

SWMA Laws and Regulations (L&R) Committee 2020 Annual Meeting Report

Mr. Mauricio Mejia, Committee Chair
Florida

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

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

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Table B
Glossary of Acronyms and Terms

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

Details of All Items
(In order by Reference Key)

ITEM BLOCK 1 (B1) HB 130, UPLR, SEC. 2.8. MULTIUNIT PACKAGE. HB 133 MODIFY “SCOPE” FOR CHAPTERS 2 – 4, ADD A NOTE FOLLOWING SECTIONS 2.3.7.1. AND 2.7.3., CREATE A CHAPTER 5. SPECIALIZED TEST PROCEDURES AND HB133 APPENDIX F. GLOSSARY

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

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

ITEM BLOCK 1
No report due to the constraints of holding a virtual meeting.

PAL – UNIFORM PACKAGING AND LABELING REGULATION

PAL-21.1 V Section 11.XX. Bacon

PAL-21.1
<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 an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i> <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> <input type="checkbox"/> No recommendation from the region to NCWM <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>Ms. Lisa Warfield (NIST OWM) remarked that they submitted this proposal to add the USDA labeling requirements for bacon to NIST HB130 UPLR. If adopted this language would appear in Section 11. Exemptions. When drafting this proposal, the exemption for bacon was only for the location (section 8.1.1.) We were not exempting bacon from 8.1.2. and 8.1.3. of the UPLR that requires the net quantity to be conspicuous.</p> <p>This language mirrors the language found for margarine under Section 11.19.</p> <p>Both margarine and bacon exemption are found in 9 CFR 317.2</p>

If the Committee agrees language for conspicuous needs to be addressed. NIST OWM recommends adding a sentence – “The statement of net quantity shall be clear and conspicuous on the principal display panel. (refer to 9 CFR 317.2)

The Committee received comments from Mr. Tim Chesser (Arkansas) in support of the item with alternative language to include clear and conspicuous.

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

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

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

MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES

MOS-20.3 V Section 2.XX. Diesel Fuel

MOS-20.3
No report due to the constraints of holding a virtual meeting.

MOS-20.5 I Section 2.21. Liquefied Petroleum Gas

MOS-20.5
No report due to the constraints of holding a virtual meeting.

FLR - UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

FLR-20.5 V Section 2.1.2.(a). Gasoline-Ethanol Blends.

This item appeared as part of FLR-20.2 on the NCWM 2020 Interim Agenda. Part of the original “Item Under Consideration” was not moved forward as a Voting item and now appears in Block 4 of this Agenda.

FLR-20.5
No report due to the constraints of holding a virtual meeting.

FLR-21.1 W Section 4.4. Product Storage and Dispenser Identification

FLR-21.1
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 type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i> <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> <input type="checkbox"/> No recommendation from the region to NCWM <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>The L&R Committee received comments from several regulators in favor of the proposed item and believed it had merit but needed more development. Many commented that feedback was needed from industry and other regulators. Tennessee and North Carolina already adopt Section 4.4.2. Declaration of Meaning of Color Code of the Uniform Fuels and Automotive Lubricants Regulation.</p> <p>Mr. Prentiss Searles (API) commented that there would be many challenges in implementation. He agreed with the intent of the proposal but felt it would be more fitting as a best practice instead of rule. He also mentioned that the color code standard (RP 1637) has been updated and is available online (https://www.apiwebstore.org/). The latest version can also be reviewed in the API “reading room” at this link. An account will need to be created, which is free, and then go to the “IBR Documents Under Construction” section to read it.</p> <p>Ms. Kristy Moore (Growth Energy) commented that RP 1637 did not have input by industry (ethanol) and that they have their own industry standard.</p> <p>Ms. Rebecca Richardson (National Biodiesel Board) while in support of the proposal she expressed concerns about the use of only colors to identify for those who may be color challenged. Mr. Searles noted that the updated standard uses a combination of letters and colors.</p> <p>The Committee recommends this item to be Withdrawn. The Committee does not believe this item has merit as a weights and measures issue but may be an industry best practice.</p>

ITEM BLOCK 5 (B5) METHOD OF SALE & FUELS AND AUTOMOTIVE LUBRICANTS REGULATIONS – BACKGROUND INFORMATION

B5: MOS-18.2. V Method of Sale Regulation – 1. Background information
 B5: FLR-20.4. V Fuels and Automotive Lubricants Regulation – 1. Background Information

MOS-18.2. appeared in NCWM Publication 15 (2020) as a standalone item. B5: FLR-20.4 did not appear in the publication and was created by the Committee during its work session.

ITEM BLOCK 5
No report due to the constraints of holding a virtual meeting.

ITEM BLOCK 6 (B6) I TRANSMISSION FLUID

- B2: MOS-21.1 I Section 2.36.2. Labeling and Identification of Transmission Fluid
- B2: FLR-21.2 I Section 3.14.1. Labeling and Identification of Transmission Fluid

ITEM BLOCK 6
<p>Regional recommendation to NCWM on item status:</p> <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 Information Item on the NCWM agenda <input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i> <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> <input type="checkbox"/> No recommendation from the region to NCWM <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>Mr. Stephen Benjamin (North Carolina) expressed his support of the item.</p> <p>The Committee had concerns over the definition of “obsolete” and the need for the third paragraph in Section 2.36.2.1(f). It was also noted that UPLR 8.2.2 does not address color. This Section was amended by the Committee to read Section 8.1. General.</p> <p>The SWMA L&R Committee recommends this as an Information item. The Committee recommends that the submitter provide a clear definition of obsolete, that the first paragraph of subsection (f) for both items be updated as suggested below and that the third paragraph of subsection (f) be removed from both items.</p> <p><u>(f) Any obsolete equipment manufacturer specifications shall be clearly identified as “obsolete” and accompanied by the following warning on the principle display panel in accordance with clearly legible font size and color as stated in Uniform Packaging and Labeling Regulation 8.1General. 8.2.2.:</u></p> <p><u>Caution: Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the Transmission is possible when using in applications in which it is not intended. Always refer to your vehicle owner’s manual for proper transmission fluids.</u></p> <p><u>The above warning is not required if the fluid claims to meet current original equipment manufacturer’s specifications and refers to thereby preceding specifications</u> <u>(Added 20XX)</u></p>

ITEM BLOCK 2 (B2) TRACTOR HYDRAULIC FLUID

- B2: MOS-20.1 V Section 2.39. Tractor Hydraulic Fluid
- B2: FLR-20.1 V Sections 1.31. Hydraulic Fluid, 2.22. Products for Use in Lubricating Tractors and 3.17. Tractor Hydraulic Fluid

ITEM BLOCK 2
<p>No report due to the constraints of holding a virtual meeting.</p>

ITEM BLOCK 7 (B7) V TRACTOR HYDRAULIC FLUID

- B3: MOS-21.2 V Section 2.39.2. Labeling and Identification of Tractor Hydraulic Fluid
 B3: FLR-21.3 V Section 3.17.1. Labeling and Identification of Tractor Hydraulic Fluid

ITEM BLOCK 7
<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 an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i> <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> <input type="checkbox"/> No recommendation from the region to NCWM <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i></p>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>The L&R Committee recommends this as a Voting item. It is our hope that this will be resolved with carry over item Block 2 on the L&R NCWM Committee Agenda.</p>

ITEM BLOCK 3 (B3) FUELS & AUTOMOTIVE LUBRICANTS INSPECTION LAW, SECTION 8. PROHIBITED ACTS. METHOD OF SALE, SECTION 2.33. OIL. FUELS & AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE (MOTOR OIL), 3.13. OIL, AND 7.2. REPRODUCIBILITY LIMITS

- B3: FLL-18.1 V Section 8. Prohibited Acts
 B3: MOS-18.1 V Section 2.33. Oil
 B3: FLR-18.1 V Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits.

ITEM BLOCK 3
No report due to the constraints of holding a virtual meeting.

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

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

ITEM BLOCK 4
No report due to the constraints of holding a virtual meeting.

NET – HANDBOOK 133

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

NET-16.1
No report due to the constraints of holding a virtual meeting.

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

NET-20.2
No report due to the constraints of holding a virtual meeting.

OTH – OTHER ITEMS

OTH-07.1 D Fuels and Lubricants Subcommittee

OTH-07.1
No report due to the constraints of holding a virtual meeting.

OTH-11.1 D Packaging and Labeling Subcommittee

OTH-11.1
No report due to the constraints of holding a virtual meeting.

Mr. Mauricio Mejia, Florida | Committee Chair
Ms. Christina Osborn, Texas | Member
Mr. Gary Minton, Virginia | Member
Mr. Chad Parker, North Carolina | Member
Ms. Vanessa Benchea, Florida | Member

Laws and Regulations Committee