the SEL in 2 larger than the Average Error in 1? If yes, approve the lot. If no, go to Step 5.		
Step 3. Compliance with the Average Requirement – Width 13. Calculate the Average Error for labeled width _____. The sample passes this requirement if the Average Error is zero or a positive number. Go to Step 5. If the Average Error is a negative number, go to 14. 14. Calculate the Sample Standard Deviation (s) and multiply (s) by the Sample Correction Factor (SCF) for the sample size to _____ obtain the Sample Error Limit (SEL). Go to Step 15. $(s) \times (SCF) = SEL$ 15. Disregarding the signs, is the SEL in 14 larger than the Average Error in 13? If yes, approve the lot. If no, go to Step 5.		
Step 4. Compliance with the Average Requirement – Length 10. Calculate the Average Error for labeled length _____. The sample passes this requirement if the Average Error is zero or a positive number. Go to Step 3. If the Average Error is a negative number, go to 11. 11. Calculate the Sample Standard Deviation (s) and multiply (s) by the Sample Correction Factor (SCF) for the sample size to _____ obtain the Sample Error Limit (SEL). Go to Step 10. $(s) \times (SCF) = SEL$ 12. Disregarding the signs, is the SEL in 11 larger than the Average Error in 10? If yes, approve the lot. If no, go to Step 5.		
Step 5. Determine Shrink Allowance If the average error for any dimension (thickness, width, length) is a minus value, or if the MAV is exceeded for any package, perform a moisture test on each piece to determine if a shrinkage allowance should be applied. Apply the appropriate allowance to each piece, then re-calculate the average error and re-determine compliance with the MAV.		

Piece Number	Moisture Content	Shrinkage Allowance
1.		

2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
Step 6. Action Taken: <input type="checkbox"/> Lot Rejected <input type="checkbox"/> Lot Approved		
Random Numbers: enter the numbers as you select them in the top row and reorder them in the bottom row.		
NOTES:		

Background/Discussion: See Appendix A, Page L&R-A19.

SWMA Report	
Regional recommendation to NCWM on item status:	
<input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)	
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)	
<p>Lisa Warfield (NIST Technical Advisor) remarked that this new procedure provides inspectors with a HB133 test procedure for softwood lumber. This proposal has been vetted and developed with the American Lumber Standards Committee. The SWMA is recommending this as a Voting item at the NCWM.</p>	

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-12 4.XX. Plywood and Wood-Based Structural Panels

Source:

NIST OWM (2018)

Purpose:

Provide inspectors and industry with a HB133 uniform test method for Plywood and Wood-Based Structural Panels.

Item under Consideration:

Amend NIST Handbook 133 as follows:

4.XX. Plywood and Wood-Based Structural Panels

4.XX.1. Test Equipment

- Steel linear measure
 - For labeled dimensions exceeding 304 mm (12 in), use a measure with 0.05 mm (¹/₃₂ in or 0.031 in) graduations.
- Calculator
- Worksheet for Plywood Sheet and Wood-Based Structural Panels
- Micrometer, Caliper, or Dial Gauge 25mm-50mm (1 in – 2 in) with 19.1 mm (³/₄ in) anvils.
 - A mechanism that applies constant pressure between 34 kPa (5psi) and 69 kPa (10 psi) during the measurement.
- For “tongue and groove” (e.g., floor panels) and “ship lap” (e.g., exterior siding panels) a Micrometer with a 152 mm (6 in) throat; 19.1 mm (³/₄ in) anvils may be necessary.
 - A mechanism that applies constant pressure between 34 kPa (5psi) and 69 kPa (10 psi) during the measurement.
- Gage blocks.
- The latest version of Voluntary Product Standard PS 1-09 “Structural Plywood”
- The latest version of Voluntary Product Standard PS 2-10 “Performance Standard for Wood-Based—Structural-Use-Panels.”

4.XX.2. Test Procedure

This procedure may be used to verify the length, width, and thickness of plywood and wood-based structural panels.

a. Plywood sheets

- Shall be labeled in accordance with Voluntary Product Standard PS 1-09 “Structural Plywood”,
 - Includes grade, Performance Category (abbreviations PERF CAT, CAT or Category are permitted), thickness and the mill number.

- Panel sizes are typically 1.2 m (4 ft) × 2.4 m (8 ft), or 2.7 m (9 ft) or 3 m (10 ft) on a nominal basis.
- Panel length and width information will be included on the panel manufacturer bundle tag.
- Panels shall comply with the thickness tolerances for the Performance Category in Table 10. Plywood Thickness Requirements in Voluntary Product Standard PS 1-09.
- Panels shall bear the stamp of a qualified inspection and testing agency in accordance with Voluntary Product Standard PS 1-09, Section 7.1 Certification.

b. Structural Panels

- Structural panels include oriented strand board (OSB) and structural plywood.
- Shall be labeled according to Voluntary Product Standard (PS) 2-10 “Performance Standard for Wood-Based Structural Use Panels” For grade, span rating, Performance Category (abbreviations PERF CAT, CAT or Category are permitted), thickness and the mill number.
- Performance Category, such as 23/32 PERF CAT, means that the sheet shall comply with the thickness tolerances for 23/32 PERF CAT in Voluntary Product Standard (PS) 2-10, Table 1 “Panel Thickness Requirements.”

Notes:

- 1) When plywood sheets or structural panels are tested in retail stores, it is recommended that they be sorted by mill and then panel type (grade, thickness).
- 2) If lots are mixed be sure to record the codes for all sheets in the sample so that the inspector and other interested parties can follow up on the information.
- 3) Record or attach a photograph of the information located on the grade stamp including the manufacturer, grade, standard (i.e., PS 1), mill number and agency.

Moisture Content: Testing moisture content is not required, but noting the conditions and signs of weather exposure is noteworthy. Moisture meters, if utilized are used in the field for rough estimates only ($\pm 5\%$) due to the properties of wood and adhesives which can influence the electrical properties used in the meters.

Test Procedure:

Follow Section 2.3.1. “Define the Inspection Lot.” Use a “Category A” sampling plan in the inspection; select a random sample.

- b. Identify the Performance Category and actual size of each piece (e.g., 1.2 m × 2.4 m (4 ft × 8 ft), from the NIST Voluntary Product Standards PS1-09 or PS2-10.
- c. Conduct a visual inspection of each panel to ensure that there are no signs of water or other damage. Remove any outer pieces (top, sides) that have been exposed to the elements (e.g., weather, rain, moisture, sun) from the lot.
 - a) Set up in an area away from foot traffic or material moving equipment. Place the piece of wood to be measured on a solid flat surface.

Note: Overlapping (i.e., shipped siding) or interlocking panels (i.e., tongue and groove floor panels) shall be measured according to the exposed face. Measurements are taken on the surface that will be exposed after installation and does not include the overlap tab.

b) Determining Length:

For sheet length's up to 3 m (10 ft), take at least 2 measurements along the sheet length about one-quarter of the way from the center line to each edge of the sheet (see drawing). Average the results to obtain the Average Length (AL).



FIGURE 4. Determining Length

Note: Measurements should not be made across the ends of the board or where it has a knot or surface defect that may affect the measurement. Measurements should not be taken within 150 mm (6 in) from the edges of the sheet.

c) Determining Width:

For sheet lengths, up to 3 m (10 ft), take at least two measurements across the sheets width about 1/4 of the distance from each end of the sheet (see drawing). Average the results to obtain the Average Width (AW).

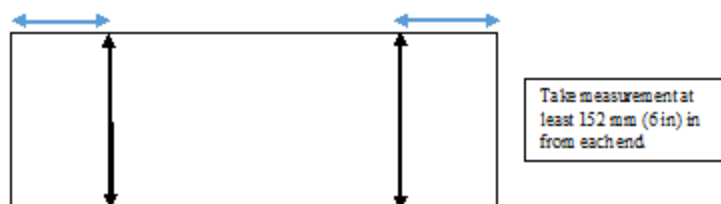


FIGURE 5. Determining Width

Note: Measurements should not be made anywhere across the sheet where it has a knot or surface defect that may affect the measurement. Measurements should not be taken within 150 mm (6 in) from the ends of the sheet.

d) Determining THICKNESS:

- Verify the accuracy of the micrometer, caliper or dial gauge using the gauge blocks. Use the micrometer, caliper, or dial gauge 25mm-50mm (1 in – 2 in); 19.1 mm (3/4 in) anvils to measure thickness and record the actual dimensions on the “Worksheet for Plywood Sheets”.
- For “tongue and groove” (e.g., floor panels) and “ship lap” (e.g., exterior siding panels) a micrometer with a 152 mm (6 in) throat; 19.1 mm (3/4 in) anvils may be necessary.

The location of the measurements shall be representative of general panel thickness at approximate mid-length along each edge of the panel. The average of at least 10 equidistant measurements shall be taken

to determine the thickness of the panel. Take five thickness measurements at least 25 mm (1 in) from each edge along the length of the panel on each side. Avoid measuring at grooved locations on panel siding or at locations where there are splits, knotholes or other locations of permitted grade characteristics.

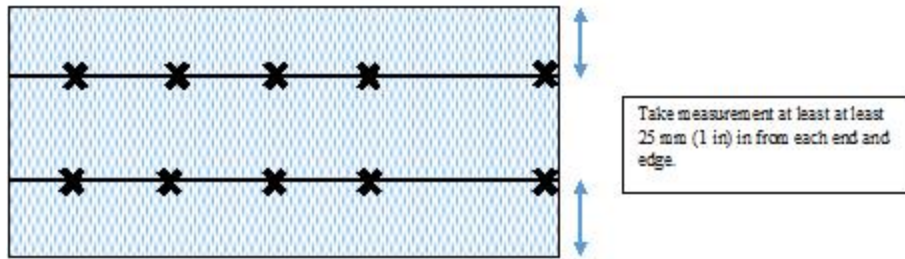


FIGURE 6. Determining Thickness.

NOTE: If a measurement point contains a knot or surface defect that may affect the measurement, then the measurement point shall be shifted from that point.

4.XX.4. Evaluation of Results

3. To determine lot conformance, return to Section 2.3.7. “Evaluate for Compliance”.
4. Compliance with the Average Requirement and with the MAV in Table 2-8 “MAVs for Packages Labeled by Length, Width, or Area”, is based on the average of multiple measurements on each sheet in the sample.
 - Length – 2 measurements
 - Width – 2 measurements
 - Thickness – 10 measurements
5. If the sample from the lot fails the Average Requirement, a statistical test is applied to a negative average error prior to determining if the sample passes or fails.

*It is recommended that the inspector notify APA – The Engineered Wood Association, if any lots that fail compliance. APA may be able to provide further evaluation.

APA
7011 S. 19th Street, Tacoma, WA 98466
Main Phone: (253) 620-6600
URL: www.apawood.org

Worksheet for Plywood Sheets and Wood-Based Structural Panels							
Product:			Mill Number and Agency:				
Labeled Dimensions:			Address:			City/State/Zip	
Length							
Width		Brand/Grade/Surface			Testing Location:		
Thickness							
	Length	Width	Thickness		Length	Width	Thickness

Piece #1					Piece #2				
Average					Average				
Error					Error				
Piece # 3					Piece # 4				
Average					Average				
Error					Error				
Piece # 5					Piece # 6				
Average					Average				
Error					Error				
Piece # 7					Piece # 8				
Average					Average				
Error					Error				
Piece # 9					Piece # 10				
Average					Average				
Error					Error				
Piece # 11					Piece # 12				
Average					Average				
Error					Error				

Table 2-8. MAV for Packages Labeled by Length, Width or Area

1 m (1 YD) or less is 3 % of labeled quantity

More than 1 m (1 YD) to 43 m (48 YD) is 1.5 % of labeled quantity

Section 1. Compliance with Maximum Allowable Variation

4. Calculate the MAV for labeled **thickness** (i.e., $0.03 \times \text{thickness} =$ _____. Do any of the average minus errors for thickness exceed the MAV?
 - a) If yes, the sample fails. Go to Section 5 and select “Lot Rejected.”
 - b) If no, go to Step 2.
5. Calculate the MAV for labeled **length** (i.e., $0.015 \times \text{length} =$ _____. Do any of the average minus errors for length exceed the MAV?
 - a) If yes, the sample fails. Go to Section 5 and select “Lot Rejected.”
 - b) If no, go to Step 3.
3. Calculate the MAV for labeled **width** (i.e., $0.015 \times \text{width} =$ _____. Do any of the average minus errors for width exceed the MAV?
 - a) If yes, the sample fails. Go to Section 5 and select “Lot Rejected.”
 - b) If no, proceed to Section 2.

Section 2. Compliance with the Average Requirement – Thickness

4. Calculate the Average Error for labeled thickness _____. The sample passes this requirement if the Average Error is zero or a positive number. Go to Section 3. If the Average Error is a negative number, go to Step 5.
5. Calculate the Sample Standard Deviation (s) and multiply (s) by the Sample Correction Factor (SCF) for the sample size to obtain the Sample Error Limit (SEL). Go to Step 6.

$$(s) \times (SCF) = SEL$$
6. Disregarding the signs, is the SEL in 5 larger than the Average Error in 4? If yes, the sample passes, go to Section 3. If no, the sample fails, go to Section 5 and select “Lot Rejected.”

Section 3. Compliance with the Average Requirement – Length

7. Calculate the Average Error for labeled length _____. The sample passes this requirement if the Average Error is zero or a positive number. Go to Section 4. If the Average Error is a negative number, go to Step 8.
8. Calculate the Sample Standard Deviation (s) and multiply (s) by the Sample Correction Factor (SCF) for the sample size to obtain the Sample Error Limit (SEL). Go to Step 9.

$$(s) \times (SCF) = SEL$$
9. Disregarding the signs, is the SEL in 8 larger than the Average Error in 7? If yes, the sample passes, go to Section 5 and select “Lot Approved”. If no, the sample fails, go to Section 5 and select “Lot Rejected.”

Section 4. Compliance with the Average Requirement – Width

10. Calculate the Average Error for labeled width _____. The sample passes this requirement if the Average Error is zero or a positive number. Go to Section 5. If the Average Error is a negative number, go to Step 11.

11. Calculate the Sample Standard Deviation (*s*) and multiply (*s*) by the Sample Correction Factor (*SCF*) for the sample size to obtain the Sample Error Limit (*SEL*). Go to Step 12.

$$(s) \times (SCF) = SEL$$

12. Disregarding the signs, is the *SEL* in 11 larger than the Average Error in 10? If yes, the sample passes, go to Section 5 and select “Lot Approved”. If no, the sample fails, go to Section 5 and select “Lot Rejected.”

Section 5. Action Taken: ☐ Lot Rejected ☐ Lot Approved

Random Numbers: enter the numbers as you select them in the top row and reorder them in the bottom row.

Background/Discussion: See Appendix A, Page L&R-A19.

SWMA Report

<p>Regional recommendation to NCWM on item status:</p> <p> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as an Informational Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>

<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>Lisa Warfield (NIST Technical Advisor) remarked that NIST OWM worked with the Engineered Wood Association to develop this proposal. After NIST OWM submitted the Form 15 proposal, we were informed that there may be changes coming to PS1 and PS2. However, they are not meeting to discuss this until Dec. 6 & 7. If there are additional changes we will notify the L&R Committee at the 2018 NCWM Interim Meeting. The SMWA is recommending this as an Informational item.</p>
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Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-11 Appendix A: Tables 1.1. Agencies Responsible for Package Regulations and Applicable Requirements and 2.9. U.S. Department of Agriculture, Meat and Poultry, and Siluriformes Groups and Lower Limits for Individual Packages (Maximum Allowable Variations [MAVs])

Source:

NIST OWM (2018)

Purpose:

Update NIST Handbook 133 to align with regulations from the USDA, Food Safeway and Inspection Service.

Item under Consideration:

Amend NIST Handbook 133 as follows:

Table 1-1. Agencies Responsible for Package Regulations and Applicable Requirements			
Commodity	Responsible Agency	NIST Handbook 133 Sampling Plans	Table of Maximum Allowable Variations
<p>Meat, and Poultry, and <u>Siluriformes*</u></p> <p><u>*Siluriformes include, but are not limited to, “catfish” (fish of the family Ictaluridae) and “basa” and “swai” (fish of the family Pangasiidae).</u></p>	<p>U.S. Department of Agriculture, Food Safety and Inspection Service and state and local weights and measures.</p>	<p>Use Table 2-1. Sampling Plans for Category A to test packages at other than point of pack.</p> <p>Use Table 2-2. Sampling Plans for Category B to test packages in federally inspected meat and poultry plants.</p>	<p>Table 2-9. U.S. Department of Agriculture, Meat, and Poultry, and <u>Siluriformes</u> Groups and Lower Limits for Individual Packages</p>
<p>Foods, drugs, and cosmetics subject to the Food, Drug, and Cosmetic Act including those packaged at the retail store level that have been in interstate commerce (e.g., seafood) or those made with ingredients that have been in interstate commerce and beer made from substitutes for malted barley (e.g., sorghum, rice, or wheat) and wine beverages with an alcohol content of less than 7 % by volume</p>	<p>U.S. Food and Drug Administration and state and local weights and measures</p> <p>http://www.fda.gov</p>	<p>Use Table 2-1. Sampling Plans for Category A to test packages at all locations.</p>	<p>Table 2-5. MAVs for Packages Labeled by Weight</p> <p>Table 2-6. MAVs for Packages Labeled by Liquid or Dry Volume</p> <p>Table 2-7. MAVs for Packages Labeled by Count</p> <p>Table 2-8. MAVs for Packages Labeled by Length (Width) or Area</p> <p>Table 2-10. Exceptions to the MAVs for Textiles, Polyethylene Sheeting and Film, Mulch and Soil Labeled by Volume, Packaged Firewood Labeled in Terms of Volume, and Packages</p>
<p>Tobacco</p>	<p>U.S. Food and Drug Administration and local weights and measures.</p> <p>www.fda.gov</p>		

Table 1-1. Agencies Responsible for Package Regulations and Applicable Requirements			
Commodity	Responsible Agency	NIST Handbook 133 Sampling Plans	Table of Maximum Allowable Variations
Food products <u>not</u> subject to the Federal Food, Drug, and Cosmetic Act, including meat and poultry products packaged at the retail store level	State and local weights and measures http://www.nist.gov/wmd/		Labeled by Count with 50 Items or Fewer, and Specific Agriculture Seeds Labeled by Count
Non-food Consumer Products	Federal Trade Commission http://www.ftc.gov		
Non-food Consumer and Non-consumer Products	State and local weights and measures		
Alcohol Products, except for beer made from substitutes for malted barley (e.g., sorghum, rice, or wheat) and wine beverages with an alcohol content of less than 7 % by volume, which are regulated by FDA	Alcohol and Tobacco Tax and Trade Bureau. State and local weights and measures http://www.ttb.gov	Use Table 2-1. Sampling Plans for Category A to test packages at all locations.	Table 2-5. MAVs for Packages Labeled by Weight
Pesticides	U.S. Environmental Protection Agency and state and local weights and measures http://www.epa.gov		Table 2-6. MAVs for Packages Labeled by Liquid or Dry Volume
			Table 2-7. MAVs for Packages Labeled by Count
			Table 2-8. MAVs for Packages Labeled by Length (Width) or Area
			Table 2-10. Exceptions to the MAVs for Textiles, Polyethylene Sheeting and Film, Mulch and Soil Labeled by Volume, Packaged Firewood Labeled in Terms of Volume, and Packages Labeled by Count with 50 Items or Fewer, and Specific Agriculture Seeds Labeled by Count

Table 2-9. U.S. Department of Agriculture, Meat and Poultry, and Siluriformes Groups and Lower Limits for Individual Packages (Maximum Allowable Variations [MAVs])		
Definition of Group and Labeled Quantity		Lower Limit for Individual Weights (MAVs)
Homogenous Fluid When Filled (e.g., baby food or containers of lard)	All Other Products	
Less than 85 g or 3 oz		10 % of labeled quantity
85 g or more to 453 g 3 oz or more to 16 oz		7.1 g 0.016 lb (0.25 oz)
More than 453 g More than 16 oz	85 g or more to 198 g 3 oz to 7 oz	14.2 g 0.031 lb (0.5 oz)
	More than 198 g to 1.36 kg 7 oz to 48 oz	28.3 g 0.062 lb (1 oz)
	More than 1.36 kg to 4.53 kg More than 48 oz to 160 oz	42.5 g 0.094 lb (1.5 oz)
	More than 4.53 kg More than 160 oz	1 % of labeled quantity

Background/Discussion: See Appendix A, Page L&R-A19.

SWMA Report
<p>Regional recommendation to NCWM on item status:</p> <p> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>) </p>
<p>Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)</p> <p>The NIST Technical Advisor remarked that this will update Appendix A. - Table 1.1., “Agencies Responsible for Responsibility Chart” to add that USDA Food Safety Inspection Service includes the responsibility of Siluriformes (catfish). In addition, we are requesting that MAV Table 2.9. add the term Siluriformes (catfish) to the title.</p>

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2600-3 D Recognize the Use of Digital Density Meters

Source:

Missouri (2016)

Purpose:

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

Item under Consideration:

Amend NIST Handbook 133 as follows:

Develop specific test procedures for NIST Handbook 133, “Chapter 3. Test Procedures – For Packages Labeled by Volume” that would recognize the use of digital density meters in lieu of volumetric flasks and thermometers when testing certain viscous fluids such as motor oil, DEF, antifreeze, syrups, etc.

Background/Discussion: See Appendix A, Page L&R-A19.

SWMA Report
Regional recommendation to NCWM on item status: <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2700 OTHER ITEMS

2700-1 D Fuels and Lubricants Subcommittee

Source:

The Fuels and Lubricants Subcommittee (2007)

Purpose:

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

Item under Consideration:

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

Background/Discussion: See Appendix A, Page L&R-A20.

SWMA Report
Regional recommendation to NCWM on item status: <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM Agenda (<i>To be developed by source of the proposal</i>) <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM Agenda (<i>In the case of new proposals, do not forward this item to NCWM</i>)
Comments and justification for the regional recommendation to NCWM: (<i>This will appear in NCWM reports</i>)

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2700-2 D Packaging and Labeling Subcommittee

Source:

Packaging and Labeling Subcommittee (2011)

Purpose:

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

Item under Consideration:

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

Background/Discussion: See Appendix A, Page L&R-A21.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

Mr. Hal Prince, Florida | Committee Chair
 Mr. Jason Glass, Kentucky | Member
 Mr. John Stokes, South Carolina
 Mr. Joe Eccleston, Maryland | Member
 Mr. Joel Maddux, Virginia | Member

Laws and Regulations Committee

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

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Uniform Packaging and Labeling Regulation	2301 Series
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Uniform Unit Pricing Regulation	2303 Series
Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices	2304 Series
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Table B
Glossary of Acronyms and Terms

Acronym	Term	Acronym	Term
AKI	Minimum Antiknock Index	L&R	Laws and Regulations
API	American Petroleum Institute	LNG	Liquefied Natural Gas
ASTM	ASTM International	NCWM	National Conference on Weights and Measures
CFR	Code of Federal Regulations	NEWMA	Northeastern Weights and Measures Association
CNG	Compressed Natural Gas	NIST	National Institute of Standards and Technology
CWMA	Central Weights and Measures Association	OWM	Office of Weights and Measures
FALS	Fuels and Lubricants Subcommittee	PALS	Packaging and Labeling Subcommittee
FDA	Food and Drug Administration	S&T	Specifications and Tolerances
FPLA	Fair Packaging and Labeling Act	SWMA	Southern Weights and Measures
FTC	Federal Trade Commission	UPLR	Uniform Packaging and Labeling Regulation
HB	Handbook	USNWG	U.S. National Work Group
FG	Focus Group	WWMA	Western Weights and Measures Association

Details of All Items
(In order by Reference Key)

**2301 NIST HANDBOOK 130 – UNIFORM PACKAGING AND LABELING
REGULATION**

**New-7 Sections 6.12. Supplementary Quantity Declarations, 6.14. Qualification of
Declaration Prohibited, 12. Variations to be allowed. (See related item New-8)**

Background and Discussion:

Products subject to the EPA control are not covered by the Fair Packaging and Labeling Act (FPLA) and as a result some EPA regulations differ from those adopted by the Federal Trade Commission (FTC) and the Food and Drug Administration (FDA) under Fair Packaging and Labeling Act (FPLA). Within the UPLR Sections 6.12. “Supplementary Quantity Declaration” and 6.14. “Qualification of Declaration Prohibited” prohibits the use of the term “minimum” in conjunction with declarations of net quantity of contents. In addition, under Section 12. Variations to be Allowed, the “minimum system” of fill is not recognized.

In the UPLR Sections 6.12. “Supplementary Quantity Declaration” and 6.14. “Qualification of Declaration Prohibited” prohibits the use of the term “minimum” in conjunction with declarations of net quantity of contents. In addition, the “minimum system” of fill is not recognized under UPLR Section 12. “Variations to be Allowed.”

The OWM is proposing that a footnote be added to the handbook to explain the difference in to inform readers that EPA regulations in 40 CFR 156.10(d) permit the use of the term “minimum weight” in conjunction with declarations of the net quantity of contents and that the minimum system of fill requirements applies whenever the packer uses the term.

Adding this information will alert the reader that UPLR prohibitions on the use of the term “minimum” must not be applied to pesticides and other products subject to EPA regulations (these must bear an EPA registration number). This should ensure that enforcement action under the UPLR requirements that prohibits its use, will not be taken. In addition, adding this to the UPLR will also provide guidance on the application of fill requirements under a minimum system of fill.

OWM does not anticipate any opposition to this because the amendments in this proposal are being added only to inform users of the of an existing conflict between the UPLR and EPA labeling regulations. This will inform State and local weights and measures inspectors and other users that EPA allows the use of the term “minimum” but also when that “minimum” is used the average system is not applicable. When the “minimum” statement is used on EPA registered products they allow for reasonable amounts of overfill are permissible but no package in the sample may contain less than the stated quantity.

EPA Registration Number Required to Appear on Package



Minimum weight statement

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-9 Section 11.8. Packaged Commodities with Labeling Requirements Specified in Federal Laws. and Appendix C. Reference Information for Packaged Commodities with Labeling Requirements Specified in Federal Laws and Regulations

Background/Discussion:

The current section was added to the Uniform Packaging and Labeling Regulation (UPLR) to alert the reader that the UPLR does not identify all the differences between the UPLR and Federal Regulations. This section notifies the reader that some products are subject to regulation by federal agencies, however, it does not identify the specific agency by product responsibility. This current proposal is to add additional product details and other useful information to Section 11.8. Packaged Commodities with Labeling Requirements Specified in Federal Law, because as it is currently written it does not include sufficient information on which agency regulates which products.

In addition, the proposed Table C. "Reference Information for Packaged Commodities with Labeling Requirements Specified in Federal Laws and Regulations" provides the identity of the specific agency overseeing the products listed, agency contact information, and specific reference(s) within the Code of Federal Regulations. This also updates the section to reflect that the regulation for tobacco is now under the Food and Drug Administration jurisdiction and the USDA now regulates "Catfish" (*Siluriformes*). Updating this section is to provide field inspectors with additional information on labeling resources they can refer to before acting on possible labeling violations. This is necessary as many jurisdictions have expanded their package inspection programs to include a wider range of products in a broader range of retail stores. Table C. will also assist industry users of the handbook in locating the labeling resources they need to ensure their products are labeled properly.

OWM does not anticipate opposition to this proposal as it adds clarifying information and useful research links to the UPLR.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-18 Section 11.XX. – Pet Treats or Chews - Digestible chews, rawhides, bones, biscuits, antlers or similar type products that are defined as having nutritional value under FDA and 21 CFR 501 shall be sold by weight.

Background/Discussion:

Add language to the method of sale for animal treats. Animal treats has been one of the fastest growing areas in the marketplace. However, there is considerable mislabeling in the marketplace. The NIST/OWM has numerous calls from inspectors and manufacturers as to the proper labeling for animal treats.

There could be some opposition from manufacturers. If this is the case, a labeling implementation date should be granted.

2302 NIST HANDBOOK 130 – UNIFORM REGULATION FOR THE METHOD OF SALE COMMODITIES

2302-1 Section 1. Food Products and Section 2. Non-Food Products

Background/Discussion:

Much discussion and debate has been undertaken within the NCWM over the past two years regarding proposals for methods of sale of commodities (specifically, liquefied natural gas and compressed natural gas as vehicle fuels) based upon “equivalencies” to other methods of sale for different commodities (in these recent cases, based upon calculated average energy content comparisons to gasoline or diesel fuel). With the exception of a singular commodity, compressed natural gas, for which gasoline-liter-equivalent and gasoline-gallon-equivalent methods of sale were permitted some 20 years ago, the methods of sale for all other commodities have historically and consistently been established based upon legally-recognized units of weight or measure that are traceable to national standards maintained by NIST, the sole exceptions (found in interpretations and guidelines) being specific fresh vegetable commodities permitted to be sold by “head” or “bunch.” Discussions surrounding considerations of “equivalency” units have raised the potential for untold similar proposals to establish methods of sale for countless competing products in the marketplace claiming comparisons of performance, quality, energy or nutritional content, or other factors that can be subjective, widely varying due to inconsistent chemical or biological makeup, or a host of other influences that are, or may be, based upon little to no scientific or metrologically sound and traceable determinations or calculations.

While a core tenet of weights and measures regulation and legal metrology – whether regarding design and function of weighing and measuring devices or sales of commodities - has always been widely recognized to require employment of units of measure that are recognized and published as legal for use and having metrological traceability, clear language in model laws and regulations developed by NCWM and published in NIST Handbooks is absent, likely never heretofore being deemed necessary due to the well-established, long-held tenet. This proposal serves to codify, memorialize, and specifically clarify that tenet as a formal adoption in the Uniform Regulation for the Method of Sale of Commodities to ensure against potentially misleading, confusing, or unclear business practices in commerce, whether in sales from bulk or in labeling of packaged commodities, that may be based upon observations, calculations, assumptions, or other considerations that may be subjective and not metrologically traceable.

At the 2016 NCWM Interim Meeting Kurt Floren (LA County) remarked that this would codify a long-standing practice. This item not intended to interfere with the current debate on liquefied natural gas (LNG). Mr. Floren encouraged the item on LNG to have a vote prior to this item. If the LNG proposal is adopted, this item could be amended from the floor of the conference. A former regulator remarked that Uniform Weights and Measures Law, Section (n) allows the term or unit of weight or measure be used if it is determined that an existing or firmly established practice. This proposal conflicts with Weights and Measures Law Section 12(n) that states this is a state function, not NIST controlled. The term on “traceability” is in NIST Handbook 130, Uniform Weights and Measures Law. NIST remarked that when changes are made to SP 811, “*The NIST Guide for use of International System of Units*” or NIST SP 330, “*The International System of Units (SI)*” it is required that a Federal Register notice be done.

The Committee is unclear as to what issue this proposal resolves. The Committee would also like to know what impact this would have for all items covered under the current Method of Sale of Commodities Regulation. The Committee agreed to move this forward as a Developing Item to allow the submitter to develop additional data and to have the Regions submit feedback. At the 2016 NCWM Annual Meeting there were no updates for the Committee.

At the 2017 NCWM Interim Meeting, Kurt Floren commented that this item was delayed pending the outcome of a former L&R Agenda Item pertaining to compressed natural gas. The Committee agreed unanimously that this is ready as a Voting item.

At the 2017 NCWM Annual Meeting, Mr. Floren submitted modified language to the Committee for consideration. This modified language due to the adoption of Section 2.27.1. Definitions and a minor modification to Section 1. Food Products (b) to state that it is at the discretion of the State Director. There were several voices that supported this item or concept. A retired New York regulator expressed his objection to this item in its entirety. He believes that the Uniform Regulation is specific for the items that have uniform methods of sale. He also stated that NCWM authority does not extend to impact all products and commodities. This item was returned to Committee for future consideration.

Regional Association Comments:

At the 2016 WWMA Annual Meetings it was noted that adoption of L&R Item 232-8, (refer to the Report of the 101st National Conference on Weights and Measures (SP 1212, 2016) at the 2016 NCWM Annual Meeting, resulted in amendment of the method of sale for CNG (deleting allowance of sales according to gasoline liter equivalent (GLE)) and adding a new method of sale for LNG, allowing sales according to diesel gallon equivalent (DGE).

Recognizing the NCWM adoption of the above Item 232-8 (refer to the Report of the 101st National Conference on Weights and Measures {SP 1212, 2016}) and its incorporation into NIST Handbook 130, the proposed amendments have been made to reflect changes to adopted methods of sale in regards to CNG and LNG and includes them as exceptions to the original proposed requirement that all other methods of sale be according only to legally recognized metrologically traceable units of measure. The submitter encourages moving this item forward as a Voting item, with the proposed amendment below to Section 2. Non-food Products. Multiple local jurisdictions also supported this item with the proposed amendment below.

The Committee agrees that the use of measurement units defined by the Secretary of Commerce are the most appropriate for use in commerce and would be the most effective in facilitating fair value comparisons in the marketplace. The measurement units defined by the Secretary of Commerce are published in NIST Handbook 44 in Appendices B and C.

Section 2. Non-food Products [NOTE 1, page 109]

(a) Any non-food product, whether sold from bulk or in packaged form, shall be sold only in a unit of measure or weight that meets all of the following criteria:

(1) is recognized and defined by NIST as legal for use in commerce

(2) has been published in the “Federal Register”; and

(3) has metrological traceability (NOTE #, page #) to a national standard

Note: Sale of a product or commodity according to count, where appropriate to be fully informative to facilitate value comparison, is permissible as a method of sale.

~~(b) The only exemption from the method of sale limitations set forth in Section 2(a) shall be retail sales of compressed natural gas sold as a vehicle fuel, which are permitted to be sold in terms of gasoline liter equivalent (GLE) or gasoline gallon equivalent (GGE) as defined in Section 2.27.1. Definitions~~

(c) The only exemptions from the method of sale limitations set forth in Section 2(a) shall be:

i. Retail sales of compressed natural gas (CNG) sold as a vehicle fuel, which are permitted to be sold in terms of gasoline gallon equivalent (GGE) or diesel gallon equivalent (DGE) as defined, respectively, in Section 2.27.1. Definitions.

ii. Retail sales of liquefied natural gas (LNG) sold as a vehicle fuel, which are permitted to be sold in terms of diesel gallon equivalent (DGE) as defined in Section 2.27.1. Definitions.

Note: As defined in NIST Handbook 130, Uniform Weights and Measures Law, Metrological traceability means the property of a measurement result whereby the result can be related to a reference through a documented unbroken chain of calibrations, each contributing to the measurement uncertainty.
(Added 20XX)

The CWMA received a comment from an industry representative with concern that this provision could inadvertently put the weights and measures community into a difficult position in the future, even though he philosophically agrees with the concept. A state regulator commented that this is a reasonable approach to undergird the scientific principles of weighing and measuring. Another regulator wonders if this item would serve the purpose for which it is intended. She had concerns it would put weights and measures into a position where we would be locked into a scenario where we cannot respond in a nimble fashion. Another regulator commented that while it is unfortunate this item is necessary, he believed it should be moved forward as a voting item. The CWMA recommends that the item be a Voting item. At the 2017 CWMA Annual Meeting two industry representatives spoke against the proposal as written. The Committee felt previous CWMA comments are still applicable. An industry representative had concern that this provision could inadvertently put the weights and measures community into a difficult position in the future, even though he philosophically agrees with the concept. A state regulator commented this is a reasonable approach to undergird the scientific principles of weighing and measuring. Another regulator wondered if this item would serve the purpose for which it is intended. They had concerns it would put weights and measures into a position where we would be locked into a scenario where it could not respond in a nimble fashion. Another regulator commented while it is unfortunate this item is necessary, he believed it should be moved forward as a Voting item. The CWMA recommends this as a Voting item.

At the 2016 SWMA Annual Meeting they heard from a regulator asking where you could find all of the sections in Section 1. Food Products (a) and whether all three criteria's need to be met? The SWMA recommends this item be Withdrawn.

At the 2016 NEWMA Interim Meeting they received a recommendation from the NIST Technical Advisor to review the WWMA report for additional clarification. She summarized the changes that were related to units of measure for fuel gallon equivalencies. A regulator from New York commented that there are other units of measure that are not necessarily recognized as a technical unit of measure (such as "hog's head") that would not meet these criteria. He believed this would be problematic for the State of New York, and is unsure what problem this is trying to solve. The NIST Advisor reviewed the original purpose of this proposal was to provide a clear statement to avoid developing alternative units of measure when one already exists. NEWMA recommends this item be Withdrawn. At the 2017 NEWMA Annual Meeting this item was considered fully developed and ready for a vote. This followed discussion from a state regulator from New York who commented that he had concern with this item, commenting that there are units of measure that are customary but not included in Handbook 130. He gave an example of face-cord that they adopt by state law, but is prohibited in HB 130.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2302-5 Section 2.13. Polyethylene Products

Background/Discussion:

The most efficient means for testing polyethylene products is by weight. The method of truncating the weight value to three digits is suitable for smaller consumer packages, but not for non-consumer products where packages often range in weights from 10 lb to more than 1,000 lb. As currently written, this section limits the calculated weight to three digits for all sizes of packages and will not accommodate heavier packages typically tested at wholesale or production sites. For example, a product with a calculated weight of 1,759 lb would be truncated to 1,750 lb, thus providing a 9 lb allowance. If adopted, the proposed language would correct this error.

At the 2017 NCWM Interim Meeting, Ms. Macey (CA) stated that this is important for the mil thickness of bags. The polyethylene test procedure was being reviewed and this change aligns with the test procedure. The Committee moved this forward as a Voting item.

At the 2017 NCWM Annual Meeting, Ms. Macey commented that the language submitted could be clarified. Ross Andersen (retired regulator) stated that when weight is required as part of the method of sale, the weight must be correct. The current formula is a minimum weight factor and is only good to a 1 % variance. Mr. Andersen recommends that the current language providing for three digits remain as is. He is recommending moving this and the test procedure forwarded, but provide examples in both the method of sale and test procedure. The NIST Technical Advisor remarked that he is seeking additional information from industry and recommends this be removed from voting status. The Committee concurred that additional work and vetting is needed for this item. For these reasons the Committee removed it from the Voting agenda and de-escalated the status to Informational.

Regional Association Comments:

The SWMA believes this item is fully developed. They forwarded the item to NCWM and recommended it as a Voting item.

At the 2016 NEWMA Interim Meeting they received no comments and feel this is fully developed and ready for a vote. During the NEWMA 2017 Annual Meeting L&R voting session, discussion ensued regarding the need to retain the language that the Committee proposed to be stricken. The concern is that the language provides a practical way to test the product label to ensure it correctly represents the contents, and removal of the language would eliminate that option. The submitter of the item commented that the intent of the original language was to clarify an imperfect method, and the amendment by the Committee to strike the language was intended to further accomplish that end. The Committee deleted the sentence “The final value shall be calculated to four no more than two digits after the decimal and truncate any additional digits and declared to three digits, dropping the final digit as calculated (for example, if the calculated value is 32.078 lb., then the declared net weight shall be 32.07 lb.)” During Voting session NEWMA opted to recommend the item be changed to Informational, and recommends that the submitted and NIST further develop and vet the language.

At the 2017 CWMA Annual Meeting, Ron Hayes (Missouri) suggested a note to address other types of plastic sheeting products, gave an example of plastic bale wrap and plastic tubes for silage. He also commented that there are other types of plastic sheeting on the market which may need to be reviewed. The CWMA is recommending this as a Voting item.

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-1 Section 2.19. Kerosene (Kerosine). (See related item New-2)

Background/Discussion:

The submitter requests that this proposal be designated as a Developing Item.

The Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation have different information on the method of sale for Kerosene. This proposal is to integrate the information from both sections to create identical method of sale language in the two regulations.

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2302-7 Section 2.20. Gasoline – Oxygenate Blends and Section 2.30. Ethanol Flex-Fuel (See related Item 2307-2)

Background/Discussion:

The proposal to eliminate the duplicative wording that appears in Section B. Method of Sale for Commodities will streamline the Handbook contents, send users of the Handbook to only one section that provides appropriate guidance on labeling for both oxygenated fuels and ethanol flex fuels. Having duplicative wording is both confusing and redundant. There is no other fuel related guidance, for gasoline or diesel for that matter, that appears in Section B. All fuel related information appears in Section G. Uniform Engine Fuels and Automotive Lubricants section.

At the 2017 NCWM Interim Meeting, Dr. Curran (FALS Chair) remarked that they are submitting modified language to the Committee. Several states and stakeholders support this amendment. There was a remark that the FTC rule references EPA but does not require it to be followed. The Committee moved this forward as a Voting item.

At the 2017 NCWM Annual Meeting, Dr. Curran informed the Committee that the FALS met during their Sunday, July 16. There was extensive discussion and comment on this item. The FALS was unable to achieve consensus on the language under consideration in Publication 16. The EPA and FTC have conflicting regulations. The FTC has labeling requirements has fewer elements to their language. The Committee noted that Section 2.30.1. was reflected as being stricken, this is not accurate and corrected editorially. The Committee reviewed the following alternatives.

- 1.) Making the item Informational and sending it back to the FALS for further consideration and review.
- 2.) Move the item forward as it published in Publication 16 (2017).
- 3.) Move the item forward with proposed amendments submitted by API.
- 4.) Move the item forward with alternative language proposed by Committee member, Michelle Wilson and Washington State regulator, Tim Elliot.

The Committee agreed to add a cross reference to Section 2.20.3. EPA Labeling Requirements Also Apply and Section 2.30.2. Labeling Requirements to add clarity. This modified change was moved forward on the addendum sheet for a Vote. In response to a motion made on the floor during the voting session, the Committee reconsidered this Item and agreed to withdraw its recommendation for adoption and removed it from the voting agenda. It was believed that the amended proposal was substantially different than the version that was published in the Committee's Agenda. The amended proposal will be returned to the Committee's agenda.

Regional Association Comments:

The WWMA did not forward this item to NCWM.

At the 2016 CWMA reviewed written comments from the submitter that indicate this provision should be referred to the FALS for further development. A regulator commented that there is an informal focus group that has been updating the Uniform Engine Fuels section of Handbook 130, and this new language will be a part of that process. A regulator asked how this provision would impact E15? She expressed concern, that if this provision will require changing the face of the dispenser from season to season. An industry representative from API commented that on October 3, 2016, EPA released the Renewable Enhancement and Growth Support (REGS) proposed rule and E15 is considered gasoline, and is not allowed to be re-labeled as flex fuel during the summer months. He believes this item needs to continue to be developed through FALS as the federal rule moves through the process. CWMA did not forward this item to NCWM and recommended that it be withdrawn. At the 2017 CWMA Annual Meeting the American Petroleum Institute (API) testified during the CWMA L&R Open Hearing. API proposed an amendment to modify Items 2302-7 and 2307-2. The API suggested amendment is the double underlined language below.

2.20. Gasoline-Oxygenate Blends.

2.20.1. Method of Retail Sale. – Type of Oxygenate must be Disclosed. – All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least

1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE.” The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase “or other ethers” or alternatively post the phrase “contains MTBE or other ethers.” In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This information shall be posted on the upper 50 % of the dispenser front panel in a position clear and conspicuous from the driver’s position in a type at least 12.7 mm (½ in) in height, 1.5 mm (1/16 in) stroke (width of type).

(Amended 1996)

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

(a) Information that complies with 40 CFR § 80.1503 when the fuel contains ethanol.

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

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

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

2.20.3. EPA Labeling Requirements Also Apply. – **Retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR § 80.1501.**

(Added 20XX)

2.30. Ethanol Flex Fuel.

2.30.1. How to Identify Ethanol Flex Fuel. Ethanol flex fuel shall be identified as Ethanol Flex Fuel or ~~EXX Flex Fuel; as defined in 16 CFR 306.0(a).~~ [NOTE to L&R: This definition is struck in Pub 16 but to make consistent with 2307-2, it is retained here.)

2.30.2. Labeling Requirements.

~~(a) Ethanol flex fuel an ethanol concentration no less than 51 and no greater than 83 volume percent shall be labeled “Ethanol Flex Fuel, minimum 51 % ethanol.” shall be identified and labeled in accordance with the Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR 306, as amended, with the exception that retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR § 80.1501.~~

~~(Amended 20XX)~~

~~(b) Ethanol flex fuel with an ethanol concentration less than or equal to 50 volume percent shall be labeled “EXX Flex Fuel, minimum YY % ethanol,” where the XX is the ethanol concentration in volume percent and YY is XX minus five (– 5). The actual ethanol concentration of the fuel shall be XX volume percent plus or minus five (± 5) volume percent.~~

~~(Added 2014)~~

~~(e) A label shall be posted which states "For Use in Flexible Fuel Vehicles (FFV) Only." This information shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type at least 12.7 mm (. in) in height, 1.5 mm (1/16 in) stroke (width of type). A label shall be posted which states, "CHECK OWNER'S MANUAL," and shall not be less than 6 mm (. in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.~~

(Amended 2007, 2008, ~~and~~ 2014, and 20XX)

The CWMA considered the API proposal. The CWMA feels the FALS Committee needs to review the API proposal and make a recommendation on adopting all, part or none of the API proposal.

The SWMA heard a comment that FTC was being consulted with regarding this issue. The submitter, a representative of API and the State of Florida would like to see the issue forwarded to FALS. The submitter took issue with the Method of Sale language differing from the Fuels and Lubricants Regulation. SWMA forwarded the item to NCWM and recommends it be giving an Informational status.

NEWMA received a comment from the Chair that this and Item 2307-2 are both proposals that should go through FALS. NIST OWM commented that if you want it to go to FALS it will need to be given an information status from this region. A state regulator commented that the new FTC Part 306 allows E-15 to be considered as part of D4814. Also, E-15 would require the EPA label that 2001 and newer vehicles can use the product, but there is no octane label required. At the 2016 NEWMA Interim Meeting they forwarded the item to NCWM and recommended it for an Informational status. At the 2017 NEWMA Annual Meeting API testified during open hearings that the language proposed in Section 2.30.1. (refer to 2017 CWMA reporting for language) there was concern by a New York state regulator that Section 2.30.2.(c) of the item that originally appears in Publication 16 as struck language should be reinstated, if it does not contradict or countermand federal labeling requirements. The L&R suggested language was supported by the region. NEWMA wants to maintain Section 2.30.2.(c) if possible, and Voting status, contingent on review by the FALS.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-16 Section 2.20. Gasoline – Oxygenate Blends (See related item New-17)

Background/Discussion:

The method of sale information in Handbook 130 should be consistent with federal regulations and identical in the Method of Sale Regulation and the Engine Fuels and Automotive Lubricants Regulation. The information in the two sections is not the same and is inconsistent with federal regulations.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-3 Section 2.21. Liquefied Petroleum Gas. (See related item New-4)

The submitter requests that this proposal be designated as a Developing Item.

The Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation have different information on the method of sale for liquefied petroleum gas. This proposal is to integrate the information from both sections to create identical method of sale language in the two regulations.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2302-11 D Electric Watthour

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

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or

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Background/Discussion:

The creation of Developing Items on both the L&R and S&T Committee agendas will provide for a venue to allow the USNWG to update the weights and measures community on continued work to develop test procedures and test equipment standards. This item will also provide a forum for reporting on work to develop proposed method of sale requirements for electric watthour meters and a tentative device code for electric watthour meters in residential and business locations and serve as a placeholder for eventual submission of these proposals for consideration by NCWM.

In 2012, NIST, OWM formed the U.S. National Working Group on Electric Vehicle Fueling and Submetering to develop proposed requirements for commercial electricity-measuring devices (including those used in sub-metering electricity at residential and business locations and those used to measure and sell electricity dispensed as a vehicle fuel) and to ensure that the prescribed methodologies and standards facilitate measurements that are traceable to the International System of Units (SI).

In 2013, the NCWM adopted changes recommended by the USNWG to the NIST Handbook 130 requirements for the Method of Sale of Commodities to specify the method of sale for electric vehicle refueling. At the 2015 NCWM Annual Meeting, the NCWM adopted NIST Handbook 44 Section 3.40. Electric Vehicle Refueling Systems developed by the USNWG.

This Developing item is included on the Committee's agenda (and a corresponding item is proposed for inclusion on the L&R Committee Agenda) to keep the weights and measures community apprised of USNWG current projects, including the following:

- The USNWG continues to develop recommended test procedures for inclusion in a new EPO 30 for Electric Vehicle Refueling Equipment along with proposed requirements for field test standards.
- The USWNG is continuing work to develop a proposed code for electricity-measuring devices used in sub-metering electricity at residential and business locations. This does not include metering systems

under the jurisdiction of public utilities. The USNWG hopes to have a draft code for consideration by the community in the 2016-2107 NCWM cycle.

The U.S. National Work Group (USNWG) on Measuring Systems for Electric Vehicle Fueling and Submetering's Subgroup on Watthour Type Electric (WHE) Meters will meet (and by Tele/web conference) on September 12-14, 2017 in Sacramento, California to discuss the full development of a November 2014 version of a watthour meter draft code, intended to address legal metrology requirements for the device its minimum inspection and test procedures and test equipment, the appropriate method of sale of electricity through the device and an efficient process for achieving these goals. Additional discussion may include topics such as wireless technology, test procedures, traceability of test standards, and the subgroup's next steps; as well as the U.S. standards development process and timelines for other related projects.

The USNWG will provide regular updates on the progress of this work and welcomes input from the community.

Regional Association Comments:

The regions support the continued development of this item and acknowledges the importance of this work.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-5 Sections 2.15. Solid Fuel Products, 2.16. Compressed or Liquefied Gases in Refillable Cylinders, 2.19. Kerosene (Kerosine), 2.20. Gasoline Oxygenate Blends, 2.21. Liquefied Petroleum Gas, 2.27. Retail Sales of Natural Gas Sold as a Vehicle Fuel, 2.30. Ethanol Flex Fuel, 2.31. Biodiesel and Biodiesel Blends, 2.32. Retail Sales of Hydrogen, 2.33. Oil, 2.34. Retail Sales of Electricity Sold as a Vehicle Fuel, 2.35. Diesel Exhaust Fluid, and 2.XX. Transmission Fluid. (See related item New-6)

Background/Discussion:

The submitter requests that this proposal be designated as a Developing Item.

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

This proposal would copy method of sale information from the Uniform Engine Fuels and Automotive Lubricants Regulation, if it is not currently in the Uniform Regulation for the Method of Sale of Commodities, and reorganize the information in Uniform Regulation for the Method of Sale of Commodities. Discussion is needed on how this information is referenced in state regulations.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-13 Section 2.33. Oil (See related item New-14)

Background/Discussion:

Consumers are being misled and are not being adequately informed under existing Handbook 130 provisions about the performance of “obsolete” oils in the engines of their vehicles. Many of these obsolete oils can damage modern engines. The submitter recognizes that there may be as many as 14 million vehicles that can use pre-1988 motor oils.

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2307 NIST HANDBOOK 130 – UNIFORM ENGINE FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

New-15 Sections 1.12. Compressed Natural Gas (CNG), 1.14. Diesel Exhaust Fluid (DEF), 1.26. Gasoline Gallon Equivalent (GGE), 1.XX. Diesel Gallon Equivalent (DGE), and 1.36. Liquefied Natural Gas Equivalent (LNG)

Background/Discussion:

The Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation have slight differences in the definitions for natural gas fuels and diesel exhaust fluid. This proposal is to update the information in the Fuels and Automotive Lubricants Regulation.

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-14 Sections 1.43. Motor Oil, 1.44. Racing Oil, 3.13. Oil and 7.2. Reproducibility Limits. (See related item New-13)

Background/Discussion:

Consumers are being misled and are not being adequately informed under existing Handbook 130 provisions about the performance of “obsolete” oils in the engines of their vehicles. Many of these obsolete oils can damage modern engines. The submitter recognizes that there may be as many as 14 million vehicles that can use pre-1988 motor oils.

Additional letters, presentations and data may have been part of the Committee’s consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-6 Section 3. Classification and Method of Sale of Petroleum Products (See related item New-5)

Background/Discussion:

The submitter requests that this proposal be designated as a Developing Item.

Information of the method of sale for fuels, lubricants and automotive products currently can appear in the handbook in either the Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation. This proposal is to consolidate and reorganize that information into the Uniform regulation for the Method of Sale of Commodities. This proposal is not intended to modify a specific method of sale. Those modifications should be considered separately by product.

This proposal would remove the detailed method of sale information from the Uniform Engine Fuels and Automotive Lubricants Regulation. The timing of this proposal will require discussion on how the method of sale information is referenced in state regulations.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2307-2 Section 3.2.8. EPA Labeling Requirement Also Apply and Section 3.8. Ethanol Flex Fuel (See Related Item 2302-7)

Background/Discussion:

Align the ethanol labeling language with FTC 16 CFR 306 on the Automotive Fuel Rating Rule as it pertains to ethanol fuel blend rating, labeling on retail dispensers, certification and recordkeeping requirements. It is important that NIST Handbook 130 language stay in alignment with government regulations. The FTC regulation update takes effect July 14, 2016.

At the 2017 NCWM Interim Meeting, Dr. Curran (FALS Chair) remarked that they are submitting modified language to the Committee. Several states and stakeholders support this amendment. There was a remark that the FTC rule references EPA but does not require it to be followed. The Committee is recommending this as a Voting item.

At the 2017 NCWM Annual Meeting, Dr. Curran informed the Committee that FALS met during their Sunday session. There was extensive discussion on this item. The EPA and FTC have conflicting regulations. The FTC has labeling requirements which have fewer elements. The FALS took a vote for those in attendance as to whether they support the Item under Consideration and they could not achieve consensus on the following language in Publication 16 (2017). The Committee reviewed various language alternatives that would be acceptable for all stakeholders.

- 1.) Making the item Informational and sending it back to FALS for further development.
- 2.) Moving the item forward as it published.
- 3.) Moving the item forward with proposed amendments submitted by API.
- 4.) Moving the item forward with alternative language proposed by Committee member, Michelle Wilson and Washington State regulator, Tim Elliot.

In response to a motion made on the floor during the voting session, the Committee reconsidered this Item and agreed to withdraw its recommendation for adoption and removed it from the voting agenda. It was believed that the amended proposal was substantially different than the version that was published in the Committee's Agenda. The amended proposal will be returned to the Committee's agenda.

Regional Association Comments:

At the WWMA, a regulator testified that the proposal does not completely capture the new regulations contained in 16 CFR Part 306. He testified that the FALS Committee is working on a major revision of the Uniform Engine Fuels and Automotive Lubricants Regulation which would, among other things, align Handbook 130 with 16 CFR Part 306. The lettering size as proposed is in conflict with the Federal Trade Commission's (FTC) requirement. The work of the FALS Committee is expected to take two or more years to complete. The WWMA recommended the amended version of the proposal below that includes the exact text found in 16 CFR 306.12 so that it accurately mirrors the federal requirement. The WWMA recommends Voting status for this amended version.

3.8.2. Labeling Requirements.

- ~~(a) Ethanol flex fuel with an ethanol concentration no less than 51 and no greater than 83 volume percent shall be labeled "Ethanol Flex Fuel, minimum 51 % ethanol."~~
- ~~(b) Ethanol flex fuel with an ethanol concentration less than or equal to 50 volume percent shall be labeled "EXX Flex Fuel, minimum YY % ethanol," where the XX is the ethanol concentration in volume percent and YY is XX minus five (- 5). The actual ethanol concentration of the fuel shall be XX volume percent plus or minus five (± 5) volume percent.~~
~~(Added 2014)~~
- ~~(c) A label shall be posted which states "For Use in Flexible Fuel Vehicles (FFV) Only." This information shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type at least 12.7 mm (. in) in height, 1.5 mm ($\frac{1}{16}$ in) stroke (width of type). A label shall be posted which states, "CHECK OWNER'S MANUAL," and shall not be less than 6 mm (. in) in height by 0.8 mm ($\frac{1}{32}$ in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.~~
~~(Amended 2007, 2008, and 2014)~~

3.8. Ethanol Flex Fuels.

3.8.1. The label is 3 inches (7.62 cm) wide x 2½ inches (6.35 cm) long. "Helvetica Black" or equivalent type is used throughout. The band at the top of the label contains one of the following:

- (a) For all ethanol flexfuels. The numerical value representing the volume percentage of ethanol in the fuel followed by the percentage sign and then by the term "ETHANOL"; or
- (b) For ethanol flex fuels containing more than 10 percent and no greater than 50 percent ethanol by volume. The numerical value representing the volume percentage of ethanol in the fuel, rounded to the nearest multiple of 10, followed by the percentage sign and then the term "ETHANOL"; or
- (c) For ethanol flex fuels containing more than 50 percent and no greater than 83 percent ethanol by volume. The numerical value representing the volume percentage of ethanol in the fuel, rounded to the nearest multiple of 10, followed by the percentage sign and then the term "ETHANOL" or the phrase, "51% -83% ETHANOL."

3.8.2. The band should measure 1 inch (2.54 cm) deep. The type in the band is centered both horizontally and vertically. The percentage disclosure and the word "ETHANOL" are in 24-point font. In the case of labels including the phrase, "51% -83% ETHANOL," the percentage disclosure is in 18-point font, and the word "ETHANOL" is in 24-point font and at least ⅛ inch (.32 cm) below the percentage disclosure. The type below the black band is centered vertically and horizontally. The first line is the text: "USE ONLY IN." It is in 16-point font, except for the word "ONLY," which is in 26-point font. The word "ONLY" is underlined with a 2 point (or thicker) underline. The second line is in 16-point font, at least ⅛ inch (.32 cm) below the first line, and is the text: "FLEX-FUEL VEHICLES." The third line is in 10-point font, at least ⅛ inch (.32 cm) below the first line, and is the text "MAY HARM OTHER ENGINES."

3.8.3. Colors. The label background color is Orange: PMS 1495 or its equivalent. The knock-out type within the black band is Orange: PMS 1495 or its equivalent. All other type is process black. All borders are process black. All colors must be non-fade.

The CWMA received comment from a regulatory member of the FALS that this item is being addressed in the revisions that will be submitted by a FALS work group that is reviewing Handbook 130, Uniform Engine Fuels. A

draft should be ready for review by the 2017 NCWM Interim meeting. The CWMA recommended that this be a Developing item.

At the 2017 CWMA Annual Meeting, the American Petroleum Institute (API) testified during the CWMA L&R Open Hearing. API proposed an amendment to modify Items 2302-7 and 2307-2. Their suggested amendment is reflected below. The CWMA feels the FALS Committee needs to review the API proposal and make a recommendation on adopting all, part or none of the API proposal.

3.8.2. Labeling Requirements.

~~(a) Ethanol flex fuel with an ethanol concentration no less than 51 and no greater than 83 volume percent shall be labeled "Ethanol Flex Fuel, minimum 51 % ethanol," shall be identified and labeled in accordance with the Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR 306, as amended with the exception that retailers and wholesale purchaser-consumers of gasoline shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent (v/v) up to 15 volume percent (v/v) ethanol (E15) under 40 CFR § 80.1501.~~
~~(Amended 20XX)~~

~~(b) Ethanol flex fuel with an ethanol concentration less than or equal to 50 volume percent shall be labeled "EXX Flex Fuel, minimum YY % ethanol," where the XX is the ethanol concentration in volume percent and YY is XX minus five (- 5). The actual ethanol concentration of the fuel shall be XX volume percent plus or minus five (+ 5) volume percent.~~
~~(Added 2014)~~

~~(c) A label shall be posted which states "For Use in Flexible Fuel Vehicles (FFV) Only." This informational shall be clearly and conspicuously posted on the upper 50 % of the dispenser front panel in a type at least 12.7 mm (. in) in height, 1.5 mm (1/16 in) stroke (width of type). A label shall be posted which states, "CHECK OWNER'S MANUAL," and shall not be less than 6 mm (. in) in height by 0.8 mm (1/32 in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.~~
~~(Amended 2007, 2008, and 2014, and 20XX)~~

The SWMA heard comment that FTC was being consulted with on this item. Currently the lettering size as proposed does conflict with the FTC requirement. The submitter from API and the State of Florida would like to see the issue forwarded to FALS. The submitter takes issue with the Method of Sale and Fuels and Lubricants section not having identical specifications. The SWMA recommended this be an Informational item.

NEWMA received comment from the Chair that this and Item 2302-7 are both proposals that should go through FALS. NIST OWM and an ethanol industry representative commented that this proposal should remain informational and be referred to FALS for further development. A state regulator commented that the new FTC Part 306 allows E-15 to be considered as part of D4814. Also, E-15 would require the EPA label that 2001 and newer vehicles can use the product, but there is no octane label required. NEWMA forwarded the item to NCWM and recommended it as an Information item and requested it be reviewed by FALS. At the 2017 NEWMA Annual Meeting API testified during open hearings that the language proposed in Section 3.8.1. and 3.8.2. (refer to 2017 CWMA reporting for language). NEWMA wants to maintain it as Voting status, contingent on review by the FALS.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <http://www.ncwm.net/meetings/interim/publication-16> to review these documents.

New-17 Sections 1. Definitions, 2.1. Gasoline and Gasoline Oxygenate Blends, 2.7. Denatured Fuel Ethanol. 3.2. Automotive Gasoline and Automotive Gasoline Oxygenate Blends and 4. Retail Storage Tanks and Dispenser Filters (See related Item New-16)

Background/Discussion:

Terminology related to ethanol and fuels containing ethanol in Handbook 130 is inconsistent with EPA and FTC definitions. This proposal would harmonize the related terminology in the handbook with the federal definitions. Several comments have also been received that it would be helpful to add references to federal regulations in the handbook. This proposal included a number of these references.

U.S. Federal Regulations cited in proposals

EPA REGULATIONS – 27 CFR Part 80

§80.2 Definitions.

Definitions apply in this part as described in this section.

(c) *Gasoline* means any fuel sold in any State¹ for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

¹*State* means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

(g) *Unleaded gasoline* means gasoline which is produced without the use of any lead additive and which contains not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorus per gallon.

(ee) *Reformulated gasoline* means any gasoline whose formulation has been certified under §80.40, and which meets each of the standards and requirements prescribed under §80.41.

(rr) *Oxygenated gasoline* means gasoline which contains a measurable amount of oxygenate.

(vvv) *Denatured fuel ethanol (DFE)* means an alcohol of the chemical formula C₂H₆O which contains a denaturant to make it unfit for human consumption, that is produced or imported for use in motor gasoline, and that meets the requirements of §80.1610.

(aaaa) *CBOB* means gasoline blendstock that could become conventional gasoline solely upon the addition of oxygenate.

§80.24 Controls applicable to motor vehicle manufacturers.

(b) The manufacturer of any motor vehicle equipped with an emission control device which the Administrator has determined will be significantly impaired by the use of gasoline other than unleaded gasoline shall manufacture such vehicle with each gasoline tank filler inlet having a restriction which prevents the insertion of a nozzle with a spout having a terminal end with an outside diameter of 0.930 inch (2.363 centimeters) or more and allows the insertion of a nozzle with a spout meeting the specifications of §80.22(f)(2).

FTC REGULATIONS – 16 CFR Part 306

§306.0 Definitions.

As used in this part:

(i) *Automotive fuel* means liquid fuel of a type distributed for use as a fuel in any motor vehicle, and the term includes, but is not limited to:

- (1) Gasoline, an automotive spark-ignition engine fuel, which includes, but is not limited to, gasohol (generally a mixture of approximately 90 percent unleaded gasoline and 10 percent ethanol) and fuels developed to comply with the Clean Air Act, 42 U.S.C. 7401 *et seq.*, such as reformulated gasoline and oxygenated gasoline; and
- (2) Alternative liquid automotive fuels, including, but not limited to:
 - (iii) Ethanol flex fuels;

(o) *Ethanol flex fuels* means a mixture of gasoline and ethanol containing more than 10 percent but not greater than 83 percent ethanol by volume.

§306.6 Certification.

In each transfer you make to anyone who is not a consumer, you must certify the automotive fuel rating of the automotive fuel consistent with your determination. You can do this in either of two ways:

(a) Include a delivery ticket or other paper with each transfer of automotive fuel. It may be an invoice, bill of lading, bill of sale, terminal ticket, delivery ticket, or any other written proof of transfer. It must contain at least these four items:

- (1) Your name;
- (2) The name of the person to whom the automotive fuel is transferred;
- (3) The date of the transfer;
- (4) The automotive fuel rating. Octane rating numbers may be rounded off to a whole or half number equal to or less than the number determined by you.

(b) Give the person a letter or other written statement. This letter must include the date, your name, the other person's name, and the automotive fuel rating of any automotive fuel you will transfer to that person from the date of the letter onwards. Octane rating numbers may be rounded to a whole or half number equal to or less than the number determined by you. This letter of certification will be good until you transfer automotive fuel with a lower automotive fuel rating, except that a letter certifying the fuel rating of biomass-based diesel, biodiesel, a biomass-based diesel blend, a biodiesel blend, or an ethanol flex fuel will be good only until you transfer those fuels with a different automotive fuel rating, whether the rating is higher or lower. When this happens, you must certify the automotive fuel rating of the new automotive fuel either with a delivery ticket or by sending a new letter of certification.

(c) When you transfer automotive fuel to a common carrier, you must certify the automotive fuel rating of the automotive fuel to the common carrier, either by letter or on the delivery ticket or other paper.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-2 Section 3.7. Kerosene (Kerosine). (See related item New-1)

Background/Discussion:

The submitter requests that this proposal be designated as a Developing Item.

The Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation have different information on the method of sale for Kerosene. This proposal is to integrate the information from both sections to create identical method of sale language in the two regulations.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-4 Section 3.10. Liquefied Petroleum Gas. (See related item New-3)

Background/Discussion:

The submitter requests that this proposal be designated as a Developing Item.

The Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels and Automotive Lubricants Regulation have different information on the method of sale for liquefied petroleum gas. This proposal is to integrate the information from both sections to create identical method of sale language in the two regulations.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2307-3 Section 4.1. Water in Retail Engine Fuel Storage Tanks Gasoline-Alcohol Blends, Biodiesel Blends, Ethanol Flex Fuel, Aviation Gasoline, and Aviation Turbine Fuel and Section 4.2. Water in Gasoline, Diesel, Gasoline Ether, and Other Fuels.

Background/Discussion:

All engine fuels degrade more rapidly in the presence of water, and can result in off spec product, microbial growth and internal corrosion of tanks and tank equipment. Besides impacting the quality of fuel such as when ethanol dissolves in water causing phase separation, affecting RVP and reducing AKI or octane number, the occurrence of microbial growth and corrosion particulates clog dispenser filters and affect other fuel clarity parameters. The fuels landscape has changed significantly across the country and currently almost all gasoline is blended with ethanol and all diesel is now Ultra Low Sulfur Diesel with up to five percent biodiesel. This proposal provides a consistent best management practice with regard to managing water in any engine fuel utilizing current detection technology (water finding paste or other acceptable means), and also simplifies the handbook by eliminating the necessity for Section 4.2. Water in Gasoline, Diesel, Gasoline Ether, and Other Fuels.

At the 2016 NCWM Interim Meeting, Dr. Curran (FALS Chairman) remarked that FALS is forming an informal focus group (FG) lead by Mr. Albuquerque (CO) for developing this item. Bill Hornback (Chevron Products Co.) remarked that this is no way to detect ¼ in water. The Committee agrees that additional work needs to be done and recommends this as an Informational Item.

At the 2016 NCWM Annual Meeting, Mahesh Albuquerque (Informal FG Chair) gave a presentation regarding water in fuel storage tanks. Mr. Albuquerque will continue to develop this item through the informational focus group and report back to FALS on their progress.

At the 2017 NCWM Interim Meeting, Mr. Mahesh Albuquerque provided an update to the FALS. Mr. Albuquerque noted that this proposal arose because there are two different requirements in the Handbooks regarding permissible

levels of water in fuel storage tanks and he was looking to harmonize them to one quarter inch. He gave a presentation highlighting some of the research that has been conducted regarding the effects of water in fuel storage tanks. Much discussion ensued and one of the overarching lingering questions left before group was if this was worth the cost of implementation. The Informal FG plans to continue to evaluate this and other related questions in hopes to have a resolution ready to move forward in the near future.

Regional Association Comments:

The WWMA received testimony from the submitter that this item will serve 1) to simplify the requirements in HB130 by eliminating Section 4.2. Water in Gasoline, Diesel, Gasoline-Ether, and Other Fuels and applying a single standard for water allowance in all fuel storage tanks and 2) to protect the fuel from degradation associated with water contamination, and 3) to reduce storage tank integrity issues associated with water contamination. He stated that diesel fuel today is more susceptible to microbial growth since the comparatively high sulfur levels in pre-2006 diesel fuel naturally inhibited microbial growth. He is working with FALS on this item and invites participation from all stakeholders. One industry representative asked that the standard, whatever it ends up being, be uniformly applied to the fuels identified in Section 4.2. Water in Gasoline, Diesel, Gasoline-Ether, and Other Fuels. There was considerable discussion as to whether $\frac{1}{4}$ in is something that is detectible using current tank monitoring equipment and conventional water detecting paste. One industry representative testified that current tank monitoring equipment is unable to detect water levels less than $\frac{3}{4}$ in depth. However, most agreed that water finding paste used in conjunction with sticking the tank is quite capable of resolving $\frac{1}{4}$ in of water. The WWMA agreed that additional input from industry, regulators, and the FALS committee is necessary and recommended this be an Informational item.

The CWMA received a comment that a regulator who sits on the board of the Steel Tank Institute (STI) is currently on a working group that is revising the recommended practices for water in storage tanks. He believes NCWM and Handbook 130 should be harmonized with this group, because there is a broad-based industry stakeholder group working on these recommendations. He further commented that the maximum allowable limit will likely be one-half inch, as well as a frequency requirement that varies depending on the type of tank. A regulator commented that their state requirement is one-half inch maximum allowable, but essentially it is a de minimis level that identifies any water. An industry representative from API asked several questions for consideration including: 1) how are UST facilities measuring the $\frac{1}{4}$ in water; are they able to use electronic measuring equipment or are they relying on stick and paste; 2) has Colorado or any other state identified a correlation between tank conditions when 1 in of water is present versus a $\frac{1}{4}$ in of water; 3) are USTs changing out their filters more often with 1 in of water than with $\frac{1}{4}$ in of water; is there any correlation between water in the tanks and consumer complaints; 4) if the facilities are using filters, are they using water sensitive filters; 5) how often are facilities cleaning their tanks; 6) how often are facilities removing the water from the tanks; 7) is there a correlation to the amount of water measured in the tank? The state regulator on the STI board commented that any presence of water will cause the issues such as corrosion that are trying to be prevented. An industry representative from the National Biodiesel Board (NBB) commented that NBB does not oppose this idea, but also does not know the most effective de minimis amount. She commented that NBB believes that regardless of the maximum allowable limit, all fuels should have the same requirement. The CWMA recommended this be a Developing item. At the 2017 CWMA Annual Meeting they believe the intent of the item is valid, however, scientific data supporting the item is lacking. The CWMA is encouraging further development by the Informal FG.

The SWMA heard from the FALS Chair that an informal focus group is working on this item. An API representative remarked that limiting water was important but wondered how the proposal will help address the issue. The SWMA recommended this be an Informational item.

At the 2016 NEWMA Interim Meeting they received a report that an informal focus group within the FALS is working to further develop this proposal by determining what the appropriate maximum water volume should be for storage tanks. A biodiesel industry representative commented that regardless of what is determined to be the de minimis amount of water allowed, it should be the same for all fuels, unlike what is currently in Handbook 130. NEWMA recommended this be an Informational item. During the 2017 NEWMA Annual Meeting, NEWMA indicated that it looks forward to receiving a final version of this proposal.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2500 NCWM POLICY, INTERPRETATIONS AND GUIDELINES

New-20 Section 2.6.17. Methods of Sale for Packages of Consumer Commodities – Federal Trade Commission and Acceptable Common or Usual Declarations for Packages of Food – Food and Drug Administration.

Background/Discussion:

This proposal is to provide NIST HB130 users with easy access to tables to identify the method of sales prescribed by the Federal Trade Commission (FTC) for products subject to that agency's regulation and the acceptable common or usual declarations permitted to appear on packages of food by the Food and Drug Administration. Much of this information has been published by FDA and FTC in out of print publications and by NBS/NIST in its training materials since the 1970s. The information is used by the Office of Weights and Measures in both training and daily to respond to inquiries from both weights and measures officials and industry about how products are to be sold and labeled. The tables have been revised to add current FTC labeling requirements which include requirements for metric units and additional common and usual declarations for commodities that FDA has issued in recent years in response to specific inquiries from OWM that submitted to FDA to assist packers and weights and measures officials. The FDA information is based on Guide 7699.2 in the Food and Drug Administrations "Fair Packaging and Labeling Manual" (June 1978) and other FDA guidance.

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

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

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2600 HANDBOOK 133

New-8 Sections 1.2.2. Average Requirement, 1.4. Other Regulatory Agencies Responsible for Package Regulations and Applicable Requirements, 2.3.7.2. Average Requirement, and Appendix A. Tables – Table 1-1 "Agencies Responsible for Package Regulations and Applicable Requirements (See related item New-7)

Background and Discussion:

In the UPLR in HB 130 Sections 6.12. "Supplementary Quantity Declaration" and 6.14. "Qualification of Declaration Prohibited" prohibit the use of the term "minimum" in conjunction with declarations of net quantity of contents. In addition, under Section 12. "Variations to be Allowed" the "minimum" system of fill is not recognized. There are currently no instructions in HB 133 on how to verify the net quantity of contents of packaged goods filled under a minimum system of fill so field officials do not have the information they need to inspect products labeled with a minimum quantity. To eliminate this, void, the OWM

developed the proposed subsection to incorporate the minimum package fill requirements that EPA specifies in 40 CFR §156.10 (d)(6) into HB133.

The OWM is proposing that a new section be added to NIST Handbook 133 to inform users that the Environmental Protection Agency (EPA) regulations in 40 CFR 156.10(d) permit the use of the term “minimum weight” in conjunction with declarations of the net quantity of contents and that the minimum system fill requirements apply when a packer uses the term “minimum weight.” Adding this information will inform the reader how to apply the minimum system fill requirements to pesticides and other products subject to EPA regulations (these products must bear an EPA registration number). This should ensure that uniform package fill requirements will be applied under HB133 which are identical to the requirements that EPA specifies in 40 CFR §156.10 (d)(6).

OWM does not anticipate opposition to this since the amendments in this proposal are being added to inform users of handbook 133 of a difference between HB 133 and EPA regulations. This will inform State and local weights and measures inspectors and other users that EPA permits the use of the term “minimum” but also when the term “minimum” is used the average system is not applicable. When the “minimum” statement is used on EPA registered products reasonable amounts of overfill are permissible, but no package in the sample may contain less than the stated quantity. This proposal will inform inspectors and packers alike about the procedures that will be used to determine if samples pass or fail under the minimum system of fill.

EPA Registration Number Required to Appear on Package





Minimum weight statement

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-19 1.2.3.1. Applying Moisture Loss

Background/Discussion:

The term, "reasonable moisture loss" is vague and without sufficient direction or definition to provide field staff with guidance on actions taken with respect to package weighing. The supreme court decision (Jones v. Rath Packing, 430 U.S. 519 - 1977) effectively required that officials must take into account "reasonable" moisture loss but this designation makes it difficult to defend such an action from claims of that said action is arbitrary and capricious. Logically this information would be accessible to the manufacturer; it's their plant and their customers in the distribution system. However, Jones v. Rath effectively put the onus on the weights and measures official who even if they had all the available information are still burdened with defending their actions. A set moisture coefficient would enable inspectors to meet the requirement while also allow impacted commodity manufacturers to submit materials to NCWM if an additional percentage is desired.

At this time owing to court cases (Jones v. Rath) reasonable allowance must be made for moisture loss. The problem has been that the provision was amorphous and vague, and the information may not be readily available. This situation has led to the current state of affairs that such actions taken in the field were subject to challenge as being arbitrary and capricious. "Reasonable" can be subjective and clear information about moisture loss can be illusive. Clear guidance needs to be established so that inspectors can be reasonable certain that actions taken, as long as they are consistent with Handbook 133, are defensible and not burdensome on the inspector or industry.

It can be argued that the average moisture loss should be 3% which if you examine the exempt items in HB 133 appears on average to be consistent with that number. However, this may allow a manufacturer to claim more than is justified based on examination of the product over time and conditions, unfairly impacting consumers, defacto allowing underfills because of the permissibility of the standard.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-10 4.XX. Softwood Lumber

Background/Discussion

Currently there is not a test procedure for softwood lumber in NIST HB133. This procedure follows good measuring practices for products sold by linear measure. Over the past several years' states have requested guidance for a test procedure that determines the accuracy of softwood lumber. The test procedure was derived in part from the efforts of the California Division of Measurement Standards whose development and use over the years has shown reliable and repeatable results. This procedure was also developed with input provided from David Kretschmann, President, American Lumber Standards Committee (ALSC 7470 New Technology Way, Suite F, Frederick, MD 21703 PH: 301-972-1700 alsc.org) whose field representatives complete over 300 inspections a year to ensure self-compliance within their industry. ALSC field representatives validated the attached test procedure on 16 different size and types of softwood products.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-12 4.XX. Plywood and Wood-Based Structural Panels

Background/Discussion:

Currently there is not a test procedure for plywood and wood-based structural panels in NIST HB133. This procedure follows good measuring practices for products sold by linear measure. Over the past several years' states have requested guidance for a test procedure that determines the accuracy of plywood and wood-based structural panels. This procedure was developed with the input from Steve Zylkowski, Director, Quality Services Division, Engineered Wood Association (APA). APA was previously known as the American Plywood Association. When their name changed, it was decided to leave the acronym APA because it was so well established. (APA 7011 S. 19th Street, Tacoma, WA 98466 PH: (253) 620-6600 www.apawood.org.)

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

New-11 Appendix A: Tables 1.1. Agencies Responsible for Package Regulations and Applicable Requirements and 2.9. U.S. Department of Agriculture, Meat and Poultry, and Siluriformes Groups and Lower Limits for Individual Packages (Maximum Allowable Variations [MAVs])

Background/Discussion:

The Department of Agriculture, Food Safety and Inspection Service announced that Siluriformes include but are not limited to, "catfish" (fish of the family Ictaluridae) and "basa" and "swai" (fish of the family Pangasiidae). NIST Handbook 133 needs to be updated to inform the users of this federal regulation. This change impacts Appendix A, Table 1-1 Agencies Responsible for Package Regulations and Applicable Requirements and Table 2-9

U.S. Department of Agriculture, Meat and Poultry Groups and Lower Limits for Individual Packages (Maximum Allowable Variations [MAVs])

2600-3 D Recognize the Use of Digital Density Meters

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

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

Background/Discussion:

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

Digital density meters are fast and accurate in comparison with recognized Handbook 133 test procedures for viscous fluids. Using digital density meters equipped with built-in API density tables will not require the cooling samples to 60 °F. There is no need to “wet down” volumetric flasks before each measurement. Most non-food products may be recovered without contamination. Only a small sample size (2 ml) of the product is needed for testing. There is no need for a partial immersion thermometer or volumetric flasks. The current method in “Section 3.4. Volumetric Test Procedures for Viscous Fluids – Headspace” does not work for plastic oblong bottles often used for motor oil. This new test procedure would eliminate the entrapment of air in testing viscous fluids (i.e. motor oil, DEF, antifreeze, syrups, etc.) Well established ASTM and other international standard test methods are available with precision statements.

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

At the 2017 Interim Meeting the submitter Ron Hayes (MO) asked for the states participation in a round robin to compare the current handbook test procedures with the density meter. The Committee encouraged the submitter to develop a proposal by Fall 2017.

Regional Association Comments:

The WWMA supported the continued development of this item. The WWMA recommended that it be Withdrawn until a proposal has been developed for consideration.

At the 2017 CWMA meeting the submitter remarked that they have conducted research which validates the use of digital density meters as a viable tool for weights and measurement work. They will be submitting additional information to the Committee. The CWMA encourages the development of this Item.

The SWMA heard no comments on the item and recommends the submitter follow up with the NCWM L&R Committee to provide further information. The SWMA recommended that the item remain in Developing status.

NEWMA received comment from NIST OWM that this item is a placeholder for future development. A state regulator from New York commented that he doesn't know if the digital density meters are accurate, and how they are tested/verified. NEWMA recommended that this item remain in Developing status until Fall 2017. At the 2017 NEWMA Annual Meeting the NIST Technical Advisor commented that the Conference encouraged the submitter to develop a proposal by Fall, 2017, and asked for states to volunteer to participate in the development. NEWMA looks forward to seeing a developed proposal at its 2017 Interim Meeting.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2700 OTHER ITEMS

2700-1 D Fuels and Lubricants Subcommittee

This item is to provide a report on the activities of the Fuels and Lubricants Subcommittee which reports and provides recommendations to the Laws and Regulations Committee. For more information or to provide comment, please contact:

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

Background/Discussion:

The Subcommittee met on Sunday, January 8, 2017, at the NCWM Interim Meeting in San Antonio, TX to review a few significant issues related to fuel and automotive fluid standards appearing before the L&R Committee. The meeting began with an update from an agenda review teleconference, which was held on Tuesday, January 3, 2017. There were four items on the L&R agenda with two additional related items in the Method of Sale Section that were discussed by FALS. The meeting also consisted of updates from four informal FGs working within FALS; further discussion on some of the agenda items; and several presentations from FALS members. Summaries of the Informal FGs are detailed below. Finally, the subcommittee discussed membership and voting guidelines that would be applied to agenda items and issues addressed within FALS.

The Subcommittee met on Sunday, July 16, 2017, at the NCWM Annual Meeting in Pittsburgh, PA to review several significant issues related to fuel and motor vehicle fluid standards appearing before the L&R Committee. The meeting began with an update from an agenda review teleconference, which was held on Thursday, June 8, 2017. There were four items on the L&R agenda with two additional related items in the Method of Sale Section that were discussed by FALS. Item 2307-2 related to Ethanol Flex Fuels was discussed at the meeting as the submitter was not able to attend the agenda review teleconference. The meeting also consisted of updates from the four informal focus groups (FG) working within FALS. Summaries are detailed below.

Handbook 130 Harmonization Informal FG: Mr. Randy Jennings commented that the informal FG reviewed the latest draft proposal to Handbook 130 and the comments on the draft during a four hour call the previous week. Mr. Jennings will provide a revised document with changes based on the call for consideration to recommend as voting item at the 2018 NCWM Interim Meeting.

Renewable Diesel Labeling and Definitions FG: Mr. Allan Morrison requested that the informal FG resume work, but at the meeting FALS was informed that the informal FG had not had a chance to meet since the request was made to resume work.

Premium Diesel Informal FG: Mr. Manuch Nickanjam (Chevron Global Downstream) gave a brief presentation on the efforts of informal IFG thus far noting that the group's work is nearly complete. Once complete the group will bring the work before the FALS membership for discussion and consideration.

Water in Storage Tanks Informal FG: Mr. Mahesh Albuquerque provided an update and revisited the intent of his proposal since it is related to current L&R agenda Item 2307-3. The intent of the proposal is to harmonize the permissible amount of water allowed in both blended and unblended fuel storage tanks. However, there has been many questions raised as to the benefit of moving forward in this direction. The informal FG is working to address

cost analysis issues as well as how effective such a change would be if implemented. (refer to Item 2307-3 for additional information)

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

2700-2 D Packaging and Labeling Subcommittee

This item is to provide a report on the activities of the Packaging and Labeling Subcommittee which reports and provides recommendations to the Laws and Regulations Committee. For more information or to provide comment, please contact:

Chris Guay, Chairman of the Packaging and Labeling Subcommittee
Procter and Gamble Co.
513-983-0530
guay.cb@pg.com

Background/Discussion:

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

Mr. Guay reported the Subcommittee is working on a Recommended Practice Document for quantity expressions appearing on the principal display panel (PDP) in addition to the required statement of net quantity. In addition PALS is considering further development of the following items:

- **Additional Net Content Declarations on the Principal Display Panel to Meet U.S. and International Requirements** - Package net contents are most commonly determined by the product form, for example – solid products are labeled by weight and liquid products are labeled by volume. Semi-solid products such as pastes, creams and viscous liquids are required to be labeled by weight in the United States and by volume in Canada.
- **Icons in Lieu of Words in Packaged labeled by Count** – Can a clear and non-misleading icon take the place of the word “count” or “item name” in a net content statement? While existing Federal regulation requires regulatory label information to be in “English,” the increasing presence of multilingual labels and the growing diversity of the U.S. population suggest more consumers are served with a clear and non-misleading icon.
- **Multipacks and Bundle Packages** - The net content statements for multipacks and bundled packages of individually labeled products can be different based on the approach used to calculate them. The difference is the result of the degree of rounding for dual inch-pound and metric declarations. Using two apparently valid but different methods can yield one net content statement result, that provide better accuracy between the metric and inch-pound declarations and a different net content result which is consumer friendly.

At the 2016 NCWM Annual Meeting, Mr. Guay (PALS Chair) reported that the Subcommittee continues to address question and issues surfacing as the PALS subcommittee works on the Recommend Practice Document.

At the 2017 NCWM Interim Meeting, Ann Boeckman (PALS Member) provided a presentation to the PALS summarizing the history of the U.S. Fair Packaging and Labeling Act, FTC's FPLA regulations, and positions taken

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by FTC when questions were referred to the Agency. The PALS Committee is planning to contact FTC and FDA to discuss the how PALS can provide guidance to manufacturers consistent with FTC and FDA requirements and interpretations.

At the 2017 NCWM Interim Meeting Mr. Guay (PALS Chair) reported that PALS was making progress on a Recommended Practice Document for quantity-related statements appearing the package net content statement outside of the required statement of net quantity. He noted that no guidance or regulation exists for these types of statements and as a result, every manufacturer creates their own approach. A Recommended Practice Document is expected to help bring uniformity and consistency by providing a reference for these types of label statements. This document will either be a stand-alone document on the NCWM website a NCWM publication.

At the 2017 Annual Meeting, PALS met with a representative of the FDA to provide a detailed overview of the background, development, and status of the developing Recommended Best Practice Document. While also invited, FTC was unable to attend this meeting. PALS is planning to continue development of this document and continue outreach to the Federal Agencies as it works to finalize the first draft of the document. PALS plans to share the Best Practice Document with NCWM members for input once the draft is complete.

Additional letters, presentations and data may have been part of the Committee's consideration. Please refer to <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.