

## NEWMA Laws and Regulations (L&R) Committee 2019 Interim Meeting Report

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### INTRODUCTION

1 The Laws and Regulations (L&R) Committee (hereinafter referred to as “Committee”) submits its Report to the  
2 Central Weights and Measures Association (NEWMA). The Report consists of the NEWMA Agenda (NCWM  
3 Carryover and NEW items) and this Addendum. Page numbers in the tables below refer to pages in this Addendum.  
4 Suggested revisions to the handbook are shown in **bold face print** by ~~striking-out~~ information to be deleted and  
5 underlining information to be added. Requirements that are proposed to be nonretroactive are printed in **bold-faced**  
6 *italics*.

7  
8 Presented below is a list of agenda items considered by the NEWMA and its recommendations to the NCWM Laws  
9 and Regulations Committee.

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**Subject Series List**

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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**

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<b>Acronym</b>	<b>Term</b>	<b>Acronym</b>	<b>Term</b>
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	SAE	Society of Automotive Engineers
L&R	Laws and Regulations	SWMA	Southern Weights and Measures
LNG	Liquefied Natural Gas	UPLR	Uniform Packaging and Labeling Regulation
NCWM	National Conference on Weights and Measures	USNWG	U.S. National Work Group
NEWMA	Northeastern Weights and Measures Association	WWMA	Western Weights and Measures Association

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

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

- 6 B1: PAL-19.1 D Handbook 130 Uniform Packaging and Labeling Regulation: Section 2.8. Multiunit Package
- 7 B1: NET-19.1 D Handbook 133: Section 1.2.4. Maximum Allowable Variation
- 8 B1: NET-19.2 D Handbook 133: Modify “Scope” for Chapters 2 – 4, and a note following Section 2.3.7.1.
- 9 Maximum Allowable Variation (MAV) Requirement and 2.7.3. Evaluation of Results –
- 10 Compliance Determinations
- 11 B1: NET-19.3 D Handbook 133: Create a Chapter 5, Specialized Test Procedures
- 12 B1: NET-19.10 D Handbook 133, Appendix F. Glossary

13 **(B1:NET-3, “Handbook 133, Create a Chapter 5. Specialized Test Procedures” must be adopted in order for**  
 14 **the remainder of Item Block 1 to proceed.)**

15 **B1: PAL-19.1 D Handbook 130, Uniform Packaging and Labeling Regulation, Section 2.8. Multiunit**  
 16 **Package**

17 **Source:**  
 18 NIST OWM

19 **Purpose:**  
 20 Eliminate conflicts between the UPLR and Federal Trade Commission (FTC) regulation for multiunit packages cited  
 21 in 16 CFR 500.27.

22 **Item Under Consideration:**  
 23 Amend NIST Handbook 130, Uniform Packaging and Labeling Regulation as follows:

24 **2.8. Multiunit Package.** - A package containing two or more individual packages of the same commodity, in the  
 25 same quantity, intended to be sold as a multiunit package, ~~but where the component packages are labeled~~  
 26 ~~individually in full compliance with all requirements of this regulation.~~

27 **B1: NET-19.1 D Handbook 133, Section 1.2.4. Maximum Allowable Variation**

28 **Purpose:**  
 29 Amend language regarding the total quantity declaration on multiunit or variety packages, when the MAV may need  
 30 to be recalculated based on the Total Quantity MAV.

31 **Item Under Consideration:**  
 32 Amend NIST Handbook 133, Chapter 1 as follows:

33 **1.2.4. Maximum Allowable Variation**

34 The limit of the “reasonable minus variation” for an under filled package is called a “Maximum Allowable Variation”  
 35 (MAV). An MAV is a deviation from the labeled weight, measure, or count of an individual package beyond which  
 36 the deficiency is considered an unreasonable minus error. Each sampling plan limits the number of negative package  
 37 errors permitted to be greater than the MAV. unreasonable minus error. Each sampling plan limits the number of

1 negative package errors permitted to be greater than the MAV. Packages are offered for sale individually or in  
2 multiunit packages which may contain two or more individual inner packages. When individual packages are  
3 tested the MAV is applied to each package in the sample which has a minus package error. When a total  
4 quantity declaration on a multiunit or variety package is verified, and the MAV is not determined in terms of  
5 a percent of the labeled quantity, a “Total Quantity MAV” is compared to the minus Total Quantity Package  
6 Error(s) to determine if they are unreasonable.

7 Note: The Total Quantity Package Error is the sum of the errors found in the individual inner packages.

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

9 (Amended 2010 and 20XX)

10 1.2.4.1. Total Quantity MAV for Multiunit and Variety Packages (See also Chapter 5. “Specialized  
11 Test Procedures”)

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

16 *Total Quantity MAV = Number of Individual Inner Packages × MAV for Individual Inner Package*  
17 *Quantity*

18 Terms are defined as:

19 Number of Individual Inner Packages. – The total number of individual inner packages having a  
20 uniform labeled weight, measure and or count.

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

23 b. Variety Package. – Regarding the total quantity declaration that appears on a variety  
24 package, compare a Total Quantity MAV to each minus Total Quantity Package Error  
25 to determine if the error is unreasonable.

26 Calculate the Total Quantity MAV using the following formula:

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

28 Variety packages typically include several different types of similar products with various net quantity  
29 declarations. While the commodities may be generically similar, they can differ in weight, measure,  
30 volume, or appearance. For these packages a Total Quantity MAV is calculated for each product type  
31 and the results are added to obtain a Total Quantity MAV for comparison to each minus Total  
32 Quantity Package Error.

33 Terms are defined as:

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

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

1 **B1: NET-19.2 D Handbook 133, Sections 2.1. Scope, 3.1. Scope, 4.1. Scope and 2.3.7.1. Maximum**  
 2 **Allowable Variation (MAV) Requirement**

3 **Purpose:**

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

6 **Item Under Consideration:**

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

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

10 **Note: If Multiunit or Variety Packages are to be inspected, see Chapter 5. “Specialized Test Procedures”**  
 11 **for guidance in testing these types of packages. If a total quantity declaration is to be verified and the MAV**  
 12 **to be applied is not based on a percentage of the labeled quantity, see also Section 1.2.4.1. “Total Quantity**  
 13 **MAV for Multiunit and Variety Packages.**

14 And

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

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

20 **B1: NET-19.3 D Handbook 133, Create a Chapter 5. Specialized Test Procedures**

21 **Purpose:**

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

24 **Item Under Consideration:**

25 Amend NIST Handbook 133, Chapter 5 as follows:

26 **5.1. Scope**

27 **The following procedures are for use in verifying the net quantity of contents of multiunit packages with**  
 28 **individual inner packages that have the same commodity and identically labeled quantities in verifying variety**  
 29 **packages with individual inner packages that differ in labeled weight, measure or volume. The procedure used**  
 30 **is determined by the package label. If a total net quantity of contents is not declared on the package label, use**  
 31 **Section 5.2. Individual Package Quantity. If a total net quantity of contents is declared on the package, use**  
 32 **Section 5.3. Total Quantity. If the packages are labeled with other or additional quantity statements (i.e., dry**  
 33 **volume, area, length, width, or thickness), added steps or, when proper, additional Total Quantity MAVs may**  
 34 **be required.**

35 **5.2. Individual Package Quantity**

36 **This procedure is used to test open or transparent multiunit packages with no total net quantity declaration on**  
 37 **the package label. For these packages, the labeled net quantity is visible on each individual inner package and**  
 38 **they are identical (See Figure 1. Multiunit Package with Individual Quantity Declarations [which contains two**  
 39 **rows of packages]).**

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

Figure 1. Multiunit Package with Individual Quantity Declarations (which contains two rows of packages)

**5.2.1. Test Procedure**

1. Follow Section 2.3.1. “Define the Inspection Lot” which is the total number of individual inner packages in the multiunit packages (e.g., if there are 120 packages and each contains 12 individual inner packages, the Inspection Lot size is 1440). Use this number with Category A or Category B. to find the sample size (See Section 2.3.2. “Select Sampling Plans”). Select a random sample (See Section 2.3.4. “Random Sample Selection”).
2. At least two of the individual inner packages are opened to determine an average tare weight (See Section 2.3.5. “Procedures for Determining Tare”). The Average Tare Weight is added to the labeled quantity to obtain a Nominal Gross Weight (See Section 2.3.6. “Determine Nominal Gross Weight and Package Errors”) which is used to determine package errors.
3. The net quantity of each individual inner package in the sample is determined. If a count declaration appears on the multiunit packages, it should be verified (See Section 4.2. “Packages Labeled by Count”) and the appropriate MAV for the count from Table 2-7. MAV for Packages Labeled by Count applied.
4. If minus package errors are found in the sample, the value of the MAV to be applied is determined by looking up the quantity for the individual inner packages (See Appendix A “Tables”). The MAV for the labeled quantity is compared to each minus package error in the individual inner packages to determine if any are unreasonable (See Section 2.3.7.1. “MAV Requirement”). If the number of unreasonable errors exceeds the amount allowed for the sample size (See Appendix A. Tables 2-1 or 2-2, Column 4), the sample fails. If the sample passes, go to Step 5.
5. Apply Section 2.3.7.2. “Average Requirement.” The sample passes or fails depending on the results of the evaluation conducted according to Section 2.3.7. “Evaluation for Compliance.”

**5.3. Total Quantity**

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

**5.3.1. Test Procedure**

1. Follow Section 2.3.1. “Define the Inspection Lot” which is the number of multiunit packages. Use this number with Category A or Category B. to find the sample size (See Section 2.3.2. “Select Sampling Plans”). Select a random sample (See Section 2.3.4. “Random Sample Selection”).



2. For packages labeled by weight, determine the tare weight of at least two multiunit packages using Section 2.3.5. “Procedures for Determining Tare”. The average tare weight is added to the labeled weight to obtain a nominal gross weight (See Section 2.3.6. “Determine Nominal Gross Weight and Package Error”). This is used to determine errors in the total package quantity declaration.

3. Determine the net quantity of each multiunit package and calculate the Total Quantity Package Error for each multiunit package.

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

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

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

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

$$\textit{Total Quantity MAV} = \textit{Number of Individual Inner Packages} \times \textit{MAV for Individual Inner Package Quantity}$$

NOTE: A “Total Quantity MAV” is not required when the MAV to be applied is based on a percent of a labeled quantity of a multiunit or variety package.

5. The “Total Quantity MAV” is compared to each minus Total Quantity Package Error to determine if any of the errors are unreasonable (See Section 2.3.7.1. “MAV Requirement”). If the number of unreasonable errors exceeds the amount allowed for the sample size the sample fails. (See Section 2.3.1. “Define the Inspection Lot” and Tables 2-1 or 2-2, Column 4). If the sample passes go to Step 6.

6. Apply Section 2.3.7.2. “Average Requirement.” The sample passes or fails depending on the results of the evaluation conducted according to Section 2.3.7. “Evaluation for Compliance.”

**5.4. Exceptions**

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

In NIST HB 130, Uniform Packaging and Labeling Regulation (UPLR), Section 10.4. Multiunit Packages states that unlabeled individual packages not intended for individual retail sale are only required to declare a total quantity declaration [See Figure 2. Multiunit Package (three packages) with only a Total Quantity Declaration]. Section 10.4. Multiunit Packages also permits multiunit packages to include an optional statement of the count of the individual inner packages even when the regulations do not require such a statement.

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

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

**5.4.1.1. MAV Application**

**When multiunit package labels do not include a quantity statement for each individual inner package (e.g., only a total quantity appears) a Total Quantity MAV cannot be not applied because the quantities in the individual inner packages are unknown. In these cases, the MAV value for the total quantity declaration in the MAV tables (See Appendix A. Tables) is compared to the Total Quantity Package Error to determine if any of the errors are unreasonable (See Section 2.3.7.1. “MAV Requirement”).**

**5.4.2. Variety Packages: Non-Uniform Quantity Declarations**

**Uniform Packaging and Labeling Regulation, Section 10.6. Variety Packages states that a variety package is required to have total quantity declaration. While the commodities may be generically similar, they can differ in weight, measure, volume, or appearance. When the labeled weight, measure or count varies, the value of the MAV can also vary. When variety packages are tested, the procedure used to calculate a Total Quantity MAV requires the summing of the MAV values over the number of inner packages of all types. An example label for a variety package of candy bars is shown in Figure 3. Variety Package – Four Similar but Different Products with Varying Net Weights, to illustrate a total quantity declaration, count, and the weight of the individual inner packages.**

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

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

**5.4.3. Test Procedure**

- 1. When this type of variety package is tested the average tare weight (e.g., packaging from the individual inner packages and the outer package combined) is determined and a nominal gross weight is used to determine the error in the total quantity declaration.**

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

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

**The MAV used to determine if any minus Total Quantity Package Error is unreasonable is to be calculated. The MAVs applied are based on the labeled quantities of each product type and are calculated (i.e., the number of individual inner packages of each product type is multiplied by their count) and these are summed to obtain the Total Quantity MAV (See example shown in Table 1. Steps in Calculating a MAV for a Variety Package).**

**5.4.3.1. MAV Application**

**A Total Quantity MAV must be applied because the labeled quantities and MAVs of the individual inner packages vary. For example, based on the quantity of the total net weight the MAV for 1.33 kg**

1 is 42.6 g but the “Total Quantity MAV” to be applied is 122.4 g (See example shown in Table 1. Steps  
 2 in Calculating a MAV for a Variety Package).

<b>Table 1. Steps in Calculating a MAV for a Variety Package</b>					
<b>(Based on Figure 3. Variety Package – Four Similar but Different Products with Varying Net Weights)</b>					
<u>Item</u>	<u>Product</u>	<u>Number in Package</u>	<u>Net Weight</u>	<u>MAV for Net Quantity</u>	<u>Total Quantity MAV</u>
<u>1</u>	<u>Peanut Butter Cups</u>	<u>10</u>	<u>55 g</u>	<u>5.4 g</u>	<u>10 × 5.4 = 54 g</u>
<u>2</u>	<u>Dark Chocolate Bars</u>	<u>6</u>	<u>30 g</u>	<u>10 % of labeled quantity</u>	<u>6 × (0.1 × 30) = 18 g</u>
<u>3</u>	<u>Milk Chocolate Bars</u>	<u>8</u>	<u>41 g</u>	<u>3.6 g</u>	<u>8 × 3.6 = 28.8 g</u>
<u>4</u>	<u>Milk Chocolate Bars with Almonds</u>	<u>6</u>	<u>46 g</u>	<u>3.6 g</u>	<u>6 × 3.6 = 21.6 g</u>
				<u>Total Quantity MAV</u>	<u>122.4 g</u>

3 (Added 20XX)

4 **B1: NET-19.4 D Handbook 133, Appendix F. Glossary**

5 **Purpose:**

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

7 **Item Under Consideration:**

8 Amend NIST Handbook 133, Appendix F as follows:

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

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

14 **Total Quantity MAV. – A calculated value used to determine if each minus Total Quantity Package Error**  
 15 **found in multiunit and variety packages are unreasonable. A Total Quantity MAV is based on the declared**  
 16 **quantity and count of the individual inner packages. It is determined by looking up MAV for the individual**  
 17 **inner package quantity (See appropriate table of MAVs in Appendix A “Tables” of NIST HB 133) and then**  
 18 **calculating the “Total Quantity MAV” as follows:**

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

20 **Note: A Total Quantity MAV is not used when the MAV to be applied is based on a percentage of the**  
 21 **labeled quantity on a multiunit or variety package.**

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

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

1 **Background/Discussion:** See Appendix A, Page L&R-A81.

NEWMA Report
<p><b>Regional recommendation to NCWM on item status:</b></p> <p><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</p> <p><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</p> <p><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></p> <p><input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></p> <p><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><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><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>There were no comments heard during open hearings at the 2019 NEWMA Interim Meeting. The committee believes this item needs further vetting through the regions and PALS should continue to develop these items.</p>

2  
3 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
4 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

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

6 **PAL-20.1                    6.12. Supplementary Quantity Declarations and 6.14. Qualification of Declaration**  
7 **Prohibited.**

8 **Source:**  
9 Morris County, NJ Division of Weights and Measures

10 **Purpose:**  
11 (a) improve the current language through selection or arrangement of words and eliminate potentially misleading  
12 words that may cause dissonance in interpretation or resolution of the true intended meaning supporting the originally  
13 developed language (b) to give industry practitioners and law enforcement a clear interpretation behind the application  
14 and language provided in section 6.12. Supplementary Quantity Declarations and (c) offer additional examples to  
15 accurately reinforce consistent interpretation.

16 **Item Under Consideration:**  
17 Amend NIST Handbook 130, Uniform Packaging and Labeling Regulation as follows:

18 **6.12. Supplementary Quantity Declarations.** – The required quantity declaration may be supplemented by  
19 one or more declarations of quantity **(unit of weight, measure, or count)** ~~such declaration~~ appearing other  
20 than on a principal display panel. Such supplemental statement of quantity of contents shall not include any  
21 word or term qualifying a unit of weight, measure, or count **as specified in section 6.14 (Qualification of**  
22 **Declaration Prohibited)** ~~that tends to exaggerate the amount of commodity contained in the package (e.g.,~~  
23 ~~“giant” quart, “larger” liter, “full” gallon, “when packed,” “minimum,”~~ [NOTE 5, page 71] ~~or words of similar~~  
24 ~~import).~~ (Amended 2018)

25  
26 **And**

1 **6.14. Qualification of Declaration Prohibited.** – In no case shall any declaration of quantity (**unit of weight,**  
 2 **measure or count**) be qualified by the addition of the words “when packed,” **“approximately,” “about,”**  
 3 “minimum,” [NOTE 5, page 71] **“over,” “under,” “more than,” or** “not less than” or any words of similar import;  
 4 **(e.g., “approximately”), nor In no case** shall any unit of weight, measure, or count be qualified by any term  
 5 (such as “jumbo,” “giant,” “full,” or the like) that tends to exaggerate **(more or less) or understate** the amount  
 6 of commodity. (Amended 1998 and 2018)

7 **Background/Discussion:** See Appendix A, Page L&R-A83.

<b>NEWMA Report</b>
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>During the 2019 NEWMA Interim Meeting Jason Flint, New Jersey, commented that the proposed new wording would conflict with the Fair Packaging and Labeling Act (FPLA). Jim Willis, New York concurs. The Committee recommends withdrawing the item due to the potential for conflict with FPLA.</p>

8  
 9 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
 10 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

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

2 **MOS-18.2 A Reorganize the Method of Sale of Commodities and create a section for Fuels,**  
3 **Lubricants and Automotive Products**

4 **Source:**

5 Fuels and Lubricants Subcommittee (original submitter Archer Daniels Midland Corporation {ADM})

6 **Purpose:**

7 Originally when this this proposal was submitted by Archer Danial Midland it was to harmonize the method of sale  
8 for kerosene between the Uniform Regulation for the Method of Sale of Commodities and the Uniform Engine Fuels  
9 and Automotive Lubricants Regulation. This Item has been assigned to FALS to be further developed as follows:

- 10 • To allow for easier navigation, understanding and use within the Method of Sale Regulation.
- 11 • Move all Fuels, Lubricants, and Automotive Products from “Section 2. Non-Food Products,” to a new  
12 subsection within Section 2 titled” Fuels, Lubricants, and automotive products”.
- 13 • Add reference in the new section for definitions, specifications, and identifications.
- 14 • Add reference to the Method of Sale Law to individual items missing a method of sale.
- 15 • Renumbering of the remaining products within the method of sale regulation.

16 **Item Under Consideration:**

17 **B. Uniform Regulation for the Method of Sale of Commodities**

18 **1. Background**

19 The National Conference on Weights and Measures (NCWM) has long been concerned with the proper units of  
20 measurement to be used in the sale of all commodities. This approach has gradually broadened to concerns of  
21 standardized package sizes and general identity of particular commodities. Requirements for individual products were  
22 at one time made a part of the Weights and Measures Law or were embodied in separate individual Model Regulations.  
23 In 1971, this “Model State Method of Sale of Commodities Regulation” was established (renamed in 1983);  
24 amendments have been adopted by the Conference almost annually since that time.

25 Sections with “added 1971” dates refer to those sections that were originally incorporated in the Weights and Measures  
26 Law or in individual Model Regulations recommended by the NCWM. Subsequent dates reflect the actual amendment  
27 or addition dates.

28 The 1979 edition included, for the first time, requirements for items packaged in quantities of the International System  
29 of Units (SI), the modernized metric system, as well as continuing to present requirements for U.S. customary  
30 quantities. It should be stressed that nothing in this Regulation requires changing to the SI system of measurement.  
31 SI values are given for the guidance of those wishing to adopt new SI quantities of the commodities governed by this  
32 Regulation. SI means the International System of Units as established in 1960 by the General Conference on Weights  
33 and Measures and interpreted or modified for the United States by the Secretary of Commerce.

34 **In 1984 the NCWM adopted a section in the Uniform Regulation for the Method of Sale of Commodities**  
35 **requiring that motor fuel containing alcohol be labeled to disclose to the retail purchaser that the fuel contains**  
36 **alcohol. The delegates deemed this action necessary since motor vehicle manufacturers were qualifying their**  
37 **warranties with respect to some gasoline-alcohol blends, motor fuel users were complaining to weights and**  
38 **measures officials about fuel quality and vehicle performance, and the American Society for Testing and**  
39 **Materials (ASTM) had not yet finalized quality standards for oxygenated (which includes alcohol-containing)**  
40 **fuels. While many argued that weights and measures officials should not cross the line from quantity assurance**

1 programs to programs regulating quality, the delegates were persuaded that the issue needed immediate  
 2 attention. (See NIST Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law)

3 A Motor Fuels Task Force was appointed in 1984 to develop mechanisms for achieving uniformity in the  
 4 evaluation and regulation of motor fuels. The Task Force developed the Uniform Motor Fuel Inspection Law  
 5 (NIST Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law) and the Uniform Fuel and  
 6 Automotive Lubricants Regulation to accompany the law. The Uniform Regulation for Fuels and Automotive  
 7 Lubricants was adopted by the NCWM in 1995. (See NIST Handbook 130, Uniform Fuels and Automotive  
 8 Lubricants Regulation.)

9 In 20XX the NCWM determined that the fuels, lubricants, and related products should be consolidated within  
 10 the non-food products section. For products that did not have a method of sale listed a reference to the method  
 11 of sale law was added.

12 This Regulation assimilates all of the actions periodically taken by the Conference with respect to certain food items,  
 13 non-food items, and general method of sale concepts. Its format is such that it will permit the addition of individual  
 14 items at the end of appropriate sections as the need arises. Its adoption as a regulation by individual jurisdictions will  
 15 eliminate the necessity for legislative consideration of changes in the method of sale of particular commodities. Such  
 16 items will be able to be handled through the normal regulation-making process.

17 **2. Status of Promulgation**

18 The table beginning on page 6 shows the status of adoption of the Uniform Regulation for the Method of Sale of  
 19 Commodities.

20 \*The National Conference on Weights and Measures (NCWM) is supported by the National Institute of Standards and  
 21 Technology (NIST) in partial implementation of its statutory responsibility for “cooperation with the states in securing  
 22 uniformity in weights and measures laws and methods of inspection.”

23 **Section 2. Non-Food Products** <sup>[NOTE 1, page 103]</sup>

24 ~~2.19. Kerosene (Kerosine).—All kerosene kept, offered, exposed for sale, or sold shall be identified as such and~~  
 25 ~~will include, with the word kerosene, an indication of its compliance with the latest version of the standard~~  
 26 ~~specification ASTM Standard D3699, “Standard Specification for Kerosine.”~~

27 **Example:**  
 28 ~~1K Kerosene; Kerosene—2K.~~  
 29 ~~(Added 1983)~~

30 ~~2.19.1. Retail Sale from Bulk.—All kerosene kept, offered, or exposed for sale and sold from bulk at retail~~  
 31 ~~shall be in terms of the gallon or liter.~~  
 32 ~~(Added 2012)~~

33 ~~2.20. Gasoline-Oxygenate Blends.~~

34 ~~2.20.1. Method of Retail Sale.—Type of Oxygenate must be Disclosed.—All automotive gasoline or~~  
 35 ~~automotive gasoline oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least~~  
 36 ~~1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant~~  
 37 ~~oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE.” The~~  
 38 ~~oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant~~  
 39 ~~oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate~~  
 40 ~~followed by the phrase “or other ethers” or alternatively post the phrase “contains MTBE or other ethers.”~~  
 41 ~~In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol~~  
 42 ~~shall be identified as “with” or “containing” methanol. This information shall be posted on the upper 50 %~~

1 ~~of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least~~  
2 ~~12.7 mm (1/2 in) in height, 1.5 mm (1/16 in) stroke (width of type).~~  
3 ~~(Amended 1996)~~

4 ~~2.20.2. Documentation for Dispenser Labeling Purposes.—The retailer shall be provided, at the time of~~  
5 ~~delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or~~  
6 ~~other documentation:~~

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

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

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

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

17 ~~2.20.3. EPA Labeling Requirements.—Retailers and wholesale purchaser-consumers of gasoline shall~~  
18 ~~comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume percent~~  
19 ~~(v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR 80.1501. (For additional information,~~  
20 ~~refer to Section 2.30.2. FTC Labeling Requirements.)~~

21 ~~(Added 2018)~~

22 ~~2.21. Liquefied Petroleum Gas.—All liquefied petroleum gas, including, but not limited to propane,~~  
23 ~~butaneError! Bookmark not defined., and mixtures thereof, shall be kept, offered, exposed for sale, or sold by~~  
24 ~~the pound, metered cubic foot <sup>[NOTE 7, page 132]</sup> of vapor (defined as 1 ft<sup>3</sup> at 60 °F [15.6 °C]), or the gallon (defined~~  
25 ~~as 231 in<sup>3</sup> at 60 °F [15.6 °C]). All metered sales by the gallon, except those using meters with a maximum rated~~  
26 ~~capacity of 20 gal/min or less, shall be accomplished by use of a meter and device that automatically~~  
27 ~~compensates for temperature.~~

28 ~~(Added 1986)~~

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

33 ~~2.27. Retail Sales of Natural Gas Sold as a Vehicle Fuel.~~

34 ~~2.27.1. Definitions.~~

35 ~~2.27.1.1. Compressed Natural Gas (CNG).—A gaseous fuel composed primarily of methane that is~~  
36 ~~suitable for compression and dispensing into a fuel storage container(s) for use as an engine fuel.~~

37 ~~(Amended 2016)~~

38 ~~2.27.1.2. Gasoline Gallon Equivalent (GGE).—Gasoline gallon equivalent (GGE) means 2.567 kg~~  
39 ~~(5.660 lb) of compressed natural gas.~~

40 ~~(Amended 2016)~~

41 ~~2.27.1.3. Diesel Gallon Equivalent (DGE).—Diesel gallon equivalent means 6.384 lb of compressed~~  
42 ~~natural gas or 6.059 lb of liquefied natural gas.~~



1 ~~(Added 2016)~~

2 ~~2.27.1.4. Liquefied Natural Gas (LNG).— Natural gas, which is predominantly methane, that has been~~  
3 ~~liquefied at 162 °C (–260 °F) at 14.696 psia and stored in insulated cryogenic fuel storage tanks for~~  
4 ~~use as an engine fuel.~~

5 ~~(Added 2016)~~

6 ~~2.27.2. Method of Retail Sale and Dispenser Labeling.~~

7 ~~2.27.2.1. Method of Retail Sale for Compressed Natural Gas.— All compressed natural gas kept,~~  
8 ~~offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass, and~~  
9 ~~indicted in the gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or mass.~~

10 ~~(Amended 2016)~~

11 ~~2.27.2.2. Dispenser Labeling Compressed Natural Gas.— All retail compressed natural gas dispensers~~  
12 ~~shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label shall be~~  
13 ~~permanently and conspicuously displayed on the face of the dispenser and shall have the statement~~  
14 ~~“1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas” or “1 Diesel Gallon~~  
15 ~~Equivalent (DGE) means 6.384 lb of Compressed Natural Gas” consistent with the method of sale used.~~

16 ~~(Amended 2016)~~

17 ~~2.27.2.3. Method of Retail Sale for Liquefied Natural Gas.— All liquefied natural gas kept, offered, or~~  
18 ~~exposed for sale and sold at retail as a vehicle fuel shall be measured in mass and indicated in diesel~~  
19 ~~gallon equivalent (DGE) units or mass.~~

20 ~~(Added 2016)~~

21 ~~2.27.2.4. Dispenser Labeling of Retail Liquefied Natural Gas.— All retail liquefied natural gas~~  
22 ~~dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label~~  
23 ~~shall be permanently and conspicuously displayed on the face of the dispenser and shall have the~~  
24 ~~statement “1 Diesel Gallon Equivalent (DGE) means 6.059 lb of Liquefied Natural Gas.”~~

25 ~~(Added 2016)~~

26 ~~2.30. Ethanol Flex Fuel.~~

27 ~~2.30.1. How to Identify Ethanol Flex Fuel.— Ethanol flex fuel shall be identified as “Ethanol Flex Fuel or~~  
28 ~~EXX Flex Fuel.”~~

29 ~~2.30.2. FTC Labeling Requirements.— Ethanol flex fuel shall be identified and labeled in accordance with~~  
30 ~~the Federal Trade Commission Automotive Fuel Ratings, Certification and Posting Rule, 16 CFR 306, as~~  
31 ~~amended. (For additional information, refer to Section 2.20.3. EPA Labeling Requirements.)~~

32 ~~(Added 2007) (Amended 2014 and 2018)~~

33 ~~2.31. Biodiesel and Biodiesel Blends.~~

34 ~~2.31.1. Identification of Product.— Biodiesel shall be identified by the term “Biodiesel” with the designation~~  
35 ~~“B100.” Biodiesel Blends shall be identified by the term “Biodiesel Blend.”~~

36 ~~2.31.2. Labeling of Retail Dispensers.~~

37 ~~2.31.2.1. Labeling of Grade Required.— Biodiesel shall be identified by the grades S15 or S500.~~  
38 ~~biodiesel blends shall be identified by the grades No. 1-D, No. 2-D, or No. 4-D.~~

39 ~~2.31.2.2. EPA Labeling Requirements Also Apply.— Retailers and wholesale purchaser-consumers of~~  
40 ~~biodiesel blends shall comply with EPA pump labeling requirements for sulfur under 40 CFR 80.570.~~

1 ~~2.31.2.3. Automotive Fuel Rating.— Biodiesel and biodiesel blends shall be labeled with its automotive~~  
2 ~~fuel rating in accordance with 16 CFR 306.~~

3 ~~2.31.2.4. Biodiesel Blends.— When biodiesel blends greater than 20 % by volume are offered by sale,~~  
4 ~~each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that~~  
5 ~~states “Consult Vehicle Manufacturer Fuel Recommendations.” The lettering of this legend shall not~~  
6 ~~be less than 6 mm (¼ in) in height by 0.8 mm (⅜ in) stroke; block style letters and the color shall be in~~  
7 ~~definite contrast to the background color to which it is applied.~~

8 ~~2.31.3. Documentation for Dispenser Labeling Purposes.— The retailer shall be provided, at the time of~~  
9 ~~delivery of the fuel, a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping~~  
10 ~~paper, or other document. This documentation is for dispenser labeling purposes only; it is the~~  
11 ~~responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to~~  
12 ~~blending.~~

13 ~~2.31.4. Exemption.— Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are exempt~~  
14 ~~from the requirements of Sections 2.31.1. Identification of Product, 2.31.2. Labeling of Retail Dispensers,~~  
15 ~~and 2.31.3. Documentation for Dispenser Labeling Purposes when it is sold as diesel fuel.~~

16 (Added 2008)

17 **2.32. Retail Sales of Hydrogen Fuel (H).**

18 ~~2.32.1. Definitions for Hydrogen Fuel.— A fuel composed of molecular hydrogen intended for consumption~~  
19 ~~in a surface vehicle or electricity production device with an internal combustion engine or fuel cell.~~

20 (Amended 2012)

21 ~~2.32.2. Method of Retail Sale and Dispenser Labeling.— All hydrogen fuel kept, offered, or exposed for~~  
22 ~~sale and sold at retail shall be in mass units in terms of the kilogram. The symbol for hydrogen vehicle fuel~~  
23 ~~shall be the capital letter “H” (the word Hydrogen may also be used).~~

24 ~~2.32.3. Retail Dispenser Labeling.~~

25 ~~(a) A computing dispenser must display the unit price in whole cents on the basis of price per~~  
26 ~~kilogram.~~

27 ~~(b) The service pressure(s) of the dispenser must be conspicuously shown on the user interface in bar~~  
28 ~~or the SI unit of pascal (Pa) (e.g., MPa).~~

29 ~~(c) The product identity must be shown in a conspicuous location on the dispenser.~~

30 ~~(d) National Fire Protection Association (NFPA) labeling requirements also apply.~~

31 ~~(e) Hydrogen shall be labeled in accordance with 16 CFR 309 FTC Labeling Alternative Fuels.~~

32 ~~2.32.4. Street Sign Prices and Advertisements.~~

33 ~~(a) The unit price must be in terms of price per kilogram in whole cents (e.g., \$3.49 per kg, not~~  
34 ~~\$3.499 per kg).~~

35 ~~(b) The sign or advertisement must include the service pressure (expressed in megapascals) at which~~  
36 ~~the dispenser(s) delivers hydrogen fuel (e.g., H35 or H70).~~

37 (Added 2010)

1 ~~2.33. Oil.~~

2 ~~2.33.1. Labeling of Vehicle Engine (Motor) Oil.— Vehicle engine (motor) oil shall be labeled.~~

3 ~~2.33.1.1. Viscosity. The label on any vehicle engine (motor) oil container, receptacle, dispenser, or~~  
 4 ~~storage tank, and any invoice or receipt from service on an engine that includes the installation of~~  
 5 ~~vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank, shall contain the~~  
 6 ~~viscosity grade classification preceded by the letters “SAE” in accordance with SAE International’s~~  
 7 ~~latest version of SAE J300, “Engine Oil Viscosity Classification.”~~

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

11 ~~(Note added 2014)~~

12 ~~(Amended 2014)~~

13 ~~2.33.1.2. Brand.— The label on any vehicle engine (motor) oil container and the invoice or receipt from~~  
 14 ~~service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a~~  
 15 ~~receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the~~  
 16 ~~vehicle engine (motor) oil.~~

17 ~~(Amended 2014)~~

18 ~~2.33.1.3. Engine Service Category.— The label on any vehicle engine (motor) oil container, receptacle,~~  
 19 ~~dispenser, or storage tank and the invoice or receipt from service on an engine that includes the~~  
 20 ~~installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank~~  
 21 ~~shall contain the engine service category, or categories, displayed in letters not less than 3.18 mm (<sup>1</sup>/<sub>8</sub> in)~~  
 22 ~~in height, as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service~~  
 23 ~~Classification (Other than “Energy Conserving”),” API Publication 1509, “Engine Oil Licensing and~~  
 24 ~~Certification System,” European Automobile Manufacturers Association (ACEA), “European Oil~~  
 25 ~~Sequences,” or other Vehicle or Engine Manufacturer standards as approved in Section 2.33.1.3.1.~~  
 26 ~~Vehicle or Engine Manufacturer Standard.~~

27 ~~(Amended 2014)~~

28 ~~2.33.1.3.1. Vehicle or Engine Manufacturer Standard.— The label on any vehicle engine (motor)~~  
 29 ~~oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an~~  
 30 ~~engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle,~~  
 31 ~~dispenser, or storage tank shall identify the specific vehicle or engine manufacturer standard, or~~  
 32 ~~standards, met in letters not less than 3.18 mm (<sup>1</sup>/<sub>8</sub> in) in height. If the vehicle (motor) oil only~~  
 33 ~~meets a vehicle or engine manufacturer standard, the label must clearly identify that the oil is~~  
 34 ~~only intended for use where specifically recommended by the vehicle or engine manufacturer.~~

35 ~~(Added 2014)~~

36 ~~2.33.1.3.2. Inactive or Obsolete Service Categories.— The label on any vehicle engine (motor) oil~~  
 37 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an~~  
 38 ~~engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle,~~  
 39 ~~dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with~~  
 40 ~~the latest version of SAE J183, Appendix A, whenever the vehicle engine (motor) oil in the~~  
 41 ~~container or in bulk does not meet an active API service category as defined by the latest version~~  
 42 ~~of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than “Energy~~  
 43 ~~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.~~

1 ~~(b) For fixed service applications, the following information shall be conspicuously displayed or posted~~  
2 ~~on the face of the device:~~

3 ~~(1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical~~  
4 ~~energy transfer), and~~

5 ~~(2) the type of electrical energy transfer (e.g., AC, DC, wireless).~~

6 ~~(c) For variable service applications, the following information shall be conspicuously displayed or~~  
7 ~~posted on the face of the device:~~

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

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

11 ~~(3) the condition under which variations in electrical energy transfer will occur; and~~

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

13 ~~(d) Where fees will be assessed for other services in direct connection with the fueling of the vehicle,~~  
14 ~~such as fees based on time measurement and/or a fixed fee, the additional fees shall be displayed.~~

15 ~~(e) The EVSE shall be labeled in accordance with 16 CFR 309—FTC Labeling Requirements for~~  
16 ~~Alternative Fuels and Alternative Fueled Vehicles.~~

17 ~~(f) The EVSE shall be listed and labeled in accordance with the National Electric Code<sup>®</sup> (NEC)~~  
18 ~~NFPA 70, Article 625 Electric Vehicle Charging Systems ([www.nfpa.org](http://www.nfpa.org)).~~

19 **2.34.4. Street Sign Prices and Other Advertisements.—Where electrical energy unit price information is**  
20 **presented on street signs or in advertising other than on EVSE:**

21 ~~(a) The electrical energy unit price shall be in terms of price per megajoule (MJ) or kilowatt-hour~~  
22 ~~(kWh) in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119). In cases where the electrical~~  
23 ~~energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.~~

24 ~~(b) In cases where more than one electrical energy unit price may apply over the duration of a single~~  
25 ~~transaction to sales to the general public, the terms and conditions that will determine each unit~~  
26 ~~price and when each unit price will apply shall be clearly displayed.~~

27 ~~(c) For fixed service applications, the following information shall be conspicuously displayed or~~  
28 ~~posted:~~

29 ~~(1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of electrical~~  
30 ~~energy transfer), and~~

31 ~~(2) the type of electrical energy transfer (e.g., AC, DC, wireless).~~

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

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

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

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

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

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

6 (Added 2013)

7 **2.35. Diesel Exhaust Fluid (DEF).**

8 **2.35.1. Definition.**

9 ~~2.35.1.1. Diesel Exhaust Fluid (DEF).— A preparation of aqueous urea [(NH<sub>2</sub>)<sub>2</sub>CO], containing 32.5~~  
10 ~~% by mass of technically pure urea in high-purity water with quality characteristics defined by the~~  
11 ~~latest version of ISO 22241, “Diesel engines – NO<sub>x</sub> reduction agent AUS 32.”~~

12 **2.35.2. Labeling of Diesel Exhaust Fluid (DEF).— DEF shall be labeled.**

13 ~~2.35.2.1. Retail Dispenser Labeling.— A label shall be clearly and conspicuously placed on the front~~  
14 ~~panel of the Diesel Exhaust Fluid dispenser stating “for operation of selective catalytic reduction (SCR)~~  
15 ~~converters in motor vehicles with diesel engines.”~~

16 ~~2.35.2.2. Documentation for Retailers of Bulk Product.— A DEF supplier shall provide, at the time of~~  
17 ~~delivery of the bulk shipment of DEF, identification of the fluid’s origin including the name of the fluid~~  
18 ~~manufacturer, the brand name, trade name, or trademark, and a statement identifying the fluid as~~  
19 ~~DEF conforming to specifications given in the latest version of ISO 22241, “Diesel engines – NO<sub>x</sub>~~  
20 ~~reduction agent AUS 32.” This information shall be provided by the supplier on an invoice, bill of~~  
21 ~~lading, shipping paper, or other document.~~

22 ~~2.35.2.3. Labeling of Packaged Product.— Any diesel exhaust fluid retail package shall bear a label~~  
23 ~~that includes the name of the fluid manufacturer, the brand name, trade name, or trademark, a~~  
24 ~~statement identifying the fluid as DEF conforming to specifications given in the latest version of ISO~~  
25 ~~22241 “Diesel engines – NO<sub>x</sub> reduction agent AUS 32,” and the statement, “It is recommended to store~~  
26 ~~DEF between 5 °C to 30 °C (23 °F to 86 °F).”~~

27 ~~2.35.2.4. Documentation for Bulk Deliveries.— A carrier that transports or accepts for transportation~~  
28 ~~any bulk shipment by tank truck, freight container, cargo tank, railcar, or any other vehicle used to~~  
29 ~~transport or deliver bulk quantities of DEF shall, at the time of delivery of the DEF, provide~~  
30 ~~identification of the fluid’s origin including the name of the fluid manufacturer, the brand name, trade~~  
31 ~~name, or trademark, and a statement identifying the fluid as DEF conforming to specifications given~~  
32 ~~in the latest version of ISO 22241, “Diesel engines – NO<sub>x</sub> reduction agent AUS 32.” This information~~  
33 ~~shall be provided to the recipient on an invoice, bill of lading, shipping paper, or other document.~~

34 ~~Effective date shall be January 1, 2016.~~

35 (Added 2014)

36 **2.36. Transmission Fluid.**

37 ~~2.36.1. Products for Use in Lubricating Transmissions.— Transmission fluids shall meet the original~~  
38 ~~equipment manufacturer’s requirements for those transmissions or have demonstrated performance~~  
39 ~~claims to be suitable for use in those transmissions. Where a fluid can be licensed against an original~~  
40 ~~equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable~~  
41 ~~documentation of performance against the specification. In the absence of a license from the original~~  
42 ~~equipment manufacturer, adherence to the original equipment manufacturer’s recommended~~  
43 ~~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).~~

~~(Added 2017)~~

~~2.36.1.1. Conformance. Conformance of a fluid per Section 2.36.1. 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.~~

~~(Added 2017)~~

~~2.36.1.2. 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.~~

~~(Added 2017)~~

~~2.36.2. Labeling and Identification of Transmission Fluid. Transmission fluid shall be labeled or identified as described below.~~

~~(Added 2017)~~

~~2.36.2.1. 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.~~

~~(Added 2017)~~

~~2.36.2.2. 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;~~

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

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

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

9 ~~(Added 2017)~~

10 ~~2.36.2.3. Identification on Service Provider Documentation.—Transmission fluid installed from a bulk~~  
11 ~~tank at time of transmission service shall be identified on the customer invoice with the information~~  
12 ~~listed below:~~

13 ~~(a) the brand name;~~

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

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

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

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

23 ~~(Added 2017)~~

24 ~~2.36.2.4. Bulk Delivery.—When the transmission fluid is sold in bulk, an invoice, bill of lading, shipping~~  
25 ~~paper, or other documentation must accompany each delivery. This document must identify the fluid~~  
26 ~~as defined in Section 2.36.2.2. Identification on Documentation.~~

27 ~~(Added 2017)~~

28 ~~2.36.2.5. Storage Tank Labeling.—Each storage tank of transmission fluid shall be labeled with the~~  
29 ~~following:~~

30 ~~(a) the brand name;~~

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

35 ~~(Added 2017)~~

36 ~~2.36.3. Documentation of Claims Made Upon Product Label.—Any manufacturer, packer, or distributor~~  
37 ~~of any product subject to this article and sold in this state shall provide, upon request of duly authorized~~  
38 ~~representatives of the Director, credible documentation of any claim made upon their product label,~~  
39 ~~including claims made on any website referenced by said label. If the product performance claims~~  
40 ~~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).~~

~~(Added 2017)~~

~~(Added 2017)~~

## ~~2.39. Tractor Hydraulic Fluid.~~

~~2.39.1. Products for Use in Lubricating Tractors.— Tractor hydraulic fluids shall meet at least one current and/or verifiable original equipment manufacturer's specifications for respective tractors. A specification is deemed verifiable if all necessary bench and laboratory test are available to verify the fluid's ability to pass those requirements set out by the original equipment manufacturer. A list of current and verifiable specifications is located on NIST OWM Publication website at [www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130](http://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130). 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 specifications shall be assessed after testing per relevant methods available to the lubricants industry and the regulatory agency. Suitability for use claims shall be based upon appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic 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 shall be provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the Director's office by the additive supplier(s).~~

~~2.39.1.1. Conformance.— Conformance of a fluid per Section 2.39.1. Products for Use in Lubricating Tractors 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.~~

~~2.39.1.2. Tractor Hydraulic Fluid Additives.— Any material offered for sale or sold as an additive to tractor hydraulic fluids shall be compatible with the tractor hydraulic 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 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.~~

~~2.39.2. Labeling and Identification of Tractor Hydraulic Fluid.— Tractor hydraulic fluids shall be labeled or identified as described below.~~

~~2.39.2.1. Container Labeling.— The label on a container of tractor hydraulic 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 tractor hydraulic 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 "Tractor Hydraulic Fluid," which may include words such as "Hydraulic Fluid for Agricultural Applications" or "Universal Tractor Transmission Oil";~~

~~(d) the primary claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims are those set by original equipment manufacturers;~~

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

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

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

9 ~~(f) an accurate statement of the quantity of the contents in terms of liquid measure.~~

10 ~~**2.39.2.2. Identification on Documentation.**—Tractor hydraulic fluid sold in bulk shall be identified on~~  
11 ~~the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other~~  
12 ~~documentation with the information listed below:~~

13 ~~(a) the brand name;~~

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

15 ~~(c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for~~  
16 ~~Agricultural Applications” or “Universal Tractor Transmission Oil”;~~

17 ~~(d) the primary claim or claims met by the fluid and reference to where any supplemental claims~~  
18 ~~may be viewed (e.g., website reference). Performance claims are those set by original~~  
19 ~~equipment manufacturers;~~

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

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

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

28 ~~(f) an accurate statement of the quantity of the contents in terms of liquid measure.~~

29 ~~**2.39.2.3. Identification on Service Provider Documentation.**—Tractor hydraulic fluid installed from a~~  
30 ~~bulk tank at time of service shall be identified on the customer invoice with the information listed~~  
31 ~~below:~~

32 ~~(a) the brand name;~~

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

34 ~~(c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for~~  
35 ~~Agricultural Applications” or “Universal Tractor Transmission Oil”;~~

36 ~~(d) the primary claim or claims met by the fluid and reference to where any supplemental claims~~  
37 ~~may be viewed (e.g., website reference). Performance claims are those set by original~~  
38 ~~equipment manufacturers;~~

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

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

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

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

~~2.39.2.4. Bulk Delivery. — When the tractor hydraulic 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 2.39.2.2. Identification on Documentation.~~

~~2.39.2.5. Storage Tank Labeling. — Each storage tank of tractor hydraulic 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 are those set by original equipment manufacturers~~

~~2.39.3. Documentation of Claims Made Upon Product Label. — Any manufacturer, packer, or distributor of any product subject to this article and sold 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 shall be provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the Director’s office by the additive supplier(s).~~

(Added 2019)

[Remaining products will be renumbered editorially as needed]

**2.XX. Fuels, Lubricants, and Automotive Products**

**2.XX.1. General Information**

**2.XX.1.1. Definitions. – For additional information on definitions refer to NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, Section 1. Definitions**

**2.XX.1.2. Specifications. – For additional information specifications refer to NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, Section 2. Standard Specifications.**

**2.XX.1.3. Identification, Classification, and Labeling. – For additional information on Identification, Classification and Labeling refer to NIST Handbook 130, Uniform Fuels and Automotive Lubricants Regulation, Section 3. Classification and Method of Sale.**

**2.XX.2. 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.”**

1 Example:

2 1K Kerosene; Kerosene - 2K.

3 (Added 1983)

4 2.XX.2.1. Retail Sale from Bulk. – All kerosene kept, offered, or exposed for sale and sold from bulk  
5 at retail shall be in terms of the gallon or liter.

6 (Added 2012)

7 2.XX.3. Gasoline-Oxygenate Blends.

8 2.XX.3.1. Labeling for Retail Sale. – Type of Oxygenate must be Disclosed. – All automotive gasoline  
9 or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing  
10 at least 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the  
11 predominant oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with  
12 MTBE.” The oxygenate contributing the largest mass percent oxygen to the blend shall be considered  
13 the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the  
14 predominant oxygenate followed by the phrase “or other ethers” or alternatively post the phrase  
15 “contains MTBE or other ethers.” In addition, gasoline-methanol blend fuels containing more than  
16 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This  
17 information shall be posted on the upper 50 % of the dispenser front panel in a position clear and  
18 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  
19 (width of type).

20 (Amended 1996)

21 2.XX.3.2. Documentation for Dispenser Labeling Purposes. – The retailer shall be provided, at the  
22 time of delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping  
23 paper, or other documentation:

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

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

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

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

35 2.XX.3.3. EPA Labeling Requirements. – Retailers and wholesale purchaser-consumers of gasoline  
36 shall comply with the EPA pump labeling requirements for gasoline containing greater than 10 volume  
37 percent (v%) up to 15 volume percent (v%) ethanol (E15) under 40 CFR 80.1501. (For additional  
38 information, refer to Section 2.XX.6.2. FTC Labeling Requirements.)

39 (Added 2018)

40 2.XX.3.4. Gasoline-Oxygenate Blends - Shall be sold in accordance with the Method of Sale Law. (see  
41 NIST Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)

42 (Added 20XX)

43 2.XX.4. Liquefied Petroleum Gas. – All liquefied petroleum gas, including, but not limited to propane,  
44 butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic

1 foot [NOTE 7, page XXX] of vapor (defined as 1 ft<sup>3</sup> at 60 °F [15.6 °C]), or the gallon (defined as 231 in<sup>3</sup> at 60 °F  
2 [15.6 °C]). All metered sales by the gallon, except those using meters with a maximum rated capacity of 20  
3 gal/min or less, shall be accomplished by use of a meter and device that automatically compensates for  
4 temperature.

5 (Added 1986)

6 NOTE 7: Sources: American National Standards Institute, Inc., “American National Standard for Gas  
7 Displacement Meters (500 Cubic Feet per Hour Capacity and Under),” First edition, 1974, and NIST Handbook  
8 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.”

9 2.XX.5. Retail Sales of Natural Gas Sold as a Vehicle Fuel.

10 2.XX.5.1. Definitions.

11 2.XX.5.1.1. Compressed Natural Gas (CNG). – A gaseous fuel composed primarily of methane  
12 that is suitable for compression and dispensing into a fuel storage container(s) for use as an engine  
13 fuel.

14 (Amended 2016)

15 2.XX.5.1.2. Gasoline Gallon Equivalent (GGE). – Gasoline gallon equivalent (GGE) means 2.567  
16 kg (5.660 lb) of compressed natural gas.

17 (Amended 2016)

18 2.XX.5.1.3. Diesel Gallon Equivalent (DGE). – Diesel gallon equivalent means 6.384 lb of  
19 compressed natural gas or 6.059 lb of liquefied natural gas.

20 (Added 2016)

21 2.XX.5.1.4. Liquefied Natural Gas (LNG). – Natural gas, which is predominantly methane, that  
22 has been liquefied at – 162 °C (– 260 °F) at 14.696 psia and stored in insulated cryogenic fuel  
23 storage tanks for use as an engine fuel.

24 (Added 2016)

25 2.XX.5.2. Method of Retail Sale and Dispenser Labeling.

26 2.XX.5.2.1. Method of Retail Sale for Compressed Natural Gas. – All compressed natural gas kept,  
27 offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass,  
28 and indicated in the gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or  
29 mass.

30 (Amended 2016)

31 2.XX.5.2.2. Dispenser Labeling Compressed Natural Gas. – All retail compressed natural gas  
32 dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label  
33 shall be permanently and conspicuously displayed on the face of the dispenser and shall have the  
34 statement “1 Gasoline Gallon Equivalent (GGE) means 5.660 lb of Compressed Natural Gas” or  
35 “1 Diesel Gallon Equivalent (DGE) means 6.384 lb of Compressed Natural Gas” consistent with  
36 the method of sale used.

37 (Amended 2016)

38 2.XX.5.2.3. Method of Retail Sale for Liquefied Natural Gas. – All liquefied natural gas kept,  
39 offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in mass and  
40 indicated in diesel gallon equivalent (DGE) units or mass.

41 (Added 2016)

1 2.XX.5.2.4. Dispenser Labeling of Retail Liquefied Natural Gas. – All retail liquefied natural gas  
2 dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lb). The label  
3 shall be permanently and conspicuously displayed on the face of the dispenser and shall have the  
4 statement “1 Diesel Gallon Equivalent (DGE) means 6.059 lb of Liquefied Natural Gas.”  
5 (Added 2016)

6 2.XX.6. Ethanol Flex Fuel.

7 2.XX.6.1. How to Identify Ethanol Flex Fuel. – Ethanol flex fuel shall be identified as “Ethanol Flex  
8 Fuel or EXX Flex Fuel.”

9 2.XX.6.2. FTC Labeling Requirements. – Ethanol flex fuel shall be identified and labeled in  
10 accordance with the Federal Trade Commission (FTC) Automotive Fuel Ratings, Certification and  
11 Posting Rule, 16 CFR 306, as amended. (For additional information, refer to Section 2.XX.3.3. EPA  
12 Labeling Requirements.)  
13 (Added 2007) (Amended 2014 and 2018)

14 2.XX.6.3. Ethanol Flex Fuel - Shall be sold in accordance with the Method of Sale Law. (see NIST  
15 Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)  
16 (Added 20XX)

17 2.XX.7. Biodiesel and Biodiesel Blends.

18 2.XX.7.1. Identification of Product. – Biodiesel shall be identified by the term “Biodiesel” with the  
19 designation “B100.” Biodiesel Blends shall be identified by the term “Biodiesel Blend.”

20 2.XX.7.2. Labeling of Retail Dispensers.

21 2.XX.7.2.1. Labeling of Grade Required. – Biodiesel shall be identified by the grades S15 or S500.  
22 Biodiesel blends shall be identified by the grades No. 1-D, No. 2-D, or No. 4-D.

23 2.XX.7.2.2. EPA Labeling Requirements Also Apply. – Retailers and wholesale purchaser-  
24 consumers of biodiesel blends shall comply with EPA pump labeling requirements for sulfur under  
25 40 CFR 80.570.

26 2.XX.7.2.3. Automotive Fuel Rating. – Biodiesel and biodiesel blends shall be labeled with its  
27 automotive fuel rating in accordance with 16 CFR 306.

28 2.XX.7.2.4. Biodiesel Blends. – When biodiesel blends greater than 20 % by volume are offered  
29 by sale, each side of the dispenser where fuel can be delivered shall have a label conspicuously  
30 placed that states “Consult Vehicle Manufacturer Fuel Recommendations.” The lettering of this  
31 legend shall not be less than 6 mm (1/4 in) in height by 0.8 mm (1/32 in) stroke; block style letters and  
32 the color shall be in definite contrast to the background color to which it is applied.

33 2.XX.7.3. Documentation for Dispenser Labeling Purposes. – The retailer shall be provided, at the  
34 time of delivery of the fuel, a declaration of the volume percent biodiesel on an invoice, bill of lading,  
35 shipping paper or other document. This documentation is for dispenser labeling purposes only; it is  
36 the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior  
37 to blending.

38 2.XX.7.4. Exemption. – Biodiesel blends that contain less than or equal to 5 % biodiesel by volume  
39 are exempt from the requirements of Sections 2.XX.7.1. Identification of Product, 2.XX.7.2. Labeling  
40 of Retail Dispensers, and 2.XX.7.3. Documentation for Dispenser Labeling Purposes when it is sold  
41 as diesel fuel.

1 (Added 2008)

2 2.XX.7.5. Biodiesel and Biodiesel Blends - Shall be sold in accordance with the Method of Sale Law.  
3 (see NIST Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)

4 (Added 20XX)

5 2.XX.8. Retail Sales of Hydrogen Fuel (H).

6 2.XX.8.1. Definitions for Hydrogen Fuel. – A fuel composed of molecular hydrogen intended for  
7 consumption in a surface vehicle or electricity production device with an internal combustion engine  
8 or fuel cell.

9 (Amended 2012)

10 2.XX.8.2. Method of Retail Sale and Dispenser Labeling. – All hydrogen fuel kept, offered, or exposed  
11 for sale and sold at retail shall be in mass units in terms of the kilogram. The symbol for hydrogen  
12 vehicle fuel shall be the capital letter “H” (the word Hydrogen may also be used).

13 2.XX.8.3. Retail Dispenser Labeling.

14 (a) A computing dispenser must display the unit price in whole cents on the basis of price per  
15 kilogram.

16 (b) The service pressure(s) of the dispenser must be conspicuously shown on the user interface in  
17 bar or the SI unit of pascal (Pa) (e.g., MPa).

18 (c) The product identity must be shown in a conspicuous location on the dispenser.

19 (d) National Fire Protection Association (NFPA) labeling requirements also apply.

20 (e) Hydrogen shall be labeled in accordance with 16 CFR 309 – FTC Labeling Alternative Fuels.

21 2.XX.8.4. Street Sign Prices and Advertisements.

22 (a) The unit price must be in terms of price per kilogram in whole cents (e.g., \$3.49 per kg, not  
23 \$3.499 per kg).

24 (b) The sign or advertisement must include the service pressure (expressed in megapascals) at  
25 which the dispenser(s) delivers hydrogen fuel (e.g., H35 or H70).

26 (Added 2010)

27 2.XX.9. Oil.

28 2.XX.9.1. Labeling of Vehicle Engine (Motor) Oil. – Vehicle engine (motor) oil shall be labeled.

29 2.XX.9.1.1. Viscosity. – The label on any vehicle engine (motor) oil container, receptacle,  
30 dispenser, or storage tank, and any invoice or receipt from service on an engine that includes the  
31 installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank,  
32 shall contain the viscosity grade classification preceded by the letters “SAE” in accordance with  
33 SAE International’s latest version of SAE J300, “Engine Oil Viscosity Classification.”

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

37 (Note added 2014)

1 (Amended 2014)

2 2.XX.9.1.2. Brand. – The label on any vehicle engine (motor) oil container and the invoice or  
3 receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil  
4 dispensed from a receptacle, dispenser, or storage tank shall contain the name, brand, trademark,  
5 or trade name of the vehicle engine (motor) oil.

6 (Amended 2014)

7 2.XX.9.1.3. Engine Service Category. – The label on any vehicle engine (motor) oil container,  
8 receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that  
9 includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser,  
10 or storage tank shall contain the engine service category, or categories, displayed in letters not less  
11 than 3.18 mm (1/8 in) in height, as defined by the latest version of SAE J183, “Engine Oil  
12 Performance and Engine Service Classification (Other than “Energy Conserving”),” API  
13 Publication 1509, “Engine Oil Licensing and Certification System,” European Automobile  
14 Manufacturers Association (ACEA), “European Oil Sequences,” or other Vehicle or Engine  
15 Manufacturer standards as approved in Section 2.XX.9.1.3.1. Vehicle or Engine Manufacturer  
16 Standard.

17 (Amended 2014)

18 2.XX.9.1.3.1. Vehicle or Engine Manufacturer Standard. – The label on any vehicle engine  
19 (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from  
20 service on an engine that includes the installation of vehicle engine (motor) oil dispensed from  
21 a receptacle, dispenser, or storage tank shall identify the specific vehicle or engine  
22 manufacturer standard, or standards, met in letters not less than 3.18 mm (1/8 in) in height. If  
23 the vehicle (motor) oil only meets a vehicle or engine manufacturer standard, the label must  
24 clearly identify that the oil is only intended for use where specifically recommended by the  
25 vehicle or engine manufacturer.

26 (Added 2014)

27 2.XX.9.1.3.2. Inactive or Obsolete Service Categories. – The label on any vehicle engine  
28 (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from  
29 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed  
30 from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement  
31 in compliance with the latest version of SAE J183, Appendix A, whenever the vehicle engine  
32 (motor) oil in the container or in bulk does not meet an active API service category as defined  
33 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification  
34 (Other than “Energy Conserving”).” If a vehicle engine(motor) oil is identified as only meeting  
35 a vehicle or engine manufacturer standard, the labeling requirements in Section 2.XX.9.1.3.1.  
36 Vehicle or Engine Manufacturer Standard applies.

37 (Amended 2014)

38 2.XX.9.1.4. Tank Trucks or Rail Cars. – Tank trucks, rail cars, and other types of delivery trucks  
39 that are used to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity  
40 grade and service category or categories on such tank trucks, rail cars, and other types of delivery  
41 trucks.

42 (Amended 2013 and 2014)

43 2.XX.9.1.5. Documentation. – When the engine (motor) oil is sold in bulk, an invoice, bill of lading,  
44 shipping paper, or other documentation must accompany each delivery. This document must  
45 identify the quantity of bulk engine (motor) oil delivered as defined in Sections 2.XX.9.1.1.  
46 Viscosity; 2.XX.9.1.2. Brand; 2.XX.9.1.3. Engine Service Category; the name and address of the  
47 seller and buyer; and the date and time of the sale. For inactive or obsolete service categories, the  
48 documentation shall also bear a plainly visible cautionary statement as required in Section



1 2.XX.9.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at the  
2 retail establishment for a period of not less than one year.

3 (Added 2013) (Amended 2014)

4 2.XX.9.2. Oil - Shall be sold in accordance with the Method of Sale Law. (see NIST Handbook 130,  
5 Uniform Weights and Measures Law, Section 17. Method of Sale.)

6 (Added 20XX)

7 (Added 2012) (Amended 2013 and 2014)

8 2.XX.10. Retail Sales of Electricity Sold as a Vehicle Fuel.

9 2.XX.10.1. Definitions.

10 2.XX.10.1.1. Electricity Sold as Vehicle Fuel. – Electrical energy transferred to and/or stored  
11 onboard an electric vehicle primarily for the purpose of propulsion.

12 2.XX.10.1.2. Electric Vehicle Supply Equipment (EVSE). – The conductors, including the  
13 ungrounded, grounded, and equipment grounding conductors; the electric vehicle connectors;  
14 attachment plugs; and all other fittings, devices, power outlets, or apparatuses installed specifically  
15 for the purpose of measuring, delivering, and computing the price of electrical energy delivered to  
16 the electric vehicle.

17 2.XX.10.1.3. Fixed Service. – Service that continuously provides the nominal power that is possible  
18 with the equipment as it is installed.

19 2.XX.10.1.4. Variable Service. – Service that may be controlled resulting in periods of reduced,  
20 and/or interrupted transfer of electrical energy.

21 2.XX.10.1.5. Nominal Power. – Refers to the “intended” or “named” or “stated” as opposed to  
22 “actual” rate of transfer of electrical energy (i.e., power).

23 2.XX.10.2. Method of Sale. – All electrical energy kept, offered, or exposed for sale and sold at retail  
24 as a vehicle fuel shall be in units in terms of the megajoule (MJ) or kilowatt-hour (kWh). In addition  
25 to the fee assessed for the quantity of electrical energy sold, fees may be assessed for other services;  
26 such fees may be based on time measurement and/or a fixed fee.

27 2.XX.10.3. Retail Electric Vehicle Supply Equipment (EVSE) Labeling.

28 (a) A computing EVSE shall display the unit price in whole cents (e.g., \$0.12) or tenths of one cent  
29 (e.g., \$0.119) on the basis of price per megajoule (MJ) or kilowatt-hour (kWh). In cases where  
30 the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place  
31 of the unit price.

32 (b) For fixed service applications, the following information shall be conspicuously displayed or  
33 posted on the face of the device:

34 (1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of  
35 electrical energy transfer), and

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

37 (c) For variable service applications, the following information shall be conspicuously displayed  
38 or posted on the face of the device:

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

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

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

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

6 (d) Where fees will be assessed for other services in direct connection with the fueling of the  
7 vehicle, such as fees based on time measurement and/or a fixed fee, the additional fees shall be  
8 displayed.

9 (e) The EVSE shall be labeled in accordance with 16 CFR 309 – FTC Labeling Requirements for  
10 Alternative Fuels and Alternative Fueled Vehicles.

11 (f) The EVSE shall be listed and labeled in accordance with the National Electric Code® (NEC)  
12 NFPA 70, Article 625 Electric Vehicle Charging Systems (www.nfpa.org).

13 2.XX.10.4. Street Sign Prices and Other Advertisements. – Where electrical energy unit price  
14 information is presented on street signs or in advertising other than on EVSE:

15 (a) The electrical energy unit price shall be in terms of price per megajoule (MJ) or kilowatt-hour  
16 (kWh) in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119). In cases where the  
17 electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of  
18 the unit price.

19 (b) In cases where more than one electrical energy unit price may apply over the duration of a  
20 single transaction to sales to the general public, the terms and conditions that will determine  
21 each unit price and when each unit price will apply shall be clearly displayed.

22 (c) For fixed service applications, the following information shall be conspicuously displayed or  
23 posted:

24 (1) the level of EV service expressed as the nominal power transfer (i.e., nominal rate of  
25 electrical energy transfer), and

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

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

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

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

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

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

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

37 (Added 2013)

1 **2.XX.11. Diesel Exhaust Fluid (DEF).**

2 **2.XX.11.1. Definition.**

3 **2.XX.11.1.1. Diesel Exhaust Fluid (DEF). – A preparation of aqueous urea [(NH<sub>2</sub>)<sub>2</sub>CO],**  
4 **containing 32.5 % by mass of technically-pure urea in high-purity water with quality**  
5 **characteristics defined by the latest version of ISO 22241, “Diesel engines - NO<sub>x</sub> reduction agent**  
6 **AUS 32.”**

7 **2.XX.11.2. Labeling of Diesel Exhaust Fluid (DEF). – DEF shall be labeled.**

8 **2.XX.11.2.1. Retail Dispenser Labeling. – A label shall be clearly and conspicuously placed on the**  
9 **front panel of the Diesel Exhaust Fluid dispenser stating “for operation of selective catalytic**  
10 **reduction (SCR) converters in motor vehicles with diesel engines.”**

11 **2.XX.11.2.2. Documentation for Retailers of Bulk Product. – A DEF supplier shall provide, at the**  
12 **time of delivery of the bulk shipment of DEF, identification of the fluid’s origin including the name**  
13 **of the fluid manufacturer, the brand name, trade name, or trademark, and a statement identifying**  
14 **the fluid as DEF conforming to specifications given in the latest version of ISO 22241, “Diesel**  
15 **engines - NO<sub>x</sub> reduction agent AUS 32.” This information shall be provided by the supplier on an**  
16 **invoice, bill of lading, shipping paper, or other document.**

17 **2.XX.11.2.3. Labeling of Packaged Product. – Any diesel exhaust fluid retail package shall bear a**  
18 **label that includes the name of the fluid manufacturer, the brand name, trade name, or trademark,**  
19 **a statement identifying the fluid as DEF conforming to specifications given in the latest version of**  
20 **ISO 22241 “Diesel engines - NO<sub>x</sub> reduction agent AUS 32,” and the statement, “It is recommended**  
21 **to store DEF between – 5 °C to 30 °C (23 °F to 86 °F).”**

22 **2.XX.11.2.4. Documentation for Bulk Deliveries. – A carrier that transports or accepts for**  
23 **transportation any bulk shipment by tank truck, freight container, cargo tank, railcar, or any**  
24 **other vehicle used to transport or deliver bulk quantities of DEF shall, at the time of delivery of**  
25 **the DEF, provide identification of the fluid’s origin including the name of the fluid manufacturer,**  
26 **the brand name, trade name, or trademark, and a statement identifying the fluid as DEF**  
27 **conforming to specifications given in the latest version of ISO 22241, “Diesel engines - NO<sub>x</sub>**  
28 **reduction agent AUS 32.” This information shall be provided to the recipient on an invoice, bill of**  
29 **lading, shipping paper, or other document.**

30 **Effective date shall be January 1, 2016.**

31 **2.XX.11.3. Diesel Exhaust Fluid (DEF) - Shall be sold in accordance with the Method of Sale Law. (see**  
32 **NIST Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)**

33 **(Added 20XX)**

34 **(Added 2014)**

35 **2.XX.12. Transmission Fluid.**

36 **2.XX.12.1. Products for Use in Lubricating Transmissions. – Transmission fluids shall meet the**  
37 **original equipment manufacturer’s requirements for those transmissions or have demonstrated**  
38 **performance claims to be suitable for use in those transmissions. Where a fluid can be licensed against**  
39 **an original equipment manufacturer’s specification, evidence of current licensing by the marketer is**  
40 **acceptable documentation of performance against the specification. In the absence of a license from**  
41 **the original equipment manufacturer, adherence to the original equipment manufacturer’s**  
42 **recommended requirements shall be assessed after testing per relevant methods available to the**  
43 **lubricants industry and the state regulatory agency. Suitability for use claims shall be based upon**  
44 **appropriate field, bench, and/or transmission rig testing. Any manufacturer of a transmission fluid**  
45 **making suitable-for-use claims shall provide, upon request by a duly authorized representative of the**

1 Director, credible documentation of such claims. If the product performance claims published by a  
2 blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation  
3 of the claims may be in confidence by a duly authorized representative of the Director. Supporting  
4 data may be supplied directly to the Director's office by the additive supplier(s).

5 (Added 2017)

6 2.XX.12.1.1. Conformance. – Conformance of a fluid per Section 2.XX.12.1. Products for Use in  
7 Lubricating Transmissions does not absolve the obligations of a fluid licensee with respect to the  
8 licensing original equipment manufacturer or the original equipment manufacturer's licensing  
9 agent(s), where relevant.

10 (Added 2017)

11 2.XX.12.1.2. Transmission Fluid Additives. – Any material offered for sale or sold as an additive  
12 to transmission fluids shall be compatible with the transmission fluid to which it is added, and  
13 shall meet all performance claims as stated on the label or published on any website referenced by  
14 the label. Any manufacturer of any such product sold in this state shall provide, upon request by  
15 a duly authorized representative of the Director, documentation of any claims made on their  
16 product label or published on any website referenced by the label.

17 (Added 2017)

18 2.XX.12.2. Labeling and Identification of Transmission Fluid. – Transmission fluid shall be labeled or  
19 identified as described below.

20 (Added 2017)

21 2.XX.12.2.1. Container Labeling. – The label on a container of transmission fluid shall not contain  
22 any information that is false or misleading. Containers include bottles, cans, multi-quart or liter  
23 containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each  
24 container of transmission fluid shall be labeled with the following:

25 (a) the brand name;

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

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

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

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

36 (Added 2017)

37 2.XX.12.2.2. Identification on Documentation. – Transmission fluid sold in bulk shall be identified  
38 on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other  
39 documentation with the information listed below:

40 (a) the brand name;

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

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

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

8 (e) an accurate statement of the quantity of the contents in terms of liquid measure.  
9 (Added 2017)

10 2.XX.12.2.3. Identification on Service Provider Documentation. – Transmission fluid installed  
11 from a bulk tank at time of transmission service shall be identified on the customer invoice with  
12 the information listed below:

13 (a) the brand name;

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

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

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

22 (e) an accurate statement of the quantity of the contents in terms of liquid measure.  
23 (Added 2017)

24 2.XX.12.2.4. Bulk Delivery. – When the transmission fluid is sold in bulk, an invoice, bill of lading,  
25 shipping paper, or other documentation must accompany each delivery. This document must  
26 identify the fluid as defined in Section 2.XX.12.2.2. Identification on Documentation.

27 (Added 2017)

28 2.XX.12.2.5. Storage Tank Labeling. – Each storage tank of transmission fluid shall be labeled  
29 with the following:

30 (a) the brand name;

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

35 (Added 2017)

36 2.XX.12.3. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or  
37 distributor of any product subject to this article and sold in this state shall provide, upon request of  
38 duly authorized representatives of the Director, credible documentation of any claim made upon their  
39 product label, including claims made on any website referenced by said label. If the product  
40 performance claims published by a blender and/or marketer are based on the claim(s) of one or more  
41 additive suppliers, documentation of the claims may be requested in confidence by a duly authorized

1 representative of the Director. Supporting data may be supplied directly to the Director's office by  
2 the additive supplier(s).

3 (Added 2017)

4 2.XX.12.4. Transmission Fluid - Shall be sold in accordance with the Method of Sale Law. (see NIST  
5 Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)

6 (Added 20XX)

7 (Added 2017)

8 2.XX.13. Tractor Hydraulic Fluid.

9 2.XX.13.1. Products for Use in Lubricating Tractors. – Tractor hydraulic fluids shall meet at least one  
10 current and/or verifiable original equipment manufacturer's specifications for respective tractors. A  
11 specification is deemed verifiable if all necessary bench and laboratory test are available to verify the  
12 fluid's ability to pass those requirements set out by the original equipment manufacturer. A list of  
13 current and verifiable specifications is located on the NIST OWM Publication website at  
14 www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130. Where a fluid  
15 can be licensed against an original equipment manufacturer's specification, evidence of current  
16 licensing by the marketer is acceptable documentation of performance against the specification. In the  
17 absence of a license from the original equipment manufacturer, adherence to the original equipment  
18 manufacturer's specifications shall be assessed after testing per relevant methods available to the  
19 lubricants industry and the regulatory agency. Suitability for use claims shall be based upon  
20 appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making  
21 suitable for use claims shall provide, upon request by a duly authorized representative of the Director,  
22 credible documentation of such claims. If the product performance claims published by a blender  
23 and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the  
24 claims shall be provided upon request to a duly authorized representative of the Director. Supporting  
25 data shall, upon request, be supplied directly to the Director's office by the additive supplier(s).

26 2.XX.13.1.1. Conformance. – Conformance of a fluid per Section 2.XX.13.1. Products for Use in  
27 Lubricating Tractors does not absolve the obligations of a fluid licensee with respect to the  
28 licensing original equipment manufacturer or the original equipment manufacturer's licensing  
29 agent(s), where relevant.

30 2.XX.13.1.2. Tractor Hydraulic Fluid Additives. –Any material offered for sale or sold as an  
31 additive to tractor hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it  
32 is added and shall meet all performance claims as stated on the label or published on any website  
33 referenced by the label. Any manufacturer of any such product sold shall provide, upon request  
34 by a duly authorized representative of the Director, documentation of any claims made on their  
35 product label or published on any website referenced by the label.

36 2.XX.13.2. Labeling and Identification of Tractor Hydraulic Fluid. – Tractor hydraulic fluids shall be  
37 labeled or identified as described below.

38 2.XX.13.2.1. Container Labeling. – The label on a container of tractor hydraulic fluid shall not  
39 contain any information that is false or misleading. Containers include bottles, cans, multi-quart  
40 or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each  
41 container of tractor hydraulic fluid shall be labeled with the following:

42 (a) the brand name;

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

44 (c) the words "Tractor Hydraulic Fluid," which may include words such as "Hydraulic Fluid  
45 for Agricultural Applications" or "Universal Tractor Transmission Oil";

1 (d) the primary claim or claims met by the fluid and reference to where any supplemental  
2 claims may be viewed (e.g., website reference). Performance claims are those set by  
3 original equipment manufacturers;

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

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

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

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

13 2.XX.13.2.2. Identification on Documentation. – Tractor hydraulic fluid sold in bulk shall be  
14 identified on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper,  
15 or other documentation with the information listed below:

16 (a) the brand name;

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

18 (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid  
19 for Agricultural Applications” or “Universal Tractor Transmission Oil”;

20 (d) the primary claim or claims met by the fluid and reference to where any supplemental  
21 claims may be viewed (e.g., website reference). Performance claims are those set by  
22 original equipment manufacturers;

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

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

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

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

32 2.XX.13.2.3. Identification on Service Provider Documentation. – Tractor hydraulic fluid installed  
33 from a bulk tank at time of service shall be identified on the customer invoice with the information  
34 listed below:

35 (a) the brand name;

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

37 (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid  
38 for Agricultural Applications” or “Universal Tractor Transmission Oil”;

1 (d) the primary claim or claims met by the fluid and reference to where any supplemental  
2 claims may be viewed (e.g., website reference). Performance claims are those set by  
3 original equipment manufacturers;

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

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

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

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

13 2.XX.13.2.4. Bulk Delivery. – When the tractor hydraulic fluid is sold in bulk, an invoice, bill of  
14 lading, shipping paper, or other documentation must accompany each delivery. This document  
15 must identify the fluid as defined in Section 2.XX.13.2.2. Identification on Documentation.

16 2.XX.13.2.5. Storage Tank Labeling. – Each storage tank of tractor hydraulic fluid shall be labeled  
17 with the following:

18 (a) the brand name;

19 (b) the primary performance claim or claims met by the fluid or reference to where these  
20 claims may be viewed (for example, website reference). Performance claims are those  
21 set by original equipment manufacturers.

22 2.XX.13.3. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or  
23 distributor of any product subject to this article and sold shall provide, upon request of duly  
24 authorized representatives of the Director, credible documentation of any claim made upon their  
25 product label, including claims made on any website referenced by said label. If the product  
26 performance claims published by a blender and/or marketer are based on the claim(s) of one or  
27 more additive suppliers, documentation of the claims shall be provided upon request to a duly  
28 authorized representative of the Director. Supporting data shall, upon request, be supplied  
29 directly to the Director’s office by the additive supplier(s).

30 (Added 2019)

31 2.XX.13.4. Tractor Hydraulic Fluid – Shall be sold in accordance with the Method of Sale Law.  
32 (see NIST Handbook 130, Uniform Weights and Measures Law, Section 17. Method of Sale.)

33 (Added 20XX)

34 **Background/Discussion:** See Appendix A, Page L&R-A86.

NEWMA Report	
<b>Regional recommendation to NCWM on item status:</b>	
<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



<p><i>(To be developed by source of the proposal)</i></p> <p><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><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><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>Jim Willis, New York, commented at the 2019 NEWMA Interim Meeting he has concerns that this item would have unintended negative consequences, and he does not understand what problem is being solved with this proposal. The Committee recommended that this item be withdrawn.</p>

1  
2 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
3 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

4 **MOS-20.3            2.X. Diesel Fuel**

5 **Source:**  
6 National Biodiesel Board

7 **Purpose:**  
8 Add the recently approved language for premium diesel into the section (B) for method of sale.

9 **Item Under Consideration:**  
10 Amend NIST Handbook 130 Uniform Regulation for the Method of Sale of Commodities as follows:

11 **2.X. Diesel Fuel. – Shall meet the following requirements, based on the biodiesel concentration of the fuel:**

- 12        **(a) Diesel fuel that contains less than or equal to 5 % by volume biodiesel shall meet the latest**  
13        **version of ASTM D975, “Standard Specifications for Diesel Fuels Oils” and shall be sold as diesel**  
14        **fuel.**
- 15        **(b) Diesel fuel that contains greater than or equal to 6 % by volume biodiesel and that contains less**  
16        **than or equal to 20 % by volume shall meet the latest version of ASTM D7467, “Standard**  
17        **Specifications for Diesel Fuel Oil, Biodiesel Blend (B6 to B20).”**
- 18        **(c) Only fuel additive registered with the U.S. EPA may be used to additize diesel fuel, and the final**  
19        **product shall meet the latest version of ASTM D975 and/or ASTM D7467.**

20 **2.X.1. Premium Diesel Fuel. – All diesel fuels identified on retail dispensers as premium, super, supreme,**  
21 **or premier must conform to the following minimum requirements.**

- 22        **(a) Cetane Number. – A minimum cetane number of 47.0 as determined by the latest version of**  
23        **ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil.”**

24        **NOTE: ASTM D613, “Standard Test Method for Cetane Number of Diesel Fuel Oil” is the referee**  
25        **method; however, the following methods can be used to determine cetane number: the latest**  
26        **versions of ASTM D6890, “Standard Test Method for Determination of Ignition Delay and Derived**  
27        **Cetane Number” (DCN) of Diesel Fuel Oils by Combustion in a Constant Volume Chamber”;**  
28        **ASTM D7170, “Standard Test Method for Determination of Derived Cetane Number (DCN) of**  
29        **Diesel Fuel Oils—Fixed Range Injection Period, Constant Volume Combustion Chamber Method”;**  
30        **and ASTM D7668, “Standard Test Method for Determination of Derived Cetane Number (DCN) of**  
31        **Diesel Fuel Oils—Ignition Delay and Combustion Delay Using a Constant Volume Combustion**  
32        **Chamber Method.”**

1 **(b) Low Temperature Operability.** – **A cold flow performance measurement which meets the latest**  
2 **version of ASTM D975, “Standard Specification for Diesel Fuel Oils,” tenth percentile minimum**  
3 **ambient air temperature charts and maps by the latest versions of either ASTM D2500,**  
4 **“Standard Test Method for Cloud Point of Petroleum Products and Liquid Fuels” or ASTM**  
5 **Standard D4539, “Standard Test Method for Filterability of Diesel Fuels by Low-Temperature**  
6 **Flow Test (LTFT).”** The latest version of ASTM D6371, “Standard Test Method for Cold Filter  
7 **Plugging Point of Diesel and Heating Fuels”** may be used when the test results are a maximum of  
8 **6 °C below the Cloud Point. Low temperature operability is only applicable October 1 to March**  
9 **31 of each year.**

10 **(c) Lubricity.** – **A maximum wear scar diameter of 460 micrometers as determined by the latest**  
11 **version ASTM D6079, “Standard Test Method for Evaluating Lubricity of Diesel Fuels by the**  
12 **High-Frequency Reciprocating Rig (HFRR).”**

13 *NOTE: The latest version of ASTM D6079, “Standard Test Method for Evaluating Lubricity of*  
14 *Diesel Fuels by the High-Frequency Reciprocating Rig (HFRR)” is the referee method; however,*  
15 *the latest version of ASTM D7688, “Standard Test Method for Evaluating Lubricity of Diesel Fuels*  
16 *by the High-Frequency Reciprocating Rig (HFRR) by Visual Observation” can be used.*

17 **(d) Corrosion.** – **A minimum rating of B+ as determined by the most recent version of NACE**  
18 **TM0172, “Determining Corrosive Properties of Cargoes in Petroleum Product Pipelines.”**

19 *NOTE: The latest recent version of NACE TM0172 “Determining Corrosive Properties of Cargoes*  
20 *in Petroleum Product Pipelines” is the referee method. The latest version of ASTM D7548*  
21 *“Standard Test Method for Determination of Accelerated Iron Corrosion in Petroleum Products”*  
22 *can be used.*

23 **(e) Filter Blocking Tendency (FBT)** – **A maximum of 2.2 by ASTM D2068, “Standard Test Method**  
24 **for Determining Filter Blocking Tendency”, following procedure B.**

25 **(f) Injector Deposit Control.** – **Maximum power loss in keep-clean mode of 2 % by the latest version**  
26 **of Coordinating European Council, CEC F-98-08, “Direct Injection, Common Rail Diesel Engine**  
27 **Nozzle Coking Test.”**

28 **2.X.2. Use of Other Diesel Terminology.** – **For any terms other than premium, super, supreme, or**  
29 **premier included in the diesel fuel product or grade name and/or advertisements and claims displayed on**  
30 **dispensers, pump toppers, pole signs and bollard signs which imply improved performance, the product**  
31 **must have a clearly-defined fuel property with a substantiated functional benefit. Such property must be**  
32 **measurable utilizing industry accepted test methodologies developed by recognized standards**  
33 **organizations such as ASTM, SAE and CEC to allow verification of the improved performance.**

34 **(Added 20XX)**

35 **Background/Discussion:** See Appendix A, Page L&R-A88.

NEWMA Report	
<b>Regional recommendation to NCWM on item status:</b>	
<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 (To be developed by an NCWM Task Group or Subcommittee)
<input type="checkbox"/>	Recommend as a Developing Item on the NCWM agenda (To be developed by source of the proposal)

<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>
<b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i> During the 2019 NEWMA Interim Meeting Rebecca Richardson representing the National Biodiesel Board commented that this language is identical to the language that was added to the Engine Fuels section of Handbook 130 during the 2019 voting session at the NCWM Annual Meeting. She stated that two reasons to put the identical language into the Method of Sale section of the handbook is that more states adopt the MOS section, and several aspects of the new language specifically pertains to the method of sale of premium diesel fuel. Several regulators support the proposal. The committee believes this item is fully developed and is ready for voting status.

1  
 2 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
 3 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

4 **MOS-20.4            2.XX. Ink and Toner Cartridges**

5 **This item was not submitted to your region.**

6 **MOS-20.5            2.21. Liquefied Petroleum Gas**

7 **Source:**  
 8 Arizona Dept of Agriculture, Weights and Measures Services Division

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

12 **Item Under Consideration:**  
 13 Amend NIST Handbook 130 Uniform Regulation for the Method of Sale of Commodities as follows:

14 **2.21. Liquefied Petroleum Gas.** – All liquefied petroleum gas, including, but not limited to propane, butane, and  
 15 mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot [NOTE 7, page  
 16 132] of vapor (defined as 1 ft<sup>3</sup> at 60 °F [15.6 °C]), or the gallon (defined as 231 in<sup>3</sup> at 60 °F [15.6 °C]). All metered  
 17 sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be  
 18 accomplished by use of a meter and device that automatically compensates for temperature. **Metered sales using a**  
 19 **meter with a maximum rated capacity of 20 gal/min or less is exempt from temperature compensation**  
 20 **requirements.**

21 (Added 1986 **Amended XXXX**)

22 **Background/Discussion:** See Appendix A, Page L&R-A88.

NEWMA Report	
<b>Regional recommendation to NCWM on item status:</b>	
<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 checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM agenda	

<p>(To be developed by source of the proposal)</p> <p><input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda (In the case of new proposals, do not forward this item to NCWM)</p> <p><input type="checkbox"/> No recommendation from the region to NCWM (If this is a new proposal, it will not be forwarded to the national committee by this region)</p>
<p><b>Comments and justification for the regional recommendation to NCWM: (This will appear in NCWM reports)</b></p> <p>The Chairman at the 2019 NEWMA Interim Meeting reviewed the information provided from the previous two regional meetings. Richard Sutter commented that the proposal, as written, could be problematic as it pertains to all sizes of devices. The committee recommends the item stay with the developer for further work and vetting through the regions.</p>

1  
2 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
3 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

4 **MOS-20.6                    2.37. Pet and Specialty Pet Treats or Chews**

5 **Source:**  
6 Association of American Feed Control Officials (AAFCO)

7 **Purpose:**  
8 Address the potential for confusion by the establishment of divergent requirements under a given state’s commercial  
9 animal feed authority and weights and measures authority.

10 **Item Under Consideration:**  
11 Amend NIST Handbook 130 Uniform Regulation for the Method of Sale of Commodities as follows:

12 2.37. Pet and Specialty Pet Treats or Chews. —~~Digestive chews, rawhides, bones, biscuits, antlers or similar~~  
13 ~~type products shall be sold by weight.~~

14  
15 **2.37.1 Definitions.**

16  
17 **2.37.1.1. Pet – dog (*Canis familiaris*) or cat (*Felis catus*)**

18  
19 **2.37.1.2. Specialty Pet – any animal normally maintained in a household, such as, but not limited**  
20 **to rodents, ornamental birds, ornamental fish, reptiles and amphibians, ferrets, hedgehogs,**  
21 **marsupials, and rabbits not raised for food or fur.**

22  
23 **2.37.1.3. Treat – a food provided occasionally for enjoyment, training, entertainment, or other**  
24 **purposes, and not generally intended or represented to be a complete feed or supplement.**

25 **2.37.1.4. Chew – chews, bones, toys, and exercisers made of animal parts, hide, wood, or man-**  
26 **made materials. Animal chews include, but are not limited to, rawhides, hooves, ears, animal**  
27 **bones, ligaments, snouts, and pizzles.**

28  
29 **2.37.2. Labeling of Pet and Specialty Pet Treats or Chews.**

30  
31 **2.37.2.1 The principal display panel of a pet treat or chew in package form shall bear a**  
32 **declaration of the net quantity of contents. This shall be expressed in the terms of weight,**  
33 **measure, numerical count, or a combination of numerical count and weight or measure. When**  
34 **the declaration of quantity of contents by numerical count does not give adequate information as**

**to the quantity of food in the package, it shall be combined with such statement of weight, measure, or size of the individual units of the foods as will provide such information.**

**2.37.2.1.1. Pet or specialty pet treats may be sold by weight or a combination of numerical count and weight.**

**2.37.2.1.2. Pet or specialty pet chews that are animal parts sold in the whole form (e.g. ears or snouts) may be sold by weight, count or a combination of numerical count and weight.**

**2.37.2.1.3. Pet or specialty pet chews that are sold in processed form (e.g. sliced antlers, ligaments, or man-made chews) may be sold by weight or a combination of numerical count and weight or size (i.e. length).**

**Background/Discussion:** See Appendix A, Page L&R-A89.

NEWMA Report
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>At the 2019 NEWMA Interim Meeting Jackie Fee, Cargill, stated that written comments have been submitted by Cargill, and she supports those comments and the proposal. Mr. Sakin asked for clarity from Ms. Fee regarding the economic impact that this proposal attempts to address, and Ms. Fee commented that it would be in excess of \$1 million per location. Jason Flint, New Jersey, commented that he believes the item should be withdrawn because the language would revert to being inconsistent and would not allow for fair comparisons for consumers. Jim Willis, New York, commented that he supports items being sold either by weight or count, but not by a combination of these options. John McGuire, New Jersey, believes this issue is already covered by the Fair Packaging and Labeling Act (FPLA), and this new provision could be in conflict; he opposes the item and believes it should be withdrawn. Consensus of the group is to recommend withdrawal of the item.</p>

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

1 **ITEM BLOCK 2 (B2) TRACTOR HYDRAULIC FLUID**

- 2 B2: MOS-20.1 2.XX. Tractor Hydraulic Fluid
- 3 B2: FAL-20.1 1.XX. Tractor Hydraulic Fluid

4 **Source:**  
5 Independent Lubricant Manufacturers Association (ILMA)

6 **Purpose:**  
7 Amend recently adopted Handbook 130 provisions on tractor hydraulic fluids to include specification being developed  
8 by ASTM. Improve labeling for required cautionary statement, and distinguish hydraulic fluids not intended for use  
9 in tractor central sump.

10 **B2: MOS-20.1. 2.XX. Tractor Hydraulic Fluid**

11 **Item Under Consideration:**  
12 Amend NIST Handbook 130 Uniform Regulation for the Method of Sale of Commodities as follows.

13 **2.XX. Tractor Hydraulic Fluid.**

14  
15 **2.XX.1. Products for Use in Lubricating Tractors.** – Tractor hydraulic fluids shall meet at least one current  
16 and/or verifiable original equipment manufacturer’s requirements **or a specification, standard or code of**  
17 **practice issued by a nationally-recognized association** for those respective tractors. A list of current and  
18 verifiable specifications **and specification, standard or code of practice** can be found under “References” on  
19 NCWM’s homepage. Where a fluid can be licensed against an original equipment manufacturer’s specification,  
20 evidence of current licensing by the marketer is acceptable documentation of performance against the  
21 specification. In the absence of a license from the original equipment manufacturer, adherence to the original  
22 equipment manufacturer’s recommended requirements shall be assessed after testing per relevant methods  
23 available to the lubricants industry and the regulatory agency. Suitability-for-use claims shall be based upon  
24 appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable-for-use  
25 claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of  
26 such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s)  
27 of one or more additive suppliers, documentation of the claims shall be provided upon request to by a duly  
28 authorized representative of the Director. Supporting data shall, upon request, be supplied directly to the  
29 Director’s office by the additive supplier(s).

30 ...

31 **2.XX.2. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluids shall be labeled or  
32 identified as described below.

33  
34 **2.XX.2.1. Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any  
35 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,  
36 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid  
37 shall be labeled with the following:

- 38
- 39 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete”  
40 and accompanied by the following warning on the front package label in clearly legible font size and color  
41 **and in a manner reasonably calculated to draw the purchaser’s attention to such warning:**
- 42

43 Caution: Some of the specifications are no longer deemed active by the original equipment manufacturer.  
44 Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using  
45 this product in applications in which it is not intended.  
46

The above warning is not required if the fluid claims to meet **and refers to the** current original equipment manufacturer’s specifications **and/or specification, standard or code of practice issued by a nationally-recognized association and refers to thereby preceding specifications.**

...

**2.XX.2.2. Identification on Documentation.** – Tractor hydraulic 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:

(e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the **invoice, bill of lading, shipping paper, or other documentation front package** in clearly legible font size and color **and in a manner reasonably calculated to draw the purchaser’s attention to such warning:**

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

The above warning is not required if the fluid claims to meet **and refers to the** current original equipment manufacturer’s specifications **and/or specification, standard or code of practice issued by a nationally-recognized association and refers to thereby preceding specifications.**

...

**2.XX.2.3. Identification on Service Provider Documentation.** – Tractor hydraulic fluid installed from a bulk tank at time of service shall be identified on the customer invoice **or other documentation** with the information listed below:

(e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the **customer invoice or other documentation front package label** in clearly legible font size and color **and in a manner reasonably calculated to draw the purchaser’s attention to such warning:**

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

The above warning is not required if the fluid claims to meet **and refers to the** current original equipment manufacturer’s specifications **and/or specification, standard or code of practice issued by a nationally-recognized association and refers to thereby preceding specifications.**

**B2: FLR-20.1 1.XX. Tractor Hydraulic Fluid, 2.XX. Products for Use in Lubricating Tractors and 3.XX. Tractor Hydraulic Fluid.**

**Item Under Consideration:**

Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law, Section 8.6. Prohibited Acts.

**1.XX. Tractor Hydraulic Fluid.** - A product intended for use in tractors with a common sump for the transmission, final drives, wet brakes, axles and hydraulic system.

**1.XX. Hydraulic Fluid.** – A product intended for use in multiple applications with a dedicated hydraulic system and sump. Such fluids cannot be used in tractors. **A person shall not represent a hydraulic fluid in any manner that**

1 **may deceive or tend to deceive the purchaser as to suitability for the use of the product as a Tractor Hydraulic**  
2 **Fluid.** See Tractor Hydraulic Fluid for reference.

3  
4 **2.XX. Products for Use in Lubricating Tractors.** – Tractor hydraulic fluids shall meet at least one current and/or  
5 verifiable original equipment manufacturer’s requirements **or a specification, standard or code of practice issued**  
6 **by a nationally-recognized association** for those respective tractors. A list of current and verifiable specifications  
7 **and specification, standard or code of practice** can be found under “References” on NCWM’s homepage. Where a  
8 fluid can be licensed against an original equipment manufacturer’s specification, evidence of current licensing by the  
9 marketer is acceptable documentation of performance against the specification. In the absence of a license from the  
10 original equipment manufacturer, adherence to the original equipment manufacturer’s recommended requirements  
11 shall be assessed after testing per relevant methods available to the lubricants industry and the regulatory agency.  
12 Suitability-for-use claims shall be based upon appropriate field, bench, and/or rig testing. Any manufacturer of a  
13 tractor hydraulic fluid making suitable-for-use claims shall provide, upon request by a duly authorized representative  
14 of the Director, credible documentation of such claims. If the product performance claims published by a blender  
15 and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims shall be  
16 provided upon request to a duly authorized representative of the Director. Supporting data shall, upon request, be  
17 supplied directly to the Director’s office by the additive supplier(s).

18 ...  
19 **3.XX. Tractor Hydraulic Fluid.**

20  
21 **3.XX.1. Labeling and Identification of Tractor Hydraulic Fluid.** – Tractor hydraulic fluid shall be labeled or  
22 identified as described below.

23  
24 **3.XX.1.1.Container Labeling.** – The label on a container of tractor hydraulic fluid shall not contain any  
25 information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails,  
26 kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid  
27 shall be labeled with the following:

28 ...  
29 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete”  
30 and accompanied by the following warning on the front package in clearly legible font size and color  
31 **and in a manner reasonably calculated to draw the purchaser’s attention to such warning:**

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

36  
37 The above warning is not required if the fluid claims to meet **and refers to the** current original  
38 equipment manufacturer’s specifications **and/or specification, standard or code of practice issued by**  
39 **a nationally-recognized association and refers to thereby preceding specifications.**

40 ...  
41 **3.XX.1.2.Identification on Documentation.** – Tractor hydraulic fluid sold in bulk shall be identified on the  
42 manufacturer, packer, seller or distributor invoice, bill of lading, shipping paper, or other documentation with  
43 the information listed below:

44 ...  
45 (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and  
46 accompanied by the following warning on the **invoice, bill of lading, shipping paper, or other**  
47 **documentation front package** in clearly legible font size and color **and in a manner reasonably**  
48 **calculated to draw the purchaser’s attention to such warning:**



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

The above warning is not required if the fluid claims to meet **and refers to the** current original equipment manufacturer’s specifications **and/or specification, standard or code of practice issued by a nationally-recognized association and refers to thereby preceding specifications.**

**3.XX.1.5. Storage Tank Labeling.** – Each storage tank of tractor hydraulic fluid shall be labeled with the following:

(a) the brand name;

(c) the primary performance claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims include but are not limited to are those set by original equipment manufacturers **or a nationally-recognized association;**

**Background/Discussion:** See Appendix A, Page L&R-A91.

NEWMA Item
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>During the 2019 NEWMA Interim Meeting Jeff Leiter, Independent Lubricator Manufacturers Association (ILMA) commented that ILMA suggested these amendments to the same section of the Handbook which was passed in July, 2019, but ultimately opted to submit this cycle to avoid any delay to implement proposed changes that came out of the 2019 Interim Meeting. He said there has been work by the submitter on this item throughout the summer. The Committee suggested that the region consider the item as developing and request that the submitter have final language ready for further consideration at the 2020 NCWM Interim Meeting. The committee also agreed with suggested revisions from both the Western and the Southern regions and believes it should continue to move forward by the developer to finalize language.</p>

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

1 **ITEM BLOCK 3 (B3) ENGINE FUELS & AUTOMOTIVE LUBRICANTS**  
2 **INSPECTION LAW, SECTION 8.6 PROHIBITED ACTS.**  
3 **METHOD OF SALE, SECTION 2.33 OIL. FUELS &**  
4 **AUTOMOTIVE REGS. SECTIONS 2.14. ENGINE (MOTOR**  
5 **OIL), 3.13. OIL, AND 7.2. REPRODUCIBILITY LIMITS**  
6

- 7 B3: FLL-18.1 A Section 8. Prohibited Acts  
8 B3: MOS-18.4 A Section 2.33. Oil  
9 B3: FLR-18.5 A Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits.

10 **Source:**  
11 Independent Lubricant Manufacturers Association (ILMA)

12 **Purpose:**  
13 Provide information to protect consumers from purchasing obsolete motor oils that can harm modern engines.

14 **B3: FLL-18.1 A Section 8. Prohibited Acts**

15 **Item Under Consideration:**  
16 Amend NIST Handbook 130, Uniform Fuels and Automotive Lubricants Inspection Law, Section 8.6. Prohibited  
17 Acts.

18 **Section 8. Prohibited Act**

19 It shall be unlawful to:

20 **8.6.** Represent automotive lubricants with an S.A.E. (Society of Automotive Engineers) viscosity grade or API  
21 (American Petroleum Institute) service classification other than those **specified** by the intended purchaser.  
22 (Added 1996) (Amended 20XX)

23 **B3: MOS-18.1 A Section 2.33. Oil**

24 **Item Under Consideration:**  
25 Amend NIST Handbook 130, Uniform Method of Sale of Commodities Regulation as follows:

26 **2.33. Oil.**

27 **2.33.1. Labeling of Vehicle Engine (Motor) Oil.** – Vehicle engine (motor) oil shall be labeled.

28 **2.33.1.1. Viscosity.** –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage  
29 tank, and any invoice or receipt from service on an engine that includes the installation of vehicle engine  
30 (motor) oil dispensed from a receptacle, dispenser, or storage tank, shall contain the viscosity grade  
31 classification preceded by the letters “SAE” in accordance with SAE International’s latest version of  
32 SAE J300, “Engine Oil Viscosity Classification.”

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

36 (Note added 2014)

37 (Amended 2014)

1 **2.33.1.2. Brand.** –The label on any vehicle engine (motor) oil container and the invoice or receipt from  
 2 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a  
 3 receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle  
 4 engine (motor) oil.

5 (Amended 2014)

6 **2.33.1.3. Engine Service Category.** –The label on any vehicle engine (motor) oil container, receptacle,  
 7 dispenser, or storage tank and the invoice or receipt from service on an engine that includes the installation  
 8 of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the  
 9 engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined  
 10 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than  
 11 “Energy Conserving”),” API Publication 1509, “Engine Oil Licensing and Certification System,” European  
 12 Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other Vehicle or Engine  
 13 Manufacturer standards as approved in Section 2.33.1.3.1. Vehicle or Engine Manufacturer Standard.

14 (Amended 2014)

15 **2.33.1.3.1. Vehicle or Engine Manufacturer Standard.** –The label on any vehicle engine (motor) oil  
 16 container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine  
 17 that includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or  
 18 storage tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in  
 19 letters not less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine  
 20 manufacturer standard, the label must clearly identify that the oil is only intended for use where  
 21 specifically recommended by the vehicle or engine manufacturer.

22 (Added 2014)

23 **2.33.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil~~  
 24 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an~~  
 25 ~~engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a receptacle,~~  
 26 ~~dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with~~  
 27 ~~the latest version of SAE J183, Appendix A, Whenever the any vehicle engine (motor) oil in the a~~  
 28 ~~container, receptacle, dispenser, storage tank, or in bulk does not meet an active API service category~~  
 29 ~~as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service~~  
 30 ~~Classification (Other than “Energy Conserving”).”~~ the front or forward facing-label of such vehicle  
 31 engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from  
 32 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed  
 33 from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary statement  
 34 set forth in the latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil  
 35 is declared obsolete by a vehicle or engine manufacturer, the front or forward-facing label of such  
 36 vehicle engine (motor) oil container, receptacle, dispenser, or storage tank and the invoice or  
 37 receipt from service on an engine that includes the installation of bulk vehicle engine (motor) oil  
 38 dispensed from a receptacle, dispenser, or storage tank shall bear the plainly-visible, cautionary  
 39 required by the vehicle or engine manufacturer. If a vehicle engine (motor) oil is identified as only  
 40 meeting a vehicle or engine manufacturer standard, the labeling requirements in Section  
 41 2.33.1.3.1. Vehicle or Engine Manufacturer Standard applies.

42 (Amended 2014 and 20XX)

43 **2.33.1.4. Tank Trucks or Rail Cars.** –Tank trucks, rail cars, and other types of delivery trucks that are used  
 44 to deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service  
 45 category or categories on such tank trucks, rail cars, and other types of delivery trucks. In lieu of such  
 46 display requirements, the documentation defined in Section 2.33.1.5. Documentation shall be readily  
 47 available for inspection.

48 (Amended 2013, and 2014 and 20XX)

1           **2.33.1.5. Documentation.** –When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping  
2 paper, or other documentation must accompany each delivery. This document must identify the quantity of  
3 bulk engine (motor) oil delivered as defined in Sections 2.33.1.1. Viscosity, grade as defined by SAE J300  
4 “Engine Oil Viscosity Classification,” 2.33.1.2. Brand; 2.33.1.3. Engine Service Category; the name and  
5 address of the seller and buyer; and the date and time of the sale. For inactive or obsolete service categories,  
6 the documentation shall also bear a the plainly visible cautionary statements as required in Section 2.33.1.3.2.  
7 Inactive or Obsolete Service Categories. Documentation must be retained at the retail establishment for a  
8 period of not less than one year.

9           (Added 2013) (Amended 2014 and 20XX)

10          (Added 2012) (Amended 2013, and 2014 and 20XX)

11   **B3: FLR-18.1 A Sections 2.14. Engine (Motor) Oil, 3.13. Oil and 7.2. Reproducibility Limits.**

12   **Item Under Consideration:**

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

14   **Section 3. Classification and Method of Sale**

15   **3.13. Oil.**

16       **3.13.1. Labeling of Vehicle Engine (Motor) Oil Required.**

17           **3.13.1.1. Viscosity.** –The label on any vehicle engine (motor) oil container, receptacle, dispenser, or storage  
18 tank and the invoice or receipt from service on an engine that includes the installation of bulk vehicle engine  
19 (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the viscosity grade  
20 classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of  
21 SAE J300, “Engine Oil Viscosity Classification.”

22           (Amended 2012 and 2014)

23           **3.13.1.2. Brand.** –The label on any vehicle engine (motor) oil container and the invoice or receipt from  
24 service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a  
25 receptacle, dispenser, or storage tank shall contain the name, brand, trademark, or trade name of the vehicle  
26 engine (motor) oil.

27           (Added 2012 and 2014)

28           **3.13.1.3. Engine Service Category.** –The label on any vehicle engine (motor) oil container, receptacle,  
29 dispenser or storage tank and the invoice or receipt from service on an engine that includes the installation  
30 of bulk vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage tank shall contain the  
31 engine service category, or categories, displayed in letters not less than 3.18 mm (1/8 in) in height, as defined  
32 by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other than  
33 “Energy Conserving”)” API Publication 1509, “Engine Oil Licensing and Certification System,” European  
34 Automobile Manufacturers Association (ACEA), “European Oil Sequences,” or other “Vehicle or Engine  
35 Manufacturer Standards” as provided in Section 3.13.1.3.1.

36           (Amended 2012 and 2014)

37           **3.13.1.3.1. Vehicle or Engine Manufacturer Standard.** –The label on any vehicle engine (motor) oil  
38 container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an engine that  
39 includes the installation of vehicle engine (motor) oil dispensed from a receptacle, dispenser, or storage  
40 tank shall identify the specific vehicle or engine manufacturer standard, or standards, met in letters not  
41 less than 3.18 mm (1/8 in) in height. If the vehicle (motor) oil only meets a vehicle or engine manufacturer  
42 standard, the label must clearly identify that the oil is only intended for use where specifically  
43 recommended by the vehicle or engine manufacturer.

1 (Added 2014)

2 **3.13.1.3.2. Inactive or Obsolete Service Categories.** ~~The label on any vehicle engine (motor) oil~~  
 3 ~~container, receptacle, dispenser, or storage tank and the invoice or receipt from service on an~~  
 4 ~~engine that includes the installation of vehicle engine (motor) oil dispensed from a receptacle,~~  
 5 ~~dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with the~~  
 6 ~~latest version of SAE J183, “Engine Oil Performance and Engine Service Classification (Other~~  
 7 ~~than “Energy Conserving”)” Appendix A, Whenever the any vehicle engine (motor) oil in the a~~  
 8 ~~container receptacle, dispenser, storage tank or in bulk does not meet an active API service category~~  
 9 ~~as defined by the latest version of SAE J183, “Engine Oil Performance and Engine Service Classification~~  
 10 ~~(Other than “Energy Conserving”), the front or forward-facing label ~~If a of such~~ vehicle engine~~  
 11 ~~(motor) oil container, receptacle, dispenser, or storage tank and the invoice or receipt from service~~  
 12 ~~on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from a~~  
 13 ~~receptacle, dispenser or storage tank shall bear the plainly-visible cautionary statement set forth~~  
 14 ~~in the latest version of SAE J183, Appendix A. Whenever any vehicle engine (motor) oil is declared~~  
 15 ~~obsolete by a vehicle or engine manufacturer, the front of forward-facing label of such vehicle~~  
 16 ~~engine (motor) oil container, receptacle, dispenser or storage tank and the invoice or receipt from~~  
 17 ~~service on an engine that includes the installation of bulk vehicle engine (motor) oil dispensed from~~  
 18 ~~a receptacle, dispenser, or storage tank shall bear the plainly-visible cautionary required by the~~  
 19 ~~vehicle or engine manufacturer.~~

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

21 **3.13.1.4. Tank Trucks or Rail Cars.** Tank trucks, rail cars, and types of delivery trucks that are used to  
 22 deliver bulk vehicle engine (motor) oil are not required to display the SAE viscosity grade and service  
 23 category or categories on such tank trucks, rail cars, and other types of delivery trucks. In lieu of such  
 24 display requirements the documentation defined in Section 3.13.1.5. Documentation shall be readily  
 25 available for inspection.

26 (Added 2012) (Amend 2013, ~~and~~ 2014 and 20XX)

27 **3.13.1.5. Documentation.** – When the engine (motor) oil is sold in bulk, an invoice, bill of lading, shipping  
 28 paper, or other documentation must accompany each delivery. This document must identify the quantity of  
 29 bulk engine (motor) oil delivered as defined in Sections 3.13.1.1. Viscosity, grade as defined by the latest  
 30 version of SAE J300 “Engine Oil Viscosity Classification”; 3.13.1.2. Brand; 3.13.1.3. Engine Service  
 31 Category; the name and address of the seller and buyer; and the date and time of the sale. For inactive or  
 32 obsolete service categories, the documentation shall also bear a plainly visible cautionary statement as  
 33 required in Section 3.13.1.3.2. Inactive or Obsolete Service Categories. Documentation must be retained at  
 34 the retail establishment for a period of not less than one year.

35 (Added 2013) (Amended 2014)

36 (Amended 2012, 2013, and 2014)

### 37 **3.13.2. Labeling of Recreational Motor Oil.**

38 **3.13.2.1. Viscosity.** The label on each container of recreational motor oil shall contain the viscosity grade  
 39 classification preceded by the letters “SAE” in accordance with the SAE International’s latest version of  
 40 SAE J300, “Engine Oil Viscosity Classification.”

41 **3.13.2.2. Intended Use.** –The label on each container of recreational motor oil shall contain a statement of  
 42 its intended use in accordance with the latest version of SAE J300, “Engine Oil Viscosity Classification.”

### 43 **3.13.3. Labeling of Gear Oil.**

44 **3.13.3.1. Viscosity.** –The label on each container of gear oil shall contain the viscosity grade classification  
 45 preceded by the letters “SAE” in accordance with the SAE International’s latest version of SAE J306,  
 46 “Automotive Gear Lubricant Viscosity Classification” or SAE J300, “Engine Oil Viscosity Classification.”

1           **3.13.3.1.1. Exception.** –Some automotive equipment manufacturers may not specify an SAE viscosity  
2           grade requirement for some applications. Gear oils intended to be used only in such applications are not  
3           required to contain an SAE viscosity grade on their labels.

4           **3.13.3.2. Service Category.** –The label on each container of gear oil shall contain the service category, or  
5           categories, in letters not less than 3.18 mm (1/8 in) in height, as defined by the latest version of SAE J308,  
6           “Axle and Manual Transmission Lubricants.”

7 (Added 2004)

8 **Section 7. Test Methods and Reproducibility Limits**

9 **7.2. Reproducibility Limits.**

10       **7.2.1. AKI Limits.** – When determining the antiknock index acceptance or rejection of a gasoline sample, the  
11       AKI reproducibility limits as outlined in the latest version of ASTM D4814, “Standard Specification for  
12       Automotive Spark-Ignition Engine Fuel,” Appendix X1 shall be acknowledged for enforcement purposes.

13       **7.2.2. Reproducibility.** – The reproducibility limits of the standard test method used for each test performed  
14       shall be acknowledged for enforcement purposes, except as indicated in Section 2.2.1. Premium Diesel Fuel and  
15       Section 7.2.1. AKI Limits. No allowance shall be made for the precision of the test methods for aviation gasoline  
16       or aviation turbine fuels.

17 (Amended 2008)

18       **7.2.3. SAE Viscosity Grades for Engine Oils.**—~~All values are critical specifications as defined in the latest~~  
19       ~~version of ASTM D3244, “Standard Practice for Utilization of Test Data to Determine Conformance with~~  
20       ~~Specifications.” The product shall be considered to be in conformance if the Assigned Test Value (ATV)~~  
21       ~~is within the specification. With the exception of the low-temperature cranking viscosity, all values~~  
22       ~~required to define SAE Viscosity Grades, as defined in the latest version of SAE J300, “Engine Oil Viscosity~~  
23       ~~Classification”, are critical specifications as defined by the latest version of ASTM D3244.~~

24 (Added 2008) (Amended 20XX)

25       **7.2.4. Dispute Resolution.** – In the event of a dispute over a reported test value, the guidelines presented in the  
26       latest version of ASTM D3244, “Standard Practice for Utilization of Test Data to Determine Conformance with  
27       Specifications,” shall be used to determine the acceptance or rejection of the sample.

28       **7.2.5. Additional Enforcement Action.** – The Director may initiate enforcement action in the event that, based  
29       upon a statistically significant number of samples, the average test result for products sampled from the same  
30       source location is greater than the legal maximum or less than the legal minimum limits (specification value),  
31       posted values, certified values, or registered values.

32 (Added 2008) (Amended 2018)

33 **Background/Discussion:** See Appendix A, Page L&R-A92.

NEWMA Report	
<b>Regional recommendation to NCWM on item status:</b>	
<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

<p><i>(In the case of new proposals, do not forward this item to NCWM)</i></p> <p><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><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>At the 2019 NEWMA Interim Meeting Jeff Leiter, ILMA, commented that this proposal follows language that was recently adopted in California that addresses non-compatible or “obsolete” oils in the marketplace. This effort is intended to address current litigation being considered in multiple states. Ultimately, this current language is a product of further work with regulators as well as additional language which was inadvertently left out of the regional agenda proposals. The Committee recommends the item is ready for voting as amended.</p> <p>The Committee recommends the following amendment:</p> <p><b>Section 8. Prohibited Act</b></p> <p>It shall be unlawful to:</p> <p><b>8.6. <u>Mis</u></b>represent automotive lubricants with an S.A.E. (Society of Automotive Engineers) viscosity grade or API (American Petroleum Institute) service classification <del>other than those specified by</del> <u>to</u> the intended purchaser/  <u>consumer</u>.</p> <p>(Added 1996) <b><u>(Amended 20XX)</u></b></p>

1

2 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to

3 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

4 **ITEM BLOCK 4 (B4) E15 WAIVER: PRODUCT TRANSFER DOCUMENT**

5 **REQUIREMENTS**

- 6 B4: MOS-20.2            2.20.2. Documentation for Dispenser Labeling Purposes.
- 7 B4: FLR-20.3            3.2.5. Documentation for Dispenser Labeling Purposes.

8 **Source:**

9 American Petroleum Institute (API)

10 **Purpose:**

11 More comprehensively align Handbook 130 Uniform Fuels and Automotive Lubricants Regulations with the U.S.

12 EPA’s rule that grants a 1-psi vapor pressure waiver to E15 for summertime (June 1 to September 15) and to help

13 ensure consumers receive a consistent E15 blend. The proposed changes reflect the regulatory changes finalized by

14 the EPA that revise product transfer document (PTD) requirement for disclosure of the percentage concentration of

15 ethanol in gasoline-ethanol blends, as revised in 40 CFR 80.

16 **B4: MOS-20.2            2.20.2. Documentation for Dispenser Labeling Purposes.**

17 **Item Under Consideration:**

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

1 **2.20.2. Documentation for Dispenser Labeling Purposes.** – The retailer shall be provided, at the time of  
2 delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or other  
3 documentation:

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

5 (Added 2014, Amended 20XX)

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

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

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

17 (Added 20XX)

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

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

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

27 **B4: FLR-20.3 3.2.5. Documentation for Dispenser Labeling Purposes.**

28 **Item Under Consideration:**

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

30 **3.2.5. Documentation for Dispenser Labeling Purposes.** – For automotive gasoline, automotive gasoline  
31 oxygenate blends, ethanol flex fuel for blending or racing gasoline, the retailer shall be provided, at the time  
32 of delivery of the fuel, on product transfer documents such as an invoice, bill of lading, shipping paper, or  
33 other documentation:

34 (b) Information ~~that complies with 40 CFR 80.1503~~ when the fuel contains ethanol as described below.

35 (Added 2014, Amended 20XX)

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

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

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



**volume percent ethanol, the following statement: “EXX contains XX% ethanol.” The term XX refers to the volume percent ethanol present.**

**(Added 20XX)**

(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 oxygenate content of at least 1.0 % by volume 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 0.3 % by volume methanol shall be identified as “with” or “containing” methanol.

(Added 2014) (Amended 2018)

(Amended 1996, 2014, ~~and~~ 2018 **and 20XX**)

**Background/Discussion:** See Appendix A, Page L&R-A94.

NEWMA Report
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input checked="" type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>Bill Hornbach, representing Chevron and the American Petroleum Institute (API), provided a presentation regarding this item at the 2019 NEWMA Interim Meeting. Chairman Sakin read comments submitted from Kristy Moore during open hearings at WWMA Annual Meeting. Kristy believes this item as it currently appears in Handbook 130 is sufficient, and the proposal should be withdrawn because it places unfair rules on ethanol and not on other fuels. Kevin Adlaf, ADM, commented that transfer documents are not new, and he believes that having these provisions in place will not guarantee the finished fuel will meet spec. Jackie Fee, Cargill, opposes the item and believes the proposal should be withdrawn. Due to its technical complexity, the committee believes the item should be assigned to FALS for further consideration.</p>

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

1 **FLR – UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION**

2 **FLR-20.2 1.23. Ethanol Flex Fuel. and 2.1. Gasoline and Gasoline-Oxygenate Blends**

3 **Source:**

4 American Petroleum Institute (API)

5 **Purpose:**

6 More comprehensively align Handbook 130 Uniform Fuels and Automotive Lubricants Regulations with the U.S.  
7 EPA’s rule that grants a 1-psi vapor pressure waiver to E15 for summertime (June 1 to September 15) and to help  
8 ensure consumers receive a consistent E15 blend. The proposed changes to HB 130 reflect the important information  
9 that an inspector will need to ensure that E15 is properly blended and that the potential harm to the consumer and the  
10 environment will be minimized.

11 **Item Under Consideration:**

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

13 **1.23. Ethanol Flex Fuel.** – Blends of ethanol and hydrocarbons restricted for use as fuel in ground vehicles  
14 equipped with flexible-fuel spark-ignition engines. **Ethanol Flex Fuel intended for blending with gasoline**  
15 **and gasoline ethanol blends shall contain certified components e.g., blending of ethanol flex fuel**  
16 **containing natural gas liquids is prohibited unless certified consistent with 40 CFR 80.28(g)(8)**  
17 **requirements.**  
18 (Amended 2014 **and 20XX**)

19 **And**

20 **2.1.1. Gasoline and Gasoline-Oxygenate Blends** (as defined in this regulation). – Shall meet the latest version  
21 of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel” except for the permissible  
22 offsets for ethanol blends as provided in Section 2.1.2. Gasoline-Ethanol Blends.

23 (a) The maximum concentration of oxygenates contained in gasoline-oxygenate blends shall not exceed those  
24 permitted by the EPA under Section 211 of the Clean Air Act and applicable waivers.  
25 (Added 2009) (Amended 2018)

26  
27 **2.1.2. Gasoline-Ethanol Blends.** – When gasoline is blended with denatured fuel ethanol, the denatured  
28 fuel ethanol shall meet the latest version of ASTM D4806, “Standard Specification for Denatured Fuel  
29 Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel,” and the blend shall  
30 meet the latest version of ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine  
31 Fuel,” with the following permissible exceptions:

32 (a) The maximum vapor pressure shall not exceed the latest edition of ASTM D4814 limits by more than:  
33 (1) 1.0 psi for blends **containing at least 9 and not more than 15 volume percent ethanol** from June 1  
34 through September 15 as allowed by EPA per 40 CFR 80.27(d).  
35 **(Amended 20XX)**

36  
37 **(b) An ethanol blender, distributor, reseller, carrier, retailer or wholesale purchaser-consumer who**  
38 **exceeds the applicable standard by more than 1.0 psi, shall demonstrate, by showing receipt of**  
39 **a certification from the facility from which the gasoline, gasoline-ethanol blend or ethanol flex**  
40 **fuel blend was received, that the hydrocarbon portion of the blend complies with the Reid vapor**  
41 **pressure and other limitations of 40 CFR 80.27(a), as required in 40 CFR 80.28(g)(8). The**  
42 **certification shall be supported by evidence that the above criteria have been met, such as an**  
43 **oversight program which includes periodic sampling and testing of the gasoline or monitoring**  
44 **the volatility and ethanol content of the gasoline.**  
45 **(Added 20XX)**

46  
47 (Amended 2016, ~~and~~ 2018 **and 20XX**)

1  
 2 **NOTE 1:** *The values shown above appear only in U.S. customary units to ensure that the values are identical*  
 3 *to those in ASTM standards and the Environmental Protection Agency regulation.*  
 4 *(Added 2009) (Amended 2012 and 2016)*

5 **Background/Discussion:** See Appendix A, Page L&R-A97.

<b>NEWMA Report</b>
<p><b>Regional recommendation to NCWM on item status:</b></p> <p><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</p> <p><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</p> <p><input checked="" type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda  <i>(To be developed by an NCWM Task Group or Subcommittee)</i></p> <p><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda  <i>(To be developed by source of the proposal)</i></p> <p><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><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><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>At the 2019 NEWMA Interim Meeting Bill Hornbach, representing Chevron and API, made a brief presentation as to the details of the proposal. He supports the item. Kristy Moore submitted written comments and believes the item should be withdrawn. Jackie Fee, Cargill, opposes the item. She indicated that the word “certification” is misleading and recommends withdrawal of this item. The Committee recommended this item be assigned to FALS for further technical review and clarification.</p>

6

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

9 **POL – NCWM POLICY, INTERPRETATIONS AND GUIDELINES**

10 **POL-18.1 D Section 2.6.XX. Methods of Sale for Packages of Consumer Commodities –**  
 11 **Federal Trade Commission (FTC) and Acceptable Common or Usual**  
 12 **Declarations for Packages of Food – Food and Drug Administration (FDA).**

13 **Source:**  
 14 NIST OWM

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

19 **Item Under Consideration:**  
 20 Amend NIST Handbook 130, NCWM Policy, Interpretations and Guidelines as follows:

21 *Note:* NIST OWM is requesting editorial privileges to add items as they receive guidance from  
 22 FDA or USDA as to what the acceptable common or usual declaration for a product is. To allow

1 an opportunity for input, NIST OWM will place a notice in the Federal Register (FRN) prior to the  
2 next NCWM meeting and automatically update Section 2.6.XX. and list all changes to the  
3 amendment chart in front of NIST Handbook 130 following the NCWM Annual Meeting.

4 **2.6.XX. Method of Sale for Packages of Consumer Commodities – Federal Trade Commission (FTC) and**  
5 **Acceptable Common or Usual Declarations for Packages of Food – Food and Drug Administration (FDA), and**  
6 **U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS).**

7 **The purpose of a method of sale requirement is to provide a uniform measurement unit for the sale of a**  
8 **commodity or product, so that consumers can compare quantities and prices and make informed purchasing**  
9 **decisions and value comparisons. Traditional methods of sale are established based upon long-term usage of**  
10 **that are prevalent among an industry or trade groups, which have gained widespread acceptance and use by**  
11 **both sellers and consumers. The decision to adopt a traditional method of sale is based on the unit of**  
12 **measurement being traceable to national standards.**

13 **Table A. Acceptable Common or Usual Net Quantity of Contents Declarations on Packages of Food is based in**  
14 **part upon FDA’s, Fair Packaging and Labeling Manual, Guide 7699.2 (1978), other publications, and guidance**  
15 **received from FDA in response to inquiries. In addition, the information in the table is based on FDA’s**  
16 **interpretation of 21 CFR 101.7 Subpart A. “Declaration of Net Quantity of Contents.”**

17 **21 CFR 101.7 Subpart A. and C.**

18 **(a) The principal display panel of a food in package form shall bear a declaration of the net quantity of**  
19 **contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of**  
20 **numerical count and weight or measure.**

21 **The statement shall be in terms of fluid measure if the food is liquid, or in terms of weight if the food is**  
22 **solid, semisolid, or viscous, <sup>(See Note 1)</sup> or a mixture of solid and liquid;**

23 **Except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or**  
24 **other dry commodity that is customarily sold by dry measure.**

25 **If there is a firmly established general consumer usage and trade custom of declaring the contents of a**  
26 **liquid by weight, or a solid, semisolid, or viscous product by fluid measure, it may be used.**

27 **Whenever the Commissioner determines that an existing practice of declaring net quantity of contents by**  
28 **weight, measure, numerical count, or a combination in the case of a specific packaged food does not**  
29 **facilitate value comparisons by consumers and offers opportunity for consumer confusion, he will by**  
30 **regulation designate the appropriate term or terms to be used for such commodity.**

31 **...**

32 **(c) When the declaration of quantity of contents by numerical count does not give adequate information**  
33 **as to the quantity of food in the package, it shall be combined with such statement of weight, measure, or**  
34 **size of the individual units of the foods as will provide such information.**

35 **Note 1. FDA has not defined a “viscous” liquid, but a general definition is that it is typically a liquid that has**  
36 **a thick (for example, some syrups have between 66 % to 74 % solids) or sticky consistency and which flows**  
37 **slowly when poured. Another identifying characteristic is that significant variations between two or more**  
38 **density measurements are frequently, but not always found in tests of viscous liquids.**

39 **A product that is “concentrated or “semi-concentrated” (for example, “concentrated soup” typically has a**  
40 **high solids content and the instructions indicate that it is to be mixed with water or milk to “reconstitute”**  
41 **it) is typically treated as a “semi-solid” food.**

1 Note 2. The U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) has primary  
 2 jurisdictional authority over meat and poultry labeling but some food products containing certain percentages  
 3 of meat and poultry fall under FDA jurisdiction. For example, spaghetti sauces with less than 2 percent cooked  
 4 meat, pork and beans, bagel dogs and gravy mixes are exempt from FSIS regulations but are under FDA  
 5 jurisdiction (this is called an “amenability” determination). See USDA publication “A Guide to Federal Food  
 6 Labeling Requirements for Meat, Poultry and Egg Products (2007)

<u>Glossary of Acronyms and Terms</u>	
<u>Acronym</u>	<u>Term</u>
<u>CFR</u>	<u>Code of Federal Regulations</u>
<u>CPG</u>	<u>FDA Compliance Policy Guideline</u>
<u>HB</u>	<u>Handbook</u>
<u>FDA</u>	<u>Food and Drug Administration</u>
<u>FDCA, or FD&amp;C</u>	<u>Food, Drug, and Cosmetic Act</u>
<u>FPLA</u>	<u>Fair Packaging and Labeling Act</u>
<u>FPLM</u>	<u>Fair Packaging and Labeling Manual</u>
<u>FSIS</u>	<u>Food Safety and Inspection Service</u>
<u>FTC</u>	<u>Federal Trade Commission</u>
<u>I&amp;G</u>	<u>NIST Handbook 130 – NCWM Policy, Interpretations and Guidelines</u>
<u>MOS</u>	<u>Uniform Method of Sale of Commodities</u>
<u>NBS</u>	<u>National Bureau of Standards (now referred to as NIST)</u>
<u>NBS HB 108</u>	<u>Weights and Measures Labeling Handbook (1971).</u>
<u>NIST</u>	<u>National Institute of Standards and Technology</u>
<u>NIST OWM</u>	<u>National Institute of Standards and Technology, Office of Weights and Measures</u>
<u>USC</u>	<u>Code of Laws of the United States of America</u>
<u>USDA</u>	<u>U.S. Department of Agriculture</u>

7

<u>Table A.</u>		
<u>Fair Packaging and Labeling Manual, Guide 7699.2 (1978)</u>		
<u>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>Additional References (refer to 21 CFR 101.7)</u>
<u>Abalone, Canned in Brine</u>	<u>Net Weight</u>	<u>Refer to FDA FPLM, Guide 7622</u>
<u>Apples, Fresh</u>	<u>Dry Measure or Net Weight In addition, may also show min. size, range in size, and/or count</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</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>Refer to FDA- FPLM, Guide 7563 see footnotes 2 and 3.</u>
<u>Asparagus, fresh</u>	<u>Net Weight</u>	
<u>Beans, fresh</u>	<u>Dry Measure or Net Weight</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Berries, small open container</u>	<u>No Marking, Dry Measures on cellophane covered</u>	<u>Also refer to MOS, Section 1.12. Methods of Sale.</u> <u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u> <u>see footnote 1</u>
<u>Biscuits</u>	<u>Net Weight and Count</u>	
<u>Bloaters, smoked (a Bloater is a whole, ungutted, cold-smoked herring.)</u>	<u>Net Weight of Fish</u>	
<u>Bread</u>	<u>Net Weight</u>	<u>Also refer to MOS, Section 1.2. Methods of Sale.</u>
<u>Broth, Beef and Chicken</u>	<u>Net Weight</u>	<u>Beef and chicken broth labeling is regulated by the USDA and these products are included here for information.</u> <u>see footnote 4 for method of sale information, which is based on trade custom.</u>
<u>Cabbage, fresh</u>	<u>Dry Measure or Net Weight</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Cake (decorations)</u>	<u>No markings</u>	
<u>Cantaloupes, fresh</u>	<u>Count</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Catsup (ketchup or catchup)</u>	<u>Net Weight</u>	
<u>Celery, fresh</u>	<u>Count</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</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>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>

<u>Chicken, canned</u>	<u>Net Weight</u>	<u>Most chicken is regulated by the USDA and this product is included in this list for information only.</u> <u>Refer to 9 CFR 381.121(c)(5)</u>
<u>Citrus fruit (fresh)</u>	<u>Dry Measure</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Chow-Chow</u>	<u>Net Weight</u>	<u>Note: Chow chow is a relish (typically made from chopped and chunks of green tomatoes (and sometimes red tomatoes), cabbage, mustard seed or powder, onions, hot peppers, sweet peppers, and vinegar.)</u>
<u>Citrus juices</u>	<u>Fluid Measure</u>	
<u>Clams, canned</u>	<u>Drained Weight</u>	<u>Refer to FDA-FPLM, Guides 7563 and 7622</u> <u>see footnotes 2 and 3.</u>
<u>Cookies (cakes)</u>	<u>Net Weight and Count</u>	
<u>Corn on Cob (canned)</u>	<u>Count</u>	<u>CPG Sec. 585.325 Corn on the Cob, Canned - Quantity of Contents Declaration.</u> <u>Refer to FDA-FPLM, Guide 7641</u>
<u>Cottonseed meal</u>	<u>Net Weight</u>	
<u>Crabmeat, canned (dry)</u>	<u>Net Weight</u>	
<u>Crabmeat in brine</u>	<u>Drained Weight</u>	<u>see footnote 2.</u>
<u>Crackers</u>	<u>Net Weight</u>	
<u>Cranberries</u>	<u>Dry Measure (e.g., cranberry barrel) also Net Weight</u>	
<u>Dates</u>	<u>Net Weight</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Doughnuts (Donuts)</u>	<u>Net Weight and Count</u>	<u>Count alone is not sufficient, refer to FDA-FPLM, Guide 7605</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>	
<u>Fruits, fresh</u>	<u>Dry Measure or Net Weight, also min size and/or count</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Fruit juices</u>	<u>Fluid Volume</u>	
<u>Grains, sacked</u>	<u>Net Weight</u>	

<u>Grapefruit, fresh</u>	<u>Dry Measure, Size &amp; Count, also Net Weight</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Grapes, fresh</u>	<u>Net Weight &amp; Dry Measure</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Greens, fresh</u>	<u>Dry Measure &amp; Net Weight, also No marking</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Gum</u>	<u>Number of Sticks</u>	<u>refer to FDA FPLM, Guide 7613</u>
<u>Herring Roe</u>	<u>Net Weight</u>	
<u>Herring, spiced</u>	<u>Drained Weight Herring, Total Weight Contents</u>	<u>see footnotes 2 and 3.</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 &amp; Average Diameter, also Dry Measure</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Lettuce</u>	<u>Dozen Count &amp; Dry Measure</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Lobster, canned (dry)</u>	<u>Net Weight</u>	
<u>Lobster meat in brine (cooked)</u>	<u>Drained Weight</u>	<u>Also refer to FDA-FPLM, Guide 7563 and 7622</u> <u>see footnotes 2 and 3.</u>
<u>Margarine</u>	<u>Net Weight</u>	<u>21 USC 21 Chapter 9, IV. FDCA, Section 347 Intrastate Sales of Colored Oleomargarine.</u>
<u>Mayonnaise</u>	<u>Fluid Volume</u>	<u>Also refer to 21 CFR 169.140</u>
<u>Meats</u>	<u>Net Weight</u>	<u>Most meat is regulated by USDA.</u> <u>refer to 9 CFR 317.2(h)</u>
<u>Microgreens</u>	<u>Net Weight</u>	<u>FDA responded to a NIST OWM inquiry (11/4/2014) which confirms that a solid food product should be sold by weight.<sup>5</sup></u>
<u>Milk, sweetened, condensed</u>	<u>Net Weight</u>	<u>Also refer to MOS, Section 1.7. Other Milk Products</u>
<u>Milk, evaporated</u>	<u>Fluid Volume (Net Weight, may be declared on side panel(s))</u>	
<u>Molasses</u>	<u>Net Weight and/or Fluid Volume</u>	
<u>Mushrooms, fresh</u>	<u>Net Weight</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Mushrooms, canned</u>	<u>Drained Weight</u>	<u>refer to 21 CFR 155.201, Subpart B</u> <u>see footnotes 2 &amp; 3.</u>



<u>Mussels (canned)</u>	<u>Drained Weight</u>	<u>Refer to MOS, Section 1.5.2.5. Canned (heat processed) Mussels, Clams, Oysters, or Other Mollusks which requires these products be sold by weight.</u>
<u>Mustard, Prepared</u>	<u>Net Weight</u>	
<u>Oil, salad, olive</u>	<u>Fluid Volume</u>	
<u>Olives, green (in brine)</u>	<u>Drained Weight</u>	<u>see footnotes 2 and 3.</u>
<u>Olives, ripe</u>	<u>Drained Weight</u>	<u>see footnotes 2 and 3.</u>
<u>Oranges</u>	<u>Dry Measure &amp; Count, also Net Weight &amp; Size</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Oysters, fresh</u>	<u>Fluid Volume</u>	<u>Also refer to MOS, Section 1.5.2.3. Canned (heat processed) Mussels, Clams, Oysters, or Other Mollusks</u>
<u>Oysters, canned</u>	<u>Net Weight</u>	<u>Also refer to MOS, Section 1.5.2.5. Canned (heat processed) Mussels, Clams, Oysters, or Other Mollusks</u>
<u>Peaches, canned</u>	<u>Net Weight</u>	
<u>Peaches, fresh</u>	<u>Dry Measure, Min. Diameter, also Net Weight &amp; Count</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Peanut, butter</u>	<u>Net Weight</u>	
<u>Pears, canned</u>	<u>Net Weight</u>	
<u>Pears, fresh</u>	<u>Count, also Dry Measure, or Net Weight</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Peas, canned</u>	<u>Net Weight</u>	
<u>Pickles</u>	<u>Fluid Volume</u>	<u>Also refer to MOS, Section 1.8. Pickles</u> <u>21 CFR 101.7 (r) which permits sales of one or two whole pickles in clear plastic bags by count.</u>
<u>Pineapple, fresh</u>	<u>Count</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Plums, prunes, fresh</u>	<u>Net Weight or Dry Measure, Count &amp; Size denoted by rows in top layer</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Potatoes, fresh</u>	<u>Net Weight or Dry Measure</u>	<u>Also refer to I&amp;G, Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Rabbits, dressed</u>	<u>Net Weight</u>	
<u>Rolls and Buns</u>	<u>Net Weight and Count</u>	<u>refer to CFR 101.7 (a)</u> <u>refer to FDA FPLM, Guide.</u>
<u>Relish</u>	<u>Net Weight</u>	<u>For pickle relish: Refer to 21 CFR 101.7(r)</u>

<u>Rock Lobster, canned (dry)</u>	<u>Net Weight</u>	
<u>Roe, herring</u>	<u>Net Weight</u>	
<u>Salad dressing</u>	<u>Fluid Volume</u>	<u>Also refer to 21 CFR 169.150</u>
<u>Salmon, canned</u>	<u>Net Weight</u>	
<u>Sardines, canned</u>	<u>Net Weight</u>	
<u>Sauces</u>	<u>Fluid volume</u>	<p><u>When the sauce is a free-flowing liquid (e.g., “Hot Sauce or “Worcestershire Sauce”) it must be sold by fluid volume.</u></p> <p><u>When the sauce is a viscous or slow flowing liquid or a mixture of solids and liquids it must be sold by net weight (e.g., “Chili Sauce,” “Cocktail Sauce,” “Tomato Sauce,” “Spaghetti Sauce”).</u></p>
<u>Sauerkraut, (unprocessed in glass)</u>	<u>Fluid Volume</u>	
<u>Shrimp, canned (wet)</u>	<u>Drained Weight</u>	<u>refer to FDA FPLM, Guide 7563 footnotes 2 and 3.</u>
<u>Shrimp, canned (dry)</u>	<u>Net Weight</u>	
<u>Syrup</u>	<u>Fluid Volume or Net Weight</u>	
<u>Soups, canned (liquid single strength)</u>	<u>Fluid Volume</u>	<p><u>Soups which contain meat and poultry are subject to the regulations of the USDA and packages bear a seal of inspection by that agency.</u></p> <p><u>For method of sale labeling refer to 9 CFR 317.2 for meat products and 9 CFR 381.121 for poultry products</u></p>
<u>Soups, canned (condensed &amp; semi-condensed)</u>	<u>Net Weight</u>	
<u>Tea</u>	<u>Net Weight</u>	
<u>Tea bags</u>	<u>Net Weight &amp; Count</u>	<u>refer to CFR 101.7(a) a solid food must be sold by weight or count but, count alone is not sufficient for this food.</u>
<u>Toddler Food (e.g., ravioli and vegetables in a single tray.)</u>	<u>Net Weight</u>	<u>FDA responded to a NIST OWM inquiry (9/20/17) - A food entree for toddlers (comprised of ravioli and peas and carrots) included a drained weight declaration for the vegetables. FDA that the quantity of the vegetables should be declared by net weight and not drained weight.<sup>5</sup></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>Also refer to I&amp;G Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Tuna fish, canned</u>	<u>Net Weight or, Drained Weight*</u>	<u>*Several packers have permission to temporarily label by drained weight. Refer to 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>Also refer to I&amp;G Section 2.3.2. Fresh Fruits and Vegetables.</u>
<u>Water, infused (e.g., with pieces of fruit or vegetables)</u>	<u>Fluid Volume</u>	<u>FDA responded to a NIST OWM inquiry (5/24/2017) in regard to containers of water sold at retail with pieces of fruit, vegetable or herb to infuse flavor. FDA responded these products should be sold by fluid measure.<sup>5</sup></u>
<u>Yogurt, drinkable/pourable</u>	<u>Fluid Volume</u>	<u>FDA responded to a NIST OWM inquiry (5/24/2018) regarding the method of sale for containers of pourable yogurt and smoothies. FDA responded these products should be sold by fluid measure.<sup>5</sup></u>

<sup>1</sup>Refer to Subpart G—Exemptions from Food Labeling Requirements –21 CFR 101.100 Food; exemptions from labeling. Subpart (c) An open container (a container of rigid or semi-rigid construction, which is not closed by lid, wrapper, or otherwise other than by an uncolored transparent wrapper which does not obscure the contents) of a fresh fruit or fresh vegetable, the quantity of contents of which is not more than 1 dry quart, shall be exempt from the labeling requirements of sections 403(e), (g)(2) (with respect to the name of the food specified in the definition and standard), and (i)(1) of the act; but such exemption shall be on the condition that if two or more such containers are enclosed in a crate or other shipping package, such crate or package shall bear labeling showing the number of such containers enclosed therein and the quantity of the contents of each

<sup>2</sup>Drained Weight – When required. For decades, on a case-by-case basis, under both the Federal Food Drug and Cosmetic Act (FD&C) and the Fair Packaging and Labeling Act (FPLA) FDA has advised firms that the net contents declaration should include the packing medium if it is generally consumed as part of the food. Conversely, where solid foods are packed in a salt brine or other medium that is always, or almost always, discarded before serving, the agency has expected that the label would disclose the drained weight.

<sup>3</sup>Net Weights and Drained Weight Declaration May Appear on Package Labels. This interpretation by the FDA appears on page 9856 in the Feder Register/Vol. 62/Tuesday March 4, 1997/ Proposed Rules

<sup>4</sup>In a June 3, 1998 letter to Campbell Soup Company from the USDA, Food Safety and Inspection Service (FSIS), Office of Policy Program Development and Evaluation the trade custom of labeling the net quantity of contents of packages of beef and chicken broth by net weight instead fluid measure was recognized. (copy available from the NIST Office of Weights and Measures)

<sup>5</sup>A copy of the correspondence is available by contacting the NIST Office of Weights and Measures at (301) 975-4004 or email: OWM@nist.gov

Revised ##/20XX

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<b><u>Table B.</u></b> <b><u>Method of Sale – Federal Trade Commission</u></b>	
<b><u>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 Multiunit Package, Variety Package, or Combination Package, as appropriate. As noted below NIST HB 130 Uniform Regulation for the Method of Sale of Commodities (UMSCR) also includes methods of sale for several products or commodities. Details on labeling requirements are in NIST HB 130 Uniform Packaging and Labeling Regulation (UPLR).</u></b>	
<b><u>Product or Commodity</u></b>	<b><u>Net Quantity of Contents Declaration</u></b>
<b><u>Aerosol Containers</u></b>	<b><u>Net Weight (Also refer to UPLR, Section 10.3. “Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure”).</u></b>
<b><u>Air Freshener</u></b>	
<b><u>Aerosol</u></b>	<b><u>Net Weight (Also refer to UPLR, Section 10.3. “Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure”).</u></b>
<b><u>Liquid</u></b>	<b><u>Fluid Measure</u></b>
<b><u>Cake</u></b>	<b><u>Net Weight</u></b>
<b><u>Aluminum Foil</u></b>	
<b><u>Cooking &amp; Bakeware</u></b>	<b><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 UPLR Section 10.8. Measurement of Container-Type Commodities – How Expressed).</u></b>
<b><u>Wrap</u></b>	<b><u>See Food Wraps</u></b>
<b><u>Bags</u></b>	
<b><u>Garbage, Trash, Food Storage, Leaf, Lunch, etc.</u></b>	<b><u>Count and dimensions (width and length for non-gusseted; width, depth, and length for gusseted). Capacity is optional. (see UMSCR Section 2.13. Polyethylene).</u></b>
<b><u>Vacuum Cleaner, Disposable</u></b>	<b><u>Count. (Make and model of vacuum for which intended, and name and place of business must appear on the principal display panel.)</u></b>
<b><u>Bathmats, paper</u></b>	<b><u>Count and dimensions (length and width in millimeters or centimeters and inches).</u></b>
<b><u>Bathroom Tissue</u></b>	<b><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></b>

<u>Batteries, Household</u>	<u>Count. (Voltage and/or size are factors of identity, not 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 UPLR Section 10.8. Measurement of Container-Type Commodities – How Expressed).</u>
<u>Bulb, Light</u>	<u>Count, if more than one. Voltage, wattage, lumens, size, etc., are factors of identity, not 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 – refer to 16 CFR 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>
<u>Combination Package</u>	<u>Count, weight volume, dimensions, or a combination thereof, for each commodity included. (see UPLR Section 10.5. Combination Packages.)</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 UPLR Section 10.8.3 Terms 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 (Also refer to UPLR, Section 10.3. “Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure”).</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 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>	<u>(see UPLR Section 11.22. Camera Film, Recording Tape, Audio Recording Tape and Other Image and Audio Recording Media Intended for Retail Sale and Consumer Use). 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 UMSCR Section 2.4. Fireplace and Stove Wood.)</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. “Bi-dimensional Commodities” in the UPLR).</u>	<u>Total square meters and square feet, plus length and width in largest whole measurement. (see UPLR Section 6.9. Bi-Dimensional Commodities.)</u>
<u>Fuses, Household</u>	<u>Count (if more than one). Amperage, type, voltage, size, etc., are factors of identity, not 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 (Also refer to UPLR, Section 10.3. “Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure”).</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>	
<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 UPLR Section 10.4. Multiunit Packages.)</u>
<u>Napkins, Paper</u>	<u>Count, ply, plus length and width of each napkin in inches.</u>
<u>Oil, Household</u>	<u>See Lubricants, Household</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. (refer to 16 CFR 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 Tape</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 Food Wraps</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>	
<u>Liquid</u>	<u>Fluid Measures</u>
<u>Aerosol</u>	<u>Net Weight (Also refer to UPLR, Section 10.3. “Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure”).</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 CFR 501.8) 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 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 (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 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 UPLR Section 10.6. Variety Packages.)</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 (Also refer to UPLR, Section 10.3. "Aerosols and Other Pre-Pressurized Containers Dispensing Product under Pressure").</u>
<u>Paste, Cake, and Powder</u>	<u>Net Weight</u>

1

2 **Background/Discussion:** See Appendix A, Page L&R-A99.

<b>NEWMA Report</b>
<p><b>Regional recommendation to NCWM on item status:</b></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 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>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p>

No comments were heard in the 2019 NEWMA Interim Meeting open hearings. The Committee believes the chart and additional info could be confusing and is not helpful. Consequently, the committee recommended the item be withdrawn.

1  
 2 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to  
 3 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

4 **NET – HANDBOOK 133**

5 **NET-16.1 D Recognize the Use of Digital Density Meters**

6 **Source:**  
 7 Missouri

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

11 **Item Under Consideration:**  
 12 Amend NIST Handbook 133 as follows:

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

16 **Background/Discussion:** See Appendix A, Page L&R-A101.

<b>NEWMA Report</b>
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>No comments were heard during open hearings at the 2019 NEWMA Interim Meeting. The Committee believes the item should remain on the agenda as a developing item. The committee further believes that final language should be provided by the submitter for the 2020 Interim Meeting. Since this item has remained on the agenda since 2016, if no additional information is supplied by the 2020 Interim Meeting, it should be withdrawn.</p>

17

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

3 **NET-20.1 Section: 3.4.2.b. Test Procedure for Testing Mayonnaise, Salad Dressing, and**  
4 **Water Immiscible Products with no Smooth and Level Surface.**

5 **Source:**  
6 Wisconsin Department of Agriculture, Trade, and Consumer Protection, Bureau of Weights and Measures

7 **Purpose:**  
8 Simplify the calculations conducted during volumetric test procedures for viscous fluids - headspace method of testing  
9 net quantities of packaged goods.

10 **Item Under Consideration:**  
11 Amend NIST Handbook 133 as follows:

12 **3.4. Test Procedures**

13 ...

14 **b. Test Procedure for Testing Mayonnaise, Salad Dressing, and Water Immiscible Products with no**  
15 **Smooth and Level Surface**

16 Use the following volumetric headspace procedure to determine volume when the commodity does not have a  
17 level surface (e.g., mayonnaise, salad dressing, and other water immiscible products without a level liquid  
18 surface). The procedure guides the inspector to determine the amount of headspace above the product in the  
19 package and the volume of the container. Determine the product volume by subtracting the headspace volume  
20 from the container volume. Open and test every package in the sample.

21 (Amended 2010)

22 **Note:** Make all measurements on a level surface.

1. Bring the temperature of both the commodity and the water used to measure the volume to the appropriate temperature designated in Table 3-1. "Reference Temperatures for Liquids."
2. Open the first package and place a disk larger than the package container opening over the opening.
3. Measurement Procedure:
  - Deliver water from a flask (or flasks), graduate, or buret, through the central hole in the disk onto the top of the product until the container is filled. If it appears that the contents of the flask may overflow the container, do not empty the flask. Add water until all of the air in the container has been displaced and the water begins to rise in the center hole of the disk. Stop the filling procedure when the water fills the center disk hole and domes up slightly due to the surface tension. Do not add additional water after the level of the water dome has dropped.
  - If the water dome breaks on the surface of the disk, the container has been overfilled and the test is void; dry the container and start over.
4. To obtain the headspace capacity **for net quantity determinations**, record the volume of water used to fill the container. ~~and subtract 1 mL (0.03 fl oz), which is the amount of water held in the hole in the disk specified.~~
5. Empty, clean, and dry the package container.

6. Using Steps 3 and 4 of this procedure, refill the package container with water measured from a volumetric measure to the maximum capacity of the package, ~~subtract 1 mL (0.03 fl oz)~~, and record the amount of water used as the container volume **for net quantity determinations**; and
7. From the container volume determined in Step 6 of this procedure, subtract the headspace capacity in Step 4 of this procedure to obtain the measured volume of the product.

**Note: To find the volume of the package headspace in step 4, or the maximum capacity of the package in step 6., subtract 1 ml (0.03 fl oz) from the measurement recorded in each of those steps, which is the amount of water held in the hole in the specified disk.**

8. Calculate the “package error” for that volume where “package error” equals labeled volume minus the measured volume of the product.

**(Amended 20XX)**

1 And Amend the Worksheet for Packages Labeled by Fluid Volume – Headspace Procedure as follows:

<b>Date:</b>	NIST Handbook 133 - Category A – Lot Size _____ Sample Size _____									
<b>Worksheet for Packages Labeled by Fluid Volume - Headspace Procedure</b>										
<b>Labeled Quantity</b>	<b>Converted to fluid ounce or SI</b>	<b>Largest Quantity</b>	<b>Manufacturer:</b>							
			<b>Product:</b>							
			<b>Lot Code:</b>							
			What is the Reference Temperature in Table 2-6 for this product? <input type="checkbox"/> °C <input type="checkbox"/> °F							
<b>Sample Number</b>	<b>Product Temperature</b>  in  <input type="checkbox"/> °C <input type="checkbox"/> °F  at Time of Test  ± 2 °C (5 °F)	<b>Test Comments:</b>							<b>Package Error</b>  in:  <input type="checkbox"/> mL <input type="checkbox"/> fluid drams	
		“If prescribed disks are used subtract 1 mL (0.03 fl oz) (0.27 fl dr) from the volume measurement to determine the corrected headspace and corrected container volume” if those volumes are needed for reporting purposes”.								
		<b>Delivery Measured in: ___ mL ___ Fluid Drams</b>					<b>Product Volume = (Container Volume Measurement – Total Headspace Volume Measurement)</b>		<b>Compare Product Volume to Labeled Quantity</b>	
		<b>HEADSPACE</b>				<b>Total Headspace Volume Measurement</b>				
				<b>Delivery 1</b>	<b>Delivery 2</b>	<b>Delivery 3</b>	<b>Delivery 4</b>			-
<b>1.</b>										
<b>2.</b>										

NEWMA L&R 2019 Interim Meeting Report

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12.										
<p><b>Step 1.</b> What is the MAV for the labeled quantity of this package in Table 2-6?</p> <p><input type="checkbox"/> _____ mL    <input type="checkbox"/> _____ Fluid Ounces    <input type="checkbox"/> _____ Fluid Drams (8 drams per Fl. Oz.)</p>									<b>Total Package Error</b>	
<p><b>Step 2.</b> How many minus errors exceed the MAV _____? If the number of unreasonable errors exceeds the number permitted for the sample size in Table 2-1 the sample fails, go to Step 7. If there are no Unreasonable Errors sum the package errors and calculate the Average Error and enter it in Step 3. Go to Step 4.</p>									<b>Step 3:</b> Average Package Error	
<p>If the Average Error is zero or a positive number the sample passes. Go to Step 7. If the Average Error is a negative number go to Step 5.</p> <p><b>Step 5.</b> Calculate the Sample Standard Deviation (<i>s</i>) and multiply (<i>s</i>) by the Sample Correction Factor (<i>SCF</i>) for _____ the sample size to obtain the Sample Error Limit (<i>SEL</i>). Go to Step 6.</p> <p style="text-align: center;"><i>s</i>) _____ × (<i>SCF</i>) _____ = <i>SEL</i> _____</p>									<p><b>Step 6.</b> Disregarding the signs, is the <i>SEL</i> in Step 5 larger than the Average Package Error in Step 3?</p> <p>If yes, the sample passes, go to Step 7 and approve the lot. If no, the sample fails, go to Step 7 and reject the lot.</p>	
<p><b>Step 7. Action Taken:</b>        <input type="checkbox"/> Lot Rejected    <input type="checkbox"/> Lot Approved</p>										
<p><b>Random Numbers:</b> enter the numbers as you select them in the top row and reorder them in the bottom row.</p>										

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2  
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1 **Background/Discussion:** See Appendix A, Page L&R-A102.

<b>NEWMA Report</b>
<p><b>Regional recommendation to NCWM on item status:</b></p> <p><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</p> <p><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</p> <p><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></p> <p><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></p> <p><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><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><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>No comments were received during the 2019 NEWMA Interim Meeting. The Committee believes this item is redundant and recommends that it be withdrawn.</p>

2

3 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to

4 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

5 **NET-20.2                    4.5. Polyethylene Sheeting, Bags and Liners.**

6 **Source:**

7 New York State Weights and Measures

8 **Purpose:**

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

10 **Item Under Consideration:**

11 Amend NIST Handbook 133 as follows:

12 **4.5. Polyethylene Sheeting, Bags, and Liners**

13 Most polyethylene products are sold by length, width, thickness, area, and net weight. Accordingly, this

14 procedure includes steps to test for each of these measurements.

15 (Amended 2017)

16 **4.5.1. Test Equipment**

- 17 • A scale that meets the requirements in Section 2.2. “Measurement Standards and Test
- 18 Equipment.”
- 19 • Steel tapes and rulers. Determine measurements of length to the nearest division of the
- 20 appropriate tape or ruler.

- 1           ➤ Metric units:
- 2                   For labeled dimensions 400 mm or less, linear measure: 300 mm in length, 1 mm
- 3                   divisions; or a 1 m ruler with 0.1 mm divisions, overall length tolerance of 0.4 mm.
- 4                   For labeled dimensions greater than 400 mm, 30 m tape with 1 mm divisions.
- 5           ➤ U.S. customary units:
- 6                   For labeled dimensions 25 in or less, use a 36 in ruler with  $\frac{1}{64}$  in or  $\frac{1}{100}$  in divisions and an
- 7                   overall length tolerance of  $\frac{1}{64}$  in.
- 8                   For dimensions greater than 25 in, use a 100 ft tape with  $\frac{1}{16}$  in divisions and an overall
- 9                   length tolerance of 0.1 in.
- 10          • Deadweight dial micrometer (or equal) equipped with a flat anvil, 6.35 mm or ( $\frac{1}{4}$  in) diameter
- 11                   or larger, and ~~a 4.75 mm ( $\frac{3}{16}$  in) diameter~~ flat ~~surface on the head of the spindle~~ **head with**
- 12                   **a diameter between 3.20 mm ( $\frac{1}{8}$  in) and 12.70 mm ( $\frac{1}{2}$  in).**

13          **Note: Electronic or other instruments that provide equivalent accuracy are also**

14          **permitted.**

15           ➤ ~~The mass of the probe head (total of anvil, weight 102 g or [3.6 oz], spindle, etc.)~~

16                   ~~must total 113.4 g (4 oz).~~ **The pressure exerted by the instrument should not**

17                   **exceed 70 kPa (10 psi).**

18           ➤ The anvil and spindle head surfaces should be ground and lapped, parallel to within

19                   0.002 mm (0.0001 in), and should move on an axis perpendicular to their surfaces.

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

21                   diameter.

22           ➤ The dial indicator should be continuously graduated to read directly to 0.002 mm

23                   (0.0001 in) and should be capable of making more than one revolution. It must be

24                   equipped with a separate indicator to indicate the number of complete revolutions. The

25                   dial indicator mechanism should be fully jeweled.

26           ➤ The frame should be of sufficient rigidity that a load of 1.36 kg (3 lb) applied to the

27                   dial housing, exclusive of the weight or spindle presser foot, will not cause a change

28                   in indication on the dial of more than 0.02 mm (0.001 in).

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

30           ➤ The micrometer should be operated in an atmosphere free from drafts and fluctuating

31                   temperature and should be stabilized at ambient room temperature before use.

32          **Note: Other instruments are commercially available that utilize different methods of**

33          **thickness. Instruments of this nature are acceptable provided they meet or exceed**

34          **the precision requirements noted within the latest version of ASTM D6988 “Guide**

35          **for Determination of Thickness of Plastic Film Test Specimens” and the requirements**

36          **of the applicable material or product specification or applicable test standards.**



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

4 **Background/Discussion:** See Appendix A, Page L&R-A104.

<b>NEWMA Report</b>
<p><b>Regional recommendation to NCWM on item status:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</li> <li><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></li> <li><input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></li> <li><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></li> <li><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></li> </ul>
<p><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>At the 2019 NE Interim Meeting Jim Willis, New York, commented that this proposal is intended to bring outdated language up to date. The committee recommended the item be placed on the agenda as a developing item. The committee wants to determine if all listed equipment in the proposal meets ASTM standards.</p>

5

6 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to

7 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

8 **OTH – OTHER ITEMS**

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

10 **Source:**

11 NCWM Fuels and Lubricants Subcommittee

12 **Purpose:**

13 Update the Uniform Fuels and Automotive Lubricants Regulation in NIST Handbook 130 including major revisions

14 to fuel ethanol specifications. Another task will be to update the Basic Engine and Fuels, Petroleum Products, and

15 Lubricants Laboratory Publication.

16 **Item Under Consideration:**

17 This item is under development. All comments should be directed to Mr. Bill Striejewski, FALS Chair at (775) 353-

18 3792, [wstrijewski@agri.state.nv](mailto:wstrijewski@agri.state.nv), or Ms. Lisa Warfield, NIST Technical Advisor at (301) 975-3308,

19 [lisa.warfield@nist.gov](mailto:lisa.warfield@nist.gov).

1 **Background/Discussion:** See Appendix A, Page L&R-A104.

OTH-07.1
<p><b>Regional recommendation to NCWM on item status:</b></p> <p><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</p> <p><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</p> <p><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></p> <p><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i></p> <p><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><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><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p> <p>No comments were heard.</p>

2

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

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

6 **Source:**

7 NCWM Packaging and Labeling Subcommittee

8 **Purpose:**

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

15 **Item Under Consideration:**

16 This item is under development. All comments should be directed to Mr. Chris Guay, Packaging and Labeling  
17 Subcommittee Chair at (513) 983-0530, [guay.cb@pg.com](mailto:guay.cb@pg.com) or Mr. David Sefcik, NIST Technical Advisor at (301) 975-  
18 4868, [david.sefcik@nist.gov](mailto:david.sefcik@nist.gov).

19 **Background/Discussion:** See Appendix A, Page L&R-A105.

NEWMA Report
<p><b>Regional recommendation to NCWM on item status:</b></p> <p><input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda</p> <p><input type="checkbox"/> Recommend as an Information Item on the NCWM agenda</p> <p><input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i></p> <p><input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda</p>

<p><i>(To be developed by source of the proposal)</i></p> <p><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><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><b>Comments and justification for the regional recommendation to NCWM:</b> <i>(This will appear in NCWM reports)</i></p>
<p>No comments were heard.</p>

- 1
- 2 Additional letters, presentation and data may have been submitted for consideration with this item. Please refer to
- 3 <https://www.ncwm.net/meetings/interim/publication-15> to review these documents.

- 
- 4 Mr. Louis Sakin, Towns of Hopkington/Northbridge, Massachusetts | Committee Chair
- 5 Mr. Ethan Bogren, Westchester County, New York | Member
- 6 Mr. Richard Scali, Town of Barnstable, Massachusetts | Member
- 7 Mr. John McGuire, New Jersey | NCWM Representative
- 8 Mr. Frank Greene, Connecticut
- 9 Ms. Rebecca Richardson, MARC-IV Consulting | AMC Representative

**Laws and Regulations Committee**

## Appendix A

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

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#### Subject Series List

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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.....	133 Series
Other Items .....	OTH Series