

65th Annual Southern Weights and Measures Association Conference Laws and Regulations Committee

Terence McBride, Acting Chairman
Memphis, TN

Reference
Key Number

200 INTRODUCTION

The SWMA Committee on Laws and Regulations (hereinafter referred to as the “Committee”) submits its Report for consideration by the National Conference on Weights and Measures (NCWM). This report contains the items discussed and actions proposed by the Committee during its 2010 SWMA Annual Meeting held in Columbia, South Carolina on October 3-6, 2010.

Table A identifies agenda items by Reference Key Number, title, and page number. The first three digits of the reference Key Numbers of the items are assigned from the subject series listed below. The fact that an item may appear on the agenda does not mean it will be presented to the SWMA for a vote. The Committee may withdraw some items, present some items for information and further study, issue interpretations, or make specific recommendations for changes to publications listed below. The recommendations presented in this agenda are statements of proposal and not necessarily recommendations of the Committee. The appendices to the report are listed in Table B.

This report contains recommendations to amend National Institute of Standards and Technology (NIST) Handbook 130, 2011 Edition, “Uniform Laws and Regulations,” or NIST Handbook 133, “Checking the Net Contents of Packaged Goods,” Fourth Edition (January 2011). Proposed revisions to the handbook(s) are shown in **bold face print** by ~~striking out~~ information to be deleted and underlining information to be added. New items proposed for the handbooks are designated as such and shown in **bold face print**. Text presented for information only is shown in *italic* print. When used in this report, the term “weight” means “mass.”

Note: The policy of NIST is to use metric units of measurement in all of its publications; however, recommendations received by the NCWM technical committees have been printed in this publication as they were submitted and, therefore, some may contain only reference to inch-pound units.

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Details of all Items
(In order by Reference Key Number)

231 PACKAGING AND LABELING REGULATION (UPLR)

231-1 D HB 130, Packaging and Labeling Requirements, Section 6, Declaration of Quantity: Consumer Products

Discussion: At the SWMA there were no comments heard from the floor on this issue. The Committee would like to see a database developed for approved pictographs. They would also like information on who would update and who would be responsible for disseminating this information to the states and maintaining the database.

Committee Recommendation: The Committee recommends that this item move forward as a Developing item.

232 METHOD OF SALE REGULATION

232-1 I Method of Sale Regulation Section 2.13.4. “Declaration of Weight”

Discussion: There were no comments heard on this item. The Committee would like to seek additional information and comments from Industry, other than the material safety data sheets that were submitted at the National.

Committee Recommendation: The Committee recommends that this item move forward as an Informational Item.

232-2 V Uniform Regulation for Method of Sale of Commodities - Packaged Printer Ink and Toner Cartridges

Discussion: The NIST Technical Advisor informed the conference is seeking a Chairperson for the Ink and Toner Cartridge Work Group. Anyone interested should contact Lisa Warfield or Don Onwiler (NCWM).

The Committee does not endorse the formation of an Ink and Toner Work Group to resolve this issue. Only within the past couple years have manufacturers changed their declaration statement to read “yield.” Allowing the declaration by yield will open the door for other commodities to change their labeling (ex. loads of laundry).

The Committee recommends that these commodities be sold by volume and weight. This will allow for inspectors to verify the net contents. This would also provide information for consumers to make value comparisons. The Committee would like to seek additional information from industry, including ink refillers. The Committee is not opposed to yield being a supplementary statement.

Committee Recommendation: The Committee recommends that the Item for Consideration move forward as a Voting Item.

237 ENGINE FUELS AND AUTOMOTIVE LUBRICANTS REGULATION

237-1(a) V Definitions for Hydrogen

237-1(b) D Engine Fuel Quality Requirements for Hydrogen

Discussion: The NIST Technical Advisor commented at the open hearings that the WWMA had separated the hydrogen definitions from the hydrogen fuel specifications and made two separate items. The hydrogen definitions are ready to move forward as a Voting Item. The hydrogen fuel specifications will need more time to develop.

Committee Recommendation: The Committee recommends that the Definitions move forward as a Voting Item. They recommend that the Fuel Specifications move forward as a Developmental Item.

237-2- I Engine Fuels and Automotive Lubricants Regulation, Section 3.15 Biodiesel and Biodiesel Blends

Discussion: Curt Williams representing the National Biodiesel Board opposes this item until further work can be developed from the FALS Committee.

Committee Recommendation: The Committee recommends that this item remain Informational until further information is developed by the FALS Committee.

260 NIST HANDBOOK 133

260-1 D Guidance on Allowing for Moisture Loss and Other Revisions

Discussion: The NIST Technical Advisor informed the group that HB133 was voted in at the National with the exclusion of this item. It was stated that the Moisture Loss Work Group is an active group that meets at the Interim and National NCWM meetings.

Committee Recommendation: The Committee recommends that this item be Developmental until further information is received from the Moisture Loss Work Group.

260-2 I HB 133, Chapter 4.7. Polyethylene Sheeting - Test Procedure - Footnote Step 3

Discussion: There were no comments heard on this item. The Committee would like to seek additional information and comments from Industry, other than the material safety data sheets that were submitted at the National.

Committee Recommendation: The Committee recommends that this item move forward as an Informational Item.

260-3 W National Pasta Association - HB 133, Moisture Allowance for Pasta Products

Discussion: There were no comments heard on this item.

Committee Recommendation: The Committee agreed that this item should be withdrawn. The Committee noted that Industry provided a study and this proposal was not voted in at the 2010 NCWM National. If further studies are being developed then they could bring forward a new proposal at a later date.

270 OTHER ITEMS – DEVELOPING ITEMS

270-1 I Fuels and Lubricants Subcommittee (FALS)

Discussion: There were no comments heard on this item.

Committee Recommendation: The Committee recommends that this item remain Developmental.

Attachment #1- D HB 130 Modify the Method of Sale for Oil Change Services

Discussion: There was a comment heard from Kevin Ferrick from API that his submitted item and a proposal submitted by Ron Hayes were similar. Mr. Ferrick supports this item stating that HB 130 has required that labels on motor oil packages identify the oil's SAE viscosity and API performance level. Both of these items are important pieces of information for consumers. The changes proposed for Handbook 130 are intended to apply the labeling requirements for packaged motor oils to oils sold in bulk. These changes as proposed would require motor oil manufacturers and distributors to identify the oils they deliver and installers the oils they dispense. Requiring distributors to identify the motor oils they deliver to installers will help ensure that installers know what they're dispensing, and requiring installers to do the same on their invoices will provide the same level of information for consumers.

The Committee reviewed the new proposal submitted by Ron Hayes and Kevin Ferrick (API) and agreed that the item has merit. Also amend section 3.13 of the Engine Fuels and Automotive Lubricants Regulation in HB 130. Language needs to be reflected within HB 130 Method of Sale Regulation.

Committee Recommendation: This should move forward as an Informational item.

3.13. Oil.

3.13.1. Labeling of Vehicle Motor Oil.

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

3.13.1.2. Intended Use. – The label on ~~each container of a~~ vehicle motor oil container shall contain a statement of its intended use in accordance with the latest version of SAE ~~J300~~ J183.

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

3.13.1.3. 4. Engine Service Category. – The label on ~~each container of a~~ vehicle motor oil container, receptacle, dispenser, or storage tank and the invoice from service on an engine that includes the installation of vehicle motor oil dispensed from a receptacle, dispenser, or storage tank shall contain the engine service category, or categories, met in letters not less than 3.18 mm ($\frac{1}{8}$ in) in height, as defined by the latest version of SAE J183 or API Publication 1509, “Engine Oil Licensing and Certification System.”

~~**3.13.1.3.1. Exception for Quantities of One Gallon (3.785 L) or Less.**—A container of engine vehicle motor oil with a volume of 1 gal (3.785 L) or less that does not meet an active service category, as defined by the latest version of SAE J183, shall bear a plainly visible cautionary statement in compliance with SAE J183, Appendix A, for obsolete API oil categories.~~

3.13.1.4.1. Inactive or Obsolete Service Categories. – The label on a vehicle motor oil container, receptacle, dispenser, or storage tank and the invoice from service on an engine that includes the installation of vehicle motor oil dispensed from a receptacle, dispenser, or storage tank shall bear a plainly visible cautionary statement in compliance with SAE J183, Appendix A, whenever the vehicle motor oil in the container or in bulk does not meet an active API service category as defined by the latest version of SAE J183.

3.13.1.4.2. Tank Trucks or Rail Cars. – Tank trucks, rail cars, or other types of delivery trucks that are used to deliver vehicle motor oil are not required to display the SAE viscosity grade and service category or categories as long as the bill of lading or other documentation provides that information.

Attachment #2 and #4 D EPA Ruling for Partial for E15 Blends / HB130 Section 2.12 Gasoline – Oxygenate Blends

Discussion: Comments were heard for support of this item. FALS will be meeting and hopefully have report ready to the NCWM L&R by spring 2011.

Committee Recommendation: The Committee remarked that Proposal 2 and 4 were very similar. They recommend that this issue go to the FALS committee for additional work.

Attachment #3- V Pelletized Ice Products

Discussion: No comments were heard.

Committee Recommendation: The Committee recommends that this item move forward as a Voting Item.

~~Attachment #4 – HB 130 Section 2.1.2. Gasoline Oxygenate Blends (refer to Proposal 2)~~

Attachment #5- I HB 130-Eng. Fuels & Auto. Lubricants Regs. Section 2.14 Min. Octane Number

Discussion: No comments were heard

Committee Recommendation: The Committee recommends that this item be Informational. They would like to see further development of this item by the FALS Committee.

Attachment #6- W HB 130- UPLR Section 10.4 Multi-Unit Packages

Discussion: The NIST Technical Advisor advised that an inspector would need to verify to the largest whole unit.

Committee Recommendation: The Committee noted that this proposal is not necessary due to current regulations provided in HB130.

~~Attachment #7 – HB 130 – Eng. Fuels & Auto. Lubricants Regs. Section 3.13 Oil (refer to Proposal 1)~~

Mr. Terence McBride, Tennessee (Acting Chairman)

Mr. Gene Robertson, Mississippi

Mr. John Stokes, South Carolina

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Laws and Regulations Committee