

NEWMA Laws and Regulations (L&R) Committee 2020 Interim Meeting Report

Mr. Louis Sakin, Committee Chair
Towns of Holliston, Hopkinton/Northbridge, Massachusetts

INTRODUCTION

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

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

Subject Series List

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

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Table B
Glossary of Acronyms and Terms

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

Details of All Items
(In order by Reference Key)

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

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

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

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

PAL – UNIFORM PACKAGING AND LABELING REGULATION

PAL-21.1 V Section 11.XX. Bacon and Section 11.19 Margarine

PAL-21.1
<p>Regional recommendation to NCWM on item status:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i> <input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i> <input type="checkbox"/> No recommendation from the region to NCWM <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>During the 2020 NEWMA Interim Meeting Lisa Warfield (NIST) worked with Kurt Floren (Los Angeles County) on updating the language in the proposal. The new language was submitted for consideration by the Committee. It was requested that the Committee should also apply the same language to margarine. These changes would align language with USDA’s CFR. The Committee concurred, and recommends that the updated proposal be a Voting item.</p> <p><u>11.XX. Bacon – Bacon packaged as sliced shingles in rectangular packages shall be exempt from the requirement in this regulation for location (see Section 8.1.1. Location) of the net quantity declaration. The</u></p>

statement of net quantity shall appear in a clear and conspicuous manner on the principal display panel. (see 9 CFR 317.2)

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

MOS – UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES

MOS-20.3 V Section 2.XX. Diesel Fuel

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

MOS-20.5 I Section 2.21. Liquefied Petroleum Gas

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

FLR - UNIFORM FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

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

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

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

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

FLR-21.1
<p>Regional recommendation to NCWM on item status:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input 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 <i>(To be developed by source of the proposal)</i> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i> <input type="checkbox"/> No recommendation from the region to NCWM <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>At the NEWMA 2020 Interim Meeting Mike Sikula (New York State) asks how inspectors will confirm if the required labeling is correct. Brent Price (Gilbarco) is not in support of this item. He does not feel it is a weights and measures issue. Ethan Bogren (Westchester County, New York) feels it would be useful for field inspectors to have confirmation as to which meter is for which product. Mr. Bogren believes the item has merit, but recommends that the labeling be required on the meter rather than the piping. Jason Flint (New Jersey) seconds that product labeling on the meter would be helpful. The Committee wants to know what type of labeling would be used. Color coding, octane value, product identification. Mr. Bogren suggested that meter labels use same terminology as the product identification on the dispenser face. The Committee would like to see the developer revise language to require labeling on meters rather than piping. Additionally, the developer should provide standardized terms for meter labeling for different products. The Committee recommends this item as a Developing item for further development by the submitter.</p>

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

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

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

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

ITEM BLOCK 6 (B6) TRANSMISSION FLUID

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

ITEM BLOCK 6
Regional recommendation to NCWM on item status:

- Recommend as a Voting Item on the NCWM agenda
- Recommend as an Information Item on the NCWM agenda
- Recommend as an Assigned Item on the NCWM agenda
(To be developed by an NCWM Task Group or Subcommittee)
- Recommend as a Developing Item on the NCWM agenda
(To be developed by source of the proposal)
- Recommend Withdrawal of the Item from the NCWM agenda
(In the case of new proposals, do not forward this item to NCWM)
- 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)

Comments and justification for the regional recommendation to NCWM: *(This will appear in NCWM reports)*

At the 2020 NEWMA Interim Meeting Mike Sikula (New York State) asked if this language applied to all transmission fluid or only specific types. Mr. Sikula commented that he has concerns about getting regulators in a precarious position between the engine manufacturers and the fluid manufacturers. He believes this is already covered with motor oil in NIST Handbook 130 and doesn't need further elaboration for transmission fluid. He is concerned this could become an unmanageable trend for any engine liquids or even beyond. Ethan Bogren (Westchester County, New York) questioned if there is an existing problem that is being addressed by this proposal. Lisa Warfield (NIST) commented that this language was modeled after the tractor hydraulic fluid regulation. Lou Sakin (Hopkinton, Massachusetts) asked if this could veer into a deceptive practices situation. John McGuire (New Jersey) recommended that paragraph f "and color" and the third paragraph under section "f " be stricken. John Gaccione (Westchester County, New York) commented that he agrees with Mr. Sikula and believes there has never been a clear distinction between regulation and consumer protection. Mr. Gaccione believes there are ambiguous definitions, including the word "obsolete" and this should be further vetted as a Developing item. Mr. Gaccione believes clarification on the definition of the term obsolete is defined as, when it takes effect, and to explain when it is applicable. Lisa Warfield commented that she believes it is when the engine manufacturer determines it is obsolete. Mr. Sikula believes this item could put regulators in an awkward position. Jeffrey Leiter (ILMA) commented that ILMA is in the process of gathering information on this item. He is unsure if there is currently any concern in the marketplace regarding this issue and is attempting to gather information from the industry. The Committee recommends this item be moved forward as a Developing item and asks the submitter to address the comments made during NEWMA open hearings.

ITEM BLOCK 2 (B2)

TRACTOR HYDRAULIC FLUID

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

ITEM BLOCK 2

Regional recommendation to NCWM on item status:

- Recommend as a Voting Item on the NCWM agenda
- Recommend as an Information Item on the NCWM agenda
- Recommend as an Assigned Item on the NCWM agenda
(To be developed by an NCWM Task Group or Subcommittee)
- Recommend as a Developing Item on the NCWM agenda
(To be developed by source of the proposal)
- Recommend Withdrawal of the Item from the NCWM agenda
(In the case of new proposals, do not forward this item to NCWM)
- 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)

Comments and justification for the regional recommendation to NCWM: *(This will appear in NCWM reports)*
 At the NEWMA 2020 Interim Meeting the Committee felt it was important to address this Voting item. The Committee recommends changing the word “should” to “shall” in Section 2.39.2.1(e), Section 2.39.2.2(e), and Section 2.39.2.3(e). John McGuire (New Jersey) suggests changing language from “front facing labels” to “PDP” in Section 3.17.1.1 and the above mentioned sections. The Committee concurs that this block of items shall maintain its Voting status with the recommended changes.

ITEM BLOCK 7 (B7) TRACTOR HYDRAULIC FLUID

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

ITEM BLOCK 7
<p>Regional recommendation to NCWM on item status:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Recommend as a Voting Item on the NCWM agenda <input type="checkbox"/> Recommend as an Information Item on the NCWM agenda <input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i> <input type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i> <input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda <i>(In the case of new proposals, do not forward this item to NCWM)</i> <input type="checkbox"/> No recommendation from the region to NCWM <i>(If this is a new proposal, it will not be forwarded to the national committee by this region)</i>
<p>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i> At the 2020 NEWMA Interim Meeting Lisa Warfield (NIST) stated that these items may not be necessary if addressed in Voting items in Block 2 Tractor Hydraulic Fluid. These changes can be applied to MOS 20.1 and FLR 20.1. If adopted these items would not be needed. Jeffrey Leiter (ILMA) supports changing “should” to “shall”. Mike Sikula (New York State) has concerns that manufacturers are dictating the terms putting Weights & Measures in a position that compromises the equity role of weights & measures officials. John McGuire (New Jersey) recommends striking the word “color” in Section 2.39.2.1(e), Section 2.39.2.2(e), Section 2.39.2.3(e), and Section 3.17.1.1 as it does not comport with UPLR Section 8.2.2. The Committee recommends this block as Voting items with incorporated changes.</p>

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

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

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

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

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

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

NET – HANDBOOK 133

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

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

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

NET-20.2
Regional recommendation to NCWM on item status:
<input type="checkbox"/> Recommend as a Voting Item on the NCWM agenda
<input type="checkbox"/> Recommend as an Information Item on the NCWM agenda
<input type="checkbox"/> Recommend as an Assigned Item on the NCWM agenda <i>(To be developed by an NCWM Task Group or Subcommittee)</i>
<input checked="" type="checkbox"/> Recommend as a Developing Item on the NCWM agenda <i>(To be developed by source of the proposal)</i>
<input type="checkbox"/> Recommend Withdrawal of the Item from the NCWM agenda

<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>Comments and justification for the regional recommendation to NCWM: <i>(This will appear in NCWM reports)</i></p> <p>At the 2020 NEWMA Interim Meeting the submitter of this item, Mike Sikula (New York State) reported that he believes this item is fully developed.</p>

OTH – OTHER ITEMS

OTH-07.1 D Fuels and Lubricants Subcommittee

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

OTH-11.1 D Packaging and Labeling Subcommittee

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

-
- Mr. Louis Sakin, Towns of Hopkinton/Northbridge, Massachusetts | Committee Chair
 - Mr. Ethan Bogren, Westchester County, New York | NCWM At-Large Member
 - Mr. Frank Green, Connecticut, | Member
 - Mr. Richard Scali, Town of Barnstable, Massachusetts | Member
 - Mr. John McGuire, New Jersey | NCWM Representative
 - Ms. Rebecca Richardson, MARC-IV Consulting | AMC Representative

Laws and Regulations Committee